November 6, 2019

Chris Noddings, Assistant Planner
Planning and Environmental Review
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Mr. Noddings,

NOTICE OF AVAILABILITY FOR A MITIGATED NEGATIVE DECLARATION; NEW SYNAGOGUE BUILDINGS AND SITE IMPROVEMENTS FOR CHABAD OF SANTA BARBARA; 6045 STOW CANYON ROAD; APN 077-170-044

The Division of Oil, Gas, and Geothermal Resources (Division) appreciates the opportunity to submit comments on the project referenced above (Project), received published October 31, 2019.

The Division’s authority is set forth in Division 3 of the Public Resources Code (PRC), and Title 14 of the California Code of Regulations (CCR). PRC § 3208.1 establishes well re-abandonment responsibility when a previously plugged and abandoned well may be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, or geothermal wells.

The Division has reviewed the Project. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following information.

Our records indicate there are no known oil wells located on the parcel where the Project is proposed. For comment and well review for future development on parcels where wells are located please contact the Division. Records and locations for oil, gas, and geothermal wells located in California are available online at https://www.conservation.ca.gov/dog/Pages/WellFinder.aspx

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route,
and should be able to access the well without disturbing the integrity of surrounding infrastructure. Items that can affect well access include, but are not limited to, buildings, housing, fencing, hardscape, landscape, trees, pools, patios, sidewalks, roadways, parking lots, waterways or channels, and decking. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access.

There are no guarantees a well abandoned in compliance with current Division requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak.

The Division advises that all wells identified on development parcels prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

PRC § 3208.1 gives the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Failure to plug and re-abandon a well may result in enforcement action, including an order to perform re-abandonment well work, pursuant to PRC § 3208.1, and 3224. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

To view PRC § 3208.1 in its entirety, please visit: https://www.conservation.ca.gov/index/Documents/DOGGR-SR-1%20Web%20Copy.pdf

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring written approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other abandonment or re-abandonment work. The Division also regulates the top of a plugged and abandoned well’s minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e., casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding any identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has jurisdictional authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources, damage to underground oil, gas, and geothermal deposits, and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division’s authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division’s jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.
November 6, 2019
Chris Noddings
City of Goleta

If during development activities any wells are encountered that were not part of this review, a Division engineer in the Coastal District - Orcutt office is to be notified immediately, and an amended site plan with well casing diagrams for Division review shall be filed. After appropriate review, the District office will send a follow-up well evaluation letter to the property owner, applicant, and local permitting agency.

Thank you for considering the Division’s comments. If you have any questions, please contact our District office at (805) 937-7246 or via email at DOGGRCoastal@conservation.ca.gov.

Sincerely,

[Signature]

Patricia A. Abel
Coastal District Deputy

JM:kk

cc: Chrono
    CSWR
19 November 2019

Chris Noddings
City of Goleta
Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117

Submitted via email: cnoddings@cityofgoleta.org

RE: Chabad of Santa Barbara New Synagogue and Site Improvements
Comments on Mitigated Negative Declaration
6045 Stow Canyon Road – APN 077-170-044
18-031-DP-CUPRV-DRB

Dear Chris,

Our firm represents Chabad of Santa Barbara with respect to the above-referenced New Synagogue and Site Improvements Project; as you know I am serving as agent for the project. On their behalf I submit this letter commenting on the Mitigated Negative Declaration (MND) and request that the Final MND address the comments, and incorporate the recommended corrections and edits. We do not believe that any of our comments, edits, or corrections will require the addition of significant new information within the meaning of Section 15073.5 of the CEQA Guidelines. Revisions made in response to our comments should not require the MND to be recirculated.

In order to assist you in preparing the final MND, this letter includes all applicant comments on the MND. Specific comments regarding the MND are noted in the table below following the order presented in the MND.

<table>
<thead>
<tr>
<th>Page #/Mitigation Measure</th>
<th>Comments</th>
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<tbody>
<tr>
<td>SECTION D. BIOLOGICAL RESOURCES</td>
<td>Please clarify whether references to “nesting birds” is intended to refer to special status breeding birds, breeding birds protected by the Migratory Bird Treaty Act, and/or raptors. Text as written seems to refer to any nesting birds, whether special status breeding birds and breeding birds protected by the Migratory Bird Treaty Act and/or raptors, or not. As discussed in the MND, applicable General Plan policies are intended to avoid disturbance to raptor nesting and roosting habitat and special-status species</td>
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and their habitats. While the applicant and the project team certainly are sensitive to impacts to any wildlife, I don’t believe there is policy nexus to justify this impact discussion if it is indeed referring to any nesting birds.

|   | Page 33 – Cumulative Impacts | I note that his section correctly refers to “potential raptor or migratory bird nesting sites”.
|   | Page 33 – Required/Recommended Mitigation Measures | Please refer to comment #1 above. I don’t believe there is policy nexus to justify a requirement for mitigation related to nesting birds other than raptors and special status birds. Please clarify the language of the proposed mitigation measure.

**SECTION E. CULTURAL RESOURCES**

4 | Pages 40 – MM-CUL-1: Historic Building Relocation | The first sentence of the proposed mitigation measure is incomplete, stating “The Applicant/Permittee, at its sole expense, shall make a good faith effort to relocate the barn/storage building not less than 90 days.” The incomplete sentence is confusing when considered with the language below requiring an advertisement be placed twice within a 60-day time period.

Since the applicant is not able to be certain that a Realtor will be interested in advertising the building, please revise the related language to indicate “including a good-faith effort to work with a Realtor to advertise the building.”

**SECTION J. HYDROLOGY AND WATER QUALITY**

5 | Page 64 - Project Specific Impacts – a-c & e | The applicant has not agreed to relinquish existing rights to use water from the existing well. Please delete related text. The Goleta Water District has documented that the District currently has sufficient water supply available to serve the proposed project (10/12/18 Goleta Water District Preliminary Water Service Determination). Pursuant to checklist item “b”, since the project will be served by Goleta Water District the project will not “substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin”.


We appreciate your consideration of these comments and suggested edits and your efforts in processing the project application. Chabad of Santa Barbara and the project team look forward to the City’s timely completion of the MND, conditions of approval, and staff report and consideration of the project with the City Planning Commission. Should you have any questions or require additional information, please contact me at 805-966-2758 x 101.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.

Steven M. Fort, AICP
Senior Planner

Cc: Rabbi Mendel Loschak