

**COMSTOCK HOMES DEVELOPMENT AND
ELLWOOD MESA OPEN SPACE PLAN FEIR**

**Appendix E
Comments and Responses**

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Comments and
Responses*

COMSTOCK HOMES DEVELOPMENT AND ELLWOOD MESA OPEN SPACE PLAN FEIR

E.1 INTRODUCTION

Appendix E

*Comments and
Responses*

This appendix presents the comments and responses for the Comstock Homes Development and Ellwood Mesa Open Space Plan Draft EIR. The Draft EIR for the Comstock Homes Development and Ellwood Mesa Open Space Plan was released on March 23, 2004. Forty-six comment letters and/or public meeting minute packages were received in the general timeframe allotted for review and comment on the EIR. The formal comment period closed on May 10, 2004.

The comment letters and/or public hearing comments are numbered 1 through 46 and the individual comments identified within each letter are also numbered. In addition, several comment letters include attachments primarily in the form of additional comment letters or reference materials. The comments are delineated by vertical lines in the margins of the letters (for example, Comment G.2-1 is the first comment of Letter No. G.2) with each separate comment designated by the letter and comment number. The responses to comments are presented in sequential order following the comment letters.

Table E-1 summarizes the comments received on the Draft EIR. A total of 592 written and oral comments are identified and addressed in this appendix. Where appropriate, the text in the main body of the Final EIR has been revised in response to comments received on the Draft EIR. The individual comment responses indicate if the comment resulted in a revision to the EIR.

The written comment letters are presented in Section E.2 and the written responses are presented in Section E.3.

**COMSTOCK HOMES DEVELOPMENT AND
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Appendix E
Comments and
Responses

**Table E-1.
List of Comments Received on the Draft EIR
for the Comstock Homes Development and Ellwood Mesa Open Space Plan**

Date	Commentor/Affiliation	Comment Item ID	Number of Comments Identified
3/29/04	Daniel Schradermeier	G.1	1
3/30/04	Justin M. Ruhge	G.2	1
4/8/04	Dana Trout	G.3	4
4/12/04	State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	G.4	1
4/12/04	Barbara S. Massey	G.5	5
4/12/04	Ed Easton	G.6	5
4/21/04	Army Corps of Engineers, Heather Wylie	G.7	1
4/22/04	State Department of Conservation, William E. Brannon	G.8	2
4/23/04	Goleta West Sanitary District, Harvey M. Gish	G.9	2
4/29/04	Roger Jahnke	G.10	1
5/2/04	Barbara S. Massey	G.11	72
5/4/04	Bob Comstock and William Seith	G.12	88
5/6/04	Cecilia Brown	G.13	4
5/10/04	Kathy Gebhardt	G.14	18
5/10/04	Dr. Ingeborg Cox	G.15	17
5/10/04	David T. Lange/Monarch Program	G.16	4
5/10/04	Derek John/Isla Vista Recreation and Park District	G.17	4
5/10/04	Mike Fealy/Santa Barbara Urban Creeks Council	G.18	5
5/10/04	Catherine McCammon	G.19	12
5/10/04	John Olson	G.20	1
5/10/04	Roger Jahnke	G.21	6
5/10/04	Terry Roberts/State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit	G.22	1
5/10/04	Karen Ramsdell/City of Santa Barbara/Airport	G.23	6
5/10/04	Ed Easton/Sierra Club and Friends of Coal Oil Point	G.24	21
5/10/04	DeAnn Sarver/SB Shores Homeowners Association	G.25	28
5/10/04	Bill Murdoch and Sue Swarbrick/UCSB Natural Reserve System; and Cristina Sandoval/COPR	G.26	12
5/10/04	Kevin D. Lafferty	G.27	11
5/10/04	Vijaya Jammalamadaka/Santa Barbara County Air Pollution Control District	G.28	3
5/10/04	William B. Seith/SB Development Partnership	G.29	15
5/10/04	Robert Comstock/SB Development Partners	G.30	1
5/10/04	Environmental Defense Center	G.31	24
5/10/04	Maria Gordon	G.32	4
5/10/04	Friends of the Ellwood Coast	G.33	9
5/10/04	Bradley Hufschmid	G.34	13
5/10/04	Hal S. Kopeikin, Ph.D.	G.35	5
5/10/04	Marian and Stephen Cohen	G.36	6

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**Table E-1 (Continued).
List of Comments Received on the Draft EIR
for the Comstock Homes Development and Ellwood Mesa Open Space Plan**

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Date	Commentor/Affiliation	Comment Item ID	Number of Comments Identified
5/10/04	Stephen L. Jenkins/California State Lands Commission	G.37	2
4/12/04	Joint Planning Agency/City Council Meeting Comments	G.38	19
4/19/04	Joint Planning Agency/City Council Meeting Comments	G.39	3
4/22/04	Joint Planning Agency/City Council Meeting Comments	G.40	9
5/10/04	Joint Planning Agency/City Council Meeting Comments	G.41	76
	William F. Yim, Transportation Planner/Santa Barbara		
5/12/04	County Association of Governments	G.42	5
5/17/04	Lee E. Heller, Ph.D.	G.43	3
	Terry Roberts/State of California Governor's Office of Planning and Research, State Clearinghouse and Planning		
5/13/04	Unit	G.44	1
5/24/04	California Coastal Commission	G.45	6
5/18/04	Joint Planning Agency/City Council Meeting Comments	G.46	55

E.2 COMMENT LETTERS AND PUBLIC MEETING COMMENTS

The comment letters and public meeting comments related to the Draft EIR follow.

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Appendix E

Comments and Responses

E.2 COMMENT LETTERS AND PUBLIC MEETING COMMENTS

MAR 29 2004

RECEIVED

Dear Mr. Curtis:

I doubt this letter will have little influence on the outcome of the Comstock Homes Project: The little guys rarely win out over the big guys when money's concerned. I doubt that my opinion of the area really matters much when it comes to the huge profit to be made by placing million dollar homes next to a fragile butterfly area: Money always wins doesn't it? And unfortunately the critters of the area can't vote or voice their opinion on the project: Who really cares about a few stupid raptors, kites, rodents, and small furry critters anyway?

Yep, I've been out on the mesa since the late seventies, either walking, running or riding my bike, so yea, I'm kinda partial to the area. And yep, I've enjoyed my solitude when few venture out thataway because of crazy weather or too damn early to be moving about. And yep, because of the shopping center's light over on Storke I've lost my nightly view of the Milky Way, not to mention the sound of a thousand cars blocking out the sound of the ocean, but I'll chalk that up to progress. And yep, I've been to a few choice places on this planet that the words unique, rare, and special come to mind, and I think our mesa could definitely be in this category. So yea, when I hear they, (people who don't even live here!), want to pave a tad of paradise to put up million dollars homes, I do get a little agitated.

Last week at sunset I saw a red fox in the area they want to put up these homes. I've seen him before, but lately it's been rare. But he, or she, had a rabbit in its' mouth, so I figure the fox was feeding its' brood. Nice sight. Who's going to tell the fox they'll have to move because we want to put up more homes in an area meant for foxes and other critters, (not to mention the children that can wander and wonder about this irreplaceable locality). Ah, the power of money.

Daniel L. Schradermeier

MAR 31 2004

RECEIVED

To: Shari Hammond, Senior Planner, UCSB Open Space and Habitat Management Plan
3-25-2004

The announcement by the Land Trust of Santa Barbara that they wish to purchase the Ellwood Shores Monarch Butterfly Preserve or Ellwood Mesa and your committee's promotion of this cause as described in the News Press March 23, 2004, issue Pg. A1 is the reason for this memo.

Subject: Land Trust are in Business to Make Money Not to Save Open Land.

While the purchase of private land by a Land Trust may sound good to some we should all understand that removal of private property from the tax rolls undermines our property tax structure and results in undermining our schools. 60% of the state property tax goes to our schools to educate our children. When you take property off the tax rolls by buying it for Land Trusts or for public parks you undermine the viability of our school system. It may "feel good" to save open space but it undermines our schools and is not necessary. The Taxpayers have to make up for the loss of this tax revenue. In the case of the subject purchase for \$20,400,000 dollars which land would then be transferred to the City of Goleta, the property tax lost would be \$204,000 per year forever, money our schools would not get. Once held by the Trusts, property taxes are not paid and when the Trusts transfer the land to the City, the Trust gets a "Broker's Fee" at the expense of the taxpayers. While the Land Trusts are "non profit" they do pay handsome salaries and benefits to their employees at the taxpayers expense. Our taxes in this case the Wildlife Conservation Bond funds are also used to help purchase the land for the Land Trusts. The City of Goleta, on the other hand, acquires a big liability and new expenses to support the development of the open land without a vote of the people to do so. This approach of taking private land out of circulation is very detrimental to all except the Land Trusts. Look how difficult it has been for the City of Santa Barbara to administrator the Douglas Preserve which the County helped to purchase with tax dollars.

If, instead, a common sense approach were taken of private development of a part of the property in question for sorely needed housing while also setting aside a portion of the development for open space, the result would be a continued stream of property taxes from the privately held open land and an increase in property taxes from the new housing. In this approach, everyone benefits, and especially our schools.

Saving open space may look good but there are other ways of doing this besides taking the land off the tax rolls. The Private sector can always do a better job at land management than the government or the pseudo-government Land Trusts. The latter pay no property taxes.

Over 70% of the County is owned or controlled by the government. How much more does your group need? The Ellwood Mesa property has not been purchased by anyone. Help our school children by backing a diverse land development plan for the Ellwood Mesa that supports our schools and provides new homes for our working families, in a setting of privately held open space.

Concerned Taxpayers, for the Initiatives for National Change(I.N.C.)

Justin M. Ruhge

Lompoc, Ca. 93436, jaruhge@hotmail.com, 7379536

Ken Curtis

From: Dana Trout [dana@troutcom.com]
Sent: Thursday, April 08, 2004 1:57 PM
To: Ken Curtis
Subject: Ellwood EIR

I have been reading the EIR and am pleased that so many of the public suggestions have been incorporated. There are a few things about the trails that puzzle me though.

The most puzzling one is that the document maps show the entry through the gate at the end of Santa Barbara Shores will be closed, with access in that area being only from Anchor drive on the west, and Palos Verdes on the east. The fire department uses that gate as an entry point to deal with fires in the grove and on the bluff -- they come through that gate several times a year. Thus it is clear that the roadway will not be removed, but only public access to it. If you look at the entry from Palos Verdes you see that there is a metal-pipe barricade which people have to climb over, then the path itself is narrow and overgrown, so families with strollers cannot use that access point. And after rains the path from Anchor is not inviting to the stroller-pushers either. Why is the access from the end of Santa Barbara Shores being closed? It is the only access point that is navigable in the wet season.

G.3-1

Another trail closing I find puzzling is the wide dirt road that runs east-west about halfway between the trees and the bluff-edge. This is the main route used by the fire department when they need to deal with fires at the east end of the property. The EIR shows a new trail 6 as making a bend toward the north then back south again -- this could be OK for fire trucks if it is made wide enough. Have you talked to the fire department about how they can get their trucks to any part of the property?

G.3-2

It's hard to unambiguously describe a specific trail marked for closure because in the reports they are unlabelled -- only the trails that will be kept or created have trail numbers. However, if you look at Figure 11 "Upland Habitat Restoration Opportunities" in the "Draft Ellwood-Devereux Coast Open Space and Habitat Management Plan" dated March 2004, at the bottom of Ellwood Beach and Mathilda drives you see an east-west trail that's marked for closure at the north edge of the Comstock property. This is an important trail for people (like me) during the wet season, because it allows us to walk from our homes to the market, etc. on Pacific Oaks without having to slog through the mud and bog of Devereux Creek. Sure, we could walk on Hollister, but I put it to you that walking the trails just south of the trees on Ellwood bluff is much more enjoyable than walking on the Hollister sidewalk next to high-speed traffic! There is no notation that this trail is near a vernal pool or other sensitive site, so why is it marked for closure?

G.3-3

Finally, Access point E, the asphalt road leading to the beach is shown with the notation "Repair potholes in pavement". Portions of this roadway have been completely undermined -- these are not mere potholes to be repaired. I think either the roadway should be protected from further erosion from the sea (do you want to think "seawall"?) and from rainwater from above (which means controlling the gopher and ground squirrel population), or abandoned as a wide roadway. Keeping the wide roadway sounds expensive and like a lot of active management, effort that might be put to better use in permanently capping and burying the abandoned water wellheads, for instance. I am in favor of keeping a pedestrian trail there -- that would take far less resources to maintain.

G.3-4

I look forward to your reply,

Dana Trout



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Interim Deputy
Director

CITY OF GOLETA
CALIFORNIA
APR 12 2004

RECEIVED

Governor's Office of Planning and Research
State Clearinghouse
Facsimile Transmittal

Date: 4-12-04

Fax Number: 805 685-2635

To: Rob M.

From: Sheila B.

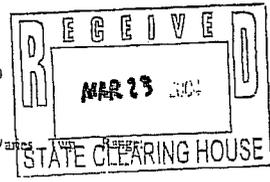
Instructions: _____

State Clearinghouse Fax: 916-323-3018

Number of Pages
Including Cover Sheet

2

1. Project Title: Comstock Homes Development and Ellwood Mesa Open Space Plan
2. Lead Agency: City of Goleta
3. Contact Person: Kenneth M. Curtis, Planning and Environmental Services Director
3a. Street Address: 130 Cremona Drive, Suite B
3b. City: Goleta
3c. County: Santa Barbara
3d. Zip: 93117
3e. Phone: (805) 961-7540



Project Location:
4. County: Santa Barbara
4a. City/Community: Goleta
4b. Assessor's Parcel No.: 079-210-067; 079-210-013, -014, -015, -024, -051, and others
4c. Section: Varies
4d. Section: Varies
Base:
5a. Cross Streets: south of Hollister Avenue btw Pebble Beach Dr & Las Armas Rd
5b. For Rural, Nearest Community: N/A
6. Within 2 Miles: a. State Hwy #: 101
b. Airports: Santa Barbara Airport
c. Railways: Union Pacific
d. Waterways: Pacific Ocean

7. Document Type:
CEQA:
 01. NOP
 02. Early Cons
 03. Neg Dec
 04. Draft EIR
 05. Supplement/Subsequent EIR (Prior SCH No.)
 06. NOE
 07. NOC
 08. NOD
NEPA:
 09. NOI
 10. FONSI
 11. Draft EIS
 12. EA
Other:
 13. Joint Document
 14. Final Document
 15. Other
8. Local Action Type:
 01. General Plan Update
 02. New Element
 03. General Plan Amendment
 04. Master Plan
 05. Annexation
 06. Specific Plan
 07. Community Plan
 08. Redevelopment
 09. Rezone
 10. Land Division (Subdivision, Parcel Map, Tract Map, etc.)
 11. Use Permit
 12. Waste Mgmt Plan
 13. Cancel Ag Preserve
 14. Other: Site Plan Review
9. Development Type:
 01. Residential: Units 78, Acres 36
 02. Office: Sq.ft. Acres
Employees
 03. Shopping/Commercial: Sq.ft. Acres
Employees
 04. Industrial: Sq.ft. Acres
Employees
 05. Water Facilities: Type
MGD
 06. Transportation: Type
 07. Mining: Mineral
 08. Power: Type
Watts
 09. Waste Treatment: Type
 10. OCS Related
 11. Other: Park Master Plan

10. Total Acres: 36 for development plus 239 for open space

12. Project Issues Discussed in Document:
 01. Aesthetic/Visual
 02. Agricultural Land
 03. Air Quality
 04. Archaeological/Historical
 05. Coastal Zone
 06. Economic
 07. Fire Hazard
 08. Flooding/Drainage
 09. Geologic/Seismic
 10. Jobs/Housing Balance
 11. Minerals
 12. Noise
 13. Public Services
 14. Schools
 15. Septic Systems
 16. Sewer Capacity
 17. Social
 18. Soil Erosion
 19. Solid Waste
 20. Toxic/Hazardous
 21. Traffic/Circulation
 22. Vegetation
 23. Water Quality
 24. Water Supply
 25. Wetland/Riparian
 26. Wildlife
 27. Growth Inducing
 28. Incompatible Land Use
 29. Cumulative Effects
 30. Other

13. Funding (approx.): Federal \$ N/A, State \$ N/A, Total \$ N/A

14. Present Land Use and Zoning:

The residential development site is currently located in the City of Goleta in the northwest corner of Santa Barbara Shores Park. The site is zoned Recreation. The Ellwood Mesa Open Space would be made up of a number of parcels that are currently zoned Planned Residential and Residential.

15. Project Description:

The project includes the following components: 1) Subdivision by the City of Santa Barbara Shores Park into a 36-acre lot for the Comstock Homes residential development and an 80-acre lot to be retained by the City as part of the Open Space area; 2) a land exchange whereby Comstock Homes will transfer title to the 136-acre Ellwood Mesa property to the City of Goleta in exchange for the 36-acre lot at Santa Barbara Shores Park and additional compensation; 3) rezoning of the 36-acre lot from the Recreation zone to an appropriate residential zone and the 136-acre Ellwood Mesa property from the Planned Residential to the Recreation zone; 4) subdivision by Comstock Homes of the 36-acre parcel into 84 lots, with 78 lots for single-family houses and 6 lots for common open space and infrastructure; 5) construction of streets and utilities to accommodate residential development and construction of 78 single-family houses; 6) development of a 40-space coastal access parking lot by the City on the 80-acre residual lot; 7) rezoning of portions of the Coronado Preserve property and an adjacent City-owned parcel from Residential to the Recreation zone; and 8) an Open Space and Habitat Management Plan for a 239-acre area within the City, including proposals for a trail system, beach access, allowable uses, parking and open space amenities, and habitat protection and restoration type.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 3-23-2004

SCH COMPLIANCE 3-6-2004

Project Sent to the following State Agencies

- Resources
- Boating & Waterways
- Coastal Comm
- Colorado Rvr Bd
- Conservation
- Fish & Game # 5
- Delta Protection Comm
- Forestry & Fire Prot
- Historic Preservation
- Parks & Rec
- Reclamation Board
- Bay Cons & Dev Comm
- DWR
- OBS (Emergency Svcs)
- Bus Transp Hou
- Aeronautics
- CHP
- Caltrans # 5
- Trans Planning
- Housing & Com Dev
- Food & Agriculture
- Health Services
- State/Consumer Svcs
- General Services
- Cal EPA
- ARB - Airport Projects
- ARB - Transportation Projects
- ARB - Major Industrial Projects
- Integrated Waste Mgmt Bd
- SWRCB: Clean Wtr Prog
- SWRCB: Wtr Quality
- SWRCB: Wtr Rights
- Reg. WQCB # 3
- Toxic Sub Ctrl-CTC
- Yth/Adlt Corrections
- Corrections
- Independent Comm
- Energy Commission
- NAEIC
- Public Utilities Comm
- Santa Monica Mtns
- State Lands Comm
- Tahoe Rgj Plan Agency
- Other:

Please note State Clearinghouse Number (SCH#) on all Comments

2003071179

SCH#: _____
Please forward late comments directly to the Lead Agency

AQMD/APCD 30

(Resources: 3, 127)

Draft EIR, Ellwood-Devereux OSHMP and Comstock Homes.

I am here to request that you prepare the Final EIR on Alternative 1, the no project alternative. It is my opinion that we would be better served by the five houses on the S B Development Partnership land than by destroying Santa Barbara Shores Park. If only five houses can be built, why are we allowing a land swap that takes a much loved park and turns it into a 76 house cramped development? Why is there no map for Alternative 1? This is obviously the environmentally preferred alternative but it doesn't meet the "project objectives" which are to shift development rights to Santa Barbara Shores Park. The objectives should have been to protect open space.

G.5-1

We lose Santa Barbara Shores Park and Comstock gets 76 multi million dollar homes. Houses that are too close together, too big, and there are too many. This development gives us 12 1/2 pages of Class 1 impacts. Most projects with more than a couple of Class 1 impacts get denied. This is an environmental disaster. The multiple impacts of the development will end up chasing away the raptors, wildlife, and butterflies, and the wetlands and vernal pools will be lost. We will have lost much that makes Goleta special.

G.5-2

I am concerned that the soil contamination issue was not addressed as part of this document. This is piecemeal environmental review and not what I expect from the City.

G.5-3

The City will not able to make the Statement of Overriding Considerations on this project because the impacts have not been mitigated to the maximum extent feasible. Alternative 3 is the Environmentally Superior Alternative and should be chosen if you are not willing to save S B Shores Park and the Monarch groves with Alternative 1.

G.5-4

This is the first EIR that I have read that has caused health problems. After reading it for two days I had bad shoulder and arms pains. The worst part was how awful I felt after reading this document. I have never felt so sick at heart. These are minor complaints compared to what you are proposing to do to the park and wildlife.

G.5-5

The one good thing about all of this is that because of my age, I will not be around to see how badly things turnout.

Barbara S. Massey

April 11, 2004

presented at 4/12/04 hearing

STATEMENT OF EDWARD EASTON REGARDING THE ELLWOOD-DEVEREUX
COAST OPEN SPACE AND HABITAT MANAGEMENT PLAN - April 12, 2004

presented at 4/12/04
hearing

Madame Mayor, Members of the Council, Good Friends,

My point in speaking to you tonight is not to bore you with either my preferences for the area or the positions of organizations.

I want to share two personal concerns which are extremely serious. I hope you will understand their implications as you direct your staff in finalizing plans for Ellwood/Devereux.

1. The first subject is simple, but infinite in the damage that can be done if it is not done correctly. Biological restoration is a major part of the planning for Ellwood/Devereux. How it is done is crucial to Coal Oil Point Reserve as well as the rest of the area. The subject is briefly described in the Environmental Impact Report. There are inconsistencies in the EIR and the following point is totally missed.

All seed and root stock used for replanting and restoring vegetation must be native. But not just native to California or the Central Coast. Native Seed and root stock must come only from the Devereux Creek watershed. Ample reservoirs exist and must be utilized. To introduce plant material from outside this drainage will inevitably and irretrievably compromise the biological integrity of Coal Oil Point Reserve over the long term. This will not happen quickly, but over extended periods of time hybridization will occur, and the end result will be the loss of the unique genomes that Coal Oil Point Reserve was established to protect.

G.6-1

Introduction of non-watershed seed and root stock is also an environmental impact which must be addressed in the final Report and prohibited in the Plan. There can be little if any mitigation for it.

I would ask that you direct the staff to assure that all planning and implementation of biological restoration require that stock from within the drainage be used at all times.

2. The second area is and will be much more difficult.

For the last four years, on a weekly basis, I have been a docent on Sands Beach. During that time I have had to deal with any number of people who were bringing harm to the Reserve. Most of them did this through ignorance but a disturbing number had another

G.6-2

reason.

G.6-2

From that first group of people I learned a simple truth you may all be fully aware of. People do not and will not read signs. Signs are ineffective in changing people's behavior and I could (but won't) go on at some length with examples that would make you laugh, as well as cry. Just putting up signs does not solve problems.

The second rationale for misbehavior is far more complex and you have already experienced much of it through the some of the public input you have received regarding the plan. I know that because I have talked to some of you and heard your troubled responses.

G.6-3

"I've been doing this for the last thirty years and I don't intend to stop now," pretty well sums up this attitude. Whether it be trespassing into closed areas, bicycling on closed trails, or bringing unleashed dogs to a bird sanctuary, these people feel they have a right to use (and abuse) the natural resources of this area to suit their own habits and preferences, often in violation of the law. Whether it be Coal Oil Point Reserve or the Ellwood bluffs, there is a sizeable constituency which regards this land as their own property to be used as they have always used it. The resources I have been protecting as a docent are of no value to them as they gratify their own desires. They cannot and will not recognize the impacts they are making on the resource or lands that are not theirs to abuse.

They are a reality which we have gradually seen change their behavior at the Reserve as we have patiently and persistently confronted their misbehavior. Some of them have displaced their illegal activities from the Reserve to Ellwood..

I don't ask you to ignore these people. I'm a realist. I know you are elected officials. But I hope, as you make decisions for this park, you will recognize that some historic abuses of this area may not be able to continue.

G.6-4

The planners for Ellwood/Devereux have been advised that, during breeding season, the growing Western Snowy Plover population is expanding westward into the available habitat. They have also been advised that migration of unleashed dogs from the Ellwood area to the Reserve is a continuing problem. The chick lost last year was killed by an unleashed dog which came from Ellwood. The habitat for Western Snowy Plovers extends well into the City of Goleta, beyond Coal Oil Point Reserve's boundary.

If not this year, certainly next year, you will have Plovers nesting outside the boundaries of Coal Oil Point Reserve. As I speak there is a nest within 100 yards of the western boundary of the Reserve. Yet on page 65 of the Ellwood Devereux Plan it states, "The historic level of enforcement of dog leash regulations will continue under the Open Space

Plan in these areas (Camino Corto Open Space, Del Sol Vernal Pool Reserve, and the Open Space Plan lands in the City of Goleta)." We all know what the historic level of enforcement is.

This statement is not dealt with in the Environmental Impact Report. All that is there speaks to placement and content of signage regarding Snowy Plovers. This omission in the EIR is not going to be acceptable to many people, organizations, and Federal agencies, much less the policy. I wish it were otherwise but I do not think you have will have much choice in this matter.

G.6-4

Over time, as the idea and reality of a city park become clearer to all users, behavior and attitudes will change. We are at a juncture in time when we are learning things that sometimes we wish we didn't know. The abuses to Sands beach that started thirty years ago when it was opened to the public are now beginning to be remediated, That is a process that will continue with your oversight, and hopefully, with your vision.

G.6-5

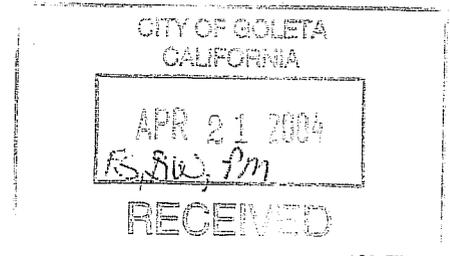
Regrettably we no longer have the luxury and abundance of space to be able to waste resources, extirpate species and abuse land. Whether it is butterflies or plovers, we have begun to learn how much we have already lost, and how much we can regain. I hope we can keep up that learning and growing.

Thank you.

110 South Kellogg Avenue
Goleta, CA 93117
967-1113



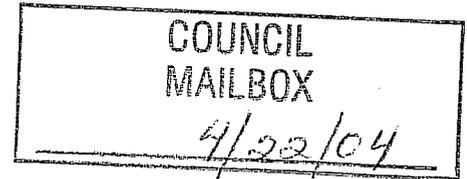
DEPARTMENT OF THE ARMY
 LOS ANGELES DISTRICT, CORPS OF ENGINEERS
 VENTURA FIELD OFFICE
 2151 ALESSANDRO DRIVE, SUITE 110
 VENTURA, CALIFORNIA 93001



REPLY TO
 ATTENTION OF:

April 15, 2004

Office of the Chief
 Regulatory Branch



City of Goleta
 Planning and Environmental Services Director,
 Ken Curtis
 130 Cremona Drive, Suite B
 Goleta, California 93117

Dear Mr. Curtis:

We have received a copy of your DEIR. Due to workload constraints we are unable to comment on it at this time however it has come to our attention that you plan to develop 78-single family homes, parking lots, trails, and due a restoration projects in accordance with the Comstock Homes Development in the city of Goleta, Santa Barbara County, California. These activities may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

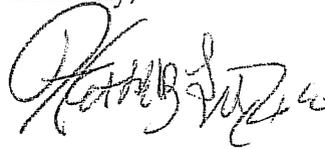
1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;
4. placing pilings when such placement has or would have the effect of a discharge of fill material.

G.7-1

G.7-1

Enclosed you will find a permit application form and a pamphlet that describes our regulatory program. If you have any questions, please contact me at (805) 585-2140. Please refer to this letter and 200401010-HAW in your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Wylie". The signature is written in a cursive style with a large initial "H".

Heather Wylie
Project Manager

Enclosures



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

DIVISION OF OIL,
GAS, & GEOTHERMAL
RESOURCES

■ ■ ■

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93455-5077

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INTERNET
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■ ■ ■

ARNOLD
SCHWARZENEGGER
GOVERNOR

April 12, 2004

Ken Curtis
Planning and Environmental Services Director
City of Goleta
130 Cremona Dr., Suite B
Goleta, CA 93117



Re: DEIR, Comstock Homes Development and Ellwood Mesa Open Space Plan

Dear Mr. Curtis:

The Department of Conservation, Division of Oil, Gas, and Geothermal Resources has reviewed the DEIR for subject project and has the following comments:

Section 4. 5. 1. 6.2-Ellwood Mesa mentions the Owens and Montgomery "Elwood" 1 well, and states, "DOGGR does not maintain information regarding Ellwood #1". Actually, we have a complete file on this well.

G.8-1

The process outlined in Mitigation HM-1 will satisfy our requirements for reabandonment of the wells. Our regulations do state that an abandoned well location be restored to as natural a state as practicable, so leaving permanent marker at the well locations would require a request for variance.

G.8-2

If you have any questions, please call me at (805) 937-7246.

Sincerely,

William E. Brannon
Deputy Supervisor

RB:hc

cc: EQ-EIR File



P.O. Box 4, Goleta, CA 93116-0004

805 / 985-2617 • FAX 805 / 582-8887

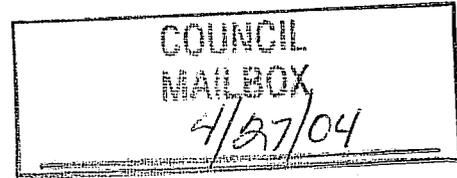
CITY OF GOLETA
CALIFORNIA

APR 23 2004

RECEIVED

April 20, 2004

Ken Curtis
Planning & Environmental Services Director
City of Goleta
130 Cremona Dr., Suite B
Goleta, CA 93117



Subject: Comstock Homes Residential Project, Open Space and Habitat Management Plan for the Ellwood-Devereux Coast and Related Draft Environmental Impact Report (EIR)

Dear Mr. Curtis:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the above mentioned project. The following comments are provided on behalf of the Goleta West Sanitary District (GWSD):

1. Section 4.3, Impact H/WQ-4 of the report states "the line segment east of the Santa Barbara Shores Parcel (east of Santa Barbara Shores Drive has experienced cracks from root intrusion, with associated sewer leaks in the area of the eucalyptus groves". Additionally, section 5.0 states that this area is prone to sewer leaks. This is absolutely a false statement. GWSD has seen no evidence of sewer leaks from any segment of sewer line in the Devereux Creek area and there has been no documented sewer spills from the Devereux Creek line. However, there are some areas east of Santa Barbara Shores Drive that have experienced root intrusion and some associated cracks. This is the one of the reasons the District is in the process of upgrading the sewer lines in the Ellwood area.
2. The report also states that it is a recommended mitigation measure to install a sewer lift station instead of connecting to the existing gravity sewer in the area. Upon completion of the GWSD proposed sewer upgrade in the Ellwood area the existing Devereux Creek line will have substantially less flow than it currently conveys. Additionally, the portion of the sewer line from Coronado Drive east to Storke Rd. will have a new liner installed which will prevent root intrusion and reduce maintenance intervals. These proposed upgrades will make the existing sewer line even more reliable. Sewer lift stations are historically, the cause of the majority of sewer spills in wastewater collection systems. Generally, lift stations require an intensive maintenance program, emergency power typically consisting of diesel generators that must be test ran on a routine basis, a security system of

G.9-1

G.9-2

some type to prevent vandalism, alarm systems for emergency operations and are not nearly as reliable as a gravity sewer.

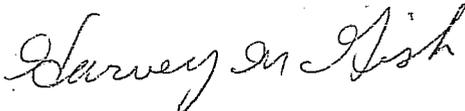
G.9-2

It is the opinion of the District that if a lift station was installed to serve the proposed new development you would be increasing the risk to human health and degradation of the environment by increasing the risk of a sewer overflow/spill. Also, the testing of emergency power would potentially be a problem due to increased noise levels and effects on air quality in the area.

Thank you for your consideration of these comments.

Sincerely,

Goleta West Sanitary District

A handwritten signature in cursive script that reads "Harvey Gish".

Harvey Gish
President of the Governing Board

Rob Mullane

From: rjahnke [rjahnke@west.net]
 Sent: Thursday, April 29, 2004 2:33 PM
 To: Ken Curtis; Rob Mullane
 Subject: Ali D'Oro -- EIR

FOR THE RECORD ON THE DEIR - SANTA BARBARA SHORES PARK - COMSTOCK HOMES:

Esteemed Council Members,

It is illegal to approve a project that is not in compliance with the Coastal Act and the Local Coastal Plan.

Precious resources are at risk in one of the most enlightened communities in the world -- Goleta. Devereaux Slough is at great risk. Biological resources are at risk. The Comstock Proposal is purposefully over designed. You are empowered to go beyond the "fluff" to find what is legal and in compliance with policy and law.

The citizens of this community are counting on you -- and supporting you -- to exert the wisdom and will to seek compliance.

If the law was not there to support this wisdom, we know it would not be very often observed.

You have the policy and you have the community support. We at this address urge you to insist on a plan that is compliant.

Thank you for a very well done EIR. Please continue to be this thorough in the name of our community and its resources. We look forward to a final EIR that reflects all the very well thought out feedback that you will be receiving.

The policy is present to:

- Protect Devereaux Slough to the fullest extent of the law from negative impacts of building
- Protect biological resources to the fullest extent of the law - butterflies, hawks and owls (raptors), native grasses.
- Protect our views to the fullest extent of the policy
- Eliminate houses that are not legal due to impacts on biological resources
- Mandate compliance with all setbacks and buffers for wetlands, riparian areas and other ESHA (Environmentally sensitive habitat).
- Mandate compliance for grading and the impacts of run off
- Not allow sewage into Devereaux Creek line
- Place strong limitations on lighting, heating, planting and other things that homeowners will use that degrade the environment and our park.
- Do a thorough economic feasibility study to generate the necessary evidence to mandate compliance with policy.

Thanks sincerely for your great service, looking forward to a dynamic process wherein you are enabled by the public response to approach this plan with courage and wisdom.

Sincere Blessings,

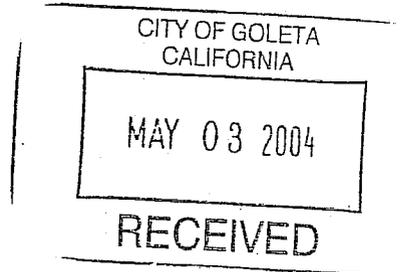
Roger Jahnke

G.10-1

5/7/07

May 2, 2004

Ken Curtis, Director
Planning & Environmental Services
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117



Dear Ken,

These are my comments on the DEIR for Comstock Homes Development and Ellwood Mesa Open Space Plan. I have predominately limited the comments to the Comstock Homes Development.

A good job was done presenting the facts, however, the evaluation of significance of impacts erred on the side of the development. | G.11-1

The impacts of the restrooms and parking lot are not adequately addressed. The park restrooms and parking lot should be discussed separately in each section. | G.11-2

What is happening to the Doty parcel? There is no longer a site in the Comstock development. It is included in the boundaries of the open space but if there are no plans to acquire the parcel, it should not be within the boundaries. | G.11-3

There should be no commercial horseback riding in Santa Barbara Shores Park | G.11-4

It is important that dogs be kept on a leash to protect wildlife and people. | G.11-5

I am concerned that the SB Shores parking lot, restrooms, and Anza Trail are too close to the eucalyptus grove. | G.11-6

There needs to be a special Open Space zone created to protect the entire Ellwood Mesa. The REC zone allows active recreation, which is not appropriate for this property. | G.11-7

I will refer to the points in the rest of the DEIR by section or page number.

ES-11 The single story homes should not exceed 18 feet. There is precedence in the Winchester Commons development to limiting height to protect views. | G.11-8

ES-18 The prohibition of both wood-burning fireplaces and stoves should be part of the project description. | G.11-9

ES-19 The extensive grading to place up to 6 feet of fill in a gully for a proposed road would have significant and unavoidable impacts making it a Class 1 impact. There is no mitigation mentioned for this impact. | G.11-10

- G.11-11 | ES-22 Mitigation Measure H/WQ-5 doesn't identify who will be responsible for inspecting and maintaining the bioswales. This should be the responsibility of the Developer. Will he provide funding for the long term?
- G.11-11 | ES-23 Mitigation Measure H/WQ-8 the same questions as ES-22.
- G.11-12 | ES-28 Mitigation Measure BIO-2 It should be the responsibility of the Developer to contribute annually to the COPR not the City of Goleta.
- G.11-13 | ES-36 Mitigation Measure Land Use-2 This is a meaningless mitigation because homebuyers do not read the DRE Notice or the CC&Rs.
- G.11-14 | ES-37 Mitigation Measure VIS-4 The adjacent Santa Barbara Shores homes are in the 1100-1600 sq. ft. range. There is no way these homes can be compatible because they are almost three times as large.
- G.11-15 | ES-44 Mitigation Measure H/WQ-3 This would require that the sewage be routed to Hollister and a lift station will be needed. There has been no discussion of the impact of a lift station or its location.
- G.11-16 | Sec. 2.2.2.1 The open space areas need to have deed restrictions placed on them so they are never built on. Would a conservation easement to the City mean that the City had to maintain the property?
- G.11-17 | Sec. 2.2.2.4 Figure 19 is not the site plan for the entrance to the Comstock property. It is the Santa Barbara Shores parking lot. There is no entrance site plan.
- G.11-18 | Figure 2-6 The perimeter fence should be made of wrought iron bars not the tubular steel used by most developers. Tubular steel will last only 5 years and would be very expensive for the HOA to replace. Winchester Commons is currently dealing with this issue.
- G.11-19 | Sec. 3.0 Figure 9 Why aren't the vernal pools in the North Parcel shown?
- G.11-20 | Figure 19 It appears that the Anza Trail is too close to the Ellwood North grove.
- G.11-21 | Sec. 4.2 Grading of the Comstock property will drastically alter the hydrology of the entire site especially the eucalyptus groves. This could have serious impacts to the groves viability.
- G.11-22 | There is no mention of the parking lot and restroom issues of erosion, or expansive or collapsible soils. There is no discussion of the impact the large amount of grading and cut & fill will have on the environment.

Sec. 4.3.1.2.2 Due to the large amount of grading it would seem that the flooding information is no longer valid. Do you know if the bioswales will work if the 100-year flood inundation zone is not changed?
Which are the two lots that do not drain to the bioswales and why don't they?

Page 4.3-15 Why are rock/concrete velocity dissipators being used in Drainage B? The dissipators are on both the eastern and western banks of the drainage and would appear to flood the drainage, which is the location of the Comstock Homes trail connection.

G.11-23

Page 4.3-27 The assignment of long-term inspection and maintenance responsibility needs to be specific about who will do what. This applies to the drainage basins, bioswales, and storm water run-off. The HOA should not be the responsible party unless funding has been supplied by the developer.

Page 4.3-28 Homeowners will allow their animals to run loose and will not cleanup after them.

G.11-24

Page 4.4-24 The impact of houses on the microclimates and that impact on the groves is unknown but could be significant.

G.11-25

Page 4.4-43 Impact Bio-2 should be considered a Class I impact.

G.11-26

Page 4.4-50 Impact BIO-22 These impacts should be Class I impacts. There are no substantive mitigations for these impacts.

G.11-27

Page 4.4-51 There is no attempt to protect wildlife movement corridors or connectivity. This should be addressed.

G.11-28

Page 4.4-56 Mitigation Bio-2 The City of Goleta should not be the one providing an annual contribution to the COPR. This is the responsibility of the developer.

G.11-29

Page 4.4-57 Mitigation Bio-3 The perimeter fencing shown in Figure 2-6 will do little to isolate noise and human and pet presence since only the first 2 ft. 6 inches is solid. A chain link fence will do little to isolate noise, dust, exhaust, and other construction nuisances.

G.11-30

Page 4.4-58 Mitigation Bio-5 This isn't mitigation, it is nothing more than an excuse for doing what is most convenient for the developer. There should be no removal of the western eucalyptus windrow.

G.11-31

Mitigation Bio-6 This is very nice but does little to protect the Monarch habitat.

Page 4.4-60 Mitigation Bio-9 The only appropriate mitigation is the elimination of the seven houses and the road along Hollister.

G.11-32

- G.11-33 | Page 4.4-62 Mitigation Bio-12 There is no amount of eucalyptus woodland replacement that can mitigate for the loss of monarch butterflies and their habitat. The only reasonable approach is the avoidance of the trees by eliminating the houses.
- G.11-34 | Sec. 4.5.1.3 There should be a hazardous materials evaluation of the Comstock property as part of this DEIR. The lack of definitive information on the impacts from oil wells and petroleum facilities needs to be addressed in the FEIR.
- G.11-35 | Sec. 4.5.1.6.2 Sites #1, #4, #5, and #6 need remediation prior to development on the property.
- G.11-36 | Sec. 4.5.3.4 Who is responsible for the cost of Mitigation HM-1?
I am concerned that the mitigation measures will do additional damage to habitat.
- G.11-37 | Sec. 4.6.1 I am concerned about the park property and Coronado Preserve being zoned REC. This allows much more intensive use than is desired for these properties. There is the need for an Open Space zone with only passive uses allowed.
- G.11-38 | Sec. 4.6.3.3 Impact Land-1 is an adverse cumulative impact to the community. In no way can it be considered beneficial.
- G.11-39 | Page 4.6-10 Monitoring of the open space area over time to assess whether Comstock is contributing to the degradation of the area is good. If mitigation is needed what is the mechanism to get it implemented and what is the penalty for failure to implement?
CC&Rs are a very important issue and they need to be carefully reviewed. The use of CC&Rs to inform residents of hazards, conditions of approval, and mitigation measures will not be successful. Homeowners almost never read the CC&Rs and especially prior to buying into the problems. (Experience as a HOA President gives me this knowledge.)
- G.11-40 | Sec. 4.9 The visual impacts of this development seem to be seriously underestimated in all cases.
- G.11-41 | Page 4.9-1 The floor area of the residences is not summarized in Section 4.6. as stated. Removal of 75% of the eucalyptus windrow between the western boundary and the Sandpiper Golf Course is an unnecessary and severe impact.
- G.11-42 | Page 4.9-25 The existing 8 foot berm located to the south of Highway 101 is a temporary berm. It is the stockpile of soil for landscaping the Cathedral Oaks Overcrossing. This will not continue to obscure the view of the development.
- G.11-43 | Impact VIS-3 There is nothing that can be done to make these homes compatible except retaining the same lot sizes and cutting the square footage in half. (1450-2350 sq. ft.) The houses in the Santa Barbara Shores and other nearby housing is in the 1100 to 2450 sq. ft. size range on lots of similar size to these lots.

Page 4.9-26 There should be photo simulations of the parking lot and restrooms. This is a significant visual change from the uneven natural appearance, especially if the restroom is close to Hollister. The site would be high in both visual impact susceptibility and visual impact severity. A Class II impact at the very best. Lighting will eliminate the possibility of using the park for observing the night sky.

G.11-44

Sec. 4.9.4.5.1 Mitigation VIS-1 Landscape screening mitigation will worsen the visual impact of the development by reducing the view even further. It is good to have the City regulating the removal/replacement of screening trees, but CC&Rs are seldom read or obeyed.

G.11-45

Page 4.10-15 How are BMX bicycles going to be controlled?

G.11-46

Page 4.10-17 Well abandonment and soil remediation are significant unavoidable impacts.

G.11-47

Page 4.10-18 It would be good to have deed restrictions to protect the public easements.

G.11-48

Sec. 4.12.1.5 The document says Comstock Homes Development includes new designated off-street parking. I have the latest map from Comstock dated Feb. 2004 and there is no off-street parking. It is necessary to address this issue.

G.11-49

Sec. 4.12.3.2.1 I question the peak hour trip numbers for both A.M. and P.M.. They seem too low. Have these numbers been rechecked?

G.11-50

Figure 4.12-4 I would like to know the reasons to believe that more trips will use the Storke Interchange than the Hollister Interchange.

G.11-51

Page 4.12-9 I question whether the turn pocket into the homes will conflict with the signal at Ellwood school.

G.11-52

Page 4.12-15 Mitigation Traffic-a. I don't understand how this is anything not currently in place.

Page 4.12-16 Mitigation Traffic 1b. This would require coordination with Caltrans. I don't believe there is any funding available for the additional northbound Storke lane. The idea of three-left turn lanes is ridiculous. This would be the beginning of the Los Angelization of Goleta.

G.11-53

Mitigation Traffic-1c. This is the only one of the three that can be realistically completed.

Mitigation Traffic 2. There should not be trees planted "where there is a void of existing trees." There should be openings so some of the view from Hollister remains.

G.11-54

- G.11-55 | Street lighting should not be more frequent than at intersections and mid-block. Too much lighting will have a negative impact on wildlife.
- G.11-56 | Page 4.13-3 There are at least four passenger trains and more than a dozen freight trains per day. There is no mention of the noise from the train horns. They almost always blow the horn between Glen Annie and Bacara.
- G.11-57 | Page 4.13-4 The aircraft noise may be hard to measure but is extremely disruptive and annoying. The airport noise complaint number is useless to call because there is never a violation according to them.
- G.11-58 | Page 4.13-11 No one should be exposed to 90 dBA because it causes ear damage at this level that results in hearing loss.
- G.11-59 | Page 4.13-13 Could be mitigated by the removal of house on Lots 1 and 76. All houses along Hollister should be single story.
- G.11-60 | There is no discussion of the impacts of noise on wildlife.
- G.11-61 | Page 4.14-19 Mitigation AQ-4 This should be absolutely mandatory. A provision should be added to prohibit any future installation of wood-burning fireplaces or stoves.
- G.11-62 | Page 4.15-13 There was been no discussion of the location and impacts of a lift station although the Hollister trunk line is the preferred line for sewage from Comstock Homes.
- G.11-63 | There has been no discussion of the single entrance/exit road for the development. I understand Maynard Yeaw of the Fire Dept. has indicated there is no problem although it is Fire Dept. policy to require two roads in and out of developments. Why have a policy that is never implemented if it is inconvenient for the developer?
- G.11-64 | 4.15-18 Mitigation measure PS-10 does nothing to maintain the firefighter to resident ratio. "To maintain this standard, an increase in population would require the County to hire additional firefighters within the vicinity of the Joint Proposal Area." There are no plans to hire more firefighters for the new development in this area. The County is currently discussing budget cuts that would cut personnel.
- G.11-65 | Page 5-11 The recommended mitigation for the viewshed impacts is to increase perimeter landscaping. This might hide the houses but it would further impact the views.
- G.11-66 | Page 5-12 The city should have evaluated the current carrying capacity of the open space for this document. The impact of the Comstock residents and the mitigation necessary should be part of this document.
- G.11-67 | I don't understand how a gate that is proposed at Hollister would connect pedestrians and cyclists to the Open Space.

Page 5-64 DevStd LUDS-GV-3.9 The DRB seems concerned about little more than articulation, color, window type, and roofing. They can't be depended on to ensure policy compliance.

G.11-68

Sec. 5 The project is inconsistent with Coastal Act Finding 30001.5a), Coastal Act Finding 30007.5; Marine Environment Policies Section 30230, 30231, and 302339(a); Land Resources Policy Section 30240(a) and (b); Development Policies Section 30250(a), 30251, [30252, 30253]; Coastal Act Procedure 30607.1; Coastal Zoning Ordinance Sec. 35-59, 35-97.12, 35-97.14, and 35-97.19; Coastal Plan Policy 1-4, 2-11, 2-17, 3-14, 4-4, 9-1, 9-9, 9-13, 9-14, 9-22, 9-23, 9-26, 9-28, 9-37, 9-38, and 9-41; GCP LU-GV-5; DevStd LUDS-Gv-3.3, 3-4, 3-6, and 3-7; [DevStd FIRE-GV-1.3 and 4; Roadway and Intersection Standards]; Policy BIO-GV 2, 3, 6, 8, 8.1, 10, 15, and 2.2; DevStd BIO-GV-2.2, 6.1, and 10.1; Action BIO-GV-22.1; DevStd VIS-GV-1.1, and 2; and Policy VIS-GV-3.

G.11-69

The policies in [] are one that appear inconsistent although not listed as such. This list is limited to just the inconsistencies related to the Comstock Homes development.

This clearly shows that the project as currently designed is unacceptable and environmentally incompatible with the site.

G.11-70

Sec. 6.2.1 A number of assumptions are made regarding Alternative 1 that are not necessarily true. It is possible that the five houses mentioned would not be able to be built because of environmental constraints. There is no reason to believe that the City of Goleta would not make Open Space Plan improvements. The improvement needed for the new housing may not have more serious impacts than the ones associated with the Santa Barbara Shores property.

Why is there no map for Alternative 1? I would like to know where the houses could be placed. This alternative cannot be fairly judged without all the information.

Page 6-13 Alternative 1 would not have greater impacts on biological resources if the houses were properly sited. We don't have a map with which to assess this point.

Page 6-14 There is no reason to assume that a large part of the Open Space Plan would not be as likely to occur as under any other alternative.

G.11-71

Page 6-36 Alternative 1 could ensure preservation of environmentally sensitive habitat on Ellwood Mesa by using the \$20 million currently being raised to purchase the land. The land swap proposed by the County is not the only possible method for acquiring Ellwood Mesa, just the one that is of the most benefit to the County and UCSB.

The obvious best alternative is Alternative 1. A detailed EIR might show the developer that it is better to sell the entire site with no land swap to TPL and the City.

The choice of Alternative 3 as the Environmentally Superior Alternative could be improved by having the following conditions placed on it.

No removal of eucalyptus trees from Santa Barbara Shores/Comstock property.

Any house situated next to Hollister should be single story.

Single story houses should be limited to a height of 18 ft. at roofline.

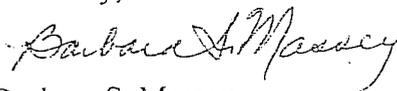
No wood-burning fireplaces or stoves should be permitted in the homes with a prohibition of ever installing them. This will protect the butterflies and reduce air pollution.

Mitigation of environmental issues should not be placed on the HOA without proper funding being put in place by the developer.

Please choose the Environmentally Superior Alternative 3 for the Final EIR.

Thank you for the opportunity to review this document.

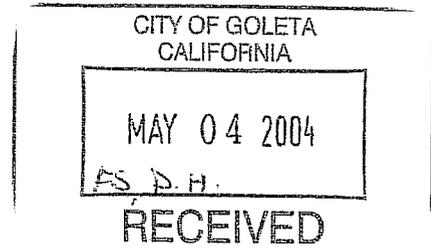
Sincerely,



Barbara S. Massey
7912 Winchester Circle
Goleta, CA 93117
(805) 685-5968

City Council/Planning Agency
The City of Goleta
130 Cremona, Suite B
Goleta, CA 93117

May 4, 2004



Re: Comments on Draft EIR/Comstock Homes Development

Dear City of Goleta:

The following are Goleta Partners/Comstock Homes and Santa Barbara Development Partner's comments on the Draft Environmental Impact Report, dated March 2004, for the Comstock Homes Development and Ellwood Mesa Open Space Plan.

Our comments follow the order of the report, but it should be noted that where a Mitigation Measure has been utilized for multiple Impacts the comments pertaining to such Mitigation Measure are not necessarily repeated each time the Mitigation Measure is referenced, but still apply.

EXECUTIVE SUMMARY

- A discussion of our comments for the specific Impacts and Mitigation Measures will be included primarily in the particular sections, but here also especially where discrepancies exist between Table ES-1 and the language in the specific section.
- P. ES-1, at this point the Comstock proposed project has been reduced to 76 units. The final version throughout should be changed to reflect this or any other final number of units and the related reduction in impacts. | G.12-1
- In the Summary Table ES-1 please eliminate under Class I Impacts, Sections 4.5, 4.6, 4.7, 4.8, and 4.15 that have "No Class I impacts". | G.12-2
- In Table ES-1 is it possible to segregate impacts for Comstock Homes Development and Ellwood Mesa? | G.12-3
- In Table ES-1 is it possible to shorten the overall Table? This could be accomplished by several means including revising the spacing and further editing of the summaries of impacts and mitigation measures. | G.12-4
- P. ES-4, Mitigation Measure BIO-3 refers to wrought iron and rock perimeter fences. This is not correct and is inconsistent with the language contained in Section 4.4. | G.12-5
- P. ES-4, Mitigation Measure BIO-6 states "the applicant shall contribute funds" to monitor monarchs per the OSHMP. This is the first example of an inconsistent definition of "applicant". In some instances it means Comstock and in others the City of Goleta. If in this instance it means Comstock only, there is no authority to require Comstock to pay for the monarch monitoring throughout the entire area covered by the OSHMP. | G.12-6
- P. ES-5, Mitigation Measure BIO-7. Requires the preparation by the "applicant" of a Fire Protection Plan. We have been assured by the City that there are several versions of such Plans already available. We believe that the City should supply Comstock with a Plan for implementation. | G.12-7

- G.12-8 • P. ES-5, Mitigation M BIO-11. Again we may have confusion as to which entity is the applicant, but in any case Comstock will not be paying for developing, producing, and installing signage throughout the Open Space plan area.
- G.12-9 • P. ES-5, Mitigation M, BIO-4, the referenced raptor survey to be performed prior to Comstock construction should be limited in scope to the Comstock project and the adjacent buffer zones.
- G.12-10 • P. ES-9, Impact VIS-1, the statement in the summary that “the Santa Ynez mountain view would be obstructed” is incorrect. In fact when reviewing the language contained in Section 4.9 Visual Resources, page 4.9-19 it specifically states, “would not intrude on views of the Santa Ynez Mountains”.
- G.12-11 • P. ES-9, Mitigation M VIS-1A, we should review this request for 2’ earthen berms to be placed at the rear yards of selected units. Most if not all of these units slope down to the surrounding area and a 2’ berm at the base of a slope would not be necessary to deal with the planting requirement.
- G.12-12 • P. ES-11, Mitigation M VIS-3, this restricts the height of the single story plan to 18’. This should be 19’6”.
- G.12-13 • P. ES-12, Impact VIS-7, again the impact summary has an incorrect reference. It states that the “Santa Barbara Shores parcel...has already been dedicated as open space by the City of Goleta.” It is not open space, it is zoned Recreational.
- G.12-14 • P. ES-12 & 13, Mitigation M REC-2, we disagree with the requirement for Comstock to provide funds for both the construction of the Open Space parking lot as well as for “trail improvements, habitat restoration, and other improvements in the Ellwood Mesa Open Space Plan area.” Such park/open space related costs and fees are already a component of the swap transaction pricing. Please eliminate
- G.12-15 • P. ES-23, Mitigation M H/WQ-8, we disagree with the desire to separate roof and street water. We believe this can be accomplished through the use of in ground filters maintained by the HOA.
- G.12-16 • P. ES-27, Mitigation M BIO-1, Comstock should not be required to attempt to survey any special status plant (especially the Southern Tarplant) that has already been shown not to occur on the Comstock parcel.
- G.12-17 • P. ES-42, Mitigation M PS-6, the Comstock project shall participate in an existing Solid Waste Management Program, but will not initiate such a program.
- G.12-18 • P. ES-45, Impact BIO-8, in the Impact Summary 6 lines from the bottom “100-foot” should be changed to “50-foot”.

SECTION 1.0-Introduction and Background

- G.12-19 • P. 1-5, last paragraph, It should be made clear that Comstock’s submission to and approval by the California Coastal Commission is not tied to the City of Goleta’s submission and approval of the Open Space parking lot.
- G.12-20 • P. 1-5 & 6, 1.3.1 Project Approvals, this section makes the distinction between Coastal Development Permits (CDP’s) and Land Use Permits (LUP’s) a distinction that gets lost in the following sections. There are 48 references where some action must occur “prior to approval of Land Use Permits/Coastal Development Permits.” If taken literally, we may not even submit to the Coastal Commission until all of these myriad of events have been accomplished. These

areas need to be looked at individually and corrected. I will try to reference as many of these as I can in the following pages.

G.12-20

SECTION 2.0-Proposed Project-Land Exchange and Residential Development

- P. 2.3, Table 2.1-1, Proposed Use and Development section, the referenced 130.4 acres and the 80.16 acres do not add to reach the referenced 217 acre total. G.12-21
- P. 2-7, Other Subdivision Improvements and Figure 2-6, the reference to the fence here should be that the lower 2.5' will be a block wall with possible stone fascia and that the upper 3.5' will be either wrought iron or tube steel bars. G.12-22
- P. 2-7, Sec 2.2.2.5 Development of Residential Structures and Table 2.2-1: the numbers in this paragraph will have to change to reflect the current unit count (now 76), dwelling sizes (max of 4200sf), FAR's, and building heights. G.12-23
- P. 2-8, Sec 2.2.2.6, Related Permit Approvals, please clarify that the referenced DRB approvals relate only to the architecture of the units and not the unit count or site plan layout. G.12-24
- Figure 2-9a-This Site Plan/Floor Plan map will change, as unit types and the number of units change. G.12-25
- P. 2-9, Sec 2.2.3.2 (Para 2), the reference to Cubic Yards to be graded should be consistent with p. 4.2-18 Impact GEO-1. G.12-26

SECTION 3.0-Proposed Project-City of Goleta Open Space

- P. 3-10, Sec. 3.5, Site Remediation, we would like to have complete scope of this activity defined as soon as possible. G.12-27

SECTION 4.0-Environmental Setting, Impacts, and Mitigation

SECTION 4.2-Geology

- P. 4.2-5, Sec 4.2.1.2.3 Local Faulting, Para 2, last sentence: remove the end portion that reads "but the basal terrace deposits are offset by the fault on Ellwood Mesa, suggesting that it is also potentially active." This is speculation and does not belong in this document, especially since the document then goes on in paragraph 4 to state "Fugro West does not recognize the Middle Branch of the fault." G.12-28
- P. 4.2-6, section 4.2.1.2.3, The last sentence in this section states that "this EIR concludes these faults are active, seismogenic structures." Yet, multiple studies have "not been confirmed and have not been recognized." How can this EIR determine that these are active? Remove this last sentence. G.12-29
- P. 4.2-25, Mitigation M GEO-3, this is the first reference to an issue that must be resolved before the LUP/CDP are approved G.12-30

SECTION 4.3-Hydrology and Water Quality

- P. 4.3-7, Devereux Sewer Trunk line, Para 1, last sentence: please remove this sentence that reads "The addition of flows into the line from the Comstock development would potentially add to this water quality threat." This again is a speculative statement and does not belong in this document. G.12-31

- G.12-32 • P. 4.3-19 & 20, IMPACT H/WQ-4, Remove the final sentence of paragraph 1 and the final overall paragraph of the Impact. This is a City issue and is not caused by the Comstock development.
- G.12-33 • P. 4.3-25, Mitigation M H/WQ-2, this is the second requirement for an action to be approved prior to the LUP/CDP approval.
- G.12-34 • P. 4.3-26, RECOMMENDED MITIGATION M H/WQ-3, again this is the sewer line/lift station issue but now as a RECOMMENDED mitigation measure. This should either be listed as the other Mitigation Measures are or eliminated. This is also the third LUP/CDP issue.
- G.12-35 • P. 4.3-26, Mitigation M H/WQ-4, the fourth LUP/CDP issue and further it also raises the issue again to keep Comstock approvals separate from Open Space approval matters.
- G.12-36 • P. 4.3-26, Mitigation M H/WQ-5, the 5th LUP/CDP issue.
- G.12-36 • P. 4.3-27, Mitigation M H/WQ-6, the 6th LUP/CDP issue.
- G.12-36 • P. 4.3-27 thru 29, Mitigation M's H/WQ-7, 8, 9, 10 and 11, the 7th thru 11th LUP/CDP issues
- G.12-37 • P. 4.3-28, Mitigation M H/WQ-8, Separation of run-off. As mentioned previously Comstock proposes a system of filters maintained by the HOA to satisfy this concern not an extra set drains for each house.

SECTION 4.4-Biological Resources

- G.12-38 • P. 4.4-2, Table 4.4.1 Habitat Acreage, please note that this table indicates that there is a total of .4 acres of Native Grassland in the Comstock Footprint. Later in this section in Impact BIO-9 that Comstock "would remove 0.416 acre of native grasses". This cannot be true as not all of the native grassland is being removed from the Comstock Development Footprint. Please identify how you reach these numbers. It may be that Comstock is below the .25 acre level of significance.
- G.12-39 • Figure 4.4-2 in the lower left hand corner there is an inconsistency between the actual scale and the verbiage that states "1 inch = 500 Feet".
- G.12-40 • P. 4.4-43, Impact BIO-1 and P. 4.4-55, Mitigation BIO-1, again, Comstock should not pay for a biologist to do at least 2 field surveys for plants (specifically the Southern Tarplant) they haven't found yet on the site and especially where the EIR (Impact BIO-1) further acknowledges that its preferred habitat doesn't exist on the site. This should be a class III not a Class II impact.
- G.12-41 • P. 4.4-45, Impact BIO-5, We don't object to the statements, but since none of the nests are within the Comstock Footprint and none have been occupied since 1999 we believe that this should not be a Class I Impact.
- G.12-42 • P. 4.4-45, Impact BIO-6, again, as the Impact states that "several other special-status wildlife species do not occur" but may occur close by; we don't believe this qualifies as a Class II Impact.
- G.12-43 • P. 4.4-45, Impact BIO-8, please correct the buffer setback from Drainages A-1 and A-2 from 100' to a minimum of 50'. This occurs 6 lines from the bottom.
- G.12-44 • Page 4.4-55-Sec 4.4.3.4, Mitigation Measures, states "Applicant-proposed mitigation measures". I couldn't find the definition of "Applicant". The section then goes on to discuss City of Goleta and the applicant as both being responsible for mitigation measures in the Open Space. I believe this section needs to be clarified to specifically allocate responsibilities.

- P. 4.4-56, Mitigation BIO-2, please clarify that Comstock has no obligation for any part of the “annual contribution to the COPR”. | G.12-45
- P. 4.4-57, Mitigation M BIO-4, what exactly are (is) the “nesting season” for the raptors and how does it dovetail with the Monarch season. Comstock should only pay for this biologist to survey within the Comstock Footprint and its buffers. This is also the 12th LUP/CDP issue. | G.12-46
- P. 4.4-58, Mitigation M BIO-5, We request that this mitigation be reworded to affirmatively allow for construction to occur within the Comstock Footprint for the entire year, but carve out a no construction buffer zone if Monarchs are present. | G.12-47
- P. 4.4-58, Mitigation BIO-6 Monarch Inventory and Contribution, the question again is who is the applicant? This should not be Comstock as it refers to the OSHMP. | G.12-48
- P. 4.4-58, Mitigation BIO-7 Eucalyptus Fire Protection, this raises the issue of who owns which eucalyptus trees. I believe the City needs to express its wishes in this regard. | G.12-49
- P. 4.4-59 Mitigation BIO-8 Native Grass, (a) how much of a bond?, (2) initial measurement must be closely monitored, (3) who defines time frame?, (4) the proposed seed stock is extremely restrictive, (who has to install and maintain especially if there is a delay in determining the location?, and (5) the requirement for buffer fencing is another CDP permit issue (the 13th). NOTE: following our meeting with City Staff on 4/27/04 it is agreed that this will be a one-time fee for Comstock with location, installation, and maintenance by others. We believe the EIR should be revised to reflect this procedure. | G.12-50
- P. 4.4-60 Mitigation BIO-9 Riparian Avoidance, same issues as BIO-8 above.
- P. 4.4-61 Mitigation BIO-10 Landscape, we will need a better definition of “non-locally collected native plants and seeds”. I believe that this palate of materials does not provide the buffer intended. I almost hate to raise the issue, but doesn’t collecting seed locally diminish the local natural supply? | G.12-51
- P. 4.4-62 Mitigation BIO-11 Bio Resource Protection, under Plan Requirements and Timing the term “applicant” clearly refers to Comstock but again references measures outside of the Comstock Footprint which are not Comstock’s responsibility. Further it requires a bond for signage and “their upkeep” with no definition or limitations, but we believe this is for the mitigation outside only. | G.12-52
- P. 4.4-64, Mitigation BIO-14, the last sentence must be redone. It again references the applicant-proposed measures in the Open Space area being the responsibility of the applicant. | G.12-53

SECTION 4.5-Hazards and Hazardous Materials

- P. 4.5-17 Mitigation HM 1 thru 5, we need to identify the entire scope of the required cleanup as soon as possible. | G.12-54
- P. 4.5-15 thru 19, Mitigation HM-1 thru 5, all 5 of these measures have the issue regarding LUP/CDP. | G.12-55

SECTION 4.6-Land Use

- P. 4.6-9 Mitigation LAND USE-1, again the 20th issue with LUP/CDP’s. | G.12-56

- P. 4.6-10 Mitigation LAND USE-2, this Mitigation is making Comstock give the City the DRE notice and final CC&R's before recordation of the tract map. This should not be conditioned in this way.

SECTION 4.9-Visual Resources

- P. 4.9-5, Sec 4.9.2.1.4, line 1, while we wish it were true, you cannot say "Views of the Pacific Ocean are available from most locations on the site except at the lowest points." While there are some views of the Channel Islands from the area near Hollister, the majority of the site does not enjoy this view either.
- P. 4.9-17 KOP G-4, We disagree with this KOP's analysis, but are more concerned that the EIR will reduce the potential for golf course views from the project as opposed to golf course viewing of the project. Should anyone ask the golf course? This should be a Class III Impact.
- P. 4.9-19 KOP G-6, you cannot see the ocean from this point as opposed to what is stated. But other than that I'm not sure there is much that can be done about this Class I impact. Likewise KOP G-7 and KOP G-8 although we may be able to question viewer expectations as this view is only AFTER they have already appreciated their recreation opportunities and are heading back to reality.
- P. 4.9-25 Impact VIS-3, Para 2, we object to the statement "relatively limited number of floor plans". There are 5 different floor plans, not counting reversed floor plans or perhaps more importantly the combination of floor plans with varying exterior treatments. Limiting the floor plans in certain areas to single story plans will restrict those lots only.
- P. 4.9-29, Mitigation VIS-1 (1A), this section should be reworked to deal with the actual site layout. Putting 2' berms at the base of a slope is unnecessary.
- Page 4.9-29 Mitigation VIS-1, 1B, We question the necessity to screen the golf course from the view of the project. I suggest a discussion with the golf course and also an acknowledgement that the fairways in question are already set back significantly from the property line.
- P. 4.9-39 Mitigation VIS-1, another LUP/CDP issue (the 21st) which goes even further to require a DRB approval prior to these other approvals.
- P. 4.9-30 Mitigation VIS-2, 3, 4, and 5 also require DRB approval before LUP/CDP approval. This again is impossible given the approval process (#22-25)
- P. 4.9-31, Mitigation VIS-3, current single story plans go up to 19'6" at roofline.

SECTION 4.10-Recreation

- P. 4.10-18 Mitigation REC-2, This measure again demands contribution from Comstock for the Open Space parking lot, as well as for trails, habitat restoration, and "other improvements". Further, recordation of the tract map will be held up pending payment of these contributions. We disagree with both obligations as presented here. In general park related obligations are factored into the structure of the swap agreement, but to the extent they are remediation for disturbed resources it is discussed elsewhere.
- P.4.10-18, Mitigation REC-2, as a further general comment, as the recordation of various lot split and other City approved recorded documents are necessary to facilitate the payment by TPL of the funds required to make this transaction work we should not look to the tract map recordation as a control point for the payment

of fees or the completion of other development obligations. The City will have ample later control points to insure that the required obligations are performed.

G.12-68

- P. 4.10-19, Mitigation REC-3 and 4, again the LUP/CDP issue (26th and 27th). Further, these mitigations deal with a Trail Closure Plan and other trail issues that do not involve Comstock.

G.12-69

SECTION 4.11-Cultural Resources

- P. 4.11-11, Mitigation 1-2-3, all have issues with LUP/CDP (thru 30)

G.12-70

SECTION 4.12-Traffic and Circulation

- P. 4.12-5, Sec 4.12.2.3.1 City of Goleta, Comstock should only be responsible for street improvements adjacent to the Comstock Footprint. Any issues with the bus stop for the school are outside of this area and are the responsibility of the City.

G.12-71

- Figure 4.12-4, Project Trip Distribution Percentages, We disagree that the standardized distribution of 40% left (west) and 60% right (east) on Hollister applies during the PM Peak hour. Further to the extent that traffic does proceed to the east during the PM Peak we disagree that only 15/60ths of it is local traffic.

G.12-72

- Figure 4.12-6, Project-Added PM Peak Hour Traffic Volumes, We disagree with the undefined distributions that indicate 36 PM Peak hour trip through Storke/Hollister. The breakdown shows 23 inbound trips (from the 3 sources) and 13 outbound for the total of 36 PM Peak trips. Again given the options available to drivers we question these totals.

G.12-73

- P. 4.12-16, Mitigation TRAFFIC-1, this mitigation restricts issuance of the CDP (#31) upon the submission of a construction schedule for a Stroke/Hollister improvement that cannot be built. Further, occupancy clearance “shall not be issued until improvements are fully completed.” This section must be revised.

G.12-74

- P. 4.12-16, Mitigation TRAFFIC-2, 3, and 4 (thru #34), again the CDP is held up based on mitigation measures that should not hold up the CDP.

G.12-75

- P. 4.12-17 Mitigation TRAFFIC-3, Clarify that in this case the applicant is the City and that the City is to pay for the referenced street improvements on Hollister for the new Open Space parking lot access.

G.12-76

SECTION 4.13-Noise

- P. 4.13-13 Mitigation N-3, Comstock is not responsible for this construction and should not be referenced or conditioned by this work. Please note the isolated paragraph after Mitigation N-4.

G.12-77

- P. 4.13-12, Mitigation N-2 & N-3, both have issues with LUP/CDP (35 & 36)

G.12-78

SECTION 4.14-Air Quality

- P. 4.14-18, Impact AQ-2, there is no central location in the Comstock Footprint appropriate for the “designated message board facility” and this mitigation should be reworded to have such posting at bus stops only.

G.12-79

- P. 4.14-17, 18,19, Mitigation AQ-1 thru 5 all improperly reference either CDP’s or LUP/CDP’s (thru 41)

G.12-80

- P. 4.14-18, Mitigation AQ-3, the phrase “applicant proves” a measure infeasible should be reworded to reduce future disputes over “proof” and “feasibility” as all of the measures listed are mechanically feasible but at an undefined cost.

G.12-81

- P. 4.14-19, Mitigation AQ-4, the requirement for only natural gas fireplaces is inconsistent with City of Goleta and other local jurisdiction’s current building

G.12-82

G.12-82 requirements. We suggest that this be revised to limit each home to a single wood burning fireplace, with any other fireplaces in the same home to be natural gas.

SECTION 4.15-Public Services

- G.12-83 • P. 4.15-7, Section 4.15.1.1.6 Sewer Service, 1st Para, 5 lines from the bottom, we request you change “with this sewer line” to read “with any sewer line”.
- G.12-84 • P. 4.15-8, Sec 4.15.1.2.1, The referenced 3 idled water wells are not located within the Comstock Footprint but are on the remainder portion of the park property on the southern side of Devereux Creek, as are the GWSD sewer line and associated manholes.
- G.12-85 • P. 4.15-15 Mitigation PS-2, Please define the existing fees.
- G.12-86 • P. 4.15-16, Mitigation PS-3-5-6-7-8-9-10 all have issues with either the CDP alone or the LUP/CDP (total now 48 locations).

SECTION 5-Consistency with Plans and Policy

G.12-87 As we are certain you are aware, there are several areas of difference between the State level environmental restrictions and those of the City of Goleta. As we attempt to finalize our discussions regarding this document we ask that you keep these distinctions in mind in an effort to mutually resolve our differences.

- P. 5-64, Policy G-GV-3, the response that the Comstock project is Potentially Consistent is fine, but the following statement, “The City may require the applicant to use innovative measures in addition to standard fees to cover the cost of public service impacts.” is not. We request that all of the proposed “innovative” measures be identified now otherwise this statement is too vague and leaves open the question of significant exactions in the future.

SECTION 6-Alternatives

G.12-88 We believe that none of these alternatives are viable for various reasons; and instead propose that Alternate Comstock 1 be considered in their stead. A detailed proposal will be submitted to you under separate cover at a later date.

We appreciate the opportunity to comment on this EIR and look forward to the timely responses to our comments, observations, and questions, as well as final resolution of any outstanding issues.

Very truly yours,



Goleta Partners
dba Comstock Homes



Santa Barbara Development Partners
By: Brookfield SB Inc., its general partner

Karen Hunter

From: Rob Mullane
Sent: Wednesday, May 12, 2004 10:09 AM
To: Karen Hunter
Subject: FW: City of Goleta Ellwood Devereau EIR comments.doc

-----Original Message-----

From: Cecilia and Paul [mailto:brownknight1@cox.net]
Sent: Thursday, May 06, 2004 1:41 PM
To: Ken Curtis
Cc: cbrock (external forward only)
Subject: City of Goleta Ellwood Devereau EIR comments.doc

Please accept the comments below concerning the EIR. I regret that in some instances I cannot be more specific but I hope that you will understand given the complexity and length of the EIR and associated materials.

- Protect Devereaux Slough to the fullest extent of the law from negative impacts of building activity and development.

- Protect biological resources to the fullest extent of the law -particularly butterflies and raptors from impacts of humans living nearby. My experience in my own neighborhood with raptors who occupied trees next to a vacant field that when the field was developed they disappeared from the area. This may be an inevitable consequence of building houses next to their "homes;" so measures must be taken to minimize the disruption to their habitat and to encourage their presence.

G.13-1

-The proposed design of the houses, while handsome, is too overwhelming and imposing on the site. They need to be smaller and their design subordinate to the importance and grandeur of the area.

-The proposed entrance gate to the housing development is out of place and character for the area. It will place additional visual restrictions on an already degraded visual corridor to the ocean. Eliminate it and reconfigure the entrance to the complex.

G.13-2

-Light pollution from homes may be a problem and regulations to limit it as much as possible should be in the CC&Rs.

-While indoor fireplaces will be limited to gas only, there should be similar restrictions on any outdoor fireplaces, barbeques, etc.

G.13-3

-The landscape architect has done an excellent job of detailing landscape design and maintenance requirements for the CC&Rs. This document, which I presume, will be incorporated into the CC&Rs, was seen during DRB review but information contained in it was not included in the EIR. It should be reviewed by the planning agency as well. Furthermore, there is no mention of any integrated pest management practices in the landscape guidelines. While the city has not

G.13-4

G.13-4 | adopted any standard or ordinance on this matter, this project would present an opportune time to inaugurate such a plan.

Thank you.

Cecilia Brown

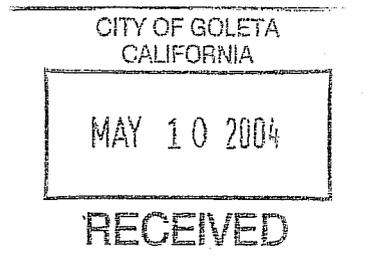
398 n. Kellogg Ave

Santa Barbara, CA 93111

967-7169

May 10, 2004

Mr. Ken Curtis
 Planning & Env. Services Director
 130 Cremona Drive, Suite B
 Goleta, CA 93117



Dear Mr. Curtis:

After careful reading and consideration, there are too many concerns to document. The following comments/concerns about the OSHMP documents are submitted for your review and consideration. The ones, which I believe may warrant correction and/or modification for the final document, are in **bold type**. While the document is well prepared, it presents a proposed plan, which neither meets the Goleta community and neighborhood needs nor the City's future budget priorities

3.1.2, p.12: ESHA—**What month was the study conducted?** It is important to have a study in both the wet and dry seasons. | G.14-1

3.1.3, p. 14: Habitat Protection--Goleta's approach is the only sensible and financially feasible one for Goleta; **It should be repeated throughout the document.** | G.14-2

3.1.5, p.15: Adaptive Management (manipulation of an ecosystem to improve one or more of its structural or functional attributes and restoration)—This is clearly UC/COPR designed, and perhaps sensible for UCSB with faculty, students, ample budgets, grants, volunteers. *It is not necessary on Goleta's land, and I strongly oppose it throughout the document.* | G.14-3

3.1.6, p.17: **The OSHMP differs from DEIR re the removal of eucalyptus trees.** | G.14-4

3.3, p.25/26: Resource Protection & Mgmt—COPR has a mandate to protect the Plovers on their property and proposes expanding the area. Please note the map, Figure A-2 in the Appendices which clearly shows the extent of the Plover habitat all the way from the University property to Beach Access "F" (trail from Santa Barbara Shores). While it is wonderful that COPR has the reserves and volunteers to protect their preferred sand dunes, With Goleta's *limited Recreation opportunities*, I strongly oppose reducing Goleta's already limited access to the beaches in the hopes the birds will nest there. The beach in question does not compare to sand dunes and in wet winters the majority of sand is swept away, leaving a rocky shore where dead ocean animals are found and carcasses are eaten by the turkey vultures. | G.14-5

3.5.4, p.34: "building vernal pools", *since the pools can now be constructed, why would we eliminate 40% of our trails to protect small, degraded pools?* **Is heavy equipment ever used in "restoring" the pools?** (Note Manzanita at U.C.) | G.14-6

The Fire Department appreciates trails for their function as a "fire break, since superior "native" method of burning can not be practiced. | G.14-7

G.14-8 | 3.64, p.37: Oppose Goleta formally adopting goals and policies designed for a research and educational institution and Goals & Policies requiring consistency. It is Goleta's limited open space...our already limited recreation.

G.14-9 | **3.8.1, P.42: Red-tailed hawks also nest on the Coronado Butterfly Preserve in trees close to Newport Drive.**

G.14-10 | 4.1.2, p.47 & 48: Public Access Goal 1 clearly shows the draft document's bias towards natural resource protection and preservation. Throughout the entire document one reads that "Goleta shall, will, must be consistent with Goals and Policies and even seek out opportunities to enhance." This forecasts a future of additional protected plants/animals, ongoing restoration and eliminating a semblance of the existing passive recreation. **I recommend the word "MAY" be used throughout and believe it is premature for Goleta to make these financial commitments. In addition, I suggest a "moonlight" provision be included permitting Goleta to reconsider in the future.**

G.14-11 | **4.2.1, p.48: Are there any Federal funds/grants to support the Anza Trail? How does the NPS show involvement? Are there any State grants to support the Coastal Trail?**

G.14-12 | **4.2.1, p.49 & 69: The OSHMP touches too lightly on the impacts of rainy seasons and storms. Earlier comments described the significant water sheeting action on the entire Mesa Open Space. Water can be four inches deep and form fast moving rivulets moving towards Devereux Creek. The proposed huge Anza Trail will seriously interfere with this water's movement. The OSHMP should discuss special design features (more than low berms) to protect the trail. Will the water use the trails as a channel and not reach Devereux Creek? Will the moving water pick up material from the trails contributing to the water pollution problem? Since the natural course of water change will be impaired, how will the eucalyptus woodlands surrounding Devereux Creek be affected?**

G.14-13 | 4.7.1, p.63/4: Allowable Uses should include more detail on how different entities will manage these permits. No competitive events should be permitted during the wet season when soil is easily impacted. Prohibited Uses should include fireworks.

G.14-14 | 5.1.5, p.70: BMPs are routinely not respected; strong enforcement should be required & penalties must be applied.

G.14-15 | **5.1.6, p. 72: The documents frequently refer to "mutt-mitts" for dogs with no discussion of the problem of horse droppings from offenders from the public...reference only to U.C. rider's practices is not satisfactory.**

5.1.6, p.71: While governing agencies may have completed water quality management programs, *they are neither enforced nor include penalties.* **What assurance/evidence is there for improved water quality at the Slough?**

G.14-16

6.1, p. 76, Figure 27: *While it might appear to be a good effort, the OSP Area Committee is heavily weighted (will be controlled) by University interests.*

G.14-17

6.2.3, p. 81: If fund raising efforts are considered a "critical source" for matching grant dollars, Goleta without departments of professional fund raisers and a small staff and *more important infrastructure needs*, will be at a great disadvantage over the U.C. and County.

G.14-18

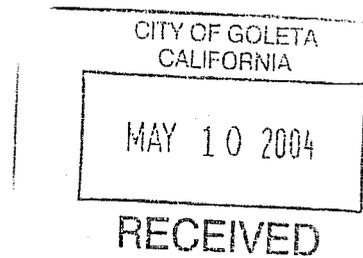
Sincerely,



Kathy Gebhardt

Mr.
 Ken Curtis
 Director of Planning &
 Environmental Services
 City of Goleta
 130 Cremona Drive, Suite B
 Goleta, CA 93117

May 8, 2004



Dear Mr. Curtis:

This letter highlights our comments, for the record, on the Comstock Homes Residential Project, Open Space and Habitat Management Plan for the Elwood-Devereux Coast DEIR.

According to the DEIR there are eight known abandoned wells (pages-ES-33) in the location of the Elwood Mesa Open Space. These wells were not abandoned in accordance with current safety standards, with the exception of Doty #7.

There is a possibility for oil, methane, aromatic hydrocarbons and hydrogen sulfide to migrate through these wells and release into the environment.

The developer may also encounter contaminated soil during excavation of those wells and construction activities near the well location.

If they encounter contaminated soil, or a well ruptures, this would create a serious hazard. Who is responsible for stationing "appropriately trained professionals" on site? Are they coming from DOGGR (Department of Geothermal and Geological Resources) or from Cal OSHA?

Who will pay them? The city or the developer?

The impacts, in our opinion, are significant.

We do not want to have a repeat scenario of what happened recently in Santa Maria (see enclosed article, Santa Barbara News Press 4-19-04), which includes suits against the city.

G.15-1

ES pg.35 states "there are a number of areas throughout the open space that have not been examined at all or have been evaluated in terms of some parameters." Before a swap is done both sites should have been soil tested adequately for contamination in this abandoned oilfield and soil remediation should be completed by both the city and Comstock.

G.15-2

Pg.2-5: Soil Remediation.

It states soil remediation "may" be required. It should read "will or must" and a separate CEQA should be prepared.

G.15-3

Section 4.5 pg.10 : Due to Doty wells #4, #5 and Oryx 95-1 the possibility exists for oil, methane or toxic gases to migrate up through this subsurface feature and to release into the environment. Therefore additional onsite investigation (limited core samples) would be required. If anything is found, proper abandonment is a must, not like is stated "limited remedial actions would need to be considered."

G.15-4

Section 4.5 pg.8: Soil verification testing was not completed in the 1997 remediation areas, and only "visual verification" was used for some areas. This does not seem to be a very strong defense against future legal liability.

G.15-5

G.15-5 We urge that a comprehensive site assessment work plan and remediation be required for the Santa Barbara Shores Area and the entire Open Space where former oilfield activities occurred. Doty Well #5 needs to be abandoned properly.

Section 4.5-9 Site#6: Remedial activities have not been conducted to date on this site. It is imperative to do this before the landswap is completed.

Other Pipelines:

G.15-6 Pg.4.5-9: "A historical drawing from the State Lands Commission indicates that a pipeline may exist on the entire length of Elwood Mesa Bluff and/or blufftop between Sandpiper Golf Course and the Elwood Marine Terminal (EMT). " Is this correct or does the report mean Ellwood Onshore Facility (EOF)?"

If EMT is correct how many houses are being impacted? This needs further investigation. Why not use ground penetrating radar to resolve this question?

Air Quality

G.15-7 4.14-9: "These odors are not constant and are not overly strong" is a misstatement in the DEIR and should be corrected, as nearby residents have repeatedly told the APCD.

The log of "odor complaints" with APCD or 911 should be part of the reference. Future home -owners should be advised of what awaits them.

4.14-12: Elimination of all wood burning fireplaces in favor of natural gas burning design should be a must as it reduces the ROG emissions (Reactive organic gases).

G.15-8 Otherwise the combined project source emission of 122.22 pounds per day would exceed by nearly five times the County daily threshold of 25 pounds per day.

Also wood-burning fireplaces will not only likely diminish the air quality of the immediate area but prevailing winds can carry the smoke and affect already populated areas and also the monarch butterflies groves in the winter.

We notice in the winter during our nightly walks how the air quality changes secondary to the smoke from all the chimneys belonging to the new developments in the El Encanto Heights area.

Landscape :

G.15-9 Because all drainage is going into Devereux Creek, pesticides, herbicides and fertilizers should be a prohibited in the landscaped areas. Landscapes should be created so that use of this components is not necessary.

Monitoring should be prior to occupancy and also spot checks during occupancy. A clause should be written that the home -owners association cannot change the designated landscape areas once approved. We are dealing here with one of the largest ESHA the city of Goleta will have to manage.

Pg.2-10 : Subdivision Improvements

A 6 to 10 foot high concrete block wall along Hollister will completely obstruct the views that Goletans can have from Hollister at present.

When Sandpiper Residences are built, because they are close to the trains, they will put up a sound wall, the houses on that property will also act as a buffer for the Comstock residences.

The developer is planning to build, multi-million dollar houses, and wall in the home-owners who will be encouraged to use the Ellwood Open Space as their backyards.

Ali D 'Oro residents should have access to the open space only through the areas that the rest of us Goletans will have.

There is no wall there so now having these huge houses will be enough. If there are any fences needed, they should be wrought iron fences. Otherwise a corridor could be created that funnels sounds from passing trains and cars.

G.15-10

Sewage:

The sewage line should not go into Devereux Creek line, because if there is a spill a lot of ESHA's would be affected or destroyed.

G.15-11

Traffic and Circulation:

Hollister/Elwood School intersection is classed as LOS A. We have been at this intersection at 8 a.m. and disagree with this statement. We have seen a block-long line of cars waiting to make a turn into the school. What will happen to this intersection after 78 new homes are filled? This will likely impact the LOS .

G.15-12

4.12-17.1 Regarding the Storke/Hollister intersection, we are disturbed by the following statement in the DEIR : "Given the current unfunded status of the improvements identified for this intersection it is unlikely that they can be feasibly implemented prior to occupancy."

With deterioration to quazi-gridlock, the developer should be responsible for the improvements to remediate this.

There has to be a stipulation that no moving in will be allowed before compliance and remediation of the LOS on Storke Road/Hollister is done.

G.15-13

We have seen this with Mountain View Estates and Cathedral Oaks, part II.

Fire- Medical Emergency:

The streets in the development should be wider than the 36 feet minimum required by the fire department (see attached article SBNP August 28, 2002.) There is only one road of ingress and egress in cases of medical emergency or fire, which shares a signal light with school traffic, guaranteeing long delays there in the morning. There must be another access road for emergency vehicles.

G.15-14

Setbacks

G.15-15 | All setbacks and buffers for wetlands, riparian corridors and any ESHA'S should be strictly enforced.

Alternatives:

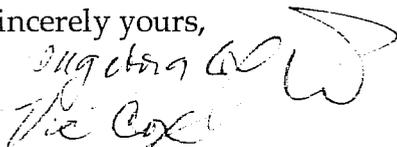
G.15-16 | Under the alternatives, Alternative 3 appears to reduce visual impacts to viewers. Eucalyptus trees along the southwest site boundary would not be removed. No eucalyptus trees should be removed unless they are diseased. Also no houses along the perimeter should encroach into the setbacks.

ESHA'S

G.15-17 | During construction all ESHA's need to be fenced and monitored at random. We have witnessed developments near our area of El Encanto Heights; if nobody is monitoring the agreed upon rules, they are bent or ignored. The monitors should be connected to the city of Goleta and paid by the developer.

Also if there are violations the developer should pay for full restoration of the ESHA 's impacted. This should be part of the mitigations.

Sincerely yours,


Vic Cox
Dr. Ingeborg Cox
82 Warwick Pl.
Goleta, CA 93117

SANTA BARBARA NEWS



OUR 148TH YEAR
4/19/04 SBNP A1

MONDAY, APRIL 19, 2004

Contamination tests keep residents on edge

Unocal collects soil samples in Santa Maria tract

contaminants left from oil-field operations decades ago.

The neighbor's home and another a few doors down in the tidy Park Villas II tract have since been purchased by the oil giant. Last fall, Unocal found tainted soil in the Storys' festively landscaped back yard, and even wanted to drill inside their living room to test

By **CHUCK SCHULTZ**
NEWS-PRESS STAFF WRITER

After settling into their custom home in southeastern Santa Maria, Lisa and Jason Story hoped this would be the year they could finally have their first child.

That suddenly changed in September when the couple learned that Unocal Corp. was testing soil in their neighbor's yard for



RAFAEL MALDONADO/NEWS-PRESS

Jose Segura refuses to let his children play outside the three-bedroom home he bought two years ago.

Please see **SOIL** on **A12**

SBNP
8/28/12

Fire chief: Goleta streets not safe Lanes too narrow

BY MORGAN GREEN
NEWS-PRESS STAFF WRITER
e-mail: mgreen@newspress.com

Fire Capt. Maynard Yeaw can't escape the image of firefighters unable to save a life because a car parked on a narrow street blocks their engine.

He's the man in charge of seeing that all plans for new subdivisions allow for County Fire Department engines to reach fires and medical emergencies.

Citing hundreds of new homes, condos and apartments built recently on standard narrow private streets in the county, he says: "It's time to draw the line in the sand."

Capt. Yeaw says he won't approve any more plans with private streets narrower than 36 feet. That width leaves room enough for parked cars along both curbs and 20 feet for fire engines to pass, the requirement under the California Fire Code.

The unincorporated county and other jurisdictions with county fire service, such

Please see **STREETS on A8**

Fire Department will OK nothing less than standard

■ **STREETS**
Continued from Page A1

as the city of Goleta, have final say on housing proposals. "But we're going to oppose anything less" than standard streets.

The policy shift is a big change. For the past several years, the Fire Department has regularly signed off plans showing private streets so narrow that parking must be banned on one or both sides to allow emergency vehicles to pass. Some streets are as narrow as 20 feet.

Small streets, Capt. Yeaw said, are an easy way for developers to make room on their sites for more units. And in the midst of the local housing crisis, planning commissions "have been under enormous political pressure to put in more housing."

A routine county practice has been to permit standard streets so long as other fire safety precautions are taken, such as fitting the housing with internal sprinkler systems.

But the majority of calls are medical, Capt. Yeaw said. "A sprinkler system doesn't do you any good if you're having a heart

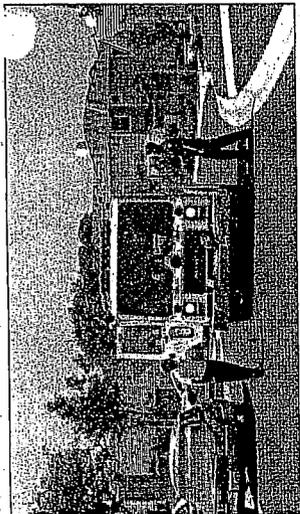
attack," he said. Senior Fire Department officials said they do not recall a specific instance when property or life was lost because an engine couldn't negotiate one of the private standard streets. However, they said, it could happen at any time.

The problem is that obstructive illegal parking along the narrow streets is common, Capt. Yeaw said. Other obstructions crop up as well, such as construction materials and garbage and recycling bins. "We see the same result time and time again," Capt. Yeaw said. "It's a reasonable expectation that's what you'd continue to see."

The Fire Department has the authority to cite and tow, but does not have the resources to do so, he said.

In the city of Goleta, where land is costly and housing demand is high, builders have erected several subdivisions, from luxury homes to low-income affordables, with standard private streets.

"The council has expressed concern," said Rick Gomez, interim city planning manager. Policies that allow the practice are under review by city engineers and planners, with an eye



STEVE MALONE/NEWS-PRESS

County Fire Capt. Maynard Yeaw, left, says roads such as this one in the Orchard Park subdivision are too narrow for emergency vehicles.

toward changes. But, standard streets have also cropped up in the North County, where land is relatively plentiful and inexpensive.

Out jogging earlier this year in Orcutt near his home, Fire Department Operations Division Chief Jim Harrison ran into a new project on Ajay Street where a half dozen large homes were clustered at the dead-end of a standard lane.

"That should never have been allowed," he said. The street was so jammed with illegally parked vehicles it made it nearly impossible for a pedestrian to pass by.

"I sent somebody to talk to those people three different times," he said. The County Planning Department is in charge of processing subdivision projects. County Planning Director John Patton could not be reached for

comment Tuesday.

But Second District Supervisor Susan Rose said she is delighted the Fire Department is addressing the issue.

Requiring standard streets does not preclude more housing that is affordable. It just means public safety shouldn't be sacrificed, she said.

At least one developer, Bill Ehrlich, said mandatory 36-foot streets will not crimp plans by the Larwin Development Company for between 1,100 to 1,500 units of housing units on 262 acres of Bishop Ranch in Goleta.

He said infill projects on small sites might have problems. But with such a large piece of land as Bishop Ranch, he can vary the housing types and cluster homes around driveways and still build through streets of standard size.

Santa Maria homeowners fear drop in property values

SOIL

Continued from Page A1

further, but the stunned couple refused, Mrs. Story said.
"This is a poisoned house," the lifelong Santa Marian sadly told a News-Press reporter last week, predicting they will be forced to move. In the meantime, having a baby is on hold.

"We won't even start to try until we leave here," she added. "We just are frightened."

No one, it seems, can assuage such fears until additional testing, and any required cleanup, is done in the upper-middle-class neighborhood.
The residents' fears have only been heightened in recent days by the sound of testing equipment doing more drilling and soil sampling in the back and side yards of the Unocal-owned home next door to the Storys. A Unocal spokesman would only confirm that activity is "part of the limited testing we have done and continue to do in Park Villas II."

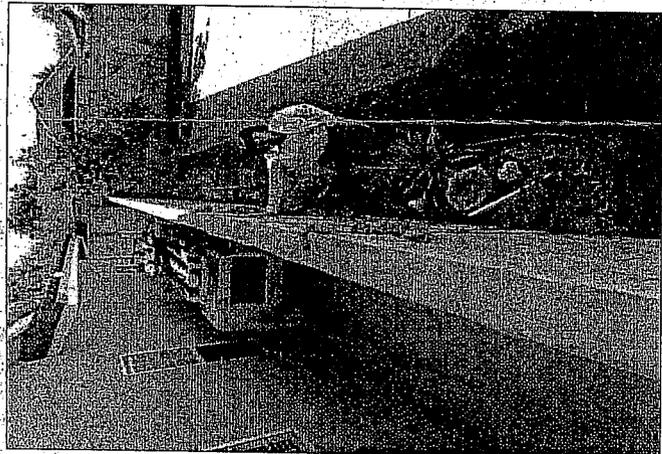
Nor have local government officials adequately explained how they allowed those houses to be built on land apparently polluted by petroleum products from a time when oil drilling dominated the Santa Maria Valley.

During interviews with the News-Press, city and county officials engaged in various degrees of finger-pointing when pressed on how homes had been permitted on contaminated land. Each entity claimed it relied on incomplete information from the other.

Soil tests for Unocal reportedly showed varying levels of contamination at several homes. That prompted county regulators to order further testing to determine the extent and concentration of those pollutants—as well as preparation of cleanup plans.

While waiting for that to happen—and it's not nearly as quickly as the homeowners would like—the uncertain health risks from tainted soil are keeping Jose Segura and his wife, Monique, from letting their children play outside the three-bedroom home they were thrilled to buy two years ago.

"We love our house, but we don't even know if it's safe," he said. "The couple's three girls, ages 10, 10, 10, pooled their savings to buy a trampoline, he said, but are allowed to use it only 15 minutes at a time. "Even when they're out there that long, we're concerned,"



RAFAEL MALDONADO / NEWS-PRESS

After buried pollutants were found in a neighbor's yard by Unocal, using soil sampling equipment like that pictured at right, Lisa Story demanded that her yard also be tested. High levels of contaminants were found in several spots. "Some days it sinks to high heavens out here," she says.

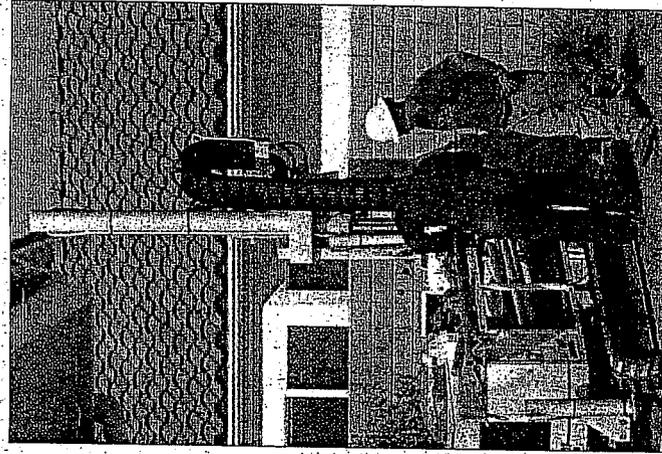
said Mr. Segura, a fifth-grade teacher at Miller School.

HYDROCARBON LEVELS

The tract includes about two dozen homes west of Highway 101 and north of Santa Maria Way, mostly along San Diego Street, a two-block cul-de-sac.
A recent lawsuit filed by some of the homeowners alleges that in some spots, hydrocarbon levels associated with substances such as diesel, gasoline and motor oil, were detected in concentrations many times those allowed by law for residential properties.

"There really is no reasonable explanation of why this was not taken care of before the houses were built," said attorney Steve Williams of Los Angeles, who is representing some homeowners, along with San Luis Obispo lawyer Iwan Funke-Bilu. "They knew what the past uses of the property were."

The issue echoes what happened at another housing tract a few miles



MIKE ELASON / NEWS-PRESS

county division. He contacted the city hadn't notified his agency that houses were being built on all of the Park Villas II site.

Grading for some of the home sites was under way at the time by the Diani Construction Co, but "we were not aware they were doing building" on most of the property, said Kate Sulka, the division's supervising hazardous materials specialist.

However, correspondence from late 2000 strongly suggests otherwise. Santa Maria city planners approved a subdivision for Park Villas II in about 1990, but the tract map was not finalized and construction didn't begin until late 2000, records show.

The homes were permitted there because county letters in December 2000 indicated some cleanup work had been successfully completed, said planning division manager.

County officials insist those letters pertained to work of very limited scope, on only a fraction of that land, and weren't intended to be final clearance for the entire site.

That wasn't the city's understanding, countered Mr. Bierzdzinski. "We had two clearance letters from the county before we allowed the (tract) map to be recorded" and building permits issued, he said.

Mrs. Sulka also contended the county wasn't informed about the full extent of oil-related operations on that land in years past. "We had no idea until recently that a tank farm was out there."

A cleanup "closure report" submitted to the county by Diani Construction in November 2000 seemed to downplay that oil history. "Although the property was surrounded by oil production leases and facilities, there is no record of any production-related activities having occurred on the property," the document states.

The county signed off on the housing project because of misrepresentations made in that report, the lawsuit alleges.

James Diani, the company's president, declined to comment for this story as he did when the lawsuit was filed on March 18. But in a Feb. 26 letter to Ms. Sulka, he stated "that Diani followed the protocol established by the county for site remediation (cleanly)."

Ironically, letters in 1990 from the county to Mr. Bierzdzinski and to Maurice Twitchell, one of the former landowners, strongly warned the property shouldn't be developed until



TOM DE WALT / NEWS-PRESS

extensive testing and cleanup is done.

An Oct. 22, 1990, county letter notes that there are "two underground storage tanks on the property which need to be abandoned. There is a extensive soil contamination on the property," adds the letter addressed to Mr. Bierzdzinski.

"There are more unanswered questions than answers," observes Mrs. Story. "Depending on who you talk to, you get different answers. There probably were many 'somebodies' who didn't do their job."

She and her neighbors are annoyed that the county's March deadline for Unocal, Diani and M. Funke-Bilu to submit detailed work plans for testing and cleanup has been pushed back indefinitely due to a lawsuit.

"Environmental lawsuits of this type generally stimulate remediation, not stum it," blasted attorney Iwan Funke-Bilu in an April 6 letter to M. Sulka.

'STINKS TO HIGH HEAVENS

Two doors down from the Seguras, the Storys' Jack Russell terrier Ripper had four puppies; they aren't about letting the dogs run around in their yard dig in flower beds that may contain polluted soil, though.

She and her husband also no longer use their yard, and spend as little time caring for the plants and cutting the grass as possible. "Some days it stinks to high heavens out here," she added. "Their house might have sold for about \$600,000 eight months ago. Mrs. Story said, but she thinks it's relatively worthless now. "We couldn't sell it, we wanted."

e-mail: cschultz@newspress.com

MAY 10 2004

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May 9, 2004

Ken Curtis, Planning & Environmental Services Director
Rob Mullane, Senior Planner
City of Goleta
6500 Hollister Avenue, Suite 120
Goleta, CA 93117

Re: Draft Environmental Impact Report for Comstock Homes
Development and Ellwood Mesa Open Space Plan/Devereux-Ellwood
Coast Open Space and Habitat Management Plan March 2004

Dear Sirs,

In the interest of the completeness of the Environmental Impact Report
for Comstock Homes Development & Ellwood Mesa Open Space Plan
dated March 2004, I have some additions and suggestions for the
Biological Resources and Open Space and Habitat Management Plan
elements of the report.

DEIR Section 4.4-24
DEIR Section 4.10-8
OSHMP Section 4.2.1 Figure 12
DEIR Section 4.15-1

An important, yet overlooked section of the Monarch butterfly
overwintering habitat at Ellwood Main is at the intersection of Devereux
Creek and the drainage that flows out of the ravine that forms Ellwood
Main. This area is where trails numbered 16, 18 and 20 intersect, and is
"heavily used by hiker during the peak butterfly season".

The Monarchs use the wet area immediately to the west of this
intersection extensively for a short period each day when the sunlight
penetrates the tree canopy and warms this area. They congregate and
gather much needed moisture and minerals for themselves. This
nourishing activity is called puddling. Consider that this puddling cannot
take place while trailusers are walking and trampling through.

G.16-1

G.16-1 Recently, this important segment of the Monarch habitat was severely degraded after someone erected a footbridge across Devereux Creek which caused all foot traffic to be routed through this area. All foot traffic must be diverted away from this part of the Ellwood Main Monarch butterfly habitat. An arching type footbridge may work to take traffic over and above this area. Such protection should have a high priority in a management plan.

Please direct a qualified Monarch biologist to further investigate this location and give it the necessary protection it deserves.

G.16-2 A sewer trunk line is also located along this portion of Devereux Creek and Ellwood Main. Any OSHMP induced bridge/culvert/boardwalk type crossing may be put in jeopardy by maintenance or reworking/re-routing of this trunk line. Every effort should be made to accommodate the viability of this part of the Ellwood Main Monarch habitat and protect it from mechanical intrusion or from sewage or sterilant contamination should spillage occur.

An alternative would be for the appropriate parties to decommission this trunk line.

DEIR Section 4.4-24
OSHMP Section 4.2.1 Figure 12

A complete survey or inventory of biological resources in the project area should include other insects, especially pollinators such as beetles, butterflies and bees.

While certain important botanical resources, native grasslands etc, are listed in the Draft EIR, their relationships or inter-dependence with pollinators needs to be considered and measures implemented to enhance or conserve pollinator habitats.

In the Ellwood-Devereux project area I have personally observed or identified various butterflies and other pollinator insects:

G.16-3
Common Buckeye
Sara Orangetip
Checkered White
Anise Swallowtail
Lorquin's Admiral
Skippers of various kinds
Sphinx or Hummingbird Moths
Bumble bees
Honey bees
Various beetles

Various flies

Many of these insects are also part of the food chain that sustains many of the avian and mammalian creatures that have special status under CEQA or other relevant guidelines.

Please direct a qualified biologist(s) to investigate further into this matter and offer methods of conservation or habitat enhancement.

A thorough listing of biological resources should include these valuable pollinator friends.

G.16-3

I strongly urge that all relevant planners and managers use resources such as the Pollinator Conservation Handbook by the Xerces Society/The Bee Works to educate and equip themselves to monitor and conserve these most easily enhanced natural assets. Enclosed, for your use, is a web page printout describing the handbook and an order form.

DEIR Section 4.4-62 Mitigation bio-11 Biological Resource Protection

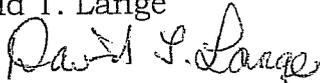
I support the section dealing the leashing of dogs. Such mandates should be a fundamental element of any management/protection plan for the project area.

G.16-4

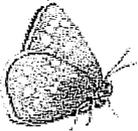
Thank you for your time and consideration in this matter.

Yours truly,

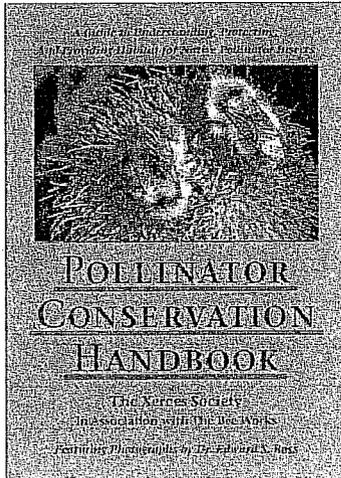
David T. Lange



Encls.



Pollinator Conservation Handbook



Click [here](#) to view sample pages.

Pollinator Conservation Handbook
by The Xerces Society and The Bee Works

The *Pollinator Conservation Handbook* is a new publication by the Xerces Society and the Bee Works. It is the first comprehensive book on the conservation of native bees, butterflies, and other native pollinator insects and is an indispensable resource for gardeners, farmers, and managers of parks, recreational areas, and wild lands. The *Handbook* guides the reader through the steps needed to create and enhance habitat for insect pollinators and contains information on selecting and planting forage flowers, providing nesting and egg-laying sites for bees, butterflies, and other insects, and caring for your pollinator habitat over time. The *Handbook* also contains an extensive, up-to-date resource section and ideas for educational activities.

Pollinators are an essential component of all environments. Without pollinators, at least 80 percent of our flowering plants could not reproduce. Despite their importance pollinators are declining in many areas as their habitat is converted to other land uses. The good news is that pollinators can survive, even thrive, in small patches of habitat and we can all contribute to their conservation by following the steps laid out in the *Pollinator Conservation Handbook*.

The *Pollinator Conservation Handbook* comes from two of the leading organizations engaged in pollinator conservation:

The Xerces Society is a nonprofit conservation organization that for over thirty years has worked to protect bees, butterflies, other invertebrates, and their habitats through advocacy, public outreach, and research. For the last six years, our Pollinator Conservation Program has focused on educating the public about the important environmental role of pollinators.

The Bee Works is an environmental consultancy founded by Stephen Buchmann, coauthor of *The Forgotten Pollinators*. The Bee Works conducts pollinator surveys and research on native bees, and is developing insect-identification software.

Beautifully produced, the *Pollinator Conservation Handbook* features the spectacular photography of Edward S. Ross, whose work frequently appears in our popular membership magazine, *Wings*. To order a copy of the *Handbook*, click on the link below to download and print the order form. 145 pages; soft cover; 57 color photographs.

Cost (includes shipping and handling): **Members: \$18.45** per copy; **Non-members: \$22.45** per copy.

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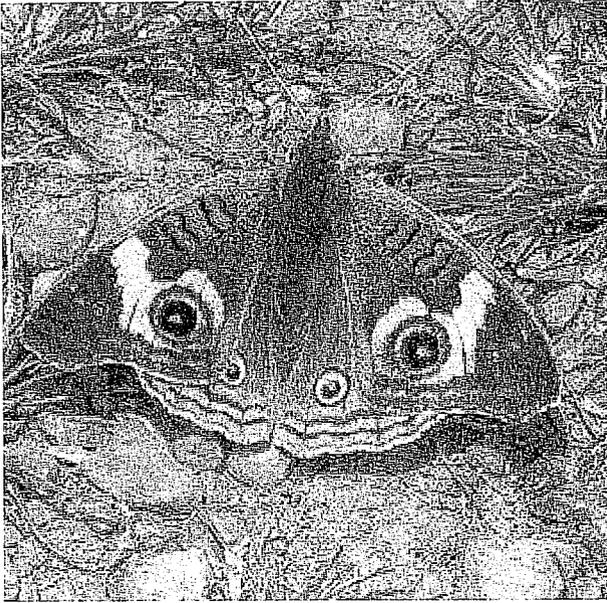
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May 10, 2004

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- Fernando Ramirez

City of Goleta
 Ellwood-Devereux Open Space Plan
 6500 Hollister Avenue, Suite 120
 Goleta, CA 93117

RE: Comments on the Preliminary Concepts for the Ellwood-Devereux Coast Open Space and Habitat Management Plan

Staff

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Grounds Supervisor

Thank you for the opportunity to respond to the draft Ellwood-Devereux Plan Open Space and Habitat Management Plan. Our concerns are primarily with associated with the modification of the trail system at Camino Corto Open Space and the proposed parking lot adjacent to Camino Majorca. However, we do have some suggestions for the location of bathrooms and at Coal Oil Point and Camino Majorca.

1. The trail that runs between Abrego Road and the UCSB Stables should remain Type A, with improved native materials and soil stabilizer used to reduce erosion. We are concerned that the plan has failed to take into consideration the vernal pool and other environmentally sensitive areas that require wide buffers. We don't think this trail can be widened in accordance with LCP policies. G.17-1
2. Figure 23 and 24 indicates the possible construction of either a 20 or 40 space parking lot on University property adjacent to Camino Majorca Road in Isla Vista. If a lot is constructed in this area, it should be operated consistent with the coastal access parking program on Camino Majorca Road. We are currently working with the County to maintain 40-60 coastal access parking spaces along Camino Majorca. This seems to adequately serve people who drive to Isla Vista to go to the beach. G.17-2

Additional coastal access parking will increase impacts to the West Campus bluffs as well as to Isla Vista. We believe that the Camino Majorca lot should not be constructed and that it will cause unnecessary impacts to existing open space. We strongly suggest that the West Campus Parking lot be modified to allow for public coastal access as suggested in Figure 22, rather than building an additional lot at Camino Majorca.

"MORE THAN JUST PARKS"

G.17-3 | 3. Figure 22 indicates that a new bathroom will be constructed at the southern edge of the current parking lot at Coal Oil Point. Locating a bathroom this far away from Sands Beach will not accomplish the goal of providing bathrooms to serve the large amount of beach users. We strongly suggest that the bathrooms be relocated closer to the beach while maintaining the feasibility of being connected to a municipal sewer system.

G.17-4 | 4. Figure 23 illustrates a proposed conceptual plan for the Camino Majorca Beach access and West Campus Bluffs. We believe that a bathroom should be constructed at Camino Majorca to accommodate beach users who arrive to use Devereux Point, Isla Vista Beach, or other areas and do not go to Coal Oil Point. Many people who arrive at Camino Majorca do not use the Coal Oil Point area for coastal recreation, and a bathroom at Camino Majorca would be tremendously helpful in alleviating a current public health issue. (However, this should be in addition to, not instead of, the proposed bathrooms by the county in Isla Vista.)

Thank you for considering our comments. If you have any questions, please call me at 968-2017.

Sincerely,



Derek Johnson
General Manager

Cc: IVRPD Board of Directors

CITY OF GOLETA
CALIFORNIA

MAY 10 2004

RECEIVED

To: City of Goleta
 From: Mike Fealy Santa Barbara Urban Creeks Council
 Re: City of Goleta Draft EIR for Comstock Homes Development

The Land swap is supported because it is environmentally superior to prior projects proposed on Ellwood mesa. However, the project, would cause significant negative impacts to biological resources, and be in conflict with various coastal act and city coastal zoning ordinances.

Specifically, wetlands and their buffers should not be developed . The bridge over drainage A1 can not avoid wetlands or wetland buffer. Therefore a alternative that considers eliminating lots 72-78, or rerouting access to that would avoid wetlands needs to be examined. Lot 75 should not crowd the wetland ESH of drainage A2.

G.18-1

Alternatives that avoid the watercourse of Drainage B should be examined. The project described in the dEIR proposes to fill in drainage B and construct homes on top. Drainage B fits the description of a stream which is watercourses including major and minor streams, drainage ways and small lakes ponds and marshy areas through which streams pass. According to existing city, and Coastal act Biological resource policies, developing homes on this drainage and its 50 foot buffer is not permitted. This Drainage should be considered ESH, as it connects the Large onset wetland at the head of the drainage, courses through the well developed woody riparian habitat along drainage B then connects with Devereux creek. Most similar habitats in this region have already been lost to development making this an especially valuable habitat.

Alternatives that eliminate development in Monarch Butterfly Roost Site ESH and buffer. are supported. Development alternatives 2-5 in the DEIR would avoid this impact.

G.18-2

Figure 4.4-3 in the DEIR maps special status species, and habitats. White tailed kite nests, number 11, 1 and 2 are next to the southwest, and southeast sections of the proposed development footprint. California Department of Fish and Game comments regarding this project recommend 500 foot buffers for this habitat. UCC recommends alternatives that avoid avoid development too close to raptor nests, and their buffer.

G.18-3

UCC asks the city to explore alternatives in the final EIR that avoid these impacts. We also ask the city to perform a current economic analyses to determine the economic feasibility of considering any environmentally superior alternatives, and mitigation measures. This will help achieve consistency with the coastal act and city CZO by ensuring ESHs are avoided to the maximum extent feasible. This would achieve consistency with CEQA by ensuring that significant impacts are mitigated to the maximum extent feasible.

G.18-4

Enclosed is a copy of existing County Biological resource policies as they relate to this project. I believe they are City of Goleta adopted policies as well.

G.18-5

Sincerely
 Mike Fealy UCC



Coastal Plan Policy 3-21: Where agricultural development will involve the construction of service roads and/or the clearance of natural vegetation for orchard development, a brush removal permit shall be required.

Coastal Plan Policy 3-22: Where agricultural development will involve the construction of service roads and the clearance of major vegetation for orchard development, cover cropping or any other comparable means of soil protection shall be utilized to minimize erosion until orchards are mature enough to form a vegetative canopy over the exposed earth.

Environmentally Sensitive Habitat Areas

Coastal Act Policy §30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Policy §30236: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or; (3) developments where the primary function is the improvement of fish and wildlife habitat.

Coastal Plan Policy 9-1: Prior to issuance of a development permit, all projects on parcel shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.

Wetlands

Coastal Plan Policy 9-9: A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10.

The upland limit of a wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.

Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or man-made features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.

Coastal Plan Policy 9-10: Light recreation such as birdwatching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.

Coastal Plan Policy 9-13: No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.

Coastal Plan Policy 9-14: New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.

Coastal Plan Policy 9-15: Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.

Coastal Plan Policy 9-16a: No grazing or other agricultural uses shall be permitted in coastal wetlands.

Coastal Plan Policy 9-17: Grazing shall be managed to protect native grassland habitat.

Native Grasslands

Coastal Plan Policy 9-18: Development shall be sited and designed to protect native grassland areas.

Butterfly Trees

Coastal Plan Policy 9-22: Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.

Coastal Plan Policy 9-23: Adjacent development shall be set back a minimum of 50 feet from the trees.

Native Plant Communities (examples: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.

Coastal Plan Policy 9-35: Oak trees, because they are particularly sensitive to environmental conditions, shall be protected: All land use activities, including cultivated agriculture and grazing,

should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.

Coastal Plan Policy 9-36: When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.

Streams

Definitions:

Stream: watercourses, including major and minor streams, drainageways and small lakes, ponds and marshy areas through which streams pass. (Coastal wetlands are not included.)

Riparian Vegetation: vegetation normally found along the banks and beds of streams, creeks, and rivers.

Stream Corridor: a stream and its minimum prescribed buffer strip.

Buffer: a designated width of land adjacent to the stream which is necessary to protect biological productivity, water quality, and hydrological characteristics of the stream. A buffer strip is measured horizontally from the banks or high water mark of the stream landward.

Coastal Plan Policy 9-37: The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:

- a. soil type and stability of stream corridors
- b. how surface water filters into the ground
- c. slope of the land on either side of the stream
- d. location of the 100-year flood plain boundary

Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible. (p. 136)

Coastal Plan Policy 9-38: No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support

Sec. 35-97. ESH Environmentally Sensitive Habitat Area Overlay District.

Sec. 35-97.1. Purpose and Intent.

Within the County of Santa Barbara there are areas which contain unique natural resources and/or endangered species of animal or plant life and existing and potential development may have the impact of despoiling or eliminating these resources. The purpose of this overlay district is to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and developments. The intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

Sec. 35-97.2. Applicability and District Boundaries as a Guide.

The provisions of this overlay district shall apply to land or water zoned ESH on the applicable Santa Barbara County Zoning Map. For purposes of determining the application of this overlay district to any lot of land or water, the zoning maps shall be the guide. If the habitat area delineated on the applicable zoning maps is determined by the Coastal Planner not to be located on the particular lot or lots, the regulations of this overlay district shall not apply.

Sec. 35-97.3. Identification of Newly Documented Sensitive Habitat Areas.

If a newly documented environmentally sensitive habitat area, which is not included in the ESH Overlay District, is identified by the County on a lot or lots during application review, the provisions of Secs. 35-97.7. - 35-97.19. shall apply. The County will periodically update the application of the ESH Overlay District to incorporate these new habitat areas (including the 250 foot area around the habitat).

Sec. 35-97.4. Affect of ESH Overlay District.

Within the ESH Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional regulations of the ESH Overlay District before the issuance of a coastal development permit under Sec. 35-169. See Sec. 35-53. concerning conflict between provisions of ESH and base zone district.

Sec. 35-97.13. Development Standards for Marine Mammal Rookery and Hauling Ground Habitats.

1. Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued viability of these habitats.
2. Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when such areas are in use for reproductive activities, i.e., mating, pupping, and pup care.

NOTE: At present, the only marine mammal rookeries in Santa Barbara County are harbor seal rookeries on the mainland and Santa Cruz and Santa Rosa Islands. There is the possibility that other species of marine mammals may establish rookeries in other areas in the future, particularly on the Islands.

Times of year when marine mammals use rookery areas:

Harbor seals: February through April.

Northern Elephant seals: Mid-December through February.

Sea Lions and fur seals: May through September.

Sec. 35-97.14. Development Standards for White-Tailed Kite Habitats.

1. There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.
2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.
3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.
4. In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.

Sec. 35-97.15. Development Standards for Rocky Points and Intertidal Habitats.

1. In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.
2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.



LEAGUE OF WOMEN VOTERS OF SANTA BARBARA, INC.
May 1, 2004

328 East Carrillo Street, Suite A
Santa Barbara, California 93101

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e-mail: lwvstb@silcom.com
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**Ken Curtis, Planning and Environmental Services Department
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117**

The League of Women Voters of Santa Barbara is glad to prepare comments on the Draft EIR for Comstock Homes Development and Ellwood Mesa Open Space Plan and for the Habitat Management Plan and the Appendices. We have also read the Staff Report and attended the April 12 public hearing.

We have been following the process that has lead to this, and again we compliment Goleta, the University and the County as well as their consultants for continuing to work together to develop a far-sighted plan on this important environmental area.

COMSTOCK HOME DEVELOPMENT, ELLWOOD OPEN SPACE DRAFT EIR

In general terms we support the location of the Comstock Homes closer to Hollister Avenue and to other homes and public services, located away from the wetlands and Bluffs area and putting the single story homes on the periphery of the development. We ask that the "footprint" of the development be more condensed, which means that in general we support alternatives 2-5. We ask that you select one of these, giving most attention to the environmentally preferred alternative. Our concern is over locating homes too close to butterfly habitat, wetlands and raptor sites.

G.19-1

SPECIFIC COMMENTS ON SPECIFIC SECTIONS

Ex-Summary 1: We support the development of C,Cs&Rs, and we encourage the City to designate an independent agency to enforce and monitor the environmental conditions.

G.19-2

ES12 Traffic: The Hollister-Storke intersection must be improved. A level of service D is not acceptable. We encourage a study of the Phelps Road extension.

G.19-3

ES21 Hydrology and Water Quality: We support the mitigation measure to reduce sedimentation in Devereaux Creek. We support the use of bio-swales. We understand that they require maintenance and we ask for a specific City agency to oversee that they are properly maintained.

G.19-4

ES37 4.5 Hazardous Materials: We note there eight known abandoned oil wells in the area. We support bringing abandoned wells up to current standards. The additional remediation and assessments outlined should be pursued. However, we question whether this can be done to the extent that it is considered less than significant, particularly in the residential area.

G.19-5

G.19-6 | In conclusion, we would like the Cumulative Project map, figure 2-10 to be prepared as a separate handout, so that it can have wider circulation for long time use by community activists.

**OPEN SPACE HABITAT MANAGEMENT PLAN FOR THE ELLWOOD-
DEVEREAUX COAST**

G.19-7 | We have read the Open Space Management Plan and the Appendices and found much useful information. We support the Comstock Home proposal because if the land swap is not implemented, the Open Space is not secured for public ownership. The maps and pictures were excellent. We support the public access features and the conservation of coastal assets.

G.19-8 | 1.5 pg. 4 Jurisdiction: We support the establishment of a multi-jurisdictional management oversight committee. We ask that their work be presented annually or biennially to the community at large for public comment.

2.21: We support the outlined implementation strategies.

G.19-9 | 3.13: We support the protection and enhancement of open space and the coordination between this plan and other management efforts in the area.

3.4.3: The Habitat Management Issues Summary was helpful as was the Chart of Public Access Points. WE encourage as much separation as possible between pedestrians, equestrians and cyclists.

G.19-10 | 3.5.1 Erosion, Sedimentation and Water Quality: The League, Local, State and National strongly supports the Clean Water Act. The options discussed in this section should be implemented. We were glad to see that the three entities have completed their Storm Management Plans.

G.19-11 | 3.5.2 Hazardous Materials Management, Remediation: We note that there are 18 known abandoned oil sites. We support the SB County Fire Department's request for further investigation, and we support the development of a Remedial Action Plan.

G.19-12 | In conclusion, we again support this collaborative effort between three different governmental agencies and consultants and encourage you to continue with the process.

Catherine McCammon,
President

League of Women Voters of Santa Barbara



Rob Mullane

From: Zjolson@aol.com
Sent: Monday, May 10, 2004 2:36 PM
To: Rob Mullane
Subject: Comments to DEIR

RECEIVED

MAY 10 2004

City of Goleta
Comm. Planning & Environmental Svcs.

Please address:

Goleta's traffic improvement policies need to follow standard "gridding" concepts. All dead end streets going south of Hollister Ave should be tied by east west streets. When all neighborhoods exist on dead end streets, public safety and general ease of travel is compromised. Easements currently exist and development proposals should include "gridding" costs or construction.

G.20-1

Thankyou,

John

E-mail from

John Olson

7041 Marymount Way
Goleta, CA 93117

RECEIVED

MAY 10 2004

City of Goleta

Comm. Planning & Environmental Svcs.

Date: May 10th, 2004

To: Goleta Planning Commission

From: Roger Jahnke
 former coordinator,
 The Coalition to Preserve SB Shores Park as Natural
 Open Space,
 for The Family at 243 Pebble Beach

Re: EIR, Comstock Homes Development

Esteemed Council Members,

In the interest of supporting your study of all the letters you are receiving our recommendations are at the top and the rational follows. Some of the **most important points are highlighted in bold** as we are sure that you will have a lot of study to undertake in the following weeks.

Thanks sincerely for all you do for our community, this is such an important moment in our community's history.

On close scrutiny we believe you are legally enabled to declare that the applicant must comply with the policies in Coastal Act and other planning guidelines including the Coastal Zoning Ordinance, the Goleta Community Plan and the Santa Barbara Local Coastal Plan and the developing Goleta planning documents including the Goleta General Plan and the Local Coastal Plan.

You are heartily encouraged to apply these legal guidelines fully and you are backed by a large contingency of local citizens who will continue to encourage you and stand behind you.

The Coastal Act and derivative policy documents support and specify detailed guidelines for:

- Protection of the Devereaux Slough to the fullest extent of the law from negative impacts of building or any other development.
- Protection biological resources (ESHA and species) to the fullest extent of the law - butterflies, hawks and owls (raptors), native grasses.
- Elimination houses that are not legal due to impacts on biological resources.

G.21-1

-- Protection of natural views and the modification of houses that impact the views that are characteristic of our community.

-- Mandating compliance with all setbacks and buffers for wetlands, riparian areas and other ESHA to the fullest extent.

G.21-1 -- Mandating compliance for grading and the impacts of run off.

-- Re-routing sewage to eliminate further load on the into Devereaux Creek line.

-- Placing strong limitations on lighting, heating, planting and other things that homeowners will do that degrade the environment and our park.

In addition:

G.21-2 -- numerous hearings have pointed to the relevance of "green" building but this point has not been enumerated in the EIR.

G.21-3 -- CEQA Guidelines Section 15191 mandate that a determination be made, based on clear evidence, as to whether or not there are feasible alternatives or mitigation measures (e.g., avoiding Drainage B, 100-foot wetland buffers, larger raptor nest and monarch setbacks, etc.) to be implemented in the planning and development of the project. This is to say that the City must understand specifically what aspects of the proposed project may legally be cut and then the City must use CEQA as the legal back up for modifying the project.

Finally:

G.21-4 Given the significant increase in land values since Mr. Comstock purchased his option, an updated economic analysis of the project is needed to see what the "margins" on profit are. We are already paying millions of dollars. There is nothing that says Mr. Comstock deserves a large profit, unless there are behind the scenes deals being struck. We urge you to do the calculations to determine where a fair profit is. In numerous conversations with myself and others Mr Comstock has agreed to do this project in a context that is fair to the community. The proposed plan is an example of "fat" and "padding" that Mr Comstock often said he would not put in - so it is fairly obvious that it should be removed.

Rationale:

The notes above are based on our encouragement that you push for compliance with policy with the enthusiastic support of the community.

The foundation of your support lies in the laws that protect the water and ESHA.

1. **Water** from the time it hits the ground as rain (OR as toxic runoff), through riparian runoff pathways, to wetlands, the Devereaux Slough and finally our ocean.
2. **ESHA** - meaning all ESHA.

The protections are there we sincerely encourage that you apply them.

The City of Goleta is a symbol of the possibility for sane, sustainability based living. We citizens support you in forthrightly holding to the vision of this community that can provide a model throughout the nation and the world. This is history in the making. We sincerely support you in not compromising the powers afforded to you in law.

The Devereaux Water Shed:

Every aspect of this small and immensely unique water shed and its habitats should be carefully planned as it has already suffered a huge extent of degradation. All of these developments -- Comstock, University, etc -- are going to place an immense burden on the Devereaux Slough probably a death blow. The Clean Water Act, Ocean protections, Marine Sanctuary and more all provide support for you to modify this project. It is not legal to further degrade this watershed, especially within the Coastal Zone.

G.21-5

Mandate: Compliance with policy

ESHA:

We have the great fortune to have carefully crafted laws and policies which enable planning bodies to manage planning through clearly delineated limits on the degradation or loss of habitat. It is not legal to compromise ESHA, especially within the Coastal Zone.

Mandate: Compliance with policy

Conclusion:

Coastal Act 30001.5 - Protect, maintain, and where feasible enhance and restore the quality of the coastal zone --- assure orderly, balanced utilization and conservation of coastal zone resources.

G.21-5 | Clearly this is both very complex and legally enabling. Without an ounce of doubt, this is a super pressurized issue. It is terribly overwhelming to watch this highly diverse chunk of our open space become a high end housing project. The tension between the forces of out of town investor profitability and our priceless coastal open space is crushing.

We citizens not only look to you to modify this project as much as possible but also -- **we support you** in using the law and policy at your disposal to modify the project as much as possible, for the good of our sustainability into the future.

G.21-6 | **You must let us know what to do to help and support you.** The outreach for these hearings has been less than clear in terms of your need to hear from the community. The myth that this is a "done deal" is strong out here. Your citizens, for the most part, believe that everything that can be done has been done. If you need the citizens to back you up more so that you feel more comfortable demanding policy compliance, please let us know.

With urgent sincerity,

Roger Jahnke



STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold
Schwarzenegger
Governor

Jan Boel
Acting Director

May 7, 2004

Kenneth M. Curtis
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

CITY OF GOLETA
CALIFORNIA
MAY 20 2004
RECEIVED

Subject: Comstock Homes Development and Ellwood Mesa Open Space Plan
SCH#: 2003071179

Dear Kenneth M. Curtis:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 6, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

G.22-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2003071179
Project Title Comstock Homes Development and Ellwood Mesa Open Space Plan
Lead Agency Goleta, City of

Type EIR Draft EIR

Description The project includes the following components: 1) Subdivision by the City of Santa Barbara Shores Park into a 36-acre lot for the Comstock Homes Residential development and an 80-acre lot be retained by the City as part of the Open Space area; 2) a land exchange whereby Comstock Homes will transfer title to the 136-acre Ellwood Mesa property to the City of Goleta in exchange for the 36-acre lot at Santa Barbara Shores Park and additional compensation; 3) rezoning of the 36-acre lot from the Recreation zone to an appropriate residential zone and the 136-acre Ellwood Mesa property from the Planned Residential to the Recreation zone; 4) subdivision by the Comstock Homes of the 36-acre parcel into 84 lots, with 78 lots for single-family houses and 6 lots for common open space and infrastructure; 5) construction of streets and utilities to accommodate residential development and construction of 78 single-family houses; 6) development of a 40-space coastal access parking lot by the City on the 80-acre residual lot; 7) rezoning of portions of the Coronado Preserve property and an adjacent City-owned parcel from Residential to the Recreation zone; and 8) an Open Space and Habitat Management Plan for a 239-acre area within the City, including proposals for a trail system, beach access, allowable uses, parking and open space amenities, and habitat protection and restoration area.

Lead Agency Contact

Name Kenneth M. Curtis
Agency City of Goleta
Phone 805-961-7540
email
Address 130 Cremona Drive, Suite B
City Goleta
Fax
State CA **Zip** 93117

Project Location

County Santa Barbara
City
Region
Cross Streets South of Hollister Avenue between Pebble Beach Drive and Las Armas Road
Parcel No. 079-210-067, 079-210-013, -014, -015, -024, -051 and others
Township **Range** **Section** Multi. **.Base**

Proximity to:

Highways 101
Airports Santa Barbara Airport
Railways Union Pacific
Waterways Pacific Ocean
Schools

Land Use The residential development site is currently located in the City of Goleta in the northwest corner of Santa Barbara Shore Park. The site is zoned Recreation. The Ellwood Mesa Open Space would be made up of a number of parcels that are currently zoned Planned Residential and Residential.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Forest Land/Fire Hazard; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Document Details Report
State Clearinghouse Data Base

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 03/23/2004 **Start of Review** 03/23/2004 **End of Review** 05/06/2004



City of Santa Barbara

Santa Barbara Airport

www.flysba.com

www.ci.santa-barbara.ca.us



May 06, 2004

Administration

805.967.7111

Ken Curtis
Planning and Environmental Services Director
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Marketing

805.692.6004

Engineering

805.692.6018

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE COMSTOCK HOMES MONARCH DEVELOPMENT AND PORTIONS OF THE ELLWOOD-DEVEREUX OPEN SPACE PLAN UNDER JURISDICTION OF THE CITY OF GOLETA

Maintenance

805.692.6060

Dear Mr. Curtis:

Operations/Noise

805.692.6005

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the City of Goleta Comstock Homes Development and Portions of the Ellwood-Devereux Open Space Plan. Please note that projects that occur off of City of Santa Barbara Airport (Airport) property that are within the Airport Land Use Commission (ALUC) planning boundary must be referred by the local permitting agency to the ALUC for a determination of consistency with the County Airport Land Use Plan (ALUP).

G.23-1

Patrol

81.4803

Planning

805.692.6023

The DEIR outlines two proposed project sites: Proposed Comstock Homes, and the Proposed Santa Barbara Shores-Ellwood Mesa/Open Space Area. The proposed Comstock Homes Development Site is not in any of the Approach Zones or General Traffic Pattern of the Airport, but remains within the planning boundary for the ALUC. As noted in the EIR, that a large concentration of people of four or more single family units per acre would not be compatible in the General Traffic Pattern of the Airport (ALUP, 1993). While the proposed housing is not in this zone, the Airport concurs with the proposed lower density single family housing of 2 units per acre for the Comstock Homes Site, with respect to safety.

G.23-2

Property Mgmt.

805.692.6022

Visitor's Center

805.964.7622

The proposed Santa Barbara Shores-Ellwood Mesa/Open Space Area is partially in the future approach of Runway 7. The ALUP describes permanent open space as a compatible land use for the Airport Approach Zone, the General Traffic Pattern, and the ALUC planning boundary. Therefore, the Airport agrees with the use of Santa Barbara Shores-Ellwood Mesa as permanent open space, with respect to safety and noise, as outlined in the ALUP.

G.23-3

Fax

805.964.1380

601 Firestone Rd.

Santa Barbara, CA

93117

The Airport generally concurs with the noise analysis outlined in Section 4.13 of the DEIR. While the proposed Comstock housing is outside of the 60 CNEL, the Airport would like to emphasize that overflights could result in a noise issue for residents, as the area lies within the instrument approach path of Runway 7, beyond the one mile marker. Aircraft line up on this approach more frequently on cloudy or foggy days and nights, creating more noise for land uses along that approach. This issue has generally been addressed in recommended Land Use Mitigation Measure 2 on Page 4.6-10, by stating:

G.23-4



"...A buyer notification shall be provided to potential home buyers in the form of a Department of Real Estate (DRE) Notice of Aircraft Over flights and through a notification of aircraft over flights and associated noise levels in the project's CC&Rs."

G.23-4 In order to clarify the proximity of the proposed housing with respect to the instrument approach for Runway 7, the Airport recommends that this mitigation measure be amended to include the following language:

"...A buyer notification shall be provided to potential home buyers in the form of a Department of Real Estate (DRE) Notice of Aircraft Overflights and through a notification of aircraft over flights and associated noise levels in the project's CC&Rs, as the project area lies within the instrument approach path of Runway 7."

G.23-5 Lastly, the area of the proposed Comstock Homes appears to be within the Airport Influence Area (AIA). As of January 1, 2004, any owners of subdivided lands, common interest developments, and residential property intended for sale or lease within this area will be required to file a notice with the Department of Real Estate. The notices include notification that the property is encompassed within an AIA and that it may be subject to some of the annoyances or inconveniences associated with proximity to Airport operations, per Assembly Bill (AB) 2776.

G.23-6 We request that you to keep us as well as SBCAG staff informed of the project plans during the planning process, so that you may address possible land-use conflicts as you proceed.

If you have any questions, please feel free to call me at 967-7111 or Assistant Airport Planner Sara Iza at 692-6032.

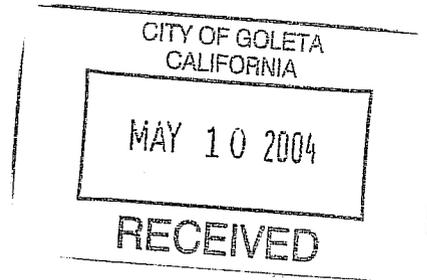
Thank you,


Karen Ramsdell
Airport Director

cc: William Yim, SBCAG Transportation Planner

MEMO

To: City of Goleta, attn: Mr. Ken Curtis
From: Ed Easton
Re: Ellwood - Devereux comments
Date: May 10, 2004



Message:

Attached are the comments of the Santa Barbara Group of the Sierra Club and the Friends of Coal Oil Point Reserve. Their format is similar but each organization has addressed a slightly different set of issues.

I serve as the Conservation Chair of local Sierra Club Group and as the President of Friends of Coal Oil Point Reserve. As such I am the contact point for both organizations should you have any questions regarding these comments. I may be reached at 967-1113, 110 South Kellogg Avenue, Goleta, 93117 or at ed.easton@verizon.net.

I hope these may be of value and that they might make more change than did earlier comments made on on the Conceptual Plan.

Handwritten signature of Ed Easton.

Comments of Friends of Coal Oil Point Reserve to the Ellwood/Devereux Open Space and associated Housing Projects of the City of Goleta, Santa Barbara and the University of California, Santa Barbara.

May 10, 2004

G.24-1

The following comments are addressed to all the jurisdictions involved. Increasingly, as these three EIRs have been reviewed it became apparent that significant impacts would be occurring on a cumulative basis while the individual project impacts might not rise to a level demanding more specific evaluation. Accordingly it is suggested that a joint review be made of these cumulative impacts rather than continuing to treat them as isolated and separate. This would seem to allow the dictates of CEQA to be followed efficiently and effectively.

Sedimentation (All jurisdictions)

The cumulative construction related sedimentation impacting Devereux Creek and Coal Oil Point Reserve is not examined nor is the impact of this sufficiently guarded against or mitigated.

Due to lack of vegetative cover on University land and the ongoing erosion on the Elwood property there is a current level of ongoing sedimentation of Devereux Creek and to the Slough which is damaging these resources. This entire project will introduce additional construction and soil exposure on a massive scale within the entire watershed.

G.24-2

The Environmental Impacts of construction originated sedimentation on Devereux Creek are not evaluated sufficiently, properly guarded against or remediated. Extensive cutting, filling and excavation will take place to construct the projects described. Without extraordinary prevention, substantial impacts can be anticipated on Devereux Creek, Devereux Slough and the Coal Oil Point Reserve as a result of this. Even worse, not described or quantified in any analysis is the cumulative effect of even small amounts of sediment releases from any or all of the projects described and anticipated in these three EIRs.

G.24-3

Adding to the potential for major impact is the planned reconstruction of Sandpiper Golf Course just upstream from the Comstock Homes Project. This project and its impacts are not mentioned in any of the three EIRs.

G.24-4

These are unacceptable omissions. The recent flood control project on Devereux Creek (Winter 2003) released significant and excessive amounts of silt into Devereux Slough to the detriment of Coal Oil Point Reserve. There was so much return of soil back into the newly dredged channel that the contractor was obligated to return to the site to redredge the channel. (This is referred to in the University's EIR as a "Creek Restoration Project" on pp 4.3-8.)

G.24-5

The University has guidelines for control of Soil Transport in its LRCP which need to be followed for all the projects in the Devereux Creek watershed. This will be crucial to retaining the Devereux Slough in what is left of its remaining size and as a part of a research facility

maintained by the University of California. As water flow increases (see reference to historical increases on the University's EIR pp. 4.3-15) decreased capacity in the Slough through sedimentation will result in increased breakouts of the Slough to the detriment of water quality at a heavily used recreational beach.

G.24-5

Changes in drainage volumes and patterns will occur because of the construction and the increases in immediate runoff from paved and developed surfaces. Short-term retention of significant volumes of water for heavy rainfall events would seem to be necessary. Calculations to this effect would also seem to be necessary.

G.24-6

No reference is found in any of the EIRs to documenting existing (pre-project) sediment loading in Devereux Creek or monitoring of loading during project construction. The establishment and provision of remedial measures for impacts on Coal Oil Point Reserve for sediment loads based on these measurements would be a reasonable mitigation for this impact. Without documentation this cannot be done.

G.24-7

Seed and Rootstock (All jurisdictions)

The use of seed and/or invasive root-stock from outside the Devereux Creek drainage area will have unacceptable impacts on Coal Oil Point Reserve.

Of all the environmental impacts which will have long term impacts, none would be more permanent than the use of invasive rootstock and seeds from outside the Devereux watershed. The proposed materials to be used for landscaping as well as erosion control are described in a variety of ways from "native" to "native South Coast" or not described at all. These terms are unacceptably vague. The use of seed and rootstock from outside the Devereux watershed will lead inevitably to the destruction of the genetic makeup of existing native plants on the Coal Oil Point Reserve. This impact is not presented in the EIR nor apparently understood. The impact of accidental introduction needs to be assessed and prohibitions established.

G.24-8

As a research and education facility of the University of California, Coal Oil Point deserves special attention as the University and other Governmental bodies make changes which impact such basic aspects of its environment and its reason for existing. The introduction of seed and rootstock from outside the drainage area must be prohibited and sanctions established to assure there will be no inadvertent introduction.

Water Quality (All jurisdictions)

Existing water quality in Devereux Creek, as sampled, shows regular violations of Water Quality Standards due largely to its urbanized upper watershed. Non-point source runoff from all housing projects planned will add to the already excessive loading of this stream and the Devereux Slough.

G.24-9

G.24-9 | The cumulative effect of developing the entire number of housing projects is described as “less than significant” based upon a series of assumptions that appropriate practices by each project will keep the cumulative effect to inconsiderable levels. No efforts are described to monitor and control the reality of this assurance. The current water quality of Devereux Creek would indicate that the existing standards for control of storm water drainage, point source and non point source runoff are less than what is necessary to protect Devereux Creek.

G.24-10 | Given that, using the same practices for control of pollution, for all these projects it is less than certain that water quality degradation will not be a significant impact. Calculations based on current percentages of the drainage basin in pavement or development and associated non-point pollution would be useful with comparisons to the proposals for multiple developments.

G.24-11 | It would appear that here, as in other areas, the cumulative benefits attach to the whole project, but the cumulative environmental impacts have been separated and minimized by considering them individually. (Given the sponsors of much of the housing planned, one would expect that water quality in the Coal Oil Point Reserve might be planned to be maintained and improved.)

G.24-12 | A. For specific point source (or leaking sewage mains) The Comstock development is best served by a lift station to eliminate the need to depend on “projected” lining of the Devereux Creek sewage main for its sewage. While the entire project area is dependent on this improvement for improving water quality in the Creek, and this improvement needs to be part of this plan, at least for the Comstock development an assured alternative is available. We strongly favor it.

G.24-13 | B. Given the additional volumes of rain not being absorbed some control of water volume (as well as sediment) needs to be established before release into Devereux slough. Proposed construction of a significantly larger culvert where the Veneco road crosses the Creek will only serve to accelerate water and sediment into the Slough. This impact to Coal Oil Point Reserve and the Slough needs to be evaluated.

Filling Coastal Wetlands (County and University)

G.24-14 | **The filling of Coastal Wetlands is prohibited under the Coastal Act. The definition of what is a Coastal wetland has been established by the Coastal Commission and upheld by the Courts. The grounds under which Coastal Wetlands may be filled have been established by the Courts.**

No mention is made of the existing high water level connection between Devereux Creek drainage and the Goleta Slough. This wildlife corridor currently exists but could easily be disrupted during the construction of the housing immediately adjacent to it. This would constitute a filling of wetlands that would be particularly damaging to the ecological health of the entire area. This needs evaluation and the area needs protection.

Parking at Coal Oil Point (University)

Public parking at Coal Oil Point Reserve is an environmental impact, not a mitigation or a benefit which may be used to balance other environmental impacts. As such it must be fully evaluated in its effect on the Coal Oil Point Reserve, the natural resources therein and the neighborhood.

The University has long prohibited public parking at Coal Oil Point specifically to avoid attracting the public to this beach which is a Natural Reserve within the University system. This has been true for the past ten years. With the onset of Snowy Plover breeding in 2001, the need to protect this area became significantly higher. No impacts have been identified for this change in policy which the management of the Reserve opposes.

G.24-15

The impact of providing public parking at Coal Oil Point on Snowy Plover management and restoration must be evaluated over the short term and the long term. Increasing access will lead to even more desired access as more and more people learn of the opportunity. The existing use is not quantified, the immediate expected result of increased beach goers is not identified, and no system of long term monitoring is established to use in managing the expected effect of this new access.

Additionally, other impacts of this decision have not appeared in the EIR. Given the repeated errors in the Plan and the Conceptual Plan in the maps of Coal Oil Point and Slough Road, it is not surprising that the impacts of opening this area to public parking and our earlier comments to this point have not received any attention.

A. Slough Road is identified as a Public Access Trail in the Coal Oil Point Reserve. As was pointed out in our comments to the Conceptual Plan, and apparently ignored, the Slough Road (or Devereux Road) is a substandard local road with a 15 miles per hour speed limit and, at present, an unsafe mixture of pedestrians, runners, bicycle riders and automotive traffic. The pedestrian path is a narrow unvegetated trace between the pavement and the Slough with an immediately sharp drop down to the Slough. It is rarely used by pedestrians or runners who prefer to use the road surface at their own risk.

G.24-16

The sharp bends in the road and the narrow paved area make any increased traffic flow, much less increased pedestrian use, significantly more hazardous. Designating this road as a trail for recreational use is a hoax and it should be eliminated.

B. Increasing public automobile use of it is a threat to all other users. This is an impact on the human environment which must be examined and evaluated. No estimations of traffic increases have been presented in the EIR much less data regarding existing use. Given that on high use days there will few spaces left for the public, a new traffic impact can be expected of disappointed motorists departing Coal Oil Point to try and find parking at some other location. Speeds are likely to be increased and safety impaired in these situations.

G.24-17

G.24-18

C. The Devereux School is immediately adjacent to this road and its residents and staff use the road for access to Coal Oil Point. On occasions residents (some with cognitive impairments) have used this road without escorts. This is an impact unrecognized in the EIR.

G.24-19

D. Public parking will also introduce picnicking to the beach at Coal Oil Point Reserve. Existing pedestrian and bicycle access limits what is carried to the beach. With only a short walk to access at Coal Oil Point from the parking lot, families can be expected to bring food and leave trash. This will vastly complicate predator control and create a need for beach cleanup. No staff is programmed for this nor are the impacts of the resulting increased predation on Snowy Plovers assessed.

Police Protection (All jurisdictions)

Nowhere in the EIRs is any increased police attention projected for the entire area yet increased public use is anticipated throughout all three documents. Additionally, the nature of the needed enforcement will not be traditional police protection usually based on immediate automotive access. As the existing docent program has researched and proven, a police presence is needed on the beaches to protect endangered species as well as to enforce the regulations of the COPR. With the Ellwood Open Space and the recreational use of the South Parcel planned, three jurisdictions will have significant enforcement problems given the ease of crossing legal boundaries, multiple means of entrance and exit and the inability of police officers to reach the remote sections of the area in time to enforce the law.

G.24-20

The existing Docent Program at COPR is an educational program, not a substitute for law enforcement.

Additionally, existing leash laws are not proposed to be enforced on the Ellwood Open Space despite the Snowy Plover breeding habitat on the beach (Page 65). This effect is not evaluated and will not found to be consistent with the Federal Endangered Species Act by the agencies charged with enforcement much less our organization.

The effect of unleashed dogs on upland wildlife is not evaluated, this is particularly needed given the number of trails left open across the entire area.

Unanswered in the documents is what means of access will be established to allow law enforcement to access the area to protect recreational users of the ocean.

Rare, Threatened and Endangered Species Habitat (All jurisdictions)

G.24-21

The long term cumulative effect of increasing public use of this area has not been evaluated against the mission of the Coal Oil Point Reserve and its planning to restore and improve habitats for the native species of plants and animals which one may, or could, find in its mix of beach, coastal slough, dunes and coastal uplands. The Reserve was established to provide opportunities for these coastal ecosystems to be restored and maintained.

Long term increases of public use of areas immediately adjacent to the Reserve will inevitably produce conflict over use and damage to the resources the Reserve was established to preserve and protect. There will also be opportunities which will not occur because of this impact. To the best degree possible these impacts must be planned for, monitored and mitigated. They certainly can be expected.

The EIR seems to miss this forest for the trees (albeit it misses some trees as well). An assessment of this impact on the Reserve and the mitigations for it must be a part of this planning. Not to establish long term mitigation of this general and specific impact will be to leave it to the budgetary vagaries of the University system, should it happen at all. The internalization of the impacts of all these proposed developments would seem to be an opportunity currently presented which should not be missed and which must not be avoided.

Rare, Threatened or Endangered Species at risk within the area:

Birds:

Bank Swallow
Belding's Savannah Sparrow
Black Swift
Brewster's Willow Flycatcher
Brown Pelican
Burrowing Owl
California Least Tern
California Quail
Light-footed Clapper Rail
Coast Horned Lark
Common Loon
Cooper's Hawk
Golden Eagle
Grasshopper sparrow
Least Bittern
Lon-Billed Curlew
Merlin
Northern Harrier
Osprey
Peregrine Falcon
Prairie Falcon
Red-shouldered Hawk
Red-tailed Hawk
Rough-legged Hawk
Sharp-shinned Hawk
Western Snowy Plover
Southwestern Willow Flycatcher
Tricolored Blackbird
Virginia Rail

White-faced Ibis
White-tailed Kite
Wilson's Warbler
Yellow Warbler
Yellow-breasted Chat

Mammals

Badger
Pallid Bat
San Diego Black-tailed Jackrabbit
Townsend's Big-Eared Bat
Coyote

Amphibians and Reptiles

Red-legged Frog
California Legless Lizard

Fish

Tidewater Goby

G.24-21

RECEIVED

MAY 10 2004

City of Goleta
Comm. Planning & Environmental Svcs.

Draft EIR/OSHMP Comments

Submitted by Santa Barbara Shores Homeowners Association (SBSHA)
Compiled/Presented by DeAnn Sarver, SBSHA President

May 10, 2004

MAJOR TOPICS

Size, Bulk & Scale / Views

The size, bulk & scale of the development should be reduced to preserve the existing viewsheds to the greatest extent possible. Of greatest concern is the view from Hollister facing the ocean. This view corridor will likely be blocked by the existing pod of homes slated for development on the north portion of the property. SBSHA and its residents are concerned over losing this precious view while traveling along Hollister, which is enjoyed by thousands of travelers on a daily basis. SBSHA supports the removal of this pod of homes as the most acceptable mitigation that would preserve the existing view corridor.

G.25-1

A second concern is the placement of 2-story homes along the south, east, and northern edges of the property. SBSHA supports a redesign of 1-story homes along these portions of the perimeter, and only a minimal number of 2-story homes in the center or western edge of the development.

This development would significantly impact the views from Devereux Creek and the mesa while facing the mountains. SBSHA supports a redesign that would trim the "belly" of the development so that at least a small corridor of mountain views could be seen from these heavily traveled trails.

Devereux Sewer Trunk Line (p. 4.3-7)

SBSHA is strongly opposed to routing the waste from the Comstock development through the Devereux Sewer Trunk line. In fact, SBSHA supports the ultimate removal of the existing Devereux Sewer Trunk Line from Devereux Creek. It poses a significant threat to surrounding environments and wildlife, and is currently in very poor condition, requiring continual maintenance activities which also represent environmental impacts. Furthermore, it is located precariously close to a known fault, which further jeopardizes environmental integrity. Overall, SBSHA feels it represents a land use incompatibility and needs to be permanently removed from this location.

G.25-2

Instead, SBSHA would like to see the Comstock project utilize the Hollister line, which would then require the installation of a lift station. SBSHA would also like the EIR to address any impacts regarding the existence of this type of lift station, and prefer that it be placed in the most environmentally responsible location possible.

Financial Analysis

SBSHA would be interested in a financial analysis of the overall costs of this project, with the primary goal of determining the minimal number of homes that would need to be built in order to make the project feasible. We understand that the investors and developers are interested in a profit, but feel that the increase in housing costs over the past few years will enable them to still make a respectable profit while significantly reducing the number of homes needed to do so.

G.25-3

Construction / Soil Remediation Activities

Santa Barbara Shores will be the neighborhood most impacted by all construction activities. We would like to better understand the details of the soil remediation study, and what the extent of the remediation will be, if any. If possible, we would like the EIR to better cover the potential impacts of this portion of the project. Specifically, Section 3.5 (p. 3-10) describes the removal of fences to decommission the existing wells. The EIR should address how the removal of fencing will impact the birds that currently use them for perches. SBSHA would like appropriate mitigation measures addresses, such as the replacement of these fences with other natural structures that would serve the same utility.

G.25-4

G.25-5 Also, on page 2-10 the EIR refers to an 18-33 month construction period. We would like clarification of what types of activities will be expected, and for what durations, during that time. (For example, will there be significant noises continuously during that period, or will the developer be constrained in this regard?) 33 months sounds like a very long time, even for a development of this size. Many of our residents are retired, and many others work from their homes during the day. Construction noise is a major concern for many reasons. Plus, the students at Ellwood school would also be adversely impacted by long-term construction noise, dust, and heavy equipment traffic.

Motorized Vehicles

G.25-6 Currently, there is a significant problem keeping motorized vehicles off the property. For years SBSHA has attempted to discourage/prevent this type of use. Because it is nearly impossible for a pedestrian to stop a motorcycle from continuing on the property, the only real solution to this problem is prevention. Therefore, SBSHA would like the EIR to better address mitigation measures to keep all motor vehicles from entering the property. In particular, the following areas need further consideration:

- 1) Page 2-9, "... bollards will be installed at the trailheads to prevent vehicular access."
-While this is well-intended in keeping large vehicles from entering, it does not suffice in keeping smaller motorcycles from entering the property. More restrictive measures must be taken to ensure motorcycles and other 4-wheel recreational vehicles cannot enter.
- 2) The EIR is not clear as to how the trailheads on the Comstock property will be designed to limit entrants to pedestrians and bicycles only. These access points should be equally restrictive to what is done at the public parking lot.
- 3) SBSHA would like to see similarly-designed gates at all public access points along the entire property, including those managed by UCSB or other entities.

Motorized Toy Airplanes

G.25-7 The EIR needs to better address the impacts of motorized toy airplanes, and their damaging affects on wildlife. Many SBSHA residents have witnessed raptors and other birds avoiding areas where motorized planes are in use. In addition, there noise impacts should be addressed (even the new "quiet" versions produce noise). Please note that we have NOT noticed any problems with the toy gliders which are quiet, and located only on the bluff top.

Parking

G.25-8 SBSHA does not feel it is appropriate to consider the nearby neighborhoods as "public parking" for this property. While it is inevitable that our streets will be used, they should not be considered among the primary parking options available to the public. We do not want to see our streets identified in City brochures, for example, as the "best place to park to see the monarchs." It is a City park, and the City should provide ample parking in the designated areas. If locals know to park in our neighborhoods, so be it, but to advertise it is something different entirely. Our neighborhoods are already impacted by problems with density and adjacent developments with insufficient parking that use our streets for overflow parking.

Lighting

G.25-9 The homes along Pebble Beach Drive, Anchor Drive, Pismo Beach Circle and Carmel Beach Circle may all be affected by any night lighting that the new development would create. Because of this, we would like greater restrictions on lighting installations not only in the original development, but also in the CC&Rs that would prevent homeowners from adding problematic lighting in the future. In particular, we would like to see more detail regarding restrictions in shielding, and no motion sensors allowed. Pets and nocturnal creatures could potentially set the sensors off throughout the night, disturbing the residents that live on the other side of the trees, which are currently not thick enough to screen out everything on the other side. Night lighting also interferes with certain species' nocturnal feeding activities.

Landscaping

G.25-10 We would like to see greater restrictions on exotic, invasive plants, with the encouraged use of drought tolerant landscaping wherever possible. The more detail here, the better.

Trails

In general, SBSHA believes that the existing trail system is sufficient for the current use of the property. Major changes are not needed, with the exception of a few locations that pose a public safety hazard. We also understand the need to close certain trails in order to protect sensitive habitats. It is not clear why the closing of a few trails has been designated as a Class I impact. The residents of SBSHA use the property daily and have not experienced significant congestion on any of the trails, so closing just a few should have little impact, if any. We feel that the Class I designation should be reserved for situations where more severe environmental impacts exist. (Page ES-13, 4.10)

G.25-11

More detail should be included regarding the requirements of the Anza Trail, and why it is slated for such severe "upgrades." It is not clear as to why widening and surface treatments are needed. Another concern is that if any of the trails are "upgraded" by the addition of more hardened, smooth surface material, then new hazards would be created via bicyclists able to achieve higher speeds. "Improvements" of these types should be evaluated in closer detail (perhaps later) in order to more appropriately address the needs of the property.

G.25-12

Equestrian Use

Page 3-6: "Equestrian use...will continue..."

Commercial

It is not clear that commercial equestrian operations will be discontinued and prevented from using this property in perpetuity. Where appropriate, this should be stated more clearly to minimize the current abuse and damage that this type of operation brings to a nature preserve.

G.25-13

Private

While SBSHA supports a limited amount private equestrian use of the property, we also support limiting this use to a specified number of trails that avoid sensitive habitats.

G.25-14

Also, the EIR/OSHMP should more specifically address the affects of horse droppings, and what can be done to remove them as quickly as possible from the trails. Currently, some organizations attempt to remove the droppings (although many have often been seen shoveling them off the trail and ONTO the adjacent grasses). The management of this problem will need to be specific and clear. There is also no mention of the affects of droppings on the beach. (If dog owners are expected to pick up, then horse owners should clearly do the same, particularly since their droppings are significantly larger!) Use of equine tail bags should be considered on all parts of the property. On a similar note, there is no mention of the impacts on the intertidal zone by horse trampling. (p. 3-9)

G.25-15

ADDITIONAL DETAILS

Comstock Project Details

- 1) Mitigation Measure BIO-5, page ES-4: The qualified biologist should survey not only at the beginning of the construction activities (that may occur during monarch season), but also during the course of the construction, in case aggregations begin to occur.
- 2) Fig 2-7 indicates that "proposed oak tree and toyon screening" will be added to the parcel boundary along Hollister. In line with our concerns about protecting this viewshed, SBSHA asks that they only plant trees that shield structures, and not create additional obstacles that block the viewshed.
- 3) Page 2-11, Section 2.2.4.2 indicates that maintenance of common areas will be managed by the homeowners association, consistent with City CC&Rs. SBSHA would like more detail on the "teeth" behind these CC&Rs, and how we can ensure that they will be followed, not only for this issue, but all restrictions. We would also like to know if residents outside this subdivision have the ability to seek enforcement if necessary. There are many worthwhile restrictions that are being imposed on these new residents, and we want to be sure they are maintained in perpetuity to ensure the protection of surrounding habitats and neighbors.

G.25-16

G.25-17

G.25-18

- G.25-19 | 4) Page 2-9 indicates that 190 trees will be removed from the southwest portion of the property, located at a known monarch aggregation site (Sandpiper). SBSHA supports the EIR's identification of this as an unmitigable Class I impact that should be avoided entirely.
- G.25-20 | 5) In addition, SBSHA supports the most conservative distances for all environmental buffers, whether specified in the EIR or in another reputable policy.

OSHMP Details

- G.25-21 | 1) Page ES-3, paragraph 1: Needs to be changed to "rezone it as PASSIVE recreational space". The absence of the word passive may have negative implications for the scope.
- G.25-22 | 2) Section 3, Figure 6 identifies known nesting sites. There is a hawk's nest not on the map, which is located directly behind 329 Pebble Beach Drive, in a eucalyptus tree directly behind the home. It is not being used this season, but was used last year by a hawk who produced two offspring. For details call DeAnn Sarver at (805) 685-6836.
- G.25-23 | 3) Page 3-11 refers to a "Joint Committee" that will be established for the OSP Implementation. It is not clear what type of representation this committee will have, and by what types of organizations, and in what balance. More clarity here would be appreciated, understanding of course that details are yet to be determined.
- G.25-24 | 4) Figure 26 and Section 3.4.4.10, page 3-10 identifies potential future benches that are proposed to be placed around the property. It is not clear that these are needed, and what purpose they serve. Most of the users of the property prefer to leave things as is, with little or no changes. Most people are happy to just find a place to sit on the ground, if/when needed.
- G.25-25 | 5) Fireworks and firecrackers do not appear to be addressed in the EIR. Fireworks and firecrackers should be included in the "Prohibited Uses" list on page 64 of the OSHMP.
- G.25-26 | 6) Page 3-10 states that the public parking lot at Santa Barbara Shores would not include night lighting. Elsewhere in the document it states that there would be lighting, but on timers. Either way, SBSHA strongly supports the closure and locking of the gate of this parking lot at dusk, which would preclude the need for night lighting.
- G.25-27 | 7) Organized/Special Events - SBSHA supports restricting any organized sporting or active special events, including track meets, cycling events, or other active recreational activities. These types of special events should be included in the "Prohibited Uses" list on page 64 of the OSHMP.

Summary

- G.25-28 | Overall, we support the City Council implementing the policies cited in the EIR. We support the concept of the land-swap project as long as the development is in compliance with existing environmental regulations and policies. Thank you for your very thorough analysis of this incredibly complex project.

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MAY 10 2004

City of Goleta
Comm. Planning & Environmental Svcs.

To: Ken Curtis, Planning and Environmental Services Director
City of Goleta

From: Bill Murdoch, Director, UCSB Natural Reserve System
Sue Swarbrick, Assoc. Dir. UCSB Natural Reserve System
Cristina Sandoval, Reserve Director, Coal Oil Point Reserve

Re: Comments of the COPR management on the Draft EIR by the City of Goleta for the Comstock Homes Development and Ellwood Mesa Open Space Plan (March 2004)

This letter includes comments by the administration of the UCSB Natural Reserve System and the Director of Coal Oil Point Reserve (COPR) on the Draft Environmental Impact Report (DEIR) for the Comstock Homes Development and Ellwood Mesa Open Space Plan (March 2004). We address the analysis in the DEIR of the potential impacts to COPR's natural resources and function that could result from the Comstock Homes Development and the Ellwood Mesa Open Space Plan, and the proposed mitigation measures.

The UCSB Coal Oil Point Reserve (COPR) is one of the 34 reserves of the UC Natural Reserve System. The mission of the Reserve System is to protect natural areas in California for university-level research and teaching, and public outreach. Coal Oil Point Reserve serves as an outdoor laboratory for researchers and students from UCSB and other institutions of higher education. COPR also offers environmental, educational opportunities to local K-12 students and the general public through field trips, tours and lectures. Typically, 2,000 people use the reserve annually in an official capacity to learn about or study the reserve's natural resources. Many others come and enjoy the Reserve's resources informally by observing the birds, plants and mammals on the reserve from the trails on its boundaries, the Dune Pond trail that traverses through the middle of the reserve, and Sand's beach. The ability of COPR to carry out its mission requires it to protect, maintain and, when necessary, enhance the quality of its environmental resources, and also to protect research and teaching activities on the reserve. This in turn requires restricting public access to the reserve.

G.26-1

The rezoning of Ellwood Mesa and designation of the area as open space as part of the implementation of the Ellwood-Devereux Coast Open Space and Habitat Management Plan (OSHMP) will help reduce further habitat fragmentation of the Devereux watershed and the associated loss of species dependent on large ecosystems. The COPR supports the OSHMP and the goal of preservation of the Ellwood Devereux Regional Plan. Permanent designation of the coastal areas that border the Reserve as open space will provide long-term protection and stability for the biological resources in the area.

G.26-2

However, as recognized in the DEIR, negative impacts to biological resource and hydrology and water and air quality result from the inevitable increase in the number of visitors to the area when public access is enhanced and the open space plan is implemented (e.g. Impact Land-2). The OSHMP proposes a number of recreational improvements (parking lots, bathrooms, trails improvements) that will attract more users

G.26-3

to the City's areas and to the Reserve. The additional residences of the Comstock Homes will also increase the number of people using the area.

The Reserve is concerned about the impact of the increased use on the quality and function of the Reserve's ecosystems. Many users drawn to the Ellwood Mesa will also use the public trails through and around the Reserve. The DEIR does recognize the impact of an increase in users on sensitive species like the western snowy plover. However, there are many other potential impacts that will affect other species and habitats on COPR. These impacts include: disturbance to wildlife by increase in frequency of human presence, trash, vandalism, non permitted bonfires, trespassing, camping, unleashed dogs, weed introduction and erosion of trails. These impacts will affect the Ellwood Mesa area and the DEIR fails to note in some cases that these problems will also spill over onto the Reserve property.

Comments on specific impacts and mitigation measures:

1. Impacts on Devereux Slough from increase in sediments and pollutants resulting from development and the increased use of the open space area.

The DEIR outlines the use of detention basins and bioswales as mitigation measures to prevent the input of sediments and pollutants for the development area into the Devereux Creek tributaries and eventually into the Devereux Slough. While this seems like a potentially adequate mechanism for mitigating these impacts, the discussion of number of detention basins and bioswales to be constructed is not entirely clear. The mitigation measures (e.g. H/WQ 1, H/WQ-5) seem to indicate that the detention basins and bioswales are actually the same structures and that there will be 2 such structures. This should be clarified.

2. Introduction and spread of exotic weeds.

Impact Bio-11 addresses the impact of exotic plants in the project areas. Mitigation measure Bio-10 proposes to limit this impact by prohibiting use of non-locally collected native species. However, it is not clear that there is any measure that would limit the use of non-native exotic plants in landscaping on the development area. Exotic weeds may be introduced into the area through landscaping in the proposed housing developments; the seed will be carried to the reserve by wind and water. Weed introduction is a constant problem near urban areas and weed control and restoration has been and will continue to be an important part of COPR's management. Invasive non-native exotic species can harm local natives as can easily be seen by the impact of Harding grass, pampas grass and iceplant in the open space area. We suggest a measure that would limit the use of non-native exotics in all the project areas. If exotics can not be prohibited in residential landscaping, use of exotics could at least be restricted to species that are not invasive.

Human traffic through natural areas spreads seeds of exotic weeds. The proposed development will result in an increase in foot traffic on the trails in the Open Space area and on the public trails associated with the Reserve. Reducing this impact may require

some type of ongoing removal of exotics from the Open Space area. This may be particularly important when considering mitigation for trail closures. The mitigation measures include restoration of closed trails for a gain of about 4.5 acres of restored habitat. Closed trails must be actively restored (breaking up the surface of the trail and seeding or planting the area with natives) after they are closed rather than passively restored (allowing natives to colonize from adjacent areas without revegetating with seeds or plants). If only passive restoration techniques are used, these areas will become patches of exotic weeds.

G.26-5

3. Restoration and enhancement with native plants – using local native genotypes.

There is some confusion in the DEIR about the genetic source of seeds and plant propagules of native species to be used in plantings proposed for bioswales, habitat/buffer restoration, native plant mitigation, and landscape plantings outside perimeter fencing.

The OSHMP Habitat Policy 6 states that the City of Goleta will use genetic stock for seeds and plants from the South Coast from Carpinteria to Gaviota. However, the DEIR is sometimes more restrictive for some native species (e.g. see mitigation measures Bio-8, Bio-9, and Bio-10). The DEIR states that propagules (seeds and small plants) of native grasses and wetland plants from very local areas, Santa Barbara Shores, Ellwood Mesa, will be used for restoration and enhancement in the project areas.

The DEIR seems to recognize the problems of introducing genetic varieties of native species from non-local areas. However, genotypes can be adapted to very local conditions and plants from Gaviota may not do as well as plants from the Devereux watershed. If a non-local genotype is introduced into an area hybrid plants may not be as well adapted to the local environmental conditions. Thus defining the local area as broadly as the south coast from Carpinteria to Gaviota may not prevent impacts to many species.

G.26-6

The introduction of non-local genotypes is a very acute problem for COPR. Researchers use the Reserve's native ecosystems because they are protected and the local populations in the watershed have traits that reflect their past evolutionary history in this area. For example, the Reserve has a unique variety of California poppy. When plants from outside of the watershed are planted near the Reserve, pollinators or wind may transfer pollen from these non-local plants to the Reserve's populations. Hybrid offspring then mixes with the native populations. A researcher may no longer use those species that might have hybridized because their characteristics would no longer be a signature of the local environment. For each species of plant that hybridizes, the Reserve loses wild species that can be studied by researchers interested in the influence of genetic adaptations.

The mission of the Reserve is to protect natural resources for research and education and our main functions are jeopardized by restoration or landscape that does not use very local genotypes that come from the Devereux watershed. Because the Reserve is very

G.26-6 concerned about this potential impact, we would like to suggest that the Ellwood-Devereux Open Space Plan Area Committee creates a restoration committee that would oversee the various projects in the 3 jurisdictional areas. The Reserve also suggests that the use of local genotypes derived from plants in the open space area or at a minimum from the Devereux watershed in restoration and landscape be a general policy for the Ellwood-Devereux Open Space Plan area and the adjacent developments. This policy would be consistent with the goal of preservation of the Ellwood mesa and comes at little to no cost. The Reserve will gladly assist with the collection and propagation of local native species.

4. Impact of dogs on wildlife in the open space area and COPR.

Off-leash dogs can have unintended impacts on wildlife and off-leash areas are generally not compatible with environmental preservation goals. The City's beach and the COPR's beach are critical habitat for Western Snowy Plovers and off-leash dogs can cause take (any disturbance, including mortality) of eggs and chicks. The docents that protect the plovers on the Reserve beach continuously report dogs off-leash coming to the main plover area from beach along Ellwood mesa. Sometimes the dog owner is not in sight. An unleashed dog, entering the Reserve from the City beach, killed a plover chick in 2003, before the owner could comply with the request of a docent to leash the dog.

G.26-7 The DEIR recognizes that dogs may pose a threat to wildlife and people in the open space area. Dogs can potentially cause significant disturbances and harm to wildlife and natural habitats and dog waste can be offensive and a health hazard. The DEIR includes mitigation measures to deal with animal waste (e.g. H/WQ-9). However, the status of dogs with regard to leash requirements may not clearly stated in the DEIR. It is not clear whether dogs will be allowed off lease within the entire Ellwood Mesa area including the beach. The only references we could find to the leash issue were (1) Impact Bio-17 which states that information signs will encourage proper trail behavior such as maintaining dogs on leashes, and (2) Mitigation Bio-11. Mitigation Bio-11 also states that signs will be posted advising that dogs must be on leashes, that leash laws are strictly enforced, of the penalty for allowing dogs off leash, and the reasons why dogs must be on leashes (protection of wildlife). It also states that the leash requirements for dogs shall also be incorporated into the CCR's for Comstock homeowners.

The leash requirements for dogs in the Ellwood Mesa area must be clearly understood. We assume given Mitigation Bio-11 that dogs are required to be on-leash in the entire Ellwood Mesa open area including the beach. However, if it is the case that dogs will be allowed off leash in some areas of the Ellwood Mesa open space area, the COPR suggests that dogs be required to be on leash in an area within 200 feet of the COPR boundary with the Ellwood mesa, including on the beach within 200 feet of the COPR boundary. This will mitigate the potential for off-leash dogs to cross the COPR reserve boundary while they are running around. It is particularly critical on the Ellwood Mesa beach to prevent ingress of unleashed dogs into the protected plover area.

Experience at COPR has shown that leash laws will probably not be effective without some kind of enforcement. The same may be true for other regulations in the Ellwood Mesa open space area that are posted on signs but not backed up by any enforcement. The EIR does not discuss the role of enforcement in the management of the Ellwood Mesa area. We would like to see enforcement considered in the DEIR. At a minimum, we suggest that a law or policy requiring dogs be on leash actually be enforced on the beach. This may require that a law enforcement entity be named and an enforcement plan developed and implemented and that specific, measurable goals be set for compliance. Compliance with the leash law would need to be monitored to determine if the goals are being met. The Reserve will monitor sources of off-leash dogs on COPR.

G.26-8

6. Impact of increase in users of the Ellwood Mesa open space area on western snowy plovers.

The DEIR does a good job of recognizing the negative impacts of an increase in users and their pets on the western snowy plover. Mitigation measure Bio-2 is very thorough with regard to the impact of increased use on plovers on COPR and is effective in mitigating most potential impacts to the plover population on COPR. (Note: There is one error, however - the reserve will not be closed to the public between 10 pm and 5 am as stated on pg. 4.4-56)

G.26-9

There is no information in the DEIR about the management of plovers by the City on the Ellwood Mesa beach area which is designated as critical habitat for snowy plovers. The City may want to develop a Snowy Plover Management Plan for the City property. The COPR staff is willing to assist in the development of a management plan, and the COPR staff will coordinate with whomever will be responsible implementing the plan for the City if needed in the future.

G.26-10

7. Impacts of equestrians on snowy plovers.

Surveys conducted at COPR have shown that horses disturb shorebirds from a greater distance than dogs or people (Lafferty, K. D. 2001. Human disturbance to wintering western snowy plovers at a southern California beach. Biological Conservation 10:1-14). Plovers run or fly away from horses when they are quite far away. Thus the Reserve restrict use of the COPR beach during nesting season and discourages equestrian access to the beach in front of COPR. Horses frequently enter the Reserve's beach and trails from the City's beach. Equestrians often pose the greatest challenge to docents trying to protect plovers because they often will not stop when approached.

G.26-11

The OSHMP designates a single entry point for equestrians at Access point D near the boundary of COPR. There will be signs at Access point D directing equestrians to go down the beach to the north-west and avoiding most of the plover area. We suggest that impacts to plovers by equestrians could be further mitigated by allowing equestrians to access the beach at Access Points E or F. Both access points are near the Coastal Trail which can be used by equestrians under the current trail use plan. If equestrians were allowed access to the beach at points E or F there would be only short stretches of trails

G.26-11

that would need to be “rezoned” for equestrian use. The preferred scenario for the COPR is to no longer allow equestrian access at Access Point D thus reducing the likelihood that equestrians would enter the COPR beach. However, if Access point D and Access Point E or F were open to equestrians, it would provide a loop that encourage equestrians to ride to the northwest away from the plover nesting area. so that equestrian use of trails that currently do not allow would be minimal could enter the beach at Access Point E.

8. Litter impacts on wildlife by attracting predators

G.26-12

An increase in the number of users will likely result in an increase in litter in the Open Space area. Litter attract scavengers, like crows, that also prey on wildlife, particularly bird eggs, including plovers. There are no mitigation measures in the DEIR that address the impact of increase in litter in the area. We suggest that the City consider some type of program to collect and dispose of litter.

Rob Mullane

From: Ken Curtis
Sent: Monday, May 10, 2004 4:36 PM
To: Rob Mullane
Subject: FW: draft DevEI DEIR

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MAY 10 2004

City of Goleta
 Comm. Planning & Environmental Svcs.

-----Original Message-----

From: Kevin Lafferty [mailto:lafferty@lifesci.ucsb.edu]
Sent: Monday, May 10, 2004 10:38 AM
To: Ken Curtis
Subject: draft DevEI DEIR

Comments on DEIR for City of Goleta.
 Kevin D. Lafferty, Ph.D.

INTRODUCTION

I am a 23 year resident of the planning area and have used it extensively for recreation. As a professional ecologist in the field of Conservation Biology, I have published over 60 scientific papers on topics such as reserve design, endangered species population dynamics, invasive species, snowy plovers, tidewater gobies, and balance between recreation and preservation (in journals such as Nature, Ecology, Ecological Applications, American Naturalist, Trends in Ecology and Evolution, Ecology Letters, Conservation Biology, etc). I am employed by the US Geological Survey and have professional associations with the UCSB department of Ecology, Evolution and Marine Biology, Marine Science Institute, and UC Natural Reserve System. However, my comments, suggestions and questions are not intended to represent these agencies; they are personal evaluations.

GENERAL COMMENTS

The plan has laudable goals of favoring preservation over recreation. In step with this, the Goleta City Council accepted \$4M in prop 50 monies to help purchase the Ellwood Bluffs on the condition that the Ellwood Mesa property would become a wildlife habitat preserve and serve as a wildlife education and research center. Prop 50 funds are specifically intended for: "Acquisition, protection, and restoration of coastal watershed and adjacent lands"Što provide the wildlife and plant habitat and riparian and wetlands areas needed to support functioning coastal ecosystems."

Unfortunately, the plan does not fully achieve its goal of prioritizing preservation. The most telling aspects of this are the trail system, the distribution of funds, and domestic animals. The plan avoids building houses on the most environmentally sensitive parts of the planning area. However, it provides little in environmental improvements. Instead, of environmental improvements, the plan provides a substantial amount of amenities in the form or recreational improvements without fully acknowledging that these amenities will have environmental impacts. A carrying capacity is an important concept in the City's DEIR. Carrying capacity should refer to the amount of visitation an area can withstand without a loss of biodiversity. The slow, but continuing loss of biodiversity (badgers, grey fox, coyote, mule deer, etc.) indicates that the area is already well past its carrying capacity. The residential and recreational improvements will likely push the system further beyond its carrying capacity.

G.27-1

FUNDING

Several environmental problems in need of solutions are identified in the plan. One would assume,

G.27-2

given the plan's priorities, that these problems would be tackled using funds from the profits of development. Improvements include: trails/access, parking, and other amenities. In summary, the plan lists substantial funding for access or recreation improvements vs. \$0 for net environmental improvements. In essence, the plan's net benefits are chiefly recreational. It is important to emphasize that recreational improvements are not environmental mitigations for development. They are development in and of themselves. In addition to drawing funds away from environmental improvements, the funded recreational improvements will have substantial environmental impacts that are not clearly mitigated for.

It may simply be the case that the plan and DEIR gives this impression falsely because it does not do an adequate job describing how funds are to be spent. To understand the link between profits from development and funding/mitigation for the environment, it would be necessary provide a table that breaks down funding according (e.g., to the following categories, a-j). Such a table would be most useful if it separated the contributions by whether the funding is: one time, annual, or an uncommitted opportunity

- a. Parking lots
- b. Trails
- c. Restrooms
- d. Direct environmental mitigation for development (habitat loss)
- e. Indirect environmental mitigation (mitigation for the effect of development on the degradation of surrounding undeveloped habitat)
- f. Direct environmental mitigation for recreation development (i.e., building of parking lots)
- g. Environmental mitigation for the effect of human visitation
- h. Non-mitigation habitat improvements
- i. Enforcement
- j. Other categories, as appropriate

TRAILS

Although trail density has been reduced, the proposed trail density is higher than what should occur in an area prioritizing preservation. Trail density could be dramatically reduced as several trails appear redundant. Consolidating trails is important because trails have an impact on wildlife that can be many meters wide on each side of the trail. For example, the flight initiation distance for many species of wildlife can extend 20-60 meters from humans (although fences on trails can reduce this distance). The proposed trail system both reduces the amount of habitat available for wildlife and fragments the remaining pieces. This means that trails degrade a proportion of the area preserved. To know what proportion of the area is actually undisturbed for wildlife, requires subtracting the disturbed zone around trails. It would be useful to know what proportion of the habitat remains suitable for wildlife. Providing answers to the following questions would help make this information available in the DEIR.

1. If a 25 meter impact zone is placed along the outer edge of each side of each trail (e.g., figure 3-9, 3-10), how many acres of undisturbed habitat remain?
 2. What proportion is this of each planning unit?
 3. How many fragments do the trails divide the remaining habitat into?
1. How does the density of trails proposed compare with other areas where preservation is a priority (e.g., State and National Parks)?

EQUESTRIANS

Shorebirds are more sensitive to disturbance by equestrians than they are to dogs or humans. For this reason, the most inappropriate area for equestrians is the beach, particularly the snowy plover breeding and roosting area.

The plan aims to facilitate trailering by equestrians and this will likely lead to an increase in visits from non-local equestrian groups which can be unfamiliar with local environmental issues. The plan is vague

on the routes for equestrians once they reach the beach, as well as how equestrians will be informed on trail riding etiquette and pet leashing (which is pretty difficult from horseback). The plan does not account for the relatively high (per-capita) impacts that equestrians have on trail maintenance and how these will be recovered. I have the following suggestions for the City.

1. Equestrians should keep to the bluff top or perimeters of natural areas.
2. If beach access is to be provided, access points for equestrians should be as far west in the planning area as possible.
3. Signage on the beach should direct equestrians to the west of these access points.
4. Provision of a loop trail along the beach (i.e. a secondary equestrian access point to the west) would provide incentive for equestrians to keep to the west.
5. Fees for trailering would help compensate for the maintenance load and moderate the number of users.

G.27-4

LEASH LAWS

Off-leash recreation is an important need of many dog owners and agencies should try to find appropriate places for this need. However, as mentioned in the City's DEIR, off-leash pet recreation can have numerous unintended impacts on wildlife and off-leash areas are generally not compatible with environmental preservation goals. Since the plan favors preservation over recreation, it is important that existing leash laws be enforced in areas that are intended to have a habitat function (e.g., areas that will conform to prop. 50 standards, snowy plover critical habitat, monarch aggregations, wetlands, etc.). To do so requires stating specific goals for percent leashed in various parts of the planning area and making a policy decision about posting regulations, and providing specific instructions to law enforcement.

The City promises to enforce the leash law at historical levels. My observation is that the City does not enforce the leash law (Leashing on the City portion of the planning area is <<10%) and this infers that the City has no plans to mitigate for the effects of pets. It may very well be that there are areas where dogs can run off leash or where enforcement is not needed. But for the City to achieve the preservation goals specified in the DEIR, formal plans for enforcement are needed. I have the following suggestions about leash laws for the City.

G.27-5

1. Instead of committing to historical (no) enforcement, commit to an enforcement plan. Denote areas where enforcement will and will not occur.
2. Specify goals of voluntary leashing in protected wildlife areas (e.g., >90%), outside protected wildlife areas (e.g., >50%), and 0% in off-leash areas.
3. Agree to respond to reports of dogs off-leash.
4. In areas where the goal is above 50%, institute a no-tolerance policy for dogs off leash.
5. Institute regular visits by law enforcement (e.g., once per shift)
6. Determine monitoring frequency (this is easy).
7. Increase or decrease frequency of visits in response to how % leashing goals are met.

HABITAT RESTORATION VS LANDSCAPING

In places, the plan confuses habitat restoration with landscaping. Landscaping is appropriate for urban parks or Lotus Land but should not be employed in natural areas.

G.27-6

The city plans to use a broad palette in its habitat restoration, using plants from a broad area. This landscaping with "California natives" approach suggests a lack of appreciation for population genetics and species distributions. Such an appreciation is necessary for habitat restoration (see MM 4.4-2(e) of the UCSB DEIR).

G.27-6 | Emphasis on protecting ornamental/ruderal trees in open space, with the exception of monarch grove, is appropriate for an urban park, but inappropriate if goals are to protect native habitats (e.g., LRDP 30240 (a)4,5. These policies should be changed to allow habitat restoration with native species. Though some wildlife species use trees, there is no shortage of ornamental trees in the neighborhoods around the planning area. Landscape should be restored to coastal scrub and there should be a long-term strategy of either removal, non-replacement or replacement with appropriate native species in areas lacking monarchs.

I suggest that

1. the City use a planting palette of native plants from the watershed
2. the City amend policies to permit removal of ornamental trees for habitat restorations.

MINOR DETAILS

G.27-7 | 3.3.1 replace sandy tiger with sandy tiger beetle

G.27-8 | Figure 7. Outdated, Storke Ranch missing.

G.27-9 | Appendix: A-8: Grey Fox extirpated, Red fox needs to be designated as non-native.

G.27-10 | A.3.3 The endangered tidewater goby last recorded from Devereux Slough in 1968. This species was probably extirpated due to development of the golf course. There is potential for restoration via reintroduction.

G.27-11 | A.3.6 Least Terns are now regular summer visitors (See UCSB DEIR). They were former breeders. The snowy plover population is one of the largest wintering populations in the state (not breeding populations). Though the snowy plover population now breeds, and the number of breeding birds is rising dramatically, presently a moderate number of pairs breed there. California Thrashers nest at COPR.

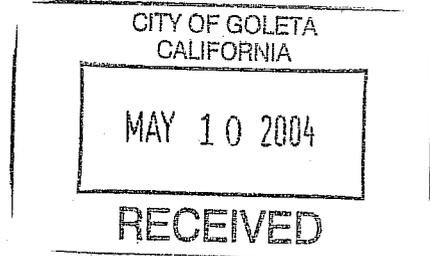


**Santa Barbara County
Air Pollution Control District**

May 10, 2004

Mr. Ken Curtis
Planning and Environmental Services Director
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Our Vision Clean Air



**SUBJECT: Comstock Homes Development and Ellwood Mesa Open Space Plan Draft
Environmental Impact Report (DEIR)**

Dear Mr. Curtis,

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments, germane to the statutory responsibilities of our agency, on the Draft EIR for the above mentioned project. The APCD concurs with the analysis in the DEIR and notes that the project will have significant cumulative air quality impacts from motor vehicles and emission sources related to the housing units.

G.28-1

The project is a typical low density single-family neighborhood. As noted in our response to the Notice of Preparation, with some amendments, the project has the potential to reduce air pollution from traffic sources. In order that the full range of alternatives be considered the DEIR may have included a modified, "livable community" project design in the Alternatives section.

G.28-2

We acknowledge that there are many obstacles to changing the design to make a neighborhood more oriented to all modes of transportation. The APCD encourages the City to make attempts where appropriate to achieve improved pedestrian, bicycle, and transit use for all future projects. If travel modes can be shifted away from the automobile, demand on roadway capacity might be reduced, potentially helping to alleviate congestion and air pollution. However, retrofitting low density neighborhoods after they are built is very difficult. We hope that our comments in this letter are helpful.

The DEIR does not discuss consistency with the 2001 Clean Air Plan and this discussion should be included.

The 2001 Clean Air Plan, Chapter 9, provides policies and implementation strategies which, if applied comprehensively, would have the potential to reduce automobile traffic and thereby reduce air pollution when adopted in a General Plan. These policies and strategies address appropriate location, appropriate density, appropriate mix of land uses, appropriate balance of jobs and housing, transportation choices, parking management, and communication and

G.28-3

Terence E. Dressler - Air Pollution Control Officer

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LOCATION: 8059618805

RX TIME 05/10 '04 15:37

coordination with the community. Taken together, the policies serve as general guidelines rather than a rigid set of rules for design and planning of livable communities that can have a long-term effect on our air quality. We emphasize that a holistic and flexible approach needs to be taken when applying the strategies to a specific project especially in the absence of a supportive General Plan. We also acknowledge that without adequate dedicated public transportation service, many of the recommendations would not produce the desired air quality benefits; but rather might even produce unintended negative impacts.

Based on the land use strategies described in the 2001 Clean Air Plan, the following questions were applied to the proposed Comstock Homes Development (Project):

Is the Project in an appropriate location which will potentially reduce automobile dependency? The Project is located within the adopted urban area, on a major transit corridor (Hollister Avenue). It is at a reasonable walking distance (generally defined as a 5-10 minutes walk) from existing bus service (Line 25 with 60-minute headways) and a small neighborhood grocery store.

Will the project be a compact development to encourage walking and support frequent bus service? The Project consists of large lot sizes and large single family homes with low floor-area-ratios. The Project provides a gross density of 2 units/acre (page 4.6-3) and a net density of 4.6 units/acre (Figure 4.6-2). According to the 2001 Clean Air Plan, as a general rule, it takes a minimum gross density of 7 units per acre to support expanded bus service with short headways that would make bus use more attractive to residents instead of cars for some short trips. We understand that it is unlikely that increasing the density of a single project would result in more transit riders and improved transit service. If expanded bus service with short headways could be assured by local public transit operators, greater housing density, without some of the traditional negative impacts that can be associated with high density neighborhoods, could be more viable.

Are the structures and landscaping oriented to pedestrians and bicyclists in addition to automobiles? The project integrates internal roads, sidewalks and bicycle paths, and provides a dedicated public easement for recreational walkers and cyclists through the Ellwood Mesa Open Space. However, it does not provide easy connections between neighborhoods, services, and public transportation because of barriers, such as the gated vehicle entrance to the development, proposed sound walls, and closed cul-de-sacs.

The Project, through the CC&Rs, could try to further integrate community activities (i.e., housing, work, shopping, entertainment, recreation, and schools, etc.) by encouraging the use of pedestrian and bicycle trails, as the project is located in somewhat close proximity to some or all of these uses.

G.28-3

How could the project reduce exhaust emissions from construction practices? In addition to the mitigation measures listed in the DEIR, the Project could have the applicant record an agreement to comply with the following conditions which could be adhered to during project grading and construction to reduce emissions from construction equipment:

- Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) could be utilized wherever feasible.
- The engine size of construction equipment could be the minimum practical size.
- The number of construction equipment operating simultaneously could be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment could be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite could be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters could be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters could be installed, if available.
- Diesel particulate emissions could be reduced using EPA or California certified and/or verified control technologies like particulate traps.
- Diesel powered equipment could be replaced by electric equipment whenever feasible.
- Construction worker trips could be minimized by requiring carpooling and by providing for lunch onsite.

What else could the Project do to maximize energy efficiency of buildings? While some measures have been included in Mitigation Measure AQ-3 and AQ-4, additional measures, beyond Title 24 compliance, could be incorporated into project building plans. For example:

- The Project could include an option to install photovoltaic cells and solar water heaters on rooftops and on-demand water heaters to offset some natural gas and electricity consumption for the development
- Duct system could be placed within the building thermal envelope, or insulated to R-8
- Passive or fan-aided cooling could be planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes
- Outdoor lighting could be designed for high efficiency, solar-powered or controlled by motion detectors
- Natural lighting could be included in buildings
- Project could install energy efficient appliances and lighting (e.g., natural gas fireplaces instead of wood-burning fireplaces)

G.28-3

APCD Comments on Goleta Comstock Homes DEIR

May 10, 2004

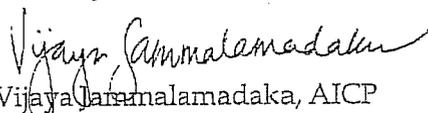
Page 4 of 4

G.28-3

- Project site could have a display kiosk with air quality and alternative transportation educational materials.
- At least 50% of exterior could be of local masonry; plaster or cementitious siding; recycled, salvaged or certified sustainably harvested wood; recycled roofing material or combination cement-fiber roofing; 30-year rated life on minimum 50% of roof
- At least 50% interior floor could be of tile, stone, finished concrete; cork or natural linoleum, carpet and pad (tacked) of recycled content or natural content, minimal finishes
- All insulation could be of 100% recycled content, wet-blown, and/or cellulose with UL fire retardant
- The Project could use of light colored water based paint and roofing materials
- At least 80% of interior and exterior paints and finishes could be water-based or low VOC and adhesives to be solvent-free
- The Project could prepare a construction waste management plan to encourage material re-use and minimize waste
- The Project could install mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals.

Thank you for soliciting our comments on the DEIR for this project. If you have any questions regarding these comments please call me at 961-8893 or contact me by e-mail at vlj@sbcapcd.org.

Sincerely,



Vijaya Sammalamadaka, AICP
 Air Quality Specialist
 Technology and Environmental Review Division

cc: Bobbie Bratz, Public Information and Community Programs Supervisor
 Project File (City of Goleta: Comstock Homes Project)
 TEA Chron File

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City Council/Planning Agency
City of Goleta
130 Cremona, Suite B
Goleta, CA 93117

May 10, 2004

RECEIVED

MAY 10 2004

City of Goleta
Comm. Planning & Environmental Svcs

Re: Comments to March 2004 Draft EIR for Comstock Homes Development and Ellwood Mesa Open Space Plan

Dear City of Goleta:

This letter contains comments by Santa Barbara Development Partnership only in its role as landowner of Ellwood Mesa. Santa Barbara Development Partnership owns the approximately 137 acre Ellwood Mesa property, formerly known as the Southwest Diversified property, Ellwood Beach, and later Monarch Point Reserve.

As owner, SBDP has processed various applications for the development of this property since the late 1980's and we believe several errors in the Draft EIR must be corrected prior to its final release.

SBDP is concerned that extensive studies were conducted on the effected properties which were not referenced in the Draft EIR. Specifically, detailed environmental review was undertaken for the Ellwood Beach-Santa Barbara Shores Specific Plan approved by the County in February 1995. The environmental documents were certified as 91-EIR-3 and comprised three volumes of materials (text, responses to comments, and technical appendices). An extensive EIR was prepared for the Goleta Community Plan (91-EIR-13), as well as various addenda. The certified environmental documents include references to additional information on the County Planning and Development Specific Plan file and Goleta Community Plan file. The past administrative and public record on these properties is extensive.

G.29-1

Of particular concern in this Draft EIR is the discussion regarding the biological resources.

Section 4.4 incorrectly identified eucalyptus woodland as occurring immediately south of the existing Santa Barbara Shores public roadway. While an aerial photograph would indicate from canopy cover that the area is likely eucalyptus woodland, a ground inspection clarifies that there is an existing paved road proceeding from the terminus of Santa Barbara Shores Drive through the eucalyptus grove and up onto the Ellwood Mesa. This area should be re-designated "paved road" pursuant to the descriptions contained in Section 4.4.1.3.4. Ruderal habitat exists on the edges of the paved road through the eucalyptus grove. Similarly paved road is the appropriate designation for the access to the beach near the southeastern portion of the Ellwood Mesa site.

G.29-2

Section 4.4.1.2 indicates that field surveys were conducted by URS Corporation biologists and that Geographic Information Systems and DGPS were utilized. In most cases these methods would be the most accurate and complete data available, however,

G.29-3

G.29-3 with regard to the Ellwood Mesa site, other more accurate data exists in the certified EIR 91-EIR-3 and its technical appendices. For example, used properly, DGPS can be accurate to within four feet, however, with regard to vernal pool and native grass resources on the Ellwood Mesa site, data was surveyed in with an accuracy of 1/10th of one foot. The Draft EIR's mapping of vernal pools and native grasses on the site is cumbersome and inaccurate by comparison the better data available.

G.29-4 Section 4.4.1.8.4 incorrectly states that over 40 vernal pools occur on the Ellwood Mesa site. Actual on-site mapping by a licensed surveying team gathering data for 91-EIR-3 established that there are only 29 vernal pools on-site which range in quality among low, medium, and high value. To the extent the Draft EIR refers to a combination of the Ellwood Mesa and Santa Barbara Shores sub-areas, it should so state.

G.29-5 It is important to note that vernal pool shrimp are not present in the vernal pools located on the Ellwood Mesa property. See, 1998-1999 Wet Season Vernal Pool Shrimp Survey of Monarch Point Reserve, Santa Barbara County, California dated August 2, 1999 submitted to the US Fish and Wildlife Service, Ventura Office, by LSA Associates, Inc.

G.29-6 Table 4.4-1 overstates the habitat acreage of southern vernal pools on the Ellwood Mesa site. This is due to the less precise mapping methods used by URS Corporation biologists. See, 91-EIR-3. It is also unclear from the Draft EIR whether buffers of some type were extended beyond the actual boundaries of the vernal pools located on the site.

G.29-7 Similarly, Table 4.4-1 overstates the habitat acreage of native grasslands on the Ellwood Mesa site. This is due to the less precise mapping methods used by URS Corporation biologists. See, 91-EIR-3. It is also unclear from the Draft EIR whether buffers of some type were extended beyond the actual boundaries of the native grasses located on the site.

G.29-8 Section 4.4.1.3.2 does not identify the method for calculating native grassland. The native grassland area of the Ellwood Mesa site is also overstated based on the method for determining "native grassland". Ten percent cover of natives in a particular area is not a sufficient quantity of natives to be considered a native grassland. Native grassland should consist of areas dominated by natives meaning coverage must exceed fifty percent. Areas with less than fifty percent native grasses should properly be considered non-native grassland.

G.29-9 Figure 4.4-3 incorrectly maps environmental sensitive habitat overlay areas. The ESH Overlay improperly maps areas designated on Figure 4.4-1 as Coyote Brush Scrub. Coyote Brush Scrub is not an ESH under any criteria.

G.29-10 Figure 4.4-3 incorrectly maps native grasslands as Environmentally Sensitive Habitat Overlay areas. Native grasses are neither endangered nor threatened and do not support ESH designations under state law.

G.29-11 Figure 4.4-3 also incorrectly identifies areas of Southern Coastal Bluff Scrub and Southern Foreduces as ESH areas. Neither are ESH areas.

Figure 4.4-3 incorrectly identifies ordinary eucalyptus woodland as Environmentally Sensitive Habitat. Monarch aggregation sites and the nearby eucalyptus trees are species of concern, however, the entire grove does not qualify as ESH under state law.

G.29-12

Although the City of Goleta has adopted the County of Santa Barbara's Zoning Ordinance and Environmental Thresholds for the Coastal Zone, these actions by the City do not constitute final action to establish these standards because they have not yet been considered and approved by the California Coastal Commission as required by California law. Accordingly, there are no locally adopted standards applicable to land uses and development in the Coastal Zone in the City of Goleta. Analysis of the project must proceed under the requirements, and habitat definitions, contained in either federal or state law.

G.29-13

We are concerned that identified special status wildlife species are based on historical rather than current baseline data. The baseline for environmental analysis of the property is its current physical condition. Accordingly, nests, roosts and aggregation activities, which are not presently occurring on the site, do not form the appropriate baseline for analysis. Effects of the project are overstated. For example, although Kite nests were apparently surveyed on the site annually between 1997 and 2002, there were no nests active in 2003, and only one nest, Kite nest 9, active in 2002. Similarly, there was one Coopers Hawk nest active in 2003, nest 2. Belding Savannah Sparrow nest, Coopers Hawk nest 1, various Kite nests, and Red-Shouldered Hawk nests were abandoned prior to 2003.

G.29-14

Finally, Section 4.2.1.2.3 Local Faulting suggests that many portions of the More Ranch fault are "potentially active" even though the State of California does not recognize them as active. Further, "Fugro West does not recognize the Middle Branch of the fault (More Ranch)". This Draft EIR must be clarified to state only the facts with regard to fault zones on our property and therefore eliminate references to unrecognized faults from the text and the exhibits, especially the Middle Branch of the More Ranch Fault.

G.29-15

Thank you for this opportunity to comment.

Very truly yours,

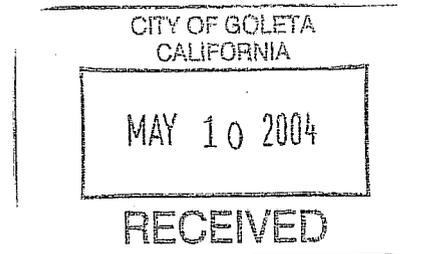


Santa Barbara Development Partnership
 By: Brookfield SB Inc., its general partner
 By: William B. Seith, its President

1522 Brookhollow, Suite 1
 Santa Ana, CA 92705

May 10, 2004

City Council/Planning Agency
City of Goleta
130 Cremona, Suite B
Goleta, CA 93117



Re: Alternate to March 2004 Draft EIR

Dear City of Goleta:

In response to (a) our reading of the Draft EIR-Comstock Homes Development, dated March 2004, and (b) discussions with the Environmental Defense Center (EDC), the Audubon Society, and a board member of Save Ellwood Shores (SES); we have prepared and submit to you for evaluation a draft alternative site plan, Comstock Alternate 1, dated May 10, 2004, which responds to many of the Class I and other Impacts as outlined in the various sections of the Draft EIR as well as community concerns regarding the southern-most bio swale as expressed by EDC, Audubon, and SES.

This Alternate is not intended to stand alone, and must be considered in the context of the Comment To Draft EIR letter to you, dated May 4, 2004 (copy attached), and the overall discussions regarding this Comstock Homes Development.

Please refer to the enclosed Alternate Site Plan, Comstock Alternate 1, dated May 10, 2004 prepared by MAC Design Associates for the site plan which identifies the following changes made to the site plan incorporated in the Draft EIR:

OVERALL

- The total unit count has been reduced from 78 to 69 single family detached homes, with 2 additional common ownership lots (Lots 70 and 74).
- The southern-most bio swale/detention basin has been eliminated and Lot 74 has been created to define the southern portion of Drainage B.
- The northern-most bio swale has been relocated to conform to the new lot layout, but in particular has been relocated to avoid certain areas of native grasses.
- All lots on the edge of the property bordering the Open Space trail will now be built with single story units with a maximum roofline height of 19'6".
- All lots beginning with those bordering the Open Space trail and continuing around to the lot in the SW corner will have an 8' common area rear yard buffer between the lot line for the individual unit and City owned property. This strip will be maintained by the HOA.

SW CORNER EUCALYPTUS TREES

- The site plan has been reworked (with a reduced number of units) so that the lot lines are a minimum of 50' from the drip lines of the eucalyptus trees not only in the SW corner but also running up the western boundary of the property to

connect with the preserved degraded wetland (B) thereby saving approximately 189 eucalyptus trees. It must be noted however that these trees must be pruned prior to construction and it is understood that any such pruning would be performed under the auspices of a City of Goleta approved arborist.

- As a result of this new setback, it is anticipated that the preserved wetland (B) halfway up the western boundary of the Comstock parcel and the eucalyptus trees between it and the SW corner of the property will be mapped as a separate parcel to be donated to the City of Goleta. This will allow the City to include this parcel under the provisions of the OSHMP and thereby insure the long term preservation of this area.
- By eliminating the southern-most bio swale and creating open space Lot 74 we are creating a further setback from the isolated clump of eucalyptus located at the southern end of Drainage B. This parcel also is to be donated to the City of Goleta. This again will allow the City to include this parcel under the provisions of the OSHMP and thereby insure the long term preservation of this area.

HOLLISTER UNITS

- The northeastern-most unit has been permanently eliminated to provide a view corridor from Viajero Rd. (and Hollister Avenue) to the Channel Islands.
- The removal of this same lot will also eliminate the encroachment into the Drainage A-2 fifty-foot buffer zone.
- The lots for the remaining 6 units have been reconfigured to comply with the 50-foot buffer zone requirement for drainages A-1 and A-2.
- All of the building plans for the remaining 6 units will be single story residences with a maximum roof height of 19'6" or 5'6" lower than the previous maximum height of the prior 2-story unit.
- The finish grade elevation of all of the remaining 6 building pads as laid out in Comstock Alternate 1 have been lowered 2' below the finished grade analyzed in the Draft EIR.
- The building pads for these same remaining 6 units are also now setback at least 10' further from the sound wall along Hollister Avenue property boundary
- These 3 building pad elevation and setback changes taken in combination when compared to those analyzed in the Draft EIR result in an over an 8' drop in the roof line when compared to the previous visual Impact from Hollister Avenue for the eliminated 2 story home plan.
- In addition, the culvert/road crossing Drainage A-1 for access to these 6 units has both been relocated slightly to the south and reduced from a 40' width to a 24' width in order to reduce and possibly eliminate the issue concerning shading of certain identified areas in this drainage area.

The above points outline the major changes in the site plan. We believe these changes deal with many of the Class I and other Impacts raised in the Draft EIR as well as those concerns raised by EDC, Audubon, SES, and the other speakers at the first 3 public hearings.

The Impacts dealt with affect unit count (and the resultant numerical drop in associated Impacts), eucalyptus preservation, butterfly and raptor nesting areas and habitat, native grassland, visual preservation from Viajero and Hollister and from the Sandpiper golf course, the Hollister view of the Channel Island, shading of drainage, encroachment into drainage, a request for single story units and buffers along the project edge, and traffic among others.

Following the format presented in the Executive Summary, Table ES-1, we believe Comstock Alternate 1 specifically addresses the following Impacts:

CLASS I IMPACTS: By implementing the above we will either eliminate or significantly reduce 8 of the 11 Class I Impacts attributed to the Comstock Project

- Class I Impact BIO-3 Monarch Butterflies, we are now avoiding all of the ESHA in the SW corner of the Comstock Footprint and will be conforming to the Coastal Zoning Ordinance 50' setback from these eucalyptus trees.
- Class I Impact BIO-4: Roosting and Foraging Habitat for Raptors, same as BIO-3
- Class I Impact BIO-5: Nesting Habitat for Raptors and Loggerhead Shrikes, none of the referenced eucalyptus trees are now being removed
- Class I Impact BIO-9: Native Grassland, we have reduced the amount of disturbed native grasses by relocating the bio-swales.
- Class I Impact VIS-1 (KOP G-2(A)): KOP Analysis, we have dealt with the impacts of this area as indicated above by clearing a view corridor for the Channel Islands as well as reducing (if not eliminating) the visual impact from the remaining 6 units.
- Class I Impact VIS-7: Loss of Scenic Coastal Vistas and Open Space, specifically by retaining the eucalyptus windrow in the sw corner we have kept the visual impact from the golf course to a minimum.
- Class I Impact TRAFFIC-2: by reducing the unit count we have decreased the PM Peak Hour Trips by 12%.
- Class I Impact AQ-3: Residential Emissions, again by reducing the number of units we have decreased these emissions by 12%.
- The three remaining Class I Impacts
 - Impact REC-3 can only be addressed by eliminating the project in total
 - Impact REC-8 can only be addressed by eliminating the project in total
 - Impact N-3 Construction Noise can only be addressed by eliminating the project in total, but with Mitigation Measure N-2 should be a Class II.

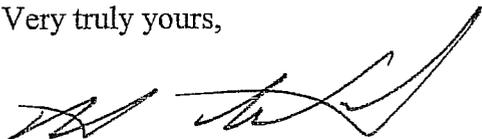
CLASS II IMPACTS: In addition the Comstock Alternate 1 proposed changes eliminate or significantly reduce these Class II Impacts; Impact H/WQ-1, Impact H/WQ-3, H/WQ-12, H/WQ-13, Impact BIO-2, Impact BIO-6, Impact BIO-10, Impact BIO-12, Impact BIO-24, Impact LAND-2, Impact VIS-3, Impact VIS-5, Impact CULTURAL-1, Impact CULTURAL-2, Impact N-1, Impact PS-5, Impact PS-9 and Impact PS-10

CLASS III AND IV IMPACTS: By definition, these Impacts either require no mitigation or are actually positive impacts on the project. However Comstock Alternate 1

further minimizes many of these Class III Impacts while preserving the benefits of the Class IV Impacts.

We realize that Comstock Alternate 1 while responding to many Impacts does not address all of the identified Impacts, but the City/Planning Agency must acknowledge that some Impacts deal with whether a project exists or not and therefore cannot be mitigated and still have a project. We look forward to reviewing Comstock-Alternative 1 with you and believe that this compromise Alternate should become one of the integral components of our final solution.

Very truly yours,



Goleta Partners
dba Comstock Homes

321 12th Street
Manhattan Beach, CA 90266



Santa Barbara Development Partners
By: Brookfield SB Inc., its general partner

1522 Brookhollow, Suite 1
Santa Ana, CA 92705

ATTACHMENTS

MAY 4, 2004 LETTER

ALTERNATE 1 SITE PLAN

City Council/Planning Agency
The City of Goleta
130 Cremona, Suite B
Goleta, CA 93117

May 4, 2004

Re: Comments on Draft EIR/Comstock Homes Development

Dear City of Goleta:

The following are Goleta Partners/Comstock Homes and Santa Barbara Development Partner's comments on the Draft Environmental Impact Report, dated March 2004, for the Comstock Homes Development and Ellwood Mesa Open Space Plan.

Our comments follow the order of the report, but it should be noted that where a Mitigation Measure has been utilized for multiple Impacts the comments pertaining to such Mitigation Measure are not necessarily repeated each time the Mitigation Measure is referenced, but still apply.

EXECUTIVE SUMMARY

- A discussion of our comments for the specific Impacts and Mitigation Measures will be included primarily in the particular sections, but here also especially where discrepancies exist between Table ES-1 and the language in the specific section.
- P. ES-1, at this point the Comstock proposed project has been reduced to 76 units. The final version throughout should be changed to reflect this or any other final number of units and the related reduction in impacts.
- In the Summary Table ES-1 please eliminate under Class I Impacts, Sections 4.5, 4.6, 4.7, 4.8, and 4.15 that have "No Class I impacts".
- In Table ES-1 is it possible to segregate impacts for Comstock Homes Development and Ellwood Mesa?
- In Table ES-1 is it possible to shorten the overall Table? This could be accomplished by several means including revising the spacing and further editing of the summaries of impacts and mitigation measures.
- P. ES-4, Mitigation Measure BIO-3 refers to wrought iron and rock perimeter fences. This is not correct and is inconsistent with the language contained in Section 4.4.
- P. ES-4, Mitigation Measure BIO-6 states "the applicant shall contribute funds" to monitor monarchs per the OSHMP. This is the first example of an inconsistent definition of "applicant". In some instances it means Comstock and in others the City of Goleta. If in this instance it means Comstock only, there is no authority to require Comstock to pay for the monarch monitoring throughout the entire area covered by the OSHMP.
- P. ES-5, Mitigation Measure BIO-7. Requires the preparation by the "applicant" of a Fire Protection Plan. We have been assured by the City that there are several versions of such Plans already available. We believe that the City should supply Comstock with a Plan for implementation.

- P. ES-5, Mitigation M BIO-11. Again we may have confusion as to which entity is the applicant, but in any case Comstock will not be paying for developing, producing, and installing signage throughout the Open Space plan area.
- P. ES-5, Mitigation M, BIO-4, the referenced raptor survey to be performed prior to Comstock construction should be limited in scope to the Comstock project and the adjacent buffer zones.
- P. ES-9, Impact VIS-1, the statement in the summary that “the Santa Ynez mountain view would be obstructed” is incorrect. In fact when reviewing the language contained in Section 4.9 Visual Resources, page 4.9-19 it specifically states, “would not intrude on views of the Santa Ynez Mountains”.
- P. ES-9, Mitigation M VIS-1A, we should review this request for 2’ earthen berms to be placed at the rear yards of selected units. Most if not all of these units slope down to the surrounding area and a 2’ berm at the base of a slope would not be necessary to deal with the planting requirement.
- P. ES-11, Mitigation M VIS-3, this restricts the height of the single story plan to 18’. This should be 19’6”.
- P. ES-12, Impact VIS-7, again the impact summary has an incorrect reference. It states that the “Santa Barbara Shores parcel...has already been dedicated as open space by the City of Goleta.” It is not open space, it is zoned Recreational.
- P. ES-12 & 13, Mitigation M REC-2, we disagree with the requirement for Comstock to provide funds for both the construction of the Open Space parking lot as well as for “trail improvements, habitat restoration, and other improvements in the Ellwood Mesa Open Space Plan area.” Such park/open space related costs and fees are already a component of the swap transaction pricing. Please eliminate
- P. ES-23, Mitigation M H/WQ-8, we disagree with the desire to separate roof and street water. We believe this can be accomplished through the use of in ground filters maintained by the HOA.
- P. ES-27, Mitigation M BIO-1, Comstock should not be required to attempt to survey any special status plant (especially the Southern Tarplant) that has already been shown not to occur on the Comstock parcel.
- P. ES-42, Mitigation M PS-6, the Comstock project shall participate in an existing Solid Waste Management Program, but will not initiate such a program.
- P. ES-45, Impact BIO-8, in the Impact Summary 6 lines from the bottom “100-foot” should be changed to “50-foot”.

SECTION 1.0-Introduction and Background

- P. 1-5, last paragraph, It should be made clear that Comstock’s submission to and approval by the California Coastal Commission is not tied to the City of Goleta’s submission and approval of the Open Space parking lot.
- P. 1-5 & 6, 1.3.1 Project Approvals, this section makes the distinction between Coastal Development Permits (CDP’s) and Land Use Permits (LUP’s) a distinction that gets lost in the following sections. There are 48 references where some action must occur “prior to approval of Land Use Permits/Coastal Development Permits.” If taken literally, we may not even submit to the Coastal Commission until all of these myriad of events have been accomplished. These

areas need to be looked at individually and corrected. I will try to reference as many of these as I can in the following pages.

SECTION 2.0-Proposed Project-Land Exchange and Residential Development

- P. 2.3, Table 2.1-1, Proposed Use and Development section, the referenced 130.4 acres and the 80.16 acres do not add to reach the referenced 217 acre total.
- P. 2-7, Other Subdivision Improvements and Figure 2-6, the reference to the fence here should be that the lower 2.5' will be a block wall with possible stone fascia and that the upper 3.5' will be either wrought iron or tube steel bars.
- P. 2-7, Sec 2.2.2.5 Development of Residential Structures and Table 2.2-1: the numbers in this paragraph will have to change to reflect the current unit count (now 76), dwelling sizes (max of 4200sf), FAR's, and building heights.
- P. 2-8, Sec 2.2.2.6, Related Permit Approvals, please clarify that the referenced DRB approvals relate only to the architecture of the units and not the unit count or site plan layout.
- Figure 2-9a-This Site Plan/Floor Plan map will change, as unit types and the number of units change.
- P. 2-9, Sec 2.2.3.2 (Para 2), the reference to Cubic Yards to be graded should be consistent with p. 4.2-18 Impact GEO-1.

SECTION 3.0-Proposed Project-City of Goleta Open Space

- P. 3-10, Sec. 3.5, Site Remediation, we would like to have complete scope of this activity defined as soon as possible.

SECTION 4.0-Environmental Setting, Impacts, and Mitigation

SECTION 4.2-Geology

- P. 4.2-5, Sec 4.2.1.2.3 Local Faulting, Para 2, last sentence: remove the end portion that reads "but the basal terrace deposits are offset by the fault on Ellwood Mesa, suggesting that it is also potentially active." This is speculation and does not belong in this document, especially since the document then goes on in paragraph 4 to state "Fugro West does not recognize the Middle Branch of the fault."
- P. 4.2-6, section 4.2.1.2.3, The last sentence in this section states that "this EIR concludes these faults are active, seismogenic structures." Yet, multiple studies have "not been confirmed and have not been recognized." How can this EIR determine that these are active? Remove this last sentence.
- P. 4.2-25, Mitigation M GEO-3, this is the first reference to an issue that must be resolved before the LUP/CDP are approved

SECTION 4.3-Hydrology and Water Quality

- P. 4.3-7, Devereux Sewer Trunk line, Para 1, last sentence: please remove this sentence that reads "The addition of flows into the line from the Comstock development would potentially add to this water quality threat." This again is a speculative statement and does not belong in this document.

- P. 4.3-19 & 20, IMPACT H/WQ-4, Remove the final sentence of paragraph 1 and the final overall paragraph of the Impact. This is a City issue and is not caused by the Comstock development.
- P. 4.3-25, Mitigation M H/WQ-2, this is the second requirement for an action to be approved prior to the LUP/CDP approval.
- P. 4.3-26, RECOMMENDED MITIGATION M H/WQ-3, again this is the sewer line/lift station issue but now as a RECOMMENDED mitigation measure. This should either be listed as the other Mitigation Measures are or eliminated. This is also the third LUP/CDP issue.
- P. 4.3-26, Mitigation M H/WQ-4, the fourth LUP/CDP issue and further it also raises the issue again to keep Comstock approvals separate from Open Space approval matters.
- P. 4.3-26, Mitigation M H/WQ-5, the 5th LUP/CDP issue.
- P. 4.3-27, Mitigation M H/WQ-6, the 6th LUP/CDP issue.
- P. 4.3-27 thru 29, Mitigation M's H/WQ-7, 8, 9, 10 and 11, the 7th thru 11th LUP/CDP issues
- P. 4.3-28, Mitigation M H/WQ-8, Separation of run-off. As mentioned previously Comstock proposes a system of filters maintained by the HOA to satisfy this concern not an extra set drains for each house.

SECTION 4.4-Biological Resources

- P. 4.4-2, Table 4.4.1 Habitat Acreage, please note that this table indicates that there is a total of .4 acres of Native Grassland in the Comstock Footprint. Later in this section in Impact BIO-9 that Comstock "would remove 0.416 acre of native grasses". This cannot be true as not all of the native grassland is being removed from the Comstock Development Footprint. Please identify how you reach these numbers. It may be that Comstock is below the .25 acre level of significance.
- Figure 4.4-2 in the lower left hand corner there is an inconsistency between the actual scale and the verbiage that states "1 inch = 500 Feet".
- P. 4.4-43, Impact BIO-1 and P. 4.4-55, Mitigation BIO-1, again, Comstock should not pay for a biologist to do at least 2 field surveys for plants (specifically the Southern Tarplant) they haven't found yet on the site and especially where the EIR (Impact BIO-1) further acknowledges that its preferred habitat doesn't exist on the site. This should be a class III not a Class II impact.
- P. 4.4-45, Impact BIO-5, We don't object to the statements, but since none of the nests are within the Comstock Footprint and none have been occupied since 1999 we believe that this should not be a Class I Impact.
- P. 4.4-45, Impact BIO-6, again, as the Impact states that "several other special-status wildlife species do not occur" but may occur close by; we don't believe this qualifies as a Class II Impact.
- P. 4.4-45, Impact BIO-8, please correct the buffer setback from Drainages A-1 and A-2 from 100' to a minimum of 50'. This occurs 6 lines from the bottom.
- Page 4.4-55-Sec 4.4.3.4, Mitigation Measures, states "Applicant-proposed mitigation measures". I couldn't find the definition of "Applicant". The section then goes on to discuss City of Goleta and the applicant as both being responsible for mitigation measures in the Open Space. I believe this section needs to be clarified to specifically allocate responsibilities.

- P. 4.4-56, Mitigation BIO-2, please clarify that Comstock has no obligation for any part of the “annual contribution to the COPR”.
- P. 4.4-57, Mitigation M BIO-4, what exactly are (is) the “nesting season” for the raptors and how does it dovetail with the Monarch season. Comstock should only pay for this biologist to survey within the Comstock Footprint and its buffers. This is also the 12th LUP/CDP issue.
- P. 4.4-58, Mitigation M BIO-5, We request that this mitigation be reworded to affirmatively allow for construction to occur within the Comstock Footprint for the entire year, but carve out a no construction buffer zone if Monarchs are present.
- P. 4.4-58, Mitigation BIO-6 Monarch Inventory and Contribution, the question again is who is the applicant? This should not be Comstock as it refers to the OSHMP.
- P. 4.4-58, Mitigation BIO-7 Eucalyptus Fire Protection, this raises the issue of who owns which eucalyptus trees. I believe the City needs to express its wishes in this regard.
- P. 4.4-59 Mitigation BIO-8 Native Grass, (a) how much of a bond?, (2) initial measurement must be closely monitored, (3) who defines time frame?, (4) the proposed seed stock is extremely restrictive, (who has to install and maintain especially if there is a delay in determining the location?, and (5) the requirement for buffer fencing is another CDPermit issue (the 13th). NOTE: following our meeting with City Staff on 4/27/04 it is agreed that this will be a one-time fee for Comstock with location, installation, and maintenance by others. We believe the EIR should be revised to reflect this procedure.
- P. 4.4-60 Mitigation BIO-9 Riparian Avoidance, same issues as BIO-8 above.
- P. 4.4-61 Mitigation BIO-10 Landscape, we will need a better definition of “non-locally collected native plants and seeds”. I believe that this palate of materials does not provide the buffer intended. I almost hate to raise the issue, but doesn't collecting seed locally diminish the local natural supply?
- P. 4.4-62 Mitigation BIO-11 Bio Resource Protection, under Plan Requirements and Timing the term “applicant” clearly refers to Comstock but again references measures outside of the Comstock Footprint which are not Comstock's responsibility. Further it requires a bond for signage and “their upkeep” with no definition or limitations, but we believe this is for the mitigation outside only.
- P. 4.4-64, Mitigation BIO-14, the last sentence must be redone. It again references the applicant-proposed measures in the Open Space area being the responsibility of the applicant.

SECTION 4.5-Hazards and Hazardous Materials

- P. 4.5-17 Mitigation HM 1 thru 5, we need to identify the entire scope of the required cleanup as soon as possible.
- P. 4.5-15 thru19, Mitigation HM-1 thru 5, all 5 of these measures have the issue regarding LUP/CDP.

SECTION 4.6-Land Use

- P. 4.6-9 Mitigation LAND USE-1, again the 20th issue with LUP/CDP's.

- P. 4.6-10 Mitigation LAND USE-2, this Mitigation is making Comstock give the City the DRE notice and final CC&R's before recordation of the tract map. This should not be conditioned in this way.

SECTION 4.9-Visual Resources

- P. 4.9-5, Sec 4.9.2.1.4, line 1, while we wish it were true, you cannot say "Views of the Pacific Ocean are available from most locations on the site except at the lowest points." While there are some views of the Channel Islands from the area near Hollister, the majority of the site does not enjoy this view either.
- P. 4.9-17 KOP G-4, We disagree with this KOP's analysis, but are more concerned that the EIR will reduce the potential for golf course views from the project as opposed to golf course viewing of the project. Should anyone ask the golf course? This should be a Class III Impact.
- P. 4.9-19 KOP G-6, you cannot see the ocean from this point as opposed to what is stated. But other than that I'm not sure there is much that can be done about this Class I impact. Likewise KOP G-7 and KOP G-8 although we may be able to question viewer expectations as this view is only AFTER they have already appreciated their recreation opportunities and are heading back to reality.
- P. 4.9-25 Impact VIS-3, Para 2, we object to the statement "relatively limited number of floor plans". There are 5 different floor plans, not counting reversed floor plans or perhaps more importantly the combination of floor plans with varying exterior treatments. Limiting the floor plans in certain areas to single story plans will restrict those lots only.
- P. 4.9-29, Mitigation VIS-1 (1A), this section should be reworked to deal with the actual site layout. Putting 2' berms at the base of a slope is unnecessary.
- Page 4.9-29 Mitigation VIS-1, 1B, We question the necessity to screen the golf course from the view of the project. I suggest a discussion with the golf course and also an acknowledgement that the fairways in question are already set back significantly from the property line.
- P. 4.9-39 Mitigation VIS-1, another LUP/CDP issue (the 21st) which goes even further to require a DRB approval prior to these other approvals.
- P. 4.9-30 Mitigation VIS-2, 3, 4, and 5 also require DRB approval before LUP/CDP approval. This again is impossible given the approval process (#22-25)
- P. 4.9-31, Mitigation VIS-3, current single story plans go up to 19'6" at roofline.

SECTION 4.10-Recreation

- P. 4.10-18 Mitigation REC-2, This measure again demands contribution from Comstock for the Open Space parking lot, as well as for trails, habitat restoration, and "other improvements". Further, recordation of the tract map will be held up pending payment of these contributions. We disagree with both obligations as presented here. In general park related obligations are factored into the structure of the swap agreement, but to the extent they are remediation for disturbed resources it is discussed elsewhere.
- P.4.10-18, Mitigation REC-2, as a further general comment, as the recordation of various lot split and other City approved recorded documents are necessary to facilitate the payment by TPL of the funds required to make this transaction work we should not look to the tract map recordation as a control point for the payment

of fees or the completion of other development obligations. The City will have ample later control points to insure that the required obligations are performed.

- P. 4.10-19, Mitigation REC-3 and 4, again the LUP/CDP issue (26th and 27th). Further, these mitigations deal with a Trail Closure Plan and other trail issues that do not involve Comstock.

SECTION 4.11-Cultural Resources

- P. 4.11-11, Mitigation 1-2-3, all have issues with LUP/CDP (thru 30)

SECTION 4.12-Traffic and Circulation

- P. 4.12-5, Sec 4.12.2.3.1 City of Goleta, Comstock should only be responsible for street improvements adjacent to the Comstock Footprint. Any issues with the bus stop for the school are outside of this area and are the responsibility of the City.
- Figure 4.12-4, Project Trip Distribution Percentages, We disagree that the standardized distribution of 40% left (west) and 60% right (east) on Hollister applies during the PM Peak hour. Further to the extent that traffic does proceed to the east during the PM Peak we disagree that only 15/60th's of it is local traffic.
- Figure 4.12-6, Project-Added PM Peak Hour Traffic Volumes, We disagree with the undefined distributions that indicate 36 PM Peak hour trip through Storke/Hollister. The breakdown shows 23 inbound trips (from the 3 sources) and 13 outbound for the total of 36 PM Peak trips. Again given the options available to drivers we question these totals.
- P. 4.12-16, Mitigation TRAFFIC-1, this mitigation restricts issuance of the CDP (#31) upon the submission of a construction schedule for a Stroke/Hollister improvement that cannot be built. Further, occupancy clearance "shall not be issued until improvements are fully completed." This section must be revised.
- P. 4.12-16, Mitigation TRAFFIC-2, 3, and 4 (thru #34), again the CDP is held up based on mitigation measures that should not hold up the CDP.
- P. 4.12-17 Mitigation TRAFFIC-3, Clarify that in this case the applicant is the City and that the City is to pay for the referenced street improvements on Hollister for the new Open Space parking lot access.

SECTION 4.13-Noise

- P. 4.13-13 Mitigation N-3, Comstock is not responsible for this construction and should not be referenced or conditioned by this work. Please note the isolated paragraph after Mitigation N-4.
- P. 4.13-12, Mitigation N-2 & N-3, both have issues with LUP/CDP (35 & 36)

SECTION 4.14-Air Quality

- P. 4.14-18, Impact AQ-2, there is no central location in the Comstock Footprint appropriate for the "designated message board facility" and this mitigation should be reworded to have such posting at bus stops only.
- P. 4.14-17, 18,19, Mitigation AQ-1 thru 5 all improperly reference either CDP's or LUP/CDP's (thru 41)
- P. 4.14-18, Mitigation AQ-3, the phrase "applicant proves" a measure infeasible should be reworded to reduce future disputes over "proof" and "feasibility" as all of the measures listed are mechanically feasible but at an undefined cost.
- P. 4.14-19, Mitigation AQ-4, the requirement for only natural gas fireplaces is inconsistent with City of Goleta and other local jurisdiction's current building

requirements. We suggest that this be revised to limit each home to a single wood burning fireplace, with any other fireplaces in the same home to be natural gas.

SECTION 4.15-Public Services

- P. 4.15-7, Section 4.15.1.1.6 Sewer Service, 1st Para, 5 lines from the bottom, we request you change “with this sewer line” to read “with any sewer line”.
- P. 4.15-8, Sec 4.15.1.2.1, The referenced 3 idled water wells are not located within the Comstock Footprint but are on the remainder portion of the park property on the southern side of Devereux Creek, as are the GWSD sewer line and associated manholes.
- P. 4.15-15 Mitigation PS-2, Please define the existing fees.
- P. 4.15-16, Mitigation PS-3-5-6-7-8-9-10 all have issues with either the CDP alone or the LUP/CDP (total now 48 locations).

SECTION 5-Consistency with Plans and Policy

As we are certain you are aware, there are several areas of difference between the State level environmental restrictions and those of the City of Goleta. As we attempt to finalize our discussions regarding this document we ask that you keep these distinctions in mind in an effort to mutually resolve our differences.

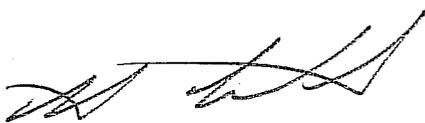
- P. 5-64, Policy G-GV-3, the response that the Comstock project is Potentially Consistent is fine, but the following statement, “The City may require the applicant to use innovative measures in addition to standard fees to cover the cost of public service impacts.” is not. We request that all of the proposed “innovative” measures be identified now otherwise this statement is too vague and leaves open the question of significant exactions in the future.

SECTION 6-Alternatives

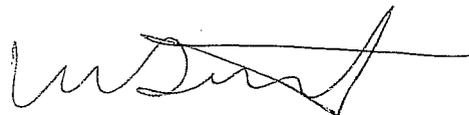
We believe that none of these alternatives are viable for various reasons; and instead propose that Alternate Comstock 1 be considered in their stead. A detailed proposal will be submitted to you under separate cover at a later date.

We appreciate the opportunity to comment on this EIR and look forward to the timely responses to our comments, observations, and questions, as well as final resolution of any outstanding issues.

Very truly yours,



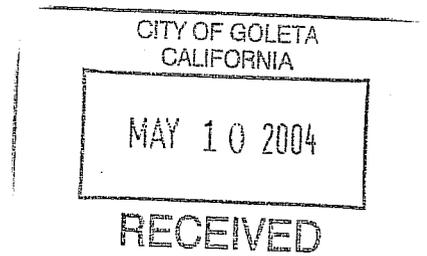
Goleta Partners
dba Comstock Homes



Santa Barbara Development Partners
By: Brookfield SB Inc., its general partner



May 10, 2004



Mr. Ken Curtis
 Planning and Environmental Services Director
 City of Goleta
 130 Cremona Drive, Suite B
 Goleta, CA 93117
 Fax 685-2635

Re: City of Goleta Draft EIR for Comstock Homes Development and OSHMP

Dear Mr. Curtis,

The Environmental Defense Center (EDC) represents Save Ellwood Shores (SES) and Santa Barbara Audubon concerning the Comstock Homes Development and the City's Ellwood Mesa Open Space Plan (OSHMP). Our following comments on the Draft Environmental Impact Report (dEIR) support the land swap and additional mitigation measures to avoid Environmentally Sensitive Habitat Areas (ESHAs) and their buffers at the proposed Ali d' Oro site.

In summary, SES and Audubon support the land swap and within that context, seek to ensure that the project EIR adequately analyzes potential project impacts and recommends measures to avoid or reduce any residual impacts to the maximum extent feasible. As proposed, the project described in the dEIR and the 69-unit alternative proposed by the applicant on May 10, 2004 may result in significant impacts to biological resources and may conflict with the Coastal Act and the City's Coastal Zoning Ordinance provisions for Environmentally Sensitive Habitats Areas (ESHAs). Specifically, encroachment into 1) Drainage B, 2) the Monarch butterfly roost and raptor nest buffers in the southwest corner of the development envelope, and 3) the wetland setbacks along Drainages A1 and A2 may conflict with adopted policies and cause significant impacts. The final EIR should determine whether these impacts could be avoided or further mitigated without rendering the project or land swap infeasible.

G.31-1

I. COMMENTS REGARDING THE DRAFT EIR

A. The Objectives in Section 1.3 are too Narrow.

G.31-2

The Objectives in Section 1.3 are too narrow and should be modified so they do not restrict consideration of reduced-scale project alternatives and violate CEQA. Under CEQA, a project's objectives must be included in its EIR, and under the revised CEQA Guidelines Section 15124(b), the objectives must include the underlying purpose of the project. Furthermore, Section 15124(b) of the CEQA Guidelines (attached) states that, "A clearly written statement of objectives will help the lead agency to develop a reasonable range of alternatives to evaluate in the EIR."

As applied to the Comstock Homes dEIR, the Objectives read more like the project description than the underlying purpose. Most importantly, one objective includes building 78 units. This objective is too narrowly crafted because alternatives cannot fulfill the very specific and narrow outcome described by the objectives unless they mimic the proposed project's mix of units. This may unfairly preclude consideration of feasible project alternatives (with less than 78 units) that may lessen significant impacts, and is contrary to the requirements of CEQA.

Under CEQA, a lead agency must analyze a range of reasonable feasible alternatives that meet most of the basic project objectives and avoid or substantially lessen significant impacts in an EIR. (CEQA Guidelines Section 15126.6; *Citizens for Goleta Valley v. Board of Supervisors* (2d Dist. 1988) 197 Cal.App.3d 1167 [243 Cal.Rptr. 39] ("*Goleta I*")) By crafting the objectives too narrowly and failing to include the underlying project purpose, the lead agency has potentially restricted which alternatives can be considered in detail in the EIR because, "Among the factors that may be used to eliminate alternatives from consideration in an EIR are: failure to meet most of the basic project objectives." (CEQA Guidelines Section 15126.6(c))

While this dEIR includes an analysis of a range of alternatives including alternatives with fewer than 78 units, the narrow objective could enable someone to argue that any project smaller than 78 units would not fulfill the Objectives and thus cannot be approved under CEQA. Since this is not the City's intent, the Objectives in Section 1.3 should be rewritten to mimic the objective language used in Section 6.3 which calls for a residential project of *up to* 78 units. Alternately, the Objectives could state:

"To provide a feasible residential project, protect the Ellwood Mesa from development, public access and passive recreation, and to preserve, protect, manage and restore all sensitive habitats."

This objective will accurately present the underlying purpose of the project while still allowing the City to consider a reasonable range of alternatives.

B Biological Resources.

1. The Loss of Drainage B ESHA May Result in a Significant Impact that Should be Avoided if Feasible.

G.31-2

G.31-3

The impact to the biological resources of Drainage B is significant pursuant to the City's Environmental Thresholds and Guidelines Manual and evidence in the record. Of particular concern is the loss of habitat in the lower portion of Drainage B. The City should determine whether this impact can be feasibly avoided or substantially lessened while maintaining the land swap. Under CEQA, a lead agency must not approve a project if there is a feasible alternative that meets most of the basic objectives, or feasible mitigation measures, which avoid or substantially lessen a significant impact. (CEQA Guidelines Section 15002(a)(3) and 15021(a)(2). Also see CEQA, Public Resources Code Section 21081(a)(3) and *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.App.4th 105, 134 [65 Cal.Rptr.2d 580]. "The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Public Resources Code Section 21002).)

The proposed Comstock Homes project would fill and eliminate virtually all of Drainage B. This waterway supports the densest, largest and tallest stand of native vegetation onsite. Especially towards its southern (downstream) end, the habitat exhibits very low presence of non-native plants, indicating that it is an unusually healthy and intact community. The habitat along Drainage B is riparian in nature and is uncommon for this area. It also contains the majority of onsite native grasslands. Drainage B has the greatest topographic relief of any feature in the development envelope. The characteristics of this drainage qualify the lower, densely vegetated portion of Drainage B as an ESHA, according to our biological assessment, prepared by qualified biologist Elizabeth Painter (Attachment #1).

G.31-3

Drainage B is highly susceptible to degradation by human activities and development. In order to avoid significant impacts to the maximum extent feasible, the City must determine whether it is feasible to preserve the ESHA in lower Drainage B while maintaining a viable land swap project. Avoidance could be accomplished by 1) reducing the number of units onsite, 2) rearranging the southwesterly units, 3) reconfiguring the development envelope, and/or 3) reducing the size of some of the proposed homes/lots.

Native Grasslands associated with Drainage B

The draft EIR finds the loss of .46 acres of native grassland habitat (largely associated with Drainage B) is a Class I impact pursuant to the City's adopted CEQA Thresholds. However, the native grasslands are but one part of a complex interaction of ecological resources that make Drainage B environmentally sensitive. Therefore, the EIR's impact analysis should recognize the larger significant impact involving the lower portion of Drainage B including the native grasslands and coyote brush scrub habitats associated with it.

Impacts to Drainage B are significant because Drainage B supports the densest and largest contiguous stand of native vegetation onsite (coyote brush scrub) and the largest native grassland onsite. The City's CEQA Thresholds of Significance use habitat size as an indication for significance of impacts to habitats. For instance, loss of less than .25 acres (one quarter acre) of native grassland habitat is usually considered less than significant pursuant to the Thresholds. The City's dEIR considers loss of greater than .25 acres to be a significant impact. The densely vegetated area of Drainage B that is ESHA (extending approximately 500 feet north of Devereux Creek is over 1 acre of habitat including the native grasslands. The loss of this large an area of ESHA and a tributary to Devereux Creek is a significant impact.

Moreover, the area of native grassland identified is incomplete. The draft EIR relied on SAIC's 2000 native grassland mapping effort. However, as noted by Elizabeth Painter in Attachment #1, the method used by SAIC is not consistent with the native grassland mapping methodology in the City's Environmental Thresholds and Guidelines Manual because SAIC and the dEIR use total cover instead of "total relative cover;" thus, the map depicts isolated patches of native grassland along Drainage B that should be mapped as a single native grassland, and non-grass species that are typical of native grassland communities should be included in the characterization.

G.31-3

Additionally, on page 4.4-51, the dEIR notes that "Little progress has been made to effectively mitigate loss of native plant communities including native grasslands." This indicates an inherent difficulty in mitigating impacts to native grasslands and suggests avoidance – which is only evaluated as Alternative 5 in the dEIR – is the best way to mitigate impacts to native grasslands. Comments by Elizabeth Painter also state the native grassland mitigation plan of restoring bands of grassland along closed trails through annual grasslands may not be effective mitigation (Attachment #1). Pursuant to CEQA Guidelines Section 15126.4(a)(2), mitigation measures must be effective and enforceable. Thus, the City should carefully evaluate the feasibility of avoiding this significant impact by preserving Lower Drainage B's ESHA while maintaining the land swap.

Environmental Thresholds and Guidelines Manual

The City's Environmental Thresholds support a finding that the loss of Drainage B is a significant biological impact because:

- The loss of the habitat of Drainage B and its functions would be permanent.
- Virtually all of Drainage B would be eliminated; only approximately 1/10 its length exists outside the development footprint. (Figure 4.4-1)
- The loss of Drainage B's channel, the placement of fill between Devereux Creek and the wetland, and piping away the water that currently flows from the wetland to Devereux Creek may substantially interfere with natural stream flow and groundwater movement through the habitat and soil of Drainage B, processes that support the habitat along Drainage B.

- The rarity of intact riparian coyote brush scrub habitat within Drainage B;
- The loss of native grasslands along Drainage B;
- The loss of potential nesting sites and foraging habitat for rare Loggerhead Shrikes and other species of birds. (Page 4.4-32 notes that Loggerhead Shrikes may nest within the project development site and particularly in the southern portion of the site in the scrub vegetation, i.e., Drainage B.)
- The large size of the native habitat along Drainage B compared to other native habitats onsite.

The Coastal Act and CZO Support Preservation of Lower Drainage B as an ESHA.

ESHAs are defined as: "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development." (Coastal Act Section 30107.5) Areas meeting this rather broad definition "shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." (Coastal Act Section 30240)

Lower Drainage B includes native grasslands. In its revised findings for the Santa Barbara County LCP Amendment 2-93-C, the Coastal Commission found that native grasslands are ESHA in part because "the remaining native perennial grasslands constitute less than .1% of the pre-historically occurring grasslands," and of that remaining less than 1% was protected in reserves in 1995. (See Attachment #1.) Furthermore, the City's adopted CEQA Thresholds and Guidelines Manual states, "few stands of native grasslands remain in the state and the habitat is considered rare both in the state and within the County." According to pages 116 – 120 of the County's LCP, native grasslands are one category of ESHA. Furthermore, the Goleta Community Plan (Action BIO-GV-1.2) requires the County, and by extension the City, to consider native grasslands ESHA. Thus, the native grasslands onsite are ESHA, and the strong protection offered by Section 30240(a) applies.

G.31-3

Lower Drainage B is also an ESHA because:

- It may support nesting by rare Loggerhead Shrikes; (Page 4.4-44 of the dEIR stating this species may nest in scrub brush habitat in southern portion of site);
- The dEIR identifies native grasslands as potentially supporting rare southern tarplant;
- It supports the largest onsite area of rare native grasslands which exceeds the City's .25 acre threshold for qualifying as a significant native grassland (Environmental Thresholds and Guidelines Manual);
- It supports rare native grasslands that are interconnected with the Coyote Brush Scrub Habitat and Drainage B;
- Native grasslands are considered a type of ESHA, especially when interconnected with other native habitats;

- It delivers freshwater that is filtered by the wetland to Drainage B's riparian/coyote brush scrub habitat and to Devereux Creek;
- It contains the densest and widest band of native vegetation onsite;
- Its understory consists of an unusually high percentage of native plants; and
- It is a habitat that is easily damaged by human activities and development.

Filling Drainage B with up to 6 feet of fill, placing its flows between the wetland and Devereux Creek in a pipe underground to Drainage A, eliminating the connected native grasslands, Coyote Brush Scrub Habitat and potential Loggerhead Shrike nest habitat will significantly disrupt and actually eliminate the habitat values associated with the Drainage B ESHA.

Other policies support protecting the lower portion of Drainage B. Coastal Act Section 30251 requires that "permitted development shall be sited and designed to ... minimize the alteration of natural landforms." The dEIR notes on page 5-12 that filling Drainage B "represents the largest alteration of topography within the proposed subdivision." This filling activity is potentially inconsistent with Sections 30251 and 30252 of the Act.

CZO Section 35-97.10 requires that new development "shall be suited and designed to protect native grassland areas." The dEIR concludes that the areas of native grasses are native grassland pursuant to the City's definition; therefore they must be protected unless doing so would render a project at this site economically infeasible.

G.31-3

CZO Section 35-97.18 requires that "areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed and constructed to minimize impacts of grading, paving construction of roads or structures, runoff and erosion on native vegetation." The dEIR's policy consistency analysis does not describe the proposed loss of native vegetation in Drainage B and how that relates to the CZO. The loss of the largest area of native vegetation (native grassland and coyote brush scrub) onsite would violate this CZO section. Avoidance of Drainage B would help the City achieve compliance with CZO Section 35-97.18.

"Impacts to coastal sage scrub shall be minimized by providing a minimum 10 foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where such an action would preclude reasonable use of a parcel." (GCP DevStd. BIO-GV-13.2) Coyote Brush Scrub habitat is a similar habitat to Coastal Sage Scrub habitat, and is ESHA in Drainage B; therefore, it should be protected consistent with guidance in this development standard.

Policy BIO-GV-14 provides guidance to the City that, "to the maximum extent feasible, areas of native grasslands shall be preserved." Similarly, County Coastal Plan Policy 9-18 states that, "Development shall be sited and designed to protect native grassland areas." Notwithstanding SES' and Audubon's position that the resources of Lower Drainage B including the incompletely mapped native grassland are ESHA, it is noteworthy that these

policies do not only refer to native grasslands that are ESHAs – they protect all native grasslands whether ESHAs or not. The dEIR finds that the patches of native grasses are native grasslands. However, the dEIR currently concludes that these native grasslands are not ESHA and therefore that offsite mitigation is allowed. Given Policy 9-18's guidance to preserve native grassland areas and Coastal Act Section 30240's protection of ESHAs, the City should further evaluate the economic feasibility of preserving the native grassland areas along with Drainage B and must pursue this if it is feasible.

DevStd LUDS-GV-3.4 applies specifically to the project site and requires that the project "shall protect unique, rare or fragile habitats to ensure their survival in the future." Drainage B supports rare native grasslands and may support nesting Loggerhead Shrikes and Santa Barbara Honeysuckle, a rare plant species found in Devereux Creek. It is uniquely situated to connect the largest wetland onsite to Devereux Creek. Therefore, avoidance of Drainage B could help achieve consistency with this standard.

Policy BIO-GV-15 of the Goleta Community Plan (GCP) requires that significant biological communities shall not be fragmented into small, non-viable pocket areas by development. The proposed project and each alternative would eliminate Drainage B and fragment the site. DevStd. BIO-GV-15.3 also requires avoidance if impacts to biological resources (not only ESHA) to the maximum extent feasible, supporting avoidance of Drainage B's diverse and valuable biological resources.

"Where sensitive plant species or sensitive animal species are found pursuant to the review of a discretionary project, efforts shall be made to preserve the habitat in which they are located to the maximum extent feasible," pursuant to Policy BIO-GV-22 of the Goleta Community Plan. This project's review states that rare Loggerhead Shrikes (a State and Federal Species of Special Concern according to the dEIR at page 4.4-32) may nest in the scrub in and near Drainage B. To comply with this guiding policy, the City should carefully analyze the economic feasibility of preserving Drainage B.

In addition, preserving Drainage B would maintain some of the site's natural filtration capacity of runoff water whereas placing Drainage B in a pipe underground, as proposed, will eliminate the drainage as an existing natural storm water filter (i.e., bioswale). Coastal Act Sections 30230 and 30231 afford protection to water quality in wetlands and creeks. Preserving Drainage B would help achieve consistency with the Coastal Act's water quality protection measures.

Coastal Plan Policy 2-11 requires that "all development, including agriculture, adjacent to areas designated on the land use plan as environmentally sensitive habitat areas shall be regulated to avoid adverse impacts on habitat resources." Similarly, Policy 2-17 requires "protection of coastal resources, i.e., habitat areas." The project is adjacent to (and within) numerous habitats including ESHAs such as that in Lower Drainage B. The project is regulated to reduce some impacts to adjacent habitats, but it still results in adverse impacts to adjacent habitats including ESHAs (e.g., Impact Bio-3, Impact Bio-4, Impact Bio-5,

Impact Bio-8, Impact Bio-9, Impact Bio-10, Impact Bio-19, Impact Bio-21 and Impact Bio-22). Therefore, the dEIR should evaluate feasible ways to protect ESHAs and habitat areas including Drainage B pursuant to Coastal Plan Policies 2-11 and 2-17.

County Coastal Policy 3-13, 3-14 and 3-15 require minimizing cut and fill and alteration of the terrain, and that development shall be designed to fit the site topography. Policy 3-14 requires that "Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible." Given the most substantial topographic changes proposed occur in the area of Drainage B where slopes are the greatest onsite (dEIR at pages 5-40 to 5-42), and the significance of the native vegetation along Drainage B, the filling and elimination of Drainage B raises consistency questions with these guiding County Coastal Plan policies.

Therefore, to help achieve consistency with the Coastal Act and CZO, to mitigate significant impacts to the maximum extent feasible pursuant to CEQA, to maintain important natural resources in Goleta, and to minimize the alteration of natural landforms, the City should conduct an analysis of the viability of avoiding Lower Drainage B's ESHA and an associated buffer, and should protect this watercourse/ESHA unless doing so would not be economically feasible.

2. Encroachment into the Buffers of Wetlands in Drainages A1 and A2 Should be Avoided if Feasible.

Lots 72 – 78 in the dEIR ("the northeast pod") and the proposed access road to them (whether realigned as proposed under Mitigation Bio-9¹ or as proposed in the applicant's May 10, 2004 revised plans) appear inconsistent with the CZO and Coastal Act's restrictions against development in wetland and environmentally sensitive habitat buffers (in Drainages A1 and A2). The northeast pod (Lots 64 – 69 in the applicant's revised plans) and the access road contribute to significant but mitigable (Class II) impacts to wetlands. The homes in this pod as described in the dEIR would also cause significant unavoidable (Class I) impacts to views, according to the dEIR. The environmental and policy ramifications of these lots and the road should be analyzed in careful detail to ensure that significant impacts to views and wetlands are avoided or lessened to the maximum extent feasible pursuant to CEQA, and to ensure consistency with the Coastal Act and CZO.

In addition, during the biologists' May 3, 2004 site visit, an area containing wetland vegetation was identified. This area is west of the Drainage A wetlands near the confluence of Drainages A1 and A2. This is in or near the location of the eastern detention basin. The wetland species identified, iris-leaved rush (*Juncus ziphoioides*), was not identified in the EIR or plant surveys associated with SAIC's 2000 wetland mapping effort. We would be

¹/ Mitigation Bio-9 does not specify the nature of the road reroute and specifically does not identify the distance of the setback (or buffer) between the road/bridge and its support structures and wetlands in Drainage A1. The draft EIR suggests that Measure Bio-9 requires avoidance but no setback. The EIR should specify this proposed setback.

G.31-3

G.31-4

happy to show the City or its consultants the precise location of these plants. If wetlands, this area should be recorded, protected, and properly buffered. If not wetlands, this area should be included within the Drainage A buffer and protected.

The Coastal Act and the CZO require adequate buffers to protect wetlands and ESHAs. The City's CZO Section 35-97.19 states that, "a buffer strip, a minimum of 100 feet in width shall be maintained in a natural condition along the periphery of all wetlands. No permanent structures of any kind shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences." (Emphasis added.) In addition, County LCP Policy 9-9 requires minimum 100-foot setbacks from all wetlands. In the draft EIR, the County policies are used as guidance for the City to apply the Coastal Act to its land use decision making in the coastal zone; the draft EIR notes that use of County policies as guidance is appropriate because the City's coastal policies are expected to be as strong as or stronger than those in the County's LCP.

The City's zoning ordinance and guiding policies require that the proposed road and the pod specifically be realigned to at least 100 feet from the wetlands if feasible, or eliminated unless the applicant can demonstrate that doing so would render the land swap economically infeasible. The draft EIR notes, however, that it is City policy to apply only a 50-foot² stream habitat setback to wetlands within stream channels. Yet, the City has never applied such a policy to any development project. Moreover, County LCP Policy 9-37 which provides a 50-foot setback for streams is a stream protection policy, not a wetland protection policy. Elizabeth Painter determined that Drainages A1 and A2 are wetlands, and therefore CZO Section 35-97.19's 100-foot minimum wetland setback policy applies.³ (See Attachment 1.)

G.31-4

²/ The draft EIR states that the City's setback policy for wetlands within drainages in the coastal zone is 50-feet, and that this 50-foot standard is not a minimum but can be adjusted downward as proposed for the sediment basin/bioswale along Drainage A, the road over Drainage A1 and the homes near Drainages A1 and A2. The draft EIR offers no scientific rationale for providing lesser buffers to wetlands within drainages (a flexible 50-foot buffer) compared to those isolated from them (a mandatory minimum 100-foot buffer). human impacts, such as a subdivision, a much wider buffer should be required."

³/ Save Ellwood Shores and Audubon believe that a setback of 100 feet for all wetlands is required to comply with the CZO Section 35-97.19 and to mitigate impacts to wetlands to less than significant. In support of this, we cite the June 15, 1994 Coastal Commission document titled "Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone." Appendix A to this document is the "Statewide Interpretive Guidelines for Wetlands and Other Wet ESHAs" (adopted 2/4/81). It states that buffers "should be a minimum of 100 feet for small projects on existing lots (such as one single family home or one commercial office building) unless the applicant can demonstrate that 100 feet is unnecessary... If the project involves substantial improvements or increased human impacts, such as a subdivision, a much wider buffer area should be required." (Attachment #3.)

G.31-4

If the City determines it is necessary to encroach into the 100-foot buffer around the wetlands in these drainages, and an alternative access road (from Hollister Avenue) that avoids the wetland buffers is not viable, then the access road must be narrowed and must be built on a clear span bridge (not a culvert) over Drainage A1. In addition to Mitigation Measure Bio-9, the bridge's support structures must also be located sufficiently outside the wetlands to minimize direct and indirect impacts. Support for this can be found in both the Goleta Community Plan and County LCP, which guide the City's policy applications. Support also comes from Elizabeth Painter's attached biological issues memo.

3. Encroachment into the Buffers for Raptor Nest Sites and the Monarch Aggregation Site Causes Significant Impacts and May Violate Coastal Policies, but can be Further Mitigated.

Development in the southwest and to a lesser extent the southeast portion of the site will be in relatively close proximity to nesting areas for the white-tailed kite, red-shouldered hawk, red-tailed hawk, and Cooper's hawk, and to the Monarch aggregation site. SES and Audubon concur with the dEIR that this represents a potentially significant impact to biological resources.

G.31-5

Audubon, SES and EDC requested input from well-known raptor expert and biologist Morgan Ball. Mr. Ball is very familiar with the site and is an expert on white-tailed kite biology. He has studied white-tailed kites as a biologist, and testified as an expert to the Coastal Commission regarding the adequacy of setbacks for kites at a similar nearby parcel, and regarding the importance of preserving foraging habitats near nest sites to maintain viable nest sites. In response to our specific questions regarding 1) the adequacy of buffers proposed in the dEIR, its alternatives and the applicant's May 10, 2004 revised plans, and 2) the need to protect foraging habitats adjacent to nest sites, he referred us to the June 6, 2002 letter he and biologist Mark Holmgren prepared for the Coastal Commission regarding the ARCO Dos Pueblos golf course proposal. This letter concludes that:

1. "Published information on territory sizes provides another way to look at the question of buffer sizes."
2. Kite territory ranges between 17.8 and 51 hectares in Santa Barbara County.
3. A 100-meter buffer around a nest site provides only 3.1 hectares, about 18% the smallest territory known for white-tailed kites.

He stated that the effectiveness of buffer sizes is related to the presence or absence of connected and suitable habitat for California Voles, white-tailed kites' primary prey item. The dEIR does not evaluate the buffer's adequacy in light of these factors.

In addition, Mr. Ball stated that as a biologist specializing in white-tailed kites, he is uncomfortable with the applicant-proposed fifty-foot buffer around the eucalyptus trees in the south west corner of the site. In general, the Ellwood Coast is environmentally sensitive

habitat for raptors. In fact, it is rare to have year-round usage by white tailed kites, as occurs in this area. The proposed project is situated in the least studied (for raptors) area onsite; however it is unusual to have nesting and foraging habitats in such close proximity.

By introducing development in close proximity to Devereux Creek, the project threatens to increase the non-native house mouse population, which will increase competition with Voles, and indirectly reduce Voles as prey available for kites. The project does not appear to fragment habitats, but results in direct loss of foraging habitat. He believes that the project will result in significant impacts to white tailed kites and raptors that cannot be mitigated simply by preserving other foraging lands. (Personal communication, 5-10-04.)

G.31-5.

Morgan's information is strong evidence that the buffer area around the white-tailed kite nests may be insufficient to maintain the nest sites. Given this, in order to lessen a significant impact to raptor and Monarch butterfly ESHA, the City should consider a larger buffer in the southwest corner of the site, to the maximum extent feasible in the context of the land swap.

4. Significant Impacts to Rare Raptor and Bat Foraging Habitat Are Potentially Inconsistent with Coastal Policies for ESHA Protection and Can be Further Mitigated.

The draft EIR identifies the development site as important foraging habitat for a number of rare birds of prey and bats. The species that nest nearby (e.g., white-tailed kite, Cooper's hawk, etc.) require foraging areas near nest sites to feed chicks. The proposed project would eliminate 18 acres of foraging habitat for raptors according to the dEIR, or greater than half of the Comstock Homes development site. This habitat may qualify as ESHA because it supports rare species; the proximity of this foraging area to the nest sites of rare raptors supports nesting in woodlands adjacent to the project site. It is an area that supports rare animal life – and essential functions for rare raptors (i.e., foraging and foraging near nest sites), and it is an area that could be lost to these species by the proposed project. The presence of raptor foraging, nesting and roosting habitats in close proximity is now rare due to development of the coastal plain (dEIR at page 4.4-54). Most raptor foraging area in Goleta has been lost, so this habitat is an important remaining area for these species to forage, especially since it is located adjacent to known nesting sites.

G.31-6

CZO Section 35-97.14 requires that there shall be no development in areas used for roosting and nesting. Kites and hawks nest in the adjacent woodland according to the dEIR. Kites are able to nest in this location because of the available foraging habitat nearby. Loss of a significant foraging area adjacent to the nest sites may impact the use of the woodland for nesting and thus could violate this Section of the CZO.

The project should be modified to the maximum extent feasible to avoid bat, white-tailed kite, red-tailed and red-shouldered hawk, Cooper's Hawk and other rare raptors' foraging habitats. If feasible, avoiding Drainage B, maintaining 100-foot wetland setbacks in

G.31-6 Drainages A1 and A2, and protecting a sufficient buffer around the woodlands would help achieve consistency with the Coastal Act and CZO, and further mitigate this significant impact as required by CEQA.

C. Grading, Erosion and Sedimentation

G.31-7 Given the existing significant sedimentation impact occurring in Devereux Creek and the Devereux Slough, any contribution to this impact should be considered significant. CEQA Guidelines Section 15130 requires the lead agency to discuss cumulative impacts and to identify significant cumulative impacts when the project's contribution to the cumulative impact is considerable. Impact Geo-2 includes erosion and sedimentation caused by Comstock project grading. The draft EIR classifies this impact as significant and mitigable (Class II). The primary method by which sediment is eroded and carried to and deposited in creeks and sloughs is rainfall and surface water. Even with erosion control measures that meet standards, large storms can result in erosion of construction sites and sedimentation of downstream waterways. Frequently, however, erosion control measures are not installed adequately and sedimentation results from development projects. The best way to ensure this will not happen is to condition development projects so that site preparation and grading is limited to the dry season. Bob Comstock has indicated that he intends for grading to be accomplished during the dry season.

Mitigation H/WQ-11 provides precedent for prohibiting grading during the rain season. It requires that boardwalks, stairs and other improvements built at Devereux Creek must be built during the dry season. Similarly, Mitigation Measure Geo-2(h) should be modified to strike the reference to allowing grading during the rainy season. If the project is to be built in phases, the City should require the applicant to submit a phasing plan that requires phased grading to minimize exposed soil. This will ensure that development avoids potentially significant contributions to the ecologically destructive cumulative sedimentation problem in Devereux Creek and the Slough. Coincidentally, limiting grading to the dry season (i.e., April 15 through November 1) will also reduce traffic safety, noise and air quality impacts to sensitive receptors at Ellwood School.

D. Water Use and Conservation

G.31-8 Water for the project will come primarily from Cachuma and the State Water Project via the Goleta Water District, which finds it has adequate water to serve the project. However, the U.S. Bureau of Reclamation's Cachuma Project water rights permits are up for reconsideration by the State Water Resources Control Board, and the SWB is contemplating measures to protect endangered southern steelhead from the adverse effects of the Cachuma Project. In addition, recent news reports warn of the low levels of water supply in the Lake. Increased water conservation would help protect steelhead and other environmental resources, and should be considered by the City for all new development as a feasible mitigation measure.

Water conservation measures are required pursuant to guiding Policy 2-5 of the Coastal Plan and GCP Policies WAT-GV-6 and -12. Measures to mitigate impacts to water supply are included in Measures PS-7 through PS-9. Measure PS-9 requires "Low flow plumbing structures," however, it lacks the specificity required to ensure the measure will be effective and enforceable. CEQA Guidelines Section 15126.4(a)(2). In the case of Measure PS-9, more specificity regarding what low flow plumbing fixtures are required would help to ensure that the EIR complies with CEQA. Specifically, the EIR should specify that low flow shower heads and toilets are required, and, that each home should be equipped by the applicant with high efficiency washing machines. These water-saving devices are available and cost-effective, and the latter two were recently recommended as measures the GWD can feasibly implement. This would help achieve consistency with the CZO and Coastal Plan and GCP Policies, and the intent of Mitigation AQ-3. (Attachment #2, Report by Pacific Institute regarding water conservation in southern Santa Barbara County, October 2003).

G.31-8

E. Views

This project results in significant view impacts relating to the development's incompatibility with the surrounding area, and partially obstructed views of the Channel Islands looking south from Hollister Avenue and views of the Santa Ynez Mountains looking north from the open space. (Draft EIR page 4.9-22). The project includes feasible mitigation measures to lessen these impacts, however, the impacts remain significant after the proposed mitigation. (Draft EIR page 4.9-32) Alternative 3 would lessen project specific Impact Vis-1 by eliminating Lots 72 – 78 and preserving the Channel Islands view, and would lessen cumulative Impact Vis-7. The economic feasibility of this alternative should be determined. Even though the applicant's recent submittal lessens view impacts, if Alternative 3's elimination of the northeast pod is feasible, then such elimination is required under CEQA because it avoids a significant view impact and it avoids conflicts with the CZO's 100-foot wetland setback requirement.

G.31-9

F. Landscaping and Native Plants

The Landscape Plan requirement in Mitigation Bio-10 appropriately prohibits native plants grown from non-local genotypes to avoid hybridization within local native plant populations in the habitats to be preserved and restored. Similarly, the dOSHMP calls for native plants from Carpinteria to Gaviota, including on City of Goleta land. According to biologist Darlene Chirman, this may cause a significant biological impact if not corrected. (April 11, 2004 Audubon comments on City of Goleta dEIR.) Since genotypes in plants are often watershed-specific, the Plan should limit the source area for plants to the Devereux watershed, or to the western half of the Goleta Slough watershed (i.e., San Jose Creek and west) if Devereux sources are unavailable, instead of the entire south coast, as proposed. Species that are easily affected by genetic swamping and hybridization, such as Coastal poppies, must only be collected from the Devereux watershed. Using ecologically appropriate native species from the Devereux watershed for the project landscaping and for

G.31-10

habitat restoration efforts within the project site and in the open space area will ensure that impacts to ESHAs are avoided and that the unique genomes of Goleta's native plants are better preserved.

In addition, the draft EIR does not state that the Plan must prohibit invasive non-native species in landscaped areas even though such species pose a significant threat to the native habitats being preserved and restored. (Personal communication, Darlene Chirman, biologist, May 3, 2004.) A feasible modification to this mitigation measure would require the Plan to prohibit invasive non-native species (defined pursuant to the updated California Invasive Plant Council list available online at www.Cal-IPC.org) from project landscapes for the life of the project.⁴ Revising Mitigation Bio-10 in this way would help to avoid the potentially significant impacts identified in the dEIR (Impact Bio-9, Impact Bio-10, and Impact Bio-11).

G.31-10

In addition, Mitigation Vis-1A requires planting California native trees and/or plants on mounds for screening. These plants should also be native to Santa Barbara's south coast and grown from plants of the local genome (i.e., feasibly obtained through Growing Solutions by pre-ordering 6 – 12 months in advance). They can be one of a wide variety of trees or native arboreal shrubs including western sycamore, coast live oak, black cottonwood, white alder, Mexican elderberry, toyon, lemonadeberry, and coffeeberry. Several of these species, including oaks, occur onsite. Coast live oaks may also provide nest habitat for white tailed kites. This would address concerns about exotics that escape and invade natural habitats as well as about diluting the local genomes through hybridization of existing native plant populations. The canopy trees would also help achieve Mitigation AQ-3. The Goleta Community Plan provides pertinent guidance on this point and suggests the City should prohibit non-native plant species from the landscape plan given the proximity of the site to various ESHAs, should use only local genomes of native plant species.

G. Devereux Creek Sewer Trunk Line

The proposal to utilize the existing sewer main within the Devereux Creek ESHA raises significant potential water quality, land use compatibility, odor and biological impacts. The dEIR identifies a water quality impact relating to sewer leaks from the proposed use of the Devereux Creek Sewer Trunk line. As proposed under Recommended Mitigation H/WQ-3, this potentially significant impact can be avoided by connecting the project to the Hollister Avenue Trunk line. Therefore, "Recommended" Mitigation H/WQ-3 should be required if feasible.

G.31-11

⁴/ The discussion under "Impact Bio-11: Exotic Plants" on page 4.4-46 indicates that the impacts caused by the invasion of exotic plants into natural habitats can be mitigated to less than significant and "controlled with a number of mitigation measures." However, no mitigation measure specifically addresses restricting invasive exotic species from the Landscape Plan.

H. Water Quality and Runoff

The proposed project will generate substantial runoff and non-point source water pollution unless measures are undertaken to reduce the runoff. Mitigation H/WQ-5 includes detention basins / bioswales to capture, detain and filter project site runoff to reduce downstream flooding, pollution and other impacts during runoff events that reach a 25-year return period level. Bioswales should be planted with wetland and/or riparian vegetation, and allowed to become functioning habitats that may need to be subjected to periodic maintenance. This measure, however, does not require the use of locally occurring genotypes of native plants in the bioswales and instead explicitly only requires this if feasible. It is too easy for an applicant to claim they could not obtain local genotypes because they typically wait too long before ordering them and then cannot get the plants in time to install in the bioswales. However, it is feasible to obtain native plants of local genotypes from Growing Solutions. Therefore, "where feasible" should be deleted and the Mitigation H/WQ-5 should specify that the plants must be from local (i.e., Devereux or Goleta) genotypes. This would render Mitigation H/WQ-5 consistent with Mitigation Bio-10 which prohibits the use of natives from non-local genotypes.

If project site runoff is directed into the natural wetlands or drainages onsite, this could result in a significant water quality impact as noted on page 4.3-19. However, if the runoff from the project site is being diverted away from natural wetlands / habitats within or outside of Drainages A1, A2, A or B (e.g., into culverts and/or into the detention basin / bioswales⁵), then this could result in a significant indirect impact to the wetlands / habitats. If the wetlands cease receiving the same amount of runoff that they are now receiving (the dEIR notes the project will reduce runoff from the site) then this could result in the desiccation and loss of these wetlands over time. The dEIR does not address this potential dehydration of the wetlands, but should include measures to ensure the wetlands' natural hydrology is maintained.

G.31-12

Mitigation H/WQ-2 requires the use of porous pavement or other pervious materials in "key areas" such as "adjacent to concrete walkways and road surfaces." However, given that the amount of paved areas in the concrete walkways is considerable, this measure should apply to the walkways in addition to the paved areas adjacent to the walkways. Paved areas adjacent to walkways could instead be landscaped. Furthermore, the City should evaluate requiring pervious materials for driveways, walkways, curbs and gutters, and roadways if feasible to further mitigate runoff and water quality impacts and create a model in this sensitive Devereux watershed. (Mitigation AQ-3 should be amended to require *porous* concrete parking areas and pervious options to asphalt for all other hard surfaces.)

⁵/ For instance, page 4.3-16 states that the water that would have flowed through Drainage B would instead be conveyed by a plastic pipe underground across the site to a detention basin/bioswale and Drainage A.

I. Traffic

G.31-13 The proposed project results in significant traffic (Storke and Hollister Intersection) impacts that can feasibly be lessened by reducing the project scope and/or implementing the mitigation measures identified in the dEIR. Three proposed feasible mitigation measures to address this impact are identified: a third left turn lane on eastbound Hollister at Storke; a third through lane northbound on Storke through Hollister; and a longer merge lane for cars turning from south on Storke west onto Hollister.⁶ Other actions may enable the lead agency to minimize the significant traffic impacts. Specifically, the pedestrian overpass from El Encanto Heights over Highway 101 to Hollister is an identified community need and will mitigate project impacts by reducing demand on the Storke – Hollister Intersection.

J. Hydrological Connection in Drainage B

G.31-14 The project proposes to direct flows from the Drainage B watershed (approximately 5.5 acres) into Drainage A via underground pipes. This will dewater any portions of Lower Drainage B that are preserved as ESHA. Instead, the project drainage system should ensure that flows from the Drainage B watershed are discharged into preserved sections of Drainage B. In addition, the discharge should be in a diffuse manner to avoid erosion in the drainage and to recharge the local soil to maintain the existing dense vegetation, described as riparian by Elizabeth Painter.

K. Air Quality

G.31-15 The dEIR finds that elimination of wood-burning stoves would substantially lessen all significant air quality impacts, and is feasible. Project-generated ROG_s would be reduced from 122.22 lbs./day to 15.54, below the significance threshold of 25 lbs./day. Therefore, pursuant to CEQA, Mitigation AQ-4 is required.

L. The Wetland Near the Western Property Line

G.31-16 Restoring the western wetland near Drainage B, and its buffer, would help to further mitigate potentially significant impacts to wetlands and habitats. Preserving but not restoring the large wetland would ensure it continues to degrade until a point in time when, if the City comes up with funds, restores it. There is an opportunity to restore it now, and actually a CEQA requirement that significant impacts to wetlands, including indirect impacts (i.e., from buffer encroachment) be mitigated to the maximum extent feasible. The wetland and buffer is proposed to be donated back to the City for the Ellwood Mesa Open Space under the applicant's revised plans. The City should require a mitigation fee to restore the seasonal freshwater marsh and buffer as a feasible way to further lessen wetland

⁶/ The draft EIR does not adequately explain why all three mitigation measures would not be required in the event more than one is feasible.

impacts. Absent this measure, wetland impacts will not be mitigated to the maximum extent feasible, and this wetland will continue to degrade (especially with increased human and pet activity).

G.31-16

M. Mitigating Impacts from City Actions on Coal Oil Point Reserve.

The EIR should define sufficient impact mitigation fees necessary to fund actions at Coal Oil Point Reserve to offset impacts to the Reserve's natural resources caused by the City's actions. These actions include approving a residential development and access improvements that may add considerable human and equestrian presence and activity within western snowy plover critical habitat. Funding, whether a lump sum endowment or annual and recurring, must be sufficient to support the mitigation elements identified in the dEIR for the life of the project. The City's rationale for determining the dollar figure should be spelled out in the final EIR.

G.31-17

II. COMMENTS REGARDING THE OPEN SPACE AND HABITAT MANAGEMENT PLAN

A. Access Must Be Consistent with Resource Protection.

SES and Audubon acknowledge the Coastal Act's protections for recreation and coastal access. However, when a conflict between access and protection of significant coastal resources occurs, access and recreation are subordinate to ESHA protection pursuant to the Coastal Act (Sections 30240, 30210 and 30212). These Coastal Act policies prioritize coastal resource protection over access and recreation by stating that access and recreation must be provided, consistent with the protection of coastal resources. In support of this, County Coastal Policy 1-2 finds that, when policies overlap, the policy that is most protective of coastal resources prevails. These requirements must be considered when the City "plans to balance recreational opportunities with the restoration and preservation of sensitive habitats." The draft OSHMP appropriately restricts new access to areas that are less environmentally sensitive, in general.

G.31-18

Audubon's biologist Darlene Chirman has identified a native grassland that will be impacted by the Anza Trail widening, despite the finding in Table 4.4-6 that impacts to native grasslands would not occur. The trail may go through approximately 800 feet of native grassland and should be relocated to avoid impacts to this ESHA or otherwise reviewed and addressed so that, consistent with the Coastal Act, coastal resource protection is given priority over access if there is a conflict.

In addition, to mitigate this impact, trail shoulders should be vegetated with hardy, low growing natives⁷ from the watershed that can be seeded if needed. This will control trailside

⁷/ Appropriate species include blue-eyed grass, purple needlegrass, Dove weed, Spanish clover, and annual native fescue. In moister sites, California brome and Alkali mallow are

erosion, reduce visual impacts, and help to mitigate potentially significant habitat impacts caused by the proposed trails.

The OSHMP Plan to cleanup the Ellwood Mesa Open Space area raises concern about impacts to ESHA. One area that has been discussed for cleanup is the head of the ravine that forms the main Monarch grove. This ravine has native grassland throughout, as well as coyote brush scrub. This area should not be subject to disruptive cleanup that will damage the ESHA and render the ravine inviting to people.

The proposal to fund extensive access and recreation improvements while not funding significant habitat improvements (other than required mitigation measures to offset damage and loss of other habitats) indicates that the lead agencies have not properly prioritized coastal resources and recreation. More funds should be spent on habitat improvements to ensure consistency with coastal policies.

G.31-18 The analysis of the impacts of equestrian use of the Ellwood Bluffs and the beach is inadequate and requires further mitigation. Horses usually enter at Santa Barbara Shores Park and transverse the entire property, ascending to the beach at the east end. Significant biological impacts from the horses include trail erosion, especially when the trails are damp from fog or wet from rain; and migration of non-native plant species from the manure that they leave behind. The OSHMP should invest in restoration, and prevent uses that will severely undermine that effort. In addition, the aesthetic experience of Ellwood is significantly impacted by the smell of horse shit from the entrance to the oil tanks. Equestrian riders also significantly impact the Snowy Plover habitat where they have failed to notice or obey the signage prohibiting entrance. In addition, when riders are accompanied by dogs, they are rarely leashed. During the last year while the Ellwood Devereux Joint Proposal has been discussed, the equestrian community has had a chance to address these issues, and yet these problems persist. We think the best way to mitigate this impact is to prohibit equestrian use from the Ellwood Bluff and beach area. The impact of equestrian use will only increase with the increased population from whatever development is finally approved in this proposal. Ellwood is becoming too small for this type of use.

If the City Council is not yet ready to take this step, we believe, at a minimum, riders must carry out all horse manure. It must be picked up at the time it is left, not two or three hours later. And access to the beach should be prohibited. In addition, equestrian use must avoid the native grassland and vernal pool areas, to reduce the impact to these ESHA areas. The City should set a time limit for evaluation to see if these measures effectively mitigate the negative biological and aesthetic and management impacts. If not, further measures should be taken.

suitable for trail margins. Along the periphery of the managed shoulders, low native shrubs from local seeds such as Coast goldenbush would help mitigate impacts of the trail. Thorny species such as wild blackberry may be appropriate in some areas if needed to help close trails or keep people on trails.

B. The "Balancing Provision" of the Coastal Act should not be implemented to allow harm to ESHA in the Joint Proposal Area.

The OSHMP states that, "given the conflicting policy considerations of such a large scale, multi-jurisdictional initiative," ... the Open Space Plan "provides an open space, habitat management and development plan that is, on balance, most protective of coastal resources." (Emphasis added.) The dEIR includes references to: "balancing the need for additional housing with the need for coastal resource protection," (page ES-57), "clustering of housing away from the coast in a manner, which on balance, is more protective of significant coastal resources," (page 1-3), and "balance conservation and the need for residential development." (Page 5-5) These statements are used to justify development that may destroy or harm wetlands and ESHA.

However, the Coastal Act balancing provision does not apply unless there are conflicting policies that would trigger overturning the Act's ESHA protections. We do not believe that such conflicts occur in this instance. Feasible housing projects in all three lead agency jurisdictions can be constructed adjacent to existing development without directly impacting ESHAs and wetlands. Therefore, we recommend that the City delete the references in the dEIR and OSHMP to the Coastal Act balancing provision, as such references appear to lay a foundation to facilitate approval of various elements of the Joint Proposal despite their direct, significant impacts to wetlands and other ESHAs.

G.31-19

Furthermore, the County's Coastal Zoning Ordinance (CZO) has been adopted by the City as its own and the County's LCP⁸ is used as guidance for the City EIR's policy consistency analysis. Coastal Plan Policy 1-2 mandates that when policies of the LCP overlap, the policy that is most protective of coastal resources (i.e., habitats and views) takes precedence. Thus, when there are overlapping policies, the specific guiding policies indicate that balancing that allows development in ESHAs or wetlands should not be permitted.

C. There must be adequate funding to implement the OSHMP.

Some jurisdictions appear to value the OSHMP as mitigation for development impacts. As such, full implementation, monitoring and enforcement (e.g., off-leash dogs, fires, off-trail activities, etc.) of the OSHMP, and for the COPR, must be provided through adequate funding and staffing for the life of the projects. The restoration activities included in the OSHMP that are mitigation for project impacts must be implemented at the same time as project construction. Restoration actions are considered opportunities, which could be implemented at some time in the future if funding becomes available. In the mean time, areas will continue to become more environmentally degraded if they are not restored. There needs to be a commitment of funding to implement some of the restoration actions as

G.31-20

⁸/ LCP Policy 1-1 includes the provisions of the Coastal Act by reference.

G.31-20 mitigation for the City Park and the residential developments' impacts concurrent with the project implementation (e.g., native grassland and wetland / buffer restoration). These actions are needed to mitigate the potentially significant impacts of increased open space usage on native habitats. Other restoration actions should be aimed at restoring the biodiversity lost in recent decades including badgers, grey fox, coyote, mule deer, etc.) The concept of a Carrying Capacity to assess the natural resources ability to be sustained given human use levels should be embraced by the City to ensure recreation and access are compatible with resource protection. County LCP Policy 7-4 guides the City to develop a Carrying Capacity study.

D. The Open Space Should Not Become a Mitigation Bank.

G.31-21 The City should prohibit future restoration actions that are required for mitigating the impacts of private developments or offsite public developments. Mitigating the impacts of private developments should occur on the site of the impact, on private property, rather than on public land already secured for public benefit. Instead, the City should actively seek grants with the other lead agencies and interested parties to implement habitat improvements.

E. The undeveloped areas should be rezoned to Open Space.

G.31-22 The dOSHMP proposes to rezone the Ellwood Mesa to Recreation. However, the Recreation zoning allows for much more active development than is consistent with the intent of preserving this important biologically rich area. Accordingly, the undeveloped areas should be rezoned to Open Space. An ESHA overlay, if applicable, could also be imposed over the area.

F. The old timber Ellwood Seawall should be removed.

G.31-23 Removal of the old timber seawall at Ellwood should be included in the Ellwood Open Space Plan and implemented as funding permits. This will enhance the beach environment because seawalls can cause beaches to erode, and because the creosote-soaked timbers frequently end up in the plover breeding habitat after storms, and must be removed.

G. The City should Prepare a Snowy Plover Management Plan.

G.31-24 Western snowy plovers are expanding their breeding habitat east towards the City's land. In order to ensure the City's beach is managed in a way that protects western snowy plover and satisfies the Endangered Species Act, the City should include a Snowy Plover Management Plan (based on COPR's) in the Ellwood Open Space Plan.

CONCLUSION

May 10, 2004

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As noted above, a redesign that (in order of priority): 1) avoids Lower Drainage B and its buffer; 2) protects an adequate buffer around the raptor and Monarch Butterfly habitats in/near the southwest corner of the site; 3) maintains adequate wetland buffers and/or includes a bridge crossing to the northeast pod; and 4) incorporates the other measures supported above would provide additional mitigation. Such measures would avoid or lessen impacts to biology, views, air quality, noise, traffic, land use, and cumulative recreation impacts. Where feasible, the City should require these measures to be incorporated into the proposed project. The land swap should be a critical factor in determining feasibility as it is a major objective of the project.

Thank you for your consideration of these comments.

Sincerely,



Brian Trautwein
Environmental Analyst



Linda Krop
Chief Counsel

- Atts: 1 - Memorandum from Dr. Elizabeth L. Painter
2 - Pacific Institute *Comments on the Draft EIR for the Cachuma Water Rights Hearing*, October 6, 2003
3 - California Coastal Commission *Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone*, June 15, 1994

cc: Save Ellwood Shores
Santa Barbara Audubon
UCSB
Santa Barbara County Planning and Development
California Coastal Commission

Attachment #1

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May 7, 2004

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RE: Assessment of Native Plant Communities and Biological Resource Issues at Santa Barbara Shores

I have been asked to evaluate biological resource issues related to the proposed Ali D' Oro residential development project at Santa Barbara Shores and identify measures that will help mitigate the significant impacts to native plant communities and sensitive habitats. On May 1, 2004, I visited the site with biologist Darlene Chirman and we were accompanied by you. We undertook pedestrian surveys through and along Drainages A1, A2, A, and B, the Western Wetland, as well as native and non-native grassland areas. My findings are summarized below.

Drainage B

The southern segment of Drainage B coincident with areas of native grasslands and coyote brush scrub habitat generally depicted on figure 4.4-1 of the City of Goleta's dEIR meets the definition of an ESHA. These habitats along lower Drainage B are "especially valuable due to their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments".

This area has the best-developed and most diverse native vegetation of the sites we surveyed. It contains an unusually high percentage of native species and has an intact understory with natives. Given its occurrence along lower Drainage B, a "Waters of the U.S." on SAIC's May 19, 2000 Wetlands Map, this is a riparian ESHA. This type of well-developed woody habitat is uncommon in the coastal area. It is essential to a diversity of birds and mammals as evidenced by the partial vertebrate species list provided to me.

Many of the plant taxa observed here were not included on the plant survey list. Given the failure to record plant species along Drainage B, including *Sambucus mexicana* and *Verbena*, other species including rare species have the potential to be present.

Lonicera spicata (subsp. needs determination) occurs in nearby Devereux Creek and may occur in the least disturbed portion of Drainage B. However, based on the Survey list, the drainages have not been adequately surveyed.

There are associated native grasslands directly adjacent to Drainage B, with grasses that are transitional between wetlands and dry uplands. Disruption of the water flow in the drainage could decrease soil moisture in these, leading to a loss of the grasslands and reduced water and soil moisture for the lower Drainage B ESHA. As ESHA, this area should be avoided if feasible.

Drainage B does not appear to be an important wildlife corridor because its dense vegetation does not connect to the wetland near its head. However, the loss of lower Drainage B may interfere with birds that are capable of moving between isolated riparian woodlands. In addition,

the loss of this area as a seed source of native plants would negatively impact the other drainages in the area.

The planned loss of Drainage B would be a significant negative biological impact. The loss of the lower portion of Drainage B would probably be of greater impact than the loss of the upper portion. However, if the water flow through the drainage were changed, it would impact not only the lower portion of Drainage B but Devereux Creek as well.

It is important to maintain the hydrological connection between the wetland and Drainage B and Devereux Creek. Therefore, in addition to preserving the densely vegetated part of Drainage B, if feasible, the project should maintain the flows into Drainage B (rather than directing these flows into the eastern detention basin and Drainage A, dEIR, page 4.3-16) to support the vegetation. Flows should be discharged in a diffuse manner to protect the riparian area's hydrology and prevent erosion hot spots.

Considering the City's Environmental Thresholds and Guidelines Manual Biological Resources Section, the loss of Drainage B would be a significant impact given the permanency of loss, the size of the area of habitat, and its ecological value, its relative rarity and significance (for the area), and its sensitivity.

Alteration of the ecological and hydrological function of the drainage would impact connecting drainages and adjacent uplands.

A bridge across upper Drainage B could avoid impacts and allow development west of the drainage, if it were constructed and sited to avoid direct impacts to ESHA, with its footings outside the drainage's bed and banks and setback from the wetlands, and if the road did not significantly change water flow. If Drainage B is bridged, a narrow span bridge as described above would avoid potentially significant issues (e.g., fill and compaction in the drainage, changes to hydrology, concentration of flows, erosion, etc.) caused by installation of culverts.

Drainages A1 and A2

If it is not feasible to avoid Drainage A1, then a narrow bridge should be built across Drainage A1, to minimize impacts to the wetlands. The bridge should be sited to avoid direct impacts to wetlands, including shading, with its footings outside the wetlands and setback from the wetlands to the maximum extent feasible while minimizing construction impacts.

There is not a biological justification that wetlands in drainages receive only a 50-foot buffer while wetlands isolated from drainages get a 100-foot minimum buffer.

There is a problem with logic inherent in policies that require minimum 100-foot setbacks for all wetlands and flexible 50-foot setbacks for streams and riparian areas. One policy says streams get 50-foot setbacks that can be reduced according to the dEIR and another policy states "all wetlands" get a minimum 100-foot setback.

Many streams are wetlands. Also, wetland and stream vegetation can be intermixed, making definition difficult. In addition the wetlands and streams often are interconnected, especially in wet years.

A 100-foot buffer would be superior to a 50-foot buffer for the wetlands in A1 and A2. In Drainages A1 and A2, the vegetation is composed predominantly of wetland plants, rather than those associated with riparian areas (other than the *Salix*). Therefore based on the policies, the setback should be 100 feet. However, if the policies are interpreted as conflicting, the more protective should be applied. This argues for a 100-foot setback if feasible. In sum, it is not biologically appropriate to apply the creek/riparian setback to wetlands in swales and drainages instead of the City's 100-foot setback for all wetlands.

Western Wetland

The large wetland at the head of Drainage B on the Comstock site may meet the Coastal Act definition of a wetland as the EIR concludes, although the vegetation is primarily non-native ruderal wetland and upland plants. It was too late in the season, given the dryness of the year, to fully ascertain the extent of the wetland components.

Restoring this wetland and its buffer along Drainage B (near the eastern boundary of the Sandpiper Golf Course) would mitigate potentially significant indirect wetland impacts onsite. Impacts from development beyond the 100-foot buffer will cause this wetland to deteriorate (non-native plants, pests, noise, lighting) unless proactive measures are implemented as mitigation for this project to prevent that impact. This wetland is degraded and restoring it by replacing non-native plants with native wetlands plants from the watershed, and restoring its buffer with appropriate native vegetation, would help to offset these indirect impacts as well as indirect impacts to wetlands in Drainages A1 and A2.

Native Grasslands

The native grasses do not extend under the Coyote Brush Scrub habitat along Drainage B. The native plant communities at the site are a mosaic. While there are some native grass plants adjacent to and under the *Baccharis pilularis*, the majority of the plants are clearly a distinct community.

The native grasslands were not always mapped accurately at the Comstock site. For example, the grassland map in the dEIR either mismaps the *Elymus glaucus* or does not map it NW of the *Eucalyptus* in Drainage B. There are discrepancies between the map in the dEIR, the 2000 SAIC map and the extent of grasslands onsite.

Based on our observations in the field and statements in SAIC's October 2000 Final Assessment of Native Grasses at the Santa Barbara Shores and Monarch Point Properties and the Proposed Emergency Access Road for Monarch Point, it would appear that total cover was used, rather than total relative cover, which would underestimate the size and importance of grasslands. The City's Environmental Thresholds and Guidelines Manual describe the mapping methods that should be followed, and this method includes the use of total relative cover. The significance of this is that more areas are likely to meet the 10% criteria for native grasslands if total relative cover is used than if total cover is used.

Based on the maps and the 2000 SAIC report provided to me, including Appendix A, it appears that only native grasses were included, rather than native grassland species. 'Grassland' species include a wide range of plant taxa (e.g., see Keeley 1990, Smith 1998). Please refer to Exhibit A, "possible grassland and meadow taxa." When determining the percent cover in order to establish which areas are native grasslands, all native grassland plant species present should be considered rather than merely the native grasses because native grassland plant communities are not limited to only grass species. While grasses are used as the defining element of this community type, they are not the only plant components. Therefore, to accurately reflect the extent of native grasslands, mapping should include areas where the total relative cover of all native grassland plant species exceeds 10%. Limiting mapping only to grasses underestimates the size and importance of grasslands. Inclusion of all native grassland community species would tend to increase the areas that meet the 10% relative cover threshold.

Individual patches of native grassland should be mapped together as contiguous habitat area. The patches of grasses often are not independent units. Where the patches of grasses are separated by non-native plants, rather than other native plant community types, they should be mapped together as a single habitat area.

Mitigating native grasslands by planting along closed trails in non-native grassland or brush areas will not effectively mitigate the loss of native grasslands. Native grasses would get swamped by non-natives and/or shrubs. Instead, this approach would be more likely to succeed if it were limited to areas of closed trail through native grasslands or areas of interspersed shrub and native grasses, and planted in a mosaic with native shrub species. Restoration of native grasslands in blocks rather than ribbons is more sustainable and effective as a mitigation measure.

Additional Comments

Vouchers for all plant taxa identified during surveys should be collected, both to confirm that a taxon occurs onsite and to allow for corrections in identifications.

Some taxa on the survey were identified only to genus, although identification to the specific level is needed. Others, for which infraspecific identification is needed, were not keyed past species level. *Eucalyptus globulus* was mapped but not included on the survey list.

The survey list underestimates the number of taxa at the site. We observed many taxa (both native and alien) that were missed during survey (*Artemisia californica*, *Brassica nigra*, *Calystegia macrostegia* subsp. *cyclostegia*, *Carpobrotus edulis*, *Cortaderia seloana*, *Foeniculum vulgare*, *Heteromeles arbutifolia*, *Juncus xiphioides*, *Lonicera subspicata*, *Myoporum laetum*, *Phalaris aquatica*, *Quercus agrifolia*, *Raphanus sativa*, *Sambucus mexicana*, *Verbena*, *Yucca*). Some of these are serious weeds/pest plants (e.g., *Brassica nigra*, *Carpobrotus edulis*, *Cortaderia seloana*, *Foeniculum vulgare*, *Phalaris aquatica*, *Raphanus sativa*).

There also are historical plant collections from the area that may have been collected at the site (e.g., *Ribes divaricatum* var. *pubiflorum*, *Achillea millefolium*, *Allophyllum glutinosum*, *Brickellia californica*, *Cryptantha intermedia*, *Eryngium armatum*, *Gilia capitata* subsp. *abrotanifolia*, *Gnaphalium bicolor*, *Gnaphalium canescens* subsp. *microcephalum*, *Hemizonia parryi* subsp. *australis* (CNPS list 1B), *Heterotheca sessiliflora* subsp. *echioides*, *Layia hieracioides*, *Linaria canadensis*, *Lotus strigosus*, *Lupinus bicolor*, *Oxalis albicans* subsp. *pilosa*, *Platystemon californicus*, *Phacelia distans*, *Plectritis brachystemon*, *Psilocarphus brevissimus* var. *brevissimus*, *Psilocarphus tenellus* var. *tenellus*, *Stachys bullata*, *Stephanomeria elata*, *Thalictrum fendleri*, *Trifolium ciliolatum*) *Lasthenia conjugens* (CNPS list 1B) *Phalaris lemmonii*, and *Sidalcea malviflora* subsp. *malviflora* have been reported from the area (Smith 1998)

The survey did not identify *Juncus xiphioides* (Iris-leaved rush), which occurs in the buffer west of Drainage A1 (near the confluence with Drainage A2). The actual extent of this wetland should be recorded based on this species occurrence and the buffer may then need to be shifted west to protect the wetland.

Getting a larger buffer around the Drainage A1 and A2 wetlands should be weighted greater than protecting the wetland near the head of Drainage B, if a choice must be made. If a choice had to be made, preserving Lower Drainage B should be given more weight than getting larger buffers for the wetlands because, while larger wetland buffers are important to comply with policies and minimize impacts, the Drainage B impact is a direct permanent loss, while impacts to the wetlands in Drainages A1 and A2 are largely indirect impacts.

The wetlands in A1 and A2 are showing signs of downcutting, which is narrowing the wetlands along the drainage. This should be fixed with natural check dams (e.g., made of vegetation like native giant rye grass). This erosion has rendered the wetlands narrower, however, they exhibit wetland vegetation. This vegetation, and the wetlands, would be enhanced by controlling this downcutting in a non-invasive way.

Rarity of Grasslands

Keeley (1990, p. 17):

"Nearly a fifth of the State was one covered by perennial grasslands, yet today only 0.1% of those remain (Barry) 1972). Of the existing grasslands in California, less than 1% are protected within federal, state or private preserves (Jones and Stokes 1987).

Several sources (e.g., Holland and Keil 1995, Keeley 1990) identified grasslands as having occurred on much of the south coast of Santa Barbara County (Holland and Keil Fig. 11-1, p. 200; Keeley p. 2). However, examination of the land-cover classes mapped in the recent Southern California Mountains and Foothills Assessment (Stephenson and Calcarone 1999) illustrates how little remains (Figure 1.7, p.11). Perennial grasslands are now included among the endangered plant communities of California (see Schoenherr 1990).

"Perennial bunchgrass communities are one of the rarest plant communities in California (Keeley 1989; Keeley 1993) and are considered to be one of the most endangered ecosystem types in the United States (Noss et al. 1995; Peters & Noss 1995)." [Hamilton 1997, p. 42]

The rarity of this community type, both in California as a whole and in Santa Barbara County, renders it an Environmentally Sensitive Area as defined under the Coastal Act and Santa Barbara County Local Coastal Plan (LCP) and should warrant stringent protection of remaining sites.

REFERENCES

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- Smith, C. F. 1998. A Flora of the Santa Barbara Region, California 2nd Edition. Santa Barbara Botanic Garden & Capra Press, Santa Barbara.
- Stephenson, J. R. and G. M. Calcarone. 1000. Southern California Mountains and Foothills assessment: Habitat and Species Conservation Issues. General Technical Report GTR-PSW-172. Pacific Southwest Research Station, Forest Service, US Department of Agriculture, Albany, CA.

blue bold – on Table B-1 for Santa Barbara Shores and Monarch Point properties and Appendix A (mapped native grasses)

green bold – taxa observed by Painter, Chirman, and Trautwein on 1 May 2004 walk through

Native plants

Trees and Shrubs

Artemisia californica

Baccharis pilularis

Baccharis salicifolia

Ericameria ericoides

Herbarium record: Ellwood [Eastwood and Howell 221 (UC)]

Heteromeles arbutifolia

Lonicera subspicata [needs vouchering, var. needs to be determined]

Quercus agrifolia

Ribes divaricatum var. *pubiflorum*

Herbarium record: Ellwood [Eastwood 186 (UC)]

Salix lasiolepis

Herbarium record: just w of Goleta; Glen Annie Rd. ca. 0.5 mi. n. of junction with U.S. 101 [Theodore J. Crovello 622 (UC)]

Sambucus mexicana

Herbarium record: Ellwood [Eastwood 218 (UC)]

Grasses

Bromus carinatus

Deschampsia danthonioides

Smith: Isla Vista Tract...

Distichlis spicata

Elymus glaucus

Hordeum brachyantherum subsp. *brachyantherum*

Smith: Isla Vista, Ellwood Mesa...

Leymus triticoides

Nassella pulchra

Phalaris lemmonii

Smith: Isla Vista Tract, Goleta, More Mesa, Ellwood Mesa....

Forbs

Achillea millefolium

Herbarium record: Ellwood Santa Barbara [Eastwood, and Howell 178 (UC)]

Allophylum glutinosum

Herbarium record: Ellwood [Eastwood 7 (UC)]

Ambrosia psiloctachya

Brickellia californica

Herbarium record: Ellwood [Eastwood and Howell 221 (UC)]

Calystegia macrostegia subsp. *cyclostegia*

Herbarium record: Ellwood [Eastwood 224 (UC)]

generally recorded as a shrubland taxon, but also often a component of grasslands

Castilleja densiflora subsp. *gracilis*

Herbarium record: Ellwood [Eastwood 4 (UC)]

Crassula aquatica

Cryptantha intermedia

Herbarium record: Ellwood [Eastwood 10 (UC)]

Cyperus eragrostis

Eleocharis acicularis var. *acicularis*

Eleocharis macrostachya

Eryngium armatum

Herbarium record: w. of Goleta; on mesa of Isla Vista Tract [S.F. Smith 2659 (UC)]

Eryngium vaseyi

Herbarium record: ca. 2 km. w of Isla Vista.; 1 km. s of Ellwood Station in Goleta, Ellwood Mesa vernal oools, in oool [Jean Thomson 98 (JEPS)]

Herbarium record: on mesa of Isla Vista Tract [S.F. Smith 2658 (UC)]

Gilia capitata subsp. *abrotanifolia*

Herbarium record: Ellwood [Eastwood 185 (UC)]

Gnaphalium bicolor

Herbarium record: Ellwood [Eastwood 183 (UC)]

Herbarium record: Ellwood [Eastwood and Howell 184 (UC)]

Gnaphalium canescens subsp. *microcephalum*

Herbarium record: near Ellwood [H.Pollard s.n. (UC)]

Hemizonia parryi subsp. *australis* **CNPS list 1B, CEQA**

Herbarium record: along Hwy. 101 near turnoff to Isla Vista Tract, Goleta [S.F. Smith 2089 (SBBG)]

Herbarium record: Isla Vista Tract, Goleta [C.F. Smith 2150 (SBBG)]

Herbarium record: near Goleta [H.Pollard s.n. (SBBG)]

Herbarium record: E of Isla Vista School, Goleta [E.R. Blakley 6534 (SBBG)]

Herbarium record: Isla Vista Tract, sw of Goleta [J. Torres s.n. (SBBG)]

Heterotheca sessiliflora subsp. *echioides*

Herbarium record: Ellwood near type locality [Eastwood and Howell 222 (UC)]

Juncus bufonius

Juncus phaeocephalus

Juncus occidentalis

Juncus sp.

Juncus xiphioides

Lasthenia conjugens **CNPS list 1B, CEQA**

Smith: Isla Vista Tract, Goleta, Ellwood Cooper ranch, Rincon Ranch

Layia hieracioides

Herbarium record: Ellwood [Eastwood and Howell 181 (UC)]

Linaria canadensis

Herbarium record: [Isla Vista] Goleta [H.Pollard s.n. (UC)]

Lotus strigosus

Herbarium record: Ellwood [Eastwood s.n. (UC)]

Lupinus bicolor

Herbarium record: Ellwood [Eastwood s.n. (UC)]

Oxalis albicans subsp. *pilosa*

Herbarium record: Ellwood [Eastwood 180 (UC)]

Plagiobothrys undulatus

Platystemon californicus

Herbarium record: Ellwood [Eastwood 6 (UC)]

Phacelia distans

Herbarium record: Ellwood [Eastwood 187 (UC)]

Plectritis brachystemon

Herbarium record: Ellwood [Eastwood s.n. (UC)]

Psilocarphus brevissimus var. *brevissimus*

Herbarium record: from area: Ellwood [Eastwood and Howell s.n. (UC)]

Psilocarphus tenellus var. *tenellus*

Herbarium record: from area: Ellwood [Eastwood and Howell s.n. (UC)]

Sidalcea malviflora subsp. *malviflora*

Smith: Isla Vista....

Sisyrinchium bellum

Stachys bullata

Herbarium record: Ellwood [Eastwood 3 (UC)]

Stephanomeria elata

Herbarium record: Ellwood [Eastwood and Howell 223 (UC)]

Thalictrum fendleri

Herbarium record: Ellwood [Eastwood 182 (UC)]

Trifolium ciliolatum

Herbarium record: Ellwood [Eastwood 11 (UC)]

Verbena sp.

Xanthium spp.

Xanthium spinosum

Xanthium strumarium

Alien plants

Brassica nigra

Carpobrotus edulis

Cortaderia selloana

Cotula coronopifolia

Eucalyptus globulus

Foeniculum vulgare

Geranium dissectum [not marked as non-native on Table B-1]

Lolium multiflorum

Lythrum hyssopifolium

Myoporum laetum

Oxalis corniculata

Phalaris aquatica

Raphanus sativa

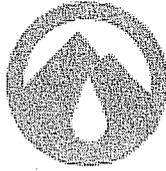
Rumex acetosella

Rumex crispus

Plantago lanceolata

Yucca sp. (cultivated shrub)

Attachment #2



**PACIFIC
INSTITUTE**

Research for People and the Planet

**Comments on the Draft EIR for the Cachuma Water Rights
Hearing**

Report to the Environmental Defense Center

**Dana Haasz
Peter Gleick**

**Pacific Institute
Oakland, California**

October 6, 2003

Comments on the Draft EIR for the Cachuma Water Rights Hearing

Report to the Environmental Defense Center

Dana Haasz
Peter Gleick

October 1, 2003

Introduction

In response to the State Water Resources Control Board (SWRCB) draft Environmental Impact Report (DEIR) released in August 2003 addressing modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310, the Pacific Institute was asked to assess the potential for improving water-use efficiency among the five major water districts (the Cachuma contractors) that play a role in the region: Carpinteria Valley Water District (CVWD), Goleta Water District (GWD), Montecito Water District (MWD), City of Santa Barbara (SB), and Santa Ynez River Water Conservation District, Improvement District #1 (SYRWCDID#1). The following analysis concludes that the contractors can reduce their take of water from the Santa Ynez River without a loss of service or quality of life. Substantial water can be freed up for environmental purposes and future expected growth simply by applying existing efficiency technologies and well-understood policies to conserve water, in a cost-effective manner. This potential has been ignored or underestimated by previous studies, including the DEIR, and should play a critical role in meeting future needs. The first section looks at the role of conservation through examination of end uses in individual water agencies. The second part questions some of the methodology and assumptions used in the EIR to project future supply and demand balances.

The recently released DEIR indicates that the proposed releases to protect steelhead and other public trust resources may cause a significant impact to the agencies' water supplies during critical drought years unless drought contingency water conservation measures are implemented. The DEIR states that the water-supply impact during critical drought years "might be mitigable to less than significant levels if the member units were to develop and implement a drought contingency plan to cover the [temporary] water supply shortage." However, the DEIR stops short of analyzing specific measures and alternatives that can mitigate this water-supply impact. Furthermore, it fails to describe how much water can be generated through conservation and/or alternatives or to assess whether the impact can be fully or only partially offset. This report is intended to provide the SWRCB with additional information and details regarding the feasibility of mitigating the water-supply impacts associated with the alternatives in the DEIR as well as other alternatives that may be proposed by the public, including California Trout.

More detailed analysis is necessary to determine the mix of conservation options most appropriate for the individual water agencies and the associated savings, but our initial work suggests that a wide range of alternatives are available that can reduce or eliminate the reasonable expected impacts.

These alternatives include increased water conservation, recycling and reuse, and developing new sources or enhancing use of existing sources of supply, such as increased extraction of water from existing sources, desalination, or the development of access to new sources. We identify and examine only the alternatives that are most cost-effective, and most feasible from an environmental, economic, and political perspective.¹ It should be noted that we do not discuss agricultural water use in this report, which accounts for about 20 percent of the member agencies' use. While an analysis of agricultural use was outside the scope of this

¹ We did not include in our analysis options that, under current conditions, would not be cost effective, devices that are new to the American market such as dual-flush toilets, or measures that are politically sensitive, such as rate structures.

report, a detailed assessment of the potential to improve efficiency of agricultural water use is strongly encouraged.

The following analysis is based on best available information collected from California Urban Water Conservation Council (CUWCC) Best Management Practices (BMP) reports, Department of Water Resources Urban Water Management Plans (UWMP), Water Conservation Plans required through U.S. Bureau of Reclamation (BoR) contract, and direct contact with the member agencies. The reports to the DWR and BoR are mandatory, (the CUWCC reports are mandatory if the agency is a signatory) but it is relevant to note that their accuracy, completeness, and quality vary widely as does the quality of data collected and available from the member agencies.²

Table 1 shows year 2000 water use for the five member agencies. There is considerable variation in per-capita water use among the agencies, with that of Montecito and Santa Ynez more than double that of the other agencies. During the drought in the early 1990s, the City of Santa Barbara (SB) and Goleta Water District (GWD) implemented aggressive water-conservation programs as a way of reducing demand. Although there has been some rebound in demand post-drought, many of the measures, such as toilet-replacement programs, had permanent effect on reducing demand. Prior to the drought, per-capita residential use in SB was 120 gallons per day (gpd). During the height of the drought it was reduced to 71 gpd, and currently it stands at 88 gpd.³ In Goleta prior to the drought, water usage reached as high as 15,175 AFY, dropped to a low of 8,152 AFY in 1991 at the end of the drought, and has since rebounded to about 13,000 AFY.⁴ If the most efficient currently available technologies were installed, average residential use could be as low as about 65 gallons per capita per day (gpcd), 35 of which is used indoors.⁵

Table 1: Water Use of Cachuma Contractors (year 2000)

	Population	Total Use (AFY) ⁶	Residential Use (GPCD)
Carpinteria ⁷	17,900	4,672	87
Goleta ⁸	80,000	13,700	82
Montecito ⁹	17,278	5,338	201
Santa Barbara ¹⁰	96,628	14,881	85
Santa Ynez ¹¹	8,920	5,152	231
Total	217,130	24,366	

² As one example, Santa Ynez only provides information on single-family accounts in its reports to the CUWCC, while the other agencies include detail on multi-family, CII, agricultural, and some even have information on landscape accounts.

³ City of Santa Barbara, Water Facts. 2002.

⁴ Camp Dresser & McKee. August 2001. Goleta Water District Urban Water Management Plan.

⁵ Gleick, P.H., D. Haasz, C. Henges-Jeck, V. Srinivasan, G. Wolff, K. Kao-Cushing, A. Mann. 2003. Waste Not Want Not: The Potential for Urban Water Conservation in California. Pacific Institute for Studies in Development, Environment, and Security, Oakland, California. In press. See also, Mayer, P.W., W.B. DeOreo, E.M. Opitz, J.C. Kiefer, W.Y. Davis, B. Dziegielewski, and J.O. Nelson. 1999. Residential End Uses of Water. Final Report. AWWA Research Foundation. Denver, Colorado.

⁶ Total of all urban uses: residential, commercial, industrial, and institutional.

⁷ Carpinteria Valley Water District. April 2001. Carpinteria Valley Water District Urban Water Management Plan and Water Shortage Contingency Plan.

⁸ Camp Dresser & McKee. August 2001. Goleta Water District Urban Water Management Plan.

⁹ Montecito Water District Urban Water Management Plan.

¹⁰ City of Santa Barbara Public Works Department. December 2000. City of Santa Barbara Urban Water Management Plan.

¹¹ Santa Ynez River Water Conservation District, Improvement District #1 Urban Water Conservation Plan.

Conservation Potential

We quantify conservation potential from only a subset of end uses of water based on current use and estimates of saturation of cost-effective water-efficient technologies. Actual conservation potential is likely to be higher than these estimates. We identified three primary end uses that, based on statewide and regional studies and programs, offer the greatest conservation potential from both a cost- and water-savings perspective: residential and commercial toilets, washing machines, and landscape irrigation. Table 3 summarizes our findings for these end uses. Replacing older inefficient residential and CII toilets with models meeting the current legal standard has the potential reduce current toilet use by 1,500 acre-feet per year.¹² Replacing residential washing machines with more efficient models can save another 900 acre-feet per year. Even greater savings can be achieved by improving the efficiency of water use in landscapes – between 2,800 and 4,600 acre-feet savings can be achieved by better management of urban landscape irrigation. There are many ways in which an agency can promote such conservation, including incentives on conservation technology, education, regulation, rate setting, and information dissemination. We chose to examine ULF toilets, washing machines and landscape irrigation because these programs have already proven to save water, be cost-effective, and be acceptable to the customer. There are many other options, many current and emerging technologies, and various types of incentive programs that an agency can choose to invest in to reduce demand. As a result, these savings estimates should be considered the minimum achievable savings.

Table 2: Summary of Potential Savings by End Use (AF/Yr)

	Residential ULFT	Residential Washers	Landscape (a)	CII Toilets
Carpinteria	145	65	236-377	30
Goleta	449	309	852-1,363	122
Montecito	196	51	540-870	21
Santa Barbara		439	980-1,570	282
Santa Ynez	132	27	247-394	61
Total	922	891	2,855-4,574	516

(a) Including improvements in the management of water use in existing landscapes. No changes in turf area or area of water-efficient plants was included here, though these changes can greatly reduce overall water use in landscapes.

Residential Water Use

The residential sector is the largest urban water-use sector, and it offers the largest volume of potential savings compared with other urban sectors. This section describes specific indoor residential end uses and estimates the potential for improving efficiency of those uses with existing technologies.

Residential Toilets

Toilets use more water than any other indoor use, about 32 percent of current indoor residential water use.¹³ Replacing old models with 1.6 gallon per flush (gpf) ultra low-flow toilets (ULFT) yields significant savings. While many old inefficient toilets have already been replaced through rebate programs, natural retrofits, and new construction, substantial numbers of inefficient toilets are still in place.

¹² Prior to the late 1970s, all toilets typically used six gallons per flush (gpf). Effective January 1, 1978, California state law required that toilets not exceed a flush volume of 3.5 gallons. In 1992, the National Energy Policy Act reduced the maximum flushing volume of residential toilets sold in the United States to 1.6 gallons per flush, effective January 1994. Commercial toilets are now covered as well.

¹³ Gleick et al. 2003.

The assumptions we used to estimate potential savings come from two different sources. For SB and Goleta we used CUWCC information on savings per toilet because these were the only two agencies that had information on toilet stock and saturation of ULF models. The CUWCC assumption at 90% confidence is that replacing pre-1980 toilets with toilets that meet the current legal standard saves approximately 42.6 gallons per day. Replacing post-1980 toilets saves 34.1 gallons per day. For multi-family complexes, pre-1980 retrofits save 46.7 gallons/day and post-1980 toilets save 37.4 gallons/day. For the other three agencies we calculated use by population and calculated the distribution of toilets by flushing volume. Population was used as the standard measure, thus eliminating differences associated with toilet use in single-family and multi-family units. Three pieces of information were necessary to evaluate total savings:

- The proportion of the population living in new housing;
- The natural replacement rate for toilets; and
- The number of toilets actively retrofit by utility programs.

The proportion of the population living in new housing

Since all post-1980 housing requires lower flow toilets by law, the population living in new housing was assumed to be using the more efficient model toilets. Yearly housing estimates provided a figure for the number of new houses each year. All houses built after 1980 are assumed to have 3.5 gallon per flush (gpf) toilets and all homes built after January 1994 are assumed to have 1.6 gpf models. New housing construction estimates are multiplied by the average number of people per household, resulting in yearly estimates for the population living in new houses.

The natural replacement rate for toilets

The natural replacement rate refers to the replacement of equipment due to age and wear. The replacement rate used in our model was four percent per year as proposed by the ULFT subcommittee of the CUWCC (CUWCC 1992), equivalent to a 25-year life for toilets.

The number of toilets actively retrofit by utility programs

Carpinteria, Montecito, and Santa Ynez, unlike Goleta and Santa Barbara, have not had retrofit programs and therefore we assume that all retrofits in these districts have been due to natural replacement. The distribution of toilets was determined by calculating the number of 3.5 gpf and 1.6 gpf toilets that had been installed since 1980 accounting for all new homes and natural replacement. We estimated the total population using low-flow toilets in any given year (Plf) using the following equation:

Equation 1: Number of people using low-flow toilets

$$P_{lf} = \Sigma P_{nr} + \Sigma P_{nh}$$

Where

P is the population for a given year;

P_{nr} is the population using toilets that have already been retrofit as a result of the normal replacement cycle (see equation below);

P_{nh} is the population in new housing.

For a given year, the number of people using toilets that have been replaced as a result of the normal toilet replacement cycle is calculated by applying the replacement rate to the population that had not had their toilets replaced by either active or passive programs, nor were they living in a newer home built with efficient model toilets.

Equation 2: Number of people using low-flow toilets installed due to natural replacement

$$P_{nr \text{ (current year)}} = (P - \Sigma P_{nr \text{ (previous years)}} - \Sigma P_{nh}) * TR$$

where TR is the natural turnover rate.

These calculations were done annually, providing a population distribution by flush volume. Multiplying the population in each category by flush volume and frequency of use generates total water use by year for

residential toilets. For the separate estimate of maximum practical savings, 1.6 gpf was used as the flush volume for the entire population. The REUW study found that ULFTs were flushed at a slightly higher frequency than non-ULF toilets. The data show that ULFT toilets were flushed slightly more than five times per person per day, while residents of non-ULF homes flushed about 4.9 times per day.¹⁴ Some recent data suggest that the latest ULFTs have the same flushing frequency as non-ULFTs, but we adopted the more conservative frequency estimates into the analysis. While newer, more efficient toilets are now coming on the market, such as dual-flush toilets that use a different volume of water for liquid and solid waste, or even no-water options, we have not calculated their potential for these agencies. We believe, however, that these new efficient toilets represent additional feasible water savings that could be captured if the need arises.

Our calculations assume that toilets have a life span of 25 years and therefore we conservatively estimate that only six gpf toilets are retrofit through agency programs and natural replacement. It does happen that some old toilets that would likely be replaced as part of the natural replacement cycle are replaced through agency programs. These are called free riders. This assumption has no effect on our estimates of potential savings from full implementation of ULFTs. It is, however, relevant to designing policies to capture cost-effective savings.

We estimate that if all the remaining inefficient residential toilets were replaced, current use in the five districts would be reduced by more than 900 acre-feet per year (AF/yr).

Results by agency

Goleta:

According to its 1997 report to the California Urban Water Conservation Council (CUWCC), the Goleta Water District has met the full requirements of BMP 14.¹⁵ GWD had the most complete information on toilet stock and saturation of ULFTs of the 5 agencies. GWD began requiring 3.5 gpf toilets 4 years before it became a state mandate and in 1985 it began a ULFT rebate program that ran until 1989, replacing 11,190 toilets with 1.6 gpf models. Our calculations show that there are, at most, about 10,000 toilets in the district that are not 1.6 gpf, out of a total stock of 50,000. Because the district started requiring 3.5 gpf models in 1974, most of the "old" stock flushes at this volume. We estimate that the 6 gpf models have approximately all been retrofit, 26% of the stock flushes at 3.5 gpf, and the remainder are ULFTs. These estimates were made assuming that no 6.0 gpf toilets were purchased in the district after 1980 and no 3.5 gpf models were purchased after 1986, in both cases preceding state regulations. Retrofitting all remaining inefficient toilets to ULFT models can save the district up to 450 AFY.¹⁶

¹⁴ Mayer, P.W., W.B. DeOreo, E.M. Opitz, J.C. Kiefer, W.Y. Davis, B. Dziegielewski, and J.O. Nelson. 1999. Residential End Uses of Water. Final Report. AWWA Research Foundation. Denver, Colorado.

¹⁵ The CUWCC was created to increase efficient water use statewide through partnerships among urban water agencies, public interest organizations, and private entities. The Council's goal is to integrate urban water conservation Best Management Practices (BMP) into the planning and management of California's water resources. A Memorandum of Understanding was signed by urban water agencies and environmental groups in December, 1991; those signing the MOU pledge to develop and implement fourteen comprehensive conservation BMPs. BMP 14 addresses ULFT replacement. The requirements for BMP 14 are that savings from residential ULFT replacement programs be equal or exceed water savings achievable through an ordinance requiring the replacement high-water-using toilets with ultra-low-flow toilets upon resale, and taking effect on the date implementation of this BMP was to commence and lasting ten years (http://www.cuwcc.org/m_bmp14.lasso). For more information on the CUWCC and the BMPs see www.cuwcc.org

¹⁶ Our calculations were based on CUWCC savings assumptions and Attachment 1-A of the 1997 CUWCC BMP report, which has information on the number of toilets in the service area. The mix of single-family and multi-family toilets was proportional to the mix of these housing units across the district.

Santa Barbara:

The City of Santa Barbara has also met the full requirements of BMP 14. The City of Santa Barbara had a ULFT replacement program that ran from 1988 to 1995. 18,842 residential toilets were replaced—50% of MF units and 34% of SF units—saving approximately 657 AFY.¹⁷ According to our calculations, there is probably only a negligible amount to be saved through accelerating replacement, as most models are currently ULFTs.

Carpinteria, Montecito and Santa Ynez:

None of these three agencies have had any active toilet retrofit programs. As a result, the only ULFTs in place are the result of new construction after the state and national standards were put in place, plus toilets replaced due to natural replacement during remodeling and individual efforts. As a result, the saturation results are the same for each of the districts. The distribution of toilets by flush volume is estimated as follows: 10% at 6gpf, 74% at 3.5 gpf and 16% at 1.6 gpf. Based on these data, Carpinteria, Montecito, and Santa Ynez can save about 145, 196, and 132 AF/yr respectively by replacing inefficient toilets.

Washing Machines

High-efficiency (HE) washing machines can save a typical household about 7,000 gallons of water a year¹⁸, cutting per-capita indoor use by 6 to 9 percent.¹⁹ The vast majority of residential washing machines in the U.S. are top-loading machines that immerse the clothes in water and spin around a vertical axis. Horizontal-axis designs use a tumbling action where the washer tub is only partially filled with water, requiring far less water, energy, and detergent.²⁰ Horizontal-axis washing machines, long popular in Europe where they have captured over 90 percent of the market, have only recently been introduced to the United States. HE machines did not begin to appear in significant numbers in the United States until the late 1990s, but are now increasingly available and popular. For example, in 1999, an estimated 10,000 rebates were issued for high-efficiency washers in California (based on reporting data from the CUWCC); in 2002 more than 24,000 rebates were awarded, and a total of 64,000 rebates have been awarded in the four years since 1999.²¹

Rising pressure on water and energy resources nationwide has prompted detailed field and laboratory surveys evaluating savings from the use of more efficient washing machines²². The High Efficiency Laundry Metering and Marketing Analysis project (THELMA) consisted of both a lab and field analysis of machines currently available on the market. Separately, the Department of Energy and the Oak Ridge National Laboratory conducted a five-month field study in Bern, Kansas involving 103 machines and over

17 CUWCC BMP Retail Water Agency Annual Report. 2000.

18 U.S. Environmental Protection Agency (USEPA). 2002. Water Conservation Plan Guidelines: Water Use Efficiency Program. Appendix B: Benchmarks Used in Conservation Planning. <http://www.epa.gov/owm/water-efficiency/wave0319/appendib.pdf>

19 Mayer et al. 1999

20 For typical usage, 80-90 percent of the energy use attributed to clothes is used to heat water. The partial filling of the tub means less total water is required, less hot water, and less water-heating energy (DOE 1990 in http://www.ci.seattle.wa.us/util/recons/papers/p_sh1.HTM).

21 Dickenson, M.A. 2003. Executive Director, California Urban Water Conservation Council. Personal communication.

22 Consortium for Energy Efficiency (CEE). 1995. Consortium for Energy Efficiency High Efficiency Clothes Washer Initiative Program Description. Consortium for Energy Efficiency. Boston, Massachusetts. U.S. Department of Energy (USDOE). 1996. Energy Conservation Program for Consumer Products: Test Procedure for Clothes Washers and Reporting Requirements for Clothes Washers, Clothes Dryers, and Dishwashers. 61 Federal Register 17589. Washington, DC.

THELMA. 1998. The High-Efficiency Laundry Metering and Marketing Analysis. A joint venture of the Electric Power Research Institute, U.S. Department of Energy, U.S. Bureau of Reclamation, and two dozen electric, gas, water, and wastewater utilities. EPRI final report, 1998. Palo Alto, California.

20,000 loads of laundry. Both studies yielded similar results: water savings of about 15.7 gallons per load.²³ Water savings from efficient machines are generally estimated to be between 40 and 50 percent.²⁴ This potential has encouraged many utilities nationwide to offer incentives for purchase of efficient washing machines as part of their conservation programs.

Information on the penetration of washing machines and frequency of use came from the 1995 American Housing Survey,²⁵ which found that 86 percent of households in the city of Santa Barbara have washing machines and we assumed this to be the same throughout the study area. We also assumed that 15 percent of new machines are HE and have a lifetime of 12 years, based on Energy Star estimates.²⁶

Summary of Assumptions for Washing Machine Analysis:

- Water savings from retrofit to HE models are 15.7 gallons per machine.
- The penetration of efficient washing machines prior to 1998 is negligible.
- Machine lifetime is 12 years.
- Fifteen percent of new machines now sold in the study area are HE.
- Frequency of use is 0.96 loads/household/day.²⁷
- The persistence of water savings from high-efficiency machines has not yet been analyzed. We assume the savings remain consistent through time.

Results for washing machines:

Using the assumptions above, we calculated the number of washing machines for each agency and the savings if all machines were to be replaced with average HE models. There have been no active retrofit programs in any of the agencies to date so we were calculated a standard saturation and turnover across the study area. Using these assumptions, we estimate that replacing inefficient residential washing machines can save nearly 900 AF/yr. We note that additional savings, not computed here, can be captured by replacing inefficient commercial washing machines as well (see discussion below).

Table 3: Water Savings from Retrofit of Residential Washing Machines

	Potential Savings (AF/yr)
Carpinteria	65
Goleta	309
Montecito	51
Santa Barbara	439
Santa Ynez	27

²³ The two studies used a similar experimental design, the Bern study, however, examined only one efficient washing machine model while the THELMA study used three different H-axis models.

²⁴ Hill, S., Pope, T., and R. Winch. 1998. THELMA: Assessing the Market Transformation Potential for Efficient Clothes Washers in the Residential Sector.

http://www.ci.seattle.wa.us/util/recons/papers/p_sh1.HTM. Pugh, C.A. and J.J. Tomlinson. 1999. "High efficiency washing machine demonstration, Bern, Kansas." CONSERV 99 Conference, Monterey, California.

²⁵ U.S. Census Bureau. 1995. American Housing Survey. AHS-N data Chart Table 2-4.

<http://www.census.gov/hhes/www/housing/ahs/95dtchrt/tab2-4.html>

²⁶ http://www.energystar.gov/index.cfm?c=clotheswash.pr_clothes_washers

²⁷ We used an average of the following three studies:

Koomey, J.G., C. Dunham, and J.D. Lutz. 1995. "The effect of efficiency standards on water use and water heating energy use in the U.S.: A detailed end-use treatment." *Energy-The International Journal*. Vol. 20, no. 7, p. 627;

U.S. Environmental Protection Agency (USEPA). 2002. Water Conservation Plan Guidelines: Water Use Efficiency Program. Appendix B: Benchmarks Used in Conservation Planning

<http://www.epa.gov/owm/water-efficiency/wave0319/appendib.pdf>; and

Mayer, P.W., W.B. DeOreo, E.M. Opitz, J.C. Kiefer, W.Y. Davis, B. Dziegielewski, and J.O. Nelson. 1999. Residential End Uses of Water. Final Report. AWWA Research Foundation. Denver, Colorado.

Total	891
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Landscape

Landscape water use in Santa Barbara County is estimated to account for about 59% of total residential use.²⁸ SB County has a Mediterranean climate with generally warm, dry summers and cool, wet winters. Residential landscaped areas range from 2,000 square feet to three acres and over 50% of these lots have irrigation controllers.²⁹ Properties in SB and Goleta have large landscaped areas averaging about 0.5 acres and use 37,400 to 224,400 gallons per month (0.1 to 0.7 AF per month) during the summer.³⁰

Outdoor residential water conservation and efficiency improvements have the potential to significantly reduce total water demand and improve supply reliability by reducing both average and peak demand. Savings will result from improved management practices, better application of available technology, and changes in landscape design away from water-intensive plants. In addition to the water-supply benefits, there are important water-quality benefits to proper landscape maintenance and irrigation. These include a reduction in energy and chemical use, mowings and other maintenance needs, and waste created.³¹ In fact, part of the impetus for the landscape irrigation studies in southern California has been due to the runoff and pollution problems associated with overwatering residential landscapes. Overwatering leads to contamination of local waterways with fertilizers, pesticides, and herbicides.

In 2001, both the City of Santa Barbara and Goleta Water District applied to CALFED's water-use efficiency program for funding for a distribution and installation program for the Weather Trak ET controller. Savings estimates of 25% from the ET controllers were based on a pilot study conducted in Irvine, whose climate and landscape practices are comparable with those of the SB area. The Irvine study showed a 57 gpd savings based on a 3,000 sq. ft. landscaped area. The proposal calculates the cost-benefit ratio of the controller program as 1:1.4.

ET controllers programs are attractive for agencies because they circumvent the "behavioral"³² issues associated with landscape maintenance, but there are a variety of other options for agency programs. A recent study (Gleick et al. 2003) estimated that landscape water-use reductions of 25 to 40 percent could be

²⁸ Mayer, P.W., W.B. DeOreo, E.M. Opitz, J.C. Kiefer, W.Y. Davis, B. Dziegielewski, and J.O. Nelson. 1999. Residential End Uses of Water: Final Report. AWWA Research Foundation. Denver, Colorado.

²⁹ Almy, R. 2001. Santa Barbara County Distribution and Installation Program for the Weather TRAK ET Controller. CALFED Water Use Efficiency Proposal Solicitation Package.

³⁰ Ibid.

³¹ For more information on the co-benefits of proper landscape maintenance see: Moller, P., K. Johnston, and H. Cochrane. 1996. Irrigation Management in Turfgrass: A Case Study from Western Australia Demonstrating the Agronomic, Economic, and Environmental Benefits. Presented at the Irrigation Association of Australia, National Conference, Adelaide, Australia. May 14 to 16 1996. (Agrilink Water Management Services): <http://members.iinet.net.au/~agrilink/turf.html>;
Nelson, J.O. 1994. Water Saved by Single Family Xeriscapes. Paper presented at the American Water Works Association National Conference, June 22, 1994, New York, New York; and
Sovocool, K.A. and J.L. Rosales. 2001. A Five-Year Investigation into the Potential Water and Monetary Savings of Residential Xeriscape in the Mojave Desert. 2001 AWWA Annual Conference Proceedings, June. Southern Nevada Water Authority, Nevada, (working paper supported by the Southern Nevada Water Authority and the US Bureau of Land Management). Available at http://www.snwa.com/assets/pdf/xeri_study.pdf.

³² Efficient irrigation involves two things: proper design and proper landscape maintenance. Proper landscape maintenance requires that the homeowner be informed and diligent — difficult things for an agency to predict, control, or monitor. When an agency decides whether to invest in a retrofit program, they can reliably calculate savings from switching their existing stock to ULFTs and from that determine the costs and benefits of such a program. A similar evaluation of landscape programs is more difficult and is constrained by lack of data and consistency in homeowner behavior.

made with improved management practices and available technology, economically and relatively quickly, even without changes in landscape design and plant type. Many options are available for reducing residential landscape water use, including new technologies, better management approaches, and appropriate garden designs.³³

Three of the agencies — Santa Barbara, Goleta, and Montecito — had information on water sales by month, which allowed us to use the “minimum month” method of estimating outdoor water use. This method assumes that the lowest use month represents indoor use. Use above that value is categorized as outdoor. The underlying, and conservative, assumption is that there is a month in which there is no landscape irrigation. Using this method, we found the percentage of outdoor use to be lower than the estimate from the REUW analysis. We combined all urban uses together in this calculation (we did not do separate calculations for residential and CII accounts) and to this outdoor water use value we applied a potential reduction range of 25 to 40 percent based on experience from regional case studies, audits, and technology assessments.³⁴

For the City of Santa Barbara we averaged data on metered water sales by month for 2001 through 2003, and subtracted agricultural uses to get urban use by month. Our results indicate that about 3,900 AF per year are used for landscape irrigation, accounting for almost 50% of urban use in the warmest month. Savings potential in Santa Barbara ranges from 980 to 1,570 AF per year. Goleta had monthly data from 1997-2002 and we estimate that about 3,400 AF is used annually for landscape irrigation, yielding a savings potential of 850 to 1,360 AF per year. Montecito had monthly data from 1968 to 2003 and the highest percentage of outdoor use of the three, reaching 68% during the warmest months. We estimate Montecito’s landscapes use at about 2,160 AF/yr, which can potentially be reduced by 540 to 870 AF per year.

Carpinteria and Santa Ynez do not have accessible information on outdoor use, so estimates for these two districts were based on the information from the other three agencies. For Carpinteria we used the average urban water use for 1990, 1995 and 2000³⁵ (2,483 AFY) and applied to this the average outdoor use from Santa Barbara, Goleta, and Montecito (38%) to get an average annual outdoor water use of 944 AF. From this we estimate a potential savings of 236 of 377 AF per year from landscape improvements. We used the same procedure for Santa Ynez and found that outdoor uses account for just under 1000 AFY, yielding a potential savings of 247-394 AF per year.

Commercial, Industrial and Institutional (CII) Water Use

Conservation programs within the member agencies have targeted primarily residential water users and therefore the CII sector still offers considerable potential for water savings. As part of their ULFT rebate programs, the City of SB and Goleta Water Districts offered rebates for CII toilets between 1988 and 1994. Santa Barbara replaced 2,995 toilets (14% of pre-1993 stock and Goleta has replaced about 690 units. There remain a large number of CII customers with potential for significant water savings, which we estimate at about 516 AFY.

CII Toilets

The CUWCC has 1992 data on number of toilets by zip code broken down by sub sector, which we used to estimate the amount of water that could be saved from replacing CII toilets. To these 1992 numbers we calculated a 4% turnover rate per year to capture toilets naturally retrofit. For Santa Barbara and Goleta, the only agencies that have had active retrofit programs, we estimated the number of toilets retrofit by sector

³³ For more information on the various landscape conservation options and estimates of costs and savings, see Gleick et al. 2003.

³⁴ See Gleick et al. 2003

³⁵ Carpinteria Valley Water District Urban Water Management Plan and Water Shortage Contingency Plan. 2001.

based on the assumption that the retrofits occurred proportionately. For example, 9 percent of Goleta's CII toilets are in hotels and therefore we assumed that 9% of the 690 units replaced were also in hotels. For the actual savings estimates we used values from the county's (with the City of Santa Barbara participating) CALFED funding application for CII rebate programs for ULFTs, waterless and ULF urinals, and high-efficiency commercial clothes washers. These estimates, found in Table 5, are based on information from MWD programs. Tables 6 and 7 show the results across the five agencies by CII subsector and by agency.

Table 4: Savings per ULFT Installation by Market Segment

Market Segment	Savings per installed ULFT (gpd)
Category I	
Wholesale	57
Food store	48
Restaurant	47
Category II	
Retail	37
Automotive	36
Multiple Use	29
Religious	28
Category III	
Manufacturing	23
Health care	21
Office	20
Miscellaneous	17
Hotel/motel	16
School	18

Source: Urban Water Conservation Grant Application, CII ULFT Savings Study, CUWCC 2001

We used the following equation to estimate water savings from CII retrofits:

Equation 3:

$[T_s - (T_{nr} + T_{ar})] * S_s$, where

T_s is the number of toilets by subsector;

T_{nr} is the number of toilets naturally retrofit (4% per year);

T_{ar} is the number of toilets actively retrofit, and

S_s is the savings per toilet by subsector in gallons per day.

Table 5: Member Agencies' CII Toilet Numbers and Potential Water Savings by Subsector

CII Subsector	Total Number of toilets (1992)	Number of toilets naturally retrofit (through 2002)	Number of toilets actively retrofit (through 2002)	Number of toilets remaining to be retrofit (2002)	Potential Savings (AF/Yr)
Hotels	7,357	2,943	726	3,688	65
Eating Establishments	1,105	442	118	545	28
Health Sector	3,413	1,365	414	1,634	38
Offices	9,341	3,736	1,077	4,528	100
Retail/ Wholesale	8,987	3,595	932	4,460	195
Other	2,504	1,002	229	1,274	24
Industrial	2,457	983	256	1,219	31
Churches	666	266	71	329	10
Government	944	378	100	466	13
Schools: K to 12	995	398	97	500	11
Total	37,770	15,108	4,019	18,643	516

Table 6: CII ULFT Savings Potential by Agency and Subsector (AF/yr)

CII Subsector	Goleta	Carpinteria	Santa Barbara	Montecito	Santa Ynez
Hotels	7	2	38	2	16
Eating	6	2	16	1	3
Health	9	1	26	1	2
Offices	26	6	60	3	5
Retail/ Wholesale	40	11	108	10	26
Other	6	2	11	3	4
Industrial	18	4	8	0	1
Churches	2	1	6	0	1
Government	3	1	7	0	2
Schools: K to 12	4	1	4	0	1
Total	122	30	282	21	61

Commercial Washers

None of the five agencies have information available on the penetration rate of commercial washers so we could not estimate the potential of replacing existing models with high-efficiency machines. Santa Barbara County requested a CALFED grant, effective 2003, to fund a CII washing machine rebate program. They plan to rebate about 176 washers and estimate an annual water savings of 156 AF at a cost of \$215/AF and benefit: cost ratio of 1:1.47.

Cost-Effectiveness of Water Conservation

The previous sections identify the range of conservation and efficiency improvements that are achievable in the member agencies' urban sector using proven, publicly acceptable technologies and options. This section presents our assessment of the cost of those technologies and options.³⁶ Since each water conservation measure is an alternative to a different source, or a new or expanded physical water supply, conservation measures are considered cost effective when their cost -- which we call "the cost of conserved water" -- is comparable the cost of other water-supply options. There are a variety of ways of computing this cost. Readers should look at Gleick et al. (2003) for detailed discussion.

Table 7 shows member agencies' avoided cost of water³⁷ from the different supply sources, which range from about \$200 to \$400 per acre-foot. The variable cost is the amount paid by the agencies for each acre-foot purchased. The difference between unit cost and variable cost is called "fixed costs," which is the amount paid by the agency regardless of whether they receive the water or not. For example, about three-quarters of the unit cost of water from the State Water Project are fixed and used to recover, among other things, the \$600 million it cost to build the pipelines, pumping, and treatment plants importing SWP water to the county.³⁸ Regardless of whether agencies take their entitlement, they are liable for these costs. Therefore, unless agencies are looking at major supply shortages in the future that require new projects to be built or expanded (which the Cachuma contractors are not), the avoided cost of water is the variable cost and the cost of conservation alternatives should be compared to this.

Table 7: Avoided Cost of Water (\$/AF)

	Groundwater	Cachuma Purchased	Cachuma (Spill)	State Water (exchanged)	State Water (purchased)	Desalination
<i>Variable Costs</i>						
Purchase	-	100.00	-	100.00	210.00	
Treatment	4.89	188.43	188.43	188.43	188.43	
Power	104.89	-	-	-	-	
Operation & Maintenance	13.41	-	-	-	-	
Capital Cost recovery	75.01					
Total Variable Cost	198.20	288.43	188.43	288.43	398.43	1,100
Unit Cost of Water ³⁹	915	412			1,745	1,500

Table 8 shows the unit cost of water for various conservation alternatives as presented in a proposal submitted by the County to CALFED and DWR for CII ULFT/washing machine and landscape conservation programs. We have also calculated in a separate analysis⁴⁰ the costs for residential ULFTs and washing machines as \$50 and \$-74 per acre-foot,⁴¹ respectively. According to our calculations, as well as

³⁶ For an explanation of how this analysis was developed, the assumptions and the results, see Gleick et al. 2003.

³⁷ Cost that could be avoided if the agency used a different source of supply.

³⁸ Santa Barbara County Water Agency. July 2000. Water Resources of Santa Barbara County.

³⁹ Includes fixed costs. Based on data from Goleta Water District. 2002-2003. Sources of Water Supply Costs. Memo from Kevin Walsh.

⁴⁰ Gleick et al. 2003

⁴¹ We include reasonably quantifiable and financially tangible "co-benefits" of water conservation as "negative costs" (i.e., as economic benefits). A negative value for cost of conserved water means that water could be free and customers would still save money by implementing the conservation option. This happens when non-water benefits, or "co-benefits" are sufficient by themselves to pay for the water conservation investment. Co-benefits are benefits that automatically come along with the intended objective. For example, high efficiency washing machines reduce water-heating bills and sewage costs, and improved irrigation scheduling reduces fertilizer use. We have not evaluated all co-benefits, only those

those of the County, all conservation alternatives are at least comparable to member agencies' other sources of supply (even though the County estimates do not include co-benefits). The one exception is commercial clothes washers, which according to our analysis, has a cost of about \$325/AF. The discrepancy between the two results can be explained, at least in part, by the fact that our analysis internalizes energy and wastewater savings. Thus, the estimates in Table 8 are, we believe, highly conservative – in fact, the cost of conserved water is likely to be substantially below these numbers. Yet even these estimates show that the conservation potential we identify is cost effective.

Table 8: Cost of Conservation Alternatives

	Average Cost to Purchase Product	Average Lifetime Savings (AF)	Administrative and Marketing Cost	Cost of Conserved Water (\$/AF)
ET Controller ⁴²	\$200	9.312	\$362	\$60
Category I Tank ⁴³ Type ULFT	\$100	1.223	\$28	\$105
Category I Flushometer ULFT	\$200	1.223	\$28	\$186
Categories 2&3 ULFT	\$150	.654	\$28	\$272
Waterless Urinals	\$450	1.646	\$28	\$290
Commercial Clothes Washer	\$1000	.543	\$28	\$1,893

These are costs to the water agencies. Costs to consumers are likely to be different, and often lower. And these costs do not include co-benefits such as energy savings, which are especially important for clothes washers.

Supply and Demand Assumptions in the EIR

For all agencies, water supplies are expected to be adequate through 2020 and beyond in all but a worst-case scenario critical drought year. Member agencies' demand and supply from all sources is presented in Table 9.

that could be quantified in a reasonably objective fashion. Even so, our results are much more favorable for water conservation than less complete assessments that exclude such co-benefits. Including co-benefits dramatically affects the results we achieve; helping to explain why conservation is more economically desirable than some previous analyses have suggested.

⁴² Almy, R. 2001. Santa Barbara County Distribution and Installation Program for the Weather TRAK ET Controller. CALFED Water Use Efficiency Proposal Solicitation Package.

⁴³ Almy, R. Santa Barbara County CII Rebate Program. Proposal to CALFED.

Table 9: Water Supply and Demand Conditions for Cachuma Project Member Units⁴⁴

	Carpinteria	Goleta	Montecito	Santa Barbara	Santa Ynez	Total
Supply						
Cachuma Project (%) ⁴⁵	2,813 (22%)	9,321 (58%)	2,660 (34%)	8,277 (45%)	2,651 (22%)	25,722
State Water Project	1,000 ⁴⁶	3,800-7,000 ⁴⁷	2,208 ⁴⁸	2,566 ⁴⁹	1,000 ⁵⁰	10,574-13,774
Groundwater	3,000	2,350	400	1,400	4,700	11,850
Reclaimed		1,500				1,500
Desalination				3,125		3,125
Other			2,375	6,063	3,600 ⁵¹	12,038
Total Supply	6,813	16,971-20,171	7,715	18,306 ⁵²	11,951	61,756-64,956
Demand (average)						
Current (2000)	4,672	14,000	6,073	15,140	5,300	45,185
Build Out (2020)	5,423	16,000	6,835	15,570-17,760	9,050	52,878-55,068
Difference (supply-demand)	2,141-1,390	2,971-4,171	1,642-880	3,166-1,640	6,651-2,901	16,571-10,982

There are two major questionable assumptions in the supply and demand section of the EIR. The first is the demand assumptions and projections for the member agencies. The EIR indicates that mitigation alternatives are capable of meeting 2020, critical dry year demand (alternatives 2 and 4A-B). This projected critical dry year demand is based on current demand levels, which from the previous sections, we know can, and probably will be reduced due to continued investment in conservation programs as well as naturally occurring conservation from mandated efficiency. Shortage (in all alternatives) occurs only when the projections show increase in per capita demand in 2020. Agencies' demand projections do not appear account for continued investment in conservation measures that would reduce demand. In fact, projected per-capita residential demand actually rises for four of the five agencies (demand declines slightly for Santa Ynez, which, at over 200 AFY, would still be more than twice that of Santa Barbara or Goleta). Table 10 shows how forecasted demand is increasing at a faster rate than population. While demand is projected to increase by about 23% between 2000 and 2020, population is projected to increase by only 15%. Per capita demand should be decreasing, rather than increasing, as conservation technologies continue to penetrate the market. Efficient toilets will replace older models, washing machines will continue to capture an increasing

⁴⁴ State Water Resources Control Board, Division of Water Rights. August 2003. Draft Environmental Impact Report. Consideration of Modifications to the U.S. Bureau of Reclamation's Water Right Permits 11308 and 11310 (Applications 11331 and 11332) to Protect Public Trust Values and Downstream Water Rights on the Santa Ynez River Below Bradbury Dam (Cachuma Reservoir).

⁴⁵ Member agencies' annual deliveries from the Cachuma Project are calculated as a percentage of the total supply provided.

⁴⁶ Entitlement is 2,000 AFY (50% average annual delivery) plus 200 AFY of drought buffer.

⁴⁷ GWD assumes 51-60% average annual delivery of entitlement (7,000 AFY) and drought buffer (450 AFY). Current diversion is limited to 4,500 AFY due to pumping capacity.

⁴⁸ MWD assumes 76% average annual delivery of entitlement of 3,000 AFY plus 300 AFY drought buffer.

⁴⁹ City assumes 76% average annual delivery of entitlement (3,000 AFY) plus 300 AFY of CCWA drought buffer.

⁵⁰ Entitlement is 2,000 AFY plus 50 AFY drought buffer.

⁵¹ Santa Ynez River underflow. Maximum permitted amount is 6,115 AF.

⁵² Does not include desalination, which is considered only an emergency supply.

share of the market⁵³ and a host of other practices and technologies that use water more efficiently will continue to be adopted. While agencies such as Goleta and Santa Barbara have been fairly progressive in promoting conservation, others such as Santa Ynez and Montecito have made little to no investment in conservation and therefore their projections must be put to question.

Table 10: Past, Current, and Projected Water Use and Population⁵⁴

	1990	1995	2000	2005	2010	2015	2020
Total water demand (AFY)	23,705	35,337	40,481	39,820	44,496	46,562	48,698
Residential use (AFY)	12,741	20,779	24,366	25,811	27,336	28,912	30,557
Total excluding agriculture (AFY)	17,397	28,263	32,058	33,885	35,725	37,602	39,542
% Change in urban demand from 2000	-51.3%	-20.9%	0.0%	5.7%	11.4%	17.3%	23.3%
Population			221,476	230,428	238,849	246,880	255,409
Total Per capita (gpcd)			171	172	173	175	176
Residential Per capita (gpcd)			98	100	102	105	107
Population growth from 2000			0%	4%	8%	11%	15%

The other problem with this section of the EIR is the focus on the 1951 critical dry year as a basis for decision-making. Using 1951 to represent a critical drought year, the EIR examines the potential shortages experienced by the member agencies. Member units' have sufficient supply to meet demand in all years out of the 1918-1993 period analyzed except for 1951, including during a three-year drought period. During this kind of critical drought year, emergency measures are implemented. There are a number of alternatives that could and should be considered in order to meet critical drought year shortages but using this scenario to drive the planning process is not reasonable.

⁵³ AB 1561, which is awaiting final approval, requires all newly manufactured home washers in California not to exceed a water factor of 9.5. The new standards would save about a typical family about 7,000 to 9,000 gallons per year.

⁵⁴ From agency Urban Water Management Plans.

Conclusions

According to our analysis, serious efforts to implement cost-effective conservation and efficiency programs will give the Cachuma member agencies ample flexibility to mitigate the impacts of the scenarios proposed in the EIR to maintain the endangered steelhead populations on the Santa Ynez River. In addition, impacts to water supplies caused by alternatives that involve greater releases of water than proposed in the EIR can also be mitigated. We estimate between about 5,000 and 7,000 AFY of water can be cost-effectively conserved by programs to implement the conservation measures described in this report. Demand can be reduced so that the impacts of a critical dry year are considerably less severe.

More importantly, the EIR's analysis of water supply and demand is inadequate. A thorough assessment of the proposed alternatives' impacts should include not only various supply scenarios, which it does, but a section of demand scenarios as well. The EIR presents supply and demand conditions based on current demand and the projected member units' demand increases. Missing are demand projections with different, and we believe, realistic levels of conservation. As a result, the scenarios are limited to the single projection of agencies, some of who have shown little interest in conservation. Finally, the decision-making in the EIR seems to revolve heavily around the catastrophic critical dry year scenario that, in reality, would call for a variety of drought emergency measures and is not typically used as the basis for long-term planning.

For more information, contact:

Dana Haasz or Peter Gleick

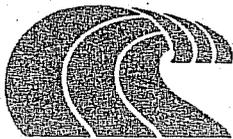
Pacific Institute

510 251-1600 phone

Attachment #3

California Coastal Commission

PROCEDURAL GUIDANCE FOR THE REVIEW OF WETLAND PROJECTS IN CALIFORNIA'S COASTAL ZONE



June 15, 1994



Financial assistance for preparation of this document was provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

Appendix A

Statewide Interpretive Guidelines For Wetlands And Other Wet Environmental Sensitive Habitat Areas

Accordingly, the Commission may set limits and conditions to development adjacent to environmentally sensitive habitat areas based upon any or all of the following sections of the Coastal Act: 30230; 30231; 30233; 30236; and 30240.

The Commission has required the following types of mitigation measures: setbacks; buffer strips; noise barriers; landscape plans; pervious surfacing with drainage control measures to direct storm run-off away from environmentally sensitive habitat areas; buffer areas in permanent open space; land dedication for erosion control; and wetland restoration, including off-site drainage improvements. This section only discusses the requirements for establishing the width of buffer areas. It does not discuss any other measures as noted above which may also be necessary and more appropriate to ensure that the development is compatible with the continuance of the habitat area.

B. Criteria for Establishing Buffer Areas

A buffer area provides essential open space between the development and the environmentally sensitive habitat area. The existence of this open space ensures that the type and scale of development proposed will not significantly degrade the habitat area (as required by Section 30240). Therefore, development allowed in a buffer area is limited to access paths, fences necessary to protect the habitat area, and similar uses which have either beneficial effects or at least no significant adverse effects on the environmentally sensitive habitat area. A buffer area is not itself a part of the environmentally sensitive habitat area, but a "buffer" or "screen" that protects the habitat area from adverse environmental impacts caused by the development.

A buffer area should be established for each development adjacent to environmentally sensitive habitat areas based on the standards enumerated below. The width of a buffer area will vary depending upon the analysis. The buffer area should be a minimum of 100 feet for small projects on existing lots (such as one single family home or one commercial office building) unless the applicant can demonstrate that 100 feet is unnecessary to protect the resources of the habitat area. If the project involves substantial improvements or increased human impacts, such as a subdivision, a much wider buffer area should be required. For this reason the guideline does not recommend a uniform width. The appropriate width will vary with the analysis based upon the standards.

For a wetland, the buffer area should be measured from the landward edge of the wetland (Appendix D). For a stream or river, the buffer area should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (e.g., in channelized streams). Maps and supplemental information may be required to determine these boundaries. Standards for determining the appropriate width of the buffer area are as follows:

1. Biological significance of adjacent lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting,

feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist or botanist who is familiar with the particular type of habitat involved. Where a significant functional relationship exists, the land supporting this relationship should also be considered to be part of the environmentally sensitive habitat area, and the buffer area should be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer should be extended from the edge of the wetland, stream or riparian habitat (for example) which is adjacent to the proposed development (as opposed to the adjacent area which is significantly related ecologically).

2. Sensitivity of species to disturbance. The width of the buffer area should be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination should be based on the following:

- a. Nesting, feeding, breeding, resting or other habitat requirements of both resident and migratory fish and wildlife species.
- b. An assessment of the short-term and long-term adaptability of various species to human disturbance.

3. Susceptibility of parcel to erosion. The width of the buffer area should be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

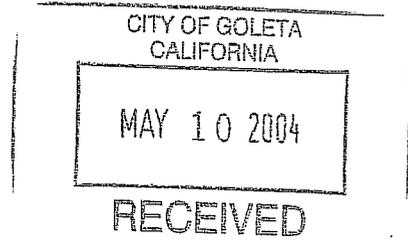
4. Use of natural topographic features to locate development. Hills and bluffs adjacent to environmentally sensitive habitat areas should be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from environmentally sensitive habitat areas. Similarly, bluff faces should not be developed, but should be included in the buffer area.

5. Use of existing cultural features to locate buffer zones. Cultural features (e.g., roads and dikes) should be used, where feasible, to buffer habitat areas. Where feasible, development should be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the environmentally sensitive habitat area.

Maria Gordon
 2615 Murrell Road, Santa Barbara, CA 93109-1879
 Tel. & Fax: (805) 962-0034 mkgordon@rain.org

May 10, 2004

Goleta City Council
 City Manager's Office
 130 Cremona, Suite B
 Goleta, CA 93117



Re: Draft EIR Comstock Homes Development & Ellwood Mesa Open Space Plan

Dear Members of the Council:

Thank you for the expert and thorough attention applied to complete the above report. I would like to submit the following comments:

- 1) **Trail closures:** while these may cause some impact on recreational activities, I do not believe they merit high impact classification. Impact is only potential; as already stated, closures will be limited. Therefore, the degree of trail closure impact is actually not known at present.

Although population increase is forecast to add to recreational use, it is to be hoped that further recreational opportunities will be created within the area, offsetting some of the increased demand. In addition, since, as the EIR points out, the wild nature of the place is sought out, the use patterns will tend to reflect this as people select their times deliberately in order not to crowd the open space.

G.32-1

- 2) **Alternative housing footprint/style/numbers:** in order to make a sensible assessment of where housing in the development might be alternatively sited/styled or reduced, I very much hope the City is able to conduct some sort of financial analysis to determine where economic gain remains feasible for such alternatives – ruling some in and some out.

G.32-2

- 3) **Sewer Line:** speaking from the successful experience at the Douglas Family Preserve in Santa Barbara (where a sewer line was originally proposed to go through the oak grove), please ensure a lift station is installed instead of any sewer line that encroaches on riparian habitat or the City park.

G.32-3

- 4) **Land swap:** in general, I feel this is an excellent idea and should be allowed to proceed – all measures taken to ensure that it does so in order to preserve the Ellwood Mesa.

G.32-4

Your efforts are most appreciated. I look forward to an environmentally sustainable and economically viable conclusion to the Ellwood Mesa land swap.

Sincerely,


 Maria Gordon

Friends of the Ellwood Coast
P.O. Box 80456
Goleta, CA 93118
Ph. 805-682-0854

CITY OF GOLETA
 CALIFORNIA

MAY 10 2004

RECEIVED

5/10/04

Ken Curtis, Director of Planning
 Rob Mullane, Planner
 City of Goleta

Re: Draft EIR for Comstock Homes Development
 and Draft OSP

Dear Sirs:

Due to the landswap, the Comstock Project is superior to previous projects for Ellwood Mesa. We are strongly supportive of this process. It increases the size of the City's passive park holding and permanently offers public access and resource protection.

G.33-1

Where feasible environmentally superior Alternatives are offered for planner consideration, we urge you do so. There are many Class 1 impacts that should be mitigated--and can be, within a timeframe that allows the elements of the landswap to go forward.

G.33-2

Regarding the OSHMP, we would like the funding mechanisms to be fleshed out. We may offer additional comments on this document in the near future. Consider avoiding mitigation banking.

G.33-3

The following are specific areas of concern:

1. Trail Closures as Class I Impact--Those few trails slated for closure have been incorrectly defined as Class I impacts to recreational use. The overall project not only provides adequate access, but IMPROVES the remaining trails--while assuring permanent recreational access to us all. FOTEC supports these judicious closures, as they follow the longstanding intent of the community to preserve the Mesa resources--and note that many of the funding sources for the acquisition project have restrictions on land use that emphasize the priority those donors give to environmental protection.

G.33-4

G.33-5

2. Sewer service--It is an undeniable pity that the Devereux Trunk Line runs through creek, riparian zone, and grassland--including the critical juncture of the Monarch overwintering site called Ellwood Main, with the Devereux Creek. All vehicular maintenance, road clearing, emergency tree removals and the state-required use of sterilant on spills are extremely undesirable in these sensitive areas. The Vactor has been known to cause grass fires also. BEYOND THE EXISTING NOD TO WATER QUALITY IMPACTS, we would like to see a comparison of environmental impacts between having continued sewer service in ESHA and that for use of a single lift station. We want to have it shown whether it is feasible to decommission that section of the trunk line running from Sandpiper through the Park up to about Newport Drive. (Beyond that--further eastward--we understand the impact of removal or lift station use might make decommissioning undesirable environmentally.) A single lift station on the Comstock property could perhaps serve both Sandpiper Golf Course and the housing development. The Hollister Trunk Line is slated for completion in good time--summer of 2005.

G.33-6

3. Night lighting--please consider restricted use of lighting, and appropriate lighting design in the development footprint. And NO night lighting of bike or other trails outside that footprint. Diurnal avian foraging is just one good reason.

G.33-7

4. If feasible, Alternatives which move homes and yards outside a 100' minimum buffer around monarch aggregation sites are preferable.

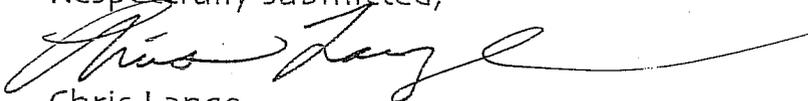
G.33-8

5. When assessing alternative development design, please include financial feasibility as one of your inhouse criteria.

G.33-9

6. We support mitigation measures which prohibit wood burning fireplaces.

Respectfully submitted,



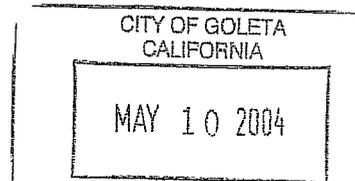
Chris Lange
President

Bradley Hufschmid
6832 Sabado Tarde Rd.
Goleta, CA 93117

34

May 3, 2004

RE: Comments on Draft EIR – Ellwood-Devereux Open Space Plan



Background information:

My family and I have lived in the Goleta Valley for more than forty years. We have lived next to and recreationally used the COP reserve for more than twenty-five years. I earned my bachelors degrees from UCSB in the Environmental and Earth sciences, as well as a graduate credential in secondary science education. I did my senior thesis on the evolution of the local environment and how each culture altered the landscape as a function of their cultural beliefs, practices and technologies. My family and I have spent an enormous amount of time studying and recreating on the reserve and we very much care about what is being planned for this area.

G.34-1

General Comments:

I strongly disagree with several premises of the proposed plan.

1. You cannot and should not try to mitigate the environmental impacts of the proposed staff, student and faculty housing, or the impacts of the 20,000 students UCSB brings to this area each year by closing trails and reducing the recreational opportunities on the remaining open space areas.
2. Hikers, joggers, and bikers have not and are not causing any environmentally significant harm to the site and you have no science to back up this implied assumption.
3. For over 10,000 years this site has been occupied by some of the highest human population densities in the Americas and to suggest that we are not a part of this environment is ridiculous. To restrict human use without significant scientific proof that irreparable harm is occurring is just plain wrong, especially for such a prestigious research university.
4. Recreational use of the project area has a very long cultural tradition with many decades of historic usage by many thousands of local residents, with no environmental degradation. In fact the area has shown a great deal of natural restoration in the past 20 years since the site has been left to the recreational users only. Recreational uses of this site are greatly under valued. Loss of recreational use is not mitigation, it is a significant impact that needs immediate remediation and should be addressed in the EIR.
5. Historical uses of the site, other than for recreation, have completely altered the ecology of the area. The 10,000 years of use by a people who actively hunted and foraged in the area daily, consuming anything edible, as well as having a cultural practice of annual fire farming created an environment as altered as any by modern man. The ranchers, farmers, oil companies and developers that followed irreversibly altered this man made environment even further. The only pond on site is an old oil sump. To now state that walkers, joggers, and bikers need to be restricted and removed because of how environmentally sensitive this land is, is not only scientifically unjustified but socially unconscionable.

G.34-2

G.34-3

G.34-4

G.34-5

G.34-6

- G.34-7 | 6. Trail closures are not linked to any specific impacts, nor are they scientifically justified nor are the benefits discussed, measurable and quantifiable. The fact that trails have already been closed before the draft plan's hearings have been held, let alone the plan approved shows governmental arrogance and neighborhood abuse.
- G.34-8 | 7. The proposed parking lot next to the R1 neighborhood in IV makes no sense. It is not needed as more than 20,000 people already live within walking distance of the coastal access points, open space and the reserve and a county coastal access-parking area is adjacent to the proposed parking lot. The paved lot will cause more environmental harm than the recreational uses that are to be restricted. The proposed location of the lot will force beach goers to have to walk across "environmentally sensitive" open space to get to Coil Oil Point, where they go to surf and sit. The lot should be located at Coil Oil Point (where one already exists) to minimize this impact. The lot is also very expensive especially compared to its benefits. And finally, the proposed parking lot access way is not through UCSB's west campus road as it should be, but through a very over crowded and impacted neighborhood. The EIR should address impacts of increased traffic through Isla Vista neighborhoods.
- G.34-9 | 8. This leads to another false assumption, that this proposed plan does not significantly affect the problem plagued community of Isla Vista. UCSB has grown considerable since its founding and is planning to expand further. The fact that as UCSB is forcing more and more people into an already over crowded, problem plagued and dysfunctional community, it is closing off recreational opportunities. This is a sure plan for disaster. How many more problems does IV need? UCSB and this environmental report needs to study and take into account how this plan to restrict recreational opportunities will affects the people of IV. We need more positive recreational outlets for students not less. How can UCSB continue to ignore and exacerbate the problems that it has created in IV? IV by its very nature is easily exploited and neglected by UCSB and the County. This very vulnerable and volatile community cannot defend itself. UCSB and the County cannot continue to abuse this situation. The current plan clearly represents the interests of UCSB, the County and developers at the expense of the weakest members of this community. This plan exploits IV as if it were a poor third world nation. UCSB should treat the residents of IV like neighbors deserving both respect and assistance. This predatory and abusive situation must stop! It is immoral and unconscionable for such an outstanding university to continue this treatment of the community it created and openly exploits!

Specific Comments and Bullet Points:

Trail Closures:

G.34-10 | As a geographer I see that the trails, built and maintained by the users, are well laid out and as well planned as could be expected. Most of these trails are slated for closure because the planners do not see them as necessary and in fact redundant and harmful to the environment. This is a scientifically unjustified conclusion with no supporting data. No trail should be closed without a long-term study that details and defines the perceived impacts and states the possible mitigations, other than trail closures. All other mitigations must be tested first before any trail is even proposed to be closed!

The trails themselves show the value placed on them by the community. They have been built and maintained in a most democratic way and are used in a very socially responsible manner. The trails reflect the needs of the community and this must be respected.

All users from hikers, birders, botanists, joggers, and bikers have very respectfully co-existed for many decades. To close trails and concentrate these recreational users on one or two trails is a serious mistake and will inevitable lead to conflicts and hazardous situations that have been greatly underestimated. The EIR should look at trail closures as an impact to recreation to be avoided, not a mitigation to environmental harm caused by the proposed development. The inclusion of more area that has been historically used for passive recreation into the Reserve system will result in further restriction of public access to the coast. The obvious lack of acknowledgement of the impacts to recreation from trail closure, and the addition of more reserve space that is off limits to the public, is a significant and

unavoidable impact to existing recreational opportunities. This is a serious oversight that must be remedied to make the EIR adequate and before the plan is approved.

The proposed closures are justified with undefined terms like resource protection, habitat restoration, erosion control, and removal of duplicate trails etc. without any scientific evidence of the harm or the benefits.

Before any trail is closed a public hearing needs to be held and the public's rights to comment be ensured and valued. At these public hearings the data from long-term studies should be presented, evaluated and discussed. Input from trail users regarding each proposed closure should be collected, presented and discussed.

No trail should ever be allowed to be closed without all other alternatives being tried first, studied, and evaluated.

G.34-10

Proposed Parking Lot:

Isla Vista has long been used as a parking lot for UCSB. This must not be allowed to continue. UCSB and the COP Reserve should not be allowed to export their parking into Isla Vista. Most beach users who park in IV, actually want to go to COP to surf and sit at IV's only dry sand beach. To put the parking lot in IV would only allow the university and COP reserve to continue to exploit IV and shirk their responsibilities to provide coastal access parking. The University in its 1990 LRDP agreed to provide parking and coastal access at COP. Without any notice or public hearing they have disallowed that use. If UCSB is going to build a parking lot (which they should not be allowed to do) the access should only be allowed through UCSB property and not through an already overcrowded neighborhood.

G.34-11

True Mitigation:

Mitigation for the proposed development should be true environmental restoration, not actions that create more environmental and recreational impacts than benefits. Please consider the following real mitigation measures:

- No new housing built around Devereux wetlands.
- Dredge the slough and recreate valuable wetland habitat.
- Remove all buildings and structures at COP, especially the house on the sand dunes.
- Remove the intense security lighting at COP that severely affect wildlife and nighttime viewing of the stars.
- Before any new housing units are approved, the university needs to look at the ecology of IV. They should make the place habitable again by placing all of the proposed faculty, staff and graduate student housing in the heart of IV to civilize their clients.
- Since all roads leading into UCSB and to COP were built on filled-in wetlands, mitigation should include remediating this situation by building bridges and restoring the destroyed wetlands.
- Since many UCSB housing complexes were built on wetland areas, restoration of these wetlands should be considered.

G.34-12

Final Comments:

As a taxpayer supported governmental entity UCSB, has an obligation to the community that this plan does not fulfill nor does it live up to UCSB's reputation as a top notch research and educational institution. This plan not only does a disservice to the community but also to the environment. The harm that this development plan (and past development plans) will do (have done) cannot be mitigated by restricting recreational opportunities. It is bad enough that the university is proposing hundreds of new high density housing units in an already overcrowded community without adding insult to injury by taking away recreational opportunities and forcing more and more people into smaller and smaller areas. People will not protect and stand up for what they have not been allowed to use. This plan will harm UCSB's reputation, the environment, and the communities' respect for UCSB and their reserve system.

G.34-13

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CITY OF GOLETA
CALIFORNIA

MAY 10 2004

RECEIVED

May 10, 2004

Public Hearing Comments on DEIR 04EIR-00000-00002 and OSHMP

General Points

1. The project area is popular recreation area, with decades of historic usage by thousands of local residents. Recreational impacts and easements should be carefully considered. In many, many ways they are not in the current plan.
2. Any additional restrictions on recreation should be based clear, compelling benefits. Any permanent restrictions should be based on solid, substantial scientific evidence. In the absence of evidence, restrictions should be minimized, and data should be collected to determine the costs and benefits of restrictions.

G.35-1

Specific Flaws, Defects, and Recommendations

1. Trail Closures

- a. Existing trails are important; most are slated for closure in the present plan and should NOT be closed.
 - "Informal trails are existing pathways developed through repeated public use and are not part of a formal planning process."
 - These trails reflect the needs of users, and should be respected. Thomas Jefferson, America's first landscape architect and horticultural conservationist, designed most paths at the University of Virginia by improving the informal trails left by people's feet, reflecting his respect for democracy. The opposite view is conveyed in the proposed plan by closing most existing trails, and assuming redundancy in parallel trails. This unnecessarily limits recreational use and creates new and serious safety hazards.
 - The proposed plan would close 68% of the trails "built" by the public, with no specific justification. Global excuses like erosion, resource protection, and allegations that adjacent trails are duplicative are bandied about without any validation or details.
 - Separate hearings on trail closures should be held, where each trail is discussed and evaluated. Input from trail users regarding each trail should be collected before any trails are closed.
 - No trail should be closed if less restrictive solutions are viable. For example, environmental protection and erosion might be managed by slight revisions to paths, or reconstruction, rather than vast closures.
 - Trails a recreational resources. They are not merely routes to a recreational site. Henceforth, closing trails constrains recreation, even if destinations are otherwise reachable.

G.35-2

G.35-2

- Closing trails is a negative impact on recreation and safety; it is NOT a mitigation.
- Pedestrians, bicyclists, and equestrians have happily co-existed for years. Adjacent trails allow users to pass safely and politely; closing most of these trails poses grave safety hazards and foments conflict. This is a serious oversight in the proposed plan.
- No scientific evidence is given to support trail closures or use restrictions. Proposed trail closures and use-restrictions are insufficiently justified by unfounded assumptions regarding benefits, and no assessments of foreseeable costs. This is a major defect in the Draft EIR that behooves remediation.

2. Parking

G.35-3

- UCSB must not be allowed to export their parking into Isla Vista.
 - The University is committed to providing parking for coastal access at Coal Oil Point (1990 Long Range Development Plan, policy 30210.7; page 2.III.6. See <http://bap.ucsb.edu/planning/3.planning.stuff/download.html#Anchor-UCSB-23240>)
 - They should NOT be permitted to shirk this responsibility by paving over sensitive habitats and by shunting traffic into adjacent neighborhoods. That is exactly what is proposed in the current plan!
 - Most beach users who park on Camino Corto in Isla Vista, and would park on the proposed West Campus Bluffs lot, are surfers heading by foot through a sensitive habitat to Coal Oil Point. Instead, they should be accommodated at the Coal Oil Point lot.
 - If the West Campus lot is built (and I believe it should NOT be), the entrance should be through West Campus Point housing instead of Isla Vista. Otherwise, 4 coastal access parking spots will be lost, and all traffic will be directed into one currently bucolic neighborhood, rather than split between two.

3. Dog Off Leash Recreation

G.35-4

- Dogs off leash have been allowed historically in most of the proposed area, and that should remain (with the exception of small areas immediately near new construction and bird breeding areas).

4. No racial or ethnic prejudice

G.35-5

- "Cultural uses by Native Americans" is specified as a permitted use. Why should any such group have rights not conferred on others? What are cultural uses? Casinos? Large gatherings? Are there any limits? Native Americans probably collected bird eggs from the beach; would this language allow them to collect Plover eggs?

May 10, 2004

Public Comments on the Draft EIR and Ellwood-Devereux Coast OSHMP**To the members of the Goleta City Council/Planning Agency:**

My husband, two children and I live just a few minutes' walk from the Ellwood Mesa. I go out on the bluffs every day, either walking, running or riding my bicycle. The natural scenic beauty and glorious wildlife to be found on the Mesa is a continual source of spiritual sustenance, as important to the psyche as food is to the body.

Regarding the Comstock Homes Development and the Draft EIR:

Because of the sickening feeling we get in our stomachs at the thought of houses ever being built on the bluffs, our family supports the land swap. However, we urge the Council to implement to the fullest extent the mitigation measures cited in the draft EIR.

Given the undeniably significant impact of the Comstock Homes on the views from the Mesa trails and from the road, as well as on the surrounding biological resources, we endorse a reduction in the number and height of the homes as proposed in Alternative 3.

Let us be clear: This project is unlikely to be providing houses for people who do not already own homes in the Santa Barbara/Goleta district. More than likely, it will also be attracting new residents from out of the area. We are talking about luxury homes, not affordable homes; and we believe that the modifications proposed in Alternative 3 are very reasonable. At the very least, we urge the Council to enforce Mitigation Measure VIS-3 – a reduction in the height of the houses around the perimeter.

We also particularly urge the Council to implement all recommendations in the EIR regarding lighting and glare (Mitigation Measures VIS-5A and BIO-11) as well as those regarding the incorporation of energy conservation measures into the project building plans. Energy conservation measures are no longer a luxury – they are a necessity!

CITY OF GOLETA
CALIFORNIA

MAY 10 2004

RECEIVED

G.36-1

Regarding the Open Space and Habitat Management Plan:

We support the scope and goals of the Plan.

G.36-2 | However, it is imperative that the heretofore un-managed Ellwood Mesa retain its "untamed" character. Thus, any trail improvements should be as natural and as "camouflaged" as possible. For this reason, we are in favor of Alternative 2 for the Anza Trail.

G.36-3 | We fully support the closure of trails in order to protect and restore natural habitat and biological resources. This is essential to mitigate the disturbance of wildlife and to facilitate a wildlife corridor connecting the Ellwood Mesa to the Coal Oil Point Reserve and the proposed South Parcel Nature Park and West Campus Bluffs Nature Park. We recognize the importance of balancing our freedom of access with the needs of the habitat and wildlife that are so inspiring and pleasurable to observe. Being restricted to a subset of the currently existing criss-cross of trails is a small and worthwhile price to pay.

G.36-4 | Having just participated in a tour of the Coal Oil Point Reserve, under the guidance of its director, Dr. Cristina Sandoval, I believe the COPR offers an inspiring model of what can be achieved with biological expertise, time, patience, volunteers – and, of course, funds!

G.36-5 | We were puzzled not to find any language in the EIR or the OSHMP regarding elimination or even restriction of commercial horseback riding ventures. It appears to us that the current very heavy usage by a local outfit is not in keeping with the proposed protection of the habitat.

G.36-6 | We would also like to see, as part of the OSHMP, a clause eliminating the possibility of the Ellwood Mesa ever being designated an "off-leash" dog park. The impact of such a designation (i.e. a vastly increased number of canine visitors to the bluffs) would not only adversely affect the tranquility of this open space but would be in conflict with the OSHMP's statement, in accordance with public opinion (see the OSHMP, Page 3), that habitat protection and restoration should be the primary goal and that recreation and access must be secondary to resource protection.

Respectfully,
Marian and Stephen Cohen

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, Executive Officer

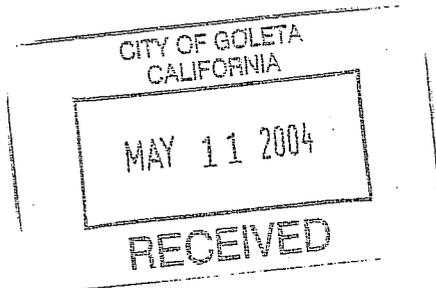
(916) 574-1500 FAX (916) 574-1610

California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929



Contact Phone: (916) 574-1880

Contact FAX: (916) 574-1885



May 11, 2004

File Ref: SCH 2003071179

Ms. Nadell Gayou
The Resources Agency
1020 9th Street, 3rd Floor
Sacramento, CA 95814

Mr. Kenneth M. Curtis
Planning and Environmental Services Director
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Ms. Gayou and Mr. Curtis:

SUBJECT: Draft Environmental Impact Report (EIR) for the Comstock Homes
Development and Ellwood Mesa Open Space Plan

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA), the City of Goleta (City) is the lead agency and the CSLC is a Responsible and/ or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

As general background, the CSLC has jurisdiction and authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has an oversight responsibility for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Section 6301). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce; navigation, fisheries, open space, recreation, or other recognized Public Trust purposes. A lease from the CSLC is required for any portion of

G.37-1

Ms. Nadell Gayou
Mr. Kenneth M. Curtis
Page 2

a project extending onto state-owned sovereign lands, which are under its exclusive jurisdiction.

G.37-1 The Draft EIR addresses the impacts of the proposed rezoning and subdivision of the Santa Barbara Shores Park into a 36-acre lot for the Comstock Homes residential development and an 80-acre lot to be retained by the City of Goleta as part of an open space area. In addition, the report addresses transfer of title from Comstock Homes of the 136-acre Ellwood Mesa properties to the City in exchange for the 36-acre lot at Santa Barbara Shores plus additional compensation. A component of the project includes a proposed Open Space and Habitat Management Plan for a 239-acre area to include a trail system, beach access, allowable uses, parking, open space amenities, habitat protection and restoration.

G.37-2 The proposed development appears to be located landward of state sovereign interest. However, the CSLC has a strong interest in projects, which provide improved public access to the coast and further protect and restore wildlife habitat. Therefore, the CSLC staff would like to be advised of the City's future plans in that regard and would like to review the City's future plans for developing beach access, habitat protection and restoration on or adjacent to the stretch of beach east of the Sandpiper Golf Course.

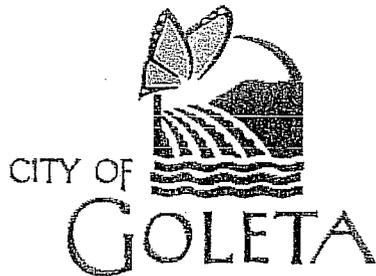
If you have any questions concerning the CSLC's jurisdiction, please contact Susan Young, Public Land Management Specialist, at (916) 574-1879.

Sincerely,



Stephen L. Jenkins, Asst. Chief
Division of Environmental
Planning and Management

cc: Susan Young



DRAFT

CITY OF GOLETA, CALIFORNIA

PLANNING AGENCY MINUTES

AND

JOINT PLANNING AGENCY/CITY COUNCIL MINUTES

Jack Hawxhurst, Chair

**Margaret Connell, Vice Chair
Cynthia Brock, Agency Member**

**Jean W. Blois, Agency Member
Jonny D. Wallis, Agency Member**

**Frederick C. Stouder, City Manager
Julie Hayward Biggs, City Attorney
Cyndi Rodriguez, Secretary**

April 12, 2004

**Afternoon Session
Planning Agency Meeting
1:30 P.M.
Goleta Valley Community Center
5679 Hollister Avenue
Goleta, California**

**Evening Session
Joint Planning Agency/City Council Meeting
6:00 P.M.
Goleta Union School District
401 N. Fairview Avenue
Goleta, California**

CALL TO ORDER AND ROLL CALL

Chair Hawxhurst called the meeting to order at 1:37 p.m.

Agency Members present: Chair Hawxhurst, Vice Chair Connell, Agency Members Blois, Brock and Wallis.

Staff present: City Manager Frederick Stouder, City Attorney Julie Hayward Biggs; General Plan Manager Pat Dugan; and Recording Clerk Linda Gregory.

PUBLIC FORUM

SPEAKERS:

None.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

POLICY MATTERS

1. Revised General Plan Work Schedule.

Recommendation: Approve Revised Schedule And Work Program For The General Plan.

STAFF SPEAKERS:
General Plan Manager Pat Dugan

2. Review of Alternative Land Use Scenarios and Implications for General Plan.

Recommendation: Review And Refine The Alternatives If Needed And To Review And Provide Guidance On The Analysis Of The Implications Of The Alternatives.

STAFF SPEAKERS:
General Plan Manager Pat Dugan

3. Discussion Regarding Various Permitted Processes and Public Access, Bacara Resort.

Recommendation: Receive Reports and Provide Direction.

STAFF SPEAKERS:
City Manager Frederick Stouder

RECESS TO EVENING SESSION OF THE JOINT PLANNING AGENCY/CITY COUNCIL MEETING AT 401 N. FAIRVIEW AVENUE: 4:45 P.M. to 6:07 P.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brock called the City Council meeting to order at 6: p.m., followed by the Pledge of Allegiance.

Chair Hawxhurst called the Planning Agency meeting to order at 6: p.m. followed by the Pledge of Allegiance.

ROLL CALL OF THE CITY COUNCIL

City Council Members present: Mayor Brock; City Council Members Blois Brock and Hawxhurst.

City Council Members Absent: *Mayor Pro Tempore Wallis, recused.

*City Attorney Julie Hayward Biggs stated that Mayor Pro Tempore Wallis recused herself from Item #4, Old Town Inn and Village Proposed for Property at 5665 Hollister Avenue, due to a potential conflict of interest regarding location of her property near the project. Councilmember Wallis entered the meeting at 9:45 p.m., during Item #5.

Old Town Inn and Village Proposed for Property at 5665 Hollister Avenue.

ROLL CALL OF CITY PLANNING AGENCY

Planning Agency Members present: Chair Hawxhurst, Vice Chair Connell, Agency Members Blois and Brock.

Planning Agency Members absent: *Agency Member Wallis, recused.

*City Attorney Julie Hayward Biggs stated that Agency Member Wallis recused herself from Item #4, Old Town Inn and Village Proposed for Property at 5665 Hollister Avenue, due to a potential conflict of interest regarding location of her property near the project. Agency Member Wallis entered the meeting at 9:45 P.M., during Item #5.

Staff present: City Manager Frederick C. Stouder, Assistant City Manager Luci Romero Serlet; City Attorney Julie Hayward Biggs; Director of Planning and Environmental Services Kenneth Curtis; Planning Manager Patricia Miller; Senior Planner Cindy Moore; Senior Planner Rob Mullane; Recording Clerk Linda Gregory.

PUBLIC FORUM

No speakers.

ITEMS CONTINUED FROM AFTERNOON SESSION

No continued items.

PUBLIC HEARING

4. 63-SB-RZ, 63-SB-PM, 63-SB-TM, 63-SB-PD 01 and -02, 63-SB-CP: Old Town Inn and Village Proposed for Property at 5665 Hollister Avenue.

Recommendation:

Conduct the public hearing, and based on evidence in the record and evidence presented at the hearing, provide direction to staff for return to the Planning Agency/City Council at a subsequent hearing with proposed findings for denial.

Should the Planning Agency/City Council decide to support the project, staff recommends the following further modifications prior to return to the Planning Agency/City Council at a subsequent hearing with proposed findings and conditions for approval:

- To the greatest extent feasible, incorporate measures to minimize exposure to nuisance noise and other impacts generated from adjacent commercial uses, especially with regard to impacts on future residents of the proposed condominium project. This should include an agreement with the adjacent car dealerships that specifies measures for reducing noise and lighting impacts.
- Rezone proposed Parcel 1 to Design Residential rather than add the Mixed Use-Goleta Overlay to the property.
- Limit 3-story elements to the rear portion of the property (proposed Parcel 1). The front hotel building should be limited to a stepped back 2-story structure and no portion of the structure should exceed a height of 30 feet above finished grade.
- Require location of the public trail outside of the 25-foot setback from the top of bank of Old San Jose Creek along the entire eastern property boundary and within the second 25 feet of the 50-foot setback from the top of bank on the southern property boundary. Require a true 50-foot development setback on the southern property boundary. Bioswales should be realigned to provide a minimum distance of 10 feet from top-of-bank.
- If the option for access from Kellogg Way over Old San Jose Creek is supported, require a clear span bridge design rather than a cast-in-place culvert design.

- Require the driveway to be aligned with Kinman Avenue, perpendicular to Hollister Avenue with provision of adequate space for one vehicle on the perpendicular portion of the driveway approach to Hollister Avenue (without obstructing the required pedestrian sidewalk width along Hollister Avenue).
- Provide the required number of parking spaces at the required dimensions on both proposed parcels. Provide required common open space.
- The applicant should provide a distribution of affordable units as per the City's inclusionary requirements or provide a combination of units and updated in-lieu fees. Any in-lieu payment shall be made at recordation of the vesting tentative map. Affordable units shall remain restricted in perpetuity and price/income levels shall be at 110%, 75%, and/or 50% of median income, as applicable.

STAFF SPEAKERS:

The applicant, Detlev Peikert,

RECESS: 8:00 TO 8:10 P.M.

PUBLIC HEARING OPENED: 8:10 P.M.

Mayor Brock stated that the timer for the speakers will be set for two minutes because there are over thirty speakers. Another item after this. If you have already sent a lengthy e-mail, or letter before tonight, please be sure we have read it and just hit the highlights. You don't have to give us the whole thing again.

SPEAKERS:

Kathy Gebhardt spoke in favor of including a bridge for access over Old San Jose Creek, for improved circulation and increased safety, and also in support of the restoration plan which will enhance the area. She thinks that the shared parking may cause conflict with hotel guests and residents and suggested that the two properties be divided with posts and sleeves in the ground, where the posts can be removed for special purposes. She expressed appreciation for the concern for detail regarding review of the project and looks forward to seeing the visible progress of the project in Old Town.

John Coleman, owner of Coleman carpet cleaners for 35 years, located in Goleta Old Town, stated that he has been following this project for the past three years and wonders why it is taking so long to approve a project he thinks is well-suited for Goleta, would bring revenue and vitality, and would be a starting point for more quality development. He has ten employees who would like to live in one of the affordable housing units, and could be able to walk to work. He expressed concern that by not approving the project, a message would be sent to others that they need not apply and should look elsewhere.

Barbara Massey, Goleta, stated that she thinks the project should be denied as recommended by staff. If the project is approved, she recommended the following: 1) The developer follow the recommendations on page 32 of the Agenda Report. 2) The hotel be limited to two stories. 3) A bridge not be placed over Old San Jose Creek because it would seriously impact the riparian habitat. 4) The City should not abandon the right-of-way that could be needed at a later time. 5) A driveway should be required that will align with Kinman with a signal, and if not, there should be a center solid median so only right turns are allowed out of the project. 6) Provide additional open space – children playing I creek will impact habitat. 7) Old Town deserves better.

Naomi Kovacs, Executive Director of the Citizens Planning Association (CPA) spoke on behalf of the CPA's Land Use Committee, presented a letter dated April 12, 2004, regarding Goleta Old Town Inn & Village. She stated that CPA has been following efforts to build a motel/hotel complex in Old Town for over 15 years, and believe that the applicant's project has eliminated or significantly reduced, many, but not all of the original potential adverse impacts. She made the following suggestions to further improve the project: 1) A second emergency access should be planned on the ocean side of the project for safety when Fowler-Ekwill-217 improvements are eventually made. 2) A wetlands study should be done because California has only 5% of its wetlands left. 3) The developer should be requested to provide a demand shuttle service from the hotel to the airport, UCSB and Goleta's tech zone. 4) A Phase Bond should be considered to ensure all mitigations agreed upon at approval hearings are installed, maintained and performed properly. 5) A few more affordable housing units should be added within the housing mix.

Carmen Rouse spoke in support of the project because Old Town needs the economic revitalization and the revenue that follows. She recalled attending PAC meetings prior to the City's incorporation and stated that there was interest in having an attractive gateway, as well as slow growth. She thinks that the hotel would anchor Hollister Avenue with the airport and UCSB, perhaps with an airport limousine/shuttle service.

Dean Panavides, South Coast Inn, stated that when the Goleta City Council voted in 2003 to exempt this project from the GGMO before the General Plan was completed, he thinks that the action was not done with consideration regarding optimal planning, and now, once again, there is an opportunity to correct that action.

Harlan Green, PAC member, stated that the Revitalization Plan is dependent on the mixed-use concept of housing near commercial uses and that Old Town is an urban and historical center while other commercial areas are "big box" or shopping centers. His main concerns are noise and land use compatibility, although he thinks mitigation efforts would reduce noise and that the homes are shielded behind the hotel. He questioned when Redevelopment Agency funds would be spent.

John Berberet, UCSB, stated that the project could provide housing for staff, faculty and visiting faculty and families, and would also provide an opportunity to bring people to a livable downtown. He spoke in support of providing a bridge access at Kellogg Way and also encouraging visitors and residents to use MTD Line 11, which serves as a shuttle to the airport and UCSB.

Robert Bernstein, former member of the Goleta Old Town Design Committee, stated that the committee's main issue was making the area friendly for pedestrians and bicyclists, and he would like to see progress soon. He favored the original idea of having a theater, or some other nice activity, as an anchor, and encouraged improvements such as bicycle lanes and planted medians.

Ann Ostrowsky, Goleta, provided the following comments: 1) The hotel and residential buildings should meet the Americans with Disabilities Act (ADA) requirements. 2) Suggest the builder use the concept of Universal Housing Design. 3) Methods should be used to provide for the collection of solar energy such as placing photovoltaic cells on garages/covered parking. 4) There needs to be a bridge for an exit in the back. 5) The design as presented is attractive.

Jennifer McGovern, representing Goleta Housing Leadership Council, spoke in support of the project because it will be excellent for Old Town, particularly with the workforce housing component. She made the following comments regarding the housing affordability issue: 1) It is not necessary or even desirable for each project to meet the RHNA goals exactly because production goals are not policies. 2) It is not necessarily a good policy to target very low income families for home ownership units because it is expensive and not viable – in lieu fees would be more appropriate. 3) The City's policy may need to be changed.

Ed Easton, Goleta, architect and planner, stated that he served on the PAC that approved this project unanimously, and urged final approval because it is an appropriate and unique project, in the right place and time, to revitalize Old Town.

Bud Laurent, former Executive Director of the Community Environmental Council, and founder (with Nancy Hancock) of South Coast Livable Communities Project, spoke in support of the project because it would provide an opportunity community and interaction.

Mark Carey, 5748 Hollister Avenue, owner of commercial property on the Hollister Corridor, stated that he was born and raised in Goleta, and urged approval because he thinks it is a good project that is needed to revitalize Old Town.

Lauren Carey, 5748 Hollister Avenue, property owner for the past 15 years, spoke in favor of the project and said that a vote of approval would provide support for revitalization and show that the City is moving forward.

Tom Maraszek, Goleta, stated that he has lived in Goleta primarily since the 1970's, and thinks that the area is rustic, but neither quaint or appealing. He spoke in support of the project because it would revitalize and increase interest in the Old Town area, similar to the positive changes that occurred with the revitalization of Old Town Santa Barbara.

William Graves, Member of the Boards, Habitat for Humanity, and Interfaith Initiative, spoke in favor of the project, as a step forward for revitalization in Old Town. He stated that the mixed-use and affordable housing components of the project would be beneficial to the residents of Old Town.

Andrew Bermant, Bermant Development Company, stated that there are great benefits associated with the project, although it still needs some tweaks and modifications. He noted that the PAC spent years creating the Revitalization Plan and that the decision is now before the City Council to listen to the community. He recommended consideration of both sides of Hollister Avenue when analyzing the size, bulk and mass, as well as the setback from the Goleta Valley Community Center.

Eva Turenchalk, Goleta, Director of Coastal Housing Partnership, stated that the project has been received endorsement from the Partnership's review committee, and recommended approval because it will provide much-needed workforce housing as well as both physical and financial revitalization opportunities.

Hector Manuel Briones, Executive Director, Santa Barbara Community Housing Corporation, stated that he thinks the project would be beneficial aesthetically and would provide much-needed housing in the area. He spoke in support of the quality of the applicant's work by referring to the applicant's Garden Court project in Santa Barbara.

Alex Pujo, representing the Project Review Committee of the South Coast Livable Communities, stated that a letter has been sent to staff endorsing the project. He made the following comments: 1) The bridge should be installed, to be contributed by the developer. 2) Suggest providing 2-1/2 parking spaces for 3-bedroom units plus 8 visitor spaces because the parking is in excess of the demand; however an area should be set aside for parking, if needed.

Gary Wissman, resident of Old Town for over fifteen years, stated that he has been following the project for some time and believes it is an excellent project that would be beneficial to Old Town. He stated that the addition of the bridge should be mandatory to improvement the circulation.

Brad Frohling, citizen who works in Real Estate, spoke in favor of the project because it will bring needed benefits and amenities to Old Town. He noted that the applicant has a reasonable project and has been responding to concerns.

David T. Kelly, Goleta, stated that his family has been from this community since 1935. He spoke in support of the project as being a positive step and stated that all of the issues have been aired and should be easily resolved without impeding further progress.

Brian Nelson, architect, Goleta, spoke in support of the project because he believes it is appropriate for the location and could be compared when considering future projects. He urged moving forward because the project would start economic revitalization in Old Town.

Stella Anderson, realtor, spoke in support of the project because she thinks it is a wonderful plan and stated that she has worked for six years with the applicant, Mr. Peikert, who she thinks is a designer with integrity.

Jim Flagg, Ocean Park Hotels, the proposed manager for the hotel, stated that he has attended all previous meetings and is surprised regarding concerns that another hotel may be detrimental to others in the area. He said that the new hotel would draw from a larger area and provide technological alternatives and some amenities not in existing hotel stock, which would be a great attribute to bring to Goleta.

Rene Koch, Goleta resident since 1977, and business-owner for 25 years in Old Town, spoke in support of the project because it would jump-start revitalization and beautify the area. Mr. Koch stated that he is the new owner of the property at the gateway to Old Town on the other end of Hollister, formerly owned by R.P. Richards, that may be redesigned in the future.

Mayor Brock stated that, although she would like to move this process along tonight, there is another public hearing scheduled tonight that has several people waiting who want to make comments. She said that if the Old Town Inn and Village Item is continued, it would be brought back very quickly in order to continue deliberations.

PUBLIC HEARING CLOSED: 9:03 P.M.

MOTION: Councilmembers Connell/Blois to continue Item #4, Old Town Inn and Village Proposed for Property at 5665 Hollister Avenue, be continued to April 13, 2004, at 6:00 p.m..

VOTE: Motion approved by a voice vote. Absent/Recused: Councilmember Wallis.

RECESS: 9:10 P.M. TO 9:20 P.M.

5. Consideration of Draft EIR, Eliwood-Devereux Coast Open Space Plan, Comstock Homes Applications, and Various Other Applications Related to Implementation of the Joint Proposal.

Recommendation: Open The Public Hearing By Receiving A Brief Oral Staff Report And Comments From The Public. The Public Hearing Is Recommended To Be Continued To The April 19, 2004 Or April 22, 2004 Meeting To Allow Additional Public Testimony At That Time.

STAFF SPEAKERS:

Director of Planning and Environmental Services Kenneth Curtis stated that this item is a consolidated public hearing on the Draft EIR on the Ellwood-Devereux Coast Open Space Plan and various other applications for development by the City and by Comstock Homes, and that this is a joint public hearing of the Planning Agency and City Council. Mr. Curtis stated that speakers may present comments on any and all of these separate items that are the subject of this hearing and that it is not necessary for them to specify which item their comments pertain to, although they are encouraged to do so if they choose. He also stated that this public hearing is not an appropriate venue for comments on the proposals of UCSB or the County of Santa Barbara portions of the Open Space Plan or their residential development proposals and EIRs, which will need to be made at the public hearing of those agencies.

Director of Planning and Environmental Services Curtis presented a brief overview of the plan and stated that the proposed projects are intended to implement the Joint Proposal for the Ellwood-Devereux Coast as amended by the Memorandum of Understanding among the City, UCSB and the County of Santa Barbara. He said that the central objectives of the Joint Proposal are to shift residential development away from environmentally sensitive locations that are very near to the ocean bluffs and transfer the development sites to locations that are further inland and less environmentally sensitive. He said that the second objective of the Joint Proposal is to allow acquisition by the City of the 137-acre Ellwood-Mesa property and to link it as a much larger contiguous open space area within the three jurisdictions.

Director of Planning and Environmental Services Curtis presented a brief overview of the various parts of the project, and stated that these are complex, inter-related items before the Planning Agency and City Council. He recommended that the public hearing be opened for comments and continued to April 19, 2004, for additional comments, and further recommended that public hearings be held on April 22 and on May 10, 2004, which is the close of the 45-day review period for the Draft EIR. Mr. Curtis stated that after the public hearing is closed on the Draft EIR, the City Council and Planning Agency will instruct staff and the City's consultants to prepare responses to comments and recommend a Final EIR, and that there will be additional public hearings held during the process.

Chair Brock thanked staff for preparing an excellent, well-written, 42-page staff report and stated that it provides clarification regarding how the complex subject matters fits together.

PUBLIC HEARING OPENED: 9:28 P.M.

SPEAKERS:

Frank Esparza, 5700 Via Real, #107, Carpinteria, representing the American Legion, Post 49, District 16, Veterans Council, presented a document, "Proposal for a California Central Coast Veteran's Cemetery", and requested that this proposal, which he submitted the last time he spoke, be included in the development of the Plan. Mr. Esparza stated that, since 2000, the Cemetery Committee has been researching the establishment of a National and State Memorial Cemetery in the Tri-counties area, noting that there are approximately 150,000 veterans in the area. He said that they think a cemetery would be appropriate to be included in this area as a memorial for veterans who served throughout the Pacific Ocean area and also in memory of the historical attack on the Ellwood Pier and oil tanks by a submarine off the coast.

G.38-1

Matt Wilhelm, 235 Pacific Oaks, #202, stated that he spoke before the consultants about the project several months ago and that the consultants commented that they had seen problems in the past regarding volunteer trail maintenance. He said that a lot of people who are doing volunteer trail maintenance are educated in that area and would be a great asset to Ellwood Mesa once some of the trails are being revamped. He said that there are a lot of closures of trails to equestrians and for uses such as mountain biking and riding unicycles through the area, which he does, and that he would like to see that all recreational trails are open to all users in this area.

G.38-2

Patricia Shewczyk, representing the League of Women Voters of Santa Barbara, said that they have a committee that is working on written statements that will be submitted by May 10, 2004. She congratulated the three community entities working together on this project as well as the three consultants, which they think is a positive step that needs more publicity. Regarding the Comstock Homes, they favor one of the alternatives for a smaller footprint, and they think it should be pulled in closer, a smaller circle, in order to protect the raptors' breeding sites and the eucalyptus trees with the butterfly habitat. They also support the idea of the perimeter homes being single-story so they blend in more with the rest of the area. Regarding traffic and circulation, they have concern about the impact of this development on the intersection of Hollister and Storke, and they think Level D is pretty unsatisfactory, and that the potential of Level E would be very unsatisfactory. The Phelps Road extension should be studied to see if that would help the congestion in the area. Regarding hydrology and water quality, they are concerned regarding the talk about the drainage into the Devereux Slough.

G.38-3

and wondering why this potential problem was labeled as less than significant because it seems that it should have a higher negative rating. Under hazardous materials, they are concerned about the abandoned oil wells that are not up to current standards, and about the oil field debris.

Regarding CC&Rs, they think the homeowners associations are not properly equipped to handle these issues by having to monitor their neighbors, which is always a problem, and suggested some sort of agency to be responsible.

Bioswales need maintenance because they don't take care of themselves.

Regarding the Management Plan, they encourage support for the joint review committee to see that the conditions are met by the three different entities that are concerned with this important environmental area, with some sort of committee to oversee this. Publication of the cumulative projects in the area should be separate.

Julie Love, 4 Kinevan Road, Santa Barbara, Santa Barbara Audubon Society, Conservation Committee, suggested reevaluation of the Open Space Management Plan on the following points: 1) Can the new parcels that are being rezoned be rezoned for conservation and protection instead of recreational, for example, in the Ellwood Mesa? 2) Reevaluation of the equestrian trails and the beach access and their effects on the Snowy Plovers. Signs at Access D may not be enough to keep horses out of that area and possible alternatives would be to open Access E or F or in concert with D to create a loop to have people move westward instead. 3) Reevaluate the position towards genetic integrity of the plants. Source plant material should come from Devereux Slough area and if it can't be from that area, from the Goleta Slough area in order to preserve the best genetically similar plant population possible in that area. 4) Reevaluate the Phelps ditch trail. This evaluation might not be adequate because, although the trail is already there, that doesn't necessarily mean that there is not going to be impact from that trail. Possibly the trail can be moved a little westward to lessen the affects of erosion and sedimentation into Devereux Creek. 5) Reevaluate the expansion of the Anza Trail and its effects on native grasslands which it will inevitably alter with its expansion.

Darlene Chirman, 39 San Marcos Trout Club, Santa Barbara, representing, Santa Barbara Audubon Society, stated that the objective should "up to 78" homes, consistent with some of the other discussion, and that there was no guaranty that there could be 76 homes here in protecting the resources of the site. Regarding drainage, A1, with the homes near Hollister and the bridge site, she said that it is unclear what the impacts would be with the suggested realignment in the Draft EIR, which they would like to see clarified regarding whether that would eliminate the direct impact by shading of the wetlands in the creek corridor. Regarding the southwest corner, she said that it is unclear for the preferred project in terms of what the impacts would be to the breeding sites for the Coopers Hawk and the white-tailed kites, which appears to be the case with some of the alternatives that would protect those sites with a 200' buffer. Regarding landscaping, she would like to make sure that invasive

ornamentals are not introduced which would be a problem to the natural areas.

G.38-5

Ed Easton, 110 S. Kellogg, Goleta, presented a document, "Statement of Edward Easton Regarding the Ellwood-Devereux Coast Open Space and Habitat Management Plan – April 12, 2004" (attached) from which he read. He commented regarding the following: 1) Biological restoration is a major part of the planning for Ellwood-Devereux and how it is done is crucial to Coal Oil Point Reserve as well as the rest of the area. He said that all seed and root stock used for replanting and restoring vegetation must be native and come only from the Devereux Creek watershed. 2) From his experience as a docent on Sands Beach for the last four years, he has seen people who are bringing harm to the reserve by not recognizing the impacts they are making on the resource, and also by others who appear to feel they have a right to continue to use the land for their personal preferences regardless of environmental impacts, and not observe the laws. He said that just putting up signs is ineffective in changing people's behavior and does not solve the problem, and that the dog leash enforcement reference on page 65 of the Open Space Plan has not been effective. He hopes that over time, as the idea and reality of a city park becomes clearer to all users, behavior and attitude will change, and that the abuses to Sands Beach that started thirty years ago when it was opened to the public will continue to be remediated with oversight.

G.38-6

Barbara Massey, Goleta, requested that the Final EIR be prepared on Alternative One, the no project alternative, which she thinks is the environmentally-preferred alternative but doesn't meet the project alternatives which are to shift the development rights to the Santa Barbara Shores Park. She questioned why a land swap that allows for a 78-home development with houses that are too big and too close together on a park is allowed if there is a way that five houses can be built on the park. She thinks the objective should be to protect open space. She also commented: 1) This development has 12-1/2 pages of Class 1 Impacts and most projects with more than a few impacts are denied. 2) The multiple impacts will chase away raptors, wildlife and butterflies and lose the wetlands and vernal pools. Much that makes Goleta special will be lost. 3) Concern regarding soil contamination issue which is not addressed in this document. Doing a piecemeal environmental review is not appropriate. 4) She thinks the City will not be able to make statements of overriding considerations because the impacts have not been mitigated to the maximum feasible extent. 5) Alternative Three is the environmentally superior alternative and should be chosen if not willing to save Santa Barbara Shores Park and the Monarch butterflies with Alternative One. 6) After reading the document she feels heartsick because she thinks these are minor complaints regarding what is being proposed to do to the park and wildlife.

G.38-7

G.38-8 Kathy Gebhardt stated that she thinks Mr. Comstock is willing and able to build a very high quality project which could be an asset to the community and that he has been a friend to the neighborhood in helping to protect the main Monarch grove. She said the DRB gave careful consideration throughout their review process and expressed serious concerns after the site visit and seeing the story poles, and also that people came forward to express their hopes and fears. She further commented: 1) There are considerable water issues and miscellaneous projects. She provided samples of blooming eucalyptus from the site and noted that the Draft EIR indicates that eucalyptus woodlands are special status habitats within the project area where they host the Monarch butterflies, and are raptor nest sites. People buying a house on the butterfly preserve should accept this, as was noted by Wanda Michalenko, who attended the first DRB review of the project and who was also honored a couple of months ago by the City Council for her years of work protecting the Ellwood environment. She noted the great beauty of the eucalyptus trees with their bark that resembles popular sycamore tree, and said young eucalyptus trees of varying species are fast growing (10-15 feet in early years) and are long-living, wind buffers to the cold salty wind coming off the ocean. These trees would provide a superior visual screen on the perimeters rather than the slower growing oaks that are envisioned. To remove approximately 190 trees, including the roosting site, is unacceptable. Existing trees should remain - trim them if you must. It would be inaccurate to let homeowners believe they are living on a golf course in Palm Springs. 2) She recommended that the proposed eighty-two truck trips of cut and fill use Winchester Canyon Road and not Storke Road. 3) She is puzzled why there is an eight-foot path for pedestrians and bicyclists going through the Comstock Homes project when the parking lot right next door has been established for those needs and also wondered why the people in that neighborhood would be subjected to the traffic and problems from people with their dogs wandering through their project day and evening, and where would they park. 4) Where would the sixty-five anticipated workers be parking? 5) She hopes Mr. Comstock and staff can come to a mutually satisfactory agreement to solve the issues since all parties have a great deal invested in the project.

G.38-9 Cynthia King, 7617 Carmel Beach Circle, Goleta, in the Ellwood area adjacent to the properties, stated that she supports the land swap and would like to see it become the very best possible project for this site. She expressed the following concerns: 1) In one place in the documents there is reference to "up to 78" units and in other places there is reference to "78 units" as though it is a done deal, and that after, reviewing the story poles, she thinks there should be some flexibility regarding the number of homes ultimately built on this site. While she realizes that the goal for development is to make a profit, she is aware that the real estate values have escalated vastly in recent years and if there were to be fewer homes, the developer would still stand to make a handsome profit, and thinks it is important that the City review the financial studies for this project with updated real estate

values. 2) She previously testified against the gated community proposed for the Mesa and was very clear that she thinks a gated community does not belong in this area and would like to see those gates removed. 3) It is important that homes not only start out with non-invasive ornamental landscaping, but there be permanent CC&Rs that mitigate future plantings and that those rules be strictly adhered to, unlike what happened at Winchester Commons when there was an initial effort to have drought tolerant landscaping that changed after the homes were purchased. 4) The disposition of waste should go through the Hollister trunkline, not the Devereux Creek. 5) Regarding visual sensitivity, there should be at least some swap area left, possibly located in between the homes and the parking lot, where people driving by on Hollister Avenue can see the ocean and, on a clear day, see the island. 6) Regarding trail issues, there needs to be wheelchair accessible areas, not only on the West Campus bluff, but at least some place perhaps by the butterflies and on the Mesa. 7) Regarding having the horses next to the pedestrian parkway, she urged selection of the option shown in Figure D-7. 8) She recommends absolutely closing off access to motorcycles, which is still a problem, and said she cannot find a reference to this in the document. 9) The document did not mention prohibition of fireworks, which absolute needs to be added, particularly around the Fourth of July and as the fire season danger escalates, which is scary for those living there.

G.38-9

Dana Trout, 339 Coronado, Goleta, stated that he has lived in the area for over thirty years, and been on the property many times. He applauded the overall objective of the land swap and maintaining the open area from the golf course to UCSB on the other side. The documents have provided a good resource for him to better understand this area. He said it is difficult to enforce regulations by CC&Rs and urged use of some other method, other than being on the deed, that is enforceable. He would like to see one trail access preserved that is marked for closure on Figure 15, which is the access through the south end of Santa Barbara Shores. He said that this is a preferred access for him because it is paved, has a gentle grade down to Devereux Creek, has a culvert to cross the creek even in the winter when it is a muddy pond, and would be preferred by anyone who is not spry enough to climb across the metal pipe barricade that is at Palos Verdes, which is marked as being the preferred access. He also said that for people with children, strollers, and wagons, the Palos Verdes barricade is impossible for access.

G.38-10

Sherry Baker, 39 San Pica Way, treasurer and past president of Los Padres Trail Riders, a 120-member equestrian club, said they have ridden the area for many years and have enjoyed the open and unimproved state of the area, and requested consideration for equestrians. She made the following comments: 1) Concern regarding severely limited equestrian access. 2) Concern regarding the proposed trail access of one loop trail through the property with a questionable beach access with stairs because horses need a

G.38-11

G.38-11 "non-stair" access. 3) Concern that there would be only one trail for equestrians when there are many trails on the property around it indicating use by bicycles or pedestrians. 4) Concern regarding the loss of off-street parking on Phelps because parking with horses on Hollister Avenue is dangerous with the many speeding cars and not safe for pedestrians. 5) The parking areas need to be a reasonable size in order to accommodate maneuverability of horse trailers to enter, turn around and come back out.

G.38-12 Diane Conn, representing Citizens for Goleta Valley, and Save Ellwood Shores, stated that they appreciate all the work done by many people to move towards the land swap and saving the bluffs. She made the following points: 1) They would like to see some kind of informal public workshop or open house, possibly by the three entities, that would allow people to come and ask questions and really understand what is going on regarding mitigation and impacts, outside of the formal public hearing, because there is a lot of anxiety regarding this project, even though the bluffs are being saved, and so people won't be angry at the last public hearing. 2) The OSHMP doesn't seem to have a funding mechanism for needs such as maintenance, restoration, enforcement, and administration. Even with grants for improvements, someone is needed to write the grants. Earlier when talking about restoration and protection we were looking at an endowment. There needs to be actual and real funding mechanisms to fund staff to do this. There needs to be enforcement in this area to protect it from problems such as motor vehicles and unleashed dogs. 3) There needs to be an analysis of zoning options that really protect the habitat in perpetuity.

G.38-13 Laura Craig, 348 Coronado Drive, Goleta, expressed appreciation for the work being done on the land swap. She made the following comments: 1) Could there be a bridge over Devereux Creek? She has read that it is a very sensitive area and is concerned regarding people having to cross it to get to the housing area. She said that only one area can be used in inclement weather, which is the entrance at Santa Barbara Shores Drive. If there was a wood or other bridge across the bottom of Coronado Drive, it would make it much more accessible for people to get up to the Monarchs which are usually there in the midst of the rainy season. 2) Keeping the Santa Barbara Shores Drive access open for the strollers is important because it is one of the few areas with accessibility for any kind of wheeled vehicles. 3) The steps up to the butterflies need to be made with railroad ties or some kind of a natural material to match the surrounding area.

G.38-14 Linda Krop, 906 Garden Street, Santa Barbara, Chief Counsel, Environmental Defense Center, representing both Save Ellwood Shores and the Santa Barbara Chapter of the Audubon Society regarding all three jurisdictional projects, stated that they originally brought up the idea of the land swap as a potential alternative to one of the previous development proposals for the Ellwood Mesa about twelve years ago. She said they are pleased to see the Draft EIR that is based on the land swap, and they do support that proposal.

They will be submitting written comments and will be focusing, with respect to the Comstock project, on a couple of the habitat areas requesting some further analysis particularly with respect to drainage A1 and B and the fledging and nesting habitat in the southwest part of the development footprint. They will also be requesting further evaluation of alternatives and mitigation measures to protect those habitat areas especially in light of hopefully updated financial analysis based on current real property values. Regarding the OSHMP, they are concerned with respect to the entire plan, that there is still reference to invoking the balancing provision of the Coastal Act which they don't feel is appropriate in this situation, and they don't think that should be an impediment to going forward with the plan. There are a lot of good aspects of the plan, and the modifications to access, and the increased resources protection are definitely laudable parts of the plan and they think it can still go forward. She said that they would like to see some changes in the zoning designations to ensure permanent protection, and that they have some concerns regarding management, monitoring and long-term enforcement of those resources' protection components.

G.38-14

Robin Cederlof, 1485 Holiday Hill Road, Goleta, expressed concern regarding the trails, stating there needs to be a good balance between preservation and restoration of the land and the wildlife and recreation. She believes there can be a good balance with good managed trails, and having plenty of them for all users including equestrians, people with animals, children, bicycles, etc. Being born and raised here, she noted that horses were a big part of this community for many years and, as a young girl, she was able to ride anywhere including the beaches and trails, which is gradually being taken away. She said that the equestrians try to be good stewards to the land, and that there are organizations such as the Bicycle Coalition, Los Padres Trail Riders, and Back Country Horsemen of America, that work together to help maintain trails, put trails in and police things. She expressed the following concerns: 1) The plan is setting people up to fail, especially the equestrians, and that if there are enough trails that please people, people are less likely to break the rules. 2) There is not a good balance in this plan for equestrians and parking, and requested that this be reconsidered. 3) This is the last place in the whole south Coast and all of the way up to the Lompoc that has public access to the beach for equestrians. Everything else is very limited and private (only two or three places), so it is important to have access to the beaches and in a proper manner so they can be good citizens.

G.38-15

Chris Lange, Friends Of The Ellwood Coast, (FOTEC), said that for fifteen consecutive years this community has set up an Earth Day booth regarding love of the Monarch butterflies and Ellwood, which will be there again this year with a thermometer that says we are half way through the acquisition and the Save Ellwood Mesa campaign, and about 2/3 of the way up the thermometer in terms of funding and acquisition. She doesn't want to lose a dollar of funding. She stated that FOTEC will help the community keep the timeframe and the money to make the land swap happen, and will not settle

G.38-16

G.38-16 for something that does not have the best environmental protection possible. She is impressed by the document, and stated that it needs overlays because it is hard to imagine the impacts without overlays, and requested that overlays be at one of the next hearings with a couple of the specific areas such as the site plan over bio resources, along with an overhead projector. She also stated: 1) The project objective needs to state "up to 78 units". 2) Phased development is preferred, if possible. 3) She is impressed by Alternative Three. 4) There needs to be a better funding mechanism in place for the OSHMP. Ms. Lange stated that FOTEC will be providing a lot of comments in the weeks to come and hope to work together with everyone.

G.38-17 Chair Brock stated that written comments have been submitted in writing during the public hearing which will be copied and distributed. The following three written comments were received during the hearing by persons unable to stay for public comment: 1) From Karen Wheeler, 4728 Camino Del Rey, Santa Barbara, representing Los Padres Trail Riders: Concerns: Trail access from Phelps to be closed to horses; the only entrance being Hollister in allowing only 3 spaces for trailer parking at the trail head – this would be a safety hazard to children, bikers and the horses; lack of access to beach – only by stairs – another hazard for horses. All need to work together to come up with a fair plan for all concerned to include horses. 2) From Dorothy Littlejohn, 1019 Quinientos Street, #9, Santa Barbara, representing Santa Barbara Mountain Bike Trail Volunteers: I sometimes ride by bicycle at Ellwood, and often with young kids or beginning bikers. It is relatively flat and an easy introduction to mountain biking. Biking is a fun exercise and biking at Ellwood is so beautiful. We especially enjoy the wildlife and the views. Please allow us to continue riding our bicycles on the existing trails. We love it the way it is. Please don't "citify" the park by paving the trails. No stairs, either. Why waste money "developing" the park when we lot it in its natural state. Thank you. 3) From Barbara Wolf, Box 374, Santa Barbara, representing Los Padres Trail Riders: Not enough horse trails and having to share with bike and walkers while they each will have their own trails to use and not share. Having only three trailer spots at the entrance is also not a good idea. Plus you need room to get a trailer in and out and space for tying your horses to get ready. Closing Phelps off is not fair. Need a horse-friendly trail to the beach, stairs could be very unsafe.

G.38-18
G.38-19 Councilmember Hawxhurst made the following comments: 1) There needs to be a summary in the Draft EIR document. He hand-counted the number of Class 1 Impacts for each of the alternatives. 2) He agrees with the speakers who mentioned the subject of the no project alternative of development of 131 homes on the Mesa, which wasn't what he thought it would be, and he does not understand why the no project alternative was not evaluated.

Director of Planning and Environmental Services Kenneth Curtis stated that CEQA requires that alternatives be evaluated in an EIR but they are required to be alternatives that are less damaging environmentally than the proposed.

project. The no project alternative of development of 131 homes on the Mesa site did not fit the criteria of the environmentally superior alternative to the proposed project and, therefore, was not evaluated as either a no project alternative or as an off-site alternative.

MOTION: Members Connell/Blois to continue the public hearing to consider the Draft EIR, Ellwood-Devereux Coast Open Space Plan, Comstock Homes Applications, and various other applications related to implementation of the Joint Proposal to April 19, 2004.

VOTE: Motion approved by a unanimous voice vote.

6. REPORTS OF THE MEMBERS OF THE PLANNING AGENCY AND CITY COUNCIL, INCLUDING REQUESTED FUTURE AGENDA ITEMS.

Mayor Brock stated that there will be a reception for the Coastal Commission on April 14, 2004, at the Cabrillo Arts Center. City Manager Frederick Stouder stated that Councilmembers will be contacted tomorrow morning regarding further details.

7. ADJOURNMENT AND CONTINUATION TO APRIL 13, 2004, AT 6:00 P.M., AT THE GOLETA UNION SCHOOL DISTRICT BOARD ROOM, UNLESS THE BOARD ROOM IS UNAVAILABLE, THEN THE MEETING WILL BE HELD AT A LOCATION TO BE DETERMINED AND ANNOUNCED: 10:20 P.M.

Prepared by: Linda Gregory, Recording Clerk.

GOLETA CITY COUNCIL

CYNTHIA BROCK
MAYOR

ATTEST: _____
CYNTHIA M. RODRIGUEZ
CITY CLERK

GOLETA PLANNING AGENCY

JACK HAWXHURST
CHAIR

ATTEST: _____
CYNTHIA M. RODRIGUEZ
AGENCY SECRETARY

CITY OF GOLETA
PLANNING AGENCY MEETING

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REQUEST TO SPEAK

The public is allowed to speak on any matter appearing on the agenda prior to or at the time that it is being discussed by the Planning Agency. In addition, members of the public may speak at any regular meeting on any matter not appearing on the agenda that is within the subject matter jurisdiction of the Planning Agency during the Public Comment period. In order to assist the Planning Agency in maintaining order and to provide information so that Planning Agency staff may follow-up on questions posed during the meeting, the Planning Agency requests that you complete this Speaker slip and deliver it to the Planning Agency Secretary PRIOR to the commencement of discussion on the item.

AGENDA ITEM: Elwood 5 DATE: 4-12-04

SPEAKER NAME: Devenroy Ann
BABEN Wheeler

ADDRESS: 3208 Camino Del Rey

Santa Barbara Ca 93110

PHONE NUMBER: 927-7250

REPRESENTING: Los Padres Trail Riders

ALL INDIVIDUAL SPEAKERS AND ORGANIZED PRESENTATIONS TO THE PLANNING AGENCY ARE SUBJECT TO TIME LIMITS SET AT THE DISCRETION OF THE CHAIR.

Usually, 3 minutes is recommended, but this may be reduced to 2 minutes or expanded slightly in certain circumstances. Individuals who are part of a group may be allowed to delegate their time to a representative to speak on their behalf. In addition, an overall time limit may be imposed on a particular matter in order to permit the Planning Agency to complete necessary actions.

The Chair will call you to the microphone at the appropriate time.

Thank you for actively participating in the City of Goleta. 

G38-17

Concerns

- Trail Access from Phelps to be closed to Horses.

- Only Entrance being Horses in allowing only 3 spaces for Trailer parking at the

Trail Head - THIS would be a safety hazard to children

riders and the Horses.

- Lack of Access to beach only by stairs - another hazard for Horses.

All need to work together to come up with a FAIR PLAN

For All Concerned. Enclose Horses.

CITY OF GOLETA
PLANNING AGENCY MEETING

REQUEST TO SPEAK

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G.38-18

AGENDA ITEM: 5 DATE: 4-12-04

SPEAKER NAME: Dorothy Littlejohn

ADDRESS: 1019 Occidentales St. #9

DS 93103

PHONE NUMBER: 962-8415

REPRESENTING: Santa Barbara Mountain Bike Trail
Volunteers

ALL INDIVIDUAL SPEAKERS AND ORGANIZED PRESENTATIONS TO THE PLANNING AGENCY ARE SUBJECT TO TIME LIMITS SET AT THE DISCRETION OF THE CHAIR.

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The Chair will call you to the microphone at the appropriate time.

Thank you for actively participating in the City of Goleta.

I sometimes ride my bike at Ellwood, and often with young kids or beginning bikers. It is relatively flat and an easy introduction to mountain biking. Biking is a fun exercise and biking at Ellwood is so beautiful. We especially enjoy the wildlife and the views.

Please allow us to continue riding our bicycles on ~~our~~ the existing trails. We love it the way it is. Please don't "city" the park by paving the trails. No stairs, either. Why waste money "developing" the park when we love it in its natural state.

Thank you.

CITY OF GOLETA

PLANNING AGENCY MEETING

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REQUEST TO SPEAK

The public is allowed to speak on any matter appearing on the agenda prior to or at the time that it is being discussed by the Planning Agency. In addition, members of the public may speak at any regular meeting on any matter not appearing on the agenda that is within the subject matter jurisdiction of the Planning Agency during the Public Comment period. In order to assist the Planning Agency in maintaining order and to provide information so that Planning Agency staff may follow-up on questions posed during the meeting, the Planning Agency requests that you complete this Speaker slip and deliver it to the Planning Agency Secretary PRIOR to the commencement of discussion on the item.

AGENDA ITEM: Ellwood 6 DATE: 07-12-04

SPEAKER NAME: Deverex

ADDRESS: Barbara Wols

Box 374

Sta Barb CA 93107

PHONE NUMBER: 682-4273

REPRESENTING: Los Padres trail Park

ALL INDIVIDUAL SPEAKERS AND ORGANIZED PRESENTATIONS TO THE PLANNING AGENCY ARE SUBJECT TO TIME LIMITS SET AT THE DISCRETION OF THE CHAIR.

Usually, 3 minutes is recommended, but this may be reduced to 2 minutes or expanded slightly in certain circumstances. Individuals who are part of a group may be allowed to delegate their time to a representative to speak on their behalf. In addition, an overall time limit may be imposed on a particular matter in order to permit the Planning Agency to complete necessary actions.

The Chair will call you to the microphone at the appropriate time.

Thank you for actively participating in the City of Goleta.

G.38-19

Not enough horse trails and having to share with bike & users while they each will have their own trails to use and not share.

Having only 3 trailer spots at the entrance is also not a good idea. Plus you need room to get a trailer in and out and space for tying up horses to get ready. Closing Phelps off is not fair.

Need a horse friendly trail to the back stairs could be very unsafe.



DRAFT

CITY OF GOLETA, CALIFORNIA

CITY COUNCIL MINUTES

AND

JOINT PLANNING AGENCY/CITY COUNCIL MINUTES

Cynthia Brock, Mayor

Jonny D. Wallis, Mayor Pro-Tempore
Margaret Connell, Councilmember

Jean W. Blois, Councilmember
Jack Hawxhurst, Councilmember

Frederick C. Stouder, City Manager
Julie Hayward Biggs, City Attorney
Cyndi Rodriguez, City Clerk

April 19, 2004

Afternoon Session
1:30 P.M.

Goleta Valley Community Center
5679 Hollister Avenue
Goleta, California

Evening Session
6:00 P.M.

Goleta Union School District
401 N. Fairview Avenue
Goleta, California

CALL TO ORDER AND ROLL CALL

Mayor Pro Tempore Wallis called the meeting to order at 1:40 p.m.

Councilmembers present: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst.

Councilmembers absent: Mayor Brock.

Staff present:

City Manager Frederick Stouder, City Attorney Julie Hayward Biggs, Assistant City Manager Luci Romero Serlet, and City Clerk Cyndi Rodriguez.

PUBLIC FORUM

SPEAKERS:

None.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

SPECIAL PRESENTATIONS

None.

POLICY MATTERS

1. **Authorize The Preparation Of Certificates Of Recognition For Goleta's Finest.**

Recommendation: The Ad Hoc Committee Recommends The City Council Approve The Certificates Of Recognition To The Recipients Of Goleta's Finest.

STAFF SPEAKERS:

None.

SPEAKERS:

None.

MOTION: Councilmembers Connell/Blois to approve the certificates of recognition to the recipients of Goleta's Finest.

VOTE: Motion approved by the following voice vote. (Ayes: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst. Absent: Mayor Brock).

2. Presentation by Isla Vista Recreation and Park District.

Recommendation: Receive and Comment.

STAFF SPEAKERS:

None.

SPEAKERS:

Derek Johnson, General Manager and LuAnn Miller, representing Isla Vista Recreation and Park District, presented a PowerPoint presentation (submitted handout) regarding the history of the Park District, current events in Isla Vista, Isla Vista Parking Project, Isla Vista Master Plan and Isla Vista Community Center; and Barbara Massey, spoke in regard to the Isla Vista parking project and stated she hopes the City has been consulted on this subject.

3. Discussion and Possible Direction Regarding Televising of City Council Meetings.

Recommendation: Discuss and Provide Possible Direction.

STAFF SPEAKERS:

City Manager Frederick C. Stouder and Assistant City Manager Luci Romero Serlet.

SPEAKERS:

Eva Turenchalk, representing Coastal Housing Partnership, provided brief comments; Hap Freund, Executive Director, representing Santa Barbara Channels, provided brief comments.

By consensus, the City Council requested staff to return with an outline of questions and answers pertaining to the following:

- Is the City required to meet within City limits?
- How mobile is the televising equipment?
- Feedback on which channels are being discussed, type of programming and an understanding of how Cox's organizational structure interfaces with the City.
- Estimate of the cost to air the City Council meetings.

RECESS 2:47 P.M. TO 2:58 P.M.

4. Report on Recently Submitted Projects Subject to the Interim General Plan Maximum Floor-Area-Ratio Policy.

Recommendation: Discuss and Provide Possible Direction.

STAFF SPEAKERS:
Planning Manager Patricia Miller.

SPEAKERS:
Don Gilman, spoke in regard to grandfathering the four projects submitted as listed on Attachment 2 of the report, allow projects to proceed via the Design Review Board process and consider the four additions separately from the two other projects submitted; Joe Kleeburg, spoke in regard to the need to build an addition for his growing family; Greg Jenkins, architect, spoke in regard to grandfathering additions listed on Attachment 2 of the report; Jennifer McGovern, spoke in regard to the City revisiting the FAR's as she feels they are too rigid; Rosemary Creason, spoke in regard to the new policy, she is against grandfathering projects submitted after January 26, 2004; and Dr. Inge Cox, spoke in support of projects not exceeding the 50% limit.

RECESS TO CLOSED SESSION: 3:43 P.M. TO 4:58 P.M.

CLOSED SESSION

The City Council met in Closed Session to confer with legal counsel pursuant to Government Code Section 54956.9 b with regard to one matter of significant exposure to litigation.

RECESS TO EVENING SESSION OF THE JOINT CITY COUNCIL/PLANNING AGENCY MEETING AT 401 N. FAIRVIEW AVENUE: 4:58 P.M. – 6:00 P.M.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Wallis called the meeting to order at 6:08 p.m.

ROLL CALL OF CITY COUNCIL

Councilmembers present: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst.

Councilmembers absent: Mayor Brock.

ROLL CALL OF CITY PLANNING AGENCY

Agency members present: Chair Hawxhurst, Vice-Chair Connell, Members Blois and Wallis.

Agency members absent: Member Brock.

Staff present:

City Manager Frederick Stouder, City Attorney Julie Hayward Biggs, Planning and Environmental Services Director Ken Curtis, Community Services Director Steve Wagner, Assistant City Manager Luci Romero Serlet and City Clerk Cyndi Rodriguez.

PUBLIC FORUM

SPEAKERS:

Mary Ann Robbins, spoke in regard to the loud noise coming from the trucks parked at the service station on Winchester; and Barbara Tzur, representing Goleta Noontime Rotary, spoke in regard to the July 4th festival at Girsh Park, requesting support from the City.

REPORT FROM CLOSED SESSION

No reportable action.

PUBLIC HEARING

- 5. Consideration Of Draft EIR, Ellwood-Devereux Coast Open Space Plan, Comstock Homes Applications, And Various Other Applications Related To Implementation Of The Joint Proposal (Continued from April 12, 2004).**

Recommendation: Receive Additional Testimony And Continue Public Hearing To A Special Joint Meeting Of The Planning Agency And City Council On Thursday, April 22, 2004.

STAFF SPEAKERS:

Planning and Environmental Services Director Ken Curtis.

PUBLIC HEARING OPENED: 6:20 P.M.

SPEAKERS:

Lauren Gleason, provided brief comments regarding the proposal; Roger Jahnke, spoke in regard to the Ellwood-Devereux process and stated he is hopeful the process will be interactive; and Frank Esparza, representing American Legion Post 49, Santa Barbara, spoke in regard to the possibility of a Veterans' cemetery being built on the property.

PUBLIC HEARING CONTINUED: 6:37 P.M. TO THE JOINT PLANNING AGENCY/CITY COUNCIL MEETING ON APRIL 22, 2004

ADJOURN JOINT MEETING OF CITY COUNCIL/PLANNING AGENCY TO THE EVENING CITY COUNCIL MEETING AT 6:38 P.M.

G.39-10
G.39-20
G.39-3

ITEMS CONTINUED FROM AFTERNOON SESSION

None.

POLICY MATTERS

6. **Review And Consideration Of A Cooperative Agreement With The County Of Santa Barbara For Reimbursement Of Preliminary Engineering Costs Associated With The Ekwil/Fowler Road Extension Project.**

Recommendation: Authorize The City Manager To Execute A Cooperative Agreement With The County Of Santa Barbara For The Reimbursement Of Preliminary Design Costs Associated With The Ekwil/Fowler Project.

STAFF SPEAKERS:

City Manager Frederick C. Stouder.

SPEAKERS:

None.

MOTION: Mayor Pro Tempore Wallis/Councilmember Connell to authorize the City Manager to execute a cooperative agreement with the County of Santa Barbara for the reimbursement of preliminary design costs associated with the Ekwil/Fowler Project.

VOTE: Motion approved by the following voice vote. (Ayes: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst. Noes: None. Absent: Mayor Brock).

7. **Review And Consideration Of Notice Of Completion For The FY 2003/2004 Pavement Rehabilitation Project.**

Recommendation:

- a. Adopt Resolution Establishing Final Quantities For The FY 2003/2004 Pavement Rehabilitation Project And Direct The City Clerk To File Notice Of Completion.
- b. Authorize An Increase To The Professional Services Agreement With Pavement Engineering Inc. From \$251,350 To \$310,804 For The Cost Of Additional Services Associated With The FY 2003/2004 Pavement Rehabilitation Project.

STAFF SPEAKERS:

City Manager Frederick C. Stouder and Community Services Director Steve Wagner.

SPEAKERS:

None.

MOTION: Councilmembers Connell/Blois to adopt **Resolution No. 04-14**, entitled, **"A resolution of the City of Goleta approving a notice of completion for the construction of the Pavement Rehabilitation Project, FY 2003/2004"**; and authorize an increase to the professional services agreement with Pavement Engineering Inc. from \$251,350 to \$310,804 for the cost of additional services associated with the FY 2003/2004 Pavement Rehabilitation Project.

VOTE: Motion approved by the following voice vote. (Ayes: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst. Noes: None. Absent: Mayor Brock).

8. Authorization For The City Manager To Sign A Memorandum Of Understanding Between The City Of Goleta, The County Of Santa Barbara, And The State Of California Regarding The Transfer Of Ownership Of The Santa Barbara Shores Park.

Recommendation: Adopt A Resolution Authorizing The City Manager To Sign A Memorandum Of Understanding Transferring Ongoing Responsibilities For The Santa Barbara Shores Park Proposition 70 Grant From The County Of Santa Barbara To The City Of Goleta.

STAFF SPEAKERS:

City Manager Frederick C. Stouder.

SPEAKERS:

None.

MOTION: Councilmembers Blois/Hawxhurst to adopt **Resolution No. 04-15**, entitled, **"A Resolution of the City Council of the City of Goleta Authorizing the City Manager to Sign a Memorandum of Understanding between the City of Goleta, the County of Santa Barbara, and the State of California regarding the Transfer of Ownership of the Santa Barbara Shores Park."**

VOTE: Motion approved by the following voice vote. (Ayes: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst. Noes: None. Absent: Mayor Brock).

9. **Acceptance Of Recommendation From The Redevelopment Agency To Adopt a Resolution Accepting A \$90,000 Caltrans Environmental Justice Grant For The Planning Phase Of The Redesign Of Hollister Avenue In Old Town Goleta.**

Recommendation: Adopt The Attached Resolution Accepting Funding From Caltrans, Acknowledging The \$22,500 Local Match Requirement, And Appointing The City Manager As The Agent For The City Responsible For The Execution And Submission Of All Documents Necessary For The Implementation Of The Grant.

STAFF SPEAKERS:

City Manager Frederick C. Stouder.

SPEAKERS:

None.

MOTION: Councilmembers Connell/Blois to adopt **Resolution No. 04-16**, entitled, **"A Resolution of the City Council of the City of Goleta Accepting a Caltrans Sponsored Environmental Justice and Context-Sensitive Planning Grant for the Planning Phase of the Redesign of Hollister Avenue in Old Town Goleta"**; acknowledging the \$22,500 local match requirement, and appointing the City Manager as the agent for the City responsible for the execution and submission of all documents necessary for the implementation of the grant.

VOTE: Motion approved by the following voice vote. (Ayes: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst. Noes: None. Absent: Mayor Brock).

10. **Consideration Of The Award Of A Construction Contract For The FY 2003/2004 Miscellaneous Concrete Repair Project.**

Recommendation:

- a. Authorize The City Manager To Execute A Construction Contract With Berry General Engineering Contractors, Inc. For The FY 2003/2004 Miscellaneous Concrete Repair Project In The Amount Of \$512,010 Subject To The Requirements Of The Contract Documents.
- b. Authorize The City Manager To Approve Contingency Contract Change Orders If Necessary In An Amount Not To Exceed \$51,200.

STAFF SPEAKERS:

Community Services Director Steve Wagner.

SPEAKERS:

None.

MOTION: Councilmembers Hawxhurst/Blois to authorize the City Manager to execute a construction contract with Berry General Engineering Contractors, Inc. for the FY 2003/2004 Miscellaneous Concrete Repair Project in the amount of \$512,010 subject to the requirements of the contract documents; and authorize the City Manager to approve contingency contract change orders if necessary in an amount not to exceed \$102,400.

VOTE: Motion approved by the following voice vote. (Ayes: Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst. Noes: None. Absent: Mayor Brock).

11. REPORTS OF THE MEMBERS OF THE CITY COUNCIL, INCLUDING REQUESTED FUTURE AGENDA ITEMS

Mayor Pro Tempore Wallis requested staff to prepare a status report on the service station located on Winchester.

Councilmember Connell stated she attended a Joint County/City Recreation Task Force Meeting where she heard a presentation on the Big League Dreams Park. She stated Mr. Benny Russell was present at the meeting where they received autographs. She stated the Task Force will be reviewing the Big League Program.

Councilmember Connell stated she participated in a leadership panel in Santa Barbara in regard to approaching choices on issues of sustainability. She provided information on the City of Goleta's General Plan process and alternatives.

Councilmember Connell stated she met with a League of Women Voters Unit.

Mayor Pro Tempore Wallis stated she attended the Joint Task Force on Parks and Recreation regarding the goals to compile an online list of all opportunities that exist for public use.

Mayor Pro Tempore Wallis stated she attended a Beacon meeting where she provided an update on Goleta Beach. She reported the sand replenishment project has concluded. She stated the rain did not resolve

in a net loss of sand. She stated some sand was lost but the goal was met.

Mayor Pro Tempore Wallis stated that on April 29 she will attend the last meeting of the Goleta Beach Working Group where they will discuss the issues pertaining to the beach and park.

Mayor Pro Tempore Wallis stated she addressed a unit of League of Women Voters at Maravilla and reported on the City's accomplishments over the past two years.

12. REPORT OF THE CITY MANAGER

City Manager Stouder stated that he appreciates the City Council's patience in regard to the seven meetings scheduled this month.

13. REPORT OF THE CITY ATTORNEY

No report.

14. ADJOURNMENT 7:20 P.M.

Prepared by: Cynthia M. Rodriguez, City Clerk

GOLETA CITY COUNCIL

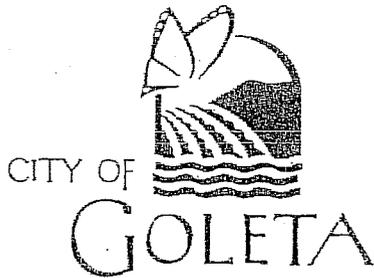
GOLETA PLANNING AGENCY

JONNY WALLIS
MAYOR PRO TEMPORE

JACK HAWXHURST
CHAIR

ATTEST:

CYNTHIA M. RODRIGUEZ
CITY CLERK/SECRETARY



DRAFT

**CITY OF GOLETA, CALIFORNIA
JOINT PLANNING AGENCY/CITY COUNCIL MINUTES**

Cynthia Brock, Mayor

**Jonny D. Wallis, Mayor Pro-Tempore
Margaret Connell, Councilmember**

**Jean W. Blois, Councilmember
Jack Hawxhurst, Councilmember**

**Frederick C. Stouder, City Manager
Julie Hayward Biggs, City Attorney
Cyndi Rodriguez, City Clerk**

Thursday, April 22, 2004

**Evening Session
6:00 P.M.
Goleta Union School District
401 N. Fairview Avenue
Goleta, California**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brock called the meeting to order at 6:07 p.m.

ROLL CALL OF CITY COUNCIL

Councilmembers present: Mayor Brock, Mayor Pro Tempore Wallis, Councilmembers Blois, Connell and Hawxhurst.

ROLL CALL OF PLANNING AGENCY

Agency Members present: Chair Hawxhurst, Vice Chair Connell, Agency Members Blois, Brock and Wallis.

Staff present: City Manager Frederick Stouder, Planning and Environmental Services Director Ken Curtis and City Clerk Cyndi Rodriguez.

PUBLIC FORUM

SPEAKERS:

None.

PUBLIC HEARING

1. Consideration Of Draft EIR, Ellwood-Devereux Coast Open Space Plan, Comstock Homes Applications, And Various Other Applications Related To Implementation Of The Joint Proposal (Continued from April 19, 2004).

Recommendation: Receive Additional Testimony And Continue Public Hearing To A Special Joint Meeting Of The Planning Agency And City Council On Monday, May 10, 2004.

STAFF SPEAKERS:

Planning and Environmental Services Director Ken Curtis.

PUBLIC HEARING OPENED: 6:11 P.M.

SPEAKERS:

G.40-1 | Barbara S. Massey (submitted letter) stated she does not want to see any changes to the park. She also stated she prefers environmental alternative 3, which she feels has the least impact. She does not want the eucalyptus trees removed as they are needed for the butterflies. She prefers the single story homes that have a 18 foot roof line and no wood burning fireplaces.

G.40-2 | Susan Portier feels the EIR report is key in this process as the environment is our most important asset. She stated she does not want to see concrete cover much space in this area. She stated the style of homes are similar to the Crown Collection, which she feels is too high for the area.

G.40-3 | Ed Easton stated he would like to see protection built into the plan to permanently preserve our natural resources in the park.

G.40-4 | Mary Jo Comer, representing Cannon Green, stated she supports the EIR's 100 percent. She wants to see less housing and the wetlands preserved.

Kendra Portier, representing Ellwood Bluffs, stated that walks and rides her bike in the area and enjoys the butterflies in the area. She stated children visit the area to see the butterflies and feels it would be very sad if this is taken away.

G.40-5

Marian Cohen stated she read the EIR and feels it's a wonderful document. She would like to see the City Council fully implement the policies cited in the EIR, specifically regarding night lighting. She supports alternative 3 suggested, which would improve the visual impact. She supports the adoption of single story homes. In regard to trails, she prefers alternative 2 because it's more natural looking. She stated Figure 12 and Figure 14 don't seem to add up.

G.40-6

DeAnn Sarver, representing Santa Barbara Shores Homeowners Association, stated the homeowners support the land swap. They feel it's a very good solution.

G.40-7

Chris Lange, representing FOTEC, stated written comments will be submitted in the near future. She hopes the trails are accessible to the handicap. She would like to see night lighting that doesn't impact the birds and residents.

G.40-8

Allen King, stated he is impressed with the geological hazard section of the document. He has concerns with the old sewer system and the effect a major earthquake could have on the system. He is concerned with the parking suggested at the end of Santa Barbara Shores Drive. He feels this area is too close to the butterflies living in the area. He stated overall, he supports the project.

G.40-9

PUBLIC HEARING CONTINUED: 6:49 P.M. TO THE MEETING OF MAY 10, 2004

2. REPORTS OF THE MEMBERS OF THE CITY COUNCIL, INCLUDING REQUESTED FUTURE AGENDA ITEMS

None.

3. REPORT OF THE CITY MANAGER

No report.

4. REPORT OF THE CITY ATTORNEY

No report.

5. ADJOURNMENT 6:50 P.M.

Prepared by: Cynthia M. Rodriguez, City Clerk

GOLETA CITY COUNCIL

GOLETA PLANNING AGENCY

CYNTHIA BROCK
MAYOR

JACK HAWXHURST
CHAIR

ATTEST:

CYNTHIA M. RODRIGUEZ
CITY CLERK



DRAFT

**CITY OF GOLETA, CALIFORNIA
ADJOURNED AND CONTINUED
JOINT PLANNING AGENCY/CITY COUNCIL MINUTES**

City Council

Cynthia Brock, Mayor

**Jonny Wallis, Mayor Pro-Tempore
Margaret Connell, Councilmember**

**Jean W. Blois, Councilmember
Jack Hawxhurst, Councilmember**

Planning Agency

Jack Hawxhurst, Chair

**Margaret Connell, Vice Chair
Cynthia Brock, Agency Member**

**Jean W. Blois, Agency Member
Jonny D. Wallis, Agency Member**

**Frederick C. Stouder, City Manager
Julie Hayward Biggs, City Attorney
Cyndi Rodriguez, City Clerk**

May 10, 2004

**Adjourned and Continued
Joint Planning Agency/City Council Meeting
6:00 P.M.
Goleta Valley Community Center
5679 Hollister Avenue
Goleta, California**

CALL TO ORDER AND ROLL CALL OF THE CITY COUNCIL

Mayor Brock called the meeting to order at 6:10 p.m.

Councilmembers present: Mayor Brock; Mayor Pro-Tempore Wallis; Councilmembers Blois, Connell, and Hawxhurst,

Staff present: City Manager Frederick Stouder, City Attorney Julie Hayward Biggs; Director of Planning and Environmental Services Kenneth Curtis; Senior Planner Rob Mullane; General Plan Manager Pat Dugan; Recording Clerk Linda Gregory.

CALL TO ORDER AND ROLL CALL OF THE PLANNING AGENCY

Chair Hawxhurst called the meeting to order at 6:12 p.m.

Agency Members present: Chair Hawxhurst, Vice Chair Connell, Agency Members Blois, Brock and Wallis.

PUBLIC FORUM

SPEAKERS:

None.

ITEMS CONTINUED FROM AFTERNOON SESSION

CONSENT CALENDAR

5. Approval of the Minutes of the Planning Agency Meeting of March 8, 2004.

Recommendation: Approve the Minutes of the March 8, 2004 Planning Agency Meeting.

PUBLIC HEARING

6. Consideration of Draft EIR, Ellwood-Devereux Coast Open Space Plan, Comstock Homes Applications, and Various Other Applications Related to Implementation of the Joint Proposal (Continued from April 22, 2004 Meeting).

Recommendation: Receive Additional Testimony, Close The Public Hearing With Respect To The DEIR, And Continue The Matter To A Special Joint Meeting Of The Planning Agency And City Council On Either Tuesday, May 11th Or Tuesday, May 18th For Discussion And Possible Direction.

Mayor Brock stated that the continued public hearing will be held and that written public comments that are received are forwarded to the Mayor and Council/Planning Agency for review.

STAFF SPEAKERS:

Director of Planning and Environmental Services Kenneth Curtis stated that a revised Development Plan was received today from the applicant, and that staff has not had an opportunity yet to review the material submitted.

SPEAKERS:

Frank Esparza, 5700 Via Real, #107, Carpinteria, representing the Santa Barbara American Legion Veterans Council, stated that they are continuing to research the establishment of a National and State Memorial Cemetery in the Tri-counties area; they would appreciate consideration of the Ellwood Mesa as a location; and they would like a response regarding where they stand with the request. He reviewed some of the American Legion's community involvement activities.

G.41-1

Lauren Gleason, 7956 Rio Vista, Goleta, stated that she has not read the EIR. She provided the following comments: 1) Ellwood School, especially during the summer, could provide parking without putting in more parking spaces for the development and would reduce the footprint regarding parking. 2) She prefers less homes and less giant homes. 3) The developer should be required to refurbish the gas station site. 4) She prefers having more small trails and less large trails, which would also allow for more personal "space". 5) She noted restricted access in plover area, and would like as many minimum restricted access areas as possible. 6) There should be minimum signage and whatever is there should blend in. 7) Landscaping should reflect natural habitat, vernal pools (where it is appropriate) and bring back native habitat. 8) Horse use should be managed so horses don't come all at once, possibly coordinate usage by groups. 9) Horse manure needs to be cleaned up by users.

G.41-2
through
G.41-10

Daniel McLean, Santa Barbara, encouraged applying the policies of the Clean Water Act and Coastal Act, relating to deciding how large the buffers are going to be, and also spoke in support of maintaining adequate buffers and maintaining the population of wildlife in the sensitive habitat.

G.41-11

Mike Feely, Santa Barbara Urban Creeks Council, spoke in support of the land swap, although he thinks there are still some negative impacts. He commented as follows: 1) Respect buffers. 2) Stay out of the Monarch ESHA. 3) Project is too close to white-tailed kite ESHA. 3) Keep buffers 50' on either side. 4) Look at more alternatives to protect resources and study feasibility of these alternatives.

G.41-12

Roger Jahnke, Goleta, stated that if the applicant has presented an alternative proposal, the public should participate in the process. He expressed support for applying policies including CEQA, the Coastal Act, and the Water Act, and stated that the new development is not particularly in compliance with the policies. He made the following comments: 1) The housing project is located in a unique watershed. 2) Devereux Slough needs

G.41-13

to be considered. 3) He would support Alternative 3, only with modifications to include the protection of biological resources. 4) There needs to be protection of natural views and modification of houses to protect those views. 5) Urged that laws regarding grading runoff, sewers, etc., be applied. 6) Consider green building relevance. 7) CEQA guidelines mandate that determination be made based on clear evidence.

Bob Bernstein, Vice-Chair, Santa Barbara Sierra Club, stated that written comments have been prepared by Ed Easton for submittal. He made the following comments: 1) Concern that the sewer line is in the middle of the butterfly area. 2) Consideration should be given to all other areas, not just the Ellwood main. 3) Unleashed dogs should not be allowed. 4) Plovers will not breed after being chased by dogs. 5) Owners will need to clean up after dogs. 6) He likes the concept of the land swap and hopes biological resources can be preserved.

Marian Cohen, 7635 Pismo Beach Circle, Goleta, submitted written comments dated May 10, 2004. She stated that her family lives nearby and supports the goals of the OSHMP and made the following comments: 1) She supports the closure of trails in order to protect and restore natural habitat and biological resources. 2) Having participated in a tour of the Coal Oil Point Reserve she believes it offers an inspiring model of what can be achieved with biological expertise, time, patience, volunteers and funds. 3) She favors Alternative 2 for the Anza Trail. 4) Would like the possibility of Ellwood Mesa becoming an off-leash dog park to be eliminated.

Brad Hufschmid, 6832 Sabada Tarde Road, Goleta, submitted written comments dated May 10, 2004, and stated that he strongly disagrees with mitigation to close off trails and reduce recreational opportunities. He made the following comments: 1) For the last twenty years, there has only been recreational use which has not caused any significant harm to the site. 2) Historical uses of the site, other than recreation, have altered the ecology of the area. 3) There needs to be a different perspective regarding closing trails. 4) No trail should be closed without all other alternatives being tried, studied and evaluated.

Hal S. Kopeikin, Ph.D., 6898 Trigo Road, Goleta, presented written comments dated May 10, 2004. He expressed concern that the Draft EIR removes and/or restrict some primary recreational resources used by his family and many residents. He made the following comments: 1) Any permanent restrictions should be based on solid evidence and data should be collected to determine costs and benefits of restrictions. 2) Existing trails are important and most of the 68% of trails that are listed for closure should not be closed. 3) Trails were developed by people who use them and love the area, and are recreational uses, not just merely a path. 4) Suggest possibly re-routing some trails. 5) Closing trails is a negative impact and safety issue that need to be looked at, and not as a mitigation. There are parallel trails because there are several different uses, such as pedestrians, bicyclists, and

equestrians. 6) Dogs off leash have been allowed historically and should remain acceptable with some exceptions. 7) He objects to the statement at the end of the Draft EIR that allows cultural uses by Native Americans because he doesn't understand what the wording means. 8) He recommends canceling excessive parking lot, including the West Campus lot (which is another project), and is concerned regarding traffic through his neighborhood.

G.41-27
through
G.41-29

Vic Cox, 82 Warwick, Goleta, made the following comments: 1) Alternative 3 is probably the best way. 2) Removing the pod of houses should remove the need for a screening wall along Hollister Avenue. 3) There is a need to think ahead regarding details, such as the possibility of a parallel screening wall across the street with Sandpiper project. 4) Concern that mitigations tend not to get done if nobody is watching. 5) More information is needed regarding the abandoned Ellwood Mesa oil field, such as a complete site survey, to avoid improper remediation. He referenced a newspaper article dated April 19, 2004, from the "Santa Barbara News Press" regarding suits against the cities of Santa Maria and Orcutt relating to homes built on oilfields. 6) Mitigations are needed regarding air pollution from chimneys, such as using gas instead of wood-burning fireplaces.

G.41-30
through
G.41-35

Kathy Gebhardt, Goleta, stated that she has previously expressed concerns regarding water quality and views. She made the following comments: 1) Rules should not be made that cannot be enforced. 2) Horses should not be unloaded in adjoining neighborhoods, and that should be enforced by the police. 3) She requested review of her previous comments regarding her concern that the water flow of the Anza Trail will affect water quality. 4) She hopes staff and Mr. Comstock will not consider the Coal Oil Point Reserve's needs vs. the benefits of the project.

G.41-36
through
G.41-39

Linda Krop, Environmental Defense Center, representing Save Ellwood Shores and Santa Barbara Audubon Society, submitted written comments dated May 10, 2004. She expressed support for the land swap and appreciation for Mr. Comstock's willingness to further reduce the impacts of this project. Regarding the Ellwood Mesa open space, she stated that they disagree with the Class 1 characterization given to recreation, and that, in their opinion, removing some of the trails to protect native grassland, vernal pools and plover habitat is probably a Class 4 beneficial impact. She said that there are ample trails, that some will have to be pulled to protect resources, and that there is plenty of scientific evidence supporting those trail closures. One example, she said, is when the equestrian facilities closed on Santa Barbara Shores property, the native grassland started expanding and recovering. She stated that as she uses the Ellwood Mesa for recreation, she thinks that the statement that there is a risk of crowding if some of the trails are closed is an overstatement.

G.41-40

Brian Trautwein, Environmental Defense Center, representing Save Ellwood Shores and Audubon Society, stated that it is very important to have scientific

G.41-41

G.41-41 comments regarding what areas are significant habitats and what areas are ESHAs. He presented a written report regarding Assessment of Native Plant Communities and Biological Resources issues at Santa Barbara Shores, prepared by E.L. Painter, Ph.D., dated May 7, 2004, which includes assessment of Drainage B; Drainages A1 and A2, western wetlands, and native grasslands. Mr. Trautwein made the following comments: 1) The sewer line should be located out of the ESHA. 2) Based on Dr. Pointer's research, the lower portion of Drainage B should be preserved as part of an ESHA, if possible, and that there should be larger setbacks around the Drainage A1 and A2 wetlands and the raptor and monarch nest habitat in the southwest corner, if feasible. 3) If it is not feasible to avoid Drainage A1, then a narrow bridge should be built across Drainage A1 to minimize impacts to the wetlands. 4) Regarding raptors in the southwest corner, local biologist Morgan Ball, determined that a setback larger than the proposed 50' would be needed to avoid significant impact. 5) The main wetland on the western side of the property is not proposed to be restored as part of the project which needs to be restored. 6) Native grasslands on the site are not properly mapped. If feasible these areas should be avoided. 7) Runoff from Devereux Slough is a significant impact and draining should be prohibited during rainy season, if possible. 8) If feasible, it is important to avoid ESHA impacts.

G.41-42 Marina Reed, 284 Coronado Drive, Goleta, homeowner in the area, stated that she believes recreation means to "recreate" and that she visits the area to observe nature. She expressed concern regarding "human visibility" on the site. She said that she supports using the parking area at Ellwood School, particularly the large parking lot area, rather than the lot closest to the children. She requested limiting horse usage and expressed concern that horse manure will need to be picked up.

G.41-43 DeAnn Sarver, 319 Pebble Beach Drive, Goleta, representing Santa Barbara Shores Homeowners Association, stated that the land swap is supported as long as development is in compliance with existing environmental regulations and policies. She stated that comments have been submitted and made the following highlights: 1) Concern regarding size, bulk and scale, and impacts on views, primarily from Hollister Avenue facing the ocean and regarding pod of houses on Hollister. She would prefer removing the pod of houses altogether. 2) Concern regarding view from Devereux Creek. 3) The "belly" of the development is larger than expected and would like to see it scaled back. 4) Would prefer that the Devereux sewer line go through the Hollister line. More information is requested regarding sewer line and location. 5) A financial analysis is needed to assess what type of footprint would still make the project feasible and allow restriction of some development to avoid some of the vernal areas. 5) Request more details regarding overall construction activities, soil remediation, and decommissioning the abandoned oil wells. 6) The chain link fence by the oil wells which has been serving as a perch for birds will need to be replaced with some type of natural structure to continue to serve them. 7) Concern that the length of the construction period is 18-33

months. 8) More effective measures are needed to keep out motorized vehicles, located not only at parking lots but all entrances and trailhead sites. Bollards are not necessarily effective. 9) Ample public parking needs to be provided in designated spaces to lessen impact on neighboring streets. 10) Support the closure of trails as proposed to protect natural resources. Not clear why closing the trails is a Class 1 environmental concern. 11) Non-commercial uses should be prohibited. 12) Support private equestrian trails. There needs to be a way to deal with horse manure issue. 13) A qualified persons should visit the Monarch site during construction to monitor whether butterflies are starting to aggregate. 14) CC&R's need to be enforceable. 15) Support the most conservative distances for all environmental buffers. 16) There is one hawk's nest that is not on the map, directly behind 329 Pebble Beach Drive, was occupied last year and is not occupied this year. 17) The Santa Barbara Shores Homeowners Association would like to participate in the joint committee that would be established regarding joint implementation of work, if possible (page 311). 18) Fireworks and firecrackers need to be listed as prohibited on page 24. 19) The site is not appropriate for recreational uses such as track meets.

G.41-43

Diane Conn, Citizens of Goleta Valley and Save Ellwood Shores, expressed appreciation for the joint work that has been done on the joint-proposal. She made the following comments: 1) She thinks access must be consistent with resource protection and that preservation must prevail when trying to balance recreation with preservation. 2) Support for consolidation of trails, which further protects the ESHA. 3) Audubon biologists have determined and identified a native grassland that will be impacted by the Anza Trail. 4) The OSHMP to clean up the Ellwood Mesa open space area raises concern regarding impacts to grasslands, particularly on an area at the head of ravine that forms the monarch grove. 5) She recommended that references to the Coastal Act be deleted in the Draft EIR, noting that balancing provisions of the Coastal Act does not comply unless there are conflicting policies and they do not believe those policy conflicts exist. 6) There must be adequate funding to implement OSHMP and for recreational enforcement. 7) The OSHMP should not become a mitigation plan. 8) Undeveloped areas should be rezoned to Open Space with an ESHA overlay. 9) The old Ellwood timber sea wall should be removed. 10) A snowy plover management plan should be prepared.

G.41-44
through
G.41-53

Rebecca McLean, 243 Pebble Beach Drive, Goleta, stated that she supports the City Council in using policies in the Coastal Act, Water Act and other documents, and requested that the City Council let the public know what they can do to support the City Council in this matter.

G.41-54

RECESS: 7:40 TO 7: 46 P.M.

Barbara Massey, Goleta, stated that she would like to review the revisions presented today by the applicant and expressed concern regarding last minutes changes submitted. She stated noted that from her calculations with

G.41-55

G.41-55

the number of homes being built as 76, she thinks that the profit would be \$137 million after construction costs, without land swap funds

G.41-56 through G.41-64

Kevin Barthel, 439 Daytona Drive, Goleta, expressed appreciation for the document, and stated that the findings needs to be honored. He made the following comments: 1) If changes to the plan will lessen the Class 1 impacts, it would be preferable. 2) The public should have an opportunity to comment on changes to the plan. 3) A plan needs to be developed that is defensible to present to the Coastal Commission. 4) There is a tight timeframe. 5) The public should be encouraged to enjoy this open space as they have for many years. 6) He thinks that minimal environmental protection is needed. 7) Commercial uses should not be allowed. 8) Trail closures needs to be minimized. 9) There needs to be a way to define the feasibility of the project and make the project feasible in a way that is agreed upon by the City and applicant.

G.41-65 through G.41-70

Chris Lange, Goleta, Friends of the Ellwood Coast, submitted written comments dated May 10, 2004. She made the following comments: 1) The Monarch butterfly population is an important part of the protection of resources. 2) Enough time should be taken as is needed for deliberations. 3) She supports the closing of the trails. 4) The project overall provides permanent access for recreational users. 5) Monitoring and enforcement is important. 6) Follow-up is needed to ensure protection in the future.

G.41-71 through G.41-75

Maria Gordon, Santa Barbara, presented written commends dated May 10, 2004. She made the following comments: 1) She agrees with comments made by DeAnn Sarver and FOTEC. 2) Inclusion of bioswales and lighting as mitigation measures are appreciated. 3) Request consideration regarding requiring the developer to use City-approved gray water systems. 4) Appreciate native plantings mitigation measures, and recommend non-invasive plantings. 5) Opposed to widening the Anza Trail because there would be impacts from widening the trail – leave it alone and not tamper with what already works.

G.41-76

Dana Trout, 339 Coronado, Goleta, stated that he has noticed that traffic is backing up on Hollister Avenue going east on to Storke because drivers who are turning left from Hollister to Storke and plan to continue on Storke to enter Highway 101 south are trying to stay in the right-side lane of the two left-turn lanes located at Hollister on to Storke. He recommended that at the eastbound entrance to Highway 101 from Storke Avenue, the right lane be made right turn only on to the freeway, with the middle lane on Storke either continuing forward or also becoming a right turn only entrance to the freeway.

Mayor Brock requested that Mr. Trout provide the recommendation to staff in writing.

RECESS: 8:07 TO 8:11 P.M.

PUBLIC HEARING CLOSED REGARDING DRAFT EIR: 8:23 P.M.

Director of Planning and Environmental Services Kenneth Curtis stated that it would be appropriate to consider the proposed revisions submitted by the applicant today in the context of the continued hearings on the project applications.

SUBSTITUTE

MOTION: Councilmember Blois/Mayor Pro-Tempore Wallis to continue deliberations on the Draft EIR to May 18, 2004, at 6:00 p.m.

VOTE: Motion approved by a unanimous voice vote.

**AMENDED
SUBSTITUTE**

MOTION: Councilmember Blois/Mayor Pro-Tempore Wallis to continue deliberations on the Draft EIR to May 18, 2004, at 1:30 p.m. instead of 6:00 p.m.

VOTE: Motion approved by a unanimous voice vote.

MOTION: Councilmembers Blois/Connell to continue the public hearing on the Ellwood-Devereux Coast Open Space Plan, Comstock Homes Applications, and Various Other Applications Related to Implementation of the Joint Proposal to May 18, 2004, at 6:00 p.m.

VOTE Motion approved by a unanimous voice vote.

7. Discussion and Possible Direction Regarding League of California Cities General Assembly Meeting in Sacramento on May 13, 2004.

Recommendation: Discuss and Provide Possible Direction.

8. REPORTS OF THE MEMBERS OF THE PLANNING AGENCY, INCLUDING REQUESTED FUTURE AGENDA ITEMS.

9. ADJOURNMENT: 9:00 P.M.

Prepared by: Linda Gregory, Recording Clerk.

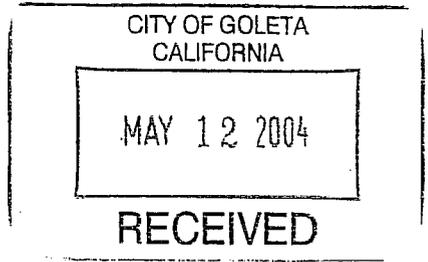
GOLETA CITY COUNCIL

ATTEST: _____
CYNTHIA BROCK
MAYOR
CYNTHIA M. RODRIGUEZ
CITY CLERK

GOLETA PLANNING AGENCY

JACK HAWXHURST
CHAIR

ATTEST: _____
CYNTHIA M. RODRIGUEZ
AGENCY SECRETARY



May 12, 2004

Mr. Ken Curtis
Director, Planning and Environmental Services
City of Goleta
130 Cremona Drive, Suite B
Goleta, Ca 93117

Re: **Comstock Homes Residential project Draft EIR**

Dear Mr. Curtis,

SBCAG has completed the review of the above document. As Airport Land Use Commission for the County of Santa Barbara, we offer the following comments:

The proposed Comstock Homes development is located south of Hollister Avenue in on a 36-acre parcel in the NW corner of the Santa Barbara Shores Park. The site is also directly west of the Ellwood residential area.

AIA Boundary: The project site is within the Airport Influence Area (AIA) boundary of Santa Barbara Airport. Figure 4.6-3 in the Draft EIR regarding the Airport Planning Boundary from the existing Airport Land Use Plan (ALUP) is no longer valid because of the enactment of AB2776 which became effective as of January 1, 2004. The SBCAG Board has adopted the new AIA boundary for Santa Barbara Airport in September 2003 and this boundary replaces the Airport Planning Boundary from the existing ALUP.

G.42-1

As required by law, the sponsor of the project is required to file a "Notice of Airport in Vicinity" with the Department of Real Estate that the project is within the AIA boundary to indicate that the project may be subject to some of the annoyances or inconveniences associated with the proximity to airport operations e.g., noise, vibration, or odors. Specific information related to the AIA boundary is available from the SBCAG website home page under the ALUP section.

Impact on Existing and Future Runway Approach Zones: The project is outside existing and future approach zones of Runway 7 where residential development is considered compatible. Since the site is lying directly due west of the Runway 7 extended centerline, the project would inevitably be exposed to occasional overflights. The relatively high altitudes from over-flying aircraft, however, would mitigate the risk potential of aircraft hazards.

G.42-2

Land Use / Population Density: The land use density of the proposed project for approximately 2 units per acre is within the population density threshold of the ALUP.

G.42-3

G.42-4

Noise Impacts: The project site is outside the 60 CNEL noise contour of the Santa Barbara Airport Aviation Facility Plan noise contour. However, the site is due west of the Ellwood residential area with a history of noise complaints. It is therefore expected that the project would inevitably be subject to occasional aircraft noise intrusion and annoyance.

G.42-5

Staff would recommend the following mitigation measures for this project:

- File a "Notice of Airport in Vicinity" to the Department of Real Estate with reference to AB2776
- Provide notices to tenants or home buyers regarding possible aircraft overflights and noise annoyance
- Consider mitigation measures for residential units to minimize indoor noise impacts to 45 CNEL noise level.

If you have any questions, please feel free to contact me.

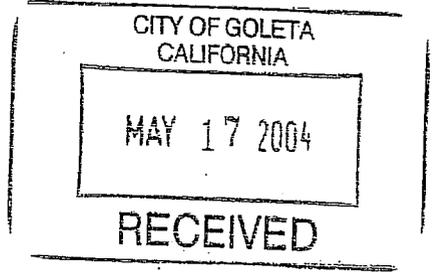
Sincerely,

William F. Yim
Transportation Planner II

Cc: Laurie Owen, Santa Barbara Municipal Airport

\\byim\ALUC\EIR Com\Cornstock Homes DEIR Com 051004.doc

P.O. Box 1592
Summerland CA 93067
lee@leeheller.net
May 17, 2004



Rob Mullane
130 Cremona Dr., Suite B
Goleta, CA 93117
Fax: (805) 685-2635

Dear Mr. Mullane:

This letter is in response to the Draft EIR regarding the proposed Comstock development at Santa Barbara Shores. Please forward my comments to the lead agency for consideration as part of the revision towards the final EIR.

Of course, I support the proposed land swap that would protect the main Mesa area, create a large unified open space, and divert development to the current area known as Santa Barbara Shores. In addition, I support the essence of Mr. Comstock's recent revised proposal, crafted in response to work with the Environmental Defense Center, which downsizes the proposed development to 69 units and spares some of the more precious elements of the habitat there, especially the eucalyptus trees which provide roosting opportunities.

G.43-1

My main concern is that the final EIR (which will need to reflect the revised, downsized proposal) adequately articulates the relationship between habitat and sensitive species, such as raptors, which roost and forage nearby. The DEIR is notably weak in its discussion of this, devoting little more than a few speculative paragraphs to the issue even as it acknowledges that foraging area may be essential to the reproductive cycle of raptors roosting nearby. Further, it is contradictory in that it identifies native grasslands as necessary to foraging, and yet also sees such grasslands at the site as too small and isolated to merit protection even as the development proposal would result in elimination of nearly half an acre of such areas. This element of the EIR needs further consideration for consistency in its conclusions.

G.43-2

In addition, the final EIR should fully consider the impacts to wetlands and affected drainage, especially Drainage B. Not having seen the details of the revised Comstock proposal, I am not certain of the extent to which this has already been done. But I support any plan which maximizes protections for wetlands and drainage.

G.43-3

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lee E. Heller".

Lee E. Heller, Ph.D.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

May 13, 2004

Kenneth M. Curtis
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Comstock Homes Development and Ellwood Mesa Open Space Plan
SCH#: 2003071179

Dear Kenneth M. Curtis:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 6, 2004. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2003071179) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

G.44-1

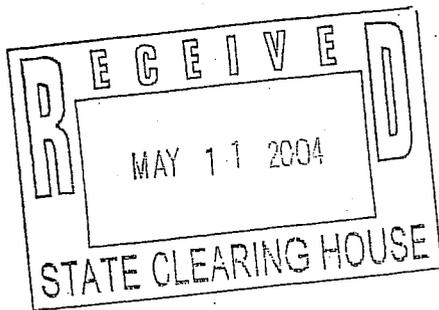
CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1910
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1880
Contact FAX: (916) 574-1885

Clear
5-6-04
late



May 11, 2004

File Ref: SCH 2003071179

Ms. Nadell Gayou
The Resources Agency
1020 9th Street, 3rd Floor
Sacramento, CA 95814

Mr. Kenneth M. Curtis
Planning and Environmental Services Director
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Ms. Gayou and Mr. Curtis:

SUBJECT: Draft Environmental Impact Report (EIR) for the Comstock Homes
Development and Ellwood Mesa Open Space Plan

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA), the City of Goleta (City) is the lead agency and the CSLC is a Responsible and/ or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

As general background, the CSLC has jurisdiction and authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has an oversight responsibility for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Section 6301). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce; navigation, fisheries, open space, recreation, or other recognized Public Trust purposes. A lease from the CSLC is required for any portion of

Ms. Nadell Gayou
Mr. Kenneth M. Curtis
Page 2

a project extending onto state-owned sovereign lands, which are under its exclusive jurisdiction.

The Draft EIR addresses the impacts of the proposed rezoning and subdivision of the Santa Barbara Shores Park into a 36-acre lot for the Comstock Homes residential development and an 80-acre lot to be retained by the City of Goleta as part of an open space area. In addition, the report addresses transfer of title from Comstock Homes of the 136-acre Ellwood Mesa properties to the City in exchange for the 36-acre lot at Santa Barbara Shores plus additional compensation. A component of the project includes a proposed Open Space and Habitat Management Plan for a 239-acre area to include a trail system, beach access, allowable uses, parking, open space amenities, habitat protection and restoration.

The proposed development appears to be located landward of state sovereign interest. However, the CSLC has a strong interest in projects, which provide improved public access to the coast and further protect and restore wildlife habitat. Therefore, the CSLC staff would like to be advised of the City's future plans in that regard and would like to review the City's future plans for developing beach access, habitat protection and restoration on or adjacent to the stretch of beach east of the Sandpiper Golf Course.

If you have any questions concerning the CSLC's jurisdiction, please contact Susan Young, Public Land Management Specialist, at (916) 574-1879.

Sincerely,



Stephen L. Jenkins, Asst. Chief
Division of Environmental
Planning and Management

cc: Susan Young

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



CITY OF GOLETA
CALIFORNIA

MAY 27 2004

RECEIVED

May 24, 2004

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

RE: Draft EIR/Comstock Homes/OSHMP

Dear Mr. Curtis:

Present staff shortages limit our ability to provide extensive comments at this time, but in addition to the informal comments we have provided in our meetings and telephone conversations with you and other members of your staff, we offer those attached for your consideration. Please feel welcome to call us with any specific questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Timm".

Gary Timm
South Central Coast District Manager

City of Goleta
Draft EIR/Comstock/OSHMP

G.45-1 The land swap and development in the City of Goleta that is the subject of this draft EIR is part of a larger plan that includes the University of California and Santa Barbara County. Overall, the effect of the various elements of the larger plan is to preserve some 650 acres of open space, most of which is on the portion of Ellwood Mesa nearest the coastal bluff, and to concentrate development in areas that are farther north and closer to existing development. The portion of the project that is the subject of this draft EIR involves the 116.16-acre Santa Barbara Shores property owned by the City of Goleta and the 136.2-acre Ellwood Mesa (Monarch Point) property owned by Santa Barbara Development Partnership/Comstock Homes. The project would result in swapping the Monarch Point property for a 36-acre development envelope in the northeast corner of the Santa Barbara Shores property, plus monetary compensation. The Monarch Point property and the remaining portion of the Santa Barbara Shores property contain large areas of native perennial grassland, vernal pools, important raptor nesting and foraging habitat, and autumnal and overwintering sites for Monarch Butterflies. The 36-acre site proposed for development contains tributaries to Devereux Creek that support wetlands and riparian habitat, an isolated depressional wetland, and several small patches of native grassland. From a natural resources point-of-view, the net result of this project would be to transfer development potential from an extremely high value area adjacent to coastal bluffs to a much less valuable area closer to existing roads and houses. However, there are a number of important resource issues that must be resolved for the proposed development to be consistent with the Chapter 3 policies of the Coastal Act.

Wetlands

G.45-2 The wetland delineation was appropriately conducted using the Coastal Commission one-parameter definition. Boundaries were drawn based on observations of ponding during the rainy season and on the extent of predominantly hydrophytic vegetation. There is a small isolated wetland in the middle of the development area and a tributary drainage to Devereux Creek in the northeast portion. Drainages A1 and A2 combine to form drainage A in a broad swale with no defined channel. The other portions of the drainage do have a defined channel. Apparently as a result of the generally low gradient, these drainages hold water for significant periods during the rainy season and support non-riparian wetland vegetation in addition to patches of willows. The wetland vegetation in the isolated wetland and within the drainages is characterized in the EIR as coastal freshwater marsh. In addition there are small patches of southern riparian scrub and southern riparian forest. Following City policy, the EIR recommends 100-foot buffers for isolated wetlands and 50-foot buffers for stream corridors, a category that includes these drainages. The EIR should explain how the freshwater marsh differs in the two settings and justify the differences in the width of protective buffers for isolated wetlands and wetlands associated with stream channels. The proposed development

avoids direct impacts to wetlands, but includes detention basins within the outer portion of stream buffers, an access road over one drainage that would shade a small patch of marsh, and encroachment by one lot into the stream buffer.

G.45-2

Native Perennial Grasslands

The most significant stands of native grassland occur at the eastern end of the Ellwood Mesa parcel and are designated ESHA in the EIR. The proposed development area also supports several small patches of native grass, but these are not designated ESHA because they are "small and isolated from the larger, contiguous stand." Very little descriptive information about native grassland is provided in the EIR other than there are 5 native grass species present and that areas greater than 10 feet in diameter with at least 10% cover of native grasses were mapped. Each patch of native grass in the Comstock Homes Development area, depicted in Figure 4.4-2, should be numbered and the dominant species, percent cover, and patch area should be included in a table with comparative information for patches of native grassland designated ESHA. Major species, cover and area for 160 patches are included in Appendix A of the SAIC report. This information is keyed to a map (Figure 3). However, my copy of the report is missing Figure 3. Most of the patches of native grassland are small, but nearly all have very high cover of native grass, generally more than 40%. This is probably true of the patches in the area proposed for development. Figure 4.4-3 shows the distribution of ESHA in the project areas. Small patches of native grassland just south of Devereux Creek are designated ESHA, whereas similar patches just north of the creek in the development envelope are not designated ESHA. The EIR should explain in adequate detail the differences that resulted in the different designations. Most of the patches of native grassland in or near the proposed development area are avoided. The EIR recommends adjusting the footprint of the detention basins to further reduce impacts. For analytical purposes, mapped patches of native grasses that occur close to one another should be included within a single polygon. Those that are considered ESHA should be given a protective buffer. The Goleta Community Plan calls for 10-foot buffers around native grassland. In recent actions, the Commission has imposed 50-foot buffers for terrestrial ESHA based on rare vegetation.

G.45-3

Monarch Habitat

The proposed development area is bounded on the west by a windrow of Eucalyptus trees and on the east by the largest contiguous Eucalyptus woodland remaining on the south coast of Santa Barbara County. Both areas provide important Monarch habitat. Figure 2 in the Storrer and Philbrick report show a Monarch aggregation site (#20) north of the "Sandpiper Roost" aggregation site that is not shown in the EIR. Also, only the southern portion of the eastern windrow is designated ESHA. The EIR should explain how the boundary was drawn. Following the Goleta Community Plan, the EIR establishes 100-foot buffers around these Eucalyptus stands. This appears to be an appropriate width for protecting the butterfly habitat. The EIR should also discuss the potential impacts to Monarch habitat of solid fuel (wood, coal) burning fireplaces and suggest mitigation measures. The current development proposal would directly impact

G.45-4

G.45-4

butterfly ESHA by removing 190 mature Eucalyptus trees and placing residential lots within ESHA and buffers.

Raptor Habitat

G.45-5

The 36-acre development site currently provides important raptor foraging habitat. However, at the 0.5:1.0 preservation:impact ratio commonly required by the California Department of Fish and Game, the project might be considered self-mitigating, depending on how the monetary compensation for the land swap is viewed. White-tailed kites, Cooper's Hawks, red-tailed hawks, and red-shouldered hawks were observed nesting in the Eucalyptus trees adjacent to the development site in 1997 and nesting Cooper's Hawks were again observed in 1999. The EIR should indicate the level of effort that has gone into raptor surveys. There was a focused survey in 1997, but later data are included in the table associated with Figure 4.4-3. Also, Kite Nest 2 in Figure 4.4-3 is in a different location than in Figure 2 of Storrer and Philbrick. The EIR should indicate whether the ESHA designation for these stands of Eucalyptus trees is based on the important ecosystem functions they provide for raptors in addition to their function as Monarch habitat. If the whole stand is not considered raptor ESHA, are portions considered particularly valuable for raptors? This is important because the buffer requirements for Monarch habitat and for nesting raptor habitat may be different. The City of Goleta requires 100-foot buffers in both cases, however many raptor biologists would call for wider buffers to protect nesting. The EIR indicates that the Department of Fish and Game prohibits construction activities within 500 feet of active nests. In the case of the proposed Arco Golf Course in Santa Barbara County, where the expected level of disturbance was low, Commission staff recommended 200-foot buffers around raptor nesting ESHA. At Bolsa Chica, where residential development was proposed, staff recommended 100 meters (328 feet).

Fencing and Trails

Mitigation Bio-3 in the EIR calls for fencing around the perimeter of the residential development, however the proposed design would not accomplish the goal of preventing pet cats from entering habitat areas. More effective designs should be discussed.

G.45-6

The existing ad hoc trail system has developed over time based on convenience and contains many redundant paths. Although some existing trails would be removed, the current plan includes many trails that cut through designated ESHA and short cuts that isolate small wedges of habitat. Trails also closely bound areas of Eucalyptus woodland that are known to have been used for nesting by raptors. This would be an appropriate time to design a trail system from scratch based on resource protection. Where feasible, redundant trails should be restored to habitat and trails should be routed to avoid ESHA. The trail that cuts through the middle of the Eucalyptus woodland east of the Comstock Homes site should be removed. After development, this raptor-nesting habitat will be bounded on both sides by residential development and there will be trails along the woodland edge. Given the future increased intensity of use, maintaining a trail through the middle of the raptor habitat is not a good idea. Similarly, the proposed trail system will have unnecessary impacts to the raptor nesting area in the Eucalyptus windrow along the eastern

boundary of Ellwood Mesa. There are trails along both the east and west edge of the windrow and trails cut through the Eucalyptus trees in 4 locations. The north-south trail on the west side of the windrow adjacent to native grassland ESHA should be removed, as should 2 of the east-west trails. More attention should be given to long-term enhancement of raptor nesting and foraging habitat, including locating new tree planting areas distant from trail and residential impacts and providing plantings with species known to provide, at maturity, superior architecture for raptor nesting.

G.45-6



**DRAFT
CITY OF GOLETA, CALIFORNIA**

**SPECIAL MEETING
JOINT PLANNING AGENCY/CITY COUNCIL
MINUTES**

City Council

Cynthia Brock, Mayor

**Jonny Wallis, Mayor Pro-Tempore
Margaret Connell, Councilmember**

**Jean W. Blois, Councilmember
Jack Hawxhurst, Councilmember**

Planning Agency

Jack Hawxhurst, Chair

**Margaret Connell, Vice Chair
Cynthia Brock, Agency Member**

**Jean W. Blois, Agency Member
Jonny D. Wallis, Agency Member**

**Frederick C. Stouder, City Manager
Julie Hayward Biggs, City Attorney
Cyndi Rodriguez, City Clerk**

May 18, 2004

**Afternoon Session
1:30 p.m.
Goleta Valley Community Center**

5679 Hollister Avenue
Goleta, California

Evening Session
6:00 P.M.
Goleta Union School District
401 N. Fairview Avenue
Goleta, California

CALL TO ORDER

Mayor Brock called the City Council meeting to order at 1:40 p.m., followed by the Pledge of Allegiance.

Chair Hawxhurst called the Planning Agency meeting to order at 1:40 p.m., followed by the Pledge of Allegiance.

ROLL CALL OF THE CITY COUNCIL

City Council Members present: Mayor Brock, Mayor Pro Tempore Wallis; City Council Members Blois, Connell, Hawxhurst.

Staff present: City Manager Frederick Stouder; City Attorney Julie Hayward Biggs; Director of Planning and Environmental Services Kenneth Curtis; Planning Manager Patricia Miller; Senior Planner Robert Mullane; City Clerk Cyndi Rodriguez.

ROLL CALL OF THE CITY PLANNING AGENCY

Planning Agency Members present: Chair Hawxhurst, Vice Chair Connell, Agency Members Blois, Brock, Wallis.

Staff present: City Manager Frederick Stouder; City Attorney Julie Hayward Biggs; Director of Planning and Environmental Services Kenneth Curtis; Planning Manager Patricia Miller; Senior Planner Robert Mullane; City Clerk Cyndi Rodriguez.

PUBLIC FORUM

No speakers.

POLICY MATTERS

- 1. Council Consideration and Direction on Draft EIR for the Ellwood-Devereux Coast Open Space Plan, Comstock Homes Applications, and Other Related Actions to Implement the Joint Proposal.**

Recommendation: Provide Any Comments By Individual Council Members On The DEIR And Preparation Of Responses To Comments.

STAFF SPEAKERS:

Director of Planning and Environmental Services Kenneth Curtis stated that the record and all written comments have been transmitted to Councilmembers, and that the next step is for the City's consultant and staff to prepare responses to these comments and a recommended Final EIR, which will be brought back for consideration at the June 21, 2004, meeting. Mr. Curtis also stated that the consultants have begun the process of cataloging all of the comments and that City staff would be in the lead role in responding to comments related to policy choices.

Mr. Curtis stated that the purpose of today's meeting is to allow individual Councilmembers to provide their own comments on the Draft EIR, and that it is not necessary for the City Council to come to a consensus regarding the comments.

Mayor Brock thanked staff, the consultants and all parties involved for providing all of the information. She stated that the comments received are extremely thorough and also thanked the public and local agencies for their participation.

Councilmember Connell Made the Following Comments:

Many issues overlap between the OSHMP and the Draft EIR; however, there are some contradictions between them in certain places. (Connell).

Councilmember Connell stated that there is a phrase that talks about this project providing much-needed housing (on page 1.5, OSHMP), which she recommends changing because, although she doesn't argue with the fact that there is much needed housing, she is not sure that we need much-needed, very high-end housing. She suggested not changing what is being done, but perhaps changing the comment about what is being done. (Connell).

G.46-1

Regarding trails and the issue of the Palos Verdes trail access being limiting for strollers and wheelchairs, that that kind of access needs to be looked at for all access points. Make sure that ADA access is totally addressed in the EIR, and is sufficient, particularly if there are laws governing coastal trails. She referred to the OSHMP, page 53, that describes a Coastal trail, under State law, being for walkers, bikers, equestrians, wheelchair riders and others. (Connell).

G.46-2

Regarding mitigation of the native grasses and other flora as to where the seed stock should come from, the EIR, on page 4.4-59, discusses it coming from native grassland from Santa Barbara Shores or Ellwood Mesa, and the OSHMP, requires the seed stock for the Coal Oil Point Reserve to be local

G.46-3

G.46-3 | but it talks about south coast seed stock for the Ellwood Mesa, which appears to be a conflict. She prefers that the seed stock should be local for Ellwood Mesa as well as it is for other areas. (Connell).

G.46-4 | Regarding trees, the whole issue should be looked at further in terms of preserving the views of the natural environment (mountains and the Channel Islands) rather than as a way to hide the built environment. (Connell).

Regarding the traffic impacts at Storke and Hollister, the only one that would be acceptable would be 1.A which is the extension of the merge lane from Storke going west on Hollister. The others increase the number of turn lanes that creates a huge sea of traffic lanes, which she thinks is overall unacceptable. (Connell).

G.46-5 | Further clarification is requested regarding the reference on page 4.15-8 in the EIR of the Goleta West Sanitary District putting in storm water appurtenances in the Ellwood Mesa area. (Connell).

Councilmember Connell stated that she will not comment on the housing project at this time because a new proposal has been submitted. (Connell).

G.46-6 | Councilmember Connell stated that she would prefer not to have a gated community, which is not something she would want to be encouraged in the City. (Connell).

G.46-7 | All access sites should be considered for "mutt mitt" dispensers for cleanup after dogs: only one site in the Santa Barbara Shores parking lot is now designated. (Connell).

G.46-8 | The issue of cleaning up after horses needs to be adequately addressed. Check to see if there is an equivalent to "mutt mitts" for horses. She noted for consideration that horse droppings do carry seeds and are an important source for spreading non-native seeds around. (Connell).

G.46-9 | Specific information is requested regarding how bioswales would be managed. (Connell).

G.46-10 | We need to consider philosophically what is the balance between preservation aspects and what is more geared towards recreation and passive recreation, as there is a certain amount of conflict that emerges from the comments. For example: how many trails should be closed and where. (Connell).

G.46-11 | An overlay map of the trails on the habitat map is requested, which would be helpful. (Connell).

Mayor Pro-Tempore Wallis Made the Following Comments:

Mayor Pro-Tempore Wallis stated that the letters from the Environmental Defense Center and the Santa Barbara Shores Homeowners Association thoroughly reflect her point of view. (Wallis).

Regarding trails, there needs to be more identification, ideally on Access E. (Wallis).

When there is language regarding closure of trails, the reasoning needs to be more closely associated with the desired mitigation, not just for achieving an overarching goal of consolidation. Consider some reconfiguring and perhaps relocating of portions of trails rather than outright closure. (Wallis).

G.46-12

Councilmember Wallis stated that she remains uneasy about the remediation activities, and is not sure if some of the issues have been properly identified in light of the historical use of the property. There could be better job of identification of remediation activities and eventually we will need to deal with the issue of cost. (Wallis).

G.46-13

Regarding planting, local is not enough, it should be from the Devereux Creek/Slough watershed. (Wallis).

G.46-14

The lift station and its impacts, comparatively speaking, need to be addressed. Councilmember Wallis stated that she has some major issues regarding the sewer line, but EDC has addressed the lift station. (Wallis).

G.46-15

Several comment letters have requested a financial analysis, and staff is requested to provide information regarding what kind of financial materials are appropriate to a CEQA analysis. Councilmember Wallis stated that she is concerned that financial feasibility be considered in terms of the ability to carry out mitigations, and she is not so concerned about profit of the developer. (Wallis).

G.46-16

There should not be commercial equestrian activities on this property. (Wallis).

Consideration should be given to limiting equestrian activity during rains. (Wallis).

G.46-17

Try to find measures to prevent horse droppings from reaching the ground, and if not possible, be sure it is immediately removed. (Wallis).

The concept of wood-burning needs to be addressed, not particularly the mechanism such as fireplaces and barbecues that would permit it. (Wallis).

G.46-18

Would like to see the bioswales used as habitat enhancers. (Wallis).

G.46-19

G.46-20 | Would like to see a better focus on wildlife corridors in addition to the spot specific mitigation. We should encourage a corridor concept. (Wallis).

G.46-21 | Concerned about abandoned wells on the property, particularly that the abandonment was not in conformance with current safety standards. (Wallis)

Councilmember Wallis stated that the EDC has addressed Drainage B as she would comment on Drainage B. (Wallis).

G.46-22 | Would like further information to know what the cultural uses by Native Americans are, such as what the activities are; when they might occur; and what are the restrictions. (Wallis).

Councilmember Wallis stated that she will not address the Comstock project at this time because she is not sure what project to address. (Wallis)

Mayor Brock Made the Following Comments:

Mayor Brock stated that she has some of the same comments that have already been expressed. (Brock).

G.46-23 | Mayor Brock stated she hopes that much-needed housing, on page ES-1, won't need to be used as an overriding consideration because it would be hard to say that these expensive houses are what we need. However there will be some in-lieu fees that can be used, and in that sense it might address some parts of our need for housing. (Brock).

G.46-24 | The Coal Oil Point Reserve has very specialized purposes, and while she supports their mission for preservation, there needs to be some acknowledgement that it is not appropriate for the rest of the Open Space to be held to the same standards because the Ellwood Mesa and Santa Barbara Shores area has a different purpose and is more heavily weighed on recreation; although both are balanced over the whole Open Space area. (Brock).

Regarding a comment on page 1-4 about increasing the size of Santa Barbara Shores Park, Mayor Brock said she thinks there is another name for the park that will be added, and that it is not planned to be called Santa Barbara Shores Park. It hasn't been decided at this point yet whether the two parcels will be merged with one name. (Brock).

G.46-25 | On page 4.4-24 there is a description of the various eucalyptus Monarch habitat areas and it seems that the Ellwood North Monarch site is not listed and should be added. It is neither a wind row or creek area which are discussed, and it is believed to probably be a remnant of Ellwood Cooper's nursery where he was growing eucalyptus trees. (Brock).

Request clarification regarding how far away the plan would have to be from a Monarch site before it would not be considered a Class 1 impact. There needs to be clarification if there are different types of measurements from the plan to the Monarch aggregation sites, and an explanation if there are inconsistencies in the measurements. For example, on page 4.4-43, the southern part of the Comstock Homes plan is 200' from the Sandpiper aggregation, later another part of the plan is listed as 350' from an aggregation site, and the revised plan indicates 50' from the aggregation sites. (Brock).

G.46-26

There are some inconsistencies in the description of how shrikes use the property. On one page it says there are shrikes in the development footprint and on another page it says it is unlikely for shrikes to nest on the footprint. (Brock).

G.46-27

Recreational use on these trails is formally authorized by signs posted on the property by the owners, not permanently authorized. There appears to be a misstatement on page 4.10-6 that says something about recreational use on the trails not being formally authorized which needs to be corrected. Those of us who use these trails often don't like being called trespassers because we believe there is authorization. (Brock).

G.46-28

The description is misleading on page 4.10-8 that indicates in the Ellwood Main there are two main aggregation areas because there are two viewing sites (one on the east and one on the west) from which the ravine can be seen where most of the aggregation takes place, but there are not two different enclosed areas that are part of Ellwood Main. (Brock).

G.46-29

Concern regarding how the vegetation in the eucalyptus grove will be affected by improvements to the trails including the Anza trail. For example, there is currently a sheet flow of water towards the grove; however, if the trails going east-west are crowned, will that not stop the water from flowing down into the creek, and will it create diversion of water to the east and west, and create erosion on the south side of the trail, which would necessitate some sort of pipe under the trail to divert the water, and then the water will be coming down into the creek at points rather than as a sheet? (Brock).

G.46-30

Concern regarding the hydrology north of the creek near the Sandpiper Monarch site, regarding whether the way the runoff is treated from the Comstock Homes development and where it comes down is going to significantly change how water reaches the vegetation that forms the Monarch site. (Brock).

G.46-31

More analysis of Alternative One might be useful for the public because when development was proposed previously on the Mesa, the Coastal Commission would not allow access to come down Santa Barbara Shores Drive because it goes through the Monarch site, and yet the description of Alternative 1

G.46-32

G.46-33 | assumes access would come down that way. A thorough analysis would have to include the possibility that access would be required to come in through the park which is what the Coastal Commission required in 1998. (Brock).

G.46-34 | Concern that analysis of sedimentation problems in Devereux Slough was not addressed on a cumulative basis. (Brock).

G.46-35 | Mitigation, Bio 5, doesn't made sense regarding having biologists check to see if there is activity going on during or approaching Monarch season because construction activity could deter the Monarchs from coming in. (Brock).

G.46-36 | Regarding trail closures, it would be helpful to have a map that numbers the trails and a matrix that identifies each one and the reason for closure. There needs to be more information to help understand the theory behind trail closures. Some of the trails that are closing don't even touch a vernal pool. When there is a trail that goes through or is close to a vernal area, consider other ways to mitigate besides closing the trail, such as re-routing the trail, or putting in a boardwalk, which is done in parks. If closure is an answer, there may be an enforcement problem. (Brock).

RECESS: 2:50 P.M. TO 3:02 P.M.

G.46-37 | The EIR needs to analyze the following two conflicting issues regarding the sewer line maintained by the Goleta West Sanitary District that runs from Hollister south on the Sandpiper Golf Course to Devereux Creek, and then east through Devereux Creek near three Monarch sites (the Sandpiper aggregation, the Ellwood West aggregation and Ellwood main): How to maintain the Monarch habitat where the mandate is to preserve and even add vegetation on the same spot where a sewer line is maintained, which requires removing vegetation that might send roots into the pipes and maintaining an access road and turn-around space for equipment required for regular maintenance, cleanup and repairs of the sewer line. The EIR should assess the impacts of having sewer lines in the creek beyond water issues such as air quality impacts from gas escaping from manhole covers, aesthetics, and land use compatibility. Mayor Brock said that the Goleta West Sanitary District staff indicated they had planned to abandon a sewer line in this area prior to learning about the Comstock Homes project, and that the restoration and mitigations plans from the development, for example bridges, boardwalks, or stairs, would interfere with their expectations regarding function of the sewer line. (Brock).

Mayor Brock stated that there have been incidents of conflicts between the Sanitation District maintenance of their sewer line and the Monarch habitat, such as a significant spill on October 3, 1990, on Manhole 642, which is east

of the point of reference, in the area where there is a lot of vegetation, and that dozens of eucalyptus and willow trees were removed. (Brock).

Councilmember Hawxhurst Made the Following Comments:

Councilmember Hawxhurst stated that he wants to make sure that City staff is heavily involved in designing the mitigations based upon all of the information submitted instead of being delegated to the consultants. Some of the comments question the adequacy of mitigations and suggest new ones, and also identify the need to redefine some mitigations. (Hawxhurst).

Director of Planning and Environmental Services Kenneth Curtis stated that the consultants have begun the process of cataloging all of the comments and that City staff would be in the lead role in responding to comments that relate to policy choices as well as other comments. Mr. Curtis stated that the Final EIR will show that the comment was either already in the document or that it was addressed and responded to by a revision which would be indicated by strike-out or insertion, summarize the nature of the revision, and provide the page number. (Hawxhurst).

Regarding trail closures, he cannot anticipate how the Coastal Commission is going to react regarding the balance between recreation and preservation. (Hawxhurst).

G.46-38

Concerned regarding the effects of wood-burning fireplaces, and not concerned regarding barbecuing in the winter. (Hawxhurst).

G.46-39

Organized activities need to be addressed, and if organized activities are even going to be considered, a limit needs to be stated in order to prevent impacts not only to the environment but to the other open space users. (Hawxhurst).

G.46-40

Mitigation measures are needed to make sure the plan is managed and enforced, and will require funding. (Hawxhurst).

G.46-41

A good job has been done in not over-improving trails. Anza trail improvements, however, are not welcome. (Hawxhurst).

Opposed to multi-use trails. There is a problem with the Anza trail having all of that activity coming together. (Hawxhurst).

G.46-42

Recommend going around a vernal pool if there is an option to go around a vernal pool instead of closing a trail. (Hawxhurst)

G.46-43

Concern that there is a trail proposed for closure that seems to create a trail to nowhere with a dog leg in it connecting to Trail 22; and that, if left the way it is shown, there would not be a way for the pedestrians to be separated from

G.46-44

G.46-44 | the equestrians (Refer to Figure 12; the trail segment proposed to be closed is unnumbered, going from where Trails 22 and 15 intersect, diagonally to the northwest). (Hawxhurst).

G.46-45 | Emphasis needs to be given to no commercial uses. (Hawxhurst).

G.46-46 | Need to determine how deed restrictions can be created to ensure longevity of the plan for open space so that when there is more pliability in the decision-making in the future, there is not a reversal moving away from Open Space to more developed area. (Hawxhurst).

G.46-47 | On page 1-17, Other General Impact Concerns, the first bullet of 1.7.2.1.3, add "paint ball" and "bikes" to the list. (Hawxhurst).

G.46-48 | On page 2-11, 2.4 Cumulative Projects List, instead of pursuant to CEQA Section 15130 (1)(a), use (b) which is build out instead of cumulative project list. (Hawxhurst).

G.46-49 | There is a conflict on page 4.12-12, regarding intersections that states that the project would impact the intersection by adding more than 20 trips because he thinks the number is 36 elsewhere. (Hawxhurst).

G.46-50 | Mitigation measures 1.A, 1.B and 1.C referred to in the last sentence of the paragraph regarding intersections are not plausible mitigations. Concern that there are some projects that are unfunded and undoable that are basically mitigations or requirements for permits to be issued, that are basically creating a block to being able to proceed. Also, concerned that it is clear that the applicant shall implement one of the following mitigation measures and there are not any other alternatives. Something needs to be figured out regarding what other mitigations might be appropriate regarding circulation – even the applicant has indicated that something needs to be done. (Hawxhurst).

G.46-51 | There is the question of whether mitigation that isn't part of the GTIP is plausible. (Hawxhurst).

G.46-52 | Concern that it is doubtful that the requirements on page 4.12-15 regarding the Phelps connection can occur prior to a land use permit and CDP. (Hawxhurst).

Concern that these circulation mitigations such as discussion regarding Phelps on page 4.12-15, are incremental improvements which have led in a problematic direction towards an "Orange County" solution. (Hawxhurst).

G.46-53 | It would be appropriate that truck routes do not go through the Storke/Hollister intersection, and that trucks come off of the Hollister/Cathedral Oaks interchange instead. (Hawxhurst).

Change a reference to the Board of Supervisors on page 5-69 to the City of Goleta. (Hawxhurst).

G.46-54

Councilmember Blois Made the Following Comments:

Councilmember Blois stated that overall she appreciates the publics' comments and the interest of the citizens, and that she thinks it is important for everyone to understand that compromises will need to be made in order to achieve the overall objective of having this area as an Open Space for the future. Some of the public comments are conflicting, which she finds confusing; for example, regarding trails and the bicycles. (Blois).

Concern regarding what would happen if there is a wildfire because the windrows rows of eucalyptus trees have too many fallen trees, and eucalyptus trees are very combustible. Would like to know if it is good to let the fallen trees stay there and rot, and what is best for the City. (Blois).

G.46-55

RECESS TO EVENING SESSION OF THE JOINT PLANNING AGENCY/CITY COUNCIL MEETING AT 401 N. FAIRVIEW AVENUE: 3:16 P.M. TO 6:10 P.M.

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E.3 COMMENT RESPONSES

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Appendix E

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E.3.1 Introduction

This section presents written responses to the comments received on the Draft EIR for the Comstock Homes Development and Ellwood Mesa Open Space Plan.

Section E.3.2 presents “Master Responses” which address multiple comments received on the Draft EIR. Master Responses A through K are intended to address similar comments made by multiple commentors. The topics of these responses were reviewed by the Ellwood-Devereux Joint Review Panel (JRP). In most cases the responses address comments that were directed at components of the Open Space Plan or cumulative impacts that affect each of the three JRP jurisdictions. The Master Responses are identified as follows:

- A: Ellwood Devereux Coast Open Space Plan Overview
- B: Trails and Beach Access
- C: Open Space Plan Area Amenities
- D: Public Uses
- E: Restoration Activities
- F: Remediation Activities
- G: Implementation, Management, and Enforcement
- H: Devereux Creek Watershed
- I: Snowy Plover Protection, Mitigation, and Public Access Near Nesting Areas
- J: Habitat Connectivity and Raptor Foraging Habitat
- K: Traffic at Storke and Hollister
- L: Comstock Alternative 1 Site Plan

E.3.2 Master Responses

The Master Responses identified in Section E.3.1 follow.

Master Response A (Overview of Ellwood-Devereux Open Space and Habitat Management Plan Measures and Elements)

The Ellwood-Devereux Open Space and Habitat Management Plan (Open Space Plan) is the result of a public-private cooperative effort between the City of Goleta, County of Santa Barbara, and University of California, Santa Barbara to preserve and enhance 652 consolidated acres of open space, recreational, natural reserve, and marine environment resources and improve coastal access. Without the Open Space Plan, development could proceed under existing plans, resulting in islands of development that would fragment the proposed open space

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resources and disrupt coastal access. Even if development does not occur, continued unmanaged recreational use will degrade and fragment habitat, result in more erosion from informal trails, ultimately degrading recreational uses of the area, and threatening the viability of ecosystems along the Ellwood Devereux Coast.

To protect and enhance existing resources, the Open Space Plan proposes the following measures:

- **Habitat Enhancement and Restoration.** Open Space Plan enhancement and restoration is proposed for select areas degraded by erosion and poorly controlled public use, either through passive methods (e.g., trail closures or elimination of recreational activities) or active methods (e.g., planting native species) where passive methods are not likely to be successful. Habitat improvements focus on improving the conditions of ESHAs, such as wetlands.
- **Trail Closures.** Approximately 12.6 miles of informal trails would be closed and restored. Limited use of signage and unobtrusive barriers would be used at select locations to divert users away from sensitive areas.
- **Limitation of Uses.** Certain uses would be prohibited within the Open Space Plan Area including motorized vehicle or bike use (except emergency vehicles), designation of trails for pedestrians, bicycles, and equestrians, and the applicability of existing dog leash laws.
- **Erosion and Sedimentation Controls.** Management actions to reduce potential erosion, including trail improvements, such as bridges and boardwalks, and trail closures would protect water quality in Devereux Creek and the Devereux Slough.
- **Urban Runoff Control Measures.** Management actions, such as Best Management Practices, would be implemented during trail construction, restoration activities, and parking lot/restroom construction to protect water quality. Mutt mitt stations and trash cans would be provided at trailheads to control waste and litter accumulation.
- **Hazardous Materials and Remediation.** Where appropriate, management actions to remediate surface or subsurface contamination from hydrocarbons and historic uses of the area.

To enhance public access and recreational opportunities, the Open Space Plan also includes the following elements:

- **Trail Improvement.** To minimize impacts to sensitive resources and reduce habitat fragmentation, approximately 18.7 miles of existing trails would be improved with new trail surfaces, signage and other amenities. Improvement or closure of existing trails, or installation of benches, fences or signage, or structures would be undertaken with native materials whenever possible, with logs, boulders, or low-fencing to preserve the undeveloped character of the Open Space Area.

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- **Beach Access Improvements.** To minimize impacts to sensitive resources, access to the coast would be improved with the provision of boardwalks and/or coastal access stairways, which would improve public safety and improve protection of sensitive resources.
- **New Beach Access.** A bluff top trail currently exists along the West Campus Bluffs, providing access between Isla Vista and the beach at Coal Oil Point. A new beach access stairway is proposed to improve beach access, improve public safety, reduce damage to coastal bluff scrub habitat, and reduce coastal bluff erosion.
- **New Public Parking.** More than 200 additional coastal access parking spaces would be provided at six new or modified locations, to improve coastal access and minimize the concentration of parking at any one location. Handicap spaces would be provided at all lots and horse trailer parking at one new lot.
- **Restroom Improvement.** The existing portable restroom at Coal Oil Point would be replaced with a self-contained permanent facility and a new facility would be provided in the future at the Santa Barbara Shores parking lot.

Master Response B (Trails and Beach Access)

Increased visitation over the years and unmanaged access have resulted in a proliferation of informal trails and localized trail and bluff erosion, which in turn have adversely affected sensitive habitat and created public safety hazards. Extensive informal trails occur within the Ellwood-Devereux Open Space area that have been used for decades to access the butterfly groves, Devereux Creek, coastal bluffs, and the beach. The Open Space Plan is based on applicable policies and goals laid out in the Coastal Act and local planning documents. One of the goals of the Coastal Act is to maximize public access to and along the coast, and to maximize public recreation opportunities within the Coastal Zone consistent with resource conservation and the protected rights of private property owners.

The public access and recreation element of the Open Space Plan establishes an integrated trail system that provides extensive public access while protecting sensitive coastal resources. The trail system is based on the existing network of formal and informal trails in the Ellwood-Devereux Open Space area. Formal trails have been deliberately designed and improved under the auspices of the City of Goleta, County, University, or other land managers in the open space. Informal trails are existing pathways developed through repeated public use and are not part of a formal planning process. The trail system is primarily designed for pedestrians; however, trails to accommodate bicycles and equestrians are also included. Different trail types are proposed to accommodate these users.

The Open Space Plan prescribes that certain trails will be closed or rerouted in the future because they traverse environmentally sensitive habitat areas (ESHAs) such as native grasslands, eucalyptus woodlands, vernal pools, creeks, and/or dune scrub habitats. It also identifies that other trails will be closed because they are hazardous (i.e., gullies, eroding bluffs) and their continued use exacerbates these problems. In these situations, nearby parallel trails are

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maintained to provide similar access. In some cases, trails are closed because they are located parallel to, and in close proximity to, other trails. Figure B-1 Proposed Trails and Trail Closures identifies trails proposed to remain as well as trails proposed to be closed within the jurisdiction of the City of Goleta. Table B-1, Summary of Rationale for Trail Closures, identifies each of the trail segments to be closed and the rationale for the closure. Minor changes to the trail system, such as a slight shift in an alignment to avoid an ESHA and adjustments to the boardwalks, bridges, and stairs in the vicinity of the Ellwood Main Monarch Grove will be reflected in the Final Open Space Plan (expected late summer 2004).

The planned trail system will not reduce overall access in the Open Space Plan Area despite the trail closures. The trail closures subtly redirect users to adopt new routes; however, the new routes will be located in close proximity and convenience.

Master Response C (Open Space Plan Area Amenities)

A limited amount of visitor amenities are proposed in the Open Space Plan Area to better accommodate users. These amenities include low profile signs, trail markers, barriers, fences, restrooms, span bridges, trail culverts, boardwalks, stairs, benches, scenic overlook, amphitheatre, trash cans, mutt mitt stations, and horse tail bags. The overall intent of the amenities is to assist and inform visitors and protect the natural resources from user impacts. The amenities are intended to support public use opportunities at the Open Space Plan Area compatible with natural resource protection. The number and location of amenities will be developed as needed during Open Space Plan implementation, as funding is available. Additionally, these amenities may be subject to the approval of development permits (Coastal Development Permits [CDPs], etc.). The following text summarizes the Open Space Plan visitor amenities.

Parking. Public parking for access to the Open Space Plan Area will occur either in existing on-street parking locations or in new public parking lots. Six new or modified parking areas will be dedicated to the Open Space Plan Area and coastal access, as shown on Figure 14 of the Open Space Plan. Parking lots will be designed to accommodate handicap vehicle parking. The City of Goleta proposes one new parking lot at Santa Barbara Shores that will replace the existing Hollister Avenue parking lot and increase the number of spaces from 15 to 40. Existing on-street parking is available in the City of Goleta on four residential streets north of the Ellwood Grove – Anchor Drive, Santa Barbara Shores Drive, Newport Drive, and Coronado Drive. The University proposes three new or improved parking lots at the following locations: West Campus Mesa, Coal Oil Point, and West Campus Bluffs Nature Park. The County will designate the western side of Camino Majorca from Del Playa Drive to Pasado Road (perpendicular parking) and the eastern side of Camino Majorca from Del Playa Drive to Trigo Road (parallel parking) for coastal access. These on-street spaces are currently unregulated and used for coastal access as well as resident parking.

The University is proposing an option of not providing these coastal access spaces at Coal Oil Point due to concerns about increased access to the COPR and the western snowy plover areas

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**Table B-1.
Summary of Rationale for Trail Closures**

Trail Segment	Length in Feet	Trail Closure Justification¹	Notes
A	465.812	4	Eucalyptus Groves
B	318.104	4	Eucalyptus Groves
C	311.46	2	Eucalyptus Groves
D	768.699	2,3	Trail Crosses Drainage
E	191.775	4	Trail Crosses Drainage
F	478.99	2,3	Aquatic habitat buffer, Steep Slope, Erosion
G	576.731	6	mapping correction; trail does not exist
H	507.866	see notes	trail to remain open per City's request
I	135.365	2	Environmentally sensitive habitat
J	51.698	6	mapping correction; trail does not exist
K	388.603	6	mapping correction; trail does not exist
L	230.099	5	Coronado Preserve General Plan calls for trail closure
M	303.675	5	Environmentally sensitive habitat, Coronado Preserve General Plan calls for trail closure
N	176.321	2	Environmentally sensitive habitat, Eucalyptus Groves, Monarch Butterflies
O	348.089	2	Environmentally sensitive habitat, Eucalyptus Groves, Monarch Butterflies
P	148.502	2	Environmentally sensitive habitat, Eucalyptus Groves, Monarch Butterflies
Q	43.446	2	Environmentally sensitive habitat, Eucalyptus Groves, Monarch Butterflies
R	69.614	2	Environmentally sensitive habitat, Eucalyptus Groves, Monarch Butterflies
S	173.866	2	Environmentally sensitive habitat
T	295.496	2	Native grassland
U	206.618	2	Aquatic habitat buffer
V	232.892	2	Aquatic habitat buffer
W	368.326	2,3	Aquatic habitat buffer, Steep Slope, Erosion potential
X	508.92	2	Environmentally sensitive habitat, aquatic habitat buffer
Y	359.452	2,3	Env. Sensitive Habitat, Steep Slope, Erosion potential
Z	2188.329	2	Environmentally sensitive habitat, aquatic habitat buffer
AA	1583.477	2, 3	Environmentally sensitive habitat, aquatic habitat buffer, native grassland, hydro constraints, Eucalyptus Groves, Monarch Butterflies
BB	1156.431	2	Environmentally sensitive habitat, aquatic habitat buffer
CC	1044.82	2	Environmentally sensitive habitat, aquatic habitat buffer, native grassland
DD	866.335	2	Environmentally sensitive habitat, aquatic habitat buffer, native grassland
EE	213.078	2	Environmentally sensitive habitat, native grassland

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**Table B-1 (Continued).
Summary of Rationale for Trail Closures**

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Trail Segment	Length in Feet	Trail Closure Justification ¹	Notes
FF	428.621	2	Environmentally sensitive habitat, native grassland
GG	36.247	2, 3	Steep Slopes, erosion potential, Eucalyptus Groves, Monarch Butterflies
HH	30.513	1, 2, 3	Steep Slopes, erosion potential, Eucalyptus Groves, Monarch Butterflies
II	139.995	1, 2, 3	Steep Slopes, erosion potential, Eucalyptus Groves, Monarch Butterflies
JJ	311.158	2	Environmentally sensitive habitat, native grassland, Eucalyptus Groves, Monarch Butterflies
KK	977.814	2, 3	Steep Slopes, erosion potential, Environmentally sensitive habitat
LL	842.708	2, 3	Steep Slopes, erosion potential, Environmentally sensitive habitat
MM	123.703	2	Environmentally sensitive habitat, native grassland
NN	1884.716	2, 3	Steep Slopes, erosion potential, Environmentally sensitive habitat

¹ KEY

- | | |
|-----------------------------|---|
| 1 = Archaeologic Constraint | 4 = Residential Development negates trail use |
| 2 = Biologic Constraint | 5 = Coronado Preserve General Plan |
| 3 = Hydro/Geo Constraint | 6 = Mapping Correction |

at Sands Beach. If no public parking facilities are built at Coal Oil Point, the parking facility at West Campus Bluffs Nature Park would be doubled to 40 spaces to accommodate coastal users.

The total number of new off-street and on-street parking under the Open Space Plan would range from 218 spaces to 253 spaces, depending upon the alternatives selected by the City of Goleta and the University. At present time, about 38 off-street spaces are available in the Open Space Plan Area, so the net increase would range from 113 to 148 spaces.

Signs. A signage program will be implemented for the Open Space Plan Area as an integral component of the habitat protection, trail design, and access program. The overall intent of the signage program is to assist and inform visitors from three points of view: regulatory, directional, and informational. Some parts of the Open Space Plan Area and reserves already have signage programs that serve as good examples. For example, there are numerous signs to inform and educate visitors at COPR, Del Sol, and Camino Corto. The level of signage in the Open Space Plan Area, particularly on Ellwood Mesa, is likely to be much less than at these locations. The signage program for the entire Open Space Plan Area should be as coordinated and consistent as possible, though it need not be identical in appearance.

The number and location of signs will be developed as needed during the design of the following projects: (1) the trails and parking facilities in each agency’s jurisdiction; (2) South Parcel and West Campus Bluffs Nature Parks; and (3) habitat restoration projects.

Initially only trailhead signs will be installed, as shown on Figure 26 of the Open Space Plan. These signs provide general information about the Open Space Plan Area, dedicated coastal

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Figure B-1

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access locations, appropriate usage, and guidance about protecting the environment and respecting other users. In addition to signs, informational brochures and maps will be available at trailheads. Other signs will be designed and installed as determined necessary by each sponsoring agency in their area of jurisdiction. Possible additional signs may include the following:

- Trail markers identifying the trail name, length, permitted uses, directional indicator, and distances
- Trail closure signs with information on detours
- “Rules-of-the-trail” that describe right-of-way rules for pedestrians, equestrians, and cyclists
- Habitat protection signs, hazardous areas, and interpretive signs

A sign will be posted at Access Point D directing all equestrians to use the beach area to the northwest and indicating that horses are restricted from heading southeast onto the COPR near the western snowy plover breeding habitat.

Trail Markers, Barriers, and Fences. Where it is necessary to close a trail segment, environmentally appropriate methods will be used for the given locations. These methods include low-profile signs, earthen berms, embedded logs or rocks, and plantings.

Most of the Ellwood Mesa area in the City of Goleta would remain as is. Certain trails in the Ellwood Main Grove contain low-profile rope fences with signs prohibiting horses and bicycles, and advising visitors on appropriate uses of the area. This trail fencing and signage will be maintained and possibly expanded in the Ellwood Main Grove.

On University lands, trail markers and barriers may be used to keep users on trails and avoid adjacent ESHAs and off-trail portions of the COPR. Trail markers would be short (less than 36 inches) single-post parkers (recycled material, wood, or faux wood concrete). Trail barriers to prevent access to sensitive habitat areas would include large stones, plantings, logs, and low-profile post-and-cable fencing. Post-and-rail or post-and-cable fencing may be used around the perimeter of new parking facilities.

Restrooms. Two permanent public restroom facilities will be constructed. One facility provided in the future by the City of Goleta at the new parking lot at Santa Barbara Shores; the other restroom at Coal Oil Point on the University jurisdiction will replace the current temporary restroom facility at Coal Oil Point. The City of Goleta restroom will be tied into existing services for power and sewage. The University restroom will be self-contained, requiring no hook ups to external services. The specific designs of the restrooms have not been determined at this time; however, they will conform to the natural character of the Open Space Plan Area and generally be of the same character as is found at state and local parks. The restrooms will be closed at night.

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Boardwalks, Span Bridges, and Trail Culverts. Bridges and/or boardwalks are proposed in some wetland and riparian areas for resource protection and public safety. A pedestrian-only boardwalk is proposed by the University west of the Devereux Slough, on the Dune Pond Trail where it crosses a wetland area near the beach terminus. This boardwalk will be designed, constructed, and maintained in careful consultation with the COPR.

The City of Goleta proposes a boardwalk or prefabricated span bridge along the Windrow Trail (Trail 14, see Figure 16 of the Open Space Plan) that will provide pedestrian and bicycle access to the Anza Trail in the event that there is demand for all-weather bicycle access along the Anza Trail. The boardwalk would span Devereux Creek, and connect to a multi-user trail on Goleta property at the end of Phelps Road.

The City of Goleta proposes one or more boardwalks, or prefabricated pedestrian span bridges, to traverse portions of Devereux Creek and associated wet or eroded areas in the Ellwood Main Grove where numerous visitors congregate to see the butterflies (see Figure 15 of the Open Space Plan). The need, location, design, and construction schedule for these boardwalks will be considered after monitoring trail use in the grove, once interpretive signs and trail barriers have been installed.

Pipe or small box culverts about 24 to 30 inches in diameter will be installed along Devereux Creek and a tributary to the creek at the west end of the Open Space Plan Area and Santa Barbara Shores in the City of Goleta (see Figure 12 of the Open Space Plan) to allow safe passage over the drainages in the winter and to reduce ongoing erosion.

Boardwalk and Stair Alternatives/Options. The University proposes two wooden boardwalk options in the Open Space Plan Area to cross wetland areas and to protect these habitats. The boardwalks shown on Figures 12, 14, and 17 of the Open Space Plan include a boardwalk along the northeast corner of the Devereux Slough to provide pedestrian, bicyclist, and equestrian access from Devereux Road and a trail along the perimeter of the slough to Venoco Road. This boardwalk would be part of the Anza Trail on University lands. The City of Goleta has a wooden stair/boardwalk alternative near the Main Monarch Grove across Devereux Creek that would tie into the proposed bridge spans.

The existing twin 24-inch drainage pipes and concrete barrier over Devereux Creek (called an “Arizona” crossing that separates the creek from the Devereux Slough at the southern edge of the Ocean Meadows Golf Course) would be replaced with a 42-foot x 60-inch box culvert to restore the creek flows into the Slough, with the intention of reducing sedimentation and improving natural hydrologic function of the creek-slough system. The University proposes to construct the box culvert in coordination with the COPR.

The specific design, size, and materials of the boardwalks, span bridges, and trail culverts have not been determined at this time.

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Benches and Scenic Overlooks. Benches are proposed along the trail routes for the public as well as to direct users to areas where there is less environmental impact. Twelve existing wooden benches are located along the bluffs at West Campus Bluffs Nature Park and Coal Oil Point, providing rest stops and scenic overlooks (Figure 26 of the Open Space Plan). Several other benches are located in the COPR. No benches are initially proposed on the Ellwood Mesa, but should funds become available, the City of Goleta will add some. Figure 26 suggests appropriate locations. Rustic wooden benches, such as split log benches, will be used. The overlooks at West Campus Bluffs Nature Park will be wheelchair accessible from the new parking lot.

Amphitheater. A simple outdoor amphitheater is planned at the University's South Parcel Nature Park, shown on Figures 10 and 26 of the Open Space Plan, to provide a place for small groups (e.g., 10 to 30 persons) to gather for educational purposes and to hear talks and see demonstrations about the plants, animals, and ecology of the Open Space Plan Area. The size, layout, and design of the amphitheater will be similar to existing facilities at the NRS Carpinteria Salt Marsh and University's Manzanita Village. These facilities are low-profile structures that blend-in with the landscape and are constructed with natural materials such as earth, rock, and wood.

Trash Cans, Mutt Mitt Stations, Horse Tail Bags. One of the ongoing maintenance issues related to the Open Space Plan Area will be keeping it free of trash and animal waste. Uncontained trash attracts rodents, crows, and other pests that can harm indigenous species, while the dog manure can contribute to fecal coliform levels in surface water runoff. Horse manure can spread exotic weed seeds. As the Open Space Plan is implemented, the sponsoring agencies will monitor trash and dog waste and then determine the need, if any, and location of additional trashcans and mutt mitt stations.

The following parking facilities at the Open Space Plan Area will have trash cans and mutt mitt stations: Santa Barbara Shores, Faculty Housing, West Campus Mesa, and West Campus Bluffs Nature Park (Figure 26). Trash cans are located at Sands Beach and managed by COPR as an element of its Western Snowy Plover Management Program.

The University Horse Boarders Association routinely removes and will continue to remove horse manure from the current equestrian trails on West Campus and Ellwood Mesa. If horse manure becomes a significant ecological or public health issue from these riders, the sponsoring agencies may require tail bags on horses, redirect the equestrian activities to more appropriate locations, or prohibit the use.

Master Response D (Public Uses)

The Open Space Plan provides a number of goals and policies related to public uses of the open space. There are a number of uses that are compatible and others that are incompatible with the ecological, scenic, and recreational character of the Open Space Plan Area as listed in the Open Space Plan. Allowable public uses include hiking, jogging, surfing, bird watching, picnicking,

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sunbathing and beach play, meditation and yoga, exercise, bicycling on designated trails, non-commercial horse-back riding on designated trails, kite flying, model airplane gliders, painting, photography and filming, playing non-amplified musical instruments, small educational tours, surf fishing, as allowed by law, and cultural uses by native Americans that would be compatible with other accepted passive uses.

Public information on allowable and unallowable uses will be provided on signs at trailheads, and in other educational, orientation, and publicity information. While each agency will use their existing authority to regulate incompatible uses, the three sponsoring agencies will cooperate together on determining the types and locations of public information through the intended Joint Review Committee (to be formed in the future during implementation of the Open Space Plan – Please refer to Master Response G). However, existing separately managed areas such as the Coronado Preserve and the Del Sol and Camino Corto Reserves will continue to define allowable and prohibited uses within their boundaries. In some cases, certain uses may be allowed through a permit, fees, or notification process with the affected agency.

Equestrian Use. Open Space Plan Public Access Policy 2.2 prohibits commercial equestrian operations in the Open Space Plan Area (the University Horse Boarders Association at the University stables on West Campus is not a commercial organization and will continue its present functions). Non-commercial equestrian use of the Open Space Plan Area will continue, but the number of trails will be consolidated and relocated to protect ESHAs, remove duplicative trails, and reduce overall trail erosion from equestrian use. Trails designated for equestrians include a wide range of designs, including shared single tread trails with dirt surfaces and trails with a separate equestrian path. In reaches with a single tread, pedestrians, bicyclists, and equestrians will share the trail. The current equestrian access points are maintained at: (1) the parking lot at Santa Barbara Shores Park at the west end of the Open Space Plan; and (2) the stables on the West Campus Mesa. The equestrian trail system provides a trail loop on Ellwood Mesa in the City of Goleta. The existing equestrian access trail to the beach is maintained immediately west of COPR (Access Point D) on University property. Hence, horseback riders on the beach will enter and exit the beach at the same location. A sign will be posted at Access Point D directing all equestrians to use the beach area to the northwest, and indicating horses are restricted from heading southeast into the COPR near western snowy plover breeding habitat. Compliance with beach access restrictions for equestrians will be monitored and additional use restrictions would be considered by the City and University, if necessary.

The University Horse Boarders Association often cool down their horses by following a loop around the West Campus. The loop starts south from the horse stables, along the edge of West Campus Point Lane (west of University Faculty housing), down to the West Campus Bluffs Nature Park, and then returns to the stables. While this route is not designated as a formal equestrian trail in the Open Space Plan, this practice will continue under University authority as long as it is safe and there is no significant damage to natural resources.

The University Horse Boarders Association routinely removes and will continue to remove horse manure from the current equestrian trails on West Campus and Ellwood Mesa. If horse

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manure becomes a significant ecological or public health issue from these riders, the sponsoring agencies may require tail bags on horses, redirect the equestrian activities to more appropriate locations, or prohibit the use.

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Dog Rules and Leash Policies. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. County Ordinance 26.49 requiring leashed dogs at County Parks (that do not have an unleashed dog area) would continue to apply to Camino Corto Open Space and Del Sol Vernal Pool Reserve. In addition, this ordinance applies to the Open Space Plan Area lands in the City of Goleta, until such time the City adopts its own ordinances. The University will continue its enforcement of LRDP Policy 30240(a) 15, which prohibits unleashed dogs on campus beaches. A similar prohibition will apply to West Campus Bluffs and South Parcel Nature Parks. The historic level of enforcement of dog leash regulations will continue under the Open Space Plan in these areas. However, the agencies will monitor the effects of dog use and determine if additional restrictions or enforcement is appropriate.

As the Open Space Plan is implemented, the sponsoring agencies will monitor dog waste and then determine the need, if any, and location of additional trashcans and mutt mitt stations.

Master Response E (Restoration Activities)

The habitat protection and management approach in the Open Space Plan was developed through a systematic process that began with a review of the Joint Proposal, the Memorandum of Understanding (MOU), existing management plans for specific land areas, and relevant technical literature to identify potential opportunities for habitat management. The review was augmented by focused field investigations, interviews with interested parties who have worked in the area, and input from public comments at public meetings and workshops.

The overall goal of the habitat protection and management element of the Open Space Plan is to maintain, enhance, and, where grants or other funding are available, increase the acreage and improve conditions of ESHAs and other environmental resources in the Open Space Plan Area. Habitat management approaches vary by jurisdiction to reflect the goals established by the existing managed areas such as the COPR, Coronado Butterfly Preserve, and the Del Sol and Camino Corto Reserves. The jurisdiction-specific approaches are consistent with the overall goal, as previously stated, with additional detail to reflect the existing programs in the open space area.

On City of Goleta land, the habitat management approach is to protect the existing habitats by establishing a consolidated trail system designed to avoid sensitive resources where feasible, to enhance some habitats, and protect the Monarch butterfly aggregations and roosts. Trail design, habitat enhancements, and butterfly protection will occur, as funding sources are available.

On University land, the habitat management approach is to restore and enhance habitats on the South Parcel and West Campus Bluffs Nature Parks. The western portion of the South Parcel

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Nature Park is habitat restoration and enhancement of vernal pools, native grasslands, and riparian habitats, by setting this area aside as a mitigation site for University Faculty Housing development impacts on the North Parcel. The habitat management approach on the remainder of the South Parcel Nature Park and the West Campus Bluffs Nature Park is to maintain, enhance, and obtain grants or other funding to increase the acreage and improve conditions of ESHAs. Removal of the most pervasive accumulations of invasive exotic plants would occur on the nature parks, and check dams and other erosion control measures would be introduced on the South Parcel Nature Park to reduce or eliminate sedimentation of the Devereux Slough. These measures would result in an overall increase in acreage and extent of grassland habitats, thus enhancing raptor foraging habitat.

The habitat management approach on the remainder of the University Open Space Plan Area, including COPR, is to maintain, enhance, and obtain grants or other funding to increase the acreage and improve conditions of ESHAs, including vernal pools, native grasslands, riparian, coastal bluff or dune scrub, and western snowy plover habitats.

The habitat management approach for eucalyptus groves, dune scrub, and raptor nesting sites throughout the remainder of the Open Space Plan Area is to maintain the current habitats, which are generally in good condition.

Habitat management will be achieved through both passive and active methods. Passive methods include low-impact, non-invasive actions to enhance habitats such as removal of invasive exotics to allow native or desirable species to re-colonize on their own. Active methods include modifying landforms, grading, soils, improving drainage to create conditions suitable for new habitats, reseeding, and planting native species.

Habitat enhancement and restoration will occur as either initial improvements or opportunities for future implementation as grant or other funding becomes available. Initial improvements are priority projects and include the enhancement and restoration activities at the South Parcel Nature Park Mitigation Site. All other enhancement and restoration activities are opportunity sites. Opportunity sites, such as enhancing the West Campus Nature Park and restoring native grassland habitat on Ellwood Mesa, represent potential projects to be implemented in the future by individual sponsoring agencies as funding allows. Initial improvements and opportunities are identified in the Open Space Plan because they will address a severe biological impairment or will provide a significant biological benefit for a modest effort. In all cases, restoration will include the use of locally collected seed and plant sources from the Ellwood-Devereux watershed. The Final Open Space Plan will reflect this management objective.

Master Response F (Remediation Activities)

As discussed in Section 4.5 of the Draft EIR, the Santa Barbara Shores Park parcel and the Ellwood Mesa property supported numerous oil and gas production wells, associated sumps, a gasoline refinery, and oil pipelines in the past, with the main phase of production starting in the late 1920s and continuing through the 1940s. Most of the oil production and processing

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equipment has been removed, and some of the contaminated sites have been remediated. The southern portion of the Santa Barbara Shores Park parcel underwent a remediation project in 1997, and a site assessment was conducted for the Ellwood Mesa property in 1986. A remediation plan for the Ellwood Mesa property was prepared in 1997 but was not implemented, as the proposed Monarch Point residential development was put on hold pending consideration of the currently proposed land swap and Comstock Homes Development.

The EIR acknowledges the potential impacts from abandoned oil wells and from known or potential contaminated soil. These potential impacts are described in the Draft EIR (refer to Impacts HM-1, HM-2, HM-3, and HM-4 on pp. 4.5-13 and 4.5-14). Mitigation measures to address these potential impacts were also identified (refer to Mitigations HM-1, HM-2, HM-3, HM-4, and HM-5 on pp. 4.5-15 to 4.5-19).

Mitigation HM-1 recommends that historic oil wells be abandoned to current standards under the direction of the Fire Department and DOGGR. Three historic oil wells are on the Ellwood Mesa parcels, which would be deeded over to the City of Goleta as part of the proposed land swap. The City may require that these wells meet current abandonment standards prior to any transfer of title or may require funds be set aside by the current owner of the Ellwood Mesa property for abandonment subsequent to the transfer of title. In either case, the cost for abandonment would be the responsibility of the current property owner.

Seven other historic oil wells are on the southern portion (not the Comstock 36-acre portion) of the Santa Barbara Shores Park parcel owned by the City of Goleta. Doty #7 was re-abandoned in 1993 and meets current abandonment standards, according to DOGGR. If DOGGR or the Fire Department determine that the other six wells need to be re-abandoned to current standards, the City of Goleta or the previous owners in the chain of title would be responsible for the re-abandonment. Since no transfer of title is required for this area, and since the proposed use of the area would be for passive recreation or open space, it is not likely that DOGGR or the Fire Department would require re-abandonment of these six wells at this time. The four shoreline wells: Oryx #94-1, #95-1, and #96-1, and Doty #6, are in the jurisdiction of the State Lands Commission, and the State would be responsible for the cost of re-abandoning these wells if required. If well abandonment and associated remediation are required, additional environmental analysis pursuant to CEQA requirements would be conducted.

A Phase I site assessment was conducted for the Comstock Development and for the Ellwood-Devereux Coast Open Space Plan Area to determine the potential for soil contamination on the subject parcels. The results of the Phase I site assessment indicated a low potential for contamination at the 36-acre Comstock Homes Development site and an acknowledged that contamination from historic oil and gas production has been documented on the Ellwood Mesa. A Phase II site assessment was conducted for the Comstock Homes site and for the Ellwood Mesa properties. These investigations augmented previous site assessments for the Santa Barbara Shores Park property and the Ellwood Mesa, as well as a previous soil remediation project for the southern portion of the Santa Barbara Shores Park property.

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The recent Phase II site assessments are being reviewed by the Fire Department, and a final report has not been prepared. Pursuant to Mitigations HM-2 and HM-3, the Fire Department will review the report and determine if remediation needs to occur. If the results of these investigations, together with the proposed land use for areas with known contamination, require remediation, a remediation action plan will be prepared. Because the Ellwood Mesa is proposed to be reserved for open space and passive recreation, the extent of remediation required is less for such a use than it would be for a residential development. Pursuant to Mitigation Measure HM-4, the remediation action plan would be prepared for Fire Department review, approval, and supervision of implementation. Any required oil well abandonment or remediation work would be subject to additional environmental review and additional permits.

Master Response G (Implementation, Management, and Enforcement)

The City of Goleta, Santa Barbara County, and the University intend to preserve and improve approximately 652 acres of scenic coastal habitat for the benefit of indigenous species and visitors alike. Through innovative planning and cooperation, the three sponsoring agencies plan to shift proposed development projects away from sensitive coastal resources to less sensitive interior sites, thereby allowing for the restoration and preservation of these resources. The sponsoring agencies will implement the Open Space Plan through their individual jurisdictional approvals of the proposed residential developments and the creation of the open space, pursuant to actions of the California Coastal Commission. The agencies will cooperate and work together while maintaining separate authorities to plan, design, fund, permit, and construct the public access, habitat, and other improvements described in this Open Space Plan. Some improvements will be completed in the near future (initial improvements), while other improvements will be implemented over many years as funding allows. The sponsoring agencies will establish a multi-jurisdictional management oversight committee to coordinate the separate, but parallel actions in the Open Space Plan Area.

The Joint Review Committee (formerly referred to as the JRP) will likely meet on a regular basis to provide a forum for sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public to discuss ongoing issues related to implementation of the Open Space Plan. Issues addressed may include: independent or collaborative preparation of grant applications; budget reports for both independent or collaborative projects; administration of public or private funding; requisite permit or approval actions; contract solicitations or awards for projects; status reports and evaluation of monitoring or mitigation projects; applicable regulatory compliance requirements; consideration of potential conflicts among users or between users and preservation/restoration efforts; consideration of potential restrictions on the type of use, access, and/or projects; educational and scientific research activities; or other relevant issues.

There are a number of issues affecting the entire Open Space Plan Area. In particular, the determination of public use restrictions is a complex subject affecting all three sponsoring agencies. Restoration and enhancement of habitat may take precedence over public access or recreational use of the open space. Therefore, some public use of the site should be managed to

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enhance the quality of the open space and prevent environmental degradation. As time goes on, additional restrictions may need to be imposed to protect the open space environment. Based on monitoring results, adaptive management techniques, or carrying capacity studies, it may be necessary to structure the use of areas to certain times of the year or to certain portions of the open space.

Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. The respective jurisdiction will review the results of monitoring data, evaluate problems, and resolve issues related to public access, where feasible.

The sponsoring agencies recognize visitation to the Open Space Plan Area will likely increase over time due to the increasing population in the region. At this time, there is a general consensus that the current level of visitation in the Open Space Plan Area can be managed through this Open Space Plan to protect and enhance natural resources, while providing the historic public access and uses. However, if increased visitation cannot be managed to avoid significant environmental impacts through the policies and management actions in this Open Space Plan, the sponsoring agencies may need to determine the appropriate carrying capacity of the lands. The sponsoring agencies will monitor visitation and environmental conditions in the Open Space Plan Area as an ongoing element of their management responsibilities, and conduct periodic evaluations to determine if there is a need to establish a carrying capacity.

Each agency will be responsible for enforcement of restrictions within their jurisdiction. Apart from enforcement, there are many management issues associated with the creation and maintenance of the open space that lend themselves to interagency collaboration. Clearly, supervision of the Open Space Plan implementation is one major cross-jurisdictional issue. Others include the monitoring and maintenance of the area; the coordination of research; the development and distribution of public education materials; the evaluation of carrying capacity data and modification of the Open Space Plan to reflect such data; and the ongoing implementation of habitat restoration and enhancement opportunities. The management structure described in the preceding sections is designed to accomplish the interagency coordination of these issues.

Master Response H (Devereux Creek Watershed)

The known available data related to water quality in the Devereux Creek Watershed is summarized in Section 4.2 based on limited field sampling conducted as part of prior studies in the watershed. Existing land uses and flood control practices in the watershed contribute to the water quality impairments through the discharge of pesticides, bacteria, excessive sedimentation, and other pollutant factors. The regulatory framework and legal requirements for management of water quality from specific projects, and at the municipal planning level, are described in Section 4.2.

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Protection of water quality in the Creek and Slough is a high priority of the three agencies that will be addressed through a combination of site-specific project-level approaches and area-wide programmatic approaches. At the project level, the plans reviewed for this EIR are generally adequate to prevent further water quality impairment over the long term provided that the water quality and flood control design features are properly installed and maintained. As described in Section 4.2, several mitigations will be implemented to further assure protection of the watershed resources. For example, each building site will be subject to well-established requirements to design, install and maintain a set of pollution prevention “Best Management Practices” (BMPs) for both the construction phase and long-term use of the land. The projects incorporate pollution prevention BMPs through a combination of structural BMPs (e.g., catchments, bioswales and other filtration devices) and non-structural BMPs (e.g., restrictions on use of pesticides, herbicides, and fertilizers) design features to prevent pollution from entering Devereux Creek and Slough, and to treat runoff that does leave the site.

Water Quality Mitigation Compliance and Enforcement. All of the applicable laws, ordinances and policies will be enforced through the project compliance process. Mitigations will be implemented by the project applicants. Compliance with water quality and watershed protection mitigations will be monitored and enforced by the lead or responsible agency through the compliance planning process. The compliance planning process will include onsite inspections prior to ground disturbance, during construction, and over the life of the project, particularly after large storm events, and in the event of an accidental leak or spill of materials that could impact watershed resources.

As described in Mitigation H/WQ-6, the applicant will prepare a construction Storm Water Pollution Prevention Plan (SWPPP) and obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System (NPDES) issued by the California Regional Water Quality Control Board. Prior to construction, the SWPPP and other site plans and BMPs will be reviewed by the City of Goleta to verify that the final design details continue to adequately address the applicable standards taking into consideration the total area of impervious surfaces, the onsite drainage structures, and flood control standards.

Construction related water quality impacts related to the Anza Trail and parking amenities will be avoided through implementation of a site-specific Erosion and Sediment Control Plan. The Plan will incorporate appropriate BMPs such as sand filters, landscaped areas for infiltration, and basins or other equivalent BMPs designed to intercept and effectively prohibit pollutants from discharging to onsite drainages. The City of Goleta will monitor and inspect the parking and trail construction sites during construction and during post-construction for compliance with the Erosion and Sediment Control Plan. Long-term monitoring, maintenance and repair of the trail system will prevent excessive erosion; sedimentation or wastes entering the watershed as a result of trail use.

During construction, agency staff will monitor the proper installation and maintenance of the site BMPs consistent with the approved plans and perform regular inspections of stormwater runoff, erosion and sediment loading.

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Stormwater Management Planning Programs. At the programmatic level, the Open Space Plan provides a framework for managing public access to the open space area and uses of the area that could affect water quality in the Devereux Creek and Slough. Open Space Plan Water Policies 1.1 through 2.2 set forth the long-term objectives to reduce excessive erosion and sedimentation, and to improve surface water quality over time by limiting onsite uses, and through incorporation of storm water treatment measures as part of specific projects within the Open Space Plan area. Implementation of the Open Space Plan will incorporate relevant aspects of existing guidelines for the area such as the guidelines for Soil Transport in the University's LRDP to protect against sedimentation in Devereux Slough and water quality impacts, including increased breakouts of the Slough barrier and water quality impacts at the beach.

The City of Goleta, County of Santa Barbara, and the University have each prepared Draft Storm Water Management Programs (SWMPs) consistent with the recently adopted EPA and State Water Resources Control Board regulations for municipalities. These plans provide a framework for long-term prevention and reduction of typical urban water quality issues throughout the community as a whole, and they include specific requirements for storm water pollution prevention at specific construction sites. Pending formal approval of the SWMPs, the agencies are proactively implementing their draft programs in order to identify and treat sources of water quality impairment. Other agency programs, such as the County's Project Clean Water, are actively engaged in reviewing the project applications, and will continue to be involved through construction and long-term monitoring.

All future projects at other locations in the watershed (e.g., expansion of Sandpiper Golf Course) are subject to separate permitting and environmental review and are assumed to be covered by programs similar to those required for the proposed project. That is, they will have adequate mitigations, conditions of approval, and compliance programs so that future developments do not add to the cumulative impacts.

Master Response I (Snowy Plover Protection, Mitigation, and Public Access Near Nesting Areas)

The Coal Oil Point Reserve (COPR) is managing habitat on University property that supports a breeding population of the western snowy plover. The COPR must protect the snowy plover from harm due to public access on the beach and dunes because of the legal protection afforded this species under the Endangered Species Act.

Snowy plover protection in the Open Space Plan includes improving beach access at Coal Oil Point by diverting people away from the snowy plover nesting area. A second access to the east of Coal Oil Point is also proposed to further divert people away from sensitive areas. Signs will be posted to direct people away from sensitive areas and trashcans with lids will be provided at various locations (e.g., parking lots, beach access points) to prevent crows and other snowy plover predators from entering sensitive areas. In addition, equestrian access to the beach would be restricted to Access Point "D" to the west of the Reserve and horse riders would be encouraged by snow plover docents to ride their horses west away from sensitive areas.

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The COPR Management Plan provides overall guidance on the management of the resources and public access at the COPR. Provisions of the COPR Management Plan are outlined in the Open Space Plan. The COPR Management Plan describes programs for reserve users, habitat conservation, stewardship, and administration. The COPR habitat conservation program includes protection of the snowy plover through a Snowy Plover Management Plan. The Snowy Plover Management Plan was prepared in 2001 and has been approved by the California Coastal Commission. As described in the Open Space Plan, and in accordance with the COPR Snowy Plover Management Plan, disturbance to plovers is reduced by public awareness efforts, diverting beach users away from plover habitat, and enforcing the leash policy for the campus beach. Actions to increase leashing (in lieu of closing the area to dogs entirely) are presently underway at Sands Beach. Because of enforcement and the snowy plover docent program, voluntary leashing is presently around 50 percent. Compliance after being asked is near 90 percent.

The COPR Snowy Plover Management Plan has been successful in protecting wintering and nesting plovers. One of the key measures has been the plover docent program, which has placed docents during all daylight hours in the breeding season and much of the time in the non-breeding season. Docents monitor plover behavior, area use, and assure compliance with leash regulations for dogs. COPR research shows that after exclusion fencing was erected around the snowy plover area, dog leash laws were enforced, and the docent program began, intense disturbance to plovers decreased by 90 percent.

As stated in the University EIR, funds will be provided to maintain and expand the snowy plover management program, which will enable continued protection of plovers. A number of measures would be implemented as a result of this funding. A full time plover management program coordinator will be engaged to recruit, train, and expand the docent program. Increasing the docent program with the assistance of a full time plover coordinator would offset any potential increase in intense disturbance to snowy plovers resulting from the increased use of the area from the proposed housing developments.

Recurring annual financial support will be provided for the Plover Management Program and a perimeter fence will be built along key portions of the north and west boundaries of the COPR. Coastal access improvements will be made to better direct pedestrians at Coal Oil Point, the Dune Pond Trail, and the western boundary of COPR. In addition, improvements will be made to the segment of Anza trail through the Northeast corner of the COPR to reduce damage to the Slough and adjacent habitat.

The Office of Campus Planning and Design is the responsible campus entity to ensure that the COPR receives adequate funding to support these mitigation measures.

In addition to mitigation measures in the EIR, the Office of Campus Planning and Design assuring the COPR receives adequate funding to support the following requirements that are not specifically identified as mitigation measures in the EIRs. An additional full-time COPR steward will be engaged to maintain and enhance open space areas, and the 40-acre COPR expansion.

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Recurring annual support will be provided to maintain the Reserve's closed trails, new fences, signs, Dune Pond Trail and restored areas and to remove exotic plants along trails and fences. One-time funds will be provided for a small utility tractor for trail maintenance, trail repair, and trail restoration, exotic plant control. In addition, matching funds will be provided for third-part grants for restoration opportunities and additional fencing.

As stated in the City of Goleta and County of Santa Barbara EIRs, the payment of mitigation fees from the Comstock Homes and Ocean Meadows Residences developments will be required to assist with the protection of the western snowy plover. The amount of the fee for each development will be based on the number of residential units, the distance of the project from the plover breeding area, and other factors relate to the propensity of residents of the new developments to use the beach area in the vicinity of the critical habitat. The intent is that the fees will be used as the capital to establish an endowment and the annual income from the endowment would be used to fund programs that are designed to protect the plovers and their habitat areas at the Coal Oil Point Reserve and at the Ellwood Mesa. The annual income could potentially be used to fund a portion of the costs of a new docent coordination position at the COPR.

Master Response J (Habitat Connectivity and Raptor Foraging Habitat)

The Open Space Plan acknowledges that continued unmanaged recreational use will degrade and fragment habitat and threaten the viability of ecosystems along the Ellwood Devereux Coast. The Open Space Plan provides integrated access throughout the natural area and avoids fragmentation of habitats by piecemeal development. The preservation of wildlife movement corridors (i.e. Devereux Creek and Slough) and the maintenance of raptor foraging areas are key components of the Open Space Plan.

The DEIR discusses general and specific aspects of wildlife movement corridors in the Open Space Area (Section 4.4.1.4.2) and concludes that the open space and proposed residential developments are relatively isolated from other extensive open space in the foothills to the north by existing urban and agricultural development. The relatively isolated nature of the area not only has contributed to the loss of biodiversity of some ground-dwelling vertebrates in this area, such as badgers and mountain lions, but also may limit the ability of the open space area to sustain populations other large mammals, such as coyote and bobcat. The Open Space Plan proposes to close and restore a number of existing informal trails in the Open Space Area in order to consolidate small, currently fragmented habitat patches into larger, contiguous habitat patches. Connecting these habitats inherently preserves and enhances existing wildlife corridor connections.

The City of Goleta acknowledges that the Comstock Homes development footprint is located in raptor foraging habitat. Impact Bio-4 of the DEIR addresses impacts associated with the loss of foraging habitat and correctly classes the impact as Class I, a significant impact that cannot be mitigated to a less than significant level. Preconstruction surveys for nesting raptors are required (Mitigation Bio-4) and will provide up-to-date results of raptor nest sites. The City of Goleta will

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require a 100 foot buffer for raptor nests for the Comstock Homes Development as the City believes that nesting habitat is abundant on the Ellwood Mesa and that on balance, the land exchange will provide permanent protection for the more high quality foraging habitat located to the east on the mesa.

Species Goal 1 of the Open Space Plan calls for the protection and enhancement habitat for special-status species, such as raptors, in the Open Space Plan Area. Raptor foraging habitat would be maintained in the Open Space Plan Area by preserving relatively large contiguous areas of grassland that are near or adjacent to suitable roost and nest sites, consistent with Open Space Plan Species Policy 2. Implementation of the proposed residential project, which includes moving the designated residential area from the Ellwood Mesa closer to Hollister Avenue, is intended to preserve large areas of contiguous open space for ecosystem preservation. Trail closures would further reduce impacts to foraging habitat by consolidating users on a network of trails, thereby enabling the expansion of foraging habitat through native grassland restoration. Tree plantings around the perimeter of the Comstock Homes development will provide additional nesting and roosting habitat for raptors.

Master Response K (Traffic at Storke and Hollister)

The Comstock Homes, Ocean Meadows Residences, and Faculty and Family Student Housing projects would result in significant impacts at the Storke Road/Hollister Avenue intersection. This intersection is within the jurisdiction of the City of Goleta. Three improvement options are identified. These potential improvements are not programmed at this time and are unfunded.

Improving the level of service at this intersection would require additional analysis of options previously identified by the County of Santa Barbara as part of the Goleta Transportation Improvement Plan (GTIP, 1997/1999), as well as other alternatives. The City of Goleta is reviewing the adequacy of proposed improvements as well as possible alternative improvements as part of its ongoing General Plan process. Once the appropriate improvement or combination of improvements is identified, total costs (including acquisition of any right-of-way) and timing of implementation would need to be determined. Preliminarily, it appears that costs could be approximately \$3 million for improvements that have been previously identified. Costs of alternative improvements are unknown at this time but could be as high as \$12 million in the event of extensive right-of-way acquisition. Implementation could take as long as approximately 7 years (2011).

The City of Goleta will require the Comstock Homes project to post a performance security (or utilize another mechanism acceptable to the City of Goleta) and enter into an agreement for the implementation of one or more of previously identified mitigation measures and/or the analysis of improvement alternatives, engineered design of approved improvement alternatives, and/or construction of approved improvement alternatives. The applicant's financial obligation under this requirement shall not exceed \$1 million. Additionally, the City of Goleta will work with the County of Santa Barbara and the University of California at Santa Barbara on a traffic mitigation agreement that would address multi-jurisdictional traffic conditions and impacts in the area.

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Master Response L (Comstock Alternate 1 Site Plan, 5/12/04)

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The applicant (Comstock Homes) submitted a draft alternative site plan (Comstock Alternate 1), including an accompanying evaluation, in their comment letter (G.30) dated May 10, 2004 on the Draft EIR. Please refer to Comment Letter G.30 for the complete evaluation and backup provided by the applicant. After discussing the potential need for a second detention basin to serve the southern portion of the subdivision, the applicant slightly revised the alternative site plan and resubmitted it on May 13, 2004. This Master Response L summarizes the key differences between the proposed project as presented and analyzed in the Draft EIR, and the applicant's revised Comstock Alternate 1 site plan, submitted on May 13, 2004.

The applicant's Comstock Alternate 1 site plan is presented on Figure L-1. The applicant reportedly prepared the Comstock Alternate 1 site plan based on: 1) review of the DEIR, including Class I impact findings; and 2) discussions with environmental groups (Environmental Defense Center, Audubon Society, and a board member of Save Ellwood Shores).

Key changes in the site plan (dated May 12, 2004) as resubmitted on May 13, 2004 under Comstock Alternate 1 include:

1. Total number of residential units reduced from 78 to 69.
2. The previously planned homes along the southwestern portion of the development have been eliminated, thereby eliminating the need to remove the eucalyptus trees along the southwestern border (and allowing for a 50-foot setback/buffer from the associated ESHA) (the applicant reportedly plans to create a separate parcel encompassing the eucalyptus trees, 50-foot buffer, and the contiguous wetland area and to donate this newly created parcel to the City of Goleta).
3. Most lots on the outside perimeters (south, east, and northeast pod) of the development are now single-story units with a maximum roofline of 19.5 feet (refer to Figure L-2). The four lots nearest the detention basin/bioswale on the eastern portion of the proposed subdivision (Lots 48-51) remain 2-story homes.
4. The northern residential development pod has been reduced from seven to six units and a 10-foot setback buffer has been added between these units and Hollister Avenue; the northeastern-most unit has been eliminated to provide a view corridor from Viajero Road at Hollister Avenue to the Channel Islands; the building pads for the remaining six units have all been lowered 2 feet; the resultant differential in roof elevation from the previously planned 2-story homes is approximately 8 feet lower.
5. The culvert/road crossing of Drainage A1 for access to the northern pod development has been modified (relocated slightly to the south and decreased in width) to avoid direct impacts on the wetland features in this drainage.
6. The southernmost detention basin/bioswale has been eliminated and Lot 73 has been created to define the southern portion of Drainage B; the northern detention basin/bioswale has been relocated to conform to the new layout and to avoid certain areas of native grasses.

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The northeastern border of the northern detention basin/bioswale encroaches slightly into the 50-foot stream buffer for Drainage A1 as shown on Figure L-2.

7. All lots beginning with those bordering the Open Space trail and continuing around the lot in the southwest corner (refer to Figure L-1) will have an 8-foot common area rear yard buffer between the lot line for the individual unit and city-owned property. This strip will be landscaped to provide additional screening of the houses and will be maintained by the Home Owners' Association.

The relationship between the applicant's proposed Comstock Alternate 1 site plan and biological resources, including wetlands, stream riparian corridors, and native grasslands is illustrated on Figure L-2. The location of the Comstock Alternate 1 site plan and its relationship to sensitive biological habitat as shown on Figure L-2 is based on hard copy and electronic data provided by the applicant (MAC Design Associated) to the City of Goleta on May 13, 2004.

The applicant's Comstock Alternate 1 site plan (relative to the previously proposed site plan analyzed in the DEIR) would reduce projected project impacts in multiple areas, including:

- Less residential units (9 units less) and associated operational effects related to traffic, noise, public services, air emissions, and recreational demand/open space impacts.
- Less direct and indirect effects on sensitive biological habitat, including eucalyptus trees, Monarch butterfly habitat and aggregation sites, riparian/wetland areas; raptor sites and habitat, and native grassland areas.
- Reduced visual impacts due to fewer units, limitation to one story for perimeter units, lowered grade for northern pod units, and additions of buffers along project edges.

The applicant's Comstock Alternate 1 site plan reduces many of the projected adverse environmental effects associated with the proposed project, as summarized for Class I impacts in Table L-1. As acknowledged by the applicant in their comment letter (G.30), some of the residual Class I impacts (e.g., REC-3, REC-8, and N-3) could only be avoided by eliminating the project in total. The City of Goleta as the Lead CEQA Agency for this project considers the applicant's 69-unit Comstock Alternate 1 site plan to be environmentally preferable to the applicant's previously proposed 78-unit site plan.

E.3.3 Response to Comments

Comment Letter G.I – Daniel Schradermeier – Dated March 29, 2004

Response G.I-1. Comments noted. The City of Goleta appreciates and shares your concern for the Ellwood Mesa area and its inherent attributes, including wildlife, scenic vistas, and recreational opportunities. The City of Goleta has worked with the local environmental community, the public, the other Joint Review Panel members (University and County of Santa Barbara), and the developer to facilitate the land swap and to shift the proposed Comstock Homes Development off of the more environmentally sensitive portions of Ellwood Mesa and

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**Table L-1.
Comparison of Class I Impacts for Proposed 78-Unit Project and
Applicant's 69-Unit Project Under Comstock Alternate I Site Plan**

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Resource Area	Identified Class I Impacts for Proposed 78-Unit Project¹	Identified Class I Impacts for 69-Unit Comstock Alternate I	Comments
4.4 Biological Resources	Impact BIO-3: Monarch Butterflies.	Impact BIO-3: Monarch Butterflies.	Comstock Alternate I site plan would avoid direct impacts to all eucalyptus woodland/raptor ESHAs, and would not require the removal of the eucalyptus trees/windrow along the southwestern border of the residential development footprint. As shown on Figure L-2, the Comstock Alternate I site plan would still encroach into the eucalyptus woodland/raptor ESHA buffer (100 feet).
4.4 Biological Resources	Impact BIO-4: Roosting and Foraging Habitat for Raptors, Loggerhead Shrikes, and Bats.	Impact BIO-4: Roosting and Foraging Habitat for Raptors, Loggerhead Shrikes, and Bats.	Comstock Alternate I site plan would reduce impacts to roosting habitat by preserving the eucalyptus trees on the southwestern border of the site and would reduce encroachment into eucalyptus woodland/raptor ESHA buffers relative to the proposed 78-unit project.
4.4 Biological Resources	Impact BIO-5: Nesting Habitat for Raptors and Loggerhead Shrikes.	Impact BIO-5: Nesting Habitat for Raptors and Loggerhead Shrikes.	Comstock Alternate I site plan would move the proposed residential development approximately 100 feet to the east in the vicinity of the eucalyptus windrow near the southwest border of the residential development footprint. However, the Comstock Alternate I site plan would also shift the residential development footprint further to the south and locate five homes in the area previously proposed for the southern detention basins. Both the originally proposed 78-unit development and the 69-unit Comstock Alternate I site plan encroach into the eucalyptus woodland/raptor ESHA buffers but neither are located near the historical White-tailed Kite or Cooper's Hawk nest sites, which were located near the southern end of the overall ESHA.
4.4 Biological Resources	Impact BIO-9: Native Grassland.	Impact BIO-9: Native Grassland.	The originally proposed 78-unit layout and the 69-unit Comstock Alternate I layout would have similar impacts on native grassland.
4.9 Visual Resources	Impact VIS-1: KOPs G-2(A), G-6, G-7, and G-8.	Impact VIS-1: KOPs G-2(A), G-6, G-7, and G-8.	Comstock Alternate I site plan would reduce visual effects compared to the originally proposed 78-unit layout associated with the following factors: 1) nine fewer residential units; 2) conversion of over 50 percent of the homes from 2 story to 1 story, including most of the perimeter units (refer to Figure L-2); 3) addition of 10-foot setback for homes adjacent to Hollister Avenue; 4) deletion of one unit in the northern pod area south of Hollister Avenue near Drainage A-2; 5) lowering of grade elevation in northern pod area to reduce overall height of homes and associated blockage of views; and 6) retention of eucalyptus windrow along southwest border, which screens views from Sandpiper Golf Course.

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**Table L-1 (Continued).
Comparison of Class I Impacts for Proposed 78-Unit Project and
Applicant's 69-Unit Project Under Comstock Alternate I Site Plan**

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Resource Area	Identified Class I Impacts for Proposed 78-Unit Project¹	Identified Class I Impacts for 69-Unit Comstock Alternate I	Comments
4.9 Visual Resources	Impact VIS-7: Loss of Scenic Coastal Vistas and Open Space.	Impact VIS-7: Loss of Scenic Coastal Vistas and Open Space.	Comstock Alternate I site plan would reduce project-specific and cumulative visual effects compared to the originally proposed 78-unit project as discussed above under Impact VIS-1.
4.10 Recreation	Impact REC-3: Residential Rezone and Development.	Impact REC-3: Residential Rezone and Development.	The originally proposed 78-unit layout and the 69-unit Comstock Alternate I site layout would have similar impacts related to the residential rezone and development.
4.10 Recreation	Impact REC-5: Open Space Plan Trail Closures.	Impact REC-5: Open Space Plan Trail Closures.	The originally proposed 78-unit layout and the 69-unit Comstock Alternate I site layout would have the same effect on trail closures.
4.10 Recreation	Impact REC-6: Open Space Plan Trail User Restrictions.	Impact REC-6: Open Space Plan Trail User Restrictions.	The originally proposed 78-unit layout and the 69-unit Comstock Alternate I site layout would have the same effect on trail user restrictions.
4.10 Recreation	Impact REC-8 (Cumulative Impacts): Cumulative Increase in Open Space Usage.	Impact REC-8 (Cumulative Impacts): Cumulative Increase in Open Space Usage.	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan would have similar cumulative effects on open space usage, although the 69-unit project would reduce the contribution to cumulative effects due to 9 fewer units.
4.12 Traffic and Circulation	Impact Traffic-2: P.M. Peak Hour Trips/Impacts at Hollister Avenue/Storke Road Intersection.	Impact Traffic-2: P.M. Peak Hour Trips/Impacts at Hollister Avenue/Storke Road Intersection.	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan would have similar project-specific P.M. peak-hour impacts at the intersection of Storke/Hollister, since they would both exceed the City's traffic impact threshold of 15 P.M. PHT. However, the 69-unit project would reduce impacts at this intersection compared to the originally proposed 78-unit project.
4.12 Traffic and Circulation	Impact Traffic-6. Cumulative Impact on Intersection of Storke Road/Hollister Avenue	Impact Traffic-6. Cumulative Impact on Intersection of Storke Road/Hollister Avenue	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan would have similar cumulative traffic effects on the intersection of Storke/Hollister, which is already operating at LOS E. However, the 69-unit Comstock Alternate I would contribute a lower trips volume than the originally proposed 78-unit project at this over-capacity intersection.
4.13 Noise	Impact N-2: Construction Noise (Residential Development).	Impact N-2: Construction Noise (Residential Development).	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan project would result in similar construction noise impacts. However, the 69-unit Comstock Alternate I project would potentially have a shorter construction timeframe due to the smaller number of units to be constructed (i.e., overall duration of construction noise would be shorter). Additionally, the over 50 percent reduction in 2-story homes would likely reduce the overall duration of construction activities and associated noise.

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**Table L-1 (Continued).
Comparison of Class I Impacts for Proposed 78-Unit Project and
Applicant's 69-Unit Project Under Comstock Alternate I Site Plan**

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Resource Area	Identified Class I Impacts for Proposed 78-Unit Project¹	Identified Class I Impacts for 69-Unit Comstock Alternate I	Comments
4.13 Noise	Impact N-3: Construction Noise. (Parking Lot and Restroom Facilities).	Impact N-3: Construction Noise. (Parking Lot and Restroom Facilities).	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan project would have identical construction noise impacts for this offsite, non-residential project component.
4.14 Air Quality	Impact AQ-3: Residential Emissions (ROG).	Impact AQ-3: Residential Emissions (ROG).	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan project would have similar ROG emission related impacts. However, the 69-unit Comstock Alternate I project would have fewer units and thus less potential for wood burning emissions and fewer associated vehicular traffic emissions.
4.14 Air Quality	Impact AQ-9: Cumulative Residential Emissions (ROG).	Impact AQ-9: Cumulative Residential Emissions (ROG).	The originally proposed 78-unit project and the 69-unit Comstock Alternate I site plan project would have similar cumulative ROG emission related impacts. However, the 69-unit Comstock Alternate I project would have fewer units and thus less potential for contributing to cumulative wood burning emissions and fewer associated cumulative vehicular traffic emissions.

¹ Please refer to Table ES-1 in the Executive Summary for a more complete description of the impacts as well as mitigation measures relative to the originally proposed 78-unit project.

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closer to Hollister Avenue. In addition, the City of Goleta has worked with the environmental community and the developer to modify the proposed residential development to be less visually obtrusive, to avoid sensitive biological habitat and associated setback buffers, and to address hydrology and water quality considerations associated with development in the Devereux Creek watershed. The Ellwood Devereux Coast Open Space Plan component of the proposed project would set aside land in perpetuity on Ellwood Mesa that is currently zoned for residential development, thereby resulting in an immeasurable beneficial impact. The City of Goleta believes that the adverse environmental effects of the proposed residential development are balanced by the beneficial effects of the land swap and the Open Space Plan.

The City of Goleta is concerned with several aspects of the proposed residential development and the applicant has submitted a reduced site plan that addresses the majority of the City of Goleta and the environmental community's concerns. Please refer to Comment G.30-1 for a summary of the applicant's reduced site plan proposal, and to Master Response L for more information.

Comment Letter G.2 – Justin M. Ruhge – Dated March 30, 2004

Response G.2-1. The proposed project involves a land exchange to allow for the development of residential subdivision with up to 78 units. Property taxes would be assessed on these residential units. School fees would also be required as a condition of approval.

Comment Letter G.3 – Dana Trout – Dated April 8, 2004

Response G.3-1. The gate at the south end of Santa Barbara Shores is not proposed to be changed as a result of the Open Space Plan implementation, and public access will remain at this location. The gate must remain in place for emergency response access. The Santa Barbara Shores Homeowners Association maintains a key to this gate. The Fire Department also can open this gate, as described in the Open Space Plan.

Response G.3-2. Planned trails are designed to accommodate emergency access, and trail closures will not adversely affect emergency access. Santa Barbara County Fire Department provides the overall fire management and emergency response capabilities to the Open Space Plan Area. During a response, primary emergency access points to the Open Space Plan Area are located at Venoco Road and at the south end of Santa Barbara Shores Drive. The Santa Barbara Shores Drive access gate is maintained by the Santa Barbara Shores Homeowners Association which provides access to the County Fire Department. Alternate access points include Phelps Road and generally all grade access from streets. Brush trucks can access the beach via the two main beach access points at Ellwood. Helicopter and marine rescue operations are also available as needed. Emergency access is not restricted by flooding or other obstacles. Fire crews use existing trails to reach fires and to provide emergency response. Water is brought onsite by the response vehicles. There are no water hookups in the interior portions of the Open Space Plan Area. Please refer to Master Response B for a summary of the proposed trail system in the Ellwood-Devereux Open Space Plan Area.

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Figure L-1

And

Figure L-2

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Response G.3-3. Comments noted. Trail closures are individually labeled in Appendix E Figure B-1. The trail segment to which you refer is labeled Trail FF on Figure B-1. Refer to Master Response B for more details regarding the justification for each trail closure within the City's jurisdiction. In addition, Figure B-1 provides a revised trail segment map with specific numbers for segments to be closed. There are other trail segments north of Trail FF that would provide similar pedestrian access, but these are not part of the OSP. No changes to these trails are proposed.

Response G.3-4. As recommended in the comment, the asphalt road leading to Access Point E is proposed to be repaired and improved in the Open Space Plan. Please refer to Figure 12 in Section 3.0 of the DEIR and the Open Space Plan for more detail.

Comment Letter G. – Governor's Office of Planning and Research, State Clearinghouse and Planning Unit – Dated April 12, 2004

Response G.4-1. Comment noted.

Comment Letter G.5 – Barbara S. Massey – Dated April 12, 2004

Response G.5-1. The Final EIR (FEIR), through the responses to comments, includes an evaluation of the Project Alternate 1 (dated May 10, 2004) submitted by the applicant at the public hearing May 10, 2004 (as subsequently revised on May 13, 2004). The proposed project evaluated in the DEIR and the applicant's Alternate 1 dated May 13, 2004, are adequately addressed in the FEIR. If the City should determine to approve a project that is substantially different than either of these two versions, such as Alternative 1 as described in the DEIR, it will need to evaluate whether the FEIR is an adequate environmental document or whether a Subsequent EIR, Supplement to the EIR, or an Addendum to the EIR will need to be prepared. Since Alternative 1 would not include the Open Space Plan and involves development on the Ellwood Mesa site rather than on the site evaluated in the DEIR, it is unlikely that the present EIR would be adequate to address its impacts. Therefore, it is not appropriate for the FEIR to address Alternative 1 as the final proposed project.

Response G.5-2. Comments noted. The City of Goleta has worked with the environmental community and the developer to modify the proposed residential development to: 1) scale back the number of residential units; 2) modify the layout of the development to avoid environmentally sensitive areas (and setback buffers) and to be less visually obtrusive, 3) address hydrology and water quality considerations associated with development in the Devereux Creek watershed. The Ellwood Devereux Coast Open Space Plan component of the proposed project would set aside land in perpetuity on Ellwood Mesa that is currently zoned for residential development, thereby resulting in an immeasurable beneficial impact. The City of Goleta believes that the adverse environmental effects of the proposed residential development on a portion of the current Santa Barbara Shores Park are balanced by the beneficial effects of the land swap and the Open Space Plan.

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The City of Goleta is concerned with several aspects of the proposed residential development and the applicant has submitted a reduced site plan that addresses the majority of the City of Goleta and the environmental community's concerns. Please refer to Comment G.30-1 for a summary of the applicant's reduced site plan proposal, and to Master Response L for more information.

Response G.5-3. The potential for soil contamination was identified in the Draft EIR (refer to Impacts HM-1, HM-2, and HM-4 on pp. 4.5-13 and 4.5-14), and mitigation measures to address these potential impacts were identified. Mitigations HM-1, HM-2, HM-3, HM-4, and HM-5 (refer to pp. 4.5-15 to 4.5-19) are proposed. The City and the Trust for Public Lands (TPL) required Phase I and Phase II site assessments to determine the extent of any soil contamination on the subject parcels. The final report for the Phase II site assessment is in preparation. Any remediation or well abandonment, should this be required as a result of the Phase II Site Assessment would be stipulated in a Remedial Action Plan, which would be subject to Fire Department review and approval. Historic oil wells will be re-abandoned under the direction of the State Division of Oil, Gas, and Geothermal Resources (DOGGR) and the Fire Department in compliance with California Code of Regulations Title 14, Chapter 4 and Section 3106 of the Public Resource Code. Required remediation may be subject to additional environmental review and additional permits, but the potential for remediation is identified in this DEIR. In the event a Remediation Plan is required, it will be addressed in an appropriate subsequent environmental document, such as an Addendum.

Response G.5-4. This comment correctly notes that the City would be required to make findings regarding the infeasibility of project changes and/or mitigation measures in order to approve the project with a Statement of Overriding Considerations. The comment pertains to the final decision process for the project and the necessary findings to support the final action pursuant to CEQA rather than the adequacy of the DEIR. If residual significant environmental effects remain, the *CEQA Guidelines* requires the City to make findings that changes or alternations have been required in the project that avoid or substantially lessen the significant effects identified in the FEIR. Additionally, it may be necessary to consider findings that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR. The FEIR identifies a range of project alternatives and mitigation measures to avoid or reduce environmental impacts. The aforementioned findings are not part of the EIR and are properly considered at the time when final action is considered on the project. The City will take the comment into account at the time it considers action on the project.

Response G.5-5. Comment noted.

Comment Letter G.6 – Ed Easton – Dated April 12, 2004

Response G.6-1. The Final EIR has been revised to require the use of genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and

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restoration on City-owned lands. Please refer to Master Response E for more detail regarding the Open Space Plan habitat enhancement and restoration approach.

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Response G.6-2. The comment notes concern regarding public use of the open space and adherence to resource protection goals and policies. As noted in the comment, signage will not, on its own, completely maintain user compatibility with Open Space Plan Area goals and policies. Successful execution of goals and policies depends on adequate enforcement, monitoring, and public education. In addition to educational signs, restoration and education are proposed in the Open Space Plan to assist and inform visitors and protect the natural resources from user impacts. In some cases, mitigation in the form of funding assistance for existing educational programs is proposed. For example refer to Mitigation Bio-2, Western Snowy Plover Protection. In addition, through the adaptive management process, methods to protect resources are anticipated to evolve. Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. The City will review the results of monitoring data, evaluate problems, and resolve issues related to public access, where feasible.

Response G.6-3. Please refer to Master Response D and G for a summary of public uses and enforcement plans in the Open Space Plan Area.

Response G.6-4. The City of Goleta acknowledges that successful execution of snowy plover protection-related goals and policies depend on adequate enforcement, monitoring, and public education. As such, educational signs, restoration and education are proposed in the Open Space Plan to assist and inform visitors and protect the snowy plover and other natural resources from user impacts. In addition, through the adaptive management process, methods to protect resources are anticipated to evolve. Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. Within the City of Goleta's jurisdiction, the City will review the results of monitoring data, evaluate problems, and resolve issues related to public access and use, where feasible. The City of Goleta does not have enforcement authority in University-owned lands, such as the COPR.

The comment specifically notes the impact of unleashed dogs on the snowy plover population. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area. The Open Space Plan requires that dogs be leashed and notes that plans for enforcement will be developed during future monitoring and/or plan approval activities. In addition to the goals and policies set forth in the Open Space Plan, the Final EIR has been clarified to indicate that Comstock Homes does have a one-time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). The purpose of the funding is to supplement the existing snowy plover monitoring and protection program implemented by the COPR. The City of Goleta believes that the level of protection for the snowy plover will increase as a result of the Open Space Plan policies and goals, monitoring, adaptive management, and increased funding to a

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protection program. Please refer to Master Response I for a more information regarding snowy plover protection.

Response G.6-5. Please refer to Master Response I for a summary of public access at Sands Beach and related snowy plover protection. Please refer to Master Response D for a summary of allowable public uses in the Open Space Plan Area and Master Response G for a summary of plan implementation and enforcement methods.

Comment Letter G.7 – Army Corps of Engineers, Heather Wylie – April 21, 2004

Response G.7-1. Thank you for your comment letter. Sections 4.3.2.1.3 and 4.4.2.1.5 identify that the project could require compliance with Army Corps of Engineers requirements. The City of Goleta intends to ensure that the development projects analyzed in the FEIR comply with all applicable Corps requirements.

Comment Letter G.8 – State Department of Conservation, William E. Brannon – Dated April 22, 2004

Response G.8-1. Section 4.5.1.6.2 of the Final EIR has been revised in response to this comment. DOGGR does maintain file information on this historic well. Owen & Montgomery Ellwood #1 was a dry hole as shown on Figure 4.5-1 of the EIR.

Response G.8-2. Comment noted. If it is determined that permanent markers are needed to delineate abandoned wellhead locations (e.g., for safety purposes), a request for variance will be filed with the State Department of Conservation (as stipulated).

Comment Letter G.9 – Goleta West Sanitary District, Harvey M. Gish – Dated April 23, 2004

Response G.9-1. The text of Sections 4.3 and 5.0 in the Final EIR will be revised to clarify that line segments east of the Santa Barbara Shores parcel have experienced root intrusion and associated cracks, and that Goleta West Sanitary District maintains that these segments of line are not prone to leaks. The text of the FEIR will also include a statement that the line is subject to ongoing maintenance and periodic brush clearing in areas that have been designated Environmentally Sensitive Habitat Areas (ESHAs) for access to the sewer line and to prevent blockages to reduce the potential for spills.

Response G.9-2. The text of Section 4.3 has been revised to note the proposed upgrades to portions of the sewer line between Coronado Drive and Storke Road, as is described in Section 4.15.1.1.6. Recommended Mitigation H/WQ-4, which incorporates a sewer lift station to serve the subdivision has been retained as a recommended mitigation measure, rather than a required mitigation measure. While the City recognizes the problems with older sewer lift stations or those serving multiple developments, newer and properly-maintained lift stations that serve a

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single development can be operated safely. The sewer lift station would have a diesel-powered emergency pump to allow continued operation in the event of a power outage. It would also incorporate a holding tank designed to contain a 24-hour volume as an added safety mechanism. It would be maintained privately by the development's Home Owners' Association, and a reserve for maintenance could be set aside in an escrow account. The potential benefits of abandoning in place a nearly 6000-foot long segment of the Devereux Creek sewer main outweigh the potential for any leaks resulting from a new sewer lift station.

Comment Letter G.10 – Roger Jahnke – Dated April 29, 2004

Response G.10-1. The comment correctly notes that approval of a project at this site must be found to be consistent with the provisions of the Coastal Act. Since the City does not have a certified Local Coastal Plan, the standard of review will be the provisions of Chapter 3 of the Coastal Act, rather than a Local Coastal Plan. Several project alternatives were identified in the DEIR that would achieve greater consistency with the Coastal Act than the proposed project. The City will consider these alternatives and other possible project revisions that would achieve greater compliance with the purposes of the Coastal Act prior to taking final action on the project.

Comment Letter G.11 – Barbara S. Massey – Dated May 2, 2004

Response G.11-1. Comment noted. The City of Goleta believes that the impact assessments and findings presented in the Draft EIR represent a credible analysis and tend to represent worst-case analyses (i.e., conservative).

Response G-11-2. The proposed new parking lot at Santa Barbara Shores has been addressed in the EIR. The proposed parking area would replace the existing parking area and provide for modest expansion and enhancements of existing parking (an additional 20 spaces over the existing parking), and a new restroom as funding becomes available. In general, the parking area facility is concentrated adjacent to Hollister Avenue and is removed from the most sensitive resources of the Open Space Plan Area. The restroom is not proposed to be constructed in the initial phase, and will require a subsequent CDP and public review.

Impacts related to these amenities and the relocated Anza Trail trailhead are identified and discussed in the context of several issue areas, including geologic hazards, hydrology and water quality, and biological resources. The site geologic conditions and soil characteristics are described in Sections 4.2.1.3, 4.2.1.4, and 4.2.1.5. Grading of the approximately 0.5-acre site would require an estimated 800 cubic yards of cut and 800 cubic yards of fill which would be balanced onsite. The precise amount of grading and cut and fill on the site will be determined based on final plans to be developed by the City of Goleta. In general, the site is on a gentle slope that trends to level terrain. Potential impacts related to erosion during grading and soils are discussed in Section 4.2.3.2. Mitigations have been identified for both the construction phase (e.g., construction fencing and storm water BMPs) and long-term protection of the area.

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Response G.II-3. The Doty parcel, which is about one acre in size, is included within the boundaries of the Open Space Plan but is not proposed for public acquisition at this time. However, the intent would be for public acquisition of the site at an appropriate time in the future. The Ellwood Beach – Santa Barbara Shores Specific Plan called for transfer of a development right of one residential dwelling to a location within the residential development on the Ellwood Mesa allowed by that specific plan. Use of the Doty property for a purpose other than open space is problematical, due to lack of vehicular access, and environmental constraints in providing access and developing the property. The provisions of the specific plan no longer apply since no development is to be considered on the Ellwood Mesa, and the current project proposals include repeal of the specific plan. The property is an important part of the Open Space Plan due to the fact that several trails have segments situated within its boundaries.

Response G.II-4. A policy in the Ellwood Devereux Coast Open Space and Habitat Management Plan prohibits commercial equestrian operations in the open space area. This policy is Public Access Policy 2.2 on page 48. The text of Section 3.4.2 and Section 4.10.3.2.3 (Impact Rec-6) has been modified to reflect this restriction. Please refer to Master Response D for a summary of horseback riding allowable and unallowable uses in the Open Space Plan Area.

Response G-II-5. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area, consistent with the comment. The County ordinance applies to the Open Space Plan Area lands in the City of Goleta, until such time the City adopts its own ordinances. Please refer to Master Response D for more detail regarding dog use in the Open Space Plan Area.

Response G-II-6. The parking lot and restroom at Santa Barbara Shores are set-back more than 100 feet from the eucalyptus grove. Combined with construction-related mitigation such as timing of earth moving activities to avoid the raptor nesting season, this set-back adequately protects the eucalyptus grove from the parking lot and restroom. The access driveway encroachment on the eucalyptus grove is the minimum necessary to align the driveway with the access drive to Ellwood School. Please refer to Impacts Bio-21 and Bio-22 of the DEIR for more detail regarding the impact assessment related to the construction and operation of the parking and restroom at Santa Barbara Shores.

Response G.II-7. It may be appropriate, following completion of the City's General Plan, to create an open space zoning district as part of the preparation of a comprehensive new zoning code for the City. For the present, the existing Santa Barbara Shores Park, portions of the Coronado Preserve, Los Carneros Regional Park, and other open space areas in the city are zoned in the Recreation district. The purpose of this district, as stated in Section 35-89.1 of the coastal zoning ordinance, is "... to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features." For these reasons, the Recreation zone was considered to

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be the most appropriate district within the present zoning district for the Ellwood-Devereux open space area. Although the Recreation district allows some intensive public and commercial recreation uses, the proposed Open Space Plan will not allow these uses. Until a new zoning code for the City is prepared and certified by the California Coastal Commission as part of the Local Coastal Program (LCP), both the applicable zoning district and the Open Space Plan may be amended by a simple majority vote of the City Council. Following certification, any change in zoning would also require approval of an LCP amendment by the Coastal Commission. Further, deed restrictions imposed by agencies contributing funds for acquisition of the Mesa will limit future uses to low-intensity types that will be consistent with preservation of the property's natural environment.

Response G.II-8. Comment noted. The current residential development proposal (May 13, 2004 site plan) substantially limits the height of homes on the eastern and southern perimeters of the development as compared to the October 2003 site plan. Mitigation VIS-3, however, will be changed to reflect a maximum height of 19 feet 6 inches, which is slightly higher than the 18-foot limit stated in the DEIR.

Response G.II-9. The Draft EIR identified Class I air quality impacts (Impacts AQ-3 and -9) for operational emissions from the Comstock Homes development associated with residential emissions, including the applicant's proposed inclusion of wood burning fireplaces/stoves in the project design. Mitigation Measure AQ-4 would preclude wood burning fireplaces/stoves, but allow natural gas fireplaces. With the implementation of this mitigation measure, the project would result in substantially less emissions of Reactive Organic Gases, Nitrogen Oxides, and Particulate Matter and would not exceed air quality thresholds of significance (refer to Table 4.14-13). The applicant's comments on the Draft EIR (see Comment Letter G.30, Comment G.30-1; May 4, 2004 letter, page 7, comment on Page 4.14-19 regarding Mitigation AQ-4) state that the applicant plans to limit wood burning fireplaces to one per residence. If the applicant is unwilling to commit to the complete prohibition of wood burning fireplaces/stoves, the City of Goleta will need to either make a Statement of Overriding Considerations (e.g., to allow the use of wood burning fireplaces) or stipulate the prohibition as a condition of approval. If the City were inclined not to require this mitigation measure, it would have to find that the incorporation of the mitigation measure would render the project infeasible.

Response G.II-10. Comment noted. The applicant's proposed grading and fill activities in the gully encompassing Drainage B on the southern portion of the Comstock Homes Development have been modified to lessen impacts on this drainage (refer to Comment Letter G.30). The placement of 6 feet of fill in the gully for the proposed road would not in itself constitute a Class I impact from the perspective of geology and changes to topography. With implementation of Mitigation Measures GEO-1 and -2, Impact GEO-1 is correctly classified as a Class II impact.

Response G.II-11. Ongoing inspection and maintenance of the detention basin/bioswale(s) would be the responsibility of the Homeowners Association subject to monitoring by the City of Goleta.

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Response G.II-12. Comment noted. The Final EIR has been clarified to indicate that Comstock Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). Please refer to Master Response I, which addresses western snowy plover mitigation and associated funding.

Response G.II-13. Comment noted. The filing of a buyer notification in the form of a Department of Real Estate (DRE) Notice of Aircraft Overflights intended to notify future buyers of aircraft overflights and associated noise levels is an accepted standard practice in Santa Barbara County.

Response G.II-14. Comment noted. As stated in Mitigation VIS-4, the City of Goleta Design Review Board shall review the final project design submitted by the applicant and recommend changes to the architectural design so as to minimize incompatibility with surrounding neighborhoods. It should be noted that the proposed Comstock Homes Development is visually separated and screened from the adjacent Santa Barbara Shores development by a large eucalyptus grove.

Response G.II-15. The comment correctly points out that routing the sewage to the Hollister trunk line would require a lift station. The City is considering requiring this recommended mitigation measure, but first must determine if the existing Hollister sewer line can accommodate the sewage generated by the proposed development. If it is feasible to have the existing Hollister sewer line accommodate the project sewage, the City may require tying into this line. If it is not currently feasible, the City may require such a tie-in once the Hollister trunk line is upgraded as is currently proposed by the Goleta West Sanitary District.

The lift station would have to be installed at a topographically low point within the subdivision. A lot (Lot 74 on the May 13, 2004 site plan) has been reserved as a possible location for a lift station. If a lift station is required as a condition of approval, the environmental impacts associated with the lift station and the modifications to the piping would be described in a subsequent environmental document, likely an EIR addendum.

Response G.II-16. Comstock Homes has proposed that the open space areas located within its 36-acre development envelope have a conservation easement to the benefit of the City or other non-profit land conservation entity. The conservation easement would be in perpetuity and would prohibit any uses or development that would not be consistent with conservation of the parcels' natural environmental resources. The specific provisions of the conservation easement would be established prior to recordation of a final tract map and would require acceptance by the City Council. The underlying fee owner, the future Home Owners' Association, would continue to have maintenance and other responsibilities unless the provisions of the easement expressly provide otherwise. As part of its alternate plan submitted at the public hearing on May 10, 2004, Comstock Homes has indicated that the open space areas within its 36-acre development envelope would be offered for dedication to the City of Goleta in fee. If these offers are formally made and accepted, the City would have the full set of privileges and obligations, including maintenance, that go with ownership of real property. These

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open space areas would exclude any parcels that would contain facilities designed to serve the residents of the subdivision, including internal streets, utilities, and drainage improvements.

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Response G.II-17. Comment noted. The entrance to the Comstock Homes Development is located off Hollister Avenue on the northwest portion of the development. The site entrance is shown on the site plan for the proposed Comstock Homes Development (Figure 2-4). The details of the entry gate are shown on Figure 2-5. The text in FEIR Section 2.2.2.4 (Subdivision Improvements) has been revised in response to this comment.

Response G.II-18. Comment noted. Wrought iron bars are indicated on Figure 2-6 that shows a stone wall for the lower 2.5 feet and a wrought-iron fence for the upper 3.5 feet. Comment Letter G.30 (applicant) indicates that the perimeter wall would be as follows: lower portion 2.5 feet of block wall with possible stone fascia and that upper 3.5 feet would be either wrought iron or tube steel bars. The selection of wrought iron versus tube steel bars is not expected to substantially influence the impacts of the proposed project. The ultimate design of the perimeter wall will be subject to the preliminary and final review by the City's Design Review Board (DRB) should the project be approved by the City Council and then the California Coastal Commission. The Home Owners' Association would be responsible for maintaining the perimeter fence in good working order.

Response G.II-19. Figure 4.4-1 of the Comstock DEIR shows a cluster of vernal pools in the eastern portions of the North Parcel. This information was not shown on Figures 5, 6, and 8 of the Open Space Plan because the Plan Area does not include the North Parcel, which is under University of California jurisdiction.

Response G.II-20. The distance between the Anza Trail and the eucalyptus canopy edge in the area designated as the Ellwood North Monarch Grove varies from approximately 50 to 100 feet along an existing trail (see Figure 19 in Section 3.4.4.8 and Figure 4.4-3). The eastern edge of the proposed public parking area and trailhead would be approximately 100 to 150 feet from canopy edge. As described in Impact BIO-3 (Section 4.4.3.2.1), exposure of the Ellwood North aggregation site due to increased human activity in and around the groves could have a significant detrimental effect on these populations. Mitigation BIO-3 requires construction plans to minimize impacts during grading and site construction. Over the long-term, use of the Anza Trail would be limited to passive activities that are not anticipated to result in direct impacts to the Monarch grove. However, Open Space Plan implementation will entail an adaptive planning process which will provide for monitoring, evaluation, and adjustments to the trail system as appropriate to reduce identified impacts.

Response G.II-21. As discussed in Section 4.2.1.1.1 of the EIR, the topography of the proposed Comstock Homes Development site slopes gently in a southerly direction. The proposed grading and drainage plan for the residential development would not alter this overall trend – i.e., the site topography (and surface water runoff) would still trend in a southerly direction. The primary drainages that traverse the site and connect to Devereux Creek (i.e., Drainages A1, A2, B, and C [refer to Figure 4.4-2]) would still do so following site development.

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The applicant has proposed modifications to the site plan to address various environmental effects including hydrology and water quality as well as protection of eucalyptus trees. Please refer to Comment Letter G.30 and Master Response L for more information. Changes in site hydrology associated with site development is not expected to substantially impact the viability of any eucalyptus grove(s).

Response G.II-22. The proposed parking area would replace the existing parking area and provide for modest expansion and enhancements of existing parking (an additional 20 spaces over the existing parking, and a new restroom). In general, the parking area facility is concentrated adjacent to Hollister Avenue and is removed from the most sensitive resources of the Open Space Plan Area.

Impacts related to the these amenities and the relocated Anza Trail trailhead are identified and discussed in the context of several issue areas, including geologic hazards, hydrology and water quality, and biological resources. The site geologic conditions and soil characteristics are described in Sections 4.2.1.3, 4.2.1.4, and 4.2.1.5. Grading of the approximately 0.5-acre site would require an estimated 800 cubic yards of cut and 800 cubic yards of fill which would be balanced onsite. The precise amount of grading and cut and fill on the site will be determined based on final plans to be developed by the City of Goleta. In general, the site is on a gentle slope that trends to level terrain. Potential impacts related to erosion during grading and collapsible and expansive soils is discussed in Section 4.2.3.2. Mitigations have been identified for both the construction phase (e.g., construction fencing and storm water BMPs) and long-term protection of the area. As noted above, Open Space Plan implementation will entail an adaptive planning process which will provide for monitoring, evaluation, and adjustments to the parking area and trail system as appropriate to reduce identified impacts.

Response G.II-23. The applicant has proposed a revised site plan and drainage plan as described in Comment Letter G.30 and as assessed in Master Response L. Under the revised site and drainage plan, site runoff would be treated in two primary ways depending on the location. Site drainage in the northern portion of the development (excluding the northern pod of 6 homes) would be routed to the detention basin/bioswale on the east-central portion of the development. Site drainage from the northern pod of 6 homes and from the southern portion of the development would be treated via catch basin filters.

Rock/concrete velocity flow energy dissipators would likely be used at the outlet of the catch basin to Drainage B (and elsewhere) to protect against soil erosion and downstream sedimentation.

The applicant will be responsible for working out the final details of the drainage and water quality protection system with the City of Goleta prior to approval of the Final Grading and Drainage Plan. The applicant will also be responsible for installing the detention basin/bioswale and the drainage collection system with catch basins and filters. Once the facilities were installed and operational, the Homeowners Association would assume financial responsibility for maintaining the system.

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Response G.II-24. As stated in Section 4.3.3.4 (Mitigation Measures) under Mitigation H/WQ-9, animal waste minimization mitigation measures will be implemented in the vicinity of Devereux Creek consistent with the Ellwood Mesa Open Space Plan recommendations. Please refer to Master Response D for more information on plans to enforce dog leash requirements.

Response G.II-25. The applicant has proposed a revised site plan (see Comment Letter G.30 and Master Response L) that minimizes removal of eucalyptus trees on the southern half of the western border of the development site, and the revised site plan establishes a setback buffer from the eucalyptus grove in this area. Additionally, the revised site plan establishes a buffer from the Monarch butterfly aggregation site (ESHA) near the southwest corner of the development. These site plan revisions are expected to reduce potential effects on Monarch butterflies and the microclimates around these trees.

Response G.II-26. The U.S. Fish and Wildlife Service designated critical habitat for the western snowy plover under the federal Endangered Species Act. Critical habitat extends along the beach northwestward from Coal Oil Point for a distance of approximately 7,200 feet to Beach Access “F” (see Figure 6 in Open Space Plan). The wintering and breeding populations of plovers on COPR property are expanding, likely as a result of current management practices on the COPR. The potential impacts to western snowy plovers are considered to be a significant impact that can be feasibly mitigated to less than significant levels (Class II) by support to COPR efforts to protect the plover. Please refer to Mitigation Bio-2 and Master Response I which discusses proposed measures to mitigate potential direct, indirect, and cumulative impacts to western snowy plovers.

Response G.II-27. Comment noted. The proposed parking lot and restroom will result in short- and long-term Class II biological impacts as discussed in EIR Section 4.4.3.2.4. The proposed parking lot and restroom would also result in beneficial impacts by allowing controlled access and limiting erosion associated with vehicular disturbance. The proposed restroom would be a beneficial amenity to users of the Ellwood Mesa Open Space Area and would be expected to reduce uncontrolled human waste in the Devereux Creek watershed. On balance, the proposed parking lot and restroom are considered to be beneficial features of the Ellwood Mesa Open Space Plan.

Response G.II-28. The DEIR discusses general and specific aspects of wildlife movement corridors in the Open Space Area (Section 4.4.1.4.2) and concludes that the open space and proposed residential developments are relatively isolated from other extensive open space in the foothills by existing urban and agricultural development. The Open Space Plan proposes to close and restore a number of existing informal trails in the Open Space Area in order to consolidate small, currently fragmented habitat patches into larger, contiguous habitat patches, which may facilitate wildlife movement. Connecting these habitats inherently preserves and enhances wildlife corridor connections.

Response G-II-29. The Final EIR has been clarified to indicate that Comstock Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection).

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Please refer to Mitigation Bio-2 and Master Response I, which addresses Western Snowy Plover mitigation and associated funding.

Response G.11-30. Comment noted. As stated in EIR Section 4.4.3.4, under Mitigation Bio-3, the minimum 6-foot-tall perimeter wall/fencing would help to isolate noise and humans and pet presence by creating a boundary between the development and the surrounding environs. The perimeter wall/fencing is not intended to contain construction nuisances.

Response G.11-31. As discussed in Response G.11-25 (and Master Response L), the applicant has proposed revisions to the site plan which would reduce project-related removal of eucalyptus trees and reduce impacts to Monarch butterfly and raptor ESHAs. Mitigation Bio-6 is intended to help researchers better understand the Monarch butterfly population to support ongoing management efforts that would be intended to benefit the Monarch butterfly population and its habitat. The City of Goleta believes Mitigation Bio-6 is warranted and worthwhile.

Response G.11-32. Comment noted. The applicant has proposed a revised site plan (see Comment Letter G.30 and Master Response L) which includes deletion of the northeastern most residential lot in the northern pod – the homes in the northern pod now avoid all stream buffers (see Figure L-2 in Master Response L). In addition, the bridge across Drainage A1 has been reconfigured slightly to lessen effects on wetlands. The City of Goleta still has concerns about the remaining impacts of the northern pod and will continue to work with the applicant to further reduce impacts.

Response G.11-33. Please refer to Response G.11-32. The applicant's revised site plan (refer to Comment Letter G.30 and Master Response L) avoids direct impacts to the Monarch Butterfly ESHAs and eucalyptus woodland raptor habitat in the vicinity of the southwest portion of the development, but still infringes into the 100-foot setbacks as indicated on Figure L-2.

Response G.11-34. See response to comment G.5-3.

Response G.11-35. Sites #1, #4, #5, and #6 are all located on the Ellwood Mesa parcels, which would be reserved for passive recreation and open space. The extent of remediation required is less for such a use than it would be for a residential development. The Fire Department is requiring the type, concentration, and location of contamination to be investigated and will determine if remediation is necessary. A site assessment has been completed for this site, and the Fire Department will be reviewing the site assessment report and any remediation action plan, if required. Please refer to Mitigations HM-2, HM-3, HM-4, and HM-5 in the EIR. If remediation is required, and if remediation activities would have the potential for significant environmental impacts, additional environmental analysis pursuant to CEQA requirements would be conducted.

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Response G.11-36. Mitigation HM-1 requires that historic oil wells be abandoned to current standards under the direction of the Fire Department and DOGGR. Three historic oil wells are on the Ellwood Mesa parcels, which would be deeded over to the City of Goleta as part of the proposed land swap. The City may require that these wells meet current abandonment standards prior to any transfer of title or may require funds be set aside by the current owner of the Ellwood Mesa property for abandonment subsequent to the transfer of title. In either case, the cost for abandonment would be the responsibility of the current owner. Seven other historic oil wells are on the southern portion (not the Comstock 36-acre portion) of the Santa Barbara Shores Park parcel owned by the City of Goleta. Doty #7 was re-abandoned in 1993 and meets current abandonment standards, according to DOGGR. If the other six wells need to be re-abandoned to current standards, the City of Goleta or the previous owners in the chain of title would be responsible for the re-abandonment. Since no transfer of title is required for this area, and since the proposed use of the area would continue to be passive recreation or open space, it is not likely that DOGGR or the Fire Department would require re-abandonment of these six wells at this time. The four shoreline wells: Oryx #94-1, #95-1, and #96-1, and Doty #6, are in the jurisdiction of the State Lands Commission, and the State would be responsible for the cost of re-abandoning these wells if required. If well abandonment and associated remediation are required, and if such activities would have the potential for significant environmental impacts, additional environmental analysis pursuant to CEQA requirements would be conducted.

Response G.11-37. See response to Response G.11-7.

Response G.11-38. Comment noted. The City of Goleta, County of Santa Barbara, and the University of California in their roles as members of the Ellwood-Devereux Joint Review Panel and the County and University's roles in the Ellwood-Devereux Joint Proposal dated March 2002 have asserted that implementation of the residential and open space plan components would improve the regional land use setting by balancing the need for additional housing with the need for coastal resource protection.

Response G.11-39. Implementation of some mitigation measures will be required at the time of development of the property, while others may require the developer to post bonds to guarantee future performance. For example, the developer will be required to install signs regarding open space regulations and other interpretative information at the trialheads which enter the public open space from the development. Some mitigation measures require a one-time payment of a mitigation fee up front for the purposes of establishing an endowment fund where the future income would pay for ongoing mitigation activities. The butterfly monitoring program is an example of this approach. Another approach is to require the Developer to post performance bonds to guarantee proper initial installation of improvements and to assure their proper maintenance over time. A landscape installation/maintenance bond is an example of this type, as are bonds for maintenance of a sewer lift station if it is required. With respect to the CC&Rs pertaining to the responsibilities and obligations of a Home Owners' Association, the City can be made a party to certain provisions of the document, allowing the City the right to

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bring actions for enforcement. Provisions in the CC&Rs can also require that any future amendments would require the prior written approval or consent of the City.

Response G.II-40. The methodology for assessing the visual impacts associated with the Comstock Homes Development is described in detail in Section 4.9. In addition to the discussions of Visual Character, Visual Quality, Viewer Exposure and Sensitivity level for each Key Observation Point (KOP), visual simulations were generated from each of the KOPs. The visual simulations were created by taking digital photographs of each KOP with a pylon located in each photo location. The pylon is used as a reference point for digitally referencing the actual site plan features (finished floor elevation and building heights). Once all of the information is loaded into the simulation program, a simulation is generated, and then all simulation features are verified for accuracy.

Response G.II-41. The Floor to Area Ratios for the proposed 76-unit Comstock Homes Development are summarized in Section 2.2.2.5 and Table 2.2-1. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan – Comstock Homes Development Site Plan - Alternate 1 that is intended to minimize the removal of the eucalyptus windrow along the western property boundary.

Response G.II-42. Even if the eight-foot berm located on the south side of Highway 101 was removed, views of the Ellwood Mesa area from the Winchester Canyon neighborhoods would still be obstructed by the existing eucalyptus trees.

Response G.II-43. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan that lowers the number of units and reduces the square footage of some of the units.

Response G.II-44. As described in the Open Space Plan and Section 3.0 of the EIR, the proposed Santa Barbara Shores restrooms have been developed at a conceptual level of detail. As required, once the designs have been finalized, it may be necessary for the City of Goleta to conduct additional environmental review to address impacts not disclosed as part of this EIR.

Response G.II-45. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan that will limit all perimeter units to single story which will reduce the overall visual impact. Furthermore, the City of Goleta, through the Design Review Board process, will review and approve all final landscape plans, including screening plantings.

Response G.II-46. Please refer to Master Responses D and G. Motorized vehicles or motorized bikes, with the exception of emergency response vehicles, are not permitted in the Open Space Plan Area. Open Space Plan implementation will entail resolution of cross-jurisdictional issues such as enforcement. Each agency will be responsible for enforcement of restrictions within their jurisdiction.

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Response G.II-47. The City of Goleta is currently working with the Trust for Public Land to complete Phase II Environmental Site Assessment testing. Once the testing is complete, and in the event that remediation is required, then the City will have to determine whether additional environmental review will need to be conducted to disclose the potential impacts associated with the remediation activities, if remediation is necessary, then the City would have to conduct additional environmental review as part of the permit process for the remediation activities. Furthermore, the comment correctly notes that well abandonment and soil remediation may pose significant impacts; however a remediation plan has not yet been finalized. Site assessment work is ongoing and will identify any contamination clean-up or well abandonment work that is required. Following the completion of site assessment, a remediation plan will be prepared if remediation is necessary. Once such a plan has been approved by the Fire Department, it would undergo environmental review of the potential impacts and any mitigation measures that might reduce potential significant impacts to less than significant levels. If certain impacts remain significant and unavoidable, these would be identified and discussed in a supplemental EIR.

Response G.II-48. The public access easements can be referenced on the recorded final tract map, but should be created by the recordation of a separate easement instrument in the Book of Documents. The detailed access rights and property restrictions are set forth in the easement document, which runs with the land in perpetuity. Since the easements will also serve as coastal access easements, the easement instruments will likely be subject to approval by the Coastal Commission.

Response G.II-49. The October 2003 site plan for Comstock Homes did not have an area for designated off-street parking. Nor does the May 13, 2004 site plan that has been submitted as an alternative site plan by the applicant. The comment correctly notes that an intermediate site plan that was submitted for Design Review Board conceptual review and that did reserve some spaces for off-street parking, however more recent site plan submittals do not provide for off-street parking.

Response G.II-50. Trip generation estimates were calculated for the proposed residential development based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE, 1997) for Single Family Detached Housing (Land Use #210). Rates for average daily trips (9.57/unit; 746 ADT), A.M. peak hour trips (0.75/unit; 59 AM PHT), and P.M. peak hour trips (1.01/unit; 79 PHT) have been deemed appropriate by the consulting traffic engineer as well as the City's traffic engineer for use in the EIR analysis.

Response G.II-51. Trip distribution percentages were developed based on the existing traffic patterns for the residential neighborhood adjacent to the site, knowledge of the regional land uses in the study area, and data derived from the Goleta Traffic Model. This information indicates that 60% of the traffic (448 ADT) exiting the proposed development would travel east on Hollister Avenue and 40% of the traffic (298 ADT) would travel west on Hollister Avenue. These trips are further distributed as they continue along their respective travel corridors. This comment focuses on the issue of more trips at the Storke Interchange than at the Hollister Interchange. On this issue, based on the beforementioned trip distribution, 75 ADT would

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reach the Storke Interchange while 298 travel in the direction of the Hollister Interchange. The comment is somewhat unclear, but it appears that the commentor believes that a greater number of trips would use the Storke Interchange than the Hollister Interchange, when this is not in fact the case.

Response G.II-52. There is approximately 900 feet of separation between the driveway into the proposed development project and the traffic signal at Ellwood School. The westbound left-turn pocket into the development project would be 150-feet in length. The existing eastbound left-turn pocket into Ellwood School is also 150-feet in length, leaving a distance of 600 feet between the turn pockets. This distance as well as the design of adjacent through lanes would meet the engineering design standards of the City of Goleta.

Response G.II-53. Comments acknowledged. The EIR recognizes that potentially significant impacts would occur at the Storke Road/Hollister Avenue intersection and that currently proposed options for improving intersection operation are not programmed and are not funded, resulting in a significant and unavoidable (Class I) project specific impact.

Response G.II-54. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan that eliminates one of the units in the northeastern cul-de-sac and reduces the perimeter units to single story to minimize project visual impacts from Hollister Avenue south to the mesa.

Response G.II-55. As discussed in EIR Section 4.9 (Visual Resources) under Impact VIS-5 (Light and Glare from Residential Development and Open Space Improvements) it is expected that light and glare impacts would be less than significant with mitigation. Please refer to Mitigation VIS-5 (Lighting and Glare) in EIR Section 4.9.4.5.5 for a description of the mitigation measures to limit light and glare to less than significant levels.

Response G.II-56. Comment noted. Section 4.13.1.2 describes the existing train traffic.

Response G.II-57. Comment noted. Section 4.13.1.3 describes the existing aircraft traffic.

Response G.II-58. Mitigation Measures N-2, N-3, and N-4 include provisions for limiting human exposure to noise generated from construction-related activities.

Response G.II-59. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan that eliminates one of the units in the northeastern cul-de-sac and reduces the perimeter units to single story.

Response G.II-60. Mitigation Measures BIO-3, BIO-4, and BIO-5 include provisions to minimize noise impacts on wildlife. Sections 4.4.3.2 and 4.4.3.3 of the DEIR identify potential direct and cumulative impacts to wildlife as a result of the overall increase in human activity that is anticipated to result from the placement of new residences. These impacts include disturbance to foraging and nesting habits of Monarch butterflies, raptors and other special status species,

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and disturbance to wildlife corridors. A major contributing factor in these impacts is the increase in ambient noise that can result from residential uses, such as loud outdoor talking and music, automobiles, power lawn mowers and other outdoor appliances, and pets. Recommended mitigation measures include construction timing to avoid disturbance to breeding and roosting raptors and Monarch, development setbacks, permanent fencing and walls, and restriction of the Open Space parking area to daylight hours.

Response G.11-61. Please refer to Response G.11-9.

Response G.11-62. See response to comment G.11-15. The sewer lift station is proposed as a mitigation measure; it is not part of the project description. Lot 74 on the May 13, 2004 site plan has been reserved as a possible location for the sewer lift station. If a lift station is required as a condition of approval, the environmental impacts associated with the lift station and the modifications to the piping would be described in a subsequent environmental document, likely an addendum to the FEIR.

Response G.11-63. The comment correctly notes that there is a policy requiring emergency secondary access. This requirement is set forth in the Goleta Community Plan. The Fire Department code requirement, however, is for 20-foot wide emergency access. When a subdivision provides for 20-foot wide emergency access, the requirement for secondary emergency access may be waived. The Fire Department has reviewed the subdivision layout and has no objection to the lack of a secondary access. A letter from Fire Department Capt. Maynard Yeaw dated August 12, 2002, states that the 36-foot wide traveled road width is adequate to provide 20-foot wide emergency access and still allow for on-street parking on both sides of the road ways. This letter further states that because of the provision of a 20-foot wide emergency access, a secondary access is not required.

Response G.11-64. As discussed in Impact PS-5, the addition of the 235 residents from the Comstock Homes Development would not hinder the Fire Department's ability to maintain a response time of 5 minutes or less.

Response G.11-65. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan that eliminates one of the units in the northeastern cul-de-sac and reduces the perimeter units to single story. Please refer to Response G.11-45.

Response G.11-66. The sponsoring agencies recognize visitation to the Open Space Plan Area will likely increase over time due to the increasing population in the region. At this time, there is a general consensus that the current level of visitation in the Open Space Plan Area can be managed through this Open Space Plan to protect and enhance natural resources, while providing the historic public access and uses. However, if increased visitation cannot be managed to avoid significant environmental impacts through the policies and management actions in this Open Space Plan, the sponsoring agencies may need to determine the appropriate carrying capacity of the lands. The sponsoring agencies will monitor visitation and environmental conditions in the Open Space Plan Area as an ongoing element of their

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management responsibilities, and conduct periodic evaluations to determine if there is a need to establish a carrying capacity. Please refer to Master Response A.

Response G.II-67. As shown on Figure 2-5, an opening at the entrance gate would provide a pedestrian/bicycle pathway into the Comstock Development, along the residential streets and then into the Open Space area through two trail connections as shown on Figure 2-4.

Response G.II-68. Development Standard LUDS-GV-3.9 states: To the maximum feasible, vegetation consisting of drought tolerant and other native species shall be used for landscaping to screen development from public use areas and to create a buffer from ESH areas. Landscaping shall be designed to complement, enhance and restore native habitats onsite. The purview of the City's Design Review Board (DRB) is stated in the DRB Bylaws and Guidelines, adopted by Resolution No. 04-03 on January 26, 2004. Landscape plans are specifically identified as within the purview of DRB. The City's DRB provided conceptual review of the proposed Comstock Homes Development on October 1, 2002, November 4, 2003, January 6, 2004, and March 2, 2004. The DRB provided comments to the applicant on the adequacy of landscape buffers and on the proposed landscape guidelines. As a result of these comments, the applicant did make changes to the site plan, preliminary landscaping plan, and landscape guidelines. The DRB will have the opportunity to provide further input on landscaping, screening, and the planting palette during their preliminary and final review, which would take place following discretionary actions by the City Council and the California Coastal Commission.

Response G.II-69. Comment noted. Section 5.0 of the FEIR includes an analysis of the proposed project's consistency or inconsistency with applicable plans and policies. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce environmental impacts thus reducing the number of policy inconsistencies.

Response G.II-70. Comment noted. Section 5.0 of the FEIR includes an analysis of the proposed project's consistency or inconsistency with applicable plans and policies. In many cases, the proposed project is inconsistent with a policy because of potentially significant environmental impacts. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce environmental impacts.

Response G.II-71. It is possible, but unlikely, that the development of five homes would not be able to be built in the No Project Alternative. Previous studies of biological resource constraints have revealed that some land areas on the Ellwood Mesa property are not affected by ESHAs and their buffer zones. The assumption in the No Project alternative is that a reasonably foreseeable consequence of disapproval of the proposed project would be to reconfigure the boundaries of the five existing parcels that comprise the Ellwood Mesa property so that each of the five resultant lots contained a feasible building site for one single-family home. Such a reconfiguration would involve several discretionary land-use decisions by the City of Goleta and the California Coastal Commission, so there is no assurance that a proposal to reconfigure the lots would receive necessary approvals.

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The No Project Alternative is conceptual only, so a specific site plan is not required. Similarly, a specific site plan is not required or provided for the alternative location.

The comment is correct in noting that this alternative could preserve environmentally-sensitive lands on the Ellwood Mesa. However, residential units could be interspersed with the habitats and could reduce their quality. Further, this alternative would require a driveway crossing over Devereux Creek, thus creating adverse effects on that resource.

The no project alternative does not accomplish a key objective of the project, which is public acquisition of the entire Ellwood Mesa for open space protection. There is no guarantee that the No Project Alternative would result in preservation of all or portions of the Ellwood Mesa for permanent open space.

The value of Ellwood Mesa has been appraised as about \$ 45 million. Therefore the \$ 20 million would not be sufficient for purchase of the Ellwood Mesa property, nor is there an indication that there would be a willing seller.

Response G.11-72. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts.

Comment Letter G.12 – Bob Comstock and William Seith – Dated May 4, 2004

Response G.12-1. The project addressed in the Draft EIR is the project application for 78 units as of November 2003. “Alternate 1” submitted at the May 10, 2004 public hearing is addressed in the responses to comments. If necessary or appropriate, any further project revisions that are incorporated in the final approval may be addressed in an Addendum to the FEIR, provided that the changes further avoid or lessen significant effects identified in the DEIR and do not cause any new significant adverse impacts.

Response G.12-2. Table ES-1 has been revised in the FEIR to delete sections that have no Class I impacts from the heading under Class I Impacts.

Response G.12-3. These impacts are distinguished in Section 4 of the EIR where each impact is identified and described. Most of the Class I impacts are associated solely with the Comstock Homes project, while some, such as impacts on recreation from trail closures, apply to both. It is not necessary or appropriate to distinguish this level of detail in the summary table.

Response G.12-4. The identified editing changes have been made, where appropriate, in the FEIR.

Response G.12-5. The references to perimeter fence materials have been corrected in the FEIR.

Response G.12-6. Applicant refers exclusively to Comstock Homes in this instance. The Meade report describes the interdependence of the various autumnal and over-wintering

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butterfly sites that comprise the Ellwood Complex, which is in the immediate vicinity of the Comstock Homes development envelope. The mitigation is intended to monitor all sites within the Ellwood Complex to evaluate future changes in butterfly populations after the Comstock Homes project is constructed.

Response G.12-7. Comment noted. The City of Goleta will provide Comstock Homes Development with an example of a Fire Protection Plan.

Response G.12-8. Comstock Homes will be responsible for signage at trailheads that enter the open space area from the Comstock Homes development, not throughout the open space plan area.

Response G.12-9. The comment is correct in noting that the raptor nesting survey will be limited to the Comstock Homes development envelope and a 500-foot buffer area around the perimeter of that envelope.

Response G.12-10. Comment noted. Impact Vis-1, as summarized in Table ES-1, encompasses the findings for KOPs G-1 through G-9 (refer to EIR section 4.9.4.3.1). The discussion in DEIR Section 4.9 (p. 4.9-19), which is referenced by this comment, pertains to KOP G-6 and is correct as stated. Views of the Santa Ynez Mountains would be blocked from other KOPs (e.g., KOP G-5) considered under Impact VIS-1.

Response G.12-11. The comment correctly notes that the installation of the earthen berms at the rear of southern and eastern perimeter lots (Lots 34-51 on the May 13, 2004 site plan) and the side of the north-eastern most two lots (Lots 66 and 67 on the May 13, 2004 site plan) is not necessary, given the topography of these areas. The requirement for planting screening trees, however, should be expanded to include the rear lots of Lots 64-66 on the May 13, 2004 site plan in addition to the rear and side yards mentioned above in this response, given the change in the orientation of the northeast pod of homes. Similar requirements for landscaping screening would be required for the lots along the southern half of the western development envelope (Lots 9, 10, 16, 17, 20, 21, and 28-33 of the May 13, 2004 site plan). These changes in the May 13, 2004 site plan render these residences more visible to users of the open space area. The text of Mitigation Measure VIS-1A has been revised accordingly.

Response G.12-12. Mitigation Measure VIS-3 has been changed to 19'6" in the FEIR. Please refer to Response G.11-8.

Response G.12-13. The Santa Barbara Shores Park Parcel is restricted to open space as a result of state bond funding of a portion of the costs of its acquisition by the County of Santa Barbara. Special state legislation was passed to allow the property exchange and development of the 36-acre exchange portion. The Recreation district is an open space zone.

Response G.12-14. The mitigation measures require Comstock Homes to mitigate the impact of trail closures, habitat impacts, and parking impacts that are directly caused by the Comstock

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Homes project. In some instances the impacts are mitigated off-site in the open space plan area. The mitigation measures are not a part of the land swap transaction pricing.

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Response G.12-15. Mitigation Measure H/WQ-8 has been changed in the FEIR to not require separation of roof drainage and street drainage.

Response G.12-16. The mitigation measure is appropriate and has been retained in the FEIR.

Response G.12-17. Participation in existing recycling programs is what is intended by the mitigation measure.

Response G.12-18. The FEIR has been changed to reflect a 50-foot buffer on drainages A-1 and A-2.

Response G.12-19. This determination will ultimately be made by the California Coastal Commission. The City's position is that the existing parking lot at Santa Barbara Shores Park is coastal access parking and that the parking lot cannot be removed by Comstock Homes until replacement coastal access parking has been constructed. The City understands that this is also the position of Coastal Commission staff. It is the City's intent to construct this parking in a timely manner so as to not cause any undue delay in the Comstock Homes construction schedule.

Response G.12-20. The cited references have been reviewed and the FEIR has been changed to Land Use Permit where appropriate.

Response G.12-21. Comment noted.

Response G.12-22. The FEIR has been changed to reflect the proposed fence design, with the lower 2.5 feet to be a block wall with possible stone fascia and that the upper 3.5 feet will be either wrought iron or tube steel bars.

Response G.12-23. The Draft EIR addresses the project as proposed in the initial application. The FEIR, through the responses to comments, reflects the project alternate submitted by Comstock Homes at the May 10, 2004 public hearing and as revised on May 13, 2004. Any additional changes to the project prior to City approval will, if necessary or appropriate, be incorporated into an Addendum to the FEIR. The Draft EIR considered the October 2003 site plan that contained 78 residential units, and the statistics presented in Section 2.2.2.5 and in Table 2.2-1 pertain to that plan. It is acknowledged that the 76-unit plan reviewed by the DRB on March 2, 2004 contained slightly decreased unit counts, peak elevations for the some of the single-story plans, and FARs. Furthermore, the alternative site submitted on May 13, 2004 has 69 residential units, but peak elevations and FARs are similar to the 76-unit plan. Please refer to Master Response L for a discussion of site plan changes presented by the May 13, 2004 alternative site plan.

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Response G.12-24. As noted in Section 2.2.2.5 of the FEIR, following approval of the Comstock Homes tract map, final approval of the design for each home will be done by the City of Goleta’s Design Review Board (DRB). The DRB review will only relate to the architecture and floor plans of the units and not the unit count or site plan layout.

Response G.12-25. Comment noted.

Response G.12-26. The FEIR has been changed to have consistent data with respect to cubic yards of cut and fill.

Response G.12-27. Comment noted. A remediation action plan has not been finalized. A copy of the plan will be available once it has been approved by the County Fire Department. Please refer to response to comments G.11-35 and G.11-36.

Response G.12-28. The Middle Branch of the More Ranch fault is a recognized fault by the University, the County, the oil and gas industry, and private consultants. Previous consultants have mapped the fault across Ellwood Mesa based on surface exposures, boreholes, and geophysics. This fault is clearly visible along the sea cliff and its presence is obvious and indisputable; this is not speculation. The Middle Branch More Ranch Fault is relevant to this EIR because of its proximity to the proposed housing development. It has therefore been described in the text and depicted on the map. The activity of the fault has not been determined, but it must be either potentially active or active because it displaces the 45,000-year old marine terrace. The wording of the last sentence of this paragraph (Section 4.2.1.2.3 second paragraph) has been revised to state that the fault is either potentially active or active, but the end portion of the sentence remains unchanged. Furthermore, in the fourth paragraph of Section 4.2.1.2.3, the sentence state that “Fugro West does not recognize the Middle Branch of the fault.” has been deleted.

Response G.12-29. Please refer to Response G.12-28.

Response G.12-30. Comment noted. The text of Mitigation Measure GEO-3 has been revised to state that the required timing is prior to Land Use Permit (LUP).

Response G.12-31. The sentence identified in the comment has been deleted.

Response G.12-32. Comment noted. The information in Impact H/WQ-4 is accurate. No changes to the text are proposed.

Response G.12-33. Comment noted. The text of Mitigation Measure H/WQ-2 has been revised to state that the required timing is prior to Land Use Permit (LUP).

Response G.12-34. Comment noted. Recommended Mitigation Measure H/WQ-3 has been retained. The text of Mitigation Measure H/WQ-3, however, has been revised to state that the timing, if this mitigation is required, would be prior to Land Use Permit (LUP).

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Response G.12-35. Mitigation Measure H/WQ-4 applies to flood prevention in the open space plan area. It does not apply to the Comstock Homes Development. The text of Mitigation Measure H/WQ-4 has been revised to state that the required timing is prior to Land Use Permit (LUP).

Response G.12-36. The required timing for the implementation of these mitigation measures has been revised to prior to LUP.

Response G.12-37. The text of Mitigation Measure H/WQ-8 has been revised to delete references to separation runoff from roofs and from streets and driveways. A discussion of the proposed filters to treat co-mingled drainage has been added to Section 2.2.2.4 of the project description. The required timing for the implementation of these mitigation measures has been revised to prior to LUP.

Response G.12-38. The habitat acreages have been corrected in the FEIR to reflect the revised site plan.

Response G.12-39. Figure 4.4-2 has been corrected in the FEIR with regard to scale.

Response G.12-40. The disagreement with regard to Impact BIO-1 (Southern Tarplant) and associated mitigation is acknowledged. The biological evidence however, indicates that the proposed Comstock Homes development envelope is within dispersal range of known local populations. Given its CNPS 1B status, the EIR correctly identifies a potentially significant impact and requires mitigation that is appropriate and not difficult to accomplish.

Response G.12-41. The disagreement with regard to identification of Impact BIO-5 (Nesting Habitat for Raptors and Loggerhead Shrikes) as Class I is acknowledged. The EIR however, contains sufficient evidence of historic nesting. Given the sensitivity of these species toward proposed temporary and permanent human activities within 150 – 200 feet of known nest sites, impacts are appropriately indicated to be Class I.

Response G.12-42. The disagreement with regard to Impact BIO-6 (Other Special-Status Wildlife Species) and associated mitigation is acknowledged. The biological evidence however, indicates that direct and indirect potentially significant impacts to these species occurring in the area or on adjacent lands could occur. The EIR correctly identifies a potentially significant impact and requires mitigation that is appropriate and not difficult to accomplish.

Response G.12-43. Drainages A1 and A2 are streams and a stream corridor buffer of 100 feet applies. Per City of Goleta interim policy, stream corridor buffers may be adjusted upward or downward depending on the sensitivity of the resource. Due to the degraded nature of the wetland features in Drainages A1 and A2 and because the wetlands persist due to upstream surface water flow as opposed to adjacent sheet flow in the buffer, a 50-foot riparian buffer is required (Article II of Chapter 35 of City of Goleta Municipal Code, Coastal Zoning Ordinance, Section 35-97.19.1).

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Response G.12-44. The Final EIR has been clarified to indicate as clearly as possible which mitigation measures are the responsibility of Comstock Homes, the City of Goleta, or both.

Response G.12-45. The Final EIR has been clarified to indicate that Comstock Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection).

Response G.12-46. The Final EIR has been clarified to indicate that the raptor nesting season is typically from February through August. The text of Mitigation Measure Bio-4 has been clarified to state the nesting months and to state the required implementation timing as prior to land use permit.

Response G.12-47. The mitigation measure allows for construction during the overwintering season (between October and March) with the condition that a qualified biologist survey all eucalyptus trees within 500 feet of the residential development area to determine use by Monarchs. If butterfly aggregations are found within 500 feet of the work area, work activities shall be halted until Monarchs have left the site. The City of Goleta believes that the mitigation measure does not require modification as it allows for construction during the overwintering season under certain restrictions.

Response G.12-48. The Final EIR has been clarified to indicate that Comstock Homes has a one time funding obligation under Mitigation BIO-6 (Monarch Inventory and Monitoring Fund Contribution).

Response G.12-49. Comstock Homes would not be responsible for management of groves/trees owned by the City of Goleta. The developer would however, be responsible for management of any eucalyptus within the proposed development envelope. The developer would also be responsible for preparing a Fire Protection Program that identifies ways of reducing risks associated with the residential development for both eucalyptus trees within the development envelope and groves/trees on adjacent properties.

Response G.12-50. The Final EIR has been clarified to indicate that Comstock Homes has a one-time funding obligation under Mitigation BIO-8 (Native Grassland Mitigation). Mitigation Bio-9 is adequate as written. The type, acreage, and cost of any required mitigation plans are dependent on the extent of project-caused impacts and will be determined during project implementation.

Response G.12-51. The Final EIR has been revised to require the use of genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and restoration within common areas of the Comstock Homes Development (as well as the Open Space Plan areas). Proper seed collection and propagation techniques minimize impacts to seed source populations. “Non-locally collected native plants and seeds” includes any seed or plant collection source beyond the limits of the watershed.

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Response G.12-52. The Final EIR has been clarified to identify the Comstock Homes specific obligation under Mitigation BIO-11 (Biological Resource Protection).

Response G.12-53. The Final EIR has been clarified to indicate that the overall responsibility for Mitigation BIO-14 (Implementation of the Ellwood-Devereux Coast Open Space Plan) would belong to the City of Goleta.

Response G.12-54. Comment noted. Please see response to comments G.12-27, G.11-35, and G.11-36.

Response G.12-55. The required timing for the implementation of these mitigation measures has been revised to prior to LUP.

Response G.12-56. Coastal Development Permits has been deleted in the FEIR.

Response G.12-57. The timing of implementation of the mitigation measure is correct and has not been changed in the FEIR.

Response G.12-58. The sentence to which your comment applies is describing surrounding views, not just views from the 36-acre Comstock Homes Development site. The text of this sentence has been revised to clarify that “the site” pertains to the 116-acre Santa Barbara Shores Park property, and the word “most” has been changed to “many”.

Response G.12-59. Comment noted. Impact VIS-G-4 applies to the view east from the Sandpiper Golf Course. Any post-mitigation view impairment for views from the Comstock Homes Subdivision to the Golf Course is not considered an environmental impact of the proposed project.

Response G.12-60. The first part of the comment correctly notes that the ocean cannot be seen from this vantage point. The text of the first paragraph of Impact VIS-G-6 has been revised by replacing the word “ocean” with “coastal plain”. No other changes have been made.

Response G.12-61. Comment noted. The current proposal (May 13, 2004 site plan) provides a greater variety of floor plans and limits repetition of floor plans on adjacent residential lots. The text of the first sentence in the second paragraph of Impact VIS-3 has been revised to delete the reference to a relatively limited number of floor plans. The second sentence in this same paragraph has been deleted.

Response G.12-62. The comment correctly notes that the installation of the earthen berms at the rear of southern and eastern perimeter lots (Lots 34-51 on the May 13, 2004 site plan) and the side of the north-eastern most two lots (Lots 66 and 67 on the May 13, 2004 site plan) is not necessary, given the topography of these areas. The requirement for planting screening trees, however, should be expanded to include the rear lots of Lots 64-66 on the May 13, 2004 site plan in addition to the rear and side yards mentioned above in this response, given the change in

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the orientation of the northeast pod of homes. Similar requirements for landscaping screening would be required for the lots along the southern half of the western development envelope (Lots 9, 10, 16, 17, 20, 21, and 28-33 of the May 13, 2004 site plan). These changes in the May 13, 2004 site plan render these residences more visible to users of the open space area. The text of Mitigation Measure VIS-1A has been revised accordingly.

Response G.12-63. Comment noted. The proposed site layout would require the removal of approximately 190 eucalyptus trees along the southern portion of the western development envelope, thereby removing the existing vegetative screening between Sandpiper Golf Course and the proposed residential units in this area. Therefore, Mitigation Vis-1B is appropriate for the proposed 78-unit development. The applicant's proposed revised site plan(Comstock Alternate 1) would not require removal of the aforementioned 190 eucalyptus trees as discussed in Master Response L.

Response G.12-64. The required timing for the implementation of Mitigation Measure VIS-1 has been revised to state prior to LUP. The reference to DRB approval is appropriate and has not been changed. DRB would review landscape plans and guidelines following action on the proposed project applications by the City of Goleta Planning Agency / City Council and the California Coastal Commission.

Response G.12-65. The required timing for the implementation of Mitigation Measures VIS-2, VIS-3, VIS-4, and VIS-5 has been revised to state prior to LUP. The reference to DRB approval is appropriate and has not been changed. DRB would review landscape plans and guidelines, building colors and mass, neighborhood compatibility, and lighting and glare issues following action on the proposed project applications by the City of Goleta Planning Agency / City Council and the California Coastal Commission.

Response G.12-66. Comment noted. Mitigation Vis-3 has been revised to state a Maximum height of 19.5 feet at the roofline.

Response G.12-67. The mitigation measure is correctly written. The mitigation measure is intended to mitigate the impacts of the Comstock Homes project on coastal access parking, trails, and other elements of public access. Since the mitigation measures with respect to trails is based on the linear feet of trails that would be closed as a result of the development, those project alternatives that reduce trail closures will also reduce the amount of the mitigation fee. The mitigation fee must be paid concurrent with recordation of the final tract map. Mitigation fees will be used to improve trails elsewhere within the open space plan area and to pay a portion of the costs of the new replacement parking lot.

Response G.12-68. During the final decision-making process, the City's Planning Agency/City Council can consider other alternatives for the timing of payment of various environmental mitigation fees. Such fees are often payable prior to recordation of a final map, since impacts begin to occur with the construction of subdivision improvements.

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Response G.12-69. The comment correctly notes that Mitigation Measures REC-3 and REC-4 do not affect Comstock Homes. Trail closures within the open space plan area will require approval of Coastal Development Permits by the Coastal Commission unless or until the City has a certified Local Coastal Program.

Response G.12-70. The FEIR has been changed to delete reference to issuance of Coastal Development Permits.

Response G.12-71. The Comstock Homes development project would be responsible for frontage improvements over a distance of approximately 980 feet. This is the distance along Hollister Avenue from the western property line to the point where the furthest extent of the eastern edge of the proposed development envelope would intersect with Hollister Avenue. The proposed development project would also be responsible for the bus stop as the new homes are expected to generate a demand for bus transportation services as a result of staff and services hired by future homeowners and on occasion by residents themselves.

Response G.12-72. Disagreement with the trip distribution percentages is noted. The 60/40 are percentages applied to traffic at the project driveway and are applied to both ADT and PHT. This distribution and application to both ADT and PHT has been verified by both the traffic consultant and the City traffic engineer, including from time-to-time in the field through actual tube counts on local roadways placed in residential and employment areas. Please note that 15% is of the total 746 ADT (111 ADT) and not 15% of the 448 eastbound ADT (which would be only 67 ADT). The 15% represents traffic to/from the commercial area southwest of the Storke Road/Hollister Avenue intersection (Camino Real, etc.) and is considered an appropriate percentage of weekday total volumes.

Response G.12-73. Disagreement with the trip distribution through the Storke Road/Hollister Avenue intersection is noted. This distribution has been verified by both the traffic consultant and the City traffic engineer. Travel patterns are also verified from time-to-time in the field through actual tube counts on local roadways placed in residential and employment areas. This information, knowledge of local and regional land uses in the area, as well as the existing total volumes through this intersection, substantiate the use of this intersection by drivers despite other available options.

Response G.12-74. Under the California Environmental Quality Act, a mitigation measure is only considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors (CEQA Guidelines Section 15364). In addition to the requirement pointed out in this comment, the EIR further indicates that the currently proposed options for improving intersection operation are not programmed and are not funded, resulting in a significant and unavoidable (Class I) project specific impact. The discussion of residual impacts relative to Storke Road/Hollister Avenue improvements, funding (including the applicant's responsibility in substantially lessening this potentially significant project-specific impact), and timing has been clarified in the Final EIR.

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Response G.12-75. The Final EIR has been clarified to note that these mitigation measures would be implemented at the Land Use Permit stage. This is the permit approved/issued by the City of Goleta after the Coastal Commission's CDP and is the planning permit that authorizes construction. The LUP stage is the latest point in time at which these plans and schedules can be implemented.

Response G.12-76. The Comstock Homes development project would be responsible for 50% (\$125,000) of the estimated costs associated with the 40-space parking lot.

Response G.12-77. Mitigation N-3 does not apply to the construction of the Comstock Homes Development. The text of the last paragraph in Section 4.13.3.4 has been revised. The applicable mitigation measures in this paragraph are Mitigation Measures N-2 and N-4.

Response G.12-78. The required timing for the implementation of Mitigation Measure N-2 has been revised to state prior to LUP. Mitigation Measure N-3 does not apply to Comstock Homes.

Response G.12-79. Comment noted. The MTD bus stop is located on Hollister Avenue within sight of the proposed development. The text of Mitigation Measure AQ-2 will be revised to delete the reference to the installation of a designated message board and for posting of the MTD bus schedules and ride share information. Instead, such information shall be included in the developments CC&Rs.

Response G.12-80. Comment noted. The required timing for the implementation of these mitigation measures has been revised to state prior to LUP.

Response G.12-81. Comment noted. Mitigation Measure AQ-3 is adequate, and flexibility for implementation of feasible components is desired. No changes to the text of this mitigation measure have been made.

Response G.12-82. Comment noted. Mitigation Measure AQ-4 is required to reduce significant air quality impacts to less than significant levels. The retention of a single wood-burning fireplace in each home would still result in air emissions exceeding thresholds of significance. No change has been made to Mitigation Measure AQ-4.

Response G.12-83. Comment noted. Text of this paragraph is appropriate. No revision made.

Response G.12-84. Comment noted. As stated in Section 4.15.1.2.1, the discussion of existing infrastructure includes the Santa Barbara Shores Park area to the south. The text has been revised to clarify that most of the existing infrastructure is not located within the Comstock Homes Development footprint.

Response G.12-85. The City has provided an estimate of these Goleta Development Impact Fees to the applicant previously, on April 28, 2004. The exact amount of these development

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impact fees will depend on the final number of residential units, should the proposed development be approved.

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Response G.12-86. Comment noted. The required timing for the implementation of these mitigation measures has been revised to state prior to LUP.

Response G.12-87. The comment is correct in that any fees for environmental mitigation must be specifically identified prior to final City action to approve the project.

Response G.12-88. Alternate 1, submitted at the public hearing on May 10, 2004, is addressed in the Responses to Comments in the FEIR (refer to Master Response L). Any further revisions prior to final approval by the City may need to be addressed in an Addendum to the FEIR, provided that the changes either avoid or lessen previously identified impacts and do not cause new previously unidentified impacts.

Comment Letter G.13 – Cecilia Brown – Dated May 6, 2004

Response G.13-1. Please refer to Master Response A and H for more detail regarding the importance of the Devereux Slough resources.

Response G.13-2. Comments noted. The applicant has proposed a revised site plan that reduces the number of homes (including removal of one home in the northern pod near Hollister Avenue), commits to limiting the homes on the perimeter of the development to one story, lowers roof elevations in selected areas by lowering the base grade elevation, and creates a setback south of Hollister Avenue. The City of Goleta Design Review Board will review the revised site plan design and request changes, as appropriate, in accordance with City standards. Please refer to Comment Letter G.30 and Master Response L for more information.

Response G.13-3. Please refer to Response G.11-9 regarding indoor fireplace issues. The City of Goleta's policies (as well as the Santa Barbara County Air Pollution Control District's policies) do not currently address restrictions on outdoor fireplaces or barbecues in new or existing developments.

Response G.13-4. Please refer to the response to comment number G.11-68. The DRB review of landscaping design and maintenance requirements occurred after the draft EIR had been initiated. The landscape plans and guidelines will be incorporated by reference into the project description for the Final EIR. The landscape plans and guidelines are also part of the application and the administrative record, and as such, they may be considered by the Planning Agency and City Council.

Comment Letter G.14 – Kathy Gebhardt – Dated May 10, 2004

Response G.14-1. A seasonal review of ESHA is not required because there is an abundance of previous literature documenting site conditions and the field survey by URS adequately

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identified field indicators of ESHA. ESHA boundaries are based on a review of the California Coastal Act (2003) and the Santa Barbara County Local Coastal Plan, Goleta Community Plan (1993), and the University's Long Range Development Plan (1999). Mapped ESHAs are revised by URS to reflect the current distribution of aquatic habitats, native grasslands, and special-status species. In all cases, ESHA boundaries are expanded from previously mapped ESHA boundaries.

Response G.14-2. The habitat protection and management approach in the Open Space Plan was developed through a systematic process that began with a review of the Joint Proposal, the Memorandum of Understanding (MOU), existing management plans, and relevant technical literature to identify potential opportunities for habitat management. The review was augmented by focused field investigations, interviews with interested parties who have worked in the area, and input from public comments at public meetings and workshops.

The overall goal of the habitat protection and management element of this Open Space Plan is to maintain, enhance, and, where grants or other funding are available, increase the acreage and improve conditions of ESHAs in the Open Space Plan Area. Habitat management approaches vary by jurisdiction to reflect the goals established by the existing managed areas such as the COPR, Coronado Butterfly Preserve, and the Del Sol and Camino Corto Reserves. The jurisdiction-specific approaches are consistent with the overall goal, as previously stated, with additional detail to reflect the existing programs in the open space area. The comment recommends that the City of Goleta's approach to habitat management be applied elsewhere in the Open Space Plan Area. The City of Goleta appreciates the support but does not have the authority to alter the management approach in other jurisdictions or existing managed areas. Please refer to Master Response E for more information regarding the habitat management approach in the Open Space Plan Area.

Response G.14-3. Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. The City of Goleta will review the results of monitoring data, evaluate problems, and resolve issues related to public access, where feasible. The City of Goleta carefully considered the use of adaptive management during the preparation of the Open Space Plan and believes that the use of this management tool will assist in managing the open space.

Response G.14-4. As noted in Section 3.1.6 of the Open Space Plan, eucalyptus trees on the City of Goleta's Ellwood Mesa and Santa Barbara Shores would not be removed as part of the habitat protection and management plan. This statement is correct and is not in conflict with the Draft EIR. The eucalyptus trees that would be removed along the northern half of the western boundary of the proposed Comstock Homes Development (per the revised site plan) are not part of an established ESHA and their removal is associated with the residential development not the Open Space Plan.

Response G.14-5. Please refer to Master Response I. The U.S. Fish and Wildlife Service designated critical habitat for the western snowy plover under the federal Endangered Species

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Act. Critical habitat extends along the beach northwestward from Coal Oil Point for a distance of approximately 7,200 feet to Beach Access “F” (see Figure 6 in Open Space Plan). The City of Goleta is obligated to address issues associated with the compatibility between public uses and snowy plover as a result of the federal designation.

Response G.14-6. Vernal pools form and are maintained by a complex interaction of physical and biological factors. In particular, the length of time water persists in a vernal pool, its hydroperiod, largely determines the type and diversity of native plants and animals that reside there. Efforts to re-create soil horizons (Isla Vista) as well as the small-scale topography and hydrology necessary to mimic natural vernal pool systems have been difficult, expensive, and unreliable. Consequently, preservation of existing vernal pools, even if they are small and degraded, is preferable to creating new pools in other areas.

Response G.14-7. Comment noted. Two criteria were employed in deciding how to reduce the overall density of existing trails: (1) to retain a few major, commonly used trails for recreation by targeting smaller, duplicative trails for closure and restoration, and; (2) minimize the amount of habitat fragmentation caused by trails by closing and restoring duplicative trails. At least 60% of the existing trail system in the Open Space Plan area will remain. These trails will adequately support the fire department as fuel breaks.

Response G.14-8. The intent of native grassland management in the Open Space Plan Area is to: (1) protect the existing native grassland resources through managing public access, (2) enhance and restore native grasslands provided that they do not conflict with other existing ESHAs or key public access corridors, and (3) target enhancement and restoration on the City of Goleta’s Ellwood Mesa and the University’s South Parcel Nature Park and West Campus Bluffs Nature Park. Goals and policies related to the management of native grasslands focus on protection, enhancement, and restoration and are not limited to research and educational institution as the comment suggests.

Response G.14-9. The red-tailed hawk nest on the Coronado Butterfly Preserve will be reflected in the Final Open Space Plan. The FEIR resource maps will not be revised to reflect this observation as the nest is located in the Open Space Plan Area on an existing managed reserve and does not change impact assessment findings.

Response G.14-10. The City of Goleta appreciates the recommendation to apply the word “may” as it relates to the City’s responsibility to implement Open Space Plan goals and policies. Changes are not proposed as the existing language accurately reflects the needs and desires of the City of Goleta.

Response G.14-11. Funds for the management actions such as the construction of the Anza Trail will be developed from a variety of public and private sources. State and federal grants are available. Potential funding sources include but are not limited to the Shoreline Preservation Fund, Roberti-Z’berg-Harris Program, Wildlife Conservation Board Public Access Program, Per Capita Grant Program, Bicycle Transportation Account, Coastal Conservancy, Transportation

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Enhancement Activities, and others. The National Park Service provides trail construction assistance to qualifying applicants through the Trails and Conservation Assistance Program. As part of the Open Space Plan implementation, the Joint Review Committee may compile a master list of funding sources to maximize the opportunity for successful fund raising. Such coordination would minimize the potential for duplication of effort or for oversight of potential funding mechanisms.

Response G.14-12. The known available data related to surface water hydrology in the Devereux Creek Watershed is summarized in DEIR Section 4.2. Open Space Plan Water Policies 1.1 through 2.2 set forth the long-term objectives to reduce excessive erosion and sedimentation, and to improve surface water quality over time by limiting onsite uses, and through incorporation of storm water treatment mitigation measures as part of specific projects within the Open Space Plan area.

The City of Goleta prepared Draft Storm Water Management Program (SWMP) consistent with the recently adopted EPA and State Water Resources Control Board regulations for municipalities. These plans provide a framework for long-term prevention and reduction of typical urban water quality issues throughout the community as a whole, and they include specific requirements for storm water pollution prevention at specific construction sites. The SWMP will be implemented during the construction of the Anza Trail.

A critical consideration in the design and construction of a trail is the provision of adequate drainage to prevent erosion along trails on slopes and to avoid standing water on the flats. The erosion potential of a given trail segment depends on the underlying soils, the velocity of water on the trail segment, and the distance of water running on the trail. Depending upon each trail segment's characteristics, a range of drainage features may be used that include drainage dips (small trenches dug across a trail at an angle running downhill); water bars (rocks, logs, or ties partially buried and anchored); steps (designed to assist users over steep areas and direct water off the trail); and culverts. On balance, the Open Space Plan serves as a mechanism to reduce the sedimentation, erosion and natural drainage within Devereux Creek.

Response G.14-13. Allowable uses in the Open Space Plan Area are reviewed in detail in DEIR Section 4.10. In some cases, certain uses, such as commercial uses, may be allowed through a permit process. The City of Goleta acknowledges that the process for implementing a permit program is not explicit in the Open Space Plan. The permit process, if any, will be determined by the City of Goleta during the implementation phase of the Open Space Plan. The Final Open Space Plan will reflect the prohibition of fireworks in the area.

Response G.14-14. Refer to Master Response H.

Response G.14-15. One of the ongoing maintenance issues related to the Open Space Plan Area will be keeping it free of animal waste. As stated in the comment, the removal of horse droppings in the Open Space Plan Area, including the City of Goleta-owned lands, is important. At this time, tail bags are not required, however, if horse manure becomes a significant

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ecological or public health issue, the City of Goleta and other sponsoring agencies may require tail bags on horses, redirect the equestrian activities to more appropriate locations, or prohibit the use.

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Response G.14-16. Please refer to Master Response H.

Response G.14-17. The sponsoring agencies will implement the Open Space Plan through their individual jurisdictional approvals of the proposed residential developments and the creation of the open space, pursuant to actions of the California Coastal Commission. Although they have individual authority to implement the Open Space Plan improvements and opportunities, the agencies will cooperate and work together. In this cooperative effort, the sponsoring agencies will establish a multi-jurisdictional management oversight committee to coordinate the separate, but parallel actions in the Open Space Plan Area. The Joint Review Committee will likely meet on a regular basis to provide a forum for sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public to discuss ongoing issues related to implementation of the Open Space Plan. The City of Goleta, County of Santa Barbara, and University share equal authority on the Joint Review Committee.

Response G.14-18. Funds for the management actions will be developed from a variety of public and private sources. As with regulatory compliance efforts, the identification of appropriate funding sources, the application for funds, and the disbursement of funds are most effectively carried out through interagency context. The Joint Review Committee including sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public may compile a master list of opportunity projects and funding sources to maximize the opportunity for successful fund raising. Such coordination would minimize the potential for duplication of effort or for oversight of potential funding mechanisms. The City of Goleta believes that they have the expertise and available staff to ensure that the City-owned open space lands receive a fair share of the funding.

Comment Letter G.15 – Dr. Ingeborg Cox – Dated May 10, 2004

Response G.15-1. The comment correctly indicates the potential impacts from abandoned oil wells and potential impacts from known or potential contaminated soil. These potential impacts are discussed in the EIR as Impact HM-1 and Impact HM-2. Mitigation measures are identified in the EIR to reduce these potential impacts to less than significant levels. If re-abandonment or remediation is required, additional environmental analysis would be conducted and additional mitigation measures may be required. The wording “appropriately trained individuals” in the mitigation measure summary for Mitigation Measure HM-5 on page ES-34 refers to Fire Department inspectors. The text of this mitigation measure will be revised to identify that Fire Department personnel will be responsible for monitoring the grading activities. Please refer to response to comments G.11-47 and G.11-36 for more information.

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Response G.15-2. A Phase I site assessment was conducted for the Comstock Development and for the Ellwood-Devereux Coast Open Space Plan Area. A Phase II site assessment was conducted for the Comstock Homes site and for the Ellwood Mesa properties. These investigations augmented previous site assessments for the Santa Barbara Shores Park property and the Ellwood Mesa, as well as a previous soil remediation project for the southern portion of the Santa Barbara Shores Park property. The recent Phase I and Phase II site assessments are being reviewed by the Fire Department. If the results of these investigations, together with the proposed land use for areas with known contamination, require remediation, a remediation action plan will be prepared for Fire Department review, approval, and supervision. Please refer to response to comment G.11-47 for more information.

Response G.15-3. A Phase II site assessment for the Comstock Homes site was conducted earlier this year. The report for this Phase II site has not been finalized. Pursuant to Mitigations HM-2 and HM-3, the Fire Department will review the report and determine if remediation needs to occur. The text of page 2-5 will remain unchanged; the word “may” is appropriate, given that it is not known if any contamination will be found.

Response G.15-4. The comment that proper abandonment must be required if any contamination is found is correct. Such a requirement is stipulated in the Mitigation HM-3. The text of page 4.5-10 will be revised accordingly.

Response G.15-5. Please refer to response to comments G.15-2 and G.11-36 above. Remediation of contaminated sites is required as appropriate by the Fire Department. Remediation is not always required if the threat of exposure is limited by the proposed use of the area. In the case of the Ellwood-Devereux Open Space Area, the proposed use is for passive recreation and open space. As stated in Mitigations HM-1, HM-2, HM-3, and HM-4 if the Fire Department determines that remediation or well abandonment is required, such activities will be conducted.

Response G.15-6. The text on page 4.5-9 of the DEIR is correct with respect to available information (California State Lands Commission records) on the reported historical pipeline on the Ellwood Mesa bluff. The location of this reported historical pipeline is shown on Figure 4.5-1 with the eastern end being the Ellwood Marine Terminal. The location of this reported historical pipeline has been investigated in the field and there are no indications that it still exists. It is very likely that this was an aboveground facility consistent with the pipeline installation procedures utilized in this area at the time, and that it was abandoned and removed years ago. In addition, the mapped location (see Figure 4.5-1) indicates that there are no proposed homes or development within over 1200 feet of the reported location of this historical facility.

Response G.15-7. The text of the first bullet point on page 4.14-9 has been revised to state that odors from offshore seeps are relatively frequent and can be quite strong. A reference to the log of complaints including odors that is tracked by the Santa Barbara County Air Pollution Control District has been added to section 4.14.1.1.4. As stipulated in Mitigation Measure AQ-5, the developer would be responsible for disclosing the potential for odors to prospective buyers.

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Response G.15-8. Please refer to Response G.11-9.

Response G.15-9. Please refer to Master Response H.

Response G.15-10. The applicant's proposed site perimeter wall/fence consists of a lower 2.5-foot-tall block wall with 3.5-foot-tall wrought iron or tube steel fence on top (i.e., not a 6- to 10-foot tall block wall as stated in the comment). The applicant has proposed a revised site plan that includes several design changes that would help reduce the visual impacts of the project – refer to Comment Letter G.30 and Master Response L. Key site plan revisions proposed by the applicant relative to reducing visual impacts include the following: reduced number of homes (including removal of one home in the northern pod near Hollister Avenue); limiting the homes on the perimeter of the development to one story; lowered roof elevations in selected areas by lowering the base grade elevation; and creation of a setback south of Hollister Avenue. The public and the residents of the Comstock Homes Development would have the same access to the Ellwood Mesa Open Space via connections to Trail 24 on the southern edge of the development (refer to Figure L-2 in Master Response L). Resident and non-resident pedestrians and bicyclists would be allowed to traverse the development to/from the trailheads via the primary roadway running north-south in the development during daylight hours.

Response G.15-11. The Goleta West Sanitary District plans to sleeve portions of the Devereux Creek sewer line to reduce the potential for root intrusion and associated blockages and spills. Successful implementation of this planned upgrade would increase the reliability of the sewer line. Nonetheless, the EIR includes Impact H/WQ-4, which identifies the potential impacts to ESHAs of a sewage spill should the sewage be routed to the Devereux Creek trunkline. A mitigation measure (Mitigation Measure H/WQ-3, Avoidance of Devereux Creek Trunkline) is recommended to avoid this impact. See response to comment G.11-15.

Response G.15-12. Associated Transportation Engineers has previously studied operations at the Ellwood School entrance as well as onsite circulation. That analysis found that the intersection operates at LOS A for a 1-hour period, although it is acknowledged that there is a short peak just prior to the start of classes. Regarding safety, there is a crossing guard posted at the intersection before and after school to assist school children that cross the street. The proposed Comstock Homes project would increase ADTs and PHTs at this location but would not exceed any thresholds of significance.

Response G.15-13. Improving the level of service at the Storke Road/Hollister Avenue intersection would require additional analysis of options previously identified by the County as part of the Goleta Transportation Improvement Plan (GTIP, 1997/1999), as well as other alternatives. The City is reviewing adequacy of proposed improvements as well as possible alternative improvements as part of its ongoing General Plan process. Additionally, once the appropriate improvement or combination of improvements is identified, total costs (including acquisition of any right-of-way) and timing of implementation would need to be determined. Resolution of these issues would not occur within the timeframe of the proposed development project and therefore feasible mitigation is not considered to be available at this time. As a result,

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the EIR recognizes that potentially significant impacts would occur at the Storke Road/Hollister Avenue intersection and that currently proposed options for improving intersection operation are not programmed and are not funded, resulting in a significant and unavoidable (Class I) project specific impact. The discussion of residual impacts relative to Storke Road/Hollister Avenue improvements, funding (including the applicant's responsibility in substantially lessening this potentially significant project-specific impact), and timing has been clarified in the Final EIR.

When considering approval of a project with one or more Class I impacts, the California Environmental Quality Act requires that a decision making body balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against unavoidable environmental risks such as the project specific traffic impacts at Storke Road/Hollister Avenue. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, then these impacts may be considered acceptable in a statement of overriding considerations.

Response G.15-14. The Fire Department has reviewed and approved the subdivision layout, and specifically approved the proposed 36-foot wide roadways where parking is planned for both sides of the streets. Please refer to response to comment G.11-63.

Response G.15-15. Comment noted. The applicant's proposed revised site plan (Comstock Alternate 1 site plan) avoids all ESHAs for wetlands and riparian areas. However, the Comstock Alternate 1 site plan still encroaches into ESHA buffers on the southwest portion of the development (see Figure L-2 in Master Response L).

Response G.15-16. Comment noted. For these and other reasons, Alternative 3 was identified to be the environmentally superior alternative. The current (May 13, 2004) site plan is similar to Alternative 3, with the main exception that the May 13, 2004 site plan retains 6 homes on the northeast portion of the site.

Response G.15-17. Preconstruction surveys are required (1) during the flowering season as well as prior to construction to detect special-status plant species (Mitigation Bio-1), (2) to identify raptor and other bird species nesting activities within the project area and a 500 foot buffer (Mitigation Bio-4), (3) to identify Monarch butterfly overwintering (October – March) activities within the project area and a 500 foot buffer (Mitigation Bio-4); and (4) to map and quantify acreage of native grassland removal resulting from the project (Mitigation Bio-8). During construction, City staff or contracted monitors would retain the ability to conduct periodic site visits to ensure that mitigation measures are implemented. The City of Goleta believes that the preconstruction survey requirements and the City of Goleta monitoring visits are adequate to enforce the biological resources protection measures.

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Comment Letter G.16 – David T. Lange/Monarch Program – Dated May 10, 2004

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Response G.16-1. The City of Goleta intends to protect and maintain existing Monarch butterfly populations in the Open Space Plan Area and manage the habitats to be self-sustaining. On balance, the City of Goleta believes that the management goals and policies identified in the Open Space Plan and Mitigation Bio-6 of the DEIR improve the protection of this valuable resource. The bridges and stairs alternatives along Devereux Creek, in the vicinity of the Monarch butterfly habitat, are proposed in the Open Space Plan. The bridges and stairs are intended to reduce sedimentation, control access, and further protect sensitive biological resources. Construction of bridges and stairs are pending the availability of funding, and would require subsequent permits and additional environmental analysis.

Response G.16-2. The comment regarding the potential incompatibility of new bridges, culverts, or boardwalks with maintenance of the Devereux Creek sewer line is noted. A mitigation measure (Mitigation Measure H/WQ-3, Avoidance of Devereux Creek Trunkline) is recommended to allow for the eventual abandonment of an approximately 6000-foot segment of this sewer line. This mitigation measure would also reduce or eliminate the need to access the sewer line easement with mechanized equipment for periodic maintenance. Please refer to response to comment G.9-2 for more information.

Response G.16-3. There is no requirement under CEQA for surveys of pollinators and protection of pollinator habitat, except as it may relate to Monarch butterflies. A biological survey of pollinators and enhancement of pollinator habitat could be conducted during implementation of the Open Space Plan, depending on public interest and funding. The DEIR deals with special-status species, so an exhaustive list of the plants and animals, including this important group of insects, within the Open Space Plan Area is beyond the scope of the DEIR. An inventory such as this could be prepared by interested biologists in conjunction with implementation of the Open Space Plan, again, depending on funding. A key feature of the Open Space Plan is habitat restoration and enhancement, which includes enhancement of grassland habitats for Monarch butterflies by including adult and larval food plants in the plant palette. Such efforts could be expanded under the proposed Monarch Inventory and Monitoring Program in the Open Space Plan to include additional pollinator species. Again, the magnitude of this effort would depend on public interest and funding.

Response G.16-4. Comment noted. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area, consistent with the comment. The County ordinance applies to the Open Space Plan Area lands in the City of Goleta, until and unless the City adopts its own ordinances. As described in Section 4.10 (Recreation) of the DEIR, the Santa Barbara Shores and Ellwood Mesa area has a long history of established recreational uses considered part of the existing physical setting and lands use, including, but not limited to, pedestrian activities, such as dog-walking. Successful execution of leash laws depends on adequate enforcement. The

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COPR has implemented an intensive monitoring and public education program during the snowy plover wintering and nesting season that has largely been successful in keeping off-lease dogs away from protected portions of the beach and educating their owners of the consequences of free-roaming dogs. Expansion of this enforcement and education program using mitigation funds derived from construction of the Comstock Homes Development, will help protect sensitive avian resources both on the Open Space Plan uplands and on adjacent beaches. Please refer to Master Response D for more detail regarding dog use in the Open Space Plan Area.

Comment Letter G.17 – Derek John/Isla Vista Recreation and Park District – Dated May 10, 2004

Response G.17-1. This comment is not relevant to the Comstock Homes Development and Open Space Plan EIR because it is specific to an Open Space Plan component outside of the jurisdiction of the City of Goleta. Please refer to the Faculty and Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for the response to this comment.

Response G.17-2. Please refer to Response G.17-1.

Response G.17.3. Please refer to Response G.17-1.

Response G.17-4. Please refer to Response G.17-1.

Comment Letter G.18 – Mike Fealy/Santa Barbara Urban Creeks Council – Dated May 10, 2004

Response G.18-1. Comments noted. The applicant has proposed a revised site plan that completely avoids the stream buffer for Drainage A2 as shown on Figure L-2 in Master Response L-2. The applicant's revised site plan also modifies the bridged roadway to the northern pod of homes reducing wetland intrusion along Drainage A1. However, the applicant's revised site plan would still result in an elevated wetland/stream buffer crossing associated with Drainage A1 as shown on Figure L-2.

Response G.18-2. Comment noted. The applicant has submitted a revised site plan (refer to Comment G.30 and Master Response L) that reduces impacts to ESHAs and buffers in the southwest portion of the Comstock Homes site.

Response G.18-3. Mitigation Measure BIO-4 in the DEIR states that a survey of breeding and nesting raptors be conducted by a qualified biologist prior to construction to determine the intensity and location of raptor breeding behavior. A 500-foot buffer will be maintained between active raptor nests and construction activities during the construction phase of this project, until young have fledged the nest. The width of this buffer varies from 25 to 50 feet as shown on Figure B-1.

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In a comment letter dated 10 May 2004, the applicant submitted a draft alternative site plan (Comstock Alternate 1). Comstock Alternate 1 would reduce potential project-related impacts to biological resources, including nesting raptor species, by: (1) reducing the number of residential units from 78 units to 69 units, particularly in the southwestern portion of the development near Nest Site 11; (2) limiting the height of residential units along the open space perimeter of the project area to one story; (3) minimizing the number of eucalyptus trees to be removed as a result of the development. (4) Incorporating a permanent buffer between ESHA-designated raptor nesting habitat and the development.

Response G.18-4. (See also response to G.25-3) As required by CEQA, it will be necessary for the City to either require project alterations and/or mitigation measures or, alternatively if residual Class I impacts remain, make findings regarding the infeasibility of project alterations and mitigation measures. The City intends that ESHAs will be avoided to the maximum extent feasible. The project applicant submitted an alternate plan at the May 10, 2004 public hearing that moves in the direction of additional avoidance of ESHAs and their buffer zones. Further project changes were being considered and may be required prior to project approval.

Response G.18-5. Comment noted.

Comment Letter G.19 – Catherine McCammon – Dated May 10, 2004

Response G.19-1. The applicant has proposed a revised site plan that reduces impacts and avoids ESHAs and reduces encroachment into associated buffers and setbacks. Please refer to Comment Letter G.30 and Master Response L for more information.

Response G.19-2. The comment supports the use of CC&Rs. Mitigation Measure VIS-1, which requires the developer to install trees and other landscaping in several locations for visual screening, provides that the developer prepare CC&Rs that would regulate the removal and/or replacement of screening trees. The language of the mitigation measure requires that the CC&Rs be written to include the City as a party, with the right to approve and enforce its provisions. With respect to designating an independent agency to enforce and monitor environmental conditions, the City itself is such an independent entity and bears ultimate responsibility for assuring that environmental conditions are monitored and enforced. Specialized contractors in various disciplines may be retained where appropriate to assist the City in carrying out these responsibilities.

Response G.19-3. Improving the level of service at the Storke Road/Hollister Avenue intersection would require additional analysis of options previously identified by the County as part of the Goleta Transportation Improvement Plan (GTIP, 1997/1999), as well as other alternatives. The City is reviewing adequacy of proposed improvements as well as possible alternative improvements as part of its ongoing General Plan process. Additionally, once the appropriate improvement or combination of improvements is identified, total costs (including acquisition of any right-of-way) and timing of implementation would need to be determined. Resolution of these issues would not occur within the timeframe of the proposed development

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project and therefore feasible mitigation is not considered to be available at this time. As a result, the EIR recognizes that potentially significant impacts would occur at the Storke Road/Hollister Avenue intersection and that currently proposed options for improving intersection operation are not programmed and are not funded, resulting in a significant and unavoidable (Class I) project specific impact. The discussion of residual impacts relative to Storke Road/Hollister Avenue improvements, funding (including the applicant's responsibility in substantially lessening this potentially significant project-specific impact), and timing has been clarified in the Final EIR.

Response G.19-4. Comments noted. The applicant will be responsible for installing the detention basin/bioswale and making sure it is functional. The Home Owners' Association will be responsible for the operation and proper maintenance of the detention basin/bioswale and other water treatment facilities subject to periodic inspection and verification by the City (e.g., catch basin filters).

Response G.19-5. Any well re-abandonment or remediation required by the Fire Department, after their review of the various site assessments conducted for the subject properties, will be conducted, pursuant to Mitigation Measures HM-1 through HM-5. For more information, please see response to comments G.5-3, G.11-36, and G.11-47.

Response G.19-6. The comment requests that Figure 2-10, the Cumulative Project Map, be prepared as a separate handout for use by the public. The League of Women Voters is permitted to make as many copies of this handout as the league sees fit, and distribute it to whoever they feel would benefit by having this figure.

Response G.19-7. Comment noted.

Response G.19-8. Comment noted. As noted in the Open Space Plan, the Joint Review Committee will likely meet on a regular basis to provide a forum for sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public to discuss ongoing issues related to implementation of the Open Space Plan. At the appropriate time, the committee will decide how to present the status of plan implementation, monitoring etc to the public.

Response G.19-9. Comment Noted. The trail design and public access points balances the need for resource protection and public use. As such, the minimum width of trail surfaces is proposed. The proposed trail widths provide adequate separation of users on the shared trails.

Response G.19-10. Comment noted.

Response G.19-11. Comment noted. Please refer to response to comment G.19-5 and the other responses referenced there.

Response G.19-12. Comment noted. Please refer to Master Response A.

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Comment Letter G.20 – John Olson – Dated May 10, 2004

Response G.20-1. Comment noted. The proposed project does not include modifications to these streets, as project-generated traffic is not anticipated to affect these dead end streets. We encourage you address this statement to Mr. Pat Dugan, City General Plan Manager, as such a comment would best be addressed in the preparation of the City's General Plan, which you may know is under development at this time.

Comment Letter G.21 – Roger Jahnke – Dated May 10, 2004

Response G.21-1. The comment is correct in noting that the City has legal authority to require the project to comply with the applicable provisions of the Coastal Act and the City's coastal zoning ordinance. The City of Goleta has not adopted the Goleta Community Plan or the Santa Barbara County Local Coastal Plan, but has concluded that its standards will be at least as environmentally protective, and more protective in some instances, as the policies in those County documents. The stormwater management facilities proposed and required to be included in the Comstock Homes project will be protective of the water quality of the Devereux Slough and are designed to not contribute to further siltation of the slough. The various mitigation measures and modifications of the project are designed to assure maximum protection of biological resources through avoidance of development in sensitive habitat areas and provision of adequate buffers between habitats and development. The applicant has proposed revisions to the site plan (Comstock Alternate 1 site plan; refer to Comment Letter G.30 and Master response L); these revisions were made to avoid ESHAs and reduce encroachment of development within buffers. Various mitigation measures are included to address grading impacts. These include limitations on grading during the rainy season. Mitigation Measure VIS-5 is designed to prevent light pollution that could interfere with viewing of the night sky.

Response G.21-2. Energy efficiency design standards are stipulated in the Uniform Building Code, Title 24 of the California Code of Regulations. Other green building techniques are not required, but may be recommended by the City's Design Review Board.

Response G.21-3. Comments noted. The City of Goleta is cognizant of CEQA's requirements relative to environmental review, including consideration of alternatives and mitigation to avoid potentially significant impacts.

Response G.21-4. See response to Response G.25-3

Response G.21-5. Please refer to Master Response H.

Response G.21-6. The notice of the public hearing on the Draft EIR, Open Space Plan and project applications was mailed to more than 2,000 residents and interested persons. In addition, the notice of availability of the Draft EIR and public hearing notice were published in two newspapers. Approval of the project is not a "done deal" until the City and Coastal Commission have taken their final actions. Modifications to avoid or reduce environmental effects can

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continue to be made up until the point of final action by the City. The City welcomes comments from citizens regarding these matters.

Comment Letter G.22 – Terry Roberts/State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit – Dated May 10, 2004

Response G.22-1. Comment noted.

Comment Letter G.23 – Karen Ramsdell/City of Santa Barbara, Santa Barbara Airport – Dated May 10, 2004

Response G.23-1. Comment noted, the City intends to comply with the ALUC procedures.

Response G.23-2. Comment noted.

Response G.23-3. Comment noted.

Response G.23-4. The text of Section 4.13 has been revised to state that overflights could result in a noise issue for residents, and the proposed Comstock Homes Development would be in the instrument approach path of Runway 7, beyond the one mile marker. The text of Mitigation Measure LU-2 has also been revised accordingly with the suggested language.

Response G.23-5. Thank you for bringing this to our attention. The City has informed the project applicant of this requirement.

Response G.23-6. Comment noted. The City will continue to keep the Santa Barbara Airport staff and Santa Barbara Association of Governments staff informed during the planning process.

Comment Letter G.24 – Ed Easton/Sierra Club and Friends of Coal Oil Point – Dated May 10, 2004

Response G.24-1. The DEIR evaluates the cumulative impacts resulting from the proposed developments associated with the Open Space Plan land exchange. Please refer to the Faculty and Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for additional responses related to cumulative impact assessments. The cumulative impact assessment in the DEIR adequately analyzes these impacts.

Response G.24-2. The DEIR evaluates the cumulative sedimentation impacts resulting from the proposed developments associated with the Open Space Plan land exchange. Open Space Plan goals and policies address sedimentation impacts resulting in the planned construction of footbridges and boardwalks along Devereux Creek in the City of Goleta, sediment basins on the University’s South Parcel Nature Park and other measures. The proposed development projects, including the Comstock Development, have mitigation measures designed to reduce sedimentation impacts such as the onsite detention basins and other stormwater management

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BMPs. Please refer to Section 4.2 of the DEIR for more information. Please refer to the Faculty and Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for additional responses related to cumulative impact assessments.

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Response G.24-3. The City has not received an application for a reconstruction of the Sandpiper Golf Course. If and when such an application is submitted to the City, the proposed project would be subject to its own CEQA analysis.

Response G.24-4. Please refer to Master Response H.

Response G.24-5. Please refer to Master Response H.

Response G.24-6. Please refer to Master Response H.

Response G.24-7. Please refer to Master Response H.

Response G.24-8. The Final Open Space Plan will be revised and the FEIR has been revised to require the use of genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and restoration, including the Comstock Homes common area landscaping. These methods are consistent with the habitat management approach on the COPR.

Response G.24-9. Please refer to Master Response H.

Response G.24-10. Please refer to Master Response H.

Response G.24-11. Please refer to Master Response A.

Response G.24-12. Comment noted. Please refer to response to comments G.11-15 and G.15-11.

Response G.24-13. Please refer to Master Response H.

Response G.24-14. Please refer to Master Response H. This comment is not wholly relevant to the Comstock Homes Development and Open Space Plan EIR because it is specific to an Open Space Plan component outside of the jurisdiction of the City of Goleta. Please refer to the Faculty and Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for the response to this comment.

Response G.24-15. This comment is not relevant to the Comstock Homes Development and Open Space Plan EIR because it is specific to an Open Space Plan component outside of the jurisdiction of the City of Goleta. Please refer to the Faculty and Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for the response to this comment.

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Response G.24-16. Please refer to Response G.25-15.

Response G.24-17. Please refer to Response G.25-15.

Response G.24-18. Please refer to Response G.25-15.

Response G.24-19. Please refer to Response G.25-15.

Response G.24-20. The comment notes concern regarding the lack of detail regarding police enforcement within the Open Space Plan Area, specifically in the COPR in the vicinity of the snowy plover population. The City of Goleta acknowledges that successful execution of goals and policies depends on adequate enforcement, monitoring, and public education. As such, educational signs, restoration and education are proposed in the Open Space Plan to assist and inform visitors and protect the natural resources from user impacts. In addition, through the adaptive management process, methods to protect resources are anticipated to evolve. Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. Within the City of Goleta-owned lands, the City will review the results of monitoring data, evaluate problems, and resolve issues related to public access, where feasible. The City of Goleta does not have enforcement authority in University-owned lands, such as the COPR.

The comment specifically notes the impact of unleashed dogs on the snowy plover population and suggests that the impacts of unleashed dogs be addressed in the EIR. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area, consistent with the comment. The Open Space Plan requires that dogs be leashed and notes that plans for enforcement will be developed during future monitoring and/or plan approval activities. In addition to the goals and policies set forth in the Open Space Plan, the Final EIR has been clarified to indicate that Comstock Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). The purpose of the funding is to supplement the existing snowy plover monitoring and protection program implemented by the COPR. The City of Goleta believes that the EIR adequately addresses the issues of public use, dogs, and enforcement in the City of Goleta EIR.

Response G.24-21. The DEIR evaluates the cumulative impacts resulting from the proposed developments associated with the Open Space Plan land exchange. While it is recognized that certain recreational activities may, at times, have associated biological and/or nuisance impacts, the purpose of the Biological Resources section of the EIR is to determine whether or not biological resources would be impacted. This includes, but is not limited to, pedestrians, ocean/beach users, bikers, and horseback riders. The EIR correctly concludes, that when considering biological resources sensitivities, cumulative impacts would be significant and unavoidable to wildlife species and would be significant and avoidable (with mitigation) to snowy plover. Please note that the Final EIR has been clarified to indicate that Comstock

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Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). The purpose of the funding is to supplement the existing snowy plover monitoring and protection program implemented by the COPR.

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Once all impacts have been adequately disclosed, a balancing of benefits against significant effects may be accomplished by the decision makers in a statement of overriding considerations at the time of final action on the proposed projects. It is also acknowledged that as a policy matter, one of the goals of the Coastal Act is to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles. Balancing goals and policies would also be at the discretion of the decision makers at the time of final action. The Open Space Plan and related public access throughout the Open Space Plan Area attempts to address and balance the need for public access and resource protection. The City of Goleta, University, and County believe that the Open Space Plan goals and policies and the mitigation measures presented in their respective EIRs improves the protection for special-status species, provides a mechanism for additional protection and monitoring in the future, and reduces access throughout the COPR with the intent of controlling public use at Sands Beach in attempt to assist the COPR managers with protecting sensitive resources. Please refer to Master Response A for more detail regarding the history of the Open Space Plan development, the considerable respect that was maintained for the existing reserves/preserves in the open space, and the overall philosophy of the Open Space Plan.

Comment Letter G.25 – DeAnn Sarver/Santa Barbara Shores Homeowners Association – Dated May 10, 2004

Response G.25-1. Comments noted. The applicant has submitted a proposed revised site plan which scales back the size and scale of the proposed Comstock Homes Development. Please refer to Comment Letter G.30 and Master Response L for more information. In summary, the applicant has: 1) reduced the total number of residential units including reducing the number in the northern pod from seven to six; 2) created a buffer between the development and Hollister Avenue; 3) lowered the roof elevations of selected homes by lowering the grade elevation; 4) and committed to limiting homes along the perimeter of the development to one story in height.

Response G.25-2. Comment noted. Please refer to response to comments G.11-15 and G.15-11. These issues are discussed in Section 4.15.1.1.6 and in the policy consistency section relating to Sewer and Storm Drainage Development Standard-GV-2 (page 5-104 of the Draft EIR).

Response G.25-3. Pursuant to the California Environmental Quality Act and the CEQA Guidelines, if residual significant impacts remain (Class I impacts), the City is required to make findings that alterations have been included in the project that avoid or substantially lessen the environmental effect and/or that specific economic, legal, technological, or other considerations make infeasible mitigation measures or project alternatives identified in the EIR. The City may consider project financial data, as well as other types of information, in reaching conclusions about the feasibility (or infeasibility) of project alternations and mitigation measures. However, the intent of CEQA is to address these issues from the point of view of avoiding or reducing

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environmental impacts to the maximum feasible extent, rather than from the perspective of determining the least amount of development that is financially feasible.

Response G.25-4. A remedial action plan has not yet been prepared. The need for remediation is subject to the results of Phase I and Phase II site assessments that have been recently completed. Any remediation activities required as a result of these investigations would be at the direction of the Fire Department. Please refer to response to comments G.11-35 and G.11-47 for more information. The removal of the fencing surrounding the water wells is not considered a potentially significant impact to biological resources, and no mitigation measures are required.

Response G.25-5. Please refer to EIR Section 4.13 (Noise) for information on expected construction related noise generating activities, levels, schedule, impacts, and mitigation measures. Mitigation N-2 (Construction Timing) limits construction activity to the hours of 7 a.m. to 4 p.m., Monday through Friday. Mitigation N-4 requires stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries to be shielded and to be located as far towards the interior of the site as practical to limit noise levels.

Response G.25-6. The City of Goleta acknowledges that there is an existing problem with occasional motor vehicle use on trails or elsewhere with the Open Space Plan Area. Motorized vehicles or motorized bikes, with the exception of emergency response vehicles, are not permitted in the Open Space Plan Area. Use of unauthorized motor vehicles is clearly incompatible with the goals and policies of the Open Space Plan. The comment notes that methods to limit motorized vehicles at public access points throughout the Open Space Plan Area are inadequate to control unauthorized access. Open Space Plan implementation will entail resolution of cross-jurisdictional issues such as enforcement of unauthorized uses. Each agency will be responsible for enforcement of restrictions within their jurisdiction and improvements at access points. Within the City of Goleta-managed open space areas, the City will review the results of monitoring data, evaluate problems, and resolve issues related to public access, where feasible.

Response G.25-7. The Open Space Plan seeks to provide multiple passive recreational opportunities that are compatible with maintaining a high level of resource protection in the Open Space Plan Area. Both the Recreation (4.10) and Biological Resources (4.4) sections of the EIR recognize that certain recreational activities, such as kite flying and model airplanes/gliders, could have associated biological and/or nuisance impacts to wildlife, particularly foraging and nesting birds. The Ellwood-Devereux Joint Review Committee, including the City of Goleta, County, and University, is charged with monitoring recreational activities in the Open Space Plan Area and can restrict or eliminate user activities if these activities are negatively affecting resources. This type of adaptive management is an integral component of the Open Space Plan and the City of Goleta believes that through this process, a mechanism will be in place to modify allowable uses if monitoring data identifies incompatible uses, such as those suggested in the comment.

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Response G.25-8. Public parking for access to the Open Space Plan Area will occur either in existing on-street parking locations or in new public parking lots (i.e., Santa Barbara Shores). The Open Space Plan acknowledges that existing on-street parking is available on four residential streets north of the Ellwood Grove – Anchor Drive, Santa Barbara Shores Drive, Newport Drive, and Coronado Drive. Over 300 spaces are available on these streets during weekends. More spaces are available on weekdays. Anecdotal observations from residents indicate that on-street parking is readily available during the peak Monarch-viewing season. If the City of Goleta in the future determines to eliminate public on-street parking due to user conflicts, the City will seek options to provide replacement public parking in the area. Public notices and educational materials summarizing parking facilities will focus on the parking lots, not the existing on-street parking areas.

Response G.25-9. Comments noted. As discussed in EIR Section 4.9 (Visual Resources) under Impact VIS-5 (Light and Glare from Residential Development and Open Space Improvements) it is expected that light and glare impacts would be less than significant with mitigation. Please refer to Mitigation VIS-5 (Lighting and Glare) in EIR Section 4.9.4.5.5 for a description of the mitigation measures to limit light and glare to less than significant levels. The final details of the light and glare mitigation measures will be determined after the applicant's exterior lighting plan is submitted to the City of Goleta Planning Department. The plan will be subject to approval by the Design Review Board prior to approval of Land use Permits. The use of motion detectors at residential units within the development may be appropriate for safety and energy conservation purposes, therefore, the City would not prohibit their use.

Response G.25-10. Mitigation Measure BIO-10 in the DEIR specifically deals with the use of native plant species in all common area landscaping associated with the development project. The Final EIR will be revised to define "locally collected sensitive plants and seeds" as derived from natural sources in the Ellwood-Devereux watershed. Requiring that all native landscape plantings come from seed and/or rootstock collected from the proposed development footprint and/or the Ellwood-Devereux Creek watershed will protect the genetic integrity of existing native plants in the adjacent open space area. In addition to requiring locally collected seeds and plants, native species selected for common area landscape planting will be restricted to drought-tolerant species to the maximum extent possible by the biologist who reviews the landscape plan prior to approval.

Response G.25-11. See response to Response G.32-2. The Draft Open Space Plan does not propose major changes to existing trails, except for the trail designated as the Anza Trail. This trail is proposed to be widened to accommodate multiple user types and to be improved with compacted fines surface but without stabilizer. For the most part, other changes to existing trails are limited to grooming of the existing native soil surface.

The Santa Barbara Shores and Ellwood Mesa area has a long history of established recreational uses considered part of the existing physical setting and land use. Historic photos show evidence of long-term recreational uses in the project area. Uses include but are not limited to, pedestrian activities, ocean/beach-related activities, biking, and horseback riding. Equestrian activities

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peaked in the 1970s and 1980s. Much of the project area was devoted to horse boarding/riding with relatively unrestricted trail riding within the Santa Barbara Shores/Ellwood Mesa properties. Onsite equestrian opportunities are presently limited to day use associated with hauling or riding horses to and from the site from outside facilities.

While it is recognized that certain recreational activities may, at times, have associated biological and/or nuisance impacts, the purpose of the Recreation section of the EIR is to determine whether or not recreational opportunities would be diminished for any class of recreational user. This includes, but is not limited to, pedestrians, ocean/beach users, bikers, and horseback riders. The EIR correctly concludes, that when considering all classes of users and existing recreational opportunities, the loss of over one-third of existing trail opportunities, restrictions on more active forms of recreation (i.e., biking and horseback riding), and the potential for crowding/conflicts on remaining trails, impacts to recreational opportunities would be significant and unavoidable.

The EIR must disclose recreational impacts without diminishing the severity of impacts by comparing recreational losses to biological and other benefits that may be realized by limiting recreational opportunities. Once all impacts have been adequately disclosed, a balancing of benefits against significant effects may be accomplished by the decision makers in a statement of overriding considerations at the time of final action on the proposed projects. It is also acknowledged that as a policy matter, one of the goals of the Coastal Act is to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles. Balancing goals and policies would also be at the discretion of the decision makers at the time of final action.

Response G.25-12. The Open Space Plan does not propose major changes to existing trails, except for the trail designated as the Anza Trail. The comment expresses concern regarding the design of the Anza Trail. This trail is proposed to be widened to accommodate multiple user types and to be improved with compacted fines surface but without stabilizer on City of Goleta lands. Specific trail design will be developed upon approval of the project.

Response G.25-13. Commercial horseback riding is not allowed in the Open Space Plan Area, as documented in Open Space Plan Public Access Policy 2.2. Private users may use the area on designated trails.

Response G.25-14. Private equestrian use in the Open Space Plan area is allowed on designated trails only, consistent with the comment. The trail system is designed to allow for public access while reducing overall impacts to sensitive resources, also consistent with the comment.

Response G.25-15. One of the ongoing maintenance issues related to the Open Space Plan Area will be keeping it free of animal waste. As stated in the comment, the removal of horse droppings in the Open Space Plan Area, including the City of Goleta-owned lands, is important. At this time, tail bags are not required, however, if horse manure becomes a significant

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ecological or public health issue, the City of Goleta and other sponsoring agencies may require tail bags on horses, redirect the equestrian activities to more appropriate locations, or prohibit the use. The comment also expresses concern regarding horse droppings and trampling impacts to biological resources, including the intertidal zone, in the Open Space Plan Area. Trampling impacts to biological resources in the intertidal zone is not considered a potentially significant impact to biological resources. Nonetheless, the City of Goleta acknowledges that successful execution of goals and policies depends on adequate enforcement, monitoring, and public education to manage such existing impacts. As such, educational signs, restoration and education are proposed in the Open Space Plan to assist and inform visitors and protect the natural resources from user impacts. In addition, through the adaptive management process, methods to protect resources are anticipated to evolve. Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. Within the City of Goleta-owned lands, the City will review the results of monitoring data, evaluate problems, and resolve issues related to equestrian use, where feasible. On balance, the City of Goleta believes that prohibiting commercial horse use, restricting horse use to specific trails, and restricting equestrian beach access will improve the baseline conditions of unrestricted access to both commercial and private equestrian uses.

Response G.25-16. Preconstruction surveys are required (1) during the flowering season as well as prior to construction to detect special-status plant species (Mitigation Measure Bio-1), (2) to identify raptor and other bird species nesting activities within the project area and a 500 foot buffer (Mitigation Measure Bio-4), (3) to identify Monarch butterfly overwintering (October – March) activities within the project area and a 500 foot buffer (Mitigation Measure Bio-4); and (4) to map and quantify acreage of native grassland removal resulting from the project (Mitigation Measure Bio-8). The preconstruction survey requirements and the City of Goleta monitoring visits are adequate to enforce the biological resources protection measures.

Response G.25-17. Landscaping around the perimeter of the Comstock Homes Development will avoid unnecessary view screening effects, as requested in the comment.

Response G.25-18. Several mitigation measures refer to the creation of and responsibilities of a Home Owners' Association and the related CC&Rs. The Developer is required to prepare the CC&Rs subject to approval by the City Council concurrent with approval of the final tract map and prior to its recordation. The CC&Rs can be written to make the City a party thereto, with rights to initiate actions that seek to enforce the provisions. The CC&Rs can also provide that the provisions cannot be amended without the prior written consent and approval of the City of Goleta. Residents outside the subdivision would not be able to initiate actions to seek compliance. However, if these provisions are included in the final CC&Rs the City would be able to initiate actions to enforce the provisions, where warranted, on behalf of the public generally.

Response G.25-19. The applicant has submitted a revised site plan which avoids direct impacts to the eucalyptus trees on the southwest portion of the development footprint and also

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provides for a buffer from the eucalyptus woodland raptor habitat. Please refer to Comment Letter G.30 and Master Response L, including Figure L-2.

Response G.25-20. Comment noted. Please refer to Master Response L for a discussion of site plan changes that provide environmental buffers. The City appreciates the comment, and intends that any approved development will be required to comply with applicable environmental policies and regulations related to environmental buffers.

Response G.25-21. It may be appropriate, during or following completion of the City's General Plan, to create an open space zoning district as part of the preparation of a comprehensive new zoning code for the City. For the present, the existing Santa Barbara Shores Park, portions of the Coronado Preserve, Los Carneros Regional Park, and other open space areas in the city are zoned in the Recreation district. The purpose of this district, as stated in Section 35-89.1 of the coastal zoning ordinance, is "... to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features." For these reasons, the Recreation zone was considered to be the most appropriate district within the present zoning district for the Ellwood-Devereux open space area. Although the Recreation district allows some intensive public and commercial recreation uses, the proposed Open Space Plan will not allow these uses. Until a new zoning code for the City is prepared and certified by the California Coastal Commission as part of the Local Coastal Program (LCP), both the applicable zoning district and the Open Space Plan may be amended by a simple majority vote of the City Council. Following certification, any change in zoning would also require approval of an LCP amendment by the Coastal Commission. Further, deed restrictions imposed by agencies contributing funds for acquisition of the Mesa will limit future uses to low-intensity types that will be consistent with preservation of the property's natural environment.

Response G.25-22. The red-tailed hawk nest behind 329 Pebble Beach Drive will be reflected in the Final Open Space Plan. The FEIR resource maps will not be revised to reflect this observation as the nest is located in the Open Space Plan Area and does not change findings.

Response G.25-23. The sponsoring agencies will implement the Open Space Plan through their individual jurisdictional approvals of the proposed residential developments and the creation of the open space, pursuant to actions of the California Coastal Commission. Although they have individual authority to implement the Open Space Plan improvements and opportunities, the agencies will cooperate and work together. In this cooperative effort, the sponsoring agencies will establish a multi-jurisdictional management oversight committee to coordinate the separate, but parallel actions in the Open Space Plan Area. The Joint Review Committee will likely meet on a regular basis to provide a forum for sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public to discuss ongoing issues related to implementation of the Open Space Plan.

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Response G.25-24. The opinion of the reviewer is appreciated, however, after careful consideration of Open Space Plan amenities, it was decided that inclusion of a limited number of benches at scenic locations in the Open Space Plan Area would better accommodate users. This public amenity will be established by the sponsoring agencies (City, County, and University) over time, as trails are improved throughout the area.

Response G.25-25. The Final Open Space Plan will be reflect the prohibition of fireworks in the area.

Response G.25-26. The public parking lot at Santa Barbara Shores will be closed and locked at sunset (see p. 58 of the Open Space Plan and Section 3.4.4.8 of the DEIR). There will be no night lighting of the parking facility. The lighting on timers reference pertains to the restroom, which may be constructed subject to availability of funds and all necessary permits. However, if there is a safety issue with the latter restriction, night lighting will be restricted to the number and wattage of lights necessary to provide minimum public safety and will be shielded and directed downward to minimize light scatter into adjacent areas.

Response G.25-27. Comment noted. Certain restrictions on public use are suggested in the Open Space Plan such as the restriction of sporting events. Any group activity that causes damage to vegetation or soil outside of designated trails is prohibited, as recommended in the comment.

Response G.25-28. Comment noted. One of the overall goals of the combined residential project, Open Space Plan, and associated land swap is to protect sensitive resources.

Comment Letter G.26 – Bill Murdock and Sue Swarbrick/UCSB Natural Reserve System; and Cristina Sandoval, COPR – Dated May 10, 2004

Response G.26-1. The Open Space Plan takes into consideration the mission statements of the existing reserves/preserves, as requested in the comment.

Response G.26-2. The City of Goleta appreciates the support of the UCSB Natural Reserve System and the Coal Oil Point Reserve and wishes to clarify that the City's portion of the open space will be zoned as Recreation district. Although the Recreation district allows some intensive public and commercial recreation uses, the proposed Open Space Plan will not allow these uses. Until a new zoning code for the City is prepared and certified by the California Coastal Commission as part of the Local Coastal Program (LCP), both the applicable zoning district and the Open Space Plan may be amended by a simple majority vote of the City Council.

Response G.26-3. The DEIR recognizes that the mission of the COPR is to provide research and educational opportunities. Increased human use of the Open Space Plan area may indeed affect biological resources in the COPR through increased disturbance to wildlife, trash, increased trail erosion, trespassing, vandalism, weed introduction, and unleashed dogs, which could compromise COPR goals. Section 4.4.3.3 (Cumulative Impacts) in the DEIR identifies

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most of these impacts for the project area as a whole, and elsewhere in Section 4.4 mitigation measures are proposed to offset these impacts. Implementation of leash laws focuses on adequate enforcement. For example, the COPR has implemented an intensive monitoring and public education program during the snowy plover wintering and nesting season that has largely been successful in keeping off-lease dogs away from protected portions of the beach and educating their owners of the consequences of free-roaming dogs. Expansion of this enforcement and education program using mitigation funds derived from construction of the Comstock Homes Development could be used to help protect sensitive avian resources both on the Open Space Plan Area uplands and on adjacent beaches.

After careful consideration of all of the issues surrounding this potential impact, the sponsoring agencies (City of Goleta, County of Santa Barbara, and University of California), recognize visitation to the Open Space Plan Area will likely increase over time due to the increasing population in the region. Effective adaptive management of the Open Space Plan Area by the sponsoring agencies (City of Goleta, County, and University) can help identify problems and institute corrective measures. Each agency will use their existing authority to regulate incompatible uses of the open space area. Issues involving restriction of public use that affect the entire Open Space Plan Area are complex and affects all three sponsoring agencies. Open Space Plan implementation will entail resolution of cross-jurisdictional issues, such as enforcement. If increased visitation to the Open Space Plan Area cannot be managed to avoid significant environmental impacts through the policies and management actions in the Open Space Plan, the sponsoring agencies may need to determine the appropriate carrying capacity of the lands. The sponsoring agencies will monitor visitation and environmental conditions in the Open Space Plan Area as an ongoing element of their management responsibilities, and conduct periodic evaluations to determine if there is a need to establish a carrying capacity. Successfully implementing the goals and policies of the Open Space Plan will require collaboration and coordination of the three jurisdictional agencies.

Response G.26-4. Please refer to Master Response H.

Response G.26-5. Mitigation Measure BIO-10 in the DEIR recommends the use of native, locally-occurring plant species in all common area landscaping associated with the Comstock Homes Residential Development. Requiring that all native landscape plantings come from seed and/or rootstock collected from the proposed development footprint and/or the Ellwood-Devereux Creek watershed will protect the genetic integrity of existing native plants in the adjacent open space area. Native species selected for common area landscape planting will be restricted to drought-tolerant species to the maximum extent possible by the biologist who reviews the landscape plan prior to approval.

Restoring closed trails will utilize adequate methods to ensure that the reclaimed areas are successfully revegetated with native, locally occurring species. Existing eucalyptus groves that are utilized by overwintering Monarch butterflies are excluded from the Open Space Plan exotic species removal program in order to promote and maintain Monarch habitat (see p. 23 in Open Space Plan).

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Response G.26-6. The City of Goleta understands that the structure of geographic variation in genotypes of plant species in the Open Space Plan Area and the COPR, as well as the genetic basis of local adaptation in plants in general, is largely unknown. They also understand that many plant species display significant morphological plasticity to local climatic conditions (ecotypic variation), which, in itself, does not have a genetic basis, but which may confer increased fitness on the plant through adaptation to local climatic and/or soil conditions. Consequently, a conservative, cohesive, and biologically defensible approach to habitat restoration in the Open Space Plan area is to use seed or rootstock derived from the Ellwood-Devereux watershed, as requested in the comment. The Final EIR has been revised to require the use of genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and restoration within common areas of the Comstock Homes Development (as well as the Open Space Plan areas). The Final Open Space Plan will be revised to reflect the change in the habitat management approach on the City of Goleta's open space lands.

Response G.26-7. The comment notes the impact of unleashed dogs on wildlife in the Open Space Plan Area, specifically in the COPR. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area, including the City of Goleta-managed lands. The comment also expresses concern regarding enforcement. Please refer to Response G.26-8 for more detail regarding enforcement.

Response G.26-8. The Open Space Plan requires that dogs be leashed and notes that plans for enforcement are pending the results of monitoring and/or plan approval. The City of Goleta acknowledges that the COPR monitors sources of off-leash dogs as part of their snowy plover protection program and intends to support this effort via mitigation. In addition to the goals and policies set forth in the Open Space Plan, the Final EIR has been clarified to indicate that Comstock Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). The purpose of the funding is to supplement the existing snowy plover monitoring and protection program implemented by the COPR. The City of Goleta believes that the level of protection for the snowy plover will increase as a result of the Open Space Plan policies and goals, designated public access, public education, signage, monitoring, adaptive management, and increased funding to the COPR. Please refer to Master Response I for a more information regarding snowy plover protection.

Response G.26-9. Comment noted. The City of Goleta acknowledges the support of the COPR. The text of Mitigation Measure Bio-2 has been modified to require payment of a one-time fee by the Comstock Homes Development to establish an endowment and the annual income from the endowment would be used to fund programs that are designed to protect the plovers and their habitat areas at the COPR and at the Ellwood Mesa.

Response G.26-10. As the COPR is aware, the U.S. Fish and Wildlife Service designated critical habitat for the western snowy plover under the federal Endangered Species Act. Critical habitat extends along the beach northwestward from Coal Oil Point for a distance of

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approximately 7,200 feet to Beach Access “F” (see Figure 6 in Open Space Plan). The wintering and breeding populations of plovers on COPR property are expanding, likely as a result of current management practices on the COPR. Upon approval of the land exchange, the City of Goleta will evaluate the need for preparing a Snowy Plover Management Plan.

Response G.26-11. The City of Goleta appreciates the COPRs concern regarding equestrian access at Sands Beach. Trail improvements to Beach Access Point “D” in University jurisdiction upgrades this location to accommodate equestrian users. These improvements are proposed to be implemented by the University and are not evaluated in the City of Goleta DEIR. Horse access to the beach is not permitted on the City of Goleta, however, equestrian use on Ellwood Mesa is allowed on designated trails. Because the City of Goleta allows for equestrian use, they agree that a fair contribution to snowy plover protection on the COPR is warranted. The Final EIR has been clarified to indicate that Comstock Homes does have a one time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). The purpose of the funding is to supplement the existing snowy plover monitoring and protection program implemented by the COPR or establish a new program.

Response G.26-12. The Open Space Plan requires that trash cans be provided at the Santa Barbara Shores parking lot and trail heads on Ellwood Mesa, in the City of Goleta’s jurisdiction. Trash cans are not proposed on the mesa or beaches in the City of Goleta. Potential problems associated with litter in the Open Space Plan Area may be addressed through monitoring, signage, and the consideration for increasing the number and/or type of trash cans.

Comment Letter G.27 – Kevin D. Lafferty – Dated May 10, 2004

Response G.27-1. Pursuant to the California Environmental Quality Act and the CEQA Guidelines, if residual significant impacts remain (Class I impacts), the City is required to make findings that alterations have been included in the project that avoid or substantially lessen the environmental effect and/or that specific economic, legal, technological, or other considerations make infeasible mitigation measures or project alternatives identified in the EIR. The City may consider project financial data, as well as other types of information, in reaching conclusions about the feasibility (or infeasibility) of project alternations and mitigation measures. However, the intent of CEQA is to address these issues from the point of view of avoiding or reducing environmental impacts to the maximum feasible extent, rather than from the perspective of determining the least amount of development that is financially feasible.

Response G.27-2. The Open Space and Habitat Management Plan strives to attain a balance between preservation of biological resources and sensitive habitats on the one hand and the provision of limited public access and passive recreation opportunities in a manner consistent with habitat protection on the other. The proposals in the plan include closure of a number of existing trails or trail segments where those trails traverse sensitive habitat areas, such as vernal pools, butterfly aggregation sites, and riparian zones. The plan also identifies habitat preservation and enhancement areas. Where the Comstock Homes Project causes detrimental impacts on biological resources and habitats, mitigation measures and/or project alterations are required.

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For example, the Comstock Homes project will result in a loss of about 0.4 acres of native grasslands. The mitigation measure requires payment of a fee to restore three times that amount of native grasslands at locations on the Ellwood Mesa. Some of these restoration areas are locations where existing informal trails would be closed. Others involve removal of non-native vegetation from within existing native grassland areas. Another example is a fee to mitigate the impact of increased visitors to the beach areas that comprise nesting habitat for the western snowy plover. This fee is intended to help establish an endowment where the income would be used to fund a portion of the salary of a docent coordinator at the Coal Oil Point Reserve. Project alterations being considered include elimination of home sites within the buffer zone for raptor and butterfly aggregation habitats located along the westerly boundary shared with the Sandpiper Golf Course. Other possible alterations could include changes to avoid possible habitat within drainage B. Trail improvements can be a mitigation measure for adverse impacts on recreation from proposed trail closures within the Comstock Homes development envelope. These mitigations could include a fee that could be used to pay the costs of improvements to trails that are to be maintained. For the most part, trail improvements are designed to be low impact, such as grooming existing native soil materials. Only the Anza trail is proposed to be improved by widening and surfacing with compacted fines (without binder or stabilizer).

Response G.27-3. The Draft Open Space and Habitat Management Plan identifies a total of 77,790 linear feet of existing trails within the Open Space Plan area, with 28,700 linear feet proposed to be closed in order to protect sensitive habitats such as vernal pools or to avoid trail redundancy in closely spaced parallel trails. The proposed closures represent 37 percent of the existing trails. The DEIR determined that this extent of trail closure, represents a beneficial biological impact (although it also represents a significant recreational impact) and on balance, will result in a net improvement to wildlife access throughout the Open Space Plan Area. As such, the City of Goleta does not find it necessary to evaluate a 25-meter impact zone around proposed trails, or to evaluate the proportion of the suitable habitat within each planning unit, or to determine fragmentation by trails or a comparison of the density of trails with other parks, as suggested in the comment. In summary, the proposed trail system adequately balances public access with resource protection and provides a net increase in habitats within the Open Space Plan Area.

Response G.27-4. Private equestrian users may park in a limited number of spaces at designated parking areas, including the City's Santa Barbara Shores parking lot, which provides space for up to 3 or 4 horse trailers, and may use the area on designated trails. The City of Goleta is considering a fee or permit program for horse trailer parking at the Santa Barbara Shores parking lot. A loop trail is proposed on Ellwood Mesa, consistent with the comment. A segment of the loop trail is located adjacent to the bluffs, but a large portion of the bluff top is restricted from equestrian access and is considered a significant improvement over baseline conditions. The City of Goleta determined that equestrian access to the beach is not feasible in the City of Goleta's jurisdiction. A signage program will be implemented for the Open Space Plan Area as an integral component of the habitat protection, trail design, and access program, as suggested by the comment. The overall intent of the signage program is to assist and inform

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visitors, including equestrians, from three points of view: regulatory, directional, and informational. A sign will be posted at Access Point D directing all equestrians to use the beach area to the northwest and indicating that horses are restricted from heading southeast onto the COPR near the western snowy plover breeding habitat. This conjunction with existing COPR enforcement activities will offer an enhanced level of protection to western snowy plover breeding and overwintering on Sands Beach. Moreover, through the adaptive management approach advocated in the Open Space Plan, further refinements on equestrian use could occur in the future.

Response G.27-5: Please refer to Response to Comment G.26-7. The City appreciates the suggestions in the comment and will consider them during plan implementation.

Response G.27-6: The Final EIR has been revised and the Final Open Space Plan will be revised to require the use of genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and restoration sites. The Landscape Plan refers to the Comstock Homes common areas, which will be landscaped with native, drought tolerant plants collected from the Ellwood-Devereux watershed, as requested in the comment. The comment requesting the Open Space Plan allow for the removal of ornamental trees is noted, however, as ESHA protection is a local and state requirement, eucalyptus trees and other trees supporting butterflies and raptors, will remain protected.

Response G.27-7: The Final Open Space Plan will be revised to reflect the correct common name of the sandy tiger beetle, as noted in the comment.

Response G.27-8: The comment notes that the Storke Ranch development is missing from Figure 7 of the Open Space Plan. The figure will not be revised to reflect the missing detail as the development occurs beyond the boundaries of the Open Space Plan Area and does not alter the context of the Open Space Plan or the figure.

Response G.27-9: Comment noted. If the Open Space Plan Appendix volume is reissued, the species list in Appendix A (including the reference to grey fox and red fox) will be updated per the comment.

Response G.27-10: The City of Goleta is aware that the tidewater goby was last recorded from Devereux Slough in 1968. The potential for re-introduction may be considered in the future depending on the availability of funding sources and the direction of the Joint Review Committee.

Response G.27-11: Comment noted. If the Open Space Plan Appendix volume is reissued, the species descriptions and list in Appendix A will be updated per the comment.

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**Comment Letter G.28 – Vijaya Jammalamadaka/Santa Barbara County Air
Pollution Control District – Dated May 10, 2004**

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Response G.28-1: Comments noted. Please note that the applicant has submitted a proposed revised site plan which reduces the number of residential units by about 10 percent which would be expected to result in a commensurate reduction in operational emissions associated with the residential development. Please refer to Comment Letter G.30 and Master Response L for more information.

Response G.28-2: No alternatives evaluated in the DEIR were intended to have overall higher density than the proposed project or to exceed a total of 78 residential units. The alternatives vary by changing the size of the development envelope in various ways to avoid sensitive habitat areas and impacts on visual resources. Alternative 4 also introduces a mixture of housing types, with some attached townhouse units as well as detached single-family dwellings. This alternative would include features that exemplify some of the “livable community” principles. The CEQA Guidelines require that the alternatives evaluated in an EIR should feasibly attain most of the basic project objectives but also avoid or substantially lessen any significant effects of the proposed projects. It is not clear that projects with greater density will comply with these requirements for alternatives.

Response G.28-3: The City appreciates the APCD’s consistency evaluation with the policies in its 2001 Clean Air Plan and its comments and suggestions. The City is in the process of preparing its first General Plan and will take the APCD’s suggestions under consideration as it works with the community to develop general plan policies with respect to air quality. Many of the suggested practices to reduce air emissions from construction activities and to improve energy efficiency of buildings may be incorporated into required conditions of approval.

**Comment Letter G.29 – William B. Seith/Santa Barbara Development
Partnership – Dated May 10, 2004**

Response G.29-1: Comment noted. The FEIR has been revised to include a reference to the prior environmental studies related to various County of Santa Barbara actions pertaining to Ellwood Mesa and Santa Barbara Shores Park.

Response G.29-2: Comment noted. Section 4.4 of the FEIR has been revised to correctly refer to the paved access at the end of Santa Barbara Shores Drive.

Responses G.29-3: The City of Goleta appreciates the suggestion to use DGPS for locating vernal pools is noted. The methods used to map these resources, including a cross reference to the 91-EIR-3, is adequate to locate vernal pool and native grassland features.

Responses G.29-4: The reference is to over 40 vernal pools on Ellwood Mesa and Santa Barbara Shores combined. The text of Section 4.4.1.8.4 has been revised accordingly. Individual pools are counted separately. If a vernal pool is fragmented by a trail, it is counted as two pools

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since they are no longer hydrologically connected. The vernal pool mapping effort conducted as part of EIR-91-3 is since updated with additional surveys, resulting in a larger number of pools.

Responses G.29-5: Vernal pool fairy shrimp were previously found in man-made depressions along the north side of the Union Pacific Railroad tracks, about 5 miles west of the project area but are not found in Isla Vista vernal pools. Due to the recent observation of the vernal pool fairy shrimp within a 5-mile radius of the project, they are noted as potentially occurring within the vernal pools on Ellwood Mesa. Please refer to DEIR page 4.4-23 for more detail. The absence of vernal pool fairy shrimp in 1999 does not change these conclusions.

Responses G.29-6: As noted in Response G.29-4, over 40 vernal pools are identified on Ellwood Mesa/Santa Barbara Shores. It stands to reason that the acreage for vernal pool habitat is increased from the EIR-91-3, which only counted 29 pools.

Responses G.29-7: Native grassland habitat is expanding on Ellwood Mesa, which explains why the habitat map and the acreage count differ from the 1991 EIR (91-EIR-3).

Responses G.29-8: Methods to map native grasslands are described on page 4.4-3 of the DEIR. As noted in the EIR, the distribution of native perennial grasses within the survey areas was evaluated during field visits in June 2000. Their methods involved identifying areas where native grasses comprised at least 10 percent ground cover and were therefore mapped as native grassland (with the exception of patches smaller than 10 feet in diameter), as noted in the comment. The 10 percent minimum cover requirement for native grasslands is an accepted unit of measurement. Native grasslands were mapped via DGPS and acreage calculations were based on a GIS evaluation of these polygons, similar to the methods employed to calculate vernal pool acreage.

Responses G.29-9: The comment is correct in noting that coyote bush scrub is not an ESHA. However, if the habitat supports other special-status species, such as Monarch butterflies or drainage channels, it qualifies as an ESHA. Figure 4.4-1 of the DEIR identifies habitats, not ESHA. For ESHA boundaries, refer to Figure 4.4-3

Responses G.29-10: ESHAs are not afforded to only threatened or endangered species. The Coastal Act provides specific protection for “environmentally sensitive areas” (ESHAs). These are defined as areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. Please refer to PRC § 30107.5 for the full citation. Habitat types defined as ESHAs in the DEIR and the Open Space Plan Area are based on determinations in the Goleta Community Plan (GCP) and the Long-Range Development Plan (LRDP), and include the following: Monarch butterfly groves, raptor nests and roosts, native grasslands, riparian habitat and/or corridors, vernal pools, other freshwater wetlands, salt marsh, mudflats, estuary, dune scrub, and areas occupied by threatened species such as the western snowy plover. As such, the larger, more connected patches of native grasslands are mapped as ESHA.

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Responses G.29-11. Please refer to Response G.29-10 for more detail regarding ESHA. As mapped on Figure 4.4-3 of the DEIR, the bluff scrub and dune scrub habitat are ESHA as they are within and parallel critical habitat for the western snowy plover or otherwise are determined to be habitats of importance in the City of Goleta and Santa Barbara County.

Responses G.29-12. Please refer to Response G.29-10 for more detail regarding ESHA. As mapped on Figure 4.4-3 of the DEIR, the eucalyptus woodland habitat is protected as ESHA because the woodlands are known to support Monarch butterflies and raptor roosts/nests. As such, eucalyptus woodlands are mapped as ESHA.

Response G.29-13. The County of Santa Barbara's Coastal Zoning Code and Environmental Thresholds have been adopted by the City and are currently in effect as City regulations and standards. The City does not have a certified Local Coastal Program (LCP), so the Coastal Commission is not bound by the Coastal Zoning Code in making its decisions on Coastal Development Permits within the City of Goleta, but will rely instead on the provisions of the Coastal Act. The Environmental Thresholds are not adopted as part of an LCP, either at the County or City, and their status is unaffected by the Coastal Commission.

Response G.29-14. A description of baseline, or existing, conditions in the project area is based on the current state of the property. Information, such as museum records, field notes, and aerial photographs, or other sources of historical information, can be used to supplement descriptions of baseline conditions if suitable habitat for a particular species is present in the project area. In the specific case of mapping raptor nest sites (Figure 4.4-3 of the EIR), raptors may use the same nest sites year after year, abandon the sites for one or more years, then re-establish nesting in or near the same location in subsequent years. Using historic raptor nesting information is appropriate because it allows one to evaluate current conditions in terms of nest site fidelity of past occurrence.

Response G.29-15. The definition of a potentially active fault is defined as a result of the AP Special Studies Zone Act as any fault that exhibits evidence of surface displacement during Quaternary Time (last 1.6 million years). An active fault is defined by the AP act as any fault that has had surface rupture within Holocene time (the past 11,000) years.

The Middle Branch of the More Ranch fault must be either potentially active or active (per the above definition) because it displaces the 45,000-year old marine terrace. Please refer to Response G.12-28. In addition to this field evidence, please note that Dibblee's (1966) map indicates displacement of recent alluvium as well as older alluvium (Santa Barbara County Seismic Safety Element).

However, given the lack of conclusive evidence that the fault has moved in the Holocene, URS stated that the evidence suggests that the Middle Branch of the More Ranch fault is either potentially active or active.

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Comment Letter G.30 – Robert Comstock/Santa Barbara Development Partners – Dated May 10, 2004

Response G.30-1. Comment noted. Please refer to Master Response L.

Comment Letter G.31 – Environmental Defense Center – Dated May 10, 2004

Response G.31-1. Comment noted. In addition, as noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts and limit inconsistencies with adopted policies.

Response G.31-2. The language in Section 6.3 with respect to the project objectives is correct. The text of Section 1.3, Project Objectives, has been revised to reflect “up to 78 residential units”.

Response G.31-3. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to Drainage B. Furthermore, the applicant has also submitted a Comstock Homes Development Site Plan Alternate 2 for consideration by the City that further reduces impacts to Drainage B.

Response G.31-4. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to Drainages A1 and A2.

Response G.31-5. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to the southwestern area of the site that is within close proximity to Monarch butterfly and raptor roost.

Response G.31-6. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to the southwestern area of the site that is within close proximity to Nest Site 11, thereby eliminating impacts to ESHA-designated trees and providing a habitat buffer between development and this nest site. The development footprint of the revised site plan is decreased, which would reduce impacts to foraging habitat.

Response G.31-7. Please refer to Master Response H. Comments noted. The applicant has submitted a proposed revised site plan which includes less residential units and a modified drainage and water quality protection scheme. Please refer to Comment Letter G.30 and Master Response L for more information.

The final grading and drainage plan to be reviewed and approved by the City of Goleta together with Mitigations GEO-2 and H/WQ-6 (Storm Water Pollution Prevention Plan) are intended to mitigate construction-related erosion and water quality/sedimentation impacts to less than significant levels. The City of Goleta acknowledges that limiting site preparation and grading activities to the dry season (April 15 – November 1) would help limit potential soil erosion and associated sedimentation impacts (direct and cumulative) in Devereux Creek. The City of Goleta

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will consider limiting site preparation and grading activities to the dry season during its review and approval of the final grading and drainage plan.

Response G.31-8. Comment noted. Mitigation measure PS-9 has been revised to require the installation of low flow shower heads, toilets, and high efficiency washing machines.

Response G.31-9. Comment noted. The applicant has submitted a revised site plan intended to reduce the overall mass of the project. Please refer to Master Response L. Also refer to Response G.25-3

Response G.31-10. Comments noted. Please refer to Master Response G and Responses G.6-1 and G.12-51 for a discussion of the use of seed and plant stock from local native plant populations.

Response G.31-11. The comment to require “Recommended” Mitigation Measure H/WQ-3 is noted. The City is considering requiring this mitigation measure. Please refer to response to comments G.11-15 and G.25-2.

Response G.31-12. Comments noted. Refer to Master Response H (Devereux Creek Watershed) for a discussion of water quality BMPs and stormwater management practices that will be required of the Comstock Homes Development. The applicant (Comstock Homes) has submitted a revised site plan that would modify drainage impacts as discussed in Master Response L (Comstock Alternate 1 Site Plan, 5/12/04). In addition, please refer to comment responses G.12-57, G.25-10, and G.27-6 for information regarding the requirement to use native plant seed and root stock from the local Devereux Creek watershed for revegetation and restoration activities, including landscaping of common areas within the Comstock Homes development. In addition, the City of Goleta will review the final Grading and Drainage Plan and Landscape Plan for the Comstock Homes Development prior to approval of the Land Use Permits to ensure that appropriate measures are included in the final project design.

Response G.31-13. The proposed Comstock Homes project would have to be reduced to 15 units in order to avoid the project-specific significant impact at Storke Road/Hollister Avenue. Such a reduction would render the project economically infeasible.

Improving the level of service at the Storke Road/Hollister Avenue intersection would require additional analysis of options previously identified by the County as part of the Goleta Transportation Improvement Plan (GTIP, 1997/1999), as well as other alternatives. The City is reviewing adequacy of proposed improvements as well as possible alternative improvements as part of its ongoing General Plan process. Additionally, once the appropriate improvement or combination of improvements is identified, total costs (including acquisition of any right-of-way) and timing of implementation would need to be determined. Resolution of these issues would not occur within the timeframe of the proposed development project and therefore feasible mitigation is not considered to be available at this time. As a result, the EIR recognizes that potentially significant impacts would occur at the Storke Road/Hollister Avenue intersection

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and that currently proposed options for improving intersection operation are not programmed and are not funded, resulting in a significant and unavoidable (Class I) project specific impact. The discussion of residual impacts relative to Storke Road/Hollister Avenue improvements, funding (including the applicant's responsibility in substantially lessening this potentially significant project-specific impact), and timing has been clarified in the Final EIR.

When considering approval of a project with one or more Class I impacts, the California Environmental Quality Act requires that a decision making body balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against unavoidable environmental risks such as the project specific traffic impacts at Storke Road/Hollister Avenue. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, then these impacts may be considered acceptable in a statement of overriding considerations.

Response G.31-14. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to Drainage B.

Response G.31-15. Please refer to response to comment G.11-9.

Response G.31-16. Comments noted. As noted in the comment, the wetlands and 100-foot buffer area on the west-central portion of the Comstock Homes Development will not be developed. Additionally, this area could be donated back to the City of Goleta as open space, and be restored as part of the Open Space Plan management actions. The 100-foot buffer is intended to protect and avoid impacts to these wetlands.

Response G.31-17. The Final EIR has been clarified to indicate that Comstock Homes does have a one-time funding obligation under Mitigation BIO-2 (Western Snowy Plover Protection). The purpose of the endowment is to provide annual funding for the existing snowy plover monitoring and protection program implemented by the COPR or a similar program.

Response G.31-18. The City of Goleta acknowledges that access must be consistent with resource protection, as noted in the comment. The fundamental principle guiding the development of the Open Space Plan is the balance between the competing Coastal Act priorities related to resource protection and other uses such as residential development and public access. The Plan recognizes that trade-offs are necessary to achieve this balance. Thus, the Plan was prepared is designed to accommodate both of these priorities and specifically acknowledges that where a conflict arises between these priorities, deference shall be given to coastal resource protection. For example, within the Open Space Plan area, trail closures and trail use restrictions are proposed only in significant habitat restoration areas, and the majority of trails and key beach access points are retained for public coastal access. Some areas of sensitive resources will not be afforded the maximum protection as other areas. The comment states that the Anza Trail location will impact native grassland resources. The location of the Anza Trail was carefully selected to minimize impacts to resources. Slight modifications to the exact location may be required prior to construction of the Anza Trail to avoid native grassland

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resources. Any modification is anticipated to be minor, for example a 10-foot shift to the north or south.

The comment recommends the use of vegetated shoulders along the trails. Where it is necessary to close a trail segment, environmentally appropriate methods will be used for the given locations. These methods include low-profile signs, earthen berms, embedded logs or rocks, and plantings. Use of vegetated shoulders (using seeds/plants from the Ellwood-Devereux Watershed) will be considered during Open Space Plan implementation.

The head of the ravine that forms the main Monarch grove on Ellwood Mesa will be left in place and is not proposed for clean-up at this time. If it is determined that the materials in the ravine are a public health hazard, CEQA review and Coastal Commission approvals will be required. Potential impacts to the butterfly, native grasslands, and ESHA and others will be evaluated if clean-up is proposed.

The City of Goleta acknowledges that funding is an important element to the implementation of the Open Space Plan and acknowledges the fact that City funding for restoration and enhancement are not proposed as initial improvements. However, to mitigate for project-related impacts to biological resources, the Comstock Homes development will be required to provide funds for habitat enhancement projects on Ellwood Mesa. Initial City funding would focus on improving public access and parking as they believe that providing for controlled public access is the start to a well managed open space. Grants and other funding will be sought to allow for restoration and enhancement projects on Ellwood Mesa.

The Santa Barbara Shores and Ellwood Mesa area has a long history of established equestrian use. Equestrian activities peaked in the 1970s and 1980s. Much of the project area was devoted to horse boarding/riding with relatively unrestricted trail riding within the Santa Barbara Shores/Ellwood Mesa properties. Onsite equestrian opportunities are presently limited to day use associated with hauling or riding horses to and from the site from outside facilities. Equestrian use will be further restricted with the implementation of the Open Space Plan through the following mechanisms: (1) prohibition of commercial equestrian use; (2) the limit of three parking spaces at the Santa Barbara Shores parking lot and the consideration for a permit program to use the horse trailer spaces; (3) a designated trail system for equestrian use; and (4) possible monitoring of impacts for future correction if impacts are identified. The Open Space Plan improves the currently uncontrolled equestrian access, and additional analysis (beyond the existing analysis related to equestrian uses) in the EIR is not warranted.

The City appreciates the concern regarding horse manure. One of the ongoing maintenance issues related to the Open Space Plan Area will be keeping it free of animal waste. In agreement with the comment, the issue of horse droppings in the Open Space Plan Area is important to the City of Goleta. At this time, tail bags are not required, however, if horse manure becomes a significant ecological or public health issue, the City of Goleta and other sponsoring agencies may require tail bags on horses, redirect the equestrian activities to more appropriate locations, or prohibit the use.

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The comment documents the concern regarding dog leash policy and enforcement. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area, including the City of Goleta-managed portion of the open space. The leash policy is applied to all dogs in the open space, including equestrians. It is not necessary to further restrict equestrian use in the Open Space Plan Area; the currently-proposed restrictions will decrease impacts resulting from equestrians. It is important to note that equestrian access to the beach is only allowed at Access Point “D”, on University-owned land. A sign will be posted at Access Point “D” directing all equestrians to use the beach area to the northwest and indicating that horses are restricted from heading southeast onto the COPR near the western snowy plover breeding habitat.

Response G.31-19. The fundamental principle guiding the development of the Open Space Plan is the balance between the competing Coastal Act priorities related to resource protection and other uses such as residential development and public access. The Plan recognizes that trade-offs are necessary to achieve this balance. Thus, the Plan was prepared is designed to accommodate both of these priorities and specifically acknowledges that where a conflict arises between these priorities, deference shall be given to coastal resource protection. For example, within the Open Space Plan area, trail closures and trail use restrictions are proposed only in significant habitat restoration areas, and the majority of trails and key beach access points are retained for public coastal access.

With regard to the residential development, the assessment of biological resource impacts identified potentially significant (Class I) impacts to Monarch butterflies ESHA (Impact Bio-3), roosting, nesting and foraging habitat (Impacts Bio-4 and Bio-5), and native grassland (Impact Bio-9). Impacts to wetlands were identified as significant but feasibly mitigated (Class II) (Impact Bio-10). The residential project’s potential consistency with all relevant Coastal Act policies is described in Section 5.1.1. Section 5.5.1 summarizes the project design features and recommended mitigations for each of the identified impacts.

The Coastal Act policy analysis concerning wetlands concludes that the project is potentially consistent with Coastal Act policies because the isolated wetlands within the residential footprint would be adequately protected through setbacks, fencing, and other use restrictions, thereby avoiding harm to this resource. The Coastal Act policy analysis concerning Monarch butterfly ESHA concludes that the project is potentially inconsistent with Coastal Act policies because of the close proximity of the eucalyptus trees to the homes in the southwest corner of the subdivision, and due to the removal of eucalyptus trees in this area. Changes to the project are summarized in Comment Letter G.30 and Master Response L. As a result of the project changes that eliminate the homes in the southwest portion of the subdivision, the City of Goleta considers the project as currently designed to be potentially consistent with applicable Coastal Act policy.

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Please refer to Master Responses E and G for additional discussion of Open Space Plan restoration and implementation.

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Response G.31-20. The City of Goleta acknowledges that adequate funding is essential to the success of Open Space Plan implementation. Funds for the management actions will be developed from a variety of public and private sources, including the proposed new developments. As with regulatory compliance efforts, the identification of appropriate funding sources, the application for funds, and the disbursement of funds are most effectively carried out through interagency context. The Joint Review Committee including sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public may compile a master list of opportunity projects and funding sources to maximize the opportunity for successful fund raising. Such coordination would minimize the potential for duplication of effort or for oversight of potential funding mechanisms. The City of Goleta has the expertise and available staff to ensure that the City-owned open space lands receive a fair share of the funding.

The comment also includes a recommendation for using carrying capacity to assess the natural resources ability to be sustained given human use levels. The sponsoring agencies recognize visitation to the Open Space Plan Area will likely increase over time due to the increasing population in the region. At this time, there is a general consensus that the current level of visitation in the Open Space Plan Area can be managed through this Open Space Plan to protect and enhance natural resources, while providing the historic public access and uses. However, if increased visitation cannot be managed to avoid significant environmental impacts through the policies and management actions in this Open Space Plan, the sponsoring agencies may need to determine the appropriate carrying capacity of the lands. The sponsoring agencies will monitor visitation and environmental conditions in the Open Space Plan Area as an ongoing element of their management responsibilities, and conduct periodic evaluations to determine if there is a need to establish a carrying capacity.

Response G.31-21. The Comstock Development is part of the land exchange and is located on Ellwood Mesa. As such, the City of Goleta believes that it is reasonable to accept restoration funding from the Comstock Development. The City of Goleta will also seek out funds for management actions from a variety of other public and private sources and does not believe that such an action converts the Open Space Plan area into a mitigation bank.

Response G.31-22. It may be appropriate, following completion of the City's General Plan, to create an open space zone district as part of the preparation of a comprehensive new zoning code for the City. For the present, the existing Santa Barbara Shores Park, portions of the Coronado Preserve, Los Carneros Regional Park, and other open space areas in the city are zoned in the Recreation district. The purpose of this district, as stated in Section 35-89.1 of the coastal zoning ordinance, is "... to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features." For these reasons, the Recreation zone was considered to

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be the most appropriate district within the present zoning district for the City of Goleta's portion of the Open Space Plan Area. Although the Recreation district allows some intensive public and commercial recreation uses, the proposed Open Space Plan will not allow these uses. Until a new zoning code for the City is prepared and certified by the California Coastal Commission as part of the Local Coastal Program (LCP), both the applicable zoning district and the Open Space Plan may be amended by a simple majority vote of the City Council. Following certification, any change in zoning would also require approval of an LCP amendment by the Coastal Commission. Further, deed restrictions imposed by agencies contributing funds for acquisition of the Mesa will limit future uses to low-intensity types that will be consistent with preservation of the property's natural environment.

Response G.31-23. The Open Space Plan leaves open the opportunity for future restoration projects, and the removal of portions of the timber Ellwood seawall could be proposed as a future Open Space Plan project as funding permits. The removal of this wall, however, is not a component of the project as evaluated in the EIR. Portions of the seawall are seaward of the mean high tide line, and as such, should be addressed by the State Lands Commission. The State Lands Commission periodically initiates shoreline hazard removal projects, and the City could petition the State Lands Commission to consider this area for the next hazard removal project.

Response G.31-24. As noted in the comment, the U.S. Fish and Wildlife Service designated critical habitat for the western snowy plover under the federal Endangered Species Act. Critical habitat extends along the beach northwestward from Coal Oil Point for a distance of approximately 7,200 feet to Beach Access "F" (see Figure 6 in Open Space Plan). The wintering and breeding populations of plovers on COPR property are expanding, likely as a result of current management practices on the COPR. Upon approval of the land exchange, the City of Goleta will evaluate the need for preparing a Snowy Plover Management Plan. The mitigation measure in the FEIR is adequate. Please refer to Response G.26-11.

Comment Letter G.32 – Maria Gordon – Dated May 10, 2004

Response G.32-1. The Santa Barbara Shores and Ellwood Mesa area has a long history of established recreational uses considered part of the existing physical setting and land use. Historic photos show evidence of long-term recreational uses in the project area. Uses include but are not limited to, pedestrian activities, ocean/beach-related activities, biking, and horseback riding. Equestrian activities peaked in the 1970s and 1980s. Much of the project area was devoted to horse boarding/riding with relatively unrestricted trail riding within the Santa Barbara Shores/Ellwood Mesa properties. Onsite equestrian opportunities are presently limited to day use associated with hauling or riding horses to and from the site from outside facilities.

While it is recognized that certain recreational activities may, at times, have associated biological and/or nuisance impacts, the purpose of the Recreation section of the EIR is to determine whether or not recreational opportunities would be diminished for any class of recreational user. This includes, but is not limited to, pedestrians, ocean/beach users, bikers, and horseback riders. The EIR correctly concludes, that when considering all classes of users and existing recreational

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opportunities, the loss of over one-third of existing trail opportunities, restrictions on more active forms of recreation (i.e., biking and horseback riding), and the potential for crowding/conflicts on remaining trails, impacts to recreational opportunities would be significant and unavoidable.

The EIR must disclose recreational impacts without diminishing the severity of impacts by comparing recreational losses to biological and other benefits that may be realized by limiting recreational opportunities. Once all impacts have been adequately disclosed, a balancing of benefits against significant effects may be accomplished by the decision makers in a statement of overriding considerations at the time of final action on the proposed projects. It is also acknowledged that as a policy matter, one of the goals of the Coastal Act is to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles. Balancing goals and policies would also be at the discretion of the decision makers at the time of final action.

Response G.32-2. The Draft Open Space and Habitat Management Plan identifies a total of 77,790 linear feet of existing trails within the Open Space Plan area, with 28,700 linear feet proposed to be closed in order to protect sensitive habitats such as vernal pools or to avoid trail redundancy in closely spaced parallel trails. The proposed closures represent 37 percent of the existing trails. The DEIR determined that this extent of trail closure, combined with reduction of trails available for use by equestrians, represented a significant environmental impact. In addition, the Comstock Homes project, as evaluated in the DEIR, would result in closure of additional trail segments. In the event that the final version of the Open Space Plan and Comstock Homes project result in a substantially smaller number of linear feet of trails being closed, the level of significance will be reevaluated, possibly through an Addendum to the FEIR.

Response G.32-3. The City is considering requiring the installation of a sewer lift station to allow sewer service for the Comstock Homes Development to be served by the Hollister trunk line, rather than the Devereux Creek trunk line. Please refer to response to comments G.11-15 and G.25-2.

Response G.32-4. Comment noted.

Comment Letter G.33 – Friends of the Ellwood Coast – Dated May 10, 2004

Response G.33-1. Comment noted.

Response G.33-2. Alternatives are proposed in the DEIR. Please refer to Master Response L for details regarding an additional alternative proposed by the applicant, which would lessen environmental effects associated with the residential development.

Response G.33-3. The City of Goleta will seek out funds for management actions from a variety of other public and private sources. In addition, the Comstock Development will provide funding for mitigation as a result of the land exchange. The City of Goleta believes that it is

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reasonable to accept restoration funding from the Comstock Development because the development is part of the land exchange and because the location of the development is connected to the proposed Open Space Plan area. The City does not believe that such an action converts the Open Space Plan area into a mitigation bank.

Response G.33-4. As discussed in Response G.31-18, trail closures and trail use restrictions are proposed only in significant habitat restoration areas, and the majority of trails and key beach access points are retained for public coastal access. The proposed trail plan is intended to strike a balance between the competing priorities of coastal resources protection and public access, while giving deference to coastal protection in the limited cases where these priorities are in conflict. Nevertheless, the impact to the existing recreational resource is considered significant in the context of the historical recreational use patterns that will be altered due to trail closures, user restrictions, and potential crowding effects. The Santa Barbara Shores and Ellwood Mesa area has a long history of established recreational uses considered part of the existing physical setting and land use. Historic photos show evidence of long-term recreational uses in the project area. Uses include but are not limited to, pedestrian activities, ocean/beach-related activities, biking, and horseback riding. Equestrian activities peaked in the 1970s and 1980s. Much of the project area was devoted to horse boarding/riding with relatively unrestricted trail riding within the Santa Barbara Shores/Ellwood Mesa properties. Onsite equestrian opportunities are presently limited to day use associated with hauling or riding horses to and from the site from outside facilities.

While it is recognized that certain recreational activities may, at times, have associated biological and/or nuisance impacts, the purpose of the Recreation section of the EIR is to determine whether or not recreational opportunities would be diminished for any class of recreational user. This includes, but is not limited to, pedestrians, ocean/beach users, bikers, and horseback riders. The EIR correctly concludes, that when considering all classes of users and existing recreational opportunities, the loss of over one-third of existing trail opportunities, restrictions on more active forms of recreation (i.e., biking and horseback riding), and the potential for crowding/conflicts on remaining trails, impacts to recreational opportunities would be significant and unavoidable.

The EIR must disclose recreational impacts without diminishing the severity of impacts by comparing recreational losses to biological and other benefits that may be realized by limiting recreational opportunities. Once all impacts have been adequately disclosed, a balancing of benefits against significant effects may be accomplished by the decision makers in a statement of overriding considerations at the time of final action on the proposed projects. It is also acknowledged that as a policy matter, one of the goals of the Coastal Act is to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles. Balancing goals and policies would also be at the discretion of the decision makers at the time of final action.

Response G.33-5. The City is considering requiring the installation of a sewer lift station to allow sewer service for the Comstock Homes Development to be served by the Hollister trunk

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line, rather than the Devereux Creek trunk line. Please refer to response to comments G.11-15 and G.25-2. The Sandpiper Golf Course clubhouse does not currently utilize the Devereux Creek sewer line, but the golf course maintenance facilities are tied into this line. If sewer service for the Comstock Homes Subdivision is provided by the Hollister trunk line, the golf course maintenance buildings would be the only buildings served by an approximately 6000-foot long segment of the Devereux Creek sewer line. These buildings are located near Hollister Avenue, and it may be feasible to connect them to Hollister either by gravity flow or with a small separate lift station, and either of these options may be preferable to having them share a common lift station with the Comstock Homes Development. Nonetheless, there is no basis to require sewer routing changes for the Sand Piper Golf Course's maintenance buildings to be the responsibility of the project applicant for Comstock Homes.

Response G.33-6. As discussed in EIR Section 4.9 (Visual Resources) under Impact VIS-5 (Light and Glare from Residential Development and Open Space Improvements) it is expected that light and glare impacts would be less than significant with mitigation. Please refer to Mitigation VIS-5 (Lighting and Glare) in EIR Section 4.9.4.5.5 for a description of the mitigation measures to limit light and glare to less than significant levels. The final details of the light and glare mitigation measures will be determined after the applicant's exterior lighting plan is submitted to the City of Goleta Planning Department. The plan will be subject to approval by the Design Review Board prior to approval of Land Use Permits.

Response G.33-7. Comment noted. The applicant has submitted a proposed revised site plan that avoids direct loss of ESHA-designated trees and provides a buffer between the development and the Monarch Butterfly Aggregation Site near the southwest corner of the development. The revised site plan also provides a buffer from the eucalyptus trees in this area. Please refer to Comment Letter G.30 and Master Response L (including Figure L-2).

Response G.33-8. Pursuant to the California Environmental Quality Act and the CEQA Guidelines, if residual significant impacts remain (Class I impacts), the City is required to make findings that alterations have been included in the project that avoid or substantially lessen the environmental effect and/or that specific economic, legal, technological, or other considerations make infeasible mitigation measures or project alternatives identified in the EIR. The City may consider project financial data, as well as other types of information, in reaching conclusions about the feasibility (or infeasibility) of project alternations and mitigation measures. However, the intent of CEQA is to address these issues from the point of view of avoiding or reducing environmental impacts to the maximum feasible extent, rather than from the perspective of determining the least amount of development that is financially feasible.

Response G.33-9. Comment noted. Please refer to response to comment G.11-9.

Comment Letter G.34 – Bradley Hufschmid – Dated May 10, 2004

Responses G.34-1 – G.34-13. Please refer to Master Response B and Response G.17-1.

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Comment Letter G.35 – Hal S. Kopeikin, Ph.D. – Dated May 10, 2004

Response G.35-1. The EIR text correctly notes that the Santa Barbara Shores and Ellwood Mesa area has a long history of established recreational uses considered part of the existing physical setting and land use. The EIR addresses recreation impacts in Section 4.10, consistent with the comment. Public use restrictions are addressed in Section 4.10 and they meet the goals and policies set forth in the Open Space Plan. An example, Public Access Goal 1 provides public access and passive recreation opportunities at the Open Space Plan Area compatible with natural resource protection and the preservation of undeveloped open space, and with the management programs of existing reserves and preserves. Public access restrictions are minimized, wherever possible. Please refer to Master Response B for information regarding trail closures (specifically Table B-1 and Figure B-1).

Response G.35-2. Please refer to Master Response B for information regarding trail closures. Note that the trail system will not reduce overall access in the Open Space Plan Area despite the trail closures. The trail closures subtly redirect users to adopt new routes; however, the new routes will be located in close proximity and convenience. While it is recognized that certain recreational activities may, at times, have associated biological and/or nuisance impacts, the purpose of the Recreation section of the EIR is to determine whether or not recreational opportunities would be diminished for any class of recreational user. This includes, but is not limited to, pedestrians, ocean/beach users, bikers, and horseback riders. The EIR correctly concludes, that when considering all classes of users and existing recreational opportunities, trail closures and restrictions on more active forms of recreation (i.e., biking and horseback riding), and the potential for crowding/conflicts on remaining trails, impacts to recreational opportunities would be significant and unavoidable, consistent with the comment.

Response G.35-3. This comment is not relevant to the Comstock Homes Development and Open Space Plan EIR because it is specific to an Open Space Plan component outside of the jurisdiction of the City of Goleta. Please refer to the Faculty and Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for the response to this comment.

Response G.35-4. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area. The County ordinance applies to the Open Space Plan Area lands in the City of Goleta, until such time the City adopts its own ordinances. Please refer to Master Response D for more detail regarding dog use in the Open Space Plan Area.

Response G.35-5. The phrase “cultural use by Native Americans” refers to use of the Open Space for ceremonial practices by appropriate Native American groups that are recognized by the State as having ancestral ties to this site. Native American use of the Open Space area would not include activities that would otherwise be considered in violation of resource protection laws

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and ordinances, or activities that would be incompatible with other passive uses that are considered acceptable.

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Comment Letter G.36 – Marian and Stephen Cohen – Dated May 10, 2004

Response G.36-1. The comments in support of Alternative 3 and of Mitigation Measure Vis-3 are noted. The current residential development proposal (May 13, 2004 site plan) substantially limits the height of homes on the eastern and southern perimeters of the development as compared to the October 2003 site plan. Mitigation VIS-3, however, will be changed to reflect a maximum height of 19 feet 6 inches, which is slightly higher than the 18-foot limit stated in the DEIR. The comment in support of Mitigation Measures VIS-5A and BIO-11 are noted. These mitigation measures remain unchanged and would be subject to approval by the City’s Design Review Board. Standards for energy efficiency are required by the Uniform Building Code, in Title 24, Part 6, of the California Code of Regulations.

Response G.36-2. The City of Goleta will consider the Alternative 2 for the Anza Trail, as requested in the comment. Please refer to Master Response B for more information about the Open Space Plan trail system.

Response G.36-3. Comment noted. The City of Goleta acknowledges the support for closing trails where trails conflict with resource protection.

Response G.36-4. Comment noted. The City of Goleta does not disagree that the COPR is a well managed reserve. Respect for the existing preserves/reserves in the Open Space Plan Area is maintained in the Open Space Plan.

Response G.36-5. Commercial horseback riding would not be allowed in the Open Space Plan Area, as stated in Public Access Policy 2.2 in the Draft Open Space Plan (page 48). The text of the EIR has been revised to reflect the prohibition of commercial horseback riding. Private users may use the area on designated trails. Please refer to Master Response D for a summary of allowable horseback riding uses in the Open Space Plan Area.

Response G.36-6. The comment requests that the Open Space Plan include a statement eliminating the possibility of the Ellwood Mesa ever being designated an “off leash” dog park. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. Per County ordinance and University policy, dogs are required to be leashed in the Open Space Plan Area, consistent with the comment. The County ordinance applies to the Open Space Plan Area lands in the City of Goleta, until such time the City adopts its own ordinances. Please refer to Master Response D for more detail regarding dog use in the Open Space Plan Area.

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**Comment Letter G.37 – Stephen L. Jenkins/California State Lands Commission
– Dated May 10, 2004**

Response G.37-1. Comment noted.

Response G.37-2. The City of Goleta appreciates the State Lands Commission support of the Open Space Plan aspect of the project and will keep the State Lands Commission staff informed of the City's proposed plans that may affect resources in the State Lands jurisdiction.

**Public Hearing G.38 – Joint Planning Agency/City Council Meeting Comments –
Dated April 12, 2004**

Response G.38-1. While a Veterans Cemetery is an important and worthy objective, the Ellwood Mesa property is not a suitable site for such a purpose. The property has numerous environmental resources, such as vernal pools and other habitat areas, which are protected by the Coastal Act. These resources would likely be damaged or destroyed by the development of a cemetery.

Response G.38-2. Comment noted. Please refer to Master Response B for additional information on the Open Space Plan trail system and proposed trail closures. The Joint Review Committee, comprised of the City of Goleta, University, and County, will likely meet on a regular basis. The meetings will provide a forum for sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public to discuss ongoing issues related to implementation of the Open Space Plan. The Joint Review Committee will welcome volunteers for trail maintenance as long as all activities are conducted via an approved process sanctioned by the committee. The City of Goleta appreciates the volunteer proposal and looks forward to participating in such activities.

Response G.38-3. Please refer to responses to comment letter G.19.

Response G.38-4. Enumerated responses correspond to comment numbering (refer to Comment G.38-4) as follows: 1) Please refer to Response G.38-14 for a discussion of recreational zoning and the current absence of an Open Space Zone district for the City of Goleta. 2) A significant amount of grading and possible impacts to sensitive biological resources would be required to make Access Points "E" or "F" available for equestrian use. Equestrian use of the beach in the COPR during plover breeding and wintering is clearly incompatible with resource protection. COPR has instituted and will continue, a series of enforcement measures designed to reduce or eliminate horse/plover interactions. A component of the Comstock Homes Residential Development project is a one-time monetary contribution to COPR or a similar program to create an endowment for enforcement of resource protection. Signage, in conjunction with temporary fencing during the wintering and breeding season will be used to direct equestrian users to the northwest. No commercial equestrian use of the Open Space Plan area will be permitted. If, in the future, equestrian use of the beach is determined to negatively

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impact plovers, the Open Space Plan sponsoring agencies (City of Goleta, County of Santa Barbara, and University of California) can institute changes, such as restricting equestrian use to the uplands, through the adaptive management strategy built into the Open Space Plan. 3) Please refer to Response G. 38-6 for a discussion of the use of source plant material for revegetation. 4) Regarding the Phelps Ditch Trail, shifting this trail westward may not be feasible due to the narrow width of the Flood Control Easement that comprises the limit of the Open Space Area. However, if a slight realignment could be implemented, such a project could be considered by the Joint Review Committee as funding warrants. 5) Regarding the Anza Trail expansion, this expansion is not proposed in sensitive habitat areas such as native grasslands.

Response G.38-5. Comment noted. The EIR text has been revised to state the objective of up to 78 homes. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to the southwestern area of the site that is within close proximity to Nest Site 11, thereby significantly increasing the size of the habitat buffer between development and this nest site and decreasing the development footprint. In addition, native plants are primarily proposed for the perimeter landscaping; no ornamental plants will be planted in these areas. Also refer to Response G.38-6 for additional discussion on the use of genetic stock.

Response G.38-6. The Final EIR has been revised to require the use of genetic stock for seeds and plants from the Ellwood-Devereux watershed in all native habitat enhancement and restoration on City-owned lands. Please refer to Master Response E for more detail regarding the Open Space Plan habitat enhancement and restoration approach. The City of Goleta acknowledges that successful execution of goals and policies depends on adequate enforcement, monitoring, and public education. As such, educational signs, restoration and education are proposed in the Open Space Plan to assist and inform visitors and protect the natural resources from user impacts. In addition, through the adaptive management process, methods to protect resources are anticipated to evolve. Adaptive management of the Open Space Plan Area enables resource managers to change, adapt, and intervene as needed to protect sensitive resources. Within the City of Goleta-owned lands, the City will review the results of monitoring data, evaluate problems, and resolve issues related to public access, where feasible.

Response G.38-7. Please refer to Response G.5-1.

Response G.38-8. Comments noted. Enumerated responses correspond to Comment G.38-8. 1) Please refer to Master Response H and Response G.14-2 for a discussion of water quality issues. 2) As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to biological resources. The Coastal Act requires that residential developments within the Coastal Zone permit public access. Pedestrian and bicycle users would park in the designated lot to the east. It is anticipated that most users would access the Open Space Plan area from this parking lot, rather than the residential development. 3) Consistent with input from the City of Goleta, the applicant has provided for bicycle and pedestrian access through the proposed development. 4) The 65 anticipated

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construction workers would likely park in the streets and driveways of the new subdivision as these improvements would be constructed first.

Response G.38-9. Enumerated responses correspond to Comment G.38-9. 1) Comment noted. Please refer to Response G.25-3 regarding the need to complete a financial study. The applicant has submitted a revised site plan intended to minimize the impacts of the proposed project. Please refer to Master Response L. 2) Comment noted. 3) Please refer to Responses G.6-1 and G.12-5 for a discussion of the use of seed and plant stock from local plant populations. 4) Please refer to Response G.9-2. The City of Goleta has included a recommended mitigation measure requiring connection to the Hollister Avenue sewer trunk line rather than the Devereux Creek line. 5) Comment noted. 6) Please refer to Master Response D. 7) Comment noted. 8) Please refer to Master Responses D and G. 9) Please refer to Master Responses D and G.

Response G.38-10. Comments noted. Many mitigation measures will become Conditions of Approval that will be enforced by City of Goleta compliance staff. Enforcement of standards in the CC&Rs by the Home Owners' Association is appropriate. In addition, the City of Goleta intends to modify the Final Open Space Plan trail map to show access at the south end of Santa Barbara Shores Drive, as recommended in the comment. The barricade on Palos Verdes is planned to be left in place.

Response G.38-11. Private equestrian use of the Open Space Plan area is an allowable use. Equestrian access is maintained via the proposed parking lot at Santa Barbara Shores. The horse trailer parking has been designed to better accommodate trailers. This lot is adjacent to Hollister Avenue and will allow for immediate access to the Open Space Plan Area via the south side of the lot, thus, avoiding the Hollister Avenue corridor. The loss of horse trailer parking along Phelps Road is on University property and is evaluated in the Faculty and Family Student Housing and LRDP Amendment EIR. The proposed beach access upgrade at Access Point D will be designed to accommodate horses. No stairs are proposed at this Access Point. The restrictions regarding equestrian use of the trail system is a result of the attempt to balance recreational use of the Open Space Plan Area with the protection of biological resources.

Response G.38-12. Comments noted. Enumerated responses correspond to Comment G.38-12. 1) While an informal public workshop may have been helpful prior to the date of the noticed public hearing, unfortunately the time schedule dictated by the land exchange did not allow such a workshop to be held. 3) Zoning regulations do not protect a property in perpetuity. However, in this instance the City of Goleta will be the future owner of the Ellwood Mesa property. The City's proposed zoning for the property is Recreation, which is the same zoning as applies to the existing Santa Barbara Shores Park and Coronado Preserve. The Ellwood Mesa property will be protected by permanent deed restrictions that are required by the various public agencies providing funds to assist with purchase of the property.

Response G.38-13. The City of Goleta acknowledges the support for the land exchange. Bridges, boardwalks, and stairs are proposed as opportunity improvements in the Devereux

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Creek area in the vicinity of the Main Monarch Grove. One of the bridges is proposed at the end of Coronado Drive, as suggested in the comment. These improvements will be implemented as funding allows. In regard to the access at the south end of Santa Barbara Shores Drive, the Final Open Space Plan trail map will show access in this area. The steps along Trail 19 to the Main Monarch Grove will be designed to blend in with the environment to the maximum extent feasible and railroad ties will be considered as a recommended design when and if the construction of the stairs is funded.

Response G.38-14. Comments noted. The City of Goleta acknowledges the support for the land exchange. Please refer to Response G.31 for Comstock Homes related concerns. The comment notes concern regarding the need for balancing recreation with resource protection, per the Coastal Act. The City of Goleta believes that the Open Space Plan will retain the balancing provision.

The purpose of the Recreation district, as stated in Section 35-89.1 of the coastal zoning ordinance, is "... to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features." For these reasons, the Recreation zone was considered to be the most appropriate district within the present zoning district for the Ellwood-Devereux open space area. Although the Recreation district allows some intensive public and commercial recreation uses, the proposed Open Space Plan will not allow these uses. Until a new zoning code for the City is prepared and certified by the California Coastal Commission as part of the Local Coastal Program (LCP), both the applicable zoning district and the Open Space Plan may be amended by a simple majority vote of the City Council. Following certification, any change in zoning would also require approval of an LCP amendment by the Coastal Commission. Further, deed restrictions imposed by agencies contributing funds for acquisition of the Mesa will limit future uses to low-intensity types that will be consistent with preservation of the property's natural environment.

Response G.38-15. The Open Space Plan attempts to balance recreational use with protection of biological resources (refer to Master Response A). Trail closures and public use restrictions are necessary to achieve this balance. The Open Space Plan attempts to minimize the number of closed trails and focus trail closures on areas of duplicative trail use or where trails intersect sensitive resources (refer to Master Response B). The park is managed for passive recreational uses and therefore some uses, such as motorized bikes, are not allowed. Private equestrian use of the Open Space Plan area is an allowable use on designated trails. Please refer to Response G.38-11. Signs and public education will target allowable uses and proper trail behavior in an attempt to educate users and encourage them to maintain consistency with the Open Space Plan.

Response G.38-16. The comment relates concern regarding the number of residences, requests phasing and Alternative 3, and recommends a funding mechanism be developed in the Open Space Plan. The project objective (Section 1.3) is more accurately defined as "up to 78

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residential units.” Phrasing of the development is not proposed but the comment is noted. Please refer to Master Response G for further discussion of the Open Space Plan implementation process, which will include appropriate funding mechanisms similar to those used in other open space management areas. The Open Space Plan includes a list of funding sources. These sources will be assessed upon finalization of the land exchange.

Response G.38-17. Please refer to Response G.38-11. The loss of horse trailer parking along Phelps Road is on University property and is evaluated in the Faculty and Family Student Housing and LRDP Amendment EIR. The restrictions regarding equestrian use of the parking and trail system is a result of the attempt to balance recreational use of the Open Space Plan Area with the protection of biological resources.

Response G.38-18. Trail paving is not proposed in the Open Space Plan. Proposed stair upgrades on the City of Goleta’s jurisdiction of the Open Space Plan area are alternatives and are described as natural steps, i.e., railroad ties or other natural materials that will be designed to blend in with the character of the area to the maximum extent feasible. The City of Goleta believes that the proposed improvements in the Open Space Plan, including amenities and trail system design, balance resource protection with public use.

Response G.38-19. See response to G.38-11.

Public Hearing G.39 – Joint Planning Agency/City Council Meeting Comments – Dated April 19, 2004

Response G.39-1. The City of Goleta acknowledges the support for the land exchange.

Response G.39-2. The sponsoring agencies, including the City of Goleta, County, and University, will establish a multi-jurisdictional management oversight committee to coordinate the separate, but parallel actions in the Open Space Plan Area. The Joint Review Committee will likely meet on a regular basis to provide a forum for sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public to discuss ongoing issues related to implementation of the Open Space Plan. The process is intended to be an interactive one.

Response G.39-3. While a Veterans Cemetery is an important and worthy objective, the Ellwood Mesa property is not a suitable site for such a purpose. The property has numerous environmental resources, such as vernal pools and other habitat areas, which are protected by the Coastal Act. These resources would likely be damaged or destroyed by the development of a cemetery. Please refer to Master Response A for an overview of the goals of the Open Space Plan effort.

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**Public Hearing G.40 – Joint Planning Agency/City Council Meeting Comments –
Dated April 22, 2004**

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Response G.40-1. Comments noted. The City of Goleta believes that it is obligated to manage their portion of the Open Space Plan Area consistent with the Coastal Act which requires balancing recreation with biological resource protection. Comstock Homes Alternative 3 and other alternatives have been evaluated and are being considered, per the comment. The applicant has submitted a proposed revised site plan that provides a larger buffer between the development and the Monarch Butterfly Aggregation Site near the southwest corner of the development. The revised site plan also avoids the need to remove eucalyptus trees along the southwest boundary of the site and provides a buffer from the eucalyptus trees in this area. The revised site plan reduces many of the 2-story homes to 1-story homes. Please refer to Comment Letter G.30 and Master Response L (including Figure L-2).

Response G.40-2. Comments noted. The City of Goleta has worked with the local environmental community, the public, the other Joint Review Panel members (University and County of Santa Barbara), and the developer to facilitate the land swap and to shift the proposed Comstock Homes Development off of the more environmentally sensitive portions of Ellwood Mesa and closer to Hollister Avenue. In addition, the City of Goleta has worked with the environmental community and the developer to modify the proposed residential development to be less visually obtrusive, to avoid sensitive biological habitat and associated setback buffers, and to address hydrology and water quality considerations associated with development in the Devereux Creek watershed. The Open Space Plan component of the proposed project would set aside land in perpetuity on Ellwood Mesa that is currently zoned for residential development, thereby resulting in a beneficial impact. The City of Goleta believes that the adverse environmental effects of the proposed residential development are balanced by the beneficial effects of the land swap and the Open Space Plan. The City of Goleta is concerned with several aspects of the proposed residential development and the applicant has submitted a reduced site plan that addresses the majority of the City of Goleta and the environmental community's concerns. Please refer to Comment G.30-1 for a summary of the applicant's reduced site plan proposal, and to Master Response L for additional information.

Response G.40-3. Comment noted. The City of Goleta has worked with the local environmental community, the public, the other Joint Review Panel members (University and County of Santa Barbara), and the developer to facilitate the land swap and to shift the proposed Comstock Homes Development off of the more environmentally sensitive portions of Ellwood Mesa and closer to Hollister Avenue. The Open Space Plan component of the proposed project would set aside land in perpetuity on Ellwood Mesa that is currently zoned for residential development, thereby resulting in an immeasurable beneficial impact.

Response G.40-4. The City of Goleta acknowledges the support for the EIR. The applicant has submitted a reduced site plan that addresses the majority of the City of Goleta and the environmental community's concerns, including impacts to wetlands. Please refer to Comment

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Appendix E Letter G.30-1 for a summary of the applicant's reduced site plan proposal, and to Master
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Response G.40-5. Comment noted. In exchange for residential development on approximately 36 acres of Santa Barbara Shores property, 652 acres of contiguous open space, including Ellwood Mesa and the monarch butterfly overwintering habitat, would be permanently preserved for public uses that are compatible with biological resource protection. The butterfly habitat will continue to be available to recreational users. Please refer to Master Response L for a discussion of the applicant's proposed revisions to the Site Plan.

Response G.40-6. Comment noted. The City of Goleta has expressed concerns with several aspects of the proposed residential development and, as a result, the applicant has submitted a reduced site plan that addresses many of the City of Goleta and the environmental community's concerns, including reducing some of the homes to single story. Please refer to Comment Letter G.30 for a summary of the applicant's reduced site plan proposal, and to Master Response L for more information. Appropriate night lighting measures will be implemented, as noted in the comment. The Alternative 2 trail plan will be considered along with the other alternatives, per the comment. Figure 12 and 14 are generated from the same database and are consistent, however, minor changes to the trail system may occur in the future and modified maps will be provided in the Final Open Space Plan.

Response G.40-7. Comment noted.

Response G.40-8. Open Space Plan parking lot facilities are proposed to include handicapped parking spaces. Parking lot trailheads will accommodate handicapped users. The City of Goleta Planning Department will review the final details of the applicant's exterior lighting plan and ensure that night lighting is minimized. The plan will be subject to approval by the Design Review Board prior to approval of Land Use Permits. The proposed parking lot at Santa Barbara Shores will not include night lighting, as the lot will be locked at night. However, if there is a nighttime safety issue, night lighting will be restricted to the number and wattage of lights necessary to provide minimum public safety and will be shielded and directed downward to minimize light scatter into adjacent areas.

Response G.40-9. The parking lot and restroom at Santa Barbara Shores Park are set back more than 100 feet from the eucalyptus grove. Combined with construction-related mitigation such as timing of earth moving activities to avoid the raptor nesting season, this set-back adequately protects the eucalyptus grove from the parking lot and restroom. Please refer to Impacts Bio-21 and Bio-22 of the DEIR for more detail regarding the impact assessment related to the construction and operation of the parking and restroom at Santa Barbara Shores. The City of Goleta appreciates the support for the geologic hazard section of the EIR. The comment points out concern regarding the Hollister sewer line and related safety hazards. The Goleta West Sanitary District plans to sleeve portions of the Devereux Creek sewer line to reduce the potential for root intrusion and associated blockages and spills. Successful implementation of

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this planned upgrade would increase the reliability and safety of the sewer line, as well as improve its earthquake resistance.

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**Public Hearing G.41 – Joint Planning Agency/City Council Meeting Comments –
Dated May 10, 2004**

Response G.41-1. While a Veterans Cemetery is an important and worthy objective, the Ellwood Mesa property is not a suitable site for such a purpose. The property has numerous environmental resources, such as vernal pools and other habitat areas, which are protected by the Coastal Act. These resources would likely be damaged or destroyed by the development of a cemetery. Please refer to Master Response A for an overview of the Open Space Plan effort.

Response G.41-2. Comment noted. Please refer to Master Response C. Furthermore, the Ellwood School is outside of the ownership control of the City of Goleta or Santa Barbara Development Partnership, and therefore neither entity has the ability to use the school site as a permanent parking area.

Response G.41-3. The applicant has submitted a revised site plan which includes less residential units. Please refer to Comment Letter G.30 and Master Response L for more information.

Response to G.41-4. Comment noted. Because the Barnsdall Gas Station is outside of the ownership control of the City of Goleta and the Santa Barbara Development Partnership, neither entity has the ability to require the owners of the gas station to make improvements.

Response G.41-5. The public access and recreation element of the Open Space Plan is based on an integrated trail system providing extensive public access while protecting sensitive coastal resources. The trail system is based on the existing network of formal and informal trails in the Ellwood-Devereux Open Space area. The trail system is primarily designed for pedestrians; however, trails to accommodate bicycles and equestrian uses are also included. Different trail types are proposed to accommodate the privacy and safety of users.

Response G.41-6. Natural resources on the COPR, including Sands Beach and the western snowy plover, will be protected by channeling public use away from the most sensitive areas and by educating the public through interpretive functions and signs.

Response G.41-7. A limited amount of other facilities is provided in the Open Space Plan Area to better accommodate users. Low-profile signs identify permitted uses, direct people where to walk, how to protect resources, and increase their understanding of the environment. These signs will be strategically placed in few locations (mainly at trailheads) to maximize public education.

Response G.41-8. On City of Goleta land, the habitat management approach is to protect the existing habitats by establishing a consolidated trail system designed to avoid sensitive resources

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where feasible, to enhance some habitats, and protect the monarch butterfly aggregations and roosts.

Response G.41-9. Open Space Plan Public Access Policy 2.2 prohibits commercial equestrian operations in the Open Space Plan Area (the University Horse Boarders Association at the University stables on West Campus is not a commercial organization and will continue its present functions). Non-commercial equestrian use of the Open Space Plan Area will continue, but the number of trails will be consolidated and relocated to protect ESHAs, remove duplicative trails, and reduce overall trail erosion from equestrian use.

Response G.41-10. The University Horse Boarders Association routinely removes and will continue to remove horse manure from the current equestrian trails on West Campus and Ellwood Mesa. If horse manure becomes a significant ecological or public health issue from these riders, the sponsoring agencies may require tail bags on horses, redirect the equestrian activities to more appropriate locations, or prohibit the use.

Response G.41-11. The City of Goleta shares the concern for providing adequate buffers for wildlife and habitat protection. Please refer to Comment G.30-1 for a summary of the applicant's reduced site plan proposal, and to Master Response L for more information.

Response G.41-12. The City of Goleta shares the concern for providing adequate buffers for wildlife and habitat protection. Please refer to Comment G.30-1 for a summary of the applicant's reduced site plan proposal, and to Master Response L for more information. The reduced site plan maintains greater protection for wetlands, streams, drainages, raptor nests, raptor roosts, and monarch butterfly overwintering and aggregation sites.

Response to G.41-13. Comment noted. Please refer to Master Response H.

Response G.41-14. Please refer to Master Response H.

Response G.41-15. Comment noted. The applicant has submitted a revised site plan which includes less residential units and reduces impacts to biological resources. Please refer to Comment Letter G.30 and Master Response L for more information.

Response G.41-16. Comment noted. The applicant has submitted a revised site plan which includes less residential units and more single-story units to reduce impacts to views. Please refer to Comment Letter G.30 and Master Response L for more information.

Response G.41-17. Open Space Plan Public Access Policy 2.4 requires the enforcement of existing dog leash policies, regulations, and ordinances of each sponsoring agency in their jurisdiction. County Ordinance 26.49 requiring leashed dogs at County Parks (that do not have an unleashed dog area). In addition, this ordinance applies to the Open Space Plan Area lands in the City of Goleta, until such time the City adopts its own ordinances. The historic level of enforcement of dog leash regulations will continue under the Open Space Plan in these areas. As

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the Open Space Plan is implemented, the sponsoring agencies will monitor dog waste and then determine the need, if any, and corrective action is required.

Response G.41-18. Please refer to Master Response I for information regarding snowy plover protection.

Response G.41-19. Mutt mitt stations and trash cans are provided in the Open Space Plan Area.

Response G.41-20. Comment note. Please refer to Master Response L.

Response G.41-21. Comment noted. Please refer to Master Response B.

Response G.41-22. The City of Goleta does not disagree that the COPR is a well managed reserve. Conflicts with the management of the existing preserves/reserves in the Open Space Plan Area are avoided in the Open Space Plan.

Response G.41-23. Comment noted. Please refer to Master Response B.

Response G.41-24. Please refer to Response G.41-17.

Response G.41-25. The Open Space Plan prescribes that certain trails will be closed because they traverse ESHAs such as native grasslands, eucalyptus woodlands, vernal pools, creeks, and/or dune scrub habitats. It also identifies that other trails will be closed because they are hazardous (i.e., gullies, eroding bluffs) and their continued use exacerbates these problems. In these situations, nearby parallel trails are maintained to provide similar access. In some cases, trails are closed because they are located parallel to, and in close proximity to, other trails. The trail system will not reduce overall access in the Open Space Plan Area despite the trail closures. The trail closures subtly redirect users to adopt new routes; however, the new routes will be located in close proximity and convenience. Please refer to Master Response B.

Response G.41-26. Please refer to Response G.41-25.

Response G.41-27. Please refer to Response G.41-17.

Response G.41-28. The phrase “cultural use by Native Americans” refers to use of the Open Space for ceremonial practices by appropriate Native American groups that are recognized by the State as having ancestral ties to this site. Native American use of the Open Space area would not include activities that would otherwise be considered in violation of resource protection laws and ordinances, or activities that would be incompatible with other passive uses that are considered acceptable.

Response G.41-29. Comment noted. This comment is not relevant to the Comstock Homes Development and Open Space Plan EIR because it is specific to an Open Space Plan component outside of the jurisdiction of the City of Goleta. Please refer to the Faculty and

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Family Student Housing and LRDP Amendment EIR and the Ocean Meadows Residences and Open Space Plan EIR for the response to this comment.

Response G.41-30. Comment noted. The applicant has submitted a revised site plan which includes less residential units and reduces environmental impacts. Please refer to Comment Letter G.30 and Master Response L for more information.

Response G.41-31. Comment noted.

Response G.41-32. Comment noted.

Response G.41-33. Comments noted. Many mitigation measures will become Conditions of Approval that will be enforced by City of Goleta compliance staff.

Response G.41-34. Refer to Master Response F.

Response G.41-35. Please refer to Responses G.11-9 and G.45-4.

Response G.41-36. Comments noted. Many mitigation measures will become Conditions of Approval that will be enforced by City of Goleta compliance staff.

Response G.41-37. Enforcement of parking regulations in the Open Space Plan adjoining neighborhoods will continue at current levels. As a reminder, equestrian access is maintained via the proposed parking lot at Santa Barbara Shores. The parking lot is designed to accommodate trailers.

Response G.41-38. Please refer to Master Response H.

Response G.41-39. Comment noted. The City of Goleta does not disagree that the COPR is a well-managed reserve. Refer to Master Response I.

Response G.41-40. Comment noted. Please refer to Master Response B. Please refer to responses to Comment Letter G.31.

Response G.41-41. Please refer to responses to Comment Letter G.31.

Response G.41-42. Comments noted. Please refer to Master Responses A, D, G and Response G. In addition, use of the Ellwood School for Open Space area parking was not considered because it is outside of the study area.

Response G.41-43. Please refer to responses to Comment Letter 25.

Response G.41-44. The City of Goleta believes that it is obligated to manage their portion of the Open Space Plan Area consistent with the Coastal Act which requires balancing recreation with biological resource protection. Please refer to Master Responses A and B.

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Response G.41-45. Please refer to Response G.41-25.

Response G.41-46. The comment states that the Anza Trail location will impact native grassland resources. The location of the Anza Trail was carefully selected to minimize impacts to resources. Slight modifications to the exact location may be required prior to construction of the Anza Trail to avoid native grassland resources. Any modification is anticipated to be minor, for example a 10-foot shift to the north or south.

Response G.41-47. Please refer to Master Response E.

Response G.41-48. Comment noted. Please refer to Section 5.0.

Response G.41-49. Funds for the management actions will be developed from a variety of public and private sources. As with regulatory compliance efforts, the identification of appropriate funding sources, the application for funds, and the disbursement of funds are most effectively carried out through interagency context. The Joint Review Committee including sponsoring agency officials, subarea managers and docents, residents and owners of adjacent properties, Open Space Plan Area user groups, and members of the public may compile a master list of opportunity projects and funding sources to maximize the opportunity for successful fund raising.

Response G.41-50. The Comstock Development is part of the land exchange and is located on Ellwood Mesa. As such, the City of Goleta believes that it is reasonable to accept restoration funding from the Comstock Development. The City of Goleta will also seek out funds for management actions from a variety of other public and private sources and does not believe that such an action converts the Open Space Plan area into a mitigation bank.

Response G.41-51. Please refer to Response G.11-7.

Response G.41-52. Please refer to Response G.31-22.

Response G.41-53. Critical habitat for the western snowy plover extends along the beach northwestward from Coal Oil Point for a distance of approximately 7,200 feet to Beach Access “F” (see Figure 6 in Open Space Plan). The wintering and breeding populations of plovers on COPR property are expanding, likely as a result of current management practices on the COPR. Upon approval of the land exchange, the City of Goleta will evaluate the need for preparing a Snowy Plover Management Plan.

Response G.41-54. Comment noted.

Response G.41-55. Comment noted.

Response G.41-56. Comment noted. Please refer to Comment Letter G.30 and Master Response L.

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Response G.41-57. Comment noted.

Response G.41-58. Comment noted.

Response G.41-59. Comment noted.

Response G.41-60. Comment noted. Please refer to Master Response A.

Response G.41-61. Comment noted.

Response G.41-62. Allowable uses in the Open Space Plan Area are reviewed in detail in EIR Section 4.10. In some cases, certain uses, such as commercial uses, may be allowed through a permit process. The City of Goleta acknowledges that the process for implementing a permit program is not explicit in the Open Space Plan. The permit process, if any, will be determined by the City of Goleta during the implementation phase of the Open Space Plan.

Response G.41-63. Please refer to Response G.41-25 and Master Response B.

Response G.41-64. Comment noted. Please refer to Master Response L.

Response G.41-65. Comment noted.

Response G.41-66. Comment noted.

Response G.41-67. Comment noted. Please refer to Master Response B.

Response G.41-68. Comment noted. Please refer to Master Response B.

Response G.41-69. The City of Goleta acknowledges that monitoring and enforcement will be an important during the Open Space Plan implementation. Please refer to Master Response G for more detail.

Response G.41-70. The City of Goleta acknowledges that follow-up will be an important during the Open Space Plan implementation. Please refer to Master Response G for more detail.

Response G.41-71. Comment noted. Please refer to responses to Comment Letters C.24 and G/25.

Response G.41-72. Comment noted.

Response G.41-73. Comment Acknowledged. The City of Goleta can consider requiring the use of graywater as a condition of approval for the Comstock Homes Development Project.

Response G.41-74. Please refer to Master Response E and Response G.25-10.

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Response G.41.75. Please refer to Master Response B. Within the Open Space Plan Area, the Anza Trail accommodates pedestrians, bicyclists, and equestrians. It will provide connections to many trails within the Open Space Plan Area, as well as to bike routes and trail designations outside of the Open Space Plan Area. As a multi-use trail, trail widening is required.

Response G.41-76. Please refer to Master Response K and the revised Residual Impact Section in Section 4.12.

Comment Letter G.42 – William F. Lim, Transportation Planner/Santa Barbara County Association of Governments – Dated May 12, 2004

Response G.42-1. Mitigation Measure Land Use-2 requires the developer to file a Notice of Aircraft Overflights with the California Department of Real Estate prior recordation of the final tract map. CC&Rs are also required to be reviewed and approved by the City prior to acceptance of the proposed final map.

Response G.42-2. Comment noted.

Response G.42-3. Comment noted.

Response G.42-4. Comment noted.

Response G.42-5. The recommended mitigations are included in the DEIR and FEIR, and will be considered as required conditions of approval of the project.

Comment Letter G.43 – Lee E. Heller, Ph.D. – Dated May 17, 2004

Response G.43-1. Comment noted.

Response G.43-2. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts.

Response G.43-3. As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts.

Comment Letter G.44 – Terry Roberts/State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit – Dated May 13, 2004

Response G.44-1. Please refer to Responses for Comment G.37.

Comment Letter G.45 – California Coastal Commission – Dated May 24, 2004

Response G.45-1. Comment noted. Please refer to Master Response A.

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Response G.45-2. The comment requests further justification regarding the width of protective buffers for isolated wetlands and wetlands associated with stream channels. The City of Goleta requires a 100 foot setback (buffer) for wetlands and a 50-foot setback (buffer) for streams, or riparian corridors. The stream/riparian buffer may be adjust upwards or downwards to reflect the quality of the habitat. A downward adjustment of the stream/riparian buffer may also be justified if hydrologic sources are related to upstream stream flow as opposed to adjacent sheet flow. In other words, isolated wetland resources, such as vernal pools, have small hydrologic connections and require a larger buffer than a stream channel with upstream water sources.

The Comstock Homes development site intersects tributaries to Devereux Creek. These drainages are referred to as Drainages A, A1, and A2. A 50 foot setback for streams/riparian corridors is applied to these drainages. The main source of hydrology is from upstream flow. Sheet flow on the Comstock Homes site is a minor contribution to hydrology in the drainages. Wetland type vegetation composed of native and non-native species, ranging from obligate to facultative wetland indicator states, occur within Drainages A, A1, and A2 in relatively small patches. Non-natives form a strong component in these wetland resources. Erosion from human disturbances and natural drainage processes further degrade these drainage feature wetlands. The habitats within and immediately adjacent to these drainages do not support sensitive wildlife resources nor is it a unique habitat worthy of maximum protection. The wetlands within these drainages are primarily supported by upstream hydrology and these wetlands are small and eroded, and the habitat is not valuable as a unique wildlife resource. As such, the proposed 50-foot protective setback is justified.

As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to onsite drainages and wetland resources.

Response G.45-3. Native grasslands in the Open Space Plan Area are generally considered ESHAs if they exhibit a predominance of native species, appear to be self-sustaining and viable, and are not isolated or fragmented but comprise a part of a larger native grassland complex. Native grasslands on the Comstock Homes Development are fragmented and isolated and are not considered as ESHA. The proposed development and affected grassland resources are in a disturbed corridor, at a major public access point. The disturbances related to the high use further limit the expansion potential for the existing polygons. Additionally, Devereux Creek bisects the mesa and separates the proposed development from the larger stands of native grassland to the south and east. The native grasslands to the south and east are, in general, considered ESHA because they are part of a larger grassland system. It is not necessary to label each grassland patch and summarize percent cover, as the SAIC report provides the requested information. The City of Goleta will send the Coastal Commission the map of grasslands, with labeled patches, to supplement the SAIC package for their review.

As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to native grassland resources on the Comstock Homes Development. Please refer to Master Response L for more detail.

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Response G.45-4. The monarch aggregation site north of the “Sandpiper Roost” in the Storrer and Philbrick report was previously located on the Sandpiper Golf Course property. This habitat was removed as part of golf course operations and the aggregation site is no longer present. The southern portion of the eastern windrow on the Comstock Homes development expands previously mapped ESHA for monarch butterfly and raptors. The expansion of the previously mapped ESHA to the north includes additional eucalyptus habitat as the habitat has the potential to support roosting and nesting raptors and may provide climate control for the monarch butterfly aggregation to the south. The windrow north of the ESHA to Hollister Avenue is not ESHA because the windrow is impacted from traffic on Hollister Avenue, is impacted from the Sandpiper Golf Course maintenance building and maintenance activities, and larger breaks in the canopy occur with a larger diversity of species, including ornamental or invasive weeds.

The Draft EIR identified Class I air quality impacts (Impacts AQ-3 and AQ-9) for operational emissions from the Comstock Homes development associated with residential emissions, including the applicant’s proposed inclusion of wood burning fireplaces/stoves in the project design. Mitigation Measure AQ-4 would preclude wood burning fireplaces/stoves, but allow natural gas fireplaces. The applicant’s comments on the Draft EIR (see Comment Letter G.30, Comment G.30-1; May 4, 2004 letter, page 7, comment on Page 4.14-19 regarding Mitigation AQ-4) state that the applicant plans to limit wood burning fireplaces to one per residence. If the applicant is unwilling to commit to the complete prohibition of wood burning fireplaces/stoves, the City of Goleta will need to either make a Statement of Overriding Considerations (e.g., to allow the use of wood burning fireplaces) or stipulate the prohibition as a Condition of Certification.

As noted in Master Response L and in Comment Letter G.30, the applicant has submitted a revised site plan intended to reduce impacts to ESHA. The revised site plan, as described in Master Response L, would result in the retention of approximately 190 ESHA-designated eucalyptus trees in this area.

Response G.45-5. The City of Goleta acknowledges that the Comstock Homes development footprint is located in raptor foraging habitat. Impact Bio-4 of the DEIR addresses impacts associated with the loss of foraging habitat and correctly classes the impact as Class I, a significant impact that cannot be mitigated to a less than significant level. Figure 4.4-3 of the DEIR identifies raptor and monarch butterfly ESHA, consistent with the comment. The nest sites identified on Figure 4.4-3 are based on available literature and on field observations conducted as part of the EIR analysis. Preconstruction surveys for nesting raptors are required (refer to DEIR Mitigation Bio-4) and will provide up-to-date results of raptor nest sites. Raptors may use the same nest sites year after year, may abandon these sites for one or more years, then re-establish them in the same locations in the future. Use of historic information on raptor nest sites is appropriate in assessing the value of suitable nesting habitat in the project area as well as in protecting historic nesting areas.

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The City of Goleta will require a buffer for raptor nests for the Comstock Homes Development as the City believes that nesting habitat is abundant on the Ellwood Mesa and that on balance, the land exchange will provide permanent protection for the more high quality foraging habitat located to the east on the mesa.

Response G.45-6. The City acknowledges that it is difficult to completely prevent pet cats from entering open space resources regardless of fence design parameters. The Comstock Homes perimeter fence design attempts to prevent domestic pets from entering the open space, while presenting an attractive appearance.

The public access and recreation element of the Open Space Plan is based on an integrated trail system providing extensive public access while protecting sensitive coastal resources. The trail system is based on the existing network of formal and informal trails in the Ellwood-Devereux Open Space area. Formal trails will be deliberately designed and improved under the auspices of the City of Goleta, County, University, or other land managers in the open space. The Open Space Plan prescribes that certain trails will be closed because they traverse environmentally sensitive habitat areas (ESHAs) such as native grasslands, eucalyptus woodlands, vernal pools, creeks, and/or dune scrub habitats. It also identifies that other trails will be closed or rerouted because they are hazardous (i.e., gullies, eroding bluffs) and their continued use exacerbates these problems. In these situations, nearby parallel trails are maintained to provide similar access. In some cases, trails are closed because they are located parallel to, and in close proximity to, other trails. Trail closures are proposed for restoration. Please refer to Master Response B and Figure B-1 and Table B-1 for additional information on trail closures.

As noted in the comment, portions of the proposed trail system are located within or adjacent to ESHA, such as trails through eucalyptus woodlands known to support nesting raptors and overwintering monarch butterflies. The intent of the Open Space Plan is to balance resource protection with recreation. In some cases, ESHAs such as the Ellwood Main Monarch Grove on the Mesa are a desired destination for open space users. In an effort to balance the need for ESHA protection and passive public use, the City of Goleta retains some of these trails. Some trails that currently occur adjacent to vernal pools or native grassland ESHA resources are retained because the City of Goleta believes that the access routes are significant for pedestrians, bicyclists, and/or equestrians. In these cases, the trails will remain in place and will not be expanded.

The Open Space and Habitat Management Plan strives to attain a balance between preservation of biological resources and sensitive habitats on the one hand and the provision of limited public access and passive recreation opportunities in a manner consistent with habitat protection on the other. Please refer to Master Response A for more detail regarding the background and foundation of the Open Space Plan and the general philosophy for the proposed trail system. The City of Goleta acknowledges the Coastal Commission's concern for designing a trail system from scratch and hopes to build further understanding of the methods that were employed to identify the proposed trail system.

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The recommendation for more attention to long-term enhancement of raptor nesting and foraging habitat is acknowledged. Species Goal 1 of the Open Space Plan calls for the protection and enhancement habitat for special-status species, such as raptors, in the Open Space Plan Area. Raptor foraging habitat would be maintained in the Open Space Plan Area by preserving relatively large contiguous areas of grassland that are near or adjacent to suitable roost and nest sites. Trail closures would reduce impacts to foraging habitat by consolidating users on a network of trails, thereby enabling the expansion of foraging habitat through native grassland restoration. Tree plantings around the perimeter of the Comstock Homes development will provide additional nesting and roosting habitat for raptors.

**Public Hearing G.46 – Joint Planning Agency/City Council Meeting Comments –
Dated May 18, 2004**

Response G.46-1: Comment noted. This comment will be considered in the Final Open Space Plan.

Response G.46-2: Refer to Master Response C for a discussion of wheelchair accessible amenities within the Open Space Plan area.

Response G.46-3: Please refer to Response G.38-6.

Response G.46-4: Please refer to Response G.11-68.

Response G.46-5: The Goleta West Sanitary district has a number of measures in place or being discussed to reduce trash, sedimentation, and other pollution into the stormwater system. The district conducts street sweeping approximately twice monthly over the entire district's service area. In cooperation with Project Clean Water, the district has recently funded a project to map storm drains in the area to identify candidate locations for future stormwater treatment projects. These potential stormwater treatment projects could include new filters on drains, new bioswales to enhance natural filtration, or similar measures.

Response G.46-6: Comment noted.

Response G.46-7: Please refer to Master Response C for a discussion of "mutt mitts" locations within the Open Space Plan area.

Response G.46-8: Please refer to Response G.14-15.

Response G.46-9: Please refer to Master Response H and G.19-4 for a discussion of bioswales.

Response G.46-10: Please refer to Master Response B for a discussion of the proposed trail system including trail closures. Also please refer to Response G.31-17.

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Response G.46-11: Staff from the City of Goleta are in the process of preparing a map with habitats overlaid on the proposed trail system. A similar map was requested by California Coastal Commission staff in May 2004. This map will be presented to the Planning Agency/City Council in advance of final action on the FEIR.

Response G.46-12: Please refer to Master Response B for a discussion of the proposed trail system including trail closures. Also please refer to Response G.31-17.

Response G.46-13: Please refer to Master Response F as well as Responses G.5-3, G.11-35, G.11-26, G.11-47, G.15-2, and G.25-4 for a discussion about possible future remediation activities.

Response G.46-14: Please refer to Response G.38-6.

Response G.46-15: Please see response to comment G.11-15. The sewer lift station is proposed as a mitigation measure; it is not part of the project description. Lot 74 on the May 13, 2004 site plan has been reserved as a possible location for the sewer lift station. If a lift station is required as a condition of approval, the environmental impacts associated with the lift station and the modifications to the piping would be described in a subsequent environmental document, likely an addendum to the FEIR.

Response G.46-16: Pursuant to the California Environmental Quality Act and the CEQA Guidelines, if residual significant impacts remain (Class I impacts), the City is required to make findings that alterations have been included in the project that avoid or substantially lessen the environmental effect and/or that specific economic, legal, technological, or other considerations make infeasible mitigation measures or project alternatives identified in the EIR. The City may consider project financial data, as well as other types of information, in reaching conclusions about the feasibility (or infeasibility) of project alternations and mitigation measures. However, the intent of CEQA is to address these issues from the point of view of avoiding or reducing environmental impacts to the maximum feasible extent, rather than from the perspective of determining the least amount of development that is financially feasible.

Response G.46-17: Please refer to Responses G.14-15 and G.36-5.

Response G.46-18: Please refer to Responses G.11-9 and G.45-4.

Response G.46-19: Please refer to Master Response H and G.19-4 for a discussion of bioswales.

Response G.46-20: Please refer to Master Response J and Responses G.11-28 and G.11-60.

Response G.46-21: Please refer to Master Response F and Responses G.11-36 and G.11-47.

Response G.46-22: Please refer to Master Response D and Responses G.35-5 and G.41-28.

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Response G.46-23: Comment noted.

Response G.46-24: Please refer to Master Response I and Response G.36-4.

Response G.46-25: The comment notes that the dense north-south trending eucalyptus woodland on the eastern edge of Santa Barbara Shores is not clearly identified on page 4.4-24 of the DEIR. The review of eucalyptus woodlands on page 4.4-24 is intended to be a summary and the Ellwood North eucalyptus grove is described in the last paragraph on page 4.4-24 and the second bullet on page 4.4-25 as one of the five monarch butterfly overwintering sites. Additionally, the Ellwood North eucalyptus woodland is documented on page 4.4-8 under the eucalyptus woodland habitat description and again on page 4.4-37 under the discussion of habitats in the Ellwood Mesa Open Space. The Ellwood North eucalyptus grove is also mapped on Figures 4.4-1 and 4.4-3. Revisions to the text are not proposed as the eucalyptus woodland comprising Ellwood North is adequately documented and evaluated in the DEIR text and on the figures.

Response G.46-26: The City of Goleta's policies generally require a 100-foot buffer for monarch overwintering sites and supporting habitat. Overwintering sites and supporting habitat are designated as ESHA. Impacts to ESHA are considered a Class I impact. Refer to page 4.4-43 for clarification to the location of the development from adjacent overwintering sites. As noted on page 4.4-43 of the DEIR, Ellwood North is within 350 feet from the development and the Sandpiper aggregation site is within 200 feet of the development. The EIR documents the direct loss of the supporting habitat loss (e.g., the removal of eucalyptus trees) to the north of the Sandpiper aggregation site, a Class I impact. The revised site plan (Alternative Site Plan 1) protects the trees to the north of the Sandpiper aggregation site, including a 50-foot buffer. Impacts remain Class I as the required buffer is 100 feet.

Response G.46-27: Loggerhead shrikes use the Comstock Homes Development for foraging and infrequently nest in the region. Page 4.4-44 is changed clarify that impacts are associated with the loss of foraging habitat.

Response G.46-28: As noted in the comment, page 4.10-6 of the DEIR notes that existing public recreation in the Ellwood Mesa Open Space Plan area is an unauthorized use. This statement is accurate, reflecting the fact that Ellwood Mesa is currently in private ownership. Use of the property is on an informal basis. To the knowledge of the City, in recent years, the landowners have done nothing to disallow informal use by the public

Response G.46-29: Page 4.10-8 is modified to clarify that the singular Ellwood Main Monarch Grove is viewed from two locations, as noted in the comment.

Response G.46-30: Please refer to Master Response H.

Response G.46-31: The Sandpiper butterfly aggregation site is on the upstream boundary of the Comstock Homes Development and the source of hydrology is mainly from the golf course

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and other upstream stormwater plows. The Comstock Homes Development stormwater discharge will be discharged downstream of the aggregation site, therefore, not impacting the habitat in the eucalyptus woodland.

Response G.46-32: The No Project Alternative is conceptual only, so a specific site plan is not required. The assumption in the alternative is that vehicular access would be provided by a driveway at the end of Santa Barbara Shores Drive. This driveway would result in adverse environmental impacts as a result of crossing over Devereux Creek ESHA and through the eucalyptus grove along the creek. Alternative 1 assumes development only on property under the control of Santa Barbara Development Partners/Comstock Homes. The City is not required to provide vehicular access through a public park in order to allow development of an adjacent private property that has direct access to an existing public street. However, the City could on a discretionary basis consider such a request. The project alternatives are not required to be addressed in the same level of detail as the proposed project.

Response G.46-33: Refer to Response G.46-32.

Response G.46-34: Please refer to Master Response H.

Response G.46-35: Mitigation Bio-5 requires that a qualified biologist conduct pre-construction surveys and construction monitoring, as necessary. The surveys are timed both prior to and during construction and a 500-foot protective buffer will be applied if the biologist determines that butterfly overwintering activity is occurring. The biologist will use professional judgment in assessing the status of butterfly activity. As noted in Table 4.4-7 (Summary of Impacts and Mitigation), Mitigation Bio-5 does not reduce the Class I impact determination.

Response G.46-36: Please refer to Master Response B.

Response G.46-37: Please see response to comment G.11-15. The sewer lift station is proposed as a mitigation measure; it is not part of the project description. Lot 74 on the May 13, 2004 site plan has been reserved as a possible location for the sewer lift station. If a lift station is required as a condition of approval, the environmental impacts associated with the lift station and the modifications to the piping would be described in a subsequent environmental document, likely an addendum to the FEIR.

Response G.46-38: Please refer to Responses G.24-12, G.32-1, G.33-4, G.37-17, G.38-14, and G.40-1.

Response G.46-39: Please refer to Responses G.11-9 and G.45-4.

Response G.46-40: Please refer to Master Response D.

Response G.46-41: Please refer to Master Response G.

Response G.46-42: Please refer to Master Response B.

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Response G.46-43: Please refer to Master Response B.

Response G.46-44: Please refer to Master Response B.

Response G.46-45: Please refer to Mater Response D.

Response G.46-46: Please refer to Responses G.11-17, G.25-21, and G.31-21.

Response G.46-47: Comment noted. Please refer to Master Response D.

Response G.46-48: The comment is correct in noting that the CEQA Guidelines allow cumulative impact analysis to be based on either a list of past, present, and probable future projects producing related or cumulative impacts OR on a summary of projections based on a general plan or other similar planning document. At present, the City of Goleta does not have an adopted general plan. Therefore the approach of evaluating cumulative impacts based on a list of specific projects is the only practical approach to evaluating cumulative impacts at this point in time.

Response G.46-49: Please refer to Master Response D.

Response G.46-50: Refer to Master Response K.

Response G.46-51: Refer to Master Response K.

Response G.46-52: Comment noted.

Response G.46-53: The comment correctly notes that it is preferable that trucks accessing or leaving the Santa Barbara Shores area avoid the Hollister/Storke intersection and instead use the route towards Hollister/Cathedral Oaks, and presumably the Hollister/U.S. 101 (Winchester Canyon) on- and off-ramps to the U.S. Highway 101. The Winchester Canyon access to U.S. 101 would likely be the preferred truck route because it is closer to the construction site and is less congested than routes from the site to the east, and the project will be conditioned to restrict truck traffic to the Hollister/U.S. 101 interchange. Furthermore, Mitigation Measure N-2 limits construction activity to the hours of 7:00 am to 4:00 pm. This restriction in hours would also reduce truck traffic during the evening rush hour. In addition, refinements to routing of construction truck traffic can be addressed in the City's conditions of approval of the proposed project.

Response G.46-54: Comment noted. Section 5.0 has been revised to incorporate this correction.

Response G.46-55: Although fallen eucalyptus trees can provide fuel for wildfires, they also contribute to the habitat value of the eucalyptus woodland. Since the eucalyptus groves are designated as ESHA, buffers are provided that range from 50 to 100 feet from the outer extent

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Appendix E of the canopy. This ESHA buffer will also provide a firebreak that will reduce the risk of
Comments and wildland fires affecting the proposed residences.
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