A. CALL MEETING TO ORDER

The meeting was called to order by Jennifer Carman, Environmental Hearing Officer, at 5:30 p.m. She announced that Shelby Residential Project hearing is comprised of two separate EIRs: the Draft Environmental Impact Report for the Shelby Residential Project and the Draft Supplemental Environmental Impact Report for the Shelby General Plan Amendment.

B. PUBLIC HEARING

Shelby Residential Project, 7400 Cathedral Oaks Road, Goleta, CA; APN 077-530-019; Case No. 05-154-OA-RZ-VTM-DP

The project includes a subdivision for 64 lots on a 14.38-acre parcel and development of 60 single-family residences. A retention/detention basin is proposed in the southwest corner of the parcel, and a new storm drain would be installed. Runoff would drain into El Encanto Creek, located to the west of the project site. Additional improvements would consist of a community picnic area, an asphalt walking trail, an open turf area, and a children’s tot lot. Infrastructure improvements would include a looped internal road system with one cul-de-sac and two intersections with Cathedral Oaks Road, installation of stormwater curb extensions, installation of landscaping, and installation of a 5-foot-wide interior
sidewalk throughout the subdivision. Preliminary raw earthwork volumes are estimated at 27,500 cubic yards of cut and 23,500 cubic yards of fill.

The Draft EIR has been prepared pursuant to the requirements of the State and local Guidelines for the implementation of the California Environmental Quality Act (CEQA). The Draft EIR identifies and discusses potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. Significant and unavoidable project specific and cumulative impacts (Class I) are identified to aesthetic and visual resources (impact on foothill and mountain views from Cathedral Oaks Road, a scenic corridor). Potentially significant, but mitigable, impacts on the environment (Class II) are anticipated in the areas of: aesthetics and visual resources, biological resources, cultural resources, hydrology and water quality, and transportation and traffic.

Shelby General Plan Amendment, 7400 Cathedral Oaks Road, Goleta, CA; APN 077-530-019; Case No. 05-154-GPA

The Shelby GPA includes amendment to two maps of the City’s General Plan/Coastal land Use Plan (GP/CLUP), as described below. The Shelby GPA requires a Supplemental EIR to the GP/CLUP Final EIR certified in October 2006 (2006 Final EIR).

Amendment to Land Use Plan Map: The Shelby property is shown on the current Land Use Plan Map (Figure 2-1 in the Land Use Element of the GP/CLUP) with an existing land use designation of Agriculture. The applicant proposes to change the land use designation on the Shelby property to Single-Family Residential, which would allow development of a single-family residential neighborhood for approximately 60 families.

Amendment to Open Space Plan Map: The Shelby property is designated as Agriculture on the Open Space Plan Map (Figure 3-5 in the Open Space Element of the GP-CLUP). The Agriculture designation on the Open Space Plan Map is characterized as “Open Space for Managed Production of Resources”. The applicant proposes to remove the Shelby property from the Open Space Plan Map.

The Draft SEIR has been prepared pursuant to the requirements of the State and local Guidelines for the Implementation of the California Environmental Quality Act (CEQA). The Draft EIR identifies and discusses potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The Shelby GPA would result in incremental increases to previously identified impacts in the 2006 Final EIR, including significant and unavoidable impacts (Class I) on aesthetics/visual resources, air quality (cumulative), noise, and transportation/circulation. Incremental increases to potentially significant but mitigable impacts (Class II), and less than significant impacts (Class III),
identified in the 2006 Final EIR would result in the areas of aesthetics/visual resources, air quality, biological resources, cultural resources, geology, soils and mineral resources, hazards and hazardous materials, land use and recreation, and water resources. These impacts remain classified as Class II or Class III. The GPA would result in no incremental increases to Class I, II, or III agricultural and farmland impacts identified in the 2006 Final EIR.

Kathleen Allen, Senior Planner, announced that the purpose of tonight’s hearing is to receive comments on environmental issues with regard to both the Shelby Residential Project EIR and the Shelby General Plan Amendment Supplemental EIR. She announced that she will be standing in tonight for Associate Planner Shine Ling, project manager for the Shelby Ranch Project, who is not available to attend the hearing.

A PowerPoint report entitled, “Environmental Hearing, May 22, 2014, Shelby Residential Project EIR and Shelby General Plan Amendment Supplemental EIR”, was presented by Kathleen Allen, Senior Planner. She stated that comments must be received no later than 5:00 p.m. on June 9, 2014.

**Public Speakers:**

Karen Bunker commented on behalf of the Santa Barbara League of Women Voters and read a brief statement from Susan Shank, co-president for Action and Advocacy, in support of the No Project Alternative: She commented that the Santa Barbara League of Women Voters has had a long-standing interest in the Goleta General Plan and this proposed amendment to it causes us concern. When the City of Goleta was incorporated, it was done because many members of this community wanted growth and development managed to stay within the constraints of traffic, water and land use. The first City Council and staff conducted public workshops and developed a General Plan to solidify the community’s vision. One of the key goals of that plan was to protect agricultural lands. Consequently, they believe that the proposed text for the Shelby General Plan Amendment should not be adopted and the original language in Conservation Element CE 11.2 of the General Plan/Coastal Land Use Plan must be retained. At this time when the City is considering Zoning Ordinance changes, the most essential requirements of the General Plan must be protected. We need agriculture much more than we need market-rate residences right now, and that need will become more pressing in the future. The SEIR analysis demonstrates that the No Project Alternative would be best for the City.
Dr. Ingeborg Cox commented:

1. The citizens passed Measure G to protect the agricultural lands and the City is working on a new Zoning Ordinance. She does not believe there should be any changes to either.
2. On Table 3.2 under Pending Projects, the property is listed as 13.92 acres but the Notice of Hearing states it is 14.38 acres. Please clarify.
3. The Streambed Protection Area buffer in CE 2.2 needs to be followed. El Encanto Creek is the major drainage for the watershed and has been mapped as an ESHA.
4. The width of each parcel in the development should not be changed to 60 feet. A minimum lot width is already proposed and the project is too dense.
5. The new storm drain cannot discharge directly into the El Encanto Creek which is mapped as an ESHA. The stormwater discharge rates post-development could be increased by approximately 42 percent with the potential of increasing downstream flooding and streambank erosion, and causing damage to aquatic habitat.
6. Further explanation is requested regarding a statement in a letter from L & P Consultants, dated August 6, 2012, that the owner’s obligation to pay the City of Goleta $1,500,00 will be used for purchase of property for public open space.
7. There appears to be a contradiction with regard to greenhouse gas emissions with regard to statements that greenhouse gasses are global pollutants, have long atmospheric lifetimes, and are inherently cumulative vs. a statement that the level of greenhouse gas emissions due to constructions are not considered significant because they would be considered temporary.
8. More information is requested with regard to the status of the archaeological site. Has it been reviewed by the Native American Heritage Commission?
9. New residences should not continue to be built until the new fire station is open and operating. She noted there is a drought condition.

Barbara Massey commented:

1. The Goleta agricultural land protection initiative is appropriate and adequately listed in LU 7.5. She expressed concern that the proposed amendment would remove the issue that agricultural land conversion is not allowed. There are no changes to CE 11.2 that are required by the initiative.
2. The following CEQA categories should have been covered in the DEIR: agriculture and farm land; geology, soils and materials; hazards and
hazardous materials; land use and recreation; and noise and public services. These are all in the SEIR with Class I, II or III impacts.

3. A number of reports, tables, and figures in both the DEIR and SEIR are outdated and should have been updated. Some reports were prepared by the applicants and not by the City.

4. There is no mention of earthquake faults, soil stability, or erosion. Also, no mention of the use of radon in the vicinity although there was a problem with Bishop Ranch.

5. There should be no encroachment to the 100-foot Streamside Protection Area buffer. The project can be designed not to encroach.

6. The children’s tot lot is not a compatible use and is not low impact. The statement in CE 2.3e regarding “similar low impact facilities for public access” refers to trails and paths, not tot lots.

7. The Transportation and Traffic section was prepared from the Traffic Circulation Study by ATE that was prepared in February 2011 from old reports that need to be reviewed.

8. The environmentally superior alternative is a No Project Alternative.

Bill Shelor commented:

1. With regard to the SEIR, he noted that the California Department of Conservation’s agricultural viability map classified this site as 12.2 acres of prime land at one time and then, for some unknown reason, it was changed to urban infill. He would be interested in viewing backup information. He noted that in Goleta agriculture doesn’t need to be prime land in order to be viable.

2. A local agricultural viability study associated with the proposed conversion of agricultural land needs to be done. Not a changing of a map. He noted a study was done for the Bishop Ranch proposed General Plan Amendment.

3. Clarification is requested with regard to Alternative 1: No Project Alternative as to whether the site remains in current condition or current zoning.

4. Alternative 3: Girsh/Westen Alternative Site needs to be more fully explored because it fits to the sustainability community strategy of infill along a transportation corridor and would not result in conversion of agricultural land.

Amy Boyle, resident in the neighborhood of the project, commented on the Draft EIR as to the visual quality of the project as follows: The homes are well designed with great architecture. The homes would have low roof lines which would not cut off mountain views in the area. The development has a wonderful
neighborhood feel with nice sidewalks and beautiful landscaping. The views from Cathedral Oaks show beautiful landscaping and a bike path in front of the homes. These are an improvement in the nearby condominiums and subdivision retaining walls that are currently along Cathedral Oaks. The EIR should consider these enhancements to this neighborhood and an upgrade to the housing stock in this area.

Rick Frickman, member of the Santa Barbara Urban Creeks Council, commented with regard to El Encanto Creek:

1. He expressed concern that the biological comments in the EIR have a tone that El Encanto Creek is constrained downstream therefor we should not be too concerned about it in this project.
2. The biologist observed two animals but in the appendix there are 26 mammals listed and many of these are nocturnal. The following should be added to the list: badger, ring-tailed cat, weasel, mountain lion, and black bear.
3. The Urban Creeks Council considers that El Encanto Creek is a migration corridor and he believes the EIR should reflect that. The EIR should mention there is a golf course that is being converted to a wetland in this watershed document. This creek could be rehabilitated and could become in the future an important migratory corridor.
4. Migration corridors should be about 1,000 feet. The 100-foot buffer is the minimum that could be done for this corridor.

Karin Kuyper commented with the following concerns: The density will be very tight with 60 housing units on 14 acres. The residents across the street will lose their views. There will be an increase to the traffic that is already generated from Dos Pueblos High School. She questioned whether the units would be affordable for people living in the area.

Kristin Miller, president and CEO of the Goleta Valley Chamber of Commerce, stated that their group has been watching this project for many years and they have considered its relationship to other housing locations and types. They also have studied the City’s agricultural viability. She commented that the Chamber’s support, including the new information from this EIR, is firm. The 60-unit housing project provides much-needed new housing to Goleta workers and families and it is part of their overall support for a housing plan for Goleta that provides single-family housing in an appropriate location. This balances the mixed-use, rentals, and higher density locations along Hollister Avenue. The EIR’s consideration of
“if not here, then another location” does not support the alternative. In their opinion, there are few places within the urban limit line of the City that fit as well as this location.

Karen Lovelace stated that she has been following this project since it was an avocado orchard. She commented: Before Dr. Glynne Couvillion purchased this property it was an actively growing avocado orchard. She believes the water was turned off by the purchaser and then the viable agriculture land turned into parched dirt and was claimed to be not viable agricultural land. She submitted a photograph from July 30, 1948 that shows this parcel with an actively growing orchard on it and commented that water is just needed for the property to be viable farmland. She also expressed concern about the archaeological site because when the Crown Collection was being built, she observed spoils and a large amount of dirt being moved from the lower property and Cathedral Oaks to the upper property. (A comment document and photograph showing the parcel around July 30, 1948, were submitted for the record).

Mark Lloyd, L&P Consultants, representing the applicant, commented:

1. With regard to the SEIR, he recommended a more distinct and pointed discussion as to feasibility aspects of the alternative projects, particularly as to Alternative 3: Girsh/Westen Alternative Site, so decision-makers can make an informed decision.
2. In regard to the visual impacts in the SEIR, the identification of an increase in the Class I impacts might be speculative because there could be mitigations to that Class I impact for project design criteria that would eliminate or maybe reduce those to a non-significant level.
3. In the Shelby Residential Project Draft EIR, it may be more appropriate to look at those impacts specific to the project as to the evaluation of Class I impacts.
4. In regards to the SEIR, and more so to the project Draft EIR, it is important that there be in the project description a narrative that speaks to the Development Agreement that was part of the applications that were part of the City’s complete letter as to what applications are being processed.
5. It would be important to enumerate in more detail the aspects of the Development Agreement and the benefits that are inherent when looking at the Class I impacts.
Jennifer Carman, Environmental Hearing Officer, reported that all comments must be received no later than 5:00 p.m. on Monday, June 9, 2014.

C. ADJOURNMENT: 6:11 P.M.
June 9, 2014

Mr. Shine Ling, Associate Planner  
City of Goleta  
Planning and Environmental Review Department  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
(805) 961-7540  
sling@cityofgoleta.org

RE: SBAS Comment Letter to Shelby Residential Project DEIR--April 2014: Case No. 05-154-OA, -RZ, -VTM, -DP State Clearinghouse #2012081019

Dear Mr. Ling,

Founded in 1963, the Santa Barbara Audubon Society (SBAS) is a chapter of the National Audubon Society with approximately 1100 members in on the South Coast of Santa Barbara County. Our mission is to help conserve and restore the natural ecosystems and biological diversity of the Santa Barbara area, and to connect people with birds and nature through education, science-based projects, and advocacy.

The proposed Shelby Residential Project is located in the foothill area of Goleta and has been historically more rural-agrarian than suburban land use that complies with the fundamental principles of the Goleta General Plan. This proposed project requires a request for a general plan amendment and rezone to apply appropriate land use designations and zone districts for a proposed residential development, as well as moving the urban boundary line that the applicant has submitted as a supplemental DEIR.

SBAS strongly recommends that the City of Goleta deny this amendment request to the General Plan. The General Plan currently acknowledges and supports the intended land use and should not be rewritten to accommodate developers and short-term gain. The project site is currently zoned AG-II-40. The purpose of this zone district is to establish agricultural land use for prime and non-prime agricultural lands located outside of urban, inner rural, and rural neighborhood areas. The intent of this zone district is to preserve these lands for long-term agricultural use. The proposed Shelby development project would not be consistent with the purpose and intent of this zone district. Adding a subdivision of 60 homes to this rural agricultural property would represent a substantial urban encroachment, permanent loss of beautiful unobstructed mountain views, habitat destruction and introduce Class I impacts of noise, light glare, traffic congestion, overburdening of city services—fire and police protection, water and sewerage. The project description does not include sufficient justification for converting an agricultural parcel to urban residential uses, contrary to the spirit of Measure G, regardless whether Measure G technically applies. We recommend that this parcel remain as open space as it
is currently designated on the City’s Open Space Plan Map.

Most importantly, conversion of this agricultural parcel to residential will irreparably impact the wildlife and riparian corridor at El Encanto Creek that borders the proposed development parcel. This area is designated as an Environmentally Sensitive Habitat Area (ESHA) that requires a 100-foot setback for development from the Streamside Protection Area (SPA) that the Shelby project proposal does not take into consideration at all. The perennial nature of the El Encanto Creek makes it an important environmental resource in Goleta as are the headwaters and source of this creek that can be found a short distance uphill from the Shelby parcel. The El Encanto Creek flows directly to the Devereux Watershed and to compromise or cut off that source would be devastating to this valuable local ecosystem and all the wildlife it supports. The cumulative and growth-induced impact of this project will also have an exponential ripple effect on subsequent development caused by amending the General Plan.

The General Plan calls for a balance of residential, commercial and agricultural land uses and already provides for enough residentially zoned vacant parcels to meet and exceed the Regional Housing Needs Allocation (RHNA) units mandated for the present RHNA cycle and for the foreseeable future.

SBAS supports the City of Goleta in denying the Shelby Residential Project Proposal and its supplemental Shelby Trust General Plan Amendment applications and DEIR. Allowing conversion of agricultural land that has been designated as “prime and unique farmland” should not be permitted. Because the land is not in current agricultural usage does not mean it cannot continue to be used as agricultural. Once it’s paved over, you can’t get it back—it is gone forever. With the instability and unpredictability of climate change and sea level rise, the City needs to preserve all the open space it has because we will need upland areas for retreat and for wildlife refuge. In addition, conversion of this parcel to urban use has the potential to cause increased flooding downstream and increased run-off in increasingly unstable weather patterns caused by climate change.

Thank you for considering our comments. We sincerely hope that you will deny this project.

Steve Ferry, Co-President
Santa Barbara Audubon Society

Nancy Keltner, Conservation Chair
Santa Barbara Audubon Society

http://www.SantaBarbaraAudubon.org
June 9, 2014

Shine Ling
City of Goleta
130 Cremona Drive, Ste. B
Goleta, CA 93117
sling@cityofgoleta.org

Subject: Draft Environmental Impact Report for the Shelby Residential Project
SCH # 2012081019, Santa Barbara County

Dear Ms. Ling,

The California Department of Fish and Wildlife (Department), has reviewed the Draft Environmental Impact Report (DEIR) for impacts to biological resources. The proposed project (Project) includes development of 60 single-family residences on a 14.38-acre parcel located at 7400 Cathedral Oaks Road, in the City of Goleta (City). A retention/detention basin is proposed in Open Space in the southwest corner of the parcel, and a new storm drain would be installed. Runoff would drain into El Encanto Creek (Creek), located to the west of the Project site. The Creek in this area is considered an Environmentally Sensitive Habitat Area (ESH) by the City. The Project site is surrounded by the Glen Annie Golf Course to the north and east, the Creek to the west, and Cathedral Oaks Road to the south. The land use on the Project site currently is a fallow agricultural field with three small buildings.

Project impacts include grading of the entire Project site, with removal of annual grassland and 5 blue gum eucalyptus (Eucalyptus globulus). Wildlife with the potential to be impacted by the project include the Federally Threatened and State Special Concern Species California red-legged frog (Rana aurora draytonii), the State Special Concern Species western pond turtle (Emmys marmorata), two-striped garter snake (Thamnophis hammondii), and Coast Range newt (Taricha torosa torosa), and the California Native Plant Society List 1B Santa Barbara honeysuckle (Lonicera subspicata subspicata). Measures proposed in the DEIR to mitigate impacts to biological resources include: surveys, protection, avoidance, and translocation of the special status species listed above (including consultation with USFWS if California red-legged frog are discovered); ESHA protection and avoidance, and; nesting bird surveys and protection.

The Department is California’s trustee agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code (Fish & G. Code, §§ 711.7, subd. (a), 1802). The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See generally Pub. Resources Code, §§ 21070; 21080.4).

California Wildlife Action Plan

The California Wildlife Action Plan, a Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4)
altered fire regimes; and 5) recreational pressures. The Department looks forward to working with the City to minimize impacts to fish and wildlife resources with a focus on these stressors.

Cumulative Impacts

Table 1 lists several past, current, or proposed development projects in the City which would have impacts to biological resources similar to the Project (Table 1 includes the Project). Specifically, these projects have (or will have) impacted raptor foraging habitats (e.g., removal of annual grassland and coastal scrub habitats). The Project would remove approximately 14 acres of raptor foraging habitat (RFH), out of a total of 219 cumulative acres. The Department is concerned the cumulative effects on raptor species from the projects listed in Table 1 is considerable, as defined in CEQA Guidelines §§15065 (a)(3) and 15355, and that the Project's incremental effect on RFH may be "cumulatively considerable". Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

<table>
<thead>
<tr>
<th>Projects Proposed, Approved, or Completed within the Past 10 years in the City of Goleta</th>
<th>Approximate Acreage of Raptor Foraging Habitat Removed/Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village at Los Carneros</td>
<td>43</td>
</tr>
<tr>
<td>Cabrillo Business Park (includes addition)</td>
<td>58</td>
</tr>
<tr>
<td>Westar</td>
<td>23</td>
</tr>
<tr>
<td>Willow Springs II</td>
<td>6</td>
</tr>
<tr>
<td>Kenwood Village</td>
<td>10</td>
</tr>
<tr>
<td>Harvest Hill Ranch</td>
<td>4</td>
</tr>
<tr>
<td>Haskell's Landing</td>
<td>14</td>
</tr>
<tr>
<td>Shelby Residential</td>
<td>14</td>
</tr>
<tr>
<td>Rincon Palms Hotel and Restaurant</td>
<td>3</td>
</tr>
<tr>
<td>Comstock Homes</td>
<td>36</td>
</tr>
<tr>
<td>Cortona Apartments</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>219</td>
</tr>
</tbody>
</table>

The DEIR, in Section 4.3.4 - Cumulative Impacts, did not include a discussion of cumulative impacts to RFH. The Department therefore recommends the City include a discussion of cumulative impacts for those biological resources associated with RFH (CEQA Guidelines §15130). The discussion should include an examination of feasible mitigation measures for significant cumulative effects (CEQA Guidelines §15130(b)(5)). An example of mitigation for this impact would be the off-site protection off the remaining intact RFH within the City.

Consistency with Existing Goleta General Plan Policies

The DEIR includes a discussion of The Conservation Element of the City General Plan/Coastal Land Use Plan (Plan). The Plan is a City guiding document the Department reviewed prior to its adoption. The Department also provided extensive comments on the Draft Environmental Impact Report and Draft Supplemental Environmental Impact Report prepared for the Plan. Conservation Element Policy CE 2.2 of the Plan establishes Streamside Protection Areas (SPA) surrounding creek ESHA. Conservation Element Policy CE 2.2b states that in undeveloped
areas "...the SPA shall not be less than 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of associated wetlands and/or riparian vegetation, whichever is greater." The Project is proposed in an undeveloped area of the City. Project development would include grading within 100 feet of the Creek ESHA and encroach into the Project SPA, rendering the Project inconsistent with Conservation Element Policy CE 2.2b. The allowances for smaller SPA zones under CE 2.2 in the Plan apply only to developed areas.

Development within the SPA would impact several Santa Barbara honeysuckle plants, and would intensify impacts to the other special status listed above and to Creek ESHA. Development outside the SPA would avoid impacts to Santa Barbara honeysuckle plants and reduce impacts to other special status species and Creek ESHA. The Department therefore recommends Project development occurs outside of the Project SPA.

Proposed Alternatives

The DEIR includes a discussion of 5 Alternatives to the Project. Alternative 2: Reduced Scale Alternative A—Avoidance of Streamside Protection Area would substantially lessen impacts to biological resources. Alternative 2 would avoid development within the SPA, would not affect Santa Barbara honeysuckle plants, and would reduce direct and indirect impacts to the other special status species listed above. Alternative 2 would also reduce indirect impacts on riparian vegetation in Creek ESHA through improved water quality, during both construction and over the lifetime of the project.

Alternative 2 was chosen by the City as the Environmentally Superior Alternative, and would achieve Project objectives. While the Department, in general, does not advocate for development, if the project is built, we recommend Alternative 2 become the approved project.

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Martin Potter, Senior Environmental Scientist (Specialist) at (805) 640-3677 or Martin.Potter@wildlife.ca.gov.

Sincerely,

Betty Courtney
Environmental Program Manager I
South Coast Region

cc: Mr. Martin Potter, CDFW, Ojai
    Ms. Natasha Lohmus, CDFW, Santa Barbara
    Ms. Mary Meyer, CDFW, Ojai
    Mr. Tim Hovey, CDFW, Santa Clarita
    Mr. Scott Morgan, State Clearinghouse, Sacramento
the SPA would allow the City to keep 70% of the 100% output on the sale of the water reclaimed from the City. The City of El Monte is pursuing an innovative and cost-effective way to handle the wastewater treatment and disposal needs of the City. The project is proceeding to an advanced design phase. The project is expected to be complete by the end of 2023. The development includes a combined sewer overflow project and a new wastewater treatment plant.

Development within the SPA would increase property values and reduce flood damage and costs. Development outside the SPA would be encouraged to comply with the City’s requirements and standards.

The project includes a number of environmental features that will benefit the City and the environment. The project is designed to minimize environmental impacts and to protect the natural areas.

The project is expected to be completed by the end of 2023. The development includes a combined sewer overflow project and a new wastewater treatment plant.
June 3, 2014

From: Ingeborg Cox MD, MPH

Comments on the DEIR Shelby Residential Project

Case No: 05-154-OA-RZ-VTM-DP

APN 077-530-019

The citizens of Goleta passed measure G in 2012 to protect agricultural lands. Goleta currently is working on a new Zoning Ordinance and also on the General Plan. The City of Goleta needs to change its approach to new development; the infrastructure needs to come first.

The Shelby project represents a substantial urban expansion. Cathedral Oaks Road has been designated in the GP/CLUP as a “Local Scenic View corridor” and the views should stay protected.

What is the size of this property? On Table 3-2 under pending projects it lists Shelby as 13.92 acres. But under required approvals it states it is 14.38 acres?

El Encanto Creek is a major drainage with a watershed of 1,065 acres and has been mapped as an ESHA. Its riparian corridor connects with the Deveroux slough, consequently the Stream Protection Area (SPA) buffer of 100 foot mandated by the Conservation Element CE2.2 needs to be followed without exception.

The Creek also is potentially a habitat for two federally listed species: the California red-legged frog and the Southwestern willow flycatcher. Preservation of stream aquatic values and preservation of the riparian corridor should be a must. El Encanto Creek is a migration corridor for wildlife movement and has to be preserved.

The new storm drain of this development cannot discharge directly into El Encanto Creek which has been mapped as an ESHA. If this is allowed you could have storm water discharge rates for the post development increase by approximately 43%. Such increases have the potential of increasing downstream flooding, stream bank erosion and can damage aquatic habitats. (13)

Also urban pollutants such as petroleum products and landscape chemicals are going to be introduced into the runoff.

The site contains an archeological site CA SBA- 1735 (size: 88.5 feet by 59 feet) There is no description where the “three shovel probes” were done to reach the conclusion that this site does not have artifacts. The probes need to be done in undisturbed “native soil” and not in fill soil. Were the probes taken from undisturbed “native soil”? How was the surface inspection of the area conducted?

Also has a Sacred Lands File Check been done for this site?

(MORE)
The width of each parcel in the development **should NOT change** to 60 feet. This project if approved would be already too dense and the impact to the LOS of Glenn Annie Road needs to be taken into consideration.

In a letter of LP Consultants, dated August 6, 2012, it states in the last paragraph of page 1 “the Owners obligation to pay the City of Goleta **$1,500,000** to be used by the City for purchase of property identified by the City as high priority for public open space”. Is this still part of the proposed development? If so, why not keep a larger open space inside the development?

The **slope difference** in this parcel is **107 feet**. Won’t this create increased light and glare for the already existing residents across the street? Also the potential for slope instability, erosion and landslides in the northern part of the project site needs to be addressed further.

According to 3.7 Greenhouse Gas Emissions: Greenhouse gases are global pollutants and **they have “long atmospheric lifetimes”** (one year to several thousand years). It also states that from the standpoint of CEQA, GHG impacts are inherently cumulative. But in the next paragraph it reads that the levels of GHG emissions during construction are **NOT considered** significant because they would be temporary. This appears to be a contradiction that needs correction. (19)

The City of Goleta urgently needs a new fire station. Fire station 11 currently serves a population of 21,594 which **exceeds the ratio** of one Engine Company (three-person crew) per 12,000 population by **9,594 people**. The EIR for this project has to discuss the progress towards the completion of a new fire station. Is this developer contributing to the building and manning of the new fire station?

We are in a drought, the fire hazard is very high and the City should not continue building more residences until the new fire station is open and running.

Under Chapter 5 “Other CEQA concern” it states that the project **would not** increase the potential for development of other nearby properties. **This is NOT the case.** The surrounding properties will likely use this precedent, if the rezoning is allowed, as a model to change their zoning. The City will have weakened its future defense.

An earlier 12- EIR-003 for this site mentions the **potential for conversion of 55.7 acres** to urban uses. If this is still the case than the possible conversion should be analyzed in the EIR.

The acceptable capacity of the **Storke Road s/o US 101** is 34,000. The cumulative ADT with the project is 40,701. That gives this intersection a **LOS E**. Also the Hollister Ave/Storke Road intersection has a cumulative project P.M Peak hour of **LOS E. With that alone the project should not go forward**.

The LOS mentioned on Table 4.7-2 have, in my opinion, a mistake. The US 101 southbound and northbound are **NOT at a LOS C and LOS B at peak am and pm.** An actual and recent count needs to be done by the City. Each school day near DP High School in the time period between 7:30 and 8a.m. and also around 2:50p.m. the traffic in the area is horrible. A specific traffic study should be demanded.

At this junction **Alternative I, NO Project** alternative, is best of the City.
June 9, 2014

Mr. Shine Ling, Associate Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

By email to sling@cityofgoleta.org

Re: Comments on the Shelby Residential Project Draft EIR and Shelby General Plan Amendment Draft SEIR

Dear Mr. Ling,

The Goodland Coalition is a group of Goleta residents dedicated to defending the quality of life in Goleta by advocating policies that protect, preserve, and improve Goleta’s unique character – its diverse neighborhoods and architecture, open spaces and views, ease of circulation, valued environment, local agriculture and businesses. The Goodland Coalition was formed in 2010 seeking to uphold Goleta’s General Plan protections for large parcels zoned for agriculture, and in early 2012 spearheaded the effort to place the Goleta Agricultural Land Protection Measure (G2012) on the ballot, which passed by 72%.

The Goodland Coalition has various concerns regarding the merits of the Shelby Residential Project and Shelby General Plan Amendment, which we will express to decision makers at the appropriate time. This letter addresses our comments regarding the adequacy of the draft Environmental Impact Report (“draft EIR”) and draft Supplemental EIR (“draft SEIR”).

1. Dual Draft EIRs Improperly Bifurcate the Project

Rather than address the Shelby Residential Project and Shelby General Plan Amendment together in one environmental document, the City bifurcated the Project into two components, and addressed each in a separate draft EIR. This procedure is confusing to the public and decision makers, and has the effect of obscuring the environmental impacts of the project as a whole and the relative impacts the various alternatives considered for each action.

The California Environmental Quality Act (“CEQA”) requires that an EIR analyze the “whole of an action” giving rise to environmental impacts and
prohibits “piecemealing” a project into smaller pieces.\(^1\) To comply with CEQA, the City must integrate the residential project and the general plan amendment into a revised draft EIR. The revised draft EIR must then be recirculated to the public to enable meaningful public review and comment.

The Alternatives Analysis is particularly confusing due to the bifurcated project description and analysis, with the draft SEIR concluding that the environmentally superior alternative is an alternative location, and the draft EIR concluding that the environmentally superior alternative is a reduced development alternative. Because the General Plan amendment is proposed to allow residential development of the Shelby property, it is critical that the actions be integrated into one environmental document so the City has meaningful direction on what alternatives are superior to the Project and achieve most of the basic project objectives.

2. Flawed and Incomplete Agricultural Impact Analysis

The Shelby property is currently designated for agriculture and as such is protected by existing policies in the City’s General Plan. While the property is no longer identified as Prime Farmland by the California Department of Conservation (“DOC”) because it has not been irrigated recently, the Shelby property still retains prime soils and agricultural potential. Re-commencing irrigation would again render the Shelby property Prime Farmland per the DOC’s criteria.

The draft SEIR improperly concludes that due to DOC’s reclassification, no impacts (either project specific or cumulative) would result (the draft EIR does not even include any analysis of agricultural impacts). While one CEQA threshold does speak to conversion of Prime Farmland, CEQA does not allow the City to ignore potential impacts by relying exclusively on adopted thresholds of significance.\(^2\) Because the Project would result in the loss of prime soils and future agricultural potential, a potentially significant impact will occur. The EIR(s) must be revised to disclose this impact, and identify appropriate mitigation measures and alternatives.

Moreover, the impact to the existing physical conditions, which includes a property with prime soils and agricultural potential, is not only caused by the proposed General Plan amendments, but also by the development atop these soils – further demonstrating why bifurcating the Project into two environmental documents is misleading and avoids consideration of important


environmental impacts. A comprehensive agricultural impact analysis addressing impacts of both the amendment and the development is required. This analysis must include a thorough assessment of agricultural viability as was done for Bishop Ranch.

Additionally, the General Plan protects “agricultural lands”, and “lands designated for agriculture”, which the Shelby property clearly is. CE 11.8 mandates an analysis of direct and indirect impacts of “new development” on conducting agricultural practices, and mitigation of any potential impacts. This analysis was not done for the Shelby project. Conflicts with policies (including CE 11.2, 11.8 and 11.10) are potentially significant impacts\(^3\) that must be disclosed and avoided or mitigated in a revised and recirculated document.

3. Flawed Analysis of Biological Impacts from Encroachment into Streamside Protection Areas

The draft EIR discloses that two residential lots and a portion of the internal road system would be within the 100-foot Streamside Protection Area (“SPA”) buffer. The analysis proceeds to state that because the buffer would exceed the 25-foot minimum buffer, that no policy conflict and associated impact results. Policy CE 2.2 however only allows a reduction from the 100-foot buffer if a site-specific assessment reveals that 1) there is no feasible alternative siting for development that will avoid the SPA upland buffer and 2) the project’s impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream. The analysis of the Project’s conformity with CE 2.2 on p. 4.3-20 completely omits any discussion of infeasibility or avoidance of impacts. Without this site-specific analysis, the Project conflicts with CE 2.2, resulting in significant unmitigated environmental impacts that must be disclosed.

4. Conclusion

The CEQA documents for this important project are woefully inadequate, for reasons stated above, among others. We request that first the City integrate the General Plan amendment and residential project into one project description, and address the impacts comprehensively in one environmental document. Because of the magnitude of the changes required, recirculation of the document to permit meaningful public review and comment is clearly required. We also request that the City reassess the agricultural impact of both the General Plan amendment and the residential project, and the biological impact of the residential project’s encroachment into the SPA, taking our above comments into consideration.

The General Plan clearly protects lands designated for agriculture, and the citizens of Goleta spoke loud and clear in support of this protection by passing G2012 by an overwhelming margin. Whether or not the Shelby property is subject to G2012, any approval of this Project clearly requires a robust CEQA analysis of agricultural impacts including impacts related to General Plan conformity.

Sincerely,

[Signature]

Ana Citrin, Esq.
Goodland Coalition Steering Committee Advisor

[Signature]

Barbara Massey
Goodland Coalition Steering Committee Member
Mr. Shine Ling, Associate Planner  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, California  93117  
9 June 2014  

Subject: Comments on Shelby Project EIR, City EIR No. 12-EIR-005, 7400 Cathedral Oaks Road, Goleta, California.

Dear Mr. Ling,

I am professional biologist and consultant with 30 years of experience dealing with impacts of development projects on biological resources in Santa Barbara County. Today though, I am writing as a concerned citizen and resident of Goleta since 1989. I disagree with the conclusions of the Shelby Project EIR on four resource issue areas: a) biology; b) aesthetics, c) traffic, and; d) air quality. The proposed residential development will create Class I (significant, unavoidable) impacts to these resources.

Biology: The EIR does not adequately characterize the level of biological activity on the Shelby property. Granted, the parcel has had a long history of land use as agricultural land (farmed, avocado orchard, woodlot), but the site continues to play an important role as wildlife habitat and open space. As a resident living near the subject property for over 12 years, I have observed up to 15 turkey vultures (and smaller numbers on several occasions) roosting in the eucalyptus windrow associated with El Encanto Creek on the subject property. I would not classify this windrow as a permanent roost, rather a roost of opportunity due to its strategic location to extensive open space. Other raptors routinely observed foraging on the subject property and roosting in these eucalyptus trees include: red-tailed hawk, red-shouldered hawk, white-tailed kite, American kestrel, great horned owl, and barn owl. There is a rather large food base for these species (California ground squirrel and Botta’s pocket gopher) on the subject parcel, which, in addition to the excellent vantage afforded by the eucalyptus windrow, may be the reason so many raptors are frequently observed here.

The discussion of “Wildlife and Migration Corridors” in the EIR assumes that wildlife movements are strictly associated with, and constrained by, riparian corridors and so fails to account for potential upland dispersal of California red-legged frogs, two-striped garter snakes, and western pond turtles between the aquatic and riparian habitats along El Encanto Creek and aquatic habitats to the east on Glen Annie Golf Course and Glen Annie Creek. Recent radio-tracking studies have demonstrated the importance of overland habitat connections between adjacent watersheds in maintaining the dispersal ecology of these species. Moreover, these species routinely oversummer in rodent burrows in upland habitat and WPT nests in upland sites hundreds of feet from riparian corridors. As stated previously, the project sites supports a large population of California ground squirrels and Botta’s pocket gophers that create and maintain burrow systems upon which CRLF, TSGS, and a host of other animal species depend on as refugia.

Aesthetics: Development of the Shelby parcel will obliterate significant views of the Santa Ynez Mountains from Cathedral Oaks Road. Cathedral Oaks Road was designated by the County of
Santa Barbara (prior to Goleta cityhood) and subsequently by the City of Goleta as the urban-rural boundary. Allowing residential development north of Cathedral Oaks Road will forever change the experience citizens now have when travelling on this road and will further push the urban-rural boundary into the foothills.

**Traffic and Air Quality:** Since Cathedral Oaks Road was connected across El Encanto Creek as mitigation for the Crown Collection residential development approximately 12 years ago, there has been an ever-increasing flow of traffic along this roadway, with significant increases in noise and lowered air quality for residents living along the south side of the roadway. Traffic includes a very large number of heavy trucks, dump trucks from the quarry on the Doty property, and other large vehicles that have discovered an alternate route through Goleta. This traffic adds measurably to increased noise and diesel emissions. Additionally, traffic speeds on Cathedral Oaks Road between Glen Annie Road and Winchester Canyon Road are routinely in excess of the posted 40 mile/hour speed limit, raising safety concerns. Development of the Shelby parcel will significantly increase traffic loads and noise and further lower air quality along this reach of Cathedral Oaks Road.

I urge the City to deny residential development of this property and to retain its agricultural zoning status. My comments herein are in addition to comments I’ve made in a separate letter addressing the proposal by the applicant to amend the General Plan Land Use Map and Open Space Map to re-zone the Shelby parcel from agriculture to residential.

Sincerely,

*Lawrence E. Hunt*

Lawrence E. Hunt
5290 Overpass Road, Suite 108
Goleta, CA 93111
May 28, 2014

The coastal region is a tourist destination center. For its beauty, clean air, clean beaches and not being crowded. If a lot of people come from L.A., Orange County, etc to get away from smog, overcrowding, noise and pollution will result.

We are a destination center because we can offer beautiful hotels, wonderful restaurants, entertainment – everything that tourists like. Tourism is next to agriculture as our biggest industry. It brings a lot of important tax dollars into the community.

Why destroy all that with crowded housing? Even the former City planner Daniel Singer lived in Ojai. I’m sure that he enjoyed the beautiful ride along the coast, on his drive into work each morning. My former boss (Al, aged 80 years), came every day from Ventura to work in Santa Barbara. He loved it!

Are we opting to become another Orange County? With smog so thick like it is in China now? With uncontrolled growth?

We need to preserve our precious resources, our land, the source of our existence! We have to conserve the lands and waters on which all life depends. Protecting nature and preserving life.
My name is Karin Kuyper. I have lived here locally for 35 years.

The developer wants to build 60 housing units on about 14 acres of land. Can you imagine how tight that will be? It reminds me of a beehive. A beehive has lots of little hexagons, one right next to the other. Beautiful for a bee, but not for people!

The developer also has conceptual drawings for the public to see, but the real story is on the final blueprint only – everything else is artistic license.

The people who live across the street from the Shelby Ranch will get a double whammy – first their view will be taken away from them. And then the increased traffic! The nearby Dos Pueblos High School has high traffic in the morning and then again in the afternoon – a nightmare for everybody. Add about 200 people from the Shelby Ranch to the existing traffic and you have Grand Central Station New York!

Such a high density construction is something that only a developer can love – because of the amount of green he will get from that.
June 9, 2014

Jennifer Carman, Planning & Environmental Review Director
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

Subject: (Draft) DEIR 12-EIR-005; Public Circulation Comments

Dear Ms. Carman:

In regards to the Adequacy Hearing for the subject Draft Environmental Impact Report, please consider the following preliminary comments. A more comprehensive comments letter will be provided to you prior to the June 9, 2014 closing of the comment period.

A Request for Each Occurrence in the DEIR. Please replace each occurrence of the existing property use, with “The property is currently used in part for the splitting and storage of woodchips and firewood.” This request is evidenced by the multiple wood-splitting equipment as seen on-site from Cathedral Oaks Road.

A Request to Replace Each Occurrence in the DEIR of “The individual lot size would range from approximately 6,500 square feet to approximately 17,000 square feet.” (First occurrence Page 2-2). Please replace with “The individual lot size would range from a minimum of 7,000 square feet to approximately 17,000 square feet.” This request is evidenced by reviewing Sheet 1 of the Vested Tentative Track Map.

It is requested that the CEQA Guidelines definition of “feasible”, found on Page 6-1, be placed in the Executive Summary Section 1.6 – Alternatives to Proposed Project, to help clarify the Executive Summary-Alternatives with respect to their feasibility.
1.3 Project Objectives

A request for a Section of the DEIR that include these objectives: “Provide public benefits by donating funding for open space acquisition and existing structure relocation”. We request that the following be included in the DEIR:

**Donation for Public Open Space and Recreation**
Owner must pay to City One Million Five Hundred Thousand Dollars ($1,500,000.00), to be used by City for purchase of property identified by City as high priority for public open space, recreation or other identified public benefit purposes (“Public Benefit Property”). Among other benefits, such City acquisition will eliminate or “retire” the potential for development on such priority sites. For purposes of this Agreement, purchase may include repayment to City of funds used for, toward or in conjunction with prior acquisition of any Public Benefit Property. Owner may elect to pay all or part of the required payment at any time before the recordation of the Tentative Map. Owner’s payment to City must be paid in full no later than the date of recordation of the Tentative Map.

**Inclusionary Housing**
Because the Project includes market-rate units for sale, pursuant to the Housing Element of City’s General Plan, Owner is required to provide a percentage of inclusionary housing units. City Policy allows units to be constructed either on-site or off-site, or allows for an inclusionary housing in-lieu payment, or allows for other equal value considerations for the provision of affordable housing to benefit the community, all at the discretion of the Director of Community and Environmental Services.

At this time, the Owner has entered into an agreement with Fairview Gardens to donate several structures located on Owner’s Project Site: Structures include residential and agricultural to assist the Garden with their desire to include these structures on their site. Owner also has agreed to provide necessary funding for the relocation and establishment of the structures at Fairview Gardens.
Open Space Lots Dedication
The Project includes an offer to dedicate private open space over portions of the Project Site. The open space dedication consists of four (4) lots as shown and depicted on the Tentative Map. Two lots provide open space along the frontage of Cathedral Oaks Road, and two are dedicated for passive recreational use within the Project Site.

Public Street Improvements
The Project includes Owner’s provision of Public Facilities that include the widening of Cathedral Oaks Road along the frontage of the Project Site, with installation of concrete curb and gutter and additional pavement, and the provision of a Class I riding and hiking trail, as shown on the Tentative Map.

1.4 Requested Approvals
Request that section include requested approval of ordinance for Development Agreement between City and applicant.

1.6 Alternatives to the Proposed Project
Section 1.6.5 identifies as Alternative 6.2.5 the Girsh/Westen Alternative Site. It is clear that the Girsh/Westen alternative is not feasible due to the fact that the applicant does not have control of the property and cannot accomplish control or acquisition of the property in a reasonable period of time, or can be assured that it can be acquired in an economically feasible manner. The DEIR is not required to include alternatives that are not feasible, and does not readily identify the alternative as infeasible. Chapter 6 (Alternatives), paragraph 3 defines “feasible”, including the control and acquisition factors noted herein.

It is also requested that the DEIR clarify Section 1.6.5 and Section 6.2.5 to identify that the Girsh/Westen Alternative Site is not a feasible alternative due to the fact that the ability of the applicant to control and/or acquire the site is speculative and cannot be accomplished in a reasonable time frame.

It is also requested that the CEQA Guidelines definition of “feasible”, found on Page 6-1, be placed in the Executive Summary Section 1.6 – Alternatives to Proposed Project, to help clarify the Executive Summary-Alternatives with respect to their feasibility.
2.4 Required Approvals

Request that section include approval of ordinance for Development Agreement between City and applicant, along with a brief description of the Development Agreement components.

4.1.3.2 Project Impacts – Scenic Vistas and Scenic Resources

The Shelby Project DEIR identifies where the Scenic Vistas are located, at the frontage of the Shelby Project, on Cathedral Oaks Road which has approximately 500 feet (0.10 of a mile or at 40 mph, 0.15 seconds), of a limited view. Additionally, Royal Linda Drive, King Daniel Lane, and the few neighbors that have some northern frontage to Cathedral Oaks Road on the south side of the road, are all at the same subdivision (The Royal Collection) directly south of the Shelby project. This private subdivision has the least restricted view of the property, foothills and mountains.

It seems that the limited view at the speed limit of 40 mph, and the private subdivision directly south of the Shelby could have project specific neighborhood impacts. However, it seems a Citywide Class I cumulative impact should not be concluded in large part for a private subdivision view impact.

We request that the DEIR identify the Shelby Project impact AES-1 as potentially less than a Class I (Significant and Unavoidable) impact if mitigated by design that avoids reduction of views of the foothills and mountains.

4.1.6 Aesthetics and Visual Resources – Residual Impacts

The middle of this paragraph states “Implementation of MM AES-1 would reduce the impact on these views (foothills and mountains) and the project’s contribution to cumulative impact of these views. However, because this mitigation would not prevent screening of views of the Santa Ynez Mountains and foothills, a significant and unavoidable impact would remain after mitigation.” (Page 4.1-7).

“Screening of views” is ambiguous in this context. Screening can be interpreted as total screening or partial screening, or any degree of screening. Upon review of Figure 4.1-6, Existing and Proposed View-King Daniel Lane, it would appear the screening is partial. We request revision of the screening language to clarify.
Also, additional height limitations in MM AES-1, Height Limitations, could be included to further reduce the cumulative impacts of the project.

We request that the DEIR identify the Shelby Project impact AES-1 as potentially less than a Class I (Significant and Unavoidable) impact if mitigated by design that avoids reduction of views of the foothills and mountains.

4.2.1.1 Air Quality – Sensitive Receptors
The last sentence of this paragraph needs attention. The last sentence states “U.S. Highway 101 is approximately 1,750 feet to the north.” (Page 4.2-2). The Highway 101 is over a half-mile to the south. It doesn’t seem that the Highway would cause an impact to any Sensitive Receptors this far away from the site.

Thank you for your consideration of these issues.

Sincerely,

Mark Lloyd
L&P Consultants

Cc: Shelby Family Partnership
   Jim Youngson @ Terrain Consultants
   Chip Wullbrandt @ Price Postel Parma LLC

(DEIR 12-EIR-005 Public Circulation Comments Letter)
Dear Shine,

Please accept my comments for the two environmental impact reports (EIRs) for the Shelby General Plan Amendment and Shelby Residential Project, located at **7400 Cathedral Oaks Road** (APN 077-530-019).


The applicant real estate developer, Dr. Couvillon, claims that the agriculture-zoned property he purchased is not suitable for agriculture when, in fact, it was an actively farmed avocado orchard at the time he purchased it. The aerial photo below, which records indicate was taken in 1994, show the orchard with the southern parcel's "Westfield" (now "Crown Collection") roadways superimposed on the orchard. Prior aerials as far back as the 1940's show proof that the land was actively, continuously,farmed up until the time that Dr. Couvillon secured it. During SB County hearings for development of the southern "Westfield" portion of the property, the residents living in the farmhouse at the time testified that Dr. Couvillon cut off watering the trees, leading to their demise.

![Aerial photo showing the orchard and roadways](Google Photo June 1994.jpg)

The original parcel, as seen above, spanned the Cathedral Oaks "future roadway" and Westfield's conditions of approval demonstrate hard-bargaining on the part of this developer, as many codified development
standards were overlooked in order for the County of SB to secure the right-of-way without a condemnation process. Soil from the southern parcel and roadway was transferred to the upper "Shelby" parcel, increasing the elevation of the upper parcel by many feet. The environmental documents for the Shelby property must consider the massive soil importation and should require in-depth (literally) examination with regard to grading, visual, and archeologic resources. Lastly, yet another Ag conversion for Dr. Couvillon on this parcel, in view of its proximity to Glen Annie Golf Course, is growth-enducing and should not be allowed. Thank you for your assistance with entering my comments into the record.

Sincerely,

Karen Lovelace
Shelby Residential Project DEIR Comments

There is a serious problem with this DEIR because the Biological Study and the Traffic and Circulation Study were prepared for Shelby and are questionable. The preparation of the EIRs and reports are supposed to be prepared for the City to avoid the studies from being slanted in favor of the proposed development. The Biological Resources and Transportation and Traffic Studies would have been found to be Class I impacts if there had been unbiased reports.

There are a number of CEQA categories that are not covered in this DEIR that should have been. Agriculture and Farmland; Geology, Soils, and Materials; Hazards and Hazardous Materials; Land Use and Recreation; Noise; and Public Services are all in the SEIR with Class I, II, and III impacts. Agriculture and Farmland loss is the main issue of this EIR and the impacts should be discussed. This project would remove viable, productive farmland in violation of the General Plan. “The conversion of this agricultural land to nonagricultural uses was found to be a significant impact in the GP/CLUP Final EIR,” according to the Shelby GPA SEIR.

I am writing my comments by the page number that correspond to the issue I am discussing. I hope this will make it easier to review.

Page 1-3,Requested approvals There is no mention that this project will require a modification and a variance for some lots. The modification is to allow a 10 ft. front yard setback when 20 ft. is required and the variance is for a rear yard setback reduction from 25 ft. down to 15 ft.

1-5 The Shelby General Plan Amendment SEIR in the Geology section on pages 64 through 66 claims Impacts 3.6.1 through 3.6.4 are Class II. It is claimed in the Shelby Residential Project DEIR that the project would only result in Class III impacts and would require no further discussion in the DEIR. Please explain why earthquake faults, erosion, and soil stability were not discussed. The issue of radon hazard is also not mentioned. There are high levels of radon on the Bishop Ranch site nearby and the Shelby site should be tested for radon. From the Bishop Ranch Property Study, July 21, 2011, page 3-13 “Additionally, Rincon Formations located under the surface formations in the northern part of the property are known to support radon gas, a naturally occurring carcinogen.” It should be pointed out that Appendix A was not part of the NOP Scoping documents available in July 2012.

2.2 A storm drain should not be allowed to discharge directly into El Encanto Creek. The water needs to go through filters and a detention basin or other means of keeping stormwater from going directly into the creek.

Shelby is asking for a rezone from Ag-II-40 to 7-R-1. They also are requesting that the R-1 zoning code text to be amended to accommodate the smaller 60 ft. lot frontages of the project. They are asking for a rezone to a zone that the project doesn’t comply with and then want the
zone text to be rewritten to fit the Shelby project. There is no valid reason to make these changes.

4.3, Figure 4.3-1 This figure is from 2008 and may not be representative of current conditions. A figure showing the current condition should be provided.

4.1-6 AES 3 No matter what lighting the developer uses, the new owners will add outdoor security lighting without concern for the impacts even if there are conditions placed on the development.

4.1-7, 4.1.6 The third sentence should have (Class I) placed at the end.
MM AES-3a. This mitigation is dependent on the residents abiding by the restrictions. Even if mitigation is in the CC&Rs, they will not be respected. Homeowners are more interested in "security lighting" than the CC&Rs, which most HOA members have never read.

The Biological Report used for the DEIR was not prepared for this DEIR but was prepared for the applicant on February 8, 2011. A new biological report by a different firm should have been prepared for the City. It is obvious the significant impacts of this project have been downplayed in the applicant funded 2011 report.

4.3-8 The Biological Report site survey was done in January, a time that least Bell’s vireos would not be expected to be on-site. The survey should be done between March and September to adequately determine whether any Special-Status wildlife is in the vicinity or on the Shelby property. Without a new survey the information necessary to do an appropriate environmental review of the Biological Resources section is inadequate. It isn’t adequate to require a survey after the project has been approved and is ready for construction.

4.3-10 The final sentence from the Biological Report, Appendix C, page 21 should be included so that it is clear that Monarchs are on-site just west of the Shelby property.

4.3-11 White-tailed kite’s forage, nest, and roost as single mated pairs. There is a Kite pair just a mile from the Shelby property. It is possible that white-tailed kites would roost in El Encanto Creek. The Winchester kites have produced a number of offspring each year and they would look for nearby roosts.

4.3-12 El Encanto Creek is a north-south wildlife corridor. The creek although constrained is still a viable passage way. A new field survey should have been done this year. The January, 2011 survey combined with the outdated documents referenced indicates that an up to date survey is needed.
4.3-20 There should be no encroachment into the 100 ft. SPA buffer. The project can be designed to not encroach. There is certainly no reason for less than a 25 ft. buffer which would be in violation of the General Plan. A children’s tot lot is definitely not a compatible use. In fact, the tot lot would be very intrusive and the impacts to the SPA would be significant.

4.3-21 Less than significant impact is claimed under cumulative impacts and yet the 25 ft. SPA minimum buffer that is to be maintained will not be with the tot lot in 25 ft. SPA buffer.

4.3-22 MM BIO-1a./BIO-3a. In the second paragraph, second sentence”all” should be added to read “ensure that all practical measures are being employed”. The dust control mitigation from the Air Quality chapter, MMAQ-2a. on page 4.2-13 should be used. The trash containment mitigation should refer to MM BIO-1c. on page 4.3-22. Santa Barbara Honeysuckle can and must be avoided; there is no excuse for removal.

4.3-24 MM BIO-1d. The only acceptable mitigation is avoidance. Translocation is generally a death sentence for the individuals and not a viable mitigation.

4.3-25 MM BIO-1f. Before the site has been determined to have no bats at least two night bat emergence surveys should be performed.

4.3-28 The mitigation measures proposed in this chapter do not reduce the impacts to less than significant. The failure to have a 100 ft. SPA buffer is itself sufficient reason to refute the claim of less than significant. Biological Resources impacts cannot be reduced to less than significant and are a Class I impact.

4.4-4, 4.4.1.3 There is not a detailed description of the method used to survey the site. A considerable amount of soil, from grading the Crown Collection south of Cathedral Oaks Road, was deposited on this site. The soil could have covered cultural resources. Did the 2011 Dudek three shovel probes go down to undisturbed soil?

4.5 GHG Until the standards have been clearly established this seems like a waste of time.

4.5-7 The project increases GHG emissions by removing a small orchard and natural vegetation and adding 60 houses with GHG emissions from construction and everyday use. Shelby places housing at a distance from services with limited public transportation causing the increased use of vehicles.

4.6-1 This is very outdated information and should be updated. There is concern about groundwater quality but no mention of the availability of potable water which is essential. On page 4.6-1 there is mention of the Goleta Groundwater Basin and
approximate quantity of water in 2005. Things have changed drastically since then and there may even need to be water restrictions. New development may need to be stopped until the drought has ended and the groundwater basin is refilled. An additional impact should be added to deal with the potable water issue. The GWD is not complying with the Safe Water Supplies Ordinance.

4.6-7 There should be information about the percentage of impervious surfaces included in this document.

4.6-8 There is no reason to have any encroachment into the 100 ft. SPA buffer. The SPA buffer is important creek protection and the project should be designed to avoid any encroachment into the buffer. CE 2.2 a. states that “The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project’s impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.” The final paragraph of 4.6-8 states “The proposed detention/retention basin, vegetated bioswale, children’s tot lot, a walking path, small portions of two residential properties, and a portion of the internal road system would be placed within the 100-foot buffer.”, however the project could be designed to avoid this encroachment.

4.6-9 Under no circumstances should anything encroach on the 25 ft. minimum buffer which would be another clear violation of General Plan, CE 2.2. A children’s tot lot is clearly not low impact. The statement, in CE 2.3e. “similar low-impact facilities for public access” clearly refers to trails and paths, not tot lots.

4.6-14 There is no mitigation proposed for Long-term Impacts to the SPA and this is a Class I significant and unavoidable impact.

4.7-1 The Transportation and Traffic section was prepared from the Traffic and Circulation Study by ATE provided in Appendix E. Their study was prepared in February of 2011 for Shelby’s planner and not for the City. It is based on a number of outdated reports such as Intersection Turning Movements by Wiltec from 2/7/08 and Traffic Volumes by NDS from 11/4/09. They used the City’s Cumulative Project List from February 2011. There has been a lot of change since this information was prepared.

4.7-2 Glen Annie doesn’t start at Cathedral Oaks. The second sentence in the next to last paragraph should read “It extends between the foothills north of Cathedral Oaks Road and El Colegio Road on the south.

4.7-3 The first line should have the word “beyond” added after “to” and before “the entrance”. (to beyond the entrance) Hollister Avenue also continues west beyond Bacara.
Storke Road south of Highway 101 is 200 trips short of capacity and the Shelby 201 trips will cause it to exceed capacity.

4.7-4 Table 4.7-2 is the same as in the February 2011 study and I question whether the numbers have remained the same for three years. The Highway Capacity Manual from 2000 was used to calculate the level of service for unsignalized intersections is really outdated.

4.7-7 The trip generation numbers are from the 8th edition of the ITE Trip Generation Manual which was published in 2008. This is outdated information since the 9th edition was published in 2012.

Roadway Segment Impacts No matter how small the increase that causes the exceedance of acceptable capacity may be, it is significant.

4.7-8 One cannot rely on the intersection impact information because it is based on old data. It is clearly wrong since Hollister/Storke has been LOS D for a number of years. (Two improvements to the Hollister/Storke intersection “will mitigate the project’s cumulative CMP impacts at this intersection by returning service levels to LOS D.”)

4.7-14 MM TRA-5a. The on-site parking area for construction workers and storage for construction equipment and materials should be required to be located away from the SPA. These uses have the potential for hazardous and toxic chemical that could pollute El Encanto Creek.

Figure 4.7-3 This picture is old and an updated picture should be provided.

4.7-15 MM TRA-8b. The paying of GTIP fees does not lessen the significance of the impacts and they would remain significant until the mitigation is completed. The two mentioned improvements must be completed prior to issuance of any certificates of occupancy.

4.7-16 All mitigations must be in place before the impacts can be designated as Class II.

5-1, 5.1 This project is growth inducing in that it will encourage owners of other agricultural land to convert their farmland into housing for financial gain.

5-1, 5.2 There is significant irreversible environmental change with the removal of 14.38 acres of agricultural land and the covering this valuable land with housing. This project would require the consumption of potage water and this resource is available in limited supply. The commitment of water to the project should be considered significant.
6-2, 6.2 An alternative that should be considered is one that has all the lots meeting the 65-ft. minimum lot frontage requirement and has no portion of the internal road system or lot lot within the 100 ft. SPA buffer.

6-3, 6.2.1 The No Project Alternative considered “what would be reasonably expected to occur in the foreseeable future if the project were not approved.” The proposed “allowable development” chosen for the No Project Alternative proposes to place several severely impacting uses on the site. Having greenhouses with row crops and orchards is possible but grazing animals also wouldn’t work. These uses seem only to have been included in an attempt to make the Shelby project look less environmentally significant.

6-4, 6.2.1.2 Greenhouses are unlikely to be permitted. With 20,000 sq. ft. of greenhouse a Development Plan would need to be approved and would certainly be appealed if approved. Anything less than 20,000 sq. ft. would still need a Land Use Permit which is unlikely to be approved because the findings can’t be made. It would also be appealed if approved, so this is not a guaranteed No Project Alternative. Any intensification of use would be challenged. I question the use of worst case conditions as the basis for the No Project Alternative.

6-8, 6.24 A multi-family development would not be possible with the zoning that has been requested. A zoning change for a more intensive use than 7-R-1 is unlikely to be approved at this location.

6-11, 6.3 There is no explanation of why a project that meets the SPA and lot frontage requirements was not considered.

6.4 The No Project Alternative is the environmentally superior alternative and should be the one chosen.

Appendix A Although Appendix A is in this document, it was not part of the NOP Scoping documents available in July, 2012.

The California Department of Fish and Game letter requested a recent assessment of flora and fauna. The biological resources study is not recent having been done in February, 2011. There should be an updated study.

Thank you for the opportunity to comment on the DEIR.

Barbara S. Massey
June 4, 2014
Shine Ling

From: Masseybarb@aol.com
Sent: Monday, June 09, 2014 2:36 PM
To: Shine Ling
Cc: masseybarb@aol.com
Subject: Shelby DEIR and SEIR

Shine,

One point I forgot to include in the Shelby comments was that the both the General Plan Amendment and the Project would be growth inducing opening this property to residential development. This would encourage Glen Annie Golf Course to again consider developing their property with housing.

Barbara Massey
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Shine Ling  
City of Goleta  
130 Cremona Dr. Ste B  
Goleta, CA 93117

RE: SCH# 2012081019 Shelby Residential Project, Santa Barbara County.

Dear Mr. Ling:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

✓ Contact the appropriate regional archaeological information Center for a record search. The record search will determine:
  • If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  • If any known cultural resources have already been recorded on or adjacent to the APE.
  • If the probability is low, moderate, or high that cultural resources are located in the APE.
  • If a survey is required to determine whether previously unrecorded cultural resources are present.
✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  • The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  • The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
✓ Contact the Native American Heritage Commission for:
  • A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required**
  • A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  • Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  • Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
  • Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez  
Associate Government Program Analyst

CC: State Clearinghouse
Native American Contact List
Santa Barbara County
May 9, 2014

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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5907.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012081019 Shelby Residential Project; Santa Barbara County.
Native American Contact List
Santa Barbara County
May 9, 2014

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This list is current only as of the date of this document.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012081019 Shelby Residential Project; Santa Barbara County.
Native American Contact List
Santa Barbara County
May 9, 2014

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*This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

*This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH #2012081019 Shelby Residential Project; Santa Barbara County.
August 6, 2014

Attn: Shine Ling  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Dear Ms. Ling:

I received your letter of July 25, 2014 regarding a Native American Consultation Meeting for Two Development Project in the City of Goleta.

I cannot attend the meeting in person but would like my comments to stand on record.

I am against both projects.

The first project is the Shelby Residential Project located at 7400 Cathedral Oaks Road, west of Glen Annie Road. I understand that it consists of a 60-unit single-family residential development on approximately 14 acres. The project site encompasses a small recorded archaeological site (CA-SBA-1735).

The second is the Kenwood Village Residential Project located in the 7300 block of Calle Real, east of Ellwood Station Road. The Kenwood Village project consists of 60 residential units on approximately 10 acres. The project site encompasses a portion of a recorded archaeological site (CA-SBA-1093 West).

I would like to see some the land that was formerly occupied for thousands of years by the Chumash Native Americans to remain undeveloped.

Sincerely,

Kathleen Pappo  
Barbareno/Ventureno Band of Mission Indians  
2762 Vista Mesa Drive  
Rancho Palos Verdes, CA  
90275-6324
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May 20, 2014

Shine Ling  
City of Goleta  
Planning and Environmental Services  
130 Cremona Drive  
Goleta, CA 93117

Re: APCD Comments on Draft Environmental Impact Report for Shelby Trust General Plan Amendment and Residential Project, 12-EIR-005, 12-EIR-003, 05-154-GPA, OA, RZ, VTM, DP

Dear Mr. Ling:

The Air Pollution Control District (APCD) has reviewed the Draft Environmental Impact Report (DEIR) for the Shelby Trust General Plan Amendment and Residential Subdivision Project. There are two aspects to the project that are addressed in two separate EIRs:

- The General Plan Amendment (12-EIR-003) involves: amendment of the Land use Plan Map to change the property’s designation from Agriculture to Single-Family Residential, amendment of the Conservation Element Subpolicy CE 11.2 relating to Conversion of Agricultural Lands, and amendment of the Open Space Map of the Open Space Element to remove the property.

- The proposed project (12-EIR-005) involves: a Rezone of the property from AG-II-40 (Agriculture II, 40 acre minimum parcel size) to 7-R-1 (Single Family Residential, 7 units/acre), a Zoning Ordinance Amendment, a Vesting Tentative Map for the creation of 64 lots, a Final Development Plan for 60 single-family dwellings and 4 open space areas, right-of-way for an internal road system, and a Development Agreement.

Landscape hydrology and sustainable building elements are to be incorporated into the project design. Heavy grading in the amount of 27,500 cubic yards of cut and 23,500 cubic yards of fill is associated with this project. The subject property, a 14.38-acre parcel zoned AG-II-40 and identified in the Assessor Parcel Map Book as APN 077-530-019, is located at 7500 Cathedral Oaks Road in the City of Goleta.

Air Pollution Control District staff has no comments on the DEIR for the Shelby Trust General Plan Amendment and Residential Subdivision Project. Note that the APCD previously provided suggested conditions of approval for the proposed project in a letter dated August 15, 2012. Those conditions remain applicable as this project moves forward in the land use approval process.

If you or the project applicant have any questions, please feel free to contact me at (805) 961-8890 or via email at cvw@sbcapcd.org.

Sincerely,

Carly Wilburton  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: TEA Chron File
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June 9, 2014

Mr. Shine Ling, Associate Planner
City of Goleta Planning and Environmental Review Department
130 Cremona Drive, Suite B
Goleta, CA 93117
sling@cityofgoleta.org

Re: Comment on Shelby Project EIR

Dear Shine Ling,

Santa Barbara Urban Creeks Council, SBUCC, was formed in the late 1980s after Goleta residents saw County Flood Control using bulldozers and killing turtles, salamanders and other wildlife in San Jose Creek. In the 24 years since, SBUCC, a 501(c)(3) nonprofit organization, has represented more than 3,000 members in protecting and restoring our watersheds, creeks, wildlife habitats and important natural resources on Santa Barbara County’s South Coast.

Goleta is fortunate to be between two biologically rich environments, the chaparral forest to the north and the wetlands to the south. For millennia creeks connected these two areas, but development in the 1950’s, 60’s and 70’s put many of these creeks in fenced concrete channels ending their ability to be living connective corridors.

The Goleta General Plan, written when Goleta became a City, recognizes our area’s special environmental heritage and has policies to prevent repeat of past abuses and restore what had previously been lost. An important component of creek protection is the 100 foot streamside protection area (SPA), a mandatory width typical of undisturbed riparian zones in Santa Barbara County.

This 100 foot SPA should be required for the Shelby Project. There are feasible alternatives (Shelby Project EIR 6.2.2 & 6.2.4) hence the exception in CE 2.2 a (1) for less than 100 foot setback is not met. Furthermore, SBUCC feels strongly that less than 100 feet would cause “significant adverse effects on streamside vegetation or the biotic quality of the stream”, CE 2.2 a (2).
El Encanto Creek is the primary tributary to the Devereux Slough; as such it can serve as a migratory corridor linking the slough to the foothills. The Shelby Project EIR points out that the creek presently has constraints to wildlife movement to the south. But it does not mention planned and possible restoration along this creek that would restore full migration capabilities to this pathway. For example, immediately north of Devereux Slough plans are underway to convert the Ocean Meadows Golf Course back into a wetland. Just upstream from that, SBUCC is studying a project to convert El Encanto Creek’s concrete channel into a natural stream bed.

Section **CE 2.6** of the Goleta General Plan calls for “Restoration of Degraded Creeks.” The Project EIR should assume this will happen in the future and treat the portion of El Encanto Creek adjacent the Shelby Project as the viable riparian corridor it will eventually become and implement full setbacks as stipulated in **CE 2.2**.

Just because a Goleta creek may presently be constrained elsewhere is not reason to permit lax enforcement of environmental protection at a new project’s location.

The Project EIR Biological Report noted just two mammals observed during site visits. One might incorrectly infer that the site has little animal activity. Perhaps only gopher and squirrel were observed because they are both species active during the day time. It is likely that night site visits and wildlife capture cameras would document more of the mammals known to be in the area, many of which are nocturnal. Also, please add to Table 3 in the Biological Report, ‘Mammals Expected to Occur in the Project Area’: badger, black bear, mountain lion, ringtail and weasel.

Also regarding **CE 2.2**, a “children’s tot lot” can not be considered a compatible land use activity allowed in SPAs. **CE 2.2** clearly states “The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area.” A playground for toddlers does not preserve the creeks’ natural state and would set bad precedent if allowed.

Lastly, the City of Goleta has a Guiding Principal to preserve and protect the environment while allowing reasonable development. Sometimes it seems like the City sacrifices its own environmental policies for the sake of development. SBUCC feels the City of Goleta should be the most outspoken advocate for its valuable and unique environmental resources and hold firm to its Conservation Element Policies. Yes, developers will complain. But SBUCC believes the worthy ones will comply.

Thank you for this opportunity to comment,

Rick Frickmann, Board Member
Santa Barbara Urban Creeks Council
June 11, 2014

Mr. Shine Ling, Associate Planner
City of Goleta Planning and Environmental Review Department
130 Cremona Drive, Suite B
Goleta, CA 93117
sling@cityofgoleta.org

Re: Shelby Residential Project EIR

Southern California Edison (SCE) appreciates the opportunity to provide comments on the Shelby Residential Project EIR. The proposed project includes a subdivision for 64 lots on a 14.38-acre parcel and development of 60 single-family residences. A retention/detention basin is proposed in the southwest corner of the parcel, and a new storm drain would be installed. Runoff would drain into El Encanto Creek, located to the west of the project site. Additional improvements would consist of a community picnic area, asphalt walking trail, open turf area, and children’s tot lot. Infrastructure improvements would include a looped internal road system with one cul-de-sac and two intersections with Cathedral Oaks Road, installation of stormwater curb extensions, installation of landscaping, and installation of a 5-foot-wide interior sidewalk throughout the subdivision.

SCE provides electrical service to the City of Goleta and maintains and operates an electrical system that consists of a network of facilities (electrical distribution, transmission, and generation systems). SCE has not evaluated the electric service requirements for the proposed project. Based on the scope of the project, it may require upgrades to SCE’s electric system and infrastructure. SCE requests that the project developer contact our Local Planning Department at (805) 683-5262 to initiate the service evaluation. The project developer will be responsible for the costs of any new distribution and/or line extension work, and any relocation of facilities required to accommodate the distribution line and/or service extensions required by SCE to serve the project.

We look forward to providing the community safe and reliable electrical service, and serving the growth and economic development envisioned by the City. If you have any questions regarding this letter, please do not hesitate to contact me at Rondi.Guthrie@sce.com or (805) 683-5237.

Regards,

Rondi Guthrie
Local Public Affairs Region Manager
Southern California Edison Company

cc:  Karen Cadavona, SCE
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Dear Mr. Ling,

Please accept these comments on the two Draft EIRs for the Shelby Project and Rezone.

1. The project and rezone result in significant growth-inducing impacts. The two attached documents indicate the potential for residential development of the adjacent Glen Annie Golf Course which would be enabled by compromising the effective urban-rural boundary which is formed by Cathedral Oaks Road. Rural/agricultural/open space uses occur to the north and a mix of high-moderate density residential, institutional and open space uses occur to the south of the road, east of El Encanto Creek. Allowing high-density residential development north of Cathedral Oaks and east of El Encanto Creek removes a barrier to development of the Glen Annie Golf Course, as well as nearby rural, agricultural or open space parcels.

2. The two projects create significant Land Use and Biological Impacts caused by violating General Plan Conservation Element Policy 2.2. This Policy was enacted with tremendous public support due to the policy's ability to protect the City's degraded although important stream habitats, which support numerous state and federal-protected species. The Policy has been weakened over the years but still requires a 100-foot creek setback area, or buffer, for private development -- unless a 100-foot buffer infeasible. The EIRs fail to properly evaluate feasibility of a 100-foot buffer and to properly evaluate consistency with Policy CE 2.2 as a Land Use Impact. Inconsistency with local policies adopted to protect the environment are grounds for the EIRs to find Class I impacts under both Land Use and Biological Resources (El Encanto Creek). It is clear that a 100-foot buffer is feasible and therefore must be required to comply with the General Plan; The EIRs fail to accurately portray the Policy's requirement for a 100-foot buffer, unless infeasible, and incorrectly treat the 100-foot setback requirement as discretionary. The Final EIRs should accurately disclose the policy's mandate and record Class I impacts to Biological Resources and Land Use stemming from failure to comply with the City's most important creek protection policy.

El Encanto Creek is a perennial creek and is very important to wildlife. Failing to provide an adequate buffer would preclude wildlife use of the creek for movement, feeding and watering due to the presence of humans, pets, noise and other anthropogenic factors.

By personal observation, El Encanto Creek currently supports trees which are active raptor roosts and which are protected by local policies. The habitat is very important and the failure to provide a minimum 100-foot buffer for this creek in this location results in significant environmental impacts and General Plan conflicts.

As a planner and biologist, I am qualified to make these statements which constitutes evidence of significant impacts and a General Plan conflict (policy CE 2.2).

Thank you.

Brian Trautwein
Goleta, CA
June 28, 2006

Laurel Fisher Perez
Suzanne Elledge Planning and Permitting Services
800 Santa Barbara Street
Santa Barbara, CA 93101

RE: Glen Annie Golf Club Alternative Use, Case #06PRE-00000-00008, APNs 077-530-028, -012, -029, -030, -020, -021, -031

Dear Ms. Fisher-Perez:

Thank you for attending the pre-application meeting held on June 20, 2006, regarding your applicant’s proposal 06PRE-00000-00008 for alternative use of the Glen Annie Golf Club. The following information is a summary of the meeting.

Attendees: John Dewey, Mike Dingman, Dan Mock, and Ryan Gahagan (applicants), Laurel Fisher Perez (agent), Derek Johnson and Rosie Dyste (Long Range Planning), and Steve Chase, Dianne Meester, Anne Almy, and Alex Tuttle (P&D)

Project Description: The applicant is requesting a rezone and general plan amendment to allow mixed residential, commercial, and agricultural development of Glen Annie Golf Club. The project would include 90 market rate homes and 38 workforce/affordable units. The workforce/affordable units would be allocated over the very low, low, moderate and workforce income levels at 5%, 5%, 10%, and 10%, respectively. In addition, the proposed project includes a reversion back to agriculture with an 11.2 acre community based farm and approximately 17.6 acres dedicated to agriculture for lemon, avocado, or similar orchard crops. A 10-15,000 square foot commercial structure (e.g. coffee shop, produce stand) would be provided along Cathedral Oaks. The existing restaurant and pro shop would be retained to serve as a restaurant or community center, but the remainder of the golf course and associated facilities would be eliminated. Approximately 17.1 acres of existing sensitive biological areas would be retained on site, combined with the restoration of 4.2 acres of riparian corridors previously displaced. A network of trails and paths would be provided through the property. The project would provide a trail linkage from the property to Los Padres National Forest. The project site consists of approximately 156 acres located north of Cathedral Oaks and west of Glen Annie Road, in the 3rd Supervisorial District.

The following information has been prepared by the Development Review South Division of Planning and Development and the Long Range and Strategic Planning Division of the Chief Executive Office and summarizes the main issues discussed at the meeting.
I. Development Review:

A. Land Use Requirements:

The property currently has a land use designation of A-II-40, which is established for agricultural land in rural areas of the County and identifies a minimum parcel size of 40 acres. The proposed project would be inconsistent with this land use designation. Therefore, the project would require a general plan amendment to establish a residential land use designation that would be appropriate to accommodate the requested parcel sizes and density of development. Additionally, since the project site is located outside of the urban-rural boundary, and the project as proposed would not be permitted in a rural area, a general plan amendment would be required to move the urban boundary to incorporate this project site. A general plan amendment involves an initiation process at the Planning Commission before moving forward with the project. An initiation hearing would also serve as a conceptual review of the project.

B. Zoning Requirements:

The project site is currently zoned AG-II-40. The purpose of this zone district is to establish agricultural land use for prime and non-prime agricultural lands located outside of Urban, Inner Rural, and Rural Neighborhood areas. The intent of this zone district is to preserve these lands for long-term agricultural use. The proposed project would not be consistent with the purpose and intent of this zone district. While a portion of the project site would be set aside for agriculture, the majority of the site would be dedicated to residential use. The proposed project would not be a permitted use in the AG-II-40 zone district, nor would it be permitted under a major or minor Conditional Use Permit. Proceeding with approval of this project would require rezoning the property to an appropriate zone district that would accommodate the proposed uses associated with the project. The new zoning would need to be consistent with the new land use designation.

C. Subdivision Map Act Requirements:

The proposed project would require the processing of a tentative tract map to facilitate subdivision of the project site to accommodate the proposed residential development. Tract maps are subject to the Subdivision Map Act. In order to approve a tentative tract map, the following findings (among others) must be made:

State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.
State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:

- The proposed map is not consistent with applicable general and specific plans as specified in §66451.
- The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- The site is not physically suitable for the type of development proposed.
- The site is not physically suited for the proposed density of development.
- The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.

Of these findings, the most critical in terms of this project is the requirement that the project be consistent with the County’s Comprehensive Plan, including the Goleta Community Plan. As discussed in more detail in Section III below, the project would be inconsistent with policies of the Goleta Community Plan and Land Use Element and County Agricultural Element of the Comprehensive Plan, leading to a staff recommendation of denial. Specifically, Policy LU-GV-1 states that “…the Urban/Rural Boundary shall not be extended prior to the development of existing inventories of vacant land within the urban area. This Boundary shall not be moved except as part of an update of the Community Plan.” Land Use Development Policy 3 states “No urban development shall be permitted beyond boundaries of land designated for urban uses except in neighborhoods in rural areas.” The project site lies outside of the urban boundary and the level of development proposed would be inconsistent with the purpose and intent of rural areas. The project site is not located within a designated rural neighborhood. The third fundamental goal of the Land Use Element states “In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.” Policy II.D of the Agricultural Element reads “Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.” Even though the project site is not currently in active agricultural production, it was farmed historically up until the late 1980s. Most recently, the project site has been used as a golf course. However, much of the project site contains prime soils and the golf course has not involved permanent disturbance of the property, such that
conversion back to agriculture would be possible. In fact, when the golf course was approved by the Board of Supervisors in 1993, it was stated in the CEQA findings that impacts to agriculture were less than significant because the property could be converted back to agriculture upon termination of the golf course endeavor. Additionally, the project was found to be consistent with goals and policies of the Agricultural Element based on the principle that the golf course was a temporary use and would not permanently disturb the agricultural potential of the site and that the site could revert back to agriculture in the future.

D. Processing requirements:

As mentioned above, the project would require a request for a general plan amendment and rezone to apply appropriate land use designations and zone districts for the proposed residential development, as well as to move the urban boundary line. The proposed project would also require processing of a tentative tract map to facilitate the subdivision of the land. Lastly, in order to review the project comprehensively, P&D would recommend that the lots be zoned such that a Development Plan were required (e.g. Design Residential). Included in the Development Plan process would be review by the South County Board of Architectural Review (BAR).

The first step in the process would be the Planning Commission’s initiation hearing on the proposed general plan amendments. The initiation hearing would also serve as a concept review of the project as a whole, which would give the applicant initial comments and feedback from the Commission as to the nature and scope of the project before too much time and effort has been invested in the project. Please be advised that the standard for approval of a general plan amendment is that it be in the public interest. You may wish to consider options for enhancing the public benefits of the project, such as incorporating the project into a Transfer of Development Rights (TDR) program (if such a program goes forward at a future date), as discussed further below.

If initiated, given the complexity of this project and controversy associated with this level of development outside of the urban boundary, it is anticipated that this process would last at least two years. This type of project would be subject to public hearings before the County Planning Commission and the Board of Supervisors. Because the project would entail a general plan amendment, the Board of Supervisors would be the ultimate decision maker on the project as a whole. The Planning Commission would review the project first and make recommendations to the Board for their final action. In addition, designs for the residences and other structural development of the project as well as the overall layout of the project site would be subject to approval by the BAR. The County has a voluntary program, the Innovative Building Review Program (IBRP), to promote energy-efficient building design. We strongly encourage you to take advantage of this opportunity to consult with technical experts in the area of energy-efficient building design at no cost. Benefits include expedited building plan-check, a reduction in the energy plan-check fee by 50%, a reduction in utility bills, and a
potential increase in the market value of the project. For more information on the IBRP, please contact Kathy McNeal Pfiefer at (805) 568-2507.

Following the County’s initiation of the general plan amendments, the next step in the process would be to submit the remaining application material associated with the rezone, Tentative Tract Map, and Development Plan. Once the project description was sufficiently honed, P&D would then prepare an Initial Study to identify the potential environmental impacts of the project and which issue areas are in need further analysis. It is anticipated that this project would require preparation of an EIR. In order to save time and money, the applicant could choose to skip the Initial Study and instead draft a simple EIR Scoping Document and hold a scoping meeting to identify the impact areas to be analyzed in the EIR.

Preparation of the EIR would be by an independent consultant managed by P&D. Preparation of the EIR would include the CEQA-required public comment period of the Draft EIR, which is a minimum of 45 days, during which time an Environmental Hearing would be conducted to take in public comment on the adequacy of the Draft EIR. After closure of the comment period, the EIR consultant would prepare a Proposed Final EIR. P&D staff would docket the Proposed Final EIR along with a staff report to the Planning Commission for public hearings on the project. A project of this scale and controversy would likely take multiple hearings at both the Planning Commission and Board of Supervisors that could last several months. In summary, it is anticipated that the completeness review, initiation by the Planning Commission, preparation of the EIR, and public hearings would last between two and three years. Assuming approval of the project, follow up ministerial permits (Grading and/or Land Use Permits) would be required for building of the residences and any infrastructure development associated with the project.

Based on the current Fee Schedule, the initial permit fee for the project would be approximately $24,471 plus $20/proposed lot. This includes both the deposit to P&D and the fixed fees to other County departments. For projects requiring deposits, the applicant is billed on a monthly basis for costs incurred by staff processing of the application during the previous month.

II. Environmental Review:

Based on this preliminary review, it is P&D's opinion that the project would require preparation of an EIR. Based on an initial review of the project, the following key environmental issue areas would need to be analyzed in the EIR: aesthetics/visual resources, air quality, agricultural resources, biological resources, cultural resources, land use, public facilities, transportation/circulation, and water resources/flooding.

A. Aesthetics/Visual Resources:
The project is located in the foothills of Goleta Valley and borders residential development to the south and agriculture to the east, west, and north. Analysis of a project’s visual impacts consider the project’s effects on the following criteria: a) the obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view; b) change to the visual character of an area; c) glare or night lighting which may affect adjoining areas; and d) visually incompatible structures. Given the topography of the site, it is unlikely that any of the proposed residences would obstruct views of the ocean or mountains or other scenic vistas. However, residential development on the scale proposed could change the visual character of the area, introduce night lighting, and result in visually incompatible structures with the primarily agricultural setting. Aesthetic impacts are difficult to mitigate without significantly reducing the scale or density of the project. More modest mitigations could include design guidelines for the proposed residences, lighting restrictions, height restrictions, and landscape screening.

B. Agricultural Resources:

The project site is located in an area that has been historically engaged in agricultural production and is surrounded on three sides by orchards in various degrees of active production. The site consists of both prime and non-prime soils and was last farmed approximately 20 years ago. Conversion of the project site from agriculture to the current golf course was considered a significant and unavoidable (Class I) impact on agricultural resources in the EIR prepared in 1993 for the golf course project.

Pursuant to Appendix G of the State CEQA Guidelines, the significance thresholds for determining a project’s impacts on agricultural resources are: a) whether or not the project conflicts with adopted environmental plans and goals of the community where it is located; and b) whether the project converts prime agricultural land to non-agricultural use or impairs the agricultural productivity of prime agricultural land. The property’s underlying zone district is AG-II-40 with an agriculture land use designation. At this point in time the project site could be returned to agricultural production since the site is still suitable for agriculture in terms of having adequate water supplies, productive soils, a beneficial climate, and suitable slopes, and little structural development exists on the property. The County has several goals and policies protecting agricultural lands from development, especially in rural areas and when other infill development opportunities exist. For these reasons, it is possible that development of the project site for residential purposes could result in significant agricultural impacts regardless of the fact that the site currently consists of a golf course. Mitigation to reduce these impacts could include setting aside more land for agriculture and reducing the footprint of the residential development, creating sufficient buffers between the residential development and agricultural operation to prevent indirect impacts and nuisance issues, and/or establishing an agricultural easement over the remaining agricultural land to prevent future conversions.

C. Air Quality:
The project site is located within the South Central Coast Air Basin (SCCAB). Federal and state standards have been established for certain air pollutants, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and fine particulates. Santa Barbara County is currently considered a nonattainment area for the state particulate standard (PM$_{10}$), meaning it violates the state standard for that criteria pollutant. The County also violates the state ozone standard. According to the Santa Barbara County Air Pollution Control District, a project would have a significant air quality impact if operation of the project would:

- Emit (from all sources, both stationary and mobile) 240 lbs/day or more of ROC or NO$_x$ or 80 lbs/day or more of PM$_{10}$;
- Emit 25 lbs/day or more of ROC or NO$_x$ from motor vehicle trips only;
- Cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone);
- Exceed the APCD health risk public notification thresholds adopted by the APCD Board;
- Be inconsistent with the adopted federal and state air quality plans for Santa Barbara County.

Additionally, the County of Santa Barbara Environmental Thresholds and Guidelines Manual states that a significant air quality impact may occur when air pollutant emissions from a project:

- Interfere with progress toward the attainment of the ozone standard by releasing emissions which equal or exceed the established long-term quantitative thresholds for ROC or NO$_x$; or
- Equal or exceed the state or federal ambient air quality standards for any criteria pollutant (as determined by modeling).

At 128 units, the proposed project could potentially result in an exceedence of the County’s air quality thresholds for ROC or NO$_x$, generated by traffic increases associated with the project. This would be determined through a modeling effort. No significance thresholds exist for short-term, construction-related air quality impacts. Standard dust control measures would be applied to the development project to ensure dust generation, which is the primary source of PM$_{10}$, are reduced to the maximum extent feasible.

D. Biological Resources:

The project site lies in the foothills of the Santa Ynez Mountains and is characterized by rolling topography with several drainages, including Glen Annie Creek, running through the property in a north-south direction. These drainages are identified as Environmentally Sensitive Habitat in the Goleta Community Plan. In addition to the drainages there is an upland wildlife corridor along the western property boundary that has been preserved and enhanced as part of a Biological Resources Mitigation Plan included with approval of the golf course in 1997. According to the County’s Environmental Thresholds and Guidelines
Manual, disturbance to habitats or species may result in a significant impact if the project substantially reduces or eliminates species diversity or abundance, or substantially reduces or eliminates the quantity or quality of nesting areas. Additionally, impacts to riparian habitats may be considered significant if the project results in the:

- Direct removal of riparian vegetation;
- Disruption of riparian wildlife habitat, particularly animal dispersal corridors and/or understory vegetation;
- Intrusion within the upland edge of the riparian canopy (generally within 50 feet in urban areas, within 100 feet in rural areas, and within 200 feet of major rivers), leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion;
- Disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (e.g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential; or
- Construction activity that disrupts critical time periods (nesting, breeding) for fish and other wildlife species.

Since these resources do exist on the property, a biological survey would need to be conducted to identify the quality and quantity of existing biological resources on site and to assess the potential impacts to these resources from development of the proposed project.

E. Cultural Resources:

A cultural resources survey was conducted for the project site as part of the golf course application in 1991. The survey identified several cultural resources on the site, some of which were considered potentially significant. The project site has received substantial ground disturbance from both historical agricultural operations and, more recently, by the extensive grading associated with development of the golf course. Development of the project site for residential purposes has the potential to degrade any remaining cultural resources, depending on the location of the residences and infrastructure relative to the resource sites. A supplemental cultural resources survey would be required to confirm the status of remaining cultural resources on the property and analyze the potential impacts of the project on those resources. If the project had the potential to impact any resource or site, mitigation could include avoidance or capping.

F. Land Use:

The project site is located within the rural area of the Goleta Valley, in the foothills of the Santa Ynez Mountains. It borders the urban boundary line to the south and is surrounded primarily by agricultural operations to the north, east, and west. According to Appendix G of the CEQA Guidelines, a project would have a significant land use impact if it would:
• Physically divide an established community;
• Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; or
• Conflict with any applicable habitat conservation plan or natural community conservation plan.

Other criteria used to assess a project’s potential land use impacts, according to Santa Barbara County’s Initial Study Checklist, include:

• Whether the project would introduce structures and/or land use that is incompatible with existing land use;
• Whether the project would result in the induction of substantial growth or concentration of population; or
• Whether the project would result in the extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project.

The project would introduce an intensity of development that does not currently exist in this area and would require expansion of the existing urban/rural boundary. Such a project could have the potential to set a precedent for further development in this area, thus changing the dominant land use from agriculture to residential development. This change in use could have potentially significant land use impacts. Such impacts, if found, would be difficult to mitigate without a significant redesign of the project.

G. Public Facilities:

The project site is located within the Goleta West Sanitary District and Goleta Water District service areas. Future residential development of this site, therefore, would be served by these agencies as long as sufficient capacity exists. Documentation of the ability of these agencies to serve the proposed project would be required in order to demonstrate that the project would not have a significant impact on these public facilities. The addition of 128 residences would also require services from the County Sheriff’s Department and County Fire Department, and would also likely add students to the local public schools. In addition, residential development projects generate solid waste that must be properly stored. According to the County’s Environmental Thresholds and Guidelines Manual, significant impacts to schools would occur when the project would generate sufficient students to require additional classrooms. A project is considered to have a significant impact on solid waste if it generates 196 tons per year of waste after reduction and recycling efforts, which can reduce waste by up to 50%. The project would be analyzed as part of the EIR to determine if impacts to any of these public facilities would be significant.

H. Transportation/Circulation:
The project site is located north of Cathedral Oaks and west of Glen Annie Road, directly across from Dos Pueblos High School. Cathedral Oaks serves as a main travel corridor for neighborhood traffic in the east-west direction in the Goleta Valley, connecting western Goleta with San Marcos Pass. Glen Annie Road south of the site serves as the primary connector with Highway 101 for this neighborhood. Development of 128 residential units in this location would add traffic to area roads and intersections. Depending on the current status of these roadways and intersections, the project’s traffic contribution could be significant. According to the County’s *Environmental Thresholds and Guidelines Manual*, a significant traffic impact would occur if the addition of project traffic to an intersection increases the volume to capacity (V/C) ratio by 0.20, 0.15, or 0.10 at intersections operating at Level of Service (LOS) A, B, and C, respectively, or sends at least 15, 10, or 5 trips to intersections operating at LOS D, E, or F, respectively. A traffic study would need to be prepared, either as part of the EIR or submitted with the project application, which would identify current and future traffic volumes and intersection delays and assess the project’s trip generation and traffic distribution to determine if any impacts may occur as a result of buildout of the project. Depending on the impacts, mitigation could include road and intersection improvements, restrictions on construction-generated traffic, improvements to public transit, supporting alternative means of transportation, and dedication of units to Dos Pueblos High School employees (if feasible).

I. Water Resources/Flooding:

The project site is characterized by three watercourses that flow through the property in various capacities in a north-south direction, including Glen Annie Creek running along the eastern boundary of the project site. Construction and operation of the development project has the potential to result in water quality impacts to on-site watercourses, as well as contribute to flooding downstream if drainage issues are not adequately addressed. According to the County’s *Environmental Thresholds and Guidelines Manual*, significant water quality impacts are presumed to occur if the project increases the amount of impervious surfaces on the site by 25% or more; results in the channelizations or relocation of a natural drainage channel; or results in the removal or reduction of riparian vegetation or other vegetation (excluding non-native vegetation removed for restoration purposes) from the buffer zone of any streams, creeks, or wetlands. Because the project would disturb more than one acre of land, a Storm Water Quality Management Plan would need to be prepared and implemented to reduce water quality impacts to the maximum extent feasible. A drainage study would need to be prepared in order to analyze the impacts of the project on area drainage and flooding. This study could be prepared as part of the EIR effort or it could be submitted by the applicant and then reviewed by the consultants during preparation of the EIR. Typically, mitigation to address water quality impacts include the establishment of sufficient buffers from watercourses, minimization of impervious surfaces, and the incorporation of Best Management Practices into the development project (e.g. bioswales, filters, etc.). Mitigation to address flooding and drainage issues typically includes on-site detention by various means.
III. Long Range and Strategic Planning:

The project site is designated Rural, Open Lands, Agriculture, AG-II-40 zoning. Overlay designations include Flood Hazard in a small southeast portion of APN 077-530-021 and Environmentally Sensitive Habitat/Riparian Corridor overlays in each parcel except APN 077-530-012. Based on the preliminary information received, the proposed residential development of 128 units is not allowed within this land use designation; as a result the request for a general plan amendment and zone change would be needed.

A. Comprehensive Plan Consistency:

**Land Use Element**

3rd Fundamental Goal of Land Use Element, pg. 81

*Agriculture:* In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.

This goal is applicable because the project site is within a rural area of the County and does have an agricultural land use designation. Despite its current use as a golf course, much of the project site was historically farmed and remains suitable for reversion back to agriculture. The golf course was granted a Conditional Use Permit to operate its facilities, which served to preserve the underlying agricultural land use designation and zoning. The proposed project, while included an agricultural element, would reserve the majority of the site for residential development. Thus, the proposed project would be inconsistent with this fundamental goal.

Land Use Development Policy 3, pg. 81

No urban development shall be permitted beyond boundaries of land designated for urban uses except in neighborhoods in rural areas.

This policy is applicable given the proposed urban use on land designated rural. The Glen Annie Golf Club site is not a rural neighborhood which is defined as “a neighborhood area that has developed historically with lots smaller than those found in the surrounding Rural or Inner Rural lands” (Land Use Element pg. 175). The project as proposed is inconsistent with this policy.

**Agricultural Element**

Policy I.F, pg. 10.
The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.

GOAL II, pg. 11.

Agricultural lands shall be protected from adverse urban influence.

Policy II.D, pg. 12.

Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

Policy III.A, pg. 12.

Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.

Agricultural Element policies are applicable to this project given the underlying zoning designation is Agriculture, the site has approximately 28.2 acres of prime soils, and the site was historically farmed up until the late 1980s. Although approximately 28.8 acres are proposed for agriculture use on site, the surrounding urban influence would have a significant impact on farming operations and the proposed agricultural use may not be sustainable. While dedicating some acreage to agricultural use is commendable, agricultural viability is generally reduced on smaller parcels. Thus, the project is inconsistent with the policies listed above because it proposes an expansion of urban use into lands zoned for agriculture and infill development within the urban area is available.

Goleta Community Plan

Land Use

Policy LU-GV-1, pg. 37

The Urban/Rural Boundary around the Goleta community shall separate principally urban land uses and those which are rural and/or agricultural in nature. This boundary shall represent the maximum extent of the Goleta urban area and the Urban/Rural Boundary shall not be extended prior to the development of existing inventories of vacant land within the urban area. This Boundary shall not be moved except as part of an update of the Community Plan.
This policy is applicable because the Glen Annie project as proposed would require an extension of the urban boundary. Vacant land is currently available within the urban area that could provide development opportunities. Pursuant to this policy, these opportunities should be exhausted prior to extending the urban boundary. An update to the Goleta Community Plan is proposed to be initiated in 2007. It may be premature or inappropriate to proceed with this project and propose to extend the urban boundary outside or in advance of the Plan update. However, at this point the boundaries of the proposed Plan update have yet to be determined. Staff will keep this project in mind when considering the boundaries and inform you once the boundaries have been established. The project as currently proposed is inconsistent with this policy.

**Trails**

**Policy PRT-GV-2, pg. 123**

... all opportunities for public recreational trails within those general corridors adopted by the Board of Supervisors as part of the Parks, Recreation and Trails (PRT) maps of the County Comprehensive Plan (and this Community Plan) shall be protected, preserved and provided for during and upon the approval of any development, subdivision and/or permit requiring any discretionary review or approval...

This policy is applicable because the project description proposes a network of public access trails and trail linkage from the property to the Los Padres National Forest. The project is consistent with this policy as the proposed trail alternatives are shown generally along the proposed trail corridors on the PRT map. However, the application is unclear how the proposed trail alternatives shown on the submittal maps will be routed through a considerable amount of privately owned property to link with existing trails in the Los Padres National Forest.

**Circulation**

**Policy CIRC-GV-4, pg. 166**

New development shall be sited and designed to provide maximum access to non-motor vehicle forms of transportation, including well designed walkways, paths and trails between new residential development and adjacent and nearby commercial uses and employment centers.

The project as proposed is potentially consistent with this policy with the inclusion of access to the public trail at Cathedral Oaks Road and Alameda Avenue.

**Resource Protection Policies**

**Policy BIO-GV-2, pg. 194, BIO-GV-2.2, pg. 195, BIO-GV-8, pg. 198**
Biological resource policies regarding Environmentally Sensitive Habitat (ESH) areas, riparian corridors, and general resource protection policies are applicable to the Glen Annie project because two ESH/Riparian Corridor overlays are present in the project area. Given the information presented in the Pre-Application Meeting Presentation, the project potentially complies with policies regarding protection and enhancement of riparian corridors. Please note that setbacks from streams and creeks would be required and indicated on all grading and development plans. Also note, additional Resource Protection policies not listed here would apply to the project if it were to move forward as proposed.

Flooding and Drainage

Policy FLD-GV-1, pg. 210

Flooding and drainage policies are applicable given that the site has riparian corridors and the 100-flood hazard overlay is present in the southeast corner of the site. The project potentially complies with flood hazard setback policies as no structures are shown on the project site plan within creek channels or adjacent to the flood hazard overlay.


Resource Conservation Policy 5.5, pg. 98

The county shall continue to encourage development within existing urban boundaries of the county and the preservation and/or protection of rural land uses outside the urban boundaries.

This policy is applicable given the proposal to develop outside the urban boundary. The project is inconsistent with this policy.

Inclusionary Housing Program Policy 1.2 and Development Standards pgs. 86-87

Inclusionary Housing Policy 1.2 and development standard requirements are applicable because the policy applies to all residential developments of five or more primary units. Given that 30% of the total units are proposed as workforce/affordable units, the project is consistent with Inclusionary Housing Policy 1.2. Please note that per Development Standard 1.2.2., of the 30% affordable, 5% must be very low income units, 5% low income units, 10% moderate income units, and 10% workforce income units. Your project as proposed appears consistent with this requirement. Staff would encourage you to pay in-lieu fees for the very low and low income units and build additional moderate and workforce units on-site. Also, please be advised that projects receive density increases of one unit over base density for each required moderate and/or workforce units built on-site.

Submittal Requirements:
As I identified in the discussion above, there are several studies and reports that would need to be prepared as part of this process. However, since you are requesting a general plan amendment, which requires initiation by the Planning Commission, it would be premature to submit this material with your initial application. Assuming the project is initiated, these reports and studies could be prepared by the consultant as part of the EIR. Thus, in order to proceed with this project the only thing you must submit is an application for the requested general plan amendment. The other applications (Tentative Tract Map, Development Plan, and Rezone), and associated supporting material, can be submitted at a later date if and when the general plan amendment is initiated.

Summary:

The project site is currently zoned AG-II-40 with an A-II land use designation. It is located outside of the urban-rural boundary. The project site is surrounded on three sides by active agriculture and is adjacent to residential development to the south. The project would require a general plan amendment and rezone from agriculture to residential in order to accommodate the proposed residential development. In addition, a general plan amendment would be required in order to extend the urban-rural boundary. As has been detailed in the discussion above, several policy concerns exist with this proposed project. Existing policies in the Goleta Community Plan call for the protection of agriculture and maintenance of the urban-rural boundary, unless modified through an update to the Goleta Community Plan. The County Land Use Element speaks to the avoidance of urban development outside of the urban boundaries and the Agricultural Element calls for the protection and enhancement of agriculture in rural areas of the County. The proposed project constitutes an urban use and development, even at the density proposed, and would result in the permanent conversion from land that once supported active agriculture (and is suitable for conversion back to agriculture) to such use.

In summary, despite the need for housing on the South Coast and the project’s proximity to existing residential communities, the project as currently proposed is inconsistent with existing County policies and therefore County staff would recommend against initiation at this time. Aside from the policy inconsistencies, a central question is whether this is the appropriate time in the life cycle of the Goleta Valley to convert rural agricultural land to residential use and extend the urban boundary line. There needs to be a compelling argument that such a conversion would provide a public benefit that would outweigh the costs. The project as proposed does not, from our perspective, offer such an argument. One way in which to gain support for this project and enhance the public benefit may be to integrate the project site into the regional Transfer of Development Rights (TDR) program that is currently being considered as part of the Santa Barbara Ranch project along the Gaviota Coast, should that program or a countywide TDR program go forward at a future date. Including the Glen Annie site as a receiver site in a TDR program could help to promote this project and overcome some of the obstacles it faces. Planning and Development would be happy to work with you further on this element of the project. In addition, assuming the project site is within the proposed boundaries of the Goleta Community Plan update, it may be more appropriate to consider this project in the context of the more comprehensive update, which is scheduled for initiation in 2007. Staff will keep you...
Glen Annie Golf Club Alternative Use
June 28, 2006
Page 16

apprised as to the progress of that update and the boundaries once they are established. The first step in moving forward with this project would be to bring the requested general plan amendment to the Planning Commission for initiation. This would also serve as a conceptual review of the project by the Planning Commission. You may wish to provide several options to the Planning Commission as part of this conceptual review, given its complexity and the possible integration of the project with the TDR program and/or update to the Goleta Community Plan.

I hope that the pre-application meeting and this follow-up information will assist you with your proposal. Please keep in mind that the analysis is based on preliminary information received, and may be subject to change depending on the timing of the application, additional information that becomes available, or changes to policies and regulations that may be in effect at that time.

Sincerely,

Alex Tuttle, Planner
Division of Development Review

cc: John Dewey, Dewey Group, 3720 Campus Drive, Ste. 200, Newport Beach, CA 92660
Anne Almy, Supervising Planner
Derek Johnson, Long Range Planning Division
Rosie Dyste, Long Range Planning Division
Lisa Bodrogi, Agricultural Commissioner’s Office
Claude Garciacelay, County Parks Department
Pat Gabel, County Housing and Community Development
Steve Chase, Development Review Deputy Director
Dianne Meester, Assistant Director
Patty Miller, City of Goleta, 130 Cremona Drive, Ste. B, Goleta, CA 93117
Records Management (first page only)
Accounting (first page only)
Case file

Enclosure: Questions and Answers About Fees and Billing

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NOTICE OF FINAL APPROVAL/ INTENT TO ISSUE A LAND USE PERMIT

Case No.: 05LUP-00000-01214  Planner: Alex Tuttle  Initials: ___
Project Name: Glen Annie Golf Club Hole 3/15 Reconfiguration
Project Address: 405 Glen Annie Road
A.P.N.: 077-530-021, -031, -020, -012, -028, -030
Zone District: AG-II-40

Planning & Development (P&D) grants final approval and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: January 5, 2006
POSTING DATE/APPEAL PERIOD BEGINS: January 6, 2006
APPEAL PERIOD ENDS: January 16, 2006
DATE OF PERMIT ISSUANCE: (if no appeal filed) January 17, 2006

NOTE: This final approval may be appealed to the Planning Commission by the applicant, owner, or any interested person adversely affected by such decision. The appeal must be filed in writing and submitted with the appropriate appeal fees to P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within (10) calendar days following the Final Approval Date identified above. (Secs. 35-327. & 35-489.) If you have questions regarding this project please contact the planner at (805) 884-6844.

PROJECT DESCRIPTION SUMMARY: See Attached

PROJECT SPECIFIC CONDITIONS: See Attached

ASSOCIATED CASE NUMBERS: 05SCD-00000-00016, 91-CP-091 AM02

TERMS OF PERMIT ISSUANCE:

1. Posting Notice. A weather-proofed copy of this Notice/Permit, with Attachments, shall be posted by the Applicant in three (3) conspicuous places along the perimeter of the subject property. At least one notice shall be visible from the nearest street. Each copy of this Notice shall be posted on the identified Posting Date and shall remain posted for a minimum of ten (10) consecutive calendar days. (Secs. 35-326.3 & 35-488.3)

2. Work Prohibited Prior to Permit Issuance. No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit). WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.
3. **Date of Permit Issuance.** This Permit shall be deemed **effective and issued** on the **Date of Permit Issuance** as identified above, provided:

   a. All terms and conditions including the requirement to post notice must be met and this Notice/Permit has been signed,

   b. The **Affidavit of Posting Notice** was returned to P&D prior to the expiration of the Appeals Period. Failure to submit the affidavit by such date shall render the approval null and void, and

   c. No appeal has been filed.

4. **Time Limit.** Failure to obtain a required construction/demolition or grading permit and to lawfully commence development within two (2) years of permit issuance, shall render this Land Use Permit null and void. A Land Use Permit that follows an approved Final Development Plan (FDP) shall be rendered null and void on the date the FDP expires even if the FDP expiration date is within two years of the Land Use Permit issuance, unless substantial physical construction has been completed.

**NOTE:** This Notice of Final Approval/Intent to Issue a Land Use Permit serves as the Approval and the Land Use Permit once the permit is deemed effective and issued. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation.

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

Print Name  
Signature  
Date

Planning & Development Issuance by:

Planner  
Date
ATTACHMENT A
CONDITIONS OF APPROVAL

1. This Land Use Permit is based upon and limited to compliance with the project description and conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project is for reconfiguration of Holes 3 and 15 at the Glen Annie Golf Club in order to prevent errant golf balls from entering a private residential property. The tees on Hole 3 would be excavated approximately 30 feet and moved westward against an existing hillside. Total cut associated with this excavation would be approximately 8,315 cubic yards. Approximately 4,555 cubic yards of this cut would be used to fill in a low point to the east of the green and create grass-covered containment mounds spanning approximately 190 feet to keep golf balls from rolling too far to the east of the green. The existing sand trap north of the green would be expanded and reshaped. A 10-foot high safety screen would be installed on the west side of the new tee box area (approximately 320 feet in total length); the screen would be constructed on galvanized pipe frame with black or dark green mesh screen made of polyester or polypropylene material. Landscape planting primarily consisting of pine and gum trees would be installed along both sides of the fairway and along the west side of the new tee box to focus golf shots and block errant balls. Trees would be planted in container sizes ranging from 5 gallon to 24-inch box. The tees on Hole 15 would be moved forward. A 10-foot high safety screen of similar construction would be installed on the east side of the new tee box area (approximately 200 feet in total length). The remaining cut from Hole 3 (3,760 cubic yards) would be used to fill in some of the sand traps of Hole 15, towards the end of Drainage A. The sand traps would be reshaped and seeded to blend in with the existing fairway. Landscape planting of a similar palette would be installed along the eastern edge of the tee boxes and fairway to help block errant balls from entering the adjacent property. Cut and fill would be balanced on site. No vegetation other than grass would be removed as part of this project.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. The applicant shall comply with all of the conditions of approval of the existing Conditional Use Permit (91-CP-091 AM02).
3. All site preparation and associated grading activities shall be limited to the hours between 7:30 A.M. and 5:00 P.M., weekdays only. No construction shall occur on State holidays (e.g. Labor Day, Thanksgiving). Construction equipment maintenance shall be limited to the same hours. Non-noise generating activities, such as landscape planting, are not subject to these restrictions.

4. Prior to issuance of the grading permit, the applicant shall do the following to ensure compliance with existing conditions of approval of the CUP (91-CP-091 AM02):

a. The applicant shall plant oak seedlings around the perimeter of the driving range such that the total number of seedlings (planted plus existing) equals 110. Seedlings shall be grown from local acorn stock, preferably gathered from within the same watershed as the project site. This shall be done consistent with the Biological Resources Management Plan. The trees shall be irrigated and maintained for five years, the last two without supplemental watering. The trees shall be protected from predation by wild and domestic animals (including gophers) by the use of fencing, both above and below ground, during the maintenance period.

b. The applicant shall plant additional understory vegetation near the SCE pole and erosion scarp near the Hole 6 green along the western bank of Glen Annie Creek. Vegetation should consist of California blackberry (Rubus ursinus), giant wild rye (Leymus condensatus), and California rose (Rosa californica), and should focus on open areas within the top of the slope in the vicinity of the erosion scarp. All plants shall be native and grown from local seed stock. All plants shall be irrigated until well established. Native leaf litter shall be allowed to accumulate on the ground surface within the creek buffer along the western bank of Glen Annie Creek in order to maintain the creek buffer in a natural state.

c. The applicant shall plant additional native plants along the slope west of the cattail basin and bridge below the Hole 14 green, identified as Lower Drainage A, in the location of the recently installed jute netting. Plantings should consist of coyote brush, California sage (Artemesia californica), mulefat (Baccharis salicifolia), and California blackberry (Rubus ursinus), grown from local seed stock. All plantings shall be irrigated until well established. The failed plantings on the east side of the bridge shall be replaced with larger sized plants (e.g. 5 and 15 gallon containers) that could be placed deeper below the surface and thus further from the eucalyptus leachate. Willows may be used in place of these container plants, as they may be able to better withstand the shading and soil conditions resulting from the nearby eucalyptus.

d. The applicant shall plant clusters of native western sycamore (Platanus racemosa) trees, coast live oaks (Quercus agrifolia), and black cottonwood (Populus trichocarpa) in between the fairways along the amphibian corridor connecting Drainage A with the upper drainage. This shall be done consistent with the Biological Resources Management Plan. All trees shall be native and grown from local seed stock.

**Monitoring:** P&D shall site inspect to confirm compliance with these plantings prior to issuance of the grading permit.
5. All grading shall be conducted consistent with the grading plan identified in the conditions of approval for the existing CUP (91-CP-091 AM02). Grading inspectors shall monitor technical aspects of the grading activities and assess the adequacy of erosion control measures.

6. Grading activities on Hole 15 shall comply with the following requirements:
   
a. Construction fencing shall be installed along the limit of the work area to protect the existing riparian corridor of Drainage A, consistent with the approved plans.

b. Work areas shall be haybailed or other County approved erosion measures to minimize erosion and sedimentation into Drainage A if work is to occur during the wet season (November 2 to April 14).

7. The applicant shall limit excavation and grading to the dry season of the year (April 15 to November 1) unless a County approved erosion control plan is in place and all measures therein are in effect. This requirement shall be noted on all grading plans.

8. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this conditional use permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

9. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.