8.0 RESPONSES to COMMENTS on the DRAFT EIR

This section includes the comments received on the Draft EIR prepared for the Cortona Apartments Project and responses to those comments. The EIR was circulated for a 45-day public review period that concluded on March 31, 2014. The City received 21 comment letters on the Draft EIR during the 45-day public review period and received four additional letters (Letters 11.1 and 22-24 after the close of the 45-day review period. The commenters and the page number on which each commenter’s letter appears are listed below.

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The comment letters and responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

The City also received verbal comments on the Draft EIR at a March 19, 2014 Environmental Hearing Officer meeting. Responses to verbal comments are provided beginning on page 8-152.
April 1, 2014

Stephanie Diaz, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
diaz@cityofgoleta.org

Subject: Draft Environmental Impact Report for the Cortona Apartments Project, Santa Barbara County, SCH # 2010071061

Dear Ms. Diaz,

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) involves a Development Plan for 176 apartments, contained within eight residential buildings, on an 8.8 acre site located at 6830 Cortona Drive within the City of Goleta (City), Santa Barbara County. The Project also includes 330 parking spaces, a clubhouse/rental office building, a pool/spa, a maintenance building, and a recreation area for a volleyball court or similar facility. An eight-foot high masonry sound wall is proposed along the northern site boundary. The Project site is bounded on the north by the Union Pacific Railroad and U.S. Highway 101, on the east and west by existing business park development and on the south by Cortona Drive and business park development.

Habitat types described in the DEIR with the potential to be impacted by the project include coastal sage scrub, California native oak woodland, and native grassland habitats. The City General Plan/Coastal Land Use Plan (Plan) identified and mapped a sage scrub Environmentally Sensitive Habitat Area (ESHA) located along the northern boundary of the Project site, adjacent to the railroad corridor (Figure 4-1, Goleta General Plan; City of Goleta, 2006).

Project impacts include the removal of bird nesting habitat, including 12 mature coast live oak trees (Quercus agrifolia) and several non-native trees; the removal of approximately 8 acres of raptor foraging grassland habitat; and the removal of less than an acre of coastal sage scrub ESHA. Measures proposed in the DEIR to mitigate impacts to biological resources include a tree protection and replacement plan, a prohibition on planting invasive non-natives for landscaping, and pre-construction surveys for nesting birds.

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 Project as proposed will increase these identified stressors to wildlife within the local area and further contribute to cumulative regional losses of wildlife habitat function and values within this portion of the Santa Barbara County coast.

Impacts to Sensitive Biological Resources

Mapped sage scrub ESHA
Approximately 0.8 acres of mapped coastal sage scrub ESHA occurring on the Project site would be removed as the result of the Project. A biological report prepared in 2009 for the Project concluded the mapped ESHA, dominated by coyote brush, should not have been classified as coastal sage scrub, and therefore does not qualify as ESHA, as defined by the City. The biological assessment (BA) conducted for the Project in 2013 also states that the coyote brush habitat in the mapped ESHA does not constitute coastal sage scrub or any other unique, rare, or fragile community.

The Department does not agree with the conclusion in the DEIR that there is no sage scrub ESHA on the Project site. Coyote brush dominated habitats in the coastal zone are considered a type of coastal sage scrub (Sawyer et al. 2008). The Plan recognizes that coyote brush is a component of coastal sage scrub (Plan Policy CE 5.3). Coyote brush itself is a particularly valuable component of coastal ecosystems: this species is one of the last to flower in fall, and sustains a remarkable diversity of native insects reliant upon it for pollen, nectar, and other features required to complete their life cycle. For example, Tilden (1951) documented 221 species of insects utilizing coyote brush for some aspect of their life cycle.

The wealth of insects found on coyote brush interacts with other species in their environment, and are foundational to the food chain which sustains native birds and reptiles. Coyote brush provides a late-season food source for over-wintering insects such as monarch butterflies (Danaus plexippus), a declining butterfly which has winter roosts in coastal Santa Barbara County.

Mexican elderberry (Sambucus nigra subsp.caerulia) also was observed by Department staff in the mapped ESHA and nearby woodland. This plant is very valuable to wildlife and despite the current extreme drought, was recently observed on the Project site flowering and producing berries which sustain many bird species.

The Department therefore recommends the onsite mapped coyote brush-dominated ESHA be retained and protected in place. This stand can continue to provide important habitat values to birds and insects as it is adjacent to the railroad corridor which serves as a type of wildlife movement corridor.
Oak Woodland
Department staff recently examined the coast live oak woodland located on the eastern edge of the Project site, along with other large trees on the adjacent property. In addition to the 12 larger oaks noted in the DEIR, numerous smaller coast live oaks were observed on the Project site, indicating conditions are suitable for natural recruitment and replacement over time.

According to the DEIR, the coast live oak trees on the Project site are not associated with other understory and woodland species and therefore cannot be collectively identified as oak woodland ESHA. Department staff, however, observed an extremely large Mexican elderberry with two immense trunks in the oak area. The elderberry appeared to be of great age and habitat value. It was estimated to be at least 24 feet tall; despite the severe drought, it was in full bloom and producing fruits. Mexican elderberry is an important berry producing shrub/tree and considered a component of mesic coast live oak woodlands (Sawyer, et al. 2008). Based upon this information and conditions onsite, the Department finds the eastern edge of the Project site where coast live oaks are growing is in fact coast live oak woodland and therefore should be considered ESHA; the area should be protected in place so that it can continue to provide important habitat functions, and should remain connected to the coyote brush ESHA to maximize wildlife access and benefits.

Native Grassland
According to the 2013 BA, purple needlegrass (Nassella pulchra) was found on about 2,000 square feet at the southwestern corner of the Project site. The BA noted reduced percent coverage of purple needlegrass in this area. The DEIR states, "Although purple needlegrass was observed within the project boundary, there is (sic) not enough individual species present to be collectively identified as a foothill grassland habitat." The DEIR concluded there to be no grassland ESHA on the Project site.

The Department disagrees with this conclusion. Although Department staff did not specifically examine the grassland area identified in the BA, they observed an extensive patch of grassland dominated by purple needle grass in the central area of the project site that appears to have not been identified in the DEIR and associated biological surveys. Department staff estimated this patch of purple needlegrass to be approximately 3400 square feet in size, with an additional 500 square feet patch located about 40 feet away from the larger patch. Based upon this information, the Department finds this area also meets the definition of ESHA.

Consistency with Existing Goleta General Plan Policies
The DEIR contains, in Table 4.9-1, an analysis of the Project’s consistency with policies contained in the Conservation Element of the Plan. The Guiding Principles and Goals of the Conservation Element of the Plan begin:

"The policies of the Conservation Element are designed to preserve and protect Goleta’s environmental resources, including valuable habitat areas, to the maximum extent feasible while allowing reasonable development in conformance with the provisions of the Land Use Element."
Conservation Element Policy CE 1.6 Protection of ESHAs:

"ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers."

The proposed removal of sage scrub ESHA from the Project site is an action which was determined in the DEIR to be consistent with Policy CE 1.6. The explanation for this consistency was:

"Although the project site contains a City of Goleta mapped ESHA, the habitat is no longer present within the project boundary or immediately adjacent areas."

For the reasons outlined above, the Department disagrees with the conclusion in the DEIR that the mapped ESHA on site does not qualify as ESHA, and that the habitat is no longer present. The Department believes the proposed removal of sage scrub ESHA would therefore render the Project inconsistent with Conservation Element Policy CE 1.6.

Conservation Element Policy CE 1.5 Corrections to Map of ESHAs

"If a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 does not contain habitat that meets the definition of an ESHA for reasons other than those set forth in CE 1.4, the City biologist and the Planning Commission shall review all available information and determine if the area in question should no longer be considered an ESHA and therefore not be subject to the ESHA protection policies of this plan. If the final decision-making body determines that the area is not an ESHA, a map modification shall be included in the next Coastal Land Use Plan amendment; however, Local Coastal Program policies and standards for protection of ESHAs shall not apply, and approval of development consistent with all other requirements of this plan may be considered prior to the map revision."

The Project includes an application for a General Plan Amendment involving a correction to Figure 4.1 in the Conservation Element of the Plan, removing the current designation of sage scrub ESHA on the Project site. The Department could not find a discussion in the DEIR of the Project's consistency with Conservation Element Policy CE 1.5 in Table 4.9-1 of the DEIR. Specifically, there was no indication given that the Planning Commission had determined that there is no ESHA on the Project site. It appears a Planning Commission determination is necessary for a General Plan Amendment involving a correction to Figure 4.1 in the Conservation Element of the Plan, as proposed. We therefore request the City include in the DEIR an analysis of the Project's consistency with Conservation Element Policy CE 1.5.
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 Ms. Mary Meyer, Senior Environmental Scientist (Specialist), at (805) 640-8019.

Sincerely,

Betty Courtney
Environmental Program Manager I
South Coast Region

cc: Mr. Martin Potter, CDFW, Ojai
    Ms. Mary Meyer, CDFW, Ojai
    Mr. Scott Morgan, State Clearinghouse, Sacramento, California

References:


Tilden, J. W. 1951. The Insects Associated with Baccharis pilularis De Candolle. Microentomology 16: pp 149-188
Letter 1

COMMENTER: Betty Courtney, Environmental Program Manager I, California Department of Fish and Wildlife

DATE: April 1, 2014

Response 1.1

The commenter describes the project as well as the CDFW’s role in the environmental review process for the project. The commenter also states that there are potential impacts to coastal sage scrub, California native oak woodland and native grass habitats. See Responses 1.2 through 1.5.

Response 1.2

The commenter describes the CDFW’s Wildlife Action Plan and indicates that the proposed project would increase identified stressors to wildlife and contribute to the cumulative regional losses of wildlife habitat function and value.

Project and cumulative biological resource impacts are discussed in Draft EIR Section 4.3, Biological Resources. With respect to the stressors identified in the Wildlife Action Plan in regards to the site: 1) the site has historically been subject to growth and development having been previously developed for agricultural purposes and subsequently graded for industrial development; 2) no aquatic ecosystems are associated with the site; 3) invasive species dominate the flora of the site; 4) the site lies within City boundaries and so is subject to an altered fire regime; and 5) the site is not open to recreational activities, nor would such activities if allowed affect any important habitat areas. Specific issues raised by the commenter are further addressed in responses 1.3 through 1.8.

Response 1.3

The commenter states an opinion that the coyote brush scrub should be considered part of the coastal sage scrub ESHA and that elderberry was observed by Department staff.

Within the City’s General Plan Policy 5.3 coastal sage scrub habitat must have both the compositional and structural characteristics of coast sage scrub as described in a classification system recognized by the California Department of Fish and Wildlife (formerly known as Department of Fish and Game). As described in the Draft EIR Section 4.3 and City General Plan/Coastal Land Use Plan (GP/CLUP) Policy CE 5.3, coyote brush is identified as a constituent of coastal sage scrub along with California sagebrush (Artemisia californica) and California encelia (Encelia californica). Neither of the other two species was observed within the coyote brush scrub. The shrub stand consists of a narrow band of coyote brush that is isolated from any larger contiguous stands, is relatively homogenous, is limited in size and surrounded by adjacent development and non-native plants species, and is subject to consistent disturbances associated with existing uses of the site including routine mowing. Furthermore, a few scattered elderberry bushes do not in themselves constitute important wildlife habitat as evidenced by the relative lack of wildlife onsite; habitat for Monarch butterflies, general insects and birds are present southwest of the site (Ellwood), north of the site (Bishop Ranch) and east of the site (Los Carneros Historic and Natural Preserve). Previous biological studies, including a Biological Assessment (Rachel Tierney Consulting) and Biological Resources Update (Rindlaub, 2008), have supported these findings.
Therefore, the coyote brush scrub located within the site does not constitute ESHA, as concluded in the DEIR, and no mitigation is necessary. A General Plan Amendment is being processed with the project application to remove the ESHA designation in the Conservation and Open Space Elements of the General Plan.

Response 1.4

The commenter describes an examination of on-site oak trees and states an opinion that the coast live oak trees on site constitute oak woodland and ESHA.

As described in Section 4.3 of the DEIR, although twelve coast live oaks are present on the site, the oaks are limited in number and interspersed with multiple non-native landscape trees and shrubs none of which are considered a constituent of coast live oak woodland. The commenter states that a large Mexican elderberry shrub was observed to be present within the community and that its presence indicates that the eastern edge of the property should be classified as oak woodland. Although elderberry can be a constituent species within oak woodland, the single mature elderberry on site is located approximately 700 feet to the northwest of the nearest mature coast live oak and therefore does not justify reclassification of the existing oak trees to an oak woodland or ESHA. Furthermore, the commenter is referred to the 1956 aerial photograph in Appendix F – Hazards and subsequent aerial photos where the “oak woodland” apparently consists of residual trees (or their offspring) from a former tree row that lined an unnamed street near the east property line, indicating that these trees were likely planted.

Policy CE 9 (Protection of Native Woodlands) of the Goleta General Plan states an objective is to maintain and protect existing native trees. Policy CE 9.5 (Mitigation of Impacts to Native Trees) notes that where removal of mature native trees cannot be avoided through project alternatives, mitigation measures shall include, at a minimum, the planting of replacement trees on site where feasible or if necessary within an offsite mitigation area. The Draft EIR provides an impact analysis and mitigation measures for oak trees as a locally protected resource, including retention of existing trees as feasible and a 10:1 mitigation ratio for replacement of removed native oak trees.

Response 1.5

The commenter states that about 2,000 square feet of purple needle grass was documented within the 2013 Biological Resources Assessment (BRA).

The BRA stated that only about 100 square feet was observed onsite at the time of the 2013 survey, with the remainder of the grasslands being of non-native grasses and herbs. The commenter notes that during their survey, approximately 3,400 square feet of native grassland was observed on site, and that this area meets the definition of ESHA. Per the City’s GP/CLUP, existing native grasslands must be comprised of 10% or more of total relative native grass coverage and that removal or disturbance to a patch of native grasses less than 0.25 acre that is clearly isolated and not part of a significant native grassland or an integral component of a larger ecosystem is not considered significant. Additionally, as stated in previous biological studies including a Biological Assessment (Rachel Tierney Consulting) and Biological Resources Update (Rindlaub 2008) the presence of purple needlegrass (Stipa pulchra) was limited to several plants isolated within a few clumps. The largest patch of purple needlegrass was identified to be approximately 2,000 square feet at the southwestern corner of the project.
Given that the original BRA was conducted during the summer months (July 2013) a supplemental survey was conducted by Rincon Biologists on April 22, 2014 to evaluate the commenter’s statements regarding purple needlegrass that are based on a March 12, 2014 site visit. The follow up survey (Rincon Consultants) found approximately five isolated clumps of purple needlegrass totaling 0.07 acres (approximately 3,000 square feet) scattered among the California Annual Semi-Natural Stand that makes up most of the central portion of the project site. This was an increase from the original 100 square foot area identified within the Biological Resources Assessment prepared in 2013 (Rincon Consultants); however, the 0.07 acres of purple needlegrass represents only 0.61% of the total site (approximately 8.8 acres) and is thus less than 10% of the total coverage and less than the 0.25 acre patch size necessary for an ESHA designation. Even if 3,400 square feet of needlegrass existed on-site during the Fish and Wildlife survey, this amount is less than the 0.25-acre size necessary for an ESHA designation. Furthermore, the site was formerly in agricultural use and had been graded in the 1960s and the grassland present at the site is not a grassland community such as once existed in the 1920s.

Response 1.6

The commenter notes that the DEIR contains an analysis of the Project’s consistency with policies contained in the Conservation Element of the Plan and references the Plan’s Guiding Principles and Goals.

The reference is acknowledged. No response is necessary.

Response 1.7

The commenter references Conservation Element Policy CE 1.6 and states that the removal of coastal sage scrub ESHA from the project site is an action that was determined in the DEIR to be consistent with Policy CE 1.6. The commenter further states that they disagree with the conclusion that the mapped ESHA on site does not qualify as ESHA.

The statement regarding Policy CE 1.6 is accurate. Please see Response 1.3, which provides the rationale for the DEIR conclusion that the mapped ESHA does not qualify as ESHA.

Response 1.8

The commenter requests the inclusion of a discussion of consistency with Conservation Element Policy CE 1.5 in Table 4.9-1 in Section 4.9, Land Use and Planning.

It should be noted that the Goleta City Council would be required to approve the General Plan Amendment to remove the ESHA designation on the General Plan Conservation Element and Open Space Element maps. In response to the commenter’s request, Policy CE 1.5 and the following analysis have been added to Table 4.9-1:

Consistent. Site-specific biological analysis indicates that the project would not result in an impact to ESHAs. Although the project site contains a City of Goleta mapped Coastal Sage Scrub ESHA, the habitat is not present within the project site boundary or immediately adjacent areas. Vegetation in the mapped area is dominated by Coyote Brush, which is not an ESHA.

Also, please see Response 1.3.
March 20, 2014

Stephanie Diaz
City of Goleta
Planning & Environmental Services
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: APCD Comments on the Draft Environmental Impact Report for Cortona Apartments Project 09-140-DP

Dear Ms. Diaz:

The Air Pollution Control District (APCD) has reviewed the Draft Environmental Impact Report (EIR) for the referenced project, which consists of 176 residential apartments within four two-story and four three-story buildings. Also proposed is a 4,587 square foot two-story clubhouse, a swimming pool, and a 672 square foot maintenance building, other outdoor recreational facilities, and landscaping. Parking for the project will consist of 178 carport spaces and 152 uncovered parking spaces. Grading for the project would consist of 5,700 cubic yards of cut and 8,500 cubic yards of fill, with 2,800 cubic yards of exported material. The subject property, a 8.8-acre parcel zoned Design Residential, 20 units/acre and identified in the Assessor Parcel Map Book as APN 073-140-016, is located at 6830 Cortona Drive in the City of Goleta.

Air Pollution Control District staff offers the following comments on the Draft EIR:

1. **Air Quality Section, Operational Pollutant Emissions, Page 4.2-6:** The lead agency has discretion to determine the significance thresholds that will apply to a project. It appears that the lead agency is applying APCD’s adopted significance thresholds for criteria pollutant emissions from project operations. However, the discussion of the City’s adopted thresholds does not mention the City’s own quantitative operational significance thresholds of 25 lb/day for NOx or ROG from all sources, from the City’s Environmental Thresholds and Guidelines Manual. The document should identify these thresholds and briefly discuss the reasoning for not applying them to the project.

2. **Air Quality Section, Construction Pollutant Emissions, Page 4.2-6:** The third sentence of this section states that APCD uses 25 tons per year for NOx and ROG as a guideline for determining the significance of construction impacts. APCD guidance for construction impacts is based on the APCD Rule 202.D.16 which states that if construction emissions exceeding 25 tons in a 12-month period of any pollutant except carbon monoxide, the permittee shall provide offsets. The lettered item “n” and the Table AQ-1 should be revised to reflect the 25 tons for all pollutants except carbon monoxide.

3. **Air Quality Section, Figure 4.2-1, Page 4.2-10:** It is difficult to discern the different emission components depicted in the figure in grayscale. Staff recommends that the image be rendered in color or hatching.
4. **Air Quality Section, Table 4.2-6, Page 4.2-15:** The table depicting health risk appears in the impact section discussing objectionable odors, Impact AQ-5. This table should be relocated to the section discussing health risk, Impact AQ-4.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at edg@sbcapcd.org.

Sincerely,

[Signature]

Eric Gage,
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
    TEA Chron File
Response 2.1

The commenter notes that the air quality analysis uses APCD thresholds rather than City thresholds and suggests that the EIR should identify City thresholds and explain why they are not used.

The EIR utilizes APCD thresholds because they are more current than City thresholds, having most recently been adopted as part of the update of the APCD’s Scope and Content of Air Quality Sections in Environmental Documents in March 2014 whereas the City thresholds (which are based on the former County thresholds) are dated 2002. This brief explanation has been added to the Final EIR methodology discussion in Section 4.2, Air Quality, of the Final EIR. Overall project emissions of ROC and NOx (12.17 pounds and 12.64 pounds, respectively) are both below the 25 pounds per day thresholds mentioned by the commenter and included in the City’s Environmental Thresholds and Guidelines Manual. Consequently, application of these thresholds would not change the EIR conclusions with respect to long-term impacts to regional air quality.

Response 2.2

The commenter notes that APCD guidance for determining the significance of construction-related air quality impacts does not apply to carbon monoxide.

In response to this comment, the sentence in question has been revised to read as follows:

\[
\text{SBCAPCD uses 25 tons per year for all pollutants except CO as a guideline for determining the significance of construction impacts. As shown in Table 4.2-3, the annual emissions of ROC, NOx, PM\text{10} and PM\text{2.5} would be below the 25-tons-per-year threshold.}
\]

In addition, Table 4.2-3 has been revised to indicate that the 25-ton thresholds apply to PM\text{10} and PM\text{2.5}.

Emissions of PM\text{10} and PM\text{2.5} are well within the 25-ton thresholds; therefore, these changes do not alter the EIR conclusions with respect to construction-related air quality impacts.

Response 2.3

The commenter notes that Figure 4.2-1 is difficult to read in grayscale.

The referenced figure has been revised in the Final EIR to use color that is easier to read. Mobile emissions account for over half of overall ROC emissions and more than 90% of emissions of NOx and PM\text{10}. 

8-13
Response 2.4

The commenter suggests that Table 4.2-6 should be moved under Impact AQ-4.

That table actually is associated with Impact AQ-4, but does not fit on page 4.2-14 so was moved to the following page. No change to the Draft EIR is warranted.
22 April 2014

City of Goleta
Planning & Environmental Services
Attn: Stephanie Diaz
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Development Review Committee Case Number 09-140-DP

Dear Stephanie,

Thank you for the opportunity to review plans for the Cortona Residential Project and submit additional (revised) comments on the project.

As you know, the Santa Barbara Metropolitan Transit District (MTD) provides fixed route transit service for southern Santa Barbara County. Although MTD does not provide regular bus service on Cortona Drive, convenient, frequent daily bus service is available on nearby Hollister Avenue. The residents of this new development will undoubtedly place significant additional demands on transit service in the area.

The nearest bus stop to the project is located on Hollister Avenue between Cortona Drive & Storke Road in front of the currently-vacant lot. It is my understanding that a hotel project has been conditioned to upgrade this bus stop. However, the east-bound bus stop on Hollister Avenue in front of Storke Plaza (the Kmart shopping center), already very heavily-used and likely to see more use by Cortona Apartments residents, is in need of an upgrade. MTD requests that the developer be required to provide an additional shelter with night lighting, a 4-foot bench inside the shelter, and an additional trash/recycling receptacle at this bus stop.

Should you have any questions about the above comments, please feel free to contact me by phone at (805) 963-3364 extension 218 or by email at the address below.

Sincerely,

Cynthia Boche
Assistant Planning Manager
cboche@sbmtd.gov
Letter 3

COMMENTER: Cynthia Boche, Assistant Planning Manager, Metropolitan Transit District

DATE: April 22, 2014

The commenter states that the proposed project would place significant additional demands on transit service in the area and requests that the permittee be required to provide an additional bus shelter with night lighting, a 4-foot bench, and an additional trash/recycling receptacle at the existing bus stop on Hollister Avenue in front of Storke Plaza.

In response to this request, Measure T-4 has been revised to read as follows:

T-4 Bus Stop The permittee must construct an additional bus shelter (including an additional shelter with night lighting, a 4-foot bench inside the shelter, and an additional trash/recycling receptacle) at the existing bus stop on Hollister in front of Storke Plaza, consistent with Transportation Element Policy TE 7.12 in the Goleta General Plan. The bus stop must be constructed in accordance with MTD Bus Stop Standards for LNI Manufacture Design Shelters.
March 27, 2014

Stephanie Diaz – Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

E-Mail: sdiaz@cityofgoleta.org

Re: Notice of Availability of Draft Environmental Impact Report – Cortona Apartments Project

Dear Ms. Diaz,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Cortona Apartments Project. At this time, the County is submitting the attached letter from the County Fire Department.

The County has no further comments on this project at this time and looks forward to reviewing the finalized Environmental Impact Report. If you should have any further questions, please do not hesitate to contact my office directly, or Jeff Hunt, Director in the Office of Long Range Planning at (805) 568-2072.

Sincerely,

Mona Miyasato
County Executive Officer

cc: Eric Peterson, Division Chief, Fire Department
    Jeff Hunt, Director, Long Range Planning Division, Planning & Development Department
Letter 4

COMMENTER: Mona Miyasato, County Executive Officer, County of Santa Barbara

DATE: March 27, 2014

The commenter indicates that a letter from the County Fire Department has been submitted and that the County has no further comments.

The County Fire Department’s comments are addressed in the response to Comment Letter 5.
March 20, 2014

Ms. Stephanie Diaz
Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Ms. Diaz:

SUBJECT: Cortona Apartments Project
Case No. 09-140-DP-GPA

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

1. Fire Protection Certificates will be required.

2. Provide detailed plans for the “Grasscrete” Fire Access Lanes as required by Santa Barbara County Fire Department.
   - The fire access lanes shall have a curb type perimeter to clearly identify the driving path.
   - Show all signage that will be posted to identify the “Fire Access Lane” for emergency use only.
   - Plans must be approved by fire department.

3. All access ways shall be installed and made serviceable for the life of the project.
   - Access shall be as shown on plans dated April 30, 2012.

4. Signs indicating “Fire Lane – No Parking” as required by the fire department.

5. Fire hydrants shall be installed on a looped fire main (number of fire hydrants to be determined). Fire hydrants shall be located per fire department specifications and shall flow 1250 gallons per minute at a 20 psi residual pressure. Plans shall be approved by the fire department prior to installation.

6. Interior automatic fire sprinkler systems shall be installed. Plans shall be approved by the fire department prior to installation.
7. Automatic fire or emergency alarm systems shall be installed. Plans shall be approved by the fire department prior to installation.

8. Recorded addresses are required.

9. The applicant will be required to pay development impact fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot on each new building, including non-habitable spaces, paid for the purpose of mitigating the incremental increase in needs for emergency services generated by the development.

   Estimated fees:
   $0.10 per square foot for structures with fire sprinklers

   Fire Facility Development Impact Fee
   Goleta Planning Area

   Development impact fees are collected at the current rate at time of payment.

   Final occupancy clearance inspection will not be scheduled unless fees have been paid.

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information, please call me 805-681-5554 or 805-681-5523.

In the interest of life and fire safety,

Eric Peterson
Division Chief/Fire Marshal

DP:mkb

c Goleta Water District, 4699 Hollister Av, Goleta 93110
Letter 5

**COMMENTER:** Erik Peterson, Division Chief/Fire Marshal, County of Santa Barbara Fire Department

**DATE:** March 20, 2014

The commenter indicates a number of Fire Department conditions that would apply to the proposed project.

This comment does not pertain to the project’s environmental analysis contained in the Draft EIR, but the specific conditions outlined by the commenter will be included in conditions of approval for the project, which would be subject to Fire Department review and approval.
March 28, 2014

Stephanie Diaz, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
sdiaz@cityofgoleta.org

Re: Cortona Apartments Project (Case No. 09-140-DP-GPA)

Ms. Diaz:

Southern California Edison (SCE) appreciates the opportunity to provide comments on the Draft Environmental Impact Report (EIR) for the Cortona Apartments Project in Goleta, California. The proposed project includes the construction of 176 apartments contained within eight residential buildings (four two-story and four three-story). The 176 apartments would be comprised of a mix of one, two, and three bedroom units. The project also includes a 4,587-square foot two-story clubhouse/rental office building, a pool/spa, and a 672-square foot maintenance building, and an additional recreation area.

SCE provides electrical service for 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 appreciates the development plan notification, which will assist us in planning for future electrical needs for the area. We have reviewed the Draft EIR for the project and have no further comments at this time.

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
Letter 6

COMMENTS:
Rondi Guthrie, Local Public Affairs Region Manager, Southern California Edison
Company

DATE: March 28, 2014

The commenter describes the project, notes that SCE provides electrical service in the area, and
indicates that SCE has no comments on the Draft EIR.

No response is necessary.
Lisa Prasse  
City of Goleta  
805 961 7542  
130 Cremona Drive, Suite B  
Goleta, CA  93117

Re:  **Cortona Apartments**

SCH # - 2010071061

Dear Ms. Prasse,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the Cortona Apartments, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

**ENERGY**

The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities, which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical.

The development of:
1. 176 apartments contained within eight residential buildings (four two-story and four three-story) on an 8.86 gross acre parcel
2. a 4,587 sf two-story clubhouse/rental office building, a pool/spa
3. a 672 sf maintenance building
4. and a total of 330 parking spaces,

will devour copious quantities of electrical energy, as well as other forms of energy.

WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

What the DEIR fails to do is:

1. Document wholesale water supplies;
2. Document Project demand;
3. Determine reasonably foreseeable development scenarios, both near-term and long-term;
4. Determine the water demands necessary to serve both near-term and long-term development and project build-out.
5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
6. Identify the likely yields of future water from the identified sources;
7. Determine cumulative demands on the water supply system;
8. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
9. Identify the environmental impacts of developing future sources of water; and
10. Identify mitigation measures for any significant environmental impacts of developing future water supplies.
11. Discuss the effect of global warming on water supplies.

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.
For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.

2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project’s projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.

3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.

4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon.
Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.

Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

NICK R. Green

President
Letter 7

**COMMENTER:** Nick R. Green, President, Citizens Advocating Rational Development

**DATE:** Undated

**Response 7.1**

The commenter states that the Draft EIR does not discuss energy saving techniques or solar energy facilities, and states an opinion that discussion of these items is critical.

Energy impacts are not analyzed in the Draft EIR because the Initial Study contained in Draft EIR Appendix A did not identify any potentially significant impacts related to energy use or demand. The proposed project would be required to comply with applicable energy conservation techniques outlined in Title 24 of the California Administrative Code and the City of Goleta Municipal Code. There is no evidence suggesting that the project would significantly affect energy supplies for the region. SCE, the electricity provider for the City, has not indicated that it would have any issues providing electrical service to the project (see Comment Letter 6). Section 4.6, *Greenhouse Gases*, of the Draft EIR contains a list of 14 conditions of approval for the project to minimize greenhouse gas emissions, including use of photovoltaic systems, energy star roofing, and solar assisted pool heating. These conditions would also minimize energy use associated with the project.

**Response 7.2**

The commenter states an opinion that the Draft EIR does not adequately address the issue of water supply, indicating that it fails to document water supplies, project demand, and cumulative (long-term) demand, as well as the potential environmental impacts of developing new water sources and the effects of global warming on water supplies.

Current and future water supplies are discussed in detail in Draft EIR Section 4.14, *Utilities and Service Systems*, beginning on page 4.14-1 of the Draft EIR. Table 4.14-1 compared current water demand for Goleta Water District (GWD) water and compares this demand to current GWD supply. Table 4.14-2 compares projected future supplies to GWD supply. All information regarding water supply and demand is taken from the GWD’s most recent Urban Water Management Plan (UWMP) and other relevant GWD documents.

The proposed project’s impact to water supply is discussed under Impact UTL-1, beginning on page 4.14-9. Water demand was calculated based on full buildout of the project as proposed. As indicated in that discussion, the project’s demand of about 47 acre-feet per year (AFY) is well within the GWD’s forecast surplus supply of 3,070 AFY. Therefore, the project’s impact was determined to be less than significant and mitigation is not required. Nevertheless, the project would be subject to applicable water conservation requirements of Title 24 of the California Administrative Code and the Goleta Municipal Code. Because the project would not require additional water beyond current GWD supplies, it would not involve environmental impacts associated with the development of new supplies. Nevertheless, Section 4.14 includes a list of 15 conditions of approval to further reduce impacts to water supplies, including use of drought tolerant plants, drip irrigation, and re-circulation of water heaters.
On September 9, 2014, the Goleta Water District (GWD) adopted Resolution 2014-31, declaring a Stage Two Water Shortage Emergency and Resolution 2014-32, directing the denial of applications for new and additional water service connections effective October 1, 2014. These actions implement the GWD’s Safe Water Supplies Ordinance (SAFE) during the drought conditions of 2014. This temporary restriction does not change the long-term adequacy of water supplies as provided in the GWD’s 2010 Urban Water Management Plan (UWMP). The Resolution provides categories of exemption for specific property owners and projects. An exemption for “Parties with an Entitlement Based on an Existing Water Agreement with the District”. This exemption applies to property owners who have a valid, executed agreement with the GWD that entitles them to water service. Such property owners are treated by the GWD, for water purposes, as having an existing water allocation. Since property owners with such agreements are treated by the GWD as not requiring an additional water allocation under the SAFE Ordinance, they are not subject to Resolution 2014-31, prohibiting new and additional service connections. This exemption applies to the property on which the Cortona Apartment Project is proposed as the property has an entitlement based on an existing water agreement.

In 1986, the GWD entered into an agreement with Coromar, a mutual water company that owned and operated a water production, treatment, storage and distribution system to serve water to parcels of land, including the project parcel. (This agreement is on file with the City and incorporated by reference). The GWD determined it was in the best interest of GWD to manage all sources of water within its boundaries, including the Coromar system. To implement this determination, the GWD entered into the 1986 transfer agreement to operate and manage the Coromar system and to provide GWD water service for all parcels served by Coromar, including the project site. Due to this agreement, the proposed project is exempt from the GWD 2014-32 Resolution to deny applications for new water service connections. The permittee submitted a New Water Service Application to GWD and was issued a Preliminary Conditions Letter on October 16, 2014, on file with the City. This letter states that the project property is entitled to the amount of water required for the proposed project that the GWD will provide water connection upon request.

Final EIR Section 4.14.2.b is revised to reflect the above information regarding the GWD’s Stage Two Water Shortage Emergency, its implementation and the exemption that applies to the proposed project as described above.

The potential impact of global warming on regional water supplies is discussed in Section 4.6, Greenhouse Gases, on page 4.6-4.

Response 7.3

The commenter states an opinion that the Draft EIR lacks sufficient data to establish the project’s impact to air quality and climate change (greenhouse gas emissions), indicating that the APCD Guidelines referenced are not based on substantial evidence and that the discussion of climate change and its effect on air quality and water supplies is inadequate.

The air quality analysis is based on guidelines developed by the Santa Barbara County APCD, the regional agency responsible for achieving state and federal air quality standards. The APCD’s Scope and Content of Air Quality Sections in Environmental Documents was prepared by APCD’s Technology and Environmental Assessment Division and are used widely used by agencies throughout Santa Barbara County for use in the preparation of CEQA environmental documents.
With respect to greenhouse gases, as discussed in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR, the greenhouse gas emission thresholds used are based upon thresholds adopted by the Bay Area Air Quality Management District (BAAQMD). These thresholds are supported by the County of Santa Barbara and the City has consistently relied on the County’s support for these thresholds, recognizing the BAAQMD thresholds as the expert recommended thresholds for establishing the greenhouse gas impacts of a project.

Absent a suggestion regarding alternative approaches for analyzing air quality and greenhouse gas impacts, following the analysis guidelines recommended by the Santa Barbara County APCD and County of Santa Barbara is considered appropriate.

Response 7.4

The commenter suggests that the alternatives analysis “fails” because it does not consider the effects of the project on surrounding land uses and likely increase in development that would accompany the project or the “deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon.”

The meaning of this comment is not entirely clear. However, the alternatives analysis in Draft EIR Section 6.0 compares the environmental effects of a range of potential alternative development scenarios to those of the proposed project. The analysis considers both the impacts of onsite development upon the environment and surrounding land uses and the effects of various environmental factors (such as freeway noise and pollutants) on onsite development. The analysis does not consider the effects of possible future development onsite beyond the alternatives themselves, nor does it consider the effects of possible future development on other properties in the area other than future development that is currently planned or pending. CEQA specifically discourages analysis that engages in idle speculation about what might or might not occur in the future absent a factual basis for such analysis. Potential growth-inducing effects of the project are discussed in Draft EIR Section 5.0, *Other CEQA Discussions.*
To: City of Goleta, Planning & Environmental Services
Regarding: Cortona Apartments Project Draft Environmental Impact Report (DEIR)

Santa Barbara, March 31, 2014

Dear Ms. Stephanie Diaz,

In response to Draft Environmental Impact Report, 12-EIR-006 (Draft EIR), for the Cortona Apartments project at 6830 Cortona Drive, the Santa Barbara Bicycle Coalition (SBBIKE) would like to comment and advise on the planned development.

As described in the Draft EIR, the proposed apartment complex development of 176 residential units and 330 parking spaces will undoubtedly create an increase in vehicular activity and as well as a range of other impacts associated with operation of the proposed project. However, although the analysis of the local transportation and circulation system thoroughly addresses a range of traffic issues and the need for mitigation measures, we feel access and accommodation to the Goleta bicycle path network as a viable and necessary transport alternative has been overlooked.

SBBIKE believes that inhabitants of the proposed residence should be given easy and safe access to the bicycle network in order to carry out shorter trips by bicycle, which could in turn decrease overall traffic impacts. By looking at ways to connect the housing project with the existing nearby bicycle path network on Hollister, Storke and nearby Los Carneros and including the realization of bike-friendly amenities like good bicycle parking, it would be feasible to provide the environment that will allow residents to reduce their car use and to be able to travel more efficiently while visiting businesses and/or employers along the Hollister corridor. With proper design, trips to the Camino Real Marketplace or to the UCSB campus could be safe and convenient, all well within cycling distance and inviting without use of a car.

SBBIKE therefore recommends that as part of the analysis about transportation and the proposed mitigation of traffic, the project also develops a view on how to best facilitate its future residents cycling infrastructure needs. We sincerely hope you address this very important issue – the inclusion of modern, safe bicycling options for the future residents of the Cortona Apartments and their visitors.
Thank you for your consideration. If you have any questions or comments regarding our advice, please do not hesitate to contact us.

About the Santa Barbara Bicycle Coalition:
The Santa Barbara Bicycle Coalition (SBBike), founded in 1991, is a countywide bicycling advocacy organization with projects that increase awareness, promote education, reduce accidents, and in general make it easier and more fun for us all to bicycle.

Kind regards,

Sam Franklin

Sam Franklin
Advocacy Program Coordinator
Santa Barbara Bicycle Coalition
805 272 08 94 / sam@sbbike.org
www.sbbike.org
Letter 8

COMMENTER: Sam Franklin, Advocacy Program Coordinator, Santa Barbara Bicycle Coalition

DATE: March 31, 2014

The commenter states an opinion that the Draft EIR overlooks access and accommodation to Goleta’s bicycle path network, and expresses hope that approaches to facilitate future residents’ bicycle infrastructure needs will be developed.

As noted on page 4.13-20 of Draft EIR Section 4.13, Transportation/Circulation, the proposed project includes 30 onsite bike parking spaces. As discussed on pages 4.13-1 and 4.13-3, Class II bike lanes are present along Hollister Avenue. Hollister Avenue connects to other components of the City’s current and planned bikeways, which includes a network of Class I, II, and III facilities that, as shown on GP/GLUP Figure 7-6, do or will connect all parts of the City.

There is no nexus to require the project proponent to build additional bicycle facilities in Goleta. However, the 30 bike parking spaces to be provided onsite would help facilitate the use of bikes by project site residents. In addition, the project site is less than ¼-mile from the Hollister Avenue bike lanes, which can be readily access by bike via the lightly traveled Cortona Drive. Hollister Avenue provides access to a range of employment and commercial service centers within biking distance. Consequently, the project would facilitate the increased use of bicycles in the community.
Dear Ms. Diaz:

Following are comments on the Draft EIR for the Cortona Apartments project.

**EIR**

p. 4.9-33
Table 4.9-2

DEIR describes Side and Rear Structure Setbacks and Landscaping as “Inconsistent” (with the City of Goleta’s Inland Zoning Ordinance). This is not the case.

The description better should read, “Consistent, with Modifications”.

Section 35-317.8 (Development Plans) of Article III states, “…Planning Commission or Board of Supervisors (in this case, City Council)…may modify the…setback…landscaping or screening requirements specified in the applicable zone district when the …Planning Commission or Board of Supervisors finds that such modifications are justified”.

The Development Plan component of the Zoning Ordinance provides for a mixture of restrictions and modifications, subject to Discretionary Review, in order to foster excellent development. Such components as open space and building height requirements blend with the setback modifications to accomplish that goal.

Therefore, under “Proposed Project”, please change the setback components of Table 4.9.2 to read, “Consistent, with Modifications”.

Thank you for your attention to this matter.

Respectfully submitted,

Harwood A. White
Agent for Cortona Corner, LP
Letter 9

COMMENTER: Harwood A. White, Agent for Cortona Corner, LP

DATE: March 26, 2014

The commenter requests that the description of the project as “inconsistent” with the City’s side and rear structure setback standards be revised to “consistent, with modifications.”

As the commenter notes, the City of Goleta has the discretion to modify setback requirements if it is determined that such modifications are justified. As noted on page 4.9-33 of the Draft EIR, the permittee is requesting modifications to setback standards to allow the carports to be located within the 10-foot side and rear yard setback. A subsequent determination by the City indicates that accessory structures (which would include carports) are permitted in the rear yard setback. Therefore no modification request is necessary for the rear yard. Subsection 2.8 in Section 2.0, Project Description, and Table 4.9-2 and associated text in Section 4.9, Land Use and Planning, have been revised to remove the references to the rear yard setback modification. The description of the side yard setback has been revised to read “Consistent with approval of modification.”
March 27, 2014

Harwood White
1553 Knoll Circle Drive
Santa Barbara, CA 93103

COMMENTS ON THE TRANSPORTATION/CIRCULATION SECTION OF THE CORTONA APARTMENTS PROJECT DEIR

Associated Transportation Engineers (ATE) reviewed the Transportation/Circulation section of the DEIR prepared for the Contona Apartments Project, located in the City of Goleta. The analysis is based primarily on the traffic study prepared by ATE for the project, which was peer reviewed by Penfield and Smith and City staff. The results were then incorporated in the DEIR section.

Comment 1. Page 4.13-3 Existing Roadway Volumes. The DEIR should note that the 2009 roadway volumes used for the traffic analysis are higher than the traffic volumes measured by the City in both 2012 and 2013 at most locations, and thus present a conservative analysis of project impacts.

Comment 2. Page 4.13-3 Existing Intersection Volumes. The DEIR should note that the 2009 and 2010 intersection volumes used for the traffic analysis are higher than the traffic volumes measured by the City in both 2012 and 2013 at most locations, and thus present a conservative analysis of project impacts.

Comment 3. Page 4.13-7 Cumulative Traffic Projections. The DEIR states that the traffic model includes “(1) construction of a new northbound lane that would be located between that would be located between the Hollister Avenue and Storke Road interchanges”. This should be revised to state that the model assumes a new freeway overcrossing that would be located between the Hollister Avenue and Storke Road interchanges.
Comment 4. Page 4.13-18 Second Paragraph - Hollister Avenue/Cortona Drive. This paragraph should be deleted, as the analysis of this intersection is provided in more detail in the fourth paragraph on this page.

Comment 5. Page 4.13-20 Mitigation Measures - Bus Stop. The Rincon Palms Hotel Project was required to dedicate right-of-way to the City along the Hollister Avenue frontage in order to construct a bus pull out north of the existing right-turn lane in addition to improving the actual bus stop. The mitigation measure in the DEIR should make it clear that the Cortona Apartments Project would only be responsible for constructing the bus stop improvements (bench, cover, trash can, etc.), and would not be required to construct the bus pull out on the Rincon Palms Hotel property.

Comment 7. Page 4.13-21 Mitigation Measures - Bus Stop - Plan Requirements and Timing. The mitigation measure requires the project to implement the bus stop improvements prior to issuance of the certificate of occupancy. However, the DEIR states that “The exact “not to exceed” fair-share fee must be determined at this time and included in the final project conditions of approval. The permittee must establish a mechanism for transferring funds to the City.” This does language not make sense as the permittee is required to construct the improvement rather than fund it through the City.

The mitigation measure should be modified to state that “The City will establish a reimbursement agreement that would require future projects contributing to transit impacts necessitating these improvements to pay the project developer their pro-rata share of the improvement costs for the bus stop.” This would allow the Rincon Palms Hotel Project to participate in the funding of the bus stop improvements.

Comment 7. Page 4.13-21 Mitigation Measures - Bus Stop - Monitoring. The monitoring section of the mitigation measure states: “The Planning and Environmental Review Director, or designee, must ensure that an agreement has been executed and a funding mechanism is in place.” This is not consistent with the language of the mitigation measure.

It is recommended that the following language be applied to the monitoring portion of the mitigation measure:

**Monitoring:** The Public Works Director, or designee, must verify the transit improvement design prior to the issuance of any Land Use Permit for the project. The Public Works Director, or designee, must verify completion improvement per the approved plans prior to issuance of the first occupancy clearance.
This concludes ATE’s review of the Transportation/Circulation section of the DEIR prepared for the Contona Apartments Project proposed in the City of Goleta.

Associated Transportation Engineers

[Signature]

Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/DLD
Letter 10

COMMENTER: Scott Schell, AICP, PTP, Principal Transportation Planner, Associated Transportation Engineers

DATE: March 27, 2014

Response 10.1

The commenter states that the Draft EIR should acknowledge that baseline roadway volumes used in the EIR analysis are higher than volumes measured by the City in 2012 and 2013. It is acknowledged that the 2009 roadway volumes that form the baseline condition for the traffic analysis were higher than levels measured at some locations during subsequent years. Therefore, the analysis of project impacts may be “conservative” in this sense. However, adding such a statement to the text of the transportation/circulation section would serve no analytical purpose and no error in the discussion has been identified. As such, no change to the text of that section is warranted.

Response 10.2

The commenter states that the Draft EIR should acknowledge that baseline intersection volumes used in the EIR analysis are higher than volumes measured by the City in 2012 and 2013. It is acknowledged that the 2009 intersection volumes that form the baseline condition for the traffic analysis were higher than levels measured at some locations during subsequent years. However, as discussed in Response 8.1, no change to the text of the transportation/circulation section is warranted.

Response 10.3

The commenter notes that the discussion of a “new northbound lane that would be located between the Hollister Avenue and Storke Road interchanges” should be revised to describe the new “northbound lane” as a new “freeway overcrossing.” The roadway improvement is restriping to create a new left-turn lane on Storke Road between Hollister Road and southbound U.S 101. The Final EIR text has been revised to clarify that nature of this improvement.

Response 10.4

The commenter suggests deleting a paragraph on page 4.13-18 because the impacts described in that paragraph are covered in more detail elsewhere. Although the paragraph in question does not include any erroneous statements, it is true that a subsequent paragraph largely covers the same topic and in more detail. The second paragraph on page 4.13-18 of the Draft EIR has been deleted from the Final EIR.

Response 10.5

The commenter suggests that the Mitigation Measure T-4 should make it clear that the Cortona Apartments Project permittee would only be responsible for constructing bus stop improvements at the Hollister Avenue/Cortona Drive intersection and would not be responsible for constructing the bus pull out on the Rincon Palms Hotel property.
In response to this comment and Comment Letter 3 from MTD (which requests funding of an additional bus shelter in front of K Mart Shopping Center), Measure T-4 has been revised to read as follows:

**T-4 Bus Stop.** The permittee must construct an additional bus shelter (including but not limited to an additional shelter with solar night lighting, a 4-foot bench inside the shelter, and an additional trash/recycling receptacle) at the existing bus stop on Hollister in front of the K Mart commercial center, consistent with Transportation Element Policy TE 7.12 in the Goleta General Plan. The bus stop must be constructed in accordance with MTD Bus Stop Standards for LNI Manufacture Design Shelters and City standards.

**Plan Requirements and Timing:** The bus stop improvement must be designed before issuance of a building permit and constructed before issuance of the first certificate of occupancy.

**Monitoring:** The Public Works Director, or designee, must ensure that the bus stop design has been completed before issuance of any building permit for the project. The Public Works Director, or designee, must verify completion of the bus stop per the approved design before the first certificate of occupancy.

Response 10.6

The commenter suggests revisions to the plan requirements and timing for Mitigation Measure T-4 in Section 4.13. In response to this comment and input from City Public Works Department, the plan requirements and timing for Measure T-4 have been revised to read as follows:

**Plan Requirements and Timing:** The bus stop improvement must be designed before issuance of a building permit and constructed before issuance of the first certificate of occupancy.

Response 10.7

The commenter suggests revisions to the monitoring requirements for Mitigation Measure T-4 in Section 4.13. In response to this comment and input from City Public Works Department, the monitoring requirements for Measure T-4 have been revised to read as follows:

**Monitoring:** The Public Works Planning and Environmental Review Director, or designee, must ensure that the bus stop design has been completed before issuance of any building permit for the project. The Public Works Director, or designee, must verify completion of the bus stop per the approved design before the first certificate of occupancy, an agreement has been executed, and a funding mechanism is in place.
March 31, 2014

Ms. Stephanie Diaz
Project Planner
City of Goleta
130 Cremona Drive
Goleta, CA 93117

RE: Cortona Apartments Project
Draft Environmental Impact Report
SCH #2010071061

Dear Ms. Diaz:

The following comments are submitted on behalf of Cortona Corner LLP, the applicant for the Cortona Apartments Project, relative to the assessment of environmental impacts on Cultural Resources in the above referenced Draft Environmental Impact Report (DEIR). Comments are numbered for ease in response in the Final EIR. Where considered appropriate, I have provided suggested revisions to the Draft EIR as underlined additions and strikeout deleted text.

My qualifications for providing these comments are based on my 30 years’ experience as a professional archaeologist specializing in the Chumash cultural area, and as environmental professional and EIR project manager. My resume is attached.

1. Page 4.4-4, Paragraph 2: 4.4.1 Setting, b. Project Site Setting

It is important to include information on when the archaeological site CA-SBA-54 appears to have been occupied to provide the reader an appreciation of its significance and relation to other sites surrounding the Goleta Slough. This additional information is provided in the 1998 Wilcoxon technical report.

P-42-000054 (CA-SBA-54). This site was originally recorded in the 1920s (Rogers 1929) and was the subject of further archaeological research in the 1950s (Harrison and Harrison 1966). Rogers identified a “small, abrupt-sided mound that lies between the Coast Highway and the Southern Pacific railway,” with “remnants of an ancient oak grove.” He characterized that the site was occupied during the Early Period of Chumash prehistory based on artifacts observed on the ground surface. Subsequent archaeological investigations by Harrison in 1956 included preparing a topographic map of the knoll, located on the edge of the ancestral Goleta Slough. Harrison determined that the depth of the deposit was as deep as 16 inches, though he did not investigate the perimeter of the
Unfortunately, Harrison did not systematically screen excavated soils and did not obtain any radiocarbon dates for the site. Site occupation was inferred on the basis of artifacts to the late Early and Middle Period. Therefore, the absolute age of CA-SBA-54 occupation is not presently known.

The majority of the site was destroyed in 1961 when the knoll on which it was situated upon was removed. Grading removed approximately 26 feet of elevation in anticipation of a housing development.

The Draft EIR presently states,

“The remaining portions of the site contain high densities of faunal and artifactual material within an intact subsurface deposit.”

This is correct, but does not provide sufficient context to carefully assess proposed project impacts. The Final EIR needs to provide a concise, yet comprehensive assessment of the Extended Phase 1 archaeological investigation trench excavations presented by Wilcoxon (1998). An accurate and precise statement is provided below:

“The remaining portions of the site contain high densities of faunal and artifactual material within an intact subsurface deposit that was identified below 0.65 to 1.57 feet of disturbed cultural materials.”

2. Page 4.4-4, Paragraph 4: 4.4.1 Setting, c. Field Investigation and Results

The results of the Wilcoxon (1998) Extended Phase 1 report are summarized in the Draft EIR as follows:

“The study demonstrates that an intact layer of archaeological deposit from CA-SBA-54 is present below varying depths of disturbance within the northwestern portion of the project site, at what was the foot of the previously removed knoll.”

It is critical to illustrate the variability of the stratigraphy present within the archaeological site, both in terms of the disturbed surface soils, and the depth of the intact cultural deposit. The following detail is appropriately added:

“The study demonstrates that an intact layer of archaeological deposit from CA-SBA-54 identified in eight backhoe trenches is present below varying depths of disturbance within the northwestern portion of the project site, at what was the perimeter base feet of the previously removed knoll. The depth of previously disturbed cultural deposits varied from 0.65 to 1.57 feet from the ground surface. Underlying intact cultural deposits extended from 0.65 to 5.0 feet below the ground surface. The deepest zone of previous disturbance was identified on the eastern side of the remaining cultural deposit, while the deepest underlying intact cultural deposits were identified along the northern and southwestern archaeological site boundaries. Artifacts collected during the study included...
chert flakes and one utilized flake debitage, terrestrial animal and fish bone, marine shellfish, ground stone tools fragments, and ocher. Results of the study indicated that the inhabitants of CA-SBA-54 made extensive use of the foot of the former knoll. Conversely, the cultural materials at the base of the knoll are the result of downslope erosional movement from the occupation that occurred at the top of the knoll. The project engineer has calculated the total recorded CA-SBA-54 site area as 24,830 s.f. (0.57 acres) (Flowers & Associates, 2014).

3. Page 4.4-6, Paragraph 1: 4.4.1 Setting, f. Peer Review

The peer review of the Extended Phase 1 Investigation prepared by Wilcoxon (1998) indicates that the number and spacing of archaeological backhoe trenches was appropriate and adequate to define the horizontal and vertical distribution of remaining CA-SBA-54 deposits. The conclusions of the peer review as identified in the Draft EIR should be revised to provide this expert level of confidence.

Review of the Wilcoxon (1998) report determined that the study was conducted with current professional standards and provides an adequate level of analysis to demonstrate that an intact subsurface component of CA-SBA-54 exists within the project site. The eight excavated backhoe trenches that identified CA-SBA-54 deposits were spaced sufficiently close (80 feet, or less than 25 meters), and were excavated between 13.5- and 84-feet (4.1- to 25.6-meters) long to ensure that the horizontal distribution of the cultural deposit was accurately identified.

This paragraph introduces the peer reviewer’s conclusion that “the site contains significant data potential that could contribute to our understanding of prehistory and the site is therefore eligible for listing [on] the CRHR [California Register of Historic Resources].” It is critical to explain at this point, however, that the significant data potential is associated only with those underlying archaeological deposits that have not been previously disturbed during grading of the CA-SBA-54. As Wilcoxon explained (1998, page 23):

“In situ deposits are located in an arc-shaped deposit in the northwestern corner of the parcel. Archaeological deposits are associated with an intact sloping native topsoil horizon. This native soil represents remnants of the northern, southern, and eastern slopes and base of slopes of the original hill that stood in this location up to 1961. The base of the hill is buried beneath flat alluvial sediments that sometimes contain lower densities of cultural material. Extremely high densities of artifacts and faunal remains were discovered in the sloping topsoil at the base of the knoll on its northern and southern sides. Lower densities were encountered in the sloping topsoil on the eastern side of the hill. These densities are consistent with those of substantial prehistoric habitation sites along the central coast of California.

The density and potential integrity of these deposits indicate that these deposits may meet the significance criteria of CEQA. Consequently, direct and indirect impacts to these intact deposits would require some level of mitigation.”
Professional archaeologists including Wilcoxon consider that when a cultural deposit is disturbed in a way that the horizontal and vertical relationship of prehistoric artifacts and food remains is lost, their ability to contribute to reconstructing past lifeways and answer scientific questions about the past is irrevocably lost. Though the resulting disturbed prehistoric materials may contain isolated artifacts that are associated with a particular time period that can help to identify when the prehistoric occupation occurred, the significance of the cultural resources is substantially diminished, as they are not capable of addressing the California Environmental Quality Act Guidelines Section 15064.5(d) significance criteria for listing on the CRHR: “has yielded, or may be likely to yield, information important in prehistory or history.”

This determination that the significance of disturbed cultural deposits has been compromised has been most recently expressed by the City of Goleta in the EIR for the Marriott Residential Inn project, where a prehistoric village similar to CA-SBA-54 had been subject to disturbances resulting from 20th century landform modifications.

The Final EIR needs to explain why the previously disturbed cultural materials that extend 0.65 to 1.57 feet from the ground surface do not represent potentially eligible cultural remains that are eligible for listing on the CRHR.

The Draft EIR is correct in identifying that human remains have been identified within CA-SBA-54. But this occurred during excavations in by Schwartz in 1957 “on top of a high knoll” that was subsequently completely graded and removed from the project site. Wilcoxon, by contrast, investigated in 1998 within the periphery of the archaeological site at the base of the knoll and did not find any human remains within any of the 21 backhoe trenches he completed. This is critical information to include in the peer review summary.

Necessary revisions to the Draft EIR follow

The Extended Phase 1 archaeological investigations completed by Wilcoxon (1998) identified a surface layer of disturbed soils between 0.65 to 1.57 feet deep containing cultural resources that were not capable of yielding information important in prehistory because the horizontal and vertical spatial relationship of the artifacts and food remains had been destroyed. In contrast, the underlying cultural soils below the previously disturbed soils extending 0.65 to 5.0 feet below the ground surface retained their spatial relationship and were considered potentially significant cultural resources. Based on these findings and the recorded presence of human remains found at the site, it is likely that the buried previously undisturbed portions of the site contains significant data potential that could contribute to our understanding of prehistory and the site is therefore eligible for listing on the CRHR. The horizontal and vertical relationship of prehistoric artifacts and food remains within the surface layer of previously disturbed cultural material, by contrast, has been destroyed such that their ability to contribute to reconstructing past lifeways and answer scientific
Human remains were identified in salvage archaeological excavations in 1957 within the central portions on top of the high knoll of the site that have been subsequently graded and removed. Wilcoxon’s excavations (1998) did not identify any human remains at the base of the knoll landform. Though not identified within the existing project site, there is the potential, though limited for isolated human remains within the remaining previously disturbed and intact CA-SBA-54 deposit. Such human remains are protected by state law (see Codes Governing Human Remains, below).

4. Page 4.4-9, Paragraph 1, Impact CR-1

The DEIR text needs to provide explicit detail regarding potential direct impacts on CA-SBA-54 deposits. The project engineer, Flowers & Associates, has prepared a series of preliminary exhibits that detail how design will be undertaken to minimize or completely avoid direct impacts to the intact archaeological site, as identified below:

“However, the carports, driveways, a sound wall, utilities, and other infrastructure could be built directly over areas where intact portions of CA-SBA-54 remain. Grading and installation associated with these features could involve disturbance of CA-SBA-54. Potential impacts on the significant archaeological resource are identified below, based on project description refinements prepared by the project engineer, Flowers & Associates, and attached to this letter. The specific sheet that illustrates the revised EIR text is identified in brackets, below.

**Internal Access Driveway, Parking, Sidewalk, and Emergency Fire Vehicular Access:** The proposed hardscape improvements are limited to two areas within the CA-SBA-54 cultural deposit, encroaching within a total of 4,700 s.f. across the resource. The project engineer (Flowers & Associates, 3/31/2014) has proposed a fill plan that utilizes a geotextile grid placed on the ground surface, a 6-inch layer of non-cultural construction soil that would act as an indicator of the grid, and a minimum of 12 additional inches of fill, for a total minimum fill cap of 18 inches [please refer to Sheet 1, attached]. The fill soils would be impacted to 95-percent to support the improved surfaces. Placement of the geogrid would extend a minimum of 5 feet beyond the previously defined archaeological site boundary [please refer to Sheet 2, attached], which would be sufficient to absorb the effects of the fill soil compaction such that no perceptible impact to underlying CA-SBA-54 cultural deposits would result.
Utilities and Drainage: Water, sewer, gas, electrical conduit, and storm drains would need to extend across the CA-SBA-56 deposit for a distance of approximately 25 feet in two locations (a total of approximately 50 feet) underneath proposed paved driveway and parking areas. The project engineer (Flowers & Associates, 3/31/2014) has proposed to directionally drill all these utilities and drainage infrastructure conduits below the CA-SBA-54, providing a minimum 2-foot buffer below the recorded archaeological deposit as defined by Wilcoxon (1998) [please refer to Sheet 3, attached]. The edge of the Bore pits would be located a minimum of 10 feet beyond the CA-SBA-54 boundary [please refer to Sheet 4, attached] as defined by the Extended Phase 1 trenches completed by Wilcoxon (1998). This distance of the bore pits from the archaeological site boundary would ensure avoidance of any potentially disturbance and significant impact.

Sound Wall Foundation: The proposed sound wall extending along the northern project boundary would encroach 220 linear feet within CA-SBA-54. The project engineer (Flowers & Associates, 3/31/2014) has designed a sound wall foundation that would utilize a 12-inch deep, 24-inch wide grade beam supported by a series of 28 12-inch diameter caissons spaced 8-feet apart to support the sound wall. The grade beam and 2 inches of overexcavation would encroach only 8-inches below the existing grade, while 6 inches of the beam would be above existing grade [please refer to Sheet 3, attached].

Results of the Extended Phase 1 investigation trenching (Wilcoxon 1998) in this area of CA-SBA-54 determined that the top 8 inches (20 cm) of the CA-SBA-54 deposit has been previously disturbed and therefore not potentially eligible for listing on the CRHR. The intact cultural deposit below extends to further between approximately 2 to 4.5 feet. Therefore, the proposed grade beam and overexcavation would occur entirely within previously disturbed CA-SBA-54 soils. The resulting impact of 28 caissons within the intact, significant CA-SBA-54 deposit would be:

Disturbance Area: 28 caissons @ 12-inch diameter = 22 s.f. (2.044 square meters).

Disturbance Volume: 22 s.f. X 2.0 – 4.5 foot depth = 44 – 99 cubic feet (1.24 – 2.8 cubic meters).

Volleyball Court Retaining Wall: The project engineer (Flowers & Associates, 3/31/2014) has redesigned a previously proposed landscape
retaining wall bordering the north and west sides of the sand volleyball court that previously would have encroached within the CA-SBA-54 boundary. The retaining wall has been replaced by a landscaped berm that would cover 6,890 s.f. of CA-SBA-54. Two-feet of protective fill soils would be placed on top of the geotextile grid fabric.

Impact Summary: Pursuant to the project refinements provided by the applicant (Flowers & Associates, 3/31/2014), project impacts on CA-SBA-54 deposits are summarized below:

Direct Impacts: Disturbances to soils containing cultural materials would result from the following:
- Sound Wall Foundation Caissons: 22 s.f. (2.044 square meters) 44 – 99 cubic feet (1.24 – 2.8 cubic meters).

This direct impact represents less than 0.1 of 1 percent (0.0009 percent) of the remaining 24,830 s.f. CA-SBA-54 site area.

Indirect Impacts: Placement of geotextile fabric and fill soils would result in indirect impacts to soils containing cultural materials as future access to research these areas of CA-SBA-54 would be precluded:
- Hardscape Improvements: 4,700 s.f.
- Landscaping Berm: 6,890 s.f.
- TOTAL: 11,590 s.f. (1,077 square meters)

No Impacts: Directional drilling below the CA-SBA-54 deposit, maintaining a minimum 2-foot separation from the bottom as defined by Wilcoxon (1998), and placement of bore pits a minimum of 10 feet beyond the site boundary, would completely avoid impacts to the cultural resource.

As illustrated above, the proposed project would result in direct impacts to only 22 s.f., or less than 0.1 of 1 percent, of the CA-SBA-54 area. Though project improvements have been designed to substantially reduce disturbances to CA-SBA-54, the residual impacts to the important cultural resource are considered potentially significant. Therefore, the project has the potential to disturb areas of prehistoric archaeological significance.

5. Page 4.4-9, Paragraph 3, Impact CR-1 Mitigation Measures

It is important to note that the text of Mitigation Measure CR-1(a) represents an applicant-proposed strategy that I provided to the City of Goleta on August 29, 2013. It represents a standard engineering practice for application of protective fill soils that was incorporated in the Willow Springs II Project recently approved by the City of Goleta. Therefore, the Draft EIR text should be revised as follows:
Mitigation Measures. The following measures would mitigate potentially significant impacts relating to the archaeological resources during site grading. Measure CR-1(a) was proposed by the applicant (David Stone, Dudek, 8/29/2013).

6. Page 4.4-9, Paragraph 3, Impact CR-1(a) Item 4)

There is one important aspect of the Draft EIR Mitigation Measure CR-1(a) that requires refinement relative to the extent of the placement of geotextile fabric. The Extended Phase 1 investigation that was completed for the Willow Springs II project in 1996 did not involve the same intensity of horizontal coverage as did the Wilcoxon (1998) study completed for the proposed project site. As a result, the boundaries of the archaeological site within the Willow Springs II project, CA-SBA-56, were more generally characterized. In that case, a buffer of 50-feet for placement of the geotextile fabric was considered necessary to ensure adequate protection from potential project impacts.

The 50-foot buffer extension was not required to provide for mitigation of impacts from fill soil compaction. The Willow Springs II fill program was based on the recommendations of Dr. Robert Thorne, considered an international expert in archaeological site preservation through use of fill. In his proposed fill program (A Preservation–In–Place Design for the Intentional Burial of Archaeological Site CA-SB-56, Goleta, CA, May, 1996), he stated:

“This fill material should extend beyond the outer limits of the cultural deposit to the extent necessary to provide a friction base that will hold the overlying filter cloth in place while it is being stressed through the addition of fill material.”

In contrast, the Wilcoxon (1998) Extended Phase 1 Archaeological Investigation included a sufficient number of trenches and spacing, as discussed above in Comment No. 3, to provide a precisely-defined CA-SBA-54 site boundary. Therefore, extension of the geotextile fabric beyond the recorded archaeological site boundary is only necessary to the extent that it can “provide a friction base that will hold the overlying filter cloth in place while it is being stressed through the addition of fill material.” The project engineer (Flowers & Associates, 3/31/2014) has proposed to extend the geotextile fabric a minimum of 5 feet beyond the archaeological site boundary to achieve the required friction (please refer to Sheet 2, attached). Therefore, the following revision to the measure follows:

4) A bioaxial geogrid (Tensar BX1200, TX 160, or equivalent) must be laid over the ground surface throughout CA-SBA-54 site boundaries and a minimum 5-foot, 50-foot buffer area. The geogrid type and verification of its technological capability shall be provided by a qualified geotechnical engineer;
7. Page 4.4-10, Paragraph 3, Impact CR-1(a) Plan Requirements and Timing

An opportunity to review the project grading plan was requested by Chumash representatives during a consultation meeting with the project applicant and Planning and Environmental Review staff on March 11, 2014. The following revisions are recommended to feasibly achieve the objectives of this discussion.

**Plan Requirements and Timing:** The permittee must provide the Planning and Environmental Review Director or designee with a revised grading plan for review and approval. Planning and Environmental Review must provide a meeting with interested local Chumash individuals and tribal representatives to review and provide comment on the revised grading plan prior to its finalization.

8. Page 4.4-10, Paragraph 9, Impact CR-1(a) Plan Requirements and Timing

An opportunity to review the project archaeological mitigation Data Collection Program was requested by Chumash representatives during a consultation meeting with the project applicant and City of Goleta staff on March 11, 2014. The Draft EIR text inadvertently references the project archaeological mitigation Data Collection Program Report, rather than the Proposal, to undertake this effort.

The following revisions are recommended to feasibly achieve the objectives of this discussion, and to correct the use of “proposal” rather than “report.”

The program must be prepared and conducted by a City-approved archaeologist and must be funded by the permittee. The fill/data collection program proposal report must be reviewed and approved by the Planning and Environmental Review Director or designee before the City issues a land use permit for grading. Planning and Environmental Review must provide for a meeting with the applicant and interested local Chumash individuals and tribal representatives to review and provide comment on the fill/data collection program proposal prior to its finalization.

9. Page 4.4-11, Paragraph 1, Mitigation Measure CR-1(b)

On the basis of Chumash outreach meetings conducted for the Willow Springs II and Westar Mixed Use Projects, the following revisions are globally recommended:

It is anticipated that the artifacts would be curated at UCSB, the Natural History Museum, or other location in consultation with the local Chumash consultant Native American representative(s).
10. Page 4.4-11, Paragraph 1, Mitigation Measure CR-1(b)  
Plan Requirements and Timing

The mitigation measure Plan Requirements arbitrarily identifies a 90-day period to complete the Phase III Data Recovery Program (inadvertently termed “Evacuation Program”). The importance for establishing a date for completion of the report is necessary, but the analysis that is central to addressing the Phase III mitigation research questions can take longer than 3 months, given the need to engage subconsultants for radiocarbon dating (requiring at least month) and other specialized studies. A reasonably enforceable, yet effective timing for completion of the Phase III Data Recovery Program report is identified below.

**Plan Requirements and Timing:** A Phase III Data Recovery Mitigation Evacuation Program report must be reviewed and approved by submitted to the City Planning and Environmental Review staff prior to any LUP issuance of occupancy, within 90 days of completion of the archaeological investigation and before project-related ground disturbance.

11. Page 4.4-12, Paragraph 8, Mitigation Measure CR-1(c)  
Plan Requirements and Timing

On the basis of discussion at the project Chumash consultation meeting of March 11, 2014, the following revisions are requested:

**Plan Requirements and Timing:** This requirement must be printed on all plans submitted for any land use, building, grading, or demolition permits. The permittee must enter into a contract with a City-approved archaeologist and local Chumash consultant Native American representative and must fund the provision of onsite archaeological/cultural resource monitoring during initial grading, excavation, and/or demolition activities before issuance of a land use permit. Plan specifications for the monitoring must be printed on all plans submitted for grading, and building permits. A Construction Monitoring Plan shall be prepared by the applicant for review and approval by the Planning and Environmental Review staff prior to any LUP issuance for grading. Planning and Environmental Review must provide for a meeting with the applicant and interested local Chumash individuals and tribal representatives to review and provide comment on the fill/data collection program proposal prior to its finalization.

12. Page 4.9-8, Table 4.9-1, 3rd Paragraph, Consistency with Policies in the Goleta GP/CLUP, 2006, As Amended, Open Space Element OS 8.3 Preservation

The **Discussion** related to this policy must include the quantitative assessment of impacts resulting from the project refinements provided by the project engineer (Flowers & Associates, 3/31/14), previously discussed in Comment No. 4. These design elements demonstrate that the proposed project adheres to the policy objective of "preservation in place to maintain the relationship between artifacts and archaeological
Consistent with Mitigation. As discussed in Section 4.4, Cultural Resources, there is a previously recorded prehistoric archaeological resource on the project site. The proposed project as refined by the project engineer (Flowers & Associates 3/31/14) includes substantial design elements including use of protective fill soils, directional boring of utilities under the cultural deposit, and sound wall caisson foundations to reduce direct disturbances to the prehistoric resource to less than 0.1 of 1 percent of the total site area. Mitigation Measures CR-1(a) through (c) would ensure that the residual impact on these cultural resources are protected.

13. Page 4.9-8, Table 4.9-1, 4th Paragraph, Consistency with Policies in the Goleta GP/CLUP, 2006, As Amended, Open Space Element OS 8.3 Preservation

The Discussion related to this policy must include the details provided regarding the layer of previously disturbed archaeological site soils that are not considered eligible for listing on the CRHR, and those underlying previously undisturbed soils that include significant cultural resources. Necessary revisions to the Draft EIR Discussion text follow:

Consistent. The project site was evaluated by Wilcoxon in 1998 and included a subsurface investigation and laboratory testing. This report was peer reviewed by Rincon Consultants, Inc. in 2013 as part of this EIR. The reports found that the depth of previously disturbed cultural deposits varied from 0.65 to 1.57 feet from the ground surface, and that these deposits had lost their significance. Underlying intact cultural deposits extended from 0.65 to 5.0 feet below the ground surface and are considered potentially eligible for listing on the CRHR, such that they are significant cultural resources. Proposed project design would result in disturbances to less than 0.1 of 1 percent of the total site area. Mitigation Measures CR-1(a) through (c) would ensure that the residual impact on these cultural resources are protected.

14. Page 6-2, Paragraph 2, Alternative 2: Avoid CA-SBA-54

The intent of this alternative is to reduce the significant, but mitigable impact on cultural resources. It is therefore critical to revise the alternatives analysis to incorporate the project description refinements that are discussed in Comment No. 4, as provided by Flowers & Associates submittal dated 3/31/2014. The alternative discussion must also provide the quantitative impact discussion presented in Comment No. 4. The revisions are identified below:

Alternative 2, the “Avoid CA-SBA-54” alternative would involve eliminating the portion of the proposed development that lies within the boundaries of the CA-
SBA-54 archaeological site. As discussed in section 4.4.2, Impact Analysis, the proposed project would result in direct impacts to only 22 s.f., or less than 0.1 of 1 percent, of the CA-SBA-54 area. This alternative would reduce the minimal significant, but mitigable, impact described in Section 4.4, Cultural Resources.

15. Page 6-2, Paragraph 3, Alternative 2: Avoid CA-SBA-54

This alternative needs to explicitly discuss what impacts would be avoided in order to describe whether it is a feasible approach to reducing significant impacts on cultural resources. The Draft EIR presently states:

“In order to avoid impacting CA-SBA-54, Building 6 and 56 parking spaces would be eliminated from the plan. The westernmost approximately 400 feet of the sound wall proposed for the northern site boundary would also be removed. The northwest corner of the site would be left as open space.”

Building 6, as presently proposed, is completely located outside of the CA-SBA-56 boundaries as defined by Wilcoxon (1996) and peer reviewed by the EIR archaeological consultant. The building location was designed to avoid all direct impacts associated with grading within the CA-SBA-56 boundary. Additionally, no fill on top of CA-SBA-56 contributing to indirect impacts on the resource would result from Building 6 development. Therefore, eliminating Building 6 would not minimize potentially significant direct or indirect impacts on cultural resources.

The proposed parking spaces that are presently located within the CA-SBA-56 would not result in direct disturbances from grading within the intact cultural material. All parking spaces within the CA-SBA-54 boundary would be constructed on top of protective geotextile fabric and fill soils that would avoid destruction to the intact cultural resources. Eliminating the parking spaces as an alternative would only reduce indirect impacts on cultural resources.

The alternatives analysis also must identify how the proposed northerly sound wall would be supported by 28 caissons that minimally impact the CA-SBA-54 cultural deposit. The minimal benefits of removing the portion of the sound wall along the CA-SBA-54 boundary need to be quantitatively expressed.

These necessary clarifications to project impacts are expressed below.

“In order to avoid indirect impacts resulting from the use of protective geotextile fabric and fill soils over impacting CA-SBA-54, Building 6 and 56 parking spaces would be eliminated or redesigned from the plan. Removing Building 6 would eliminate the need for the westernmost approximately 400 feet of the sound wall; however, this would only minimally reduce direct project impacts associated with the 28 caissons that would support the redesigned wall foundation (Flowers & Associates 3/31/2014). Direct impacts to CA-SBA-54

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would be minimally reduced by eliminating the 22 s.f. impacts to the archaeological site area (less than 0.1 of 1 percent). proposed for the northern site boundary would also be removed. The northwest corner of the site would be left as open space.”


It is clear that the feasibility of the proposed Alternative 2: Avoid CA-SBA-54 is questionable, given that the associated net reduction of direct and indirect impacts to CA-SBA-54 is marginal. This conclusion needs to be addressed in this section.

d. Cultural Resources. This alternative is designed to reduce the significant, but mitigable impact related to CA-SBA-54, which is an area of prehistoric archaeological significance. The only means of reducing direct impacts to the intact, buried archaeological deposit is to remove the westernmost approximately 400 feet of the sound wall; all other potential improvements within the archaeological site would be placed on top of protective fill or directionally drilled below the site (Flowers & Associates 3/31/2014). Removal of the sound wall, however, would only reduce directs to the archaeological deposit by 22 s.f., or less than 0.1 of 1 percent of the archaeological site. Although the proposed project’s impact to this resource has been substantially reduced through engineering refinements and can be reduced to below a level of significance with required mitigation measures, elimination of the sound wall development within the area of CA-SBA-54 would minimally reduce the potential for disturbance to the resource further. The impact associated with this alternative would be less than significant.

Thank you for the opportunity to provide expert comment on these issues.

Sincerely yours,

David Stone, RPA
Cultural Resources Manager

Attachments: Professional Resume, David Stone, RPA
Preliminary Engineering Plans, Flowers & Associates

cc: John Price, Cortona Corner LLP
Harwood White, Land Use Consultant
Carl Schneider, AIA, NCARB CSA Architects
Bob Flowers, RG, Flowers & Associates
David Stone – Cultural Resources Project Manager

David Stone is manager of cultural resources for Dudek in Santa Barbara. He manages and directs all archaeology, history, and architectural history technical studies. His academic training is in the management of cultural resources, including archaeological and historic resources, and Native American values. During his 30 years in cultural resource management, he has prepared hundreds of studies pursuant to federal statutes pertaining to the protection of historic properties (Section 106 of the National Historic Preservation Act) and compliance with the California Environmental Quality Act (CEQA). He has also prepared several studies addressing the Caltrans Section 106 review process. Mr. Stone served 9.5 years as Santa Barbara County archaeologist and cultural resources program manager, where he developed and maintained the County’s cultural resources thresholds of significance and technical guidelines, both of which have been cited in CEQA and by the State Historic Preservation Office as planning jurisdiction models. Mr. Stone also developed, in consultation with historians and architectural historians, a methodology for evaluating historical significance and for determining appropriate methods of historical resource mitigation. He has worked with Native Americans and the State Native American Heritage Commission to establish guidelines for ethnic impact assessment, monitoring requirements, and consultation procedures. Mr. Stone is also an adjunct professor in the Environmental Studies Program, University of California, Santa Barbara

PROJECT EXPERIENCE

Representative examples of Mr. Stone’s archaeological investigation project management are provided below.

Significance Assessment (Phase 2) and Mitigation Data Recovery (Phase 3) Archaeological Investigations

- Phase 3 Data Recovery for the Cabrillo Business Park, Goleta California. Investigations at two Early Period (5,000+ years old) village sites. Client: Seres-Regis, LLC.
- Phase 2 Significance Assessment and Phase 3 Mitigation Data Recovery Mitigation program of Multicomponent village site, including development of archaeological site preservation capping design, Willow Springs residential project, Goleta, California. Client: The Towbes Group.
- Phase 2 Significance Assessment for the Rincon Point Sewer System Expansion, Santa Barbara County, involving the ethnohistoric Chumash village of Shuku. Client: Carpinteria Sanitary District.
- Phase 3 Date Recovery and Construction Monitoring for the QAD Administrative Facility, Summerland California. Investigations at a large Early Period (5,000+ years old) village site. Client: Santa Barbara County.
- Phase 2 Assessment and Phase 3 Mitigation Data Recovery Mitigation program at a complex of seasonal camps and specific activity loci for San Marcos Golf Course, Santa Ynez Valley, California. Client: San Marcos Golf Course, Ltd.
- Phase 2 Significance Assessment and Phase 3 Mitigation Data Recovery Mitigation program involving complex prehistoric village sites for the Winchester Common residential development, Goleta, California. Client: MWD Residences.
Phase 2 Significance Assessment and Phase 3 Mitigation Data Recovery Mitigation program involving Early Period prehistoric village sites, El Capitan Ranch Recreational Park Expansion, Gaviota, California. Client: El Capitan Ranch Ltd.

Caltrans Section 106 Consultations:

- Santa Gertrudis Creek Bridge, City of Temecula, San Bernardino County. Prepared Archaeological Survey Report (ASR) and Historic Properties Survey Report (HPSR) in compliance with National Historic Preservation Act (NHPA) Section 106.
- Anacapa Street / Carrillo Street Intersection Improvements, City of Santa Barbara, Santa Barbara County. Prepared ASR and HPSR in compliance with National Historic Preservation Act (NHPA) Section 106.
- Cesar Chavez Widening, City of Calexico, Imperial County. Preparing ASR and HPSR in compliance with National Historic Preservation Act (NHPA) Section 106.
- Sorrento to Miramar Double Rail Track Project, San Diego County, California. Technical advisor to San Diego Association of Governments relative to preparation of Phase 3 Mitigation Plan and Monitoring for rail expansion.
- ASR/HPSR for SH 41/Main Street Roundabout in Morro Bay, California; ASR/HPSR/DOE for transportation improvements to this gateway intersection in Morro Bay, California. Client: City of Morro Bay.
- Historic Property Survey Report/Determination of Eligibility (HPSR/DOE) and Phase 2 Significance Assessment programs at the Fairview Avenue/U.S. Highway 101 overcrossing in Santa Barbara County. Client: California Department of Transportation (Caltrans) and Santa Barbara County.
- HPSR/DOE for El Capitan Bikeway and Trail. Client: Caltrans and County of Santa Barbara Parks Department.
- ASR/HRER/HPSR/DOE for BART Seismic Retrofit Project, Oakland, California. Client: BART.

Hundreds of Phase 1 surveys and Extended Phase 1 archaeological site boundary definition programs.

- Mr. Stone has prepared hundreds of cultural resource management technical reports covering initial assessment, significance determination, and mitigation phases. He has also authored and managed production of several cultural resource technical reports and provided cultural resource technical support to Santa Barbara County and City of Morro Bay planning staff.

Planning Analyses for EIRs/EISs

- Cultural resource sections for EISs, EIRs, and joint EIS/EIRs, including:
  - Queen’s Gate (dredging) EIR/EIS for the Los Angeles District USACE and the Port of Los Angeles.
  - John F. Baldwin Navigational Improvements and Oil Pipeline EIR/EIS, in Central San Francisco Bay and Contra Costa County, California.
  - Montezuma Wetlands Restoration EIR/EIS, San Clemente Creek Restoration EIR/EIS, Corte Madera, California.
  - San Pedro Creek Flood Control Improvements EIR/EIS, Pacifica, California.
  - Richmond Harbor Deepening EIR/EIS for the San Francisco District USACE.
- ATOC/Pioneer Seamount Submarine Cable EIR/EIS, Monterey Bay Marine Sanctuary.
- Oakland Harbor Deep-Draft Navigation Improvements Supplemental EIR/EIS.
- Unocal Remediation at Avila Beach and Guadalupe Dunes Leroy Lease, San Luis Obispo County.
- Diablo Canyon Nuclear Power Plant Expansion, San Luis Obispo County.
- Twin Bridges Improvements EIR, San Luis Obispo County. Assessment of potential impacts on prehistoric and historic cultural resources.

- Authored cultural resources section for the Pacific Pipeline Project EIR/EIS from Santa Barbara County through Ventura County, terminating in Los Angeles. Client: Various.

- Performed the cultural resources analysis for an EIR/EA addressing flood control maintenance activities in the Goleta Slough. Client: Santa Barbara County Flood Control and Water Conservation District.


**Project Planner and County Archaeologist**

As county archaeologist and cultural resource program manager, was responsible for evaluation, assessment, and oversight of county archaeological and historic resources and Native American values. Developed regulations and guidelines for cultural resource assessment used as model by the State Office of Historic Preservation and the Native American Heritage Commission. Made all decisions regarding assessment of these resources for county planning documents. Also served as liaison to the cities of Santa Barbara, Carpinteria, San Luis Obispo, and Solvang in assisting with their treatment of cultural resources. Coordinated a county workshop on Native American values and their CEQA assessment.

Developed thresholds of significance for cultural resources, air quality, and noise, coordinating with county departments including the Air Pollution Control District and local experts.

**University of California, Santa Barbara, Continuing Lecturer.** Tentured lecturer in the Environmental Studies Department, teaching upper-division environmental impact assessment course sequence.

**Publications**


Conference Presentations


“Coping with the California Environmental Equality Act (CEQA); Appendix K; Determining Archaeological Resource Significance and Mitigation Costs.” Paper presented at the National Association of Environmental Professional Annual Conference, San Francisco, California, April 1986.


Reinforced concrete pavement finished surface.

18" to 24" thickened pavement structural section as specified by the geotechnical engineer.

Fill soil sand layer 6" min.

Geo-grid.

Reinforced concrete pavement (per geotech) varies.

Existing ground 0.65' to 1.3'.

Potentially significant archaeological zone varies 2.7' to 3.2'.

Proposed typical pavement section over existing potentially significant archaeological areas.

Not to scale.
PROPOSED GEO-GRID/SAND EXTENSION BEYOND THE POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL AREAS
NOTES: 1) ALL TRENCHING WITHIN 15 FT. OF THE PSSA TO BE CAREFULLY PERFORMED UNDER OBSERVATION BY AND DIRECTION OF THE ARCHAEOLOGIST AND CULTURAL OBSERVER

PROPOSED PAVEMENT SECTION - SEE DETAIL A'

21% (TYP.)

APPROXIMATE PROPOSED FINISHED GRADE

2' MIN. (TYP.)

O PSSA ZONE 1

6' WATERLINE

6' SEWERLINE

12' STORM DRAIN

DRAINAGE LINES

GAS/ELEC/PHONE

CATV

* ALL UTILITIES IN BORED CONDUIT

C PROPOSED DRIVEWAY & UTILITIES BORED CONDUIT SECTION IN POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL AREAS

SCALE: 8' 60" = 6' (H:V.)
W.O. # 0890
Ref. CARTA9A DE APARTMENTS
Sheet 4 of 5

FLOWERS & ASSOCIATES, INC.
CIVIL ENGINEERS
www.flowersassoc.com

10' MIN. VARIES 20' TO 30' 10' MIN.

TEMPORARY BORE PIT 1:1+

TEMPORARY BORE PIT

APPROXIMATE EXISTING GROUND

DIRECTIONALLY DRILLED BORE AND PIPE OR UTILITY CONDUIT (DIAMETERS VARY - SEE DETAIL D)

PROFILE

PROPOSED BORE PIT LOCATION RELATIVE TO THE POTENTIALLY SIGNIFICANT ARCHAEOLOGICAL AREAS

SCALE: 1" = 10' (H.S.V.)

8-61
PROPOSED SOUND WALL FOOTING DESIGN
WITHIN THE POTENTIALLY SIGNIFICANT
ARCHAEOLOGICAL AREA (PSAA)

PLAN
Scale: 1' = 2'

ELEVATION
Scale: 1' = 2'

SECTION A-A
Scale: 1' = 1'

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CIVIL ENGINEERS
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www.flowersassoc.com

Chk'd By Date

W.O. # 0310
Ref. Cartown Dr.
Sh. 2 of 5

8' Wide CMU Wall 9' High

12' Deep x 24" Wide Rein. Conc. Grade Beam

Approx. Existing Grade

12" Dia. Reinforced Concrete Casings @ 8 Ft. O.C.
Depth per Geotech PCA, Estimated at 8 Ft Minimum

6" Grade Beam

Appro. Fin. Grade

Appro. Ex. Gnd

Appro. Gnd

PSAA
Letter 11

COMMENTER: David Stone, RPA, Cultural Resources Manager, Dudek

DATE: March 31, 2014

Response 11.1

The commenter suggests that the EIR should provide information regarding the period of occupation of archaeological site CA-SBA-54 to provide the reader an appreciation of its significance. The commenter provides recommended additional text based on information provided in the 1998 Wilcoxon technical report. In response to this comment, the discussion of P-42-000054 (CA-SBA-54) on page 4.4- has been amended to read as follows (with new text underlined):

P-42-000054 (CA-SBA-54). This site was originally recorded in the 1920s (Rogers, 1929) and was the subject of further archaeological research in the 1950s (Harrison and Harrison 1966). Rogers identified a “small, abrupt-sided mound that lies between the Coast Highway and the Southern Pacific railway,” with “remnants of an ancient oak grove.” He characterized that the site was occupied during the Early Period of Chumash prehistory based on artifacts observed on the ground surface. Subsequent archaeological investigations by Harrison in 1956 included preparing a topographic map of the knoll, located on the edge of the ancestral Goleta Slough. Harrison determined that the depth of the deposit was as deep as 16 inches, though he did not investigate the perimeter of the knoll. Harrison did not systematically screen excavated soils and did not obtain any radiocarbon dates for the site. Site occupation was inferred on the basis of artifacts to the late Early and Middle Period. Therefore, the absolute age of CA-SBA-54 occupation is not presently known.

The majority of the site was destroyed in 1961 when the knoll on which it was situated upon was removed. Grading removed approximately 26 feet of elevation in anticipation of a housing development.

The commenter requests additional detail regarding the location of the intact deposit. In response to this request, the Final EIR has been amended as follows:

The remaining portions of the site contain high densities of faunal and artifactual material within an intact subsurface deposit that was identified below 0.65 to 1.57 feet of disturbed cultural materials in six Wilcoxon trenches.

Response 11.2

The commenter suggests that page 4.4-4, Paragraph 4: 4.4.1 Setting, c. Field Investigation and Results of the EIR, should “illustrate the variability of the stratigraphy present within the archaeological site, both in terms of the disturbed surface soils, and the depth of the intact cultural deposit.” In response to this comment, the paragraph in question has been revised to read as follows:

The study demonstrates that: An intact layer of archaeological deposit from CA-SBA-54 identified in eight backhoe trenches is present below varying depths of disturbance.
within the northwestern portion of the project site, at what was the perimeter base foot of the previously removed knoll. The depth of previously disturbed cultural deposits varied from 0.65 to 1.57 feet from the ground surface. Based on the Wilcoxon trenches, underlying intact cultural deposits extended from 0.65 to 5.0 feet below the ground surface. The Wilcoxon trenches identified the deepest zone of previous disturbance on the eastern side of the remaining cultural deposit, while the deepest underlying intact cultural deposits were identified along the northern and southwestern archaeological site boundaries. Artifacts collected during the study included chert flakes and one utilized flake debitage, terrestrial animal and fish bone, marine shellfish, ground stone tools fragments, and ocher. Results of the study indicated that the inhabitants of CA-SBA-54 made extensive use of the foot of the former knoll. The cultural materials at the base of the knoll are likely the result of downslope erosional movement from the occupation that occurred at the top of the knoll. The project engineer has calculated the total recorded CA-SBA-54 site area as 24,830 s.f. (0.57 acres) (Flowers & Associates, 2014).

Response 11.3

The commenter suggests that page 4.4-6, Paragraph 1: 4.4.1 Setting, f. Peer Review of the EIR should provide more detail regarding the intact subsurface deposit being the only portion of CA-SBA-54 that retains significant data potential and that the human remains were only recorded “on top of a high knoll,” which was since demolished. In response to this suggestion, the section has been revised to read as follows:

The Extended Phase 1 archaeological investigations completed by Wilcoxon (1998) identified a surface layer of disturbed soils between 0.65 to 1.57 feet deep containing cultural resources that were not capable of yielding information important in prehistory because the horizontal and vertical spatial relationship of the artifacts and food remains had been destroyed. In contrast, the underlying cultural soils below the previously disturbed soils extending 0.65 to 5.0 feet below the ground surface retained their spatial relationship and were considered potentially significant cultural resources. Review of the Wilcoxon (1998) report determined that the study was conducted consistent with current professional standards and provides an adequate level of analysis to demonstrate that an intact subsurface component of CA-SBA-54 is present within the project site.

Based on the findings of Wilcoxon (1998) and the recorded presence of human remains found at the site, it is likely that the buried, previously undisturbed portions of the site contains significant data potential that could contribute to our understanding of prehistory and the site is therefore eligible for listing on the CRHR. The horizontal and vertical relationship of prehistoric artifacts and food remains within the surface layer of previously disturbed cultural material, by contrast, has been destroyed such that their ability to contribute to reconstructing past lifeways and answer scientific questions about the past has been lost. The disturbed cultural resources therefore are not eligible for listing on the CRHR.

Human remains were identified in salvage archaeological excavations in 1957 (Schwartz 1957) within the central portions on top of the high knoll of the site that have been subsequently graded and removed. Wilcoxon’s excavations (1998) did not identify any human remains at the base of the knoll landform. Though not identified within the
existing project site, there is the potential for isolated human remains within the remaining previously disturbed and intact CA-SBA-54 deposit. Such human remains are protected by state law (see Codes Governing Human Remains, below).

Response 11.4

The commenter suggests that Page 4.4-9, Paragraph 1, Impact CR-1 of the EIR should provide more detail regarding potential project impacts on CA-SBA-54. The commenter, who is a member of the applicant’s consultant team, provides new information from the project engineer that was not available at the time that the DEIR was prepared. The new information regards design plan refinements to minimize impact to CA-SBA-54.

The additional information that the commenter suggests for inclusion in the EIR relates to engineering-level details for the proposed grading and building plans for the project. This new information provided by the applicant team suggests that the final project design could minimize the potential for adverse effects to any remaining intact cultural resources in CA-SBA-54. These design features may be incorporated as appropriate into the final site design. However, because those details have not been finalized at this point, their inclusion in the Final EIR would not be appropriate and the Final EIR text will not be revised to incorporate the suggested text changes. The mitigation measures included in Section 4.4, Cultural Resources, of the Draft EIR provide specific direction as to how impacts to intact cultural resources can be avoided and, if necessary, remediated and the details provided by the commenter merely describe specific methods by which the permittee intends to implement the Draft EIR mitigation requirements. It should be noted that during two Native American consultation meetings, directional drilling and the proposed sound wall foundation were supported.

Response 11.5

The commenter states that Page 4.4-9, Paragraph 3, Impact CR-1 Mitigation Measures of the EIR should credit him for proposing Mitigation Measure CR-1(a), which regards controlled capping of site CA-SBA-54. It is acknowledged that the commenter was involved in the development of the mitigation program. The measure was originally proposed for the site by Wilcoxon (1998) and concurred with in the peer review (5/23/2013). No change to the EIR text is needed.

Response 11.6

The commenter suggests that Item 4 on Page 4.4-9, Paragraph 1, Impact CR-1 of the EIR should be revised to reduce the buffer around CA-SBA-54 that should be capped by geogrid from 50 feet to five feet. The basis for this is detailed understanding of the limits of the exact deposit based on Wilcoxon’s (1998) trenching. It is agreed that the goals of the capping program (site protection) can be achieved with the reduced buffer and item 4 of Final EIR Mitigation Measure CR-1(a) has been changed to read:

4) A bioaxial geogrid (Tensar BX1200, TX 160, or equivalent) must be laid over the ground surface throughout CA-SBA-54 site boundaries and a minimum 50-foot buffer area to be determined by the City through consultation with the applicant’s archaeologist and Chumash consultants as the final grading plans are prepared. The geogrid type and verification of its technological capability shall be provided by a qualified geotechnical engineer during plan check of final grading plans.
Response 11.7

The commenter notes that during a consultation meeting Chumash representatives requested the opportunity to review the grading plan. The commenter’s proposed changes to the text have been incorporated into Page 4.4-10, Paragraph 3, Impact CR-1(a) Plan Requirements and Timing of the EIR as follows:

**Plan Requirements and Timing:** The permittee must provide the Planning and Environmental Review Director or designee with a revised grading plan for review and approval. Planning and Environmental Review must provide a meeting with interested local Chumash individuals and tribal representatives to review and provide comment on the revised grading plan before submittal to the City for plan check.

Response 11.8

The commenter notes that during a consultation meeting Chumash representatives requested the opportunity to review the project archaeological data collection program, and that the Draft EIR incorrectly refers to the data collection program document as a report rather than proposal. The commenter’s proposed changes to the text have been incorporated into Page 4.4-10, Paragraph 9, Impact CR-1(a) Plan Requirements and Timing of the Final EIR as follows:

The program must be prepared and conducted by a City-approved archaeologist and must be funded by the permittee. The fill/data collection program proposal report must be reviewed and approved by the Planning and Environmental Review Director or designee before the City issues a land-use permit for grading. Planning and Environmental Review must provide for a meeting with the applicant and interested local Chumash individuals and tribal representatives to review and provide comment on the fill/data collection program proposal before submittal to the City for grading plan check.

Response 11.9

The commenter recommends that based on recent consultation meetings for other local projects the term “Native American representative(s)” be replaced with “Chumash consultant[s].” The change will be implemented as follows in Page 4.4-11, Paragraph 1, Mitigation Measure CR-1(b) and elsewhere:

It is anticipated that the artifacts would be curated at UCSB, the Natural History Museum, or other location in consultation with the local Chumash consultant Native American representative(s).

Response 11.10

The commenter recommends that Page 4.4-11, Paragraph 1, Mitigation Measure CR-1(b) Plan Requirements and Timing be revised to correct an inadvertent word usage and provide adequate time for completion of the Phase III Data Recovery Program. The section has been revised to read as follows:
Plan Requirements and Timing: A Phase III Data Recovery Mitigation Evaluation Program report must be reviewed and approved by submitted to the City Planning and Environmental Review staff prior to any LUP issuance of certificates of occupancy, within 90 days of completion of the archaeological investigation and before project-related ground disturbance.

Response 11.11

The commenter recommends that Page 4.4-12, Paragraph 8, Mitigation Measure CR-1(c), Plan Requirements and Timing, be revised to reflect the results of a Chumash consultation meeting. In response to this recommendation, the section has been revised to read as follows:

Plan Requirements and Timing: This requirement must be printed on all plans submitted for any land use, building, grading, or demolition permits. The permittee must enter into a contract with a City-approved archaeologist and local Chumash consultant. Native American representative and must fund the provision of onsite archaeological/cultural resource monitoring during initial grading, excavation, and/or demolition activities before issuance of a land use grading permit. Plan specifications for the monitoring must be printed on all plans submitted for grading, and building permits. A Construction Monitoring Plan must be prepared by the permittee for review and approval by the Planning and Environmental Review staff before issuance of a grading permit. Planning and Environmental Review must provide for a meeting with the applicant and interested local Chumash individuals and tribal representatives to review and provide comment on the fill/data collection program proposal before issuance of a grading permit.

Response 11.12

The commenter recommends that the discussion section on Page 4.9-8, Table 4.9-1, 3rd Paragraph, Consistency with Policies in the Goleta GP/CLUP, 2006, As Amended, Open Space Element OS 8.3 Preservation be revised to include the newly provided project refinements for impact minimization (Flowers & Associates 3/31/14) as discussed in Comment 9.4.

As discussed in Response 11.4, the additional engineering-level details provided in the Flowers & Associates project refinements will not be incorporated into the Final EIR text. These details will be finalized during the preparation of the final grading and building plans for the project in accordance with mitigation measures included in Section 4.4 of the Draft EIR.

Response 11.13

The commenter recommends that the discussion section on Page 4.9-8, Table 4.9-1, 4th Paragraph, Consistency with Policies in the Goleta GP/CLUP, 2006, As Amended, Open Space Element OS 8.3, Preservation, present additional information regarding the depth and extent of intact (significant) archaeological deposit, as well as how much of it would be impacted by the proposed project. This information is in part based on the recent refinements prepared by the project engineer (Flowers & Associates 3/31/14).
In response to this comment, the discussion of Policy OS 8.4 has been revised to read as follows:

**Consistent.** The project site was evaluated by Wilcoxon in 1998 and included a subsurface investigation and laboratory testing. This report was peer reviewed by Rincon Consultants, Inc. in 2013 as part of this EIR. The reports found that the depth of previously disturbed cultural deposits varied from 0.65 to 1.57 feet from the ground surface, and that these deposits had lost their significance. Underlying intact cultural deposits extended from 0.65 to 5.0 feet below the ground surface and are considered potentially eligible for listing on the CRHR, such that they are significant cultural resources. Mitigation measures CR-1(a) through (c) would ensure that these cultural resources are protected, a potentially significant impact with respect to archaeological resources and suggest mitigation to reduce impacts.

**Response 11.14**

The commenter recommends revising page 6-2, paragraph 2, Alternative 2: Avoid CA-SBA-54 to clarify the level of impact associated with the proposed project versus Alternative 2.

The purpose of this section of the Draft EIR is to describe Alternative 2. The alternative’s potential impacts to cultural resources are discussed in subsection 6.2.2.d. Also, please see Response 11.16.

**Response 11.15**

The commenter recommends revising page 6-2, paragraph 3, Alternative 2: Avoid CA-SBA-54 to clarify the level of impact associated with the proposed project versus Alternative 2.

The purpose of this section of the Draft EIR is to describe Alternative 2, not to analyze its environmental impacts. The alternative’s potential impacts to cultural resources are discussed in subsection 6.2.2.d. Also, please see Response 11.16.

**Response 11.16**

The commenter suggests that the feasibility of the proposed Alternative 2: Avoid CA-SBA-54 is questionable and that the alternative would only constitute a marginal reduction in direct and indirect impacts to CA-SBA-54. He requests that page 6-5, paragraph 7, Alternative 2: d. Cultural Resources be changed to reflect this level of impact reduction.

The specific changes requested by the commenter have not been made, but the text of the paragraph in question has been revised to read as follows:

**d. Cultural Resources.** This alternative is designed to reduce the significant, but mitigable impact related to CA-SBA-54, which is an area of prehistoric archaeological significance. Although the proposed project’s impact to this resource can be reduced to below a level of significance with required mitigation measures, elimination of development within the area of CA-SBA-54 would further reduce the potential for disturbance to the resource by eliminating components of the project that would overlie...
the resource (parking areas, roadway, and recreation space), eliminating the westernmost portion of the proposed sound wall along the northern property line, and avoiding the need for underground infrastructure in the western portion of the site. The impact associated with this alternative would be less than significant; therefore, the mitigation required for the proposed project would not apply.
Ms. Stephanie Diaz  
Contract Planner, Planning & Environmental Services Department  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117  
June 16, 2014  

Subject: Cortona Apartments Cultural Deposits Avoidance Study  
Dear Ms. Diaz:  
The “Cultural Deposits Avoidance Study” prepared by Flowers & Associates, Inc. dated April 24, 2014 represents the integration of accepted engineering design practices to maximize the preservation of intact CA-SBA-54 deposits recorded by Larry Wilcoxon during his Extended Phase I archaeological investigation (1998). They have been identified and applied under the direction of the City-qualified archaeologist David Stone, RPA, who has successfully applied these strategies to other development proposals within the City of Goleta.  
Please consider the grading plans illustrated in the “Cultural Deposits Avoidance Study” as a means to feasibly minimize ground disturbances within the archaeologically sensitive areas of the Cortona Apartments project site. The strategies illustrate how the project Draft EIR Mitigation Measure CR-1(a) could be successfully implemented. The proposed project description has not at this time been revised to integrate these avoidance strategies. The project applicants, however, have indicated their willingness to implement these designs during the ensuing project permitting process.  
Please let me know if you have any questions regarding this correspondence.  
Sincerely yours,  

Harwood White  
Project Agent  

Attachment: Cultural Deposits Avoidance Study Sheets 1 and 2, Flowers & Associates,  

Cc: John Price  
Beth Collins-Burgard
Letter 11.1

COMMENTER: Harwood A. White, Agent for Cortona Corner, LP

DATE: June 16, 2014

The commenter provides detailed grading plans illustrating how onsite cultural resources will be avoided during project construction.

The information provided relates to engineering-level details for the proposed grading and building plans for the project. This new information provided by the applicant team suggests that the final project design could minimize the potential for adverse effects to any remaining intact cultural resources in CA-SBA-54. These design features may be incorporated as appropriate into the final site design. However, because those details have not been finalized at this point, their inclusion in the Final EIR would not be appropriate. The mitigation measures included in Section 4.4, Cultural Resources, of the Draft EIR provide specific direction as to how impacts to intact cultural resources can be avoided and, if necessary, remediated. The details provided by the commenter merely describe specific methods by which the permittee intends to implement the Draft EIR mitigation requirements.
March 26, 2014

Via Email to: sdiaz@cityofgoleta.org and U.S. Mail

Ms. Stephanie Diaz
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

Re: Comments on the Cortona Apartment Project Draft EIR

Dear Stephanie:

As you know, I represent a group of property owners in the Santa Barbara Business Park surrounding the Cortona Apartment Project site including Thomas Luria, Peter Goodell, Dan Michaelsen, Kip Bradley, Sep Wolf, Russ Michaelsen, and Dexter Goodell. In addition to the comments contained in this letter, several of these owners may be submitting comments under separate cover. We would ask that you consider all such comments in your response to the Draft EIR for the Cortona Apartment Project.

I. Land Use

The discussion contained in the Draft EIR focuses almost entirely on the compatibility of the proposed residential project with the adjacent freeway and railroad. The Draft EIR contains no meaningful analysis of the incompatibility of residential uses in the middle of a developed manufacturing research park beyond a one paragraph statement that the inclusion of a six foot wall will stop foot traffic and preclude trespassers. At a minimum, the Draft EIR must address:

- The impact of introducing full-time residents into an area largely unoccupied at night: What security issues will arise? What "attractive nuisances" will become problems (loading docks used as skateboard ramps, etc.)?
- The use of dangerous materials or hazardous operations in the manufacturing research park, including chemical storage, manufacturing, etc. This analysis cannot be limited to the existing uses, but must include all uses permitted in the manufacturing research park zone, which are
quite extensive and incompatible. These include manufacturing, assembly, processing of cosmetics, drugs, and scientific equipment, as well as other uses which are potentially incompatible with residential use.

- The impact of adjacent residential development on tenants in the manufacturing research park, where some of the defense contractor tenants have strict contractual limitations on surrounding land uses.

- The potential challenges by the residents who are upset by nighttime or early morning deliveries and operations, diesel truck emissions, noise, etc. from the manufacturing research park uses or their employees. These challenges are similar to those that exist when residences are placed adjacent to existing farm operations. Something similar to a "Right to Farm" ordinance may be needed to preserve and protect the existing, appropriate, and legal manufacturing research park uses.

- The loss of almost 9 acres of manufacturing research park property, when the City has adopted policies aimed at encouraging high income, non-polluting, high-tech development in Goleta.

- The impact of noise, parking, traffic, and visual impacts on the manufacturing research park due to the introduction of dense, three story residential structures without adequate setbacks.

The issue of compatibility was never fully explored during the hearings when this property was rezoned, as there was no application for development pending. As such, the above-described issues were not addressed, and conclusions about the appropriateness of the site for residential development were never scrutinized. Without such analysis, the Draft EIR is incomplete. An example of this failing is Table 4.9-1 where there is no description of how the proposal is compatible with the existing manufacturing research park, merely the statement that it is. Conclusory statements without supporting facts invalidate the land use analysis in its entirety.

II. Air Quality

The Draft EIR makes no mention of the Santa Barbara County Air Pollution Control District's recommended 500 buffer from Highway 101. A similar buffer for new residential development is under consideration in the City of Santa Barbara, and is contained in the California Air Pollution Control Officers Association's Health Risk Assessment for Proposed Land Use Projects, an excerpt of which is attached. The Class I impact identified in the Draft EIR regarding the location of the residences next to the railroad and the highway speaks only to the impacts from risk of upset/hazardous materials. The mitigation measures identified in connection with the air quality impacts are insufficient and impractical: even assuming the structures incorporate the types of windows and patio barriers listed, there are no mitigation measures for the impacts
affecting those using the outdoor play areas, the pool, the volleyball courts, or general outdoor living (bicycle riding, barbequing, etc.). The failure to address these impacts makes this section of the Draft EIR subject to challenge, as well as raising (unanswered) questions about the appropriateness of this site for housing from a social justice perspective. The Draft EIR is virtually silent on the question of the quality of life impacts of such an infill project being located in an industrial area with significant air quality, noise, and dust impacts, stating only that fencing may help screen the uses, and that trespass laws would apply to the tenants. At a minimum, the Draft EIR should include an analysis of the impacts on the residents of the proposed affordable housing project resulting from locating the project within the middle of a manufacturing research park with Highway 101 and the Union Pacific Railroad as the project site's northern boundary. To answer that concern, we would request that the Final EIR include an analysis of the impacts on the health of the future residents (particularly children and the elderly) resulting from the project's location next to these two major sources of pollution.

III. Need

Has there been an analysis of whether this affordable housing is still needed to meet the State requirement? Has the State lowered its requirement since the rezoning? Apart from a somewhat dated list of pending and approved projects, with no breakdown of which residential projects are affordable, there is no way to determine whether the affordability mandate has been fulfilled. Further, there appeared to be no accounting for the newly proposed affordable project on South Kellogg, or for any others which may have recently been added. The EIR should identify how many other affordable housing and market rate housing units are pending with the City so that the decision makers can evaluate the need for more affordable housing, particularly in the middle of a manufacturing research park. It should also be noted that the average wage for the adjacent manufacturing research park employees is significantly higher than the average wage for those qualifying for the proposed affordable units. Therefore, the suggestion that the proposed affordable housing project will provide housing for those employees working in the existing manufacturing research park is not accurate. Finally, to assure true affordability, we believe a deed restriction limiting rents must be in place before such bonus density can be awarded.

IV. Traffic

While the Draft EIR concludes that the traffic impacts can be satisfactorily mitigated, the document fails to discuss the impact of off-site parking on the surrounding, well developed, and beautifully landscaped manufacturing research park. There is apparently no provision for parking of oversized vehicles, motorhomes, boats, trailers, or the like on
the project site, meaning that these vehicles will all end up on the surrounding streets. Further, there is virtually no analysis of the impact on the surrounding neighbors created by the requested setback modification necessary to accommodate the required onsite parking. This setback modification only offers further evidence that this site is overbuilt and incompatible with the surrounding development, all of which include substantial setbacks and extensive landscaping. By placing six foot walls on the property lines of these properties, this project further infringes on the rights of the existing manufacturing research park owners in a manner which would be unnecessary if the original manufacturing research park plan was upheld.

As noted below, we also question the conclusions contained in the traffic analysis regarding the number of daily trips generated by the proposed project in comparison to a manufacturing research project, as well as the conclusion that the impact created by the addition of all of these new trips will not further negatively impact the adjacent intersections, even with their planned improvements. When compared to other recent applications in the area, such as the McDonald's drive-thru, it seems contradictory to conclude that the addition of 178 residential units will not result in a Class I impact at these congested sites.

V. Alternatives

The Draft EIR mistakenly argues that Alternative V, the manufacturing research park use, would create more traffic impacts than the 178 unit apartment complex. This conclusion is based upon a hypothetical 260,400 square foot two story office building, with required parking on the site. While the two story structure may meet the lot coverage and height limitations, it far exceeds the square footage possible in order to meet the onsite parking requirements. A building of 135,000 square feet is a much more accurate representation of the maximum square footage which could be constructed and still have adequate space for the parking required onsite (and a ratio of 3/1000). As such, the estimated traffic impacts would be cut in half, making this one more reason why a manufacturing research park use is a preferred alternative, especially as it is the only alternative without a Class I impact.

VI. Conclusion

We believe that the Draft EIR is seriously flawed, lacks required analysis, and must be revised to properly account for the impacts of the misguided introduction of housing into a developed manufacturing research park setting. We continue to object to this use, for the reasons that have been consistently raised since the hearings on the rezoning of the property, and again raised in response to this Draft EIR. As the Class I impacts
Ms. Stephanie Diaz  
March 26, 2014  
Page five

demonstrate, this is an incompatible use and an inappropriate place for a residential project.

Thank you for the opportunity to comment on this important project. We look forward to reviewing the responses to our concerns.

Sincerely,

[Signature]

Kathleen M. Weinheimer

Enclosure
CAPCOA Planning Managers HRA Committee Members

**Subcommittee Members**
Aeron Arlin Genet - SLOCAPCD, Committee Chair
Scott Lutz – BAAQMD
Greg Tholen – BAAQMD
David Vintze – BAAQMD
Monica Soucier – Imperial County APCD
David Crafti - MBUAPCD
Jean Getchell - MBUAPCD
Chris Brown - Mendocino APCD
Sam Longmire – Northern Sierra AQMD
Yu-Shuo Chang - PCAPCD
Jeane Borkenhagen – SMAQMD
Rachel DuBose – SMAQMD
Vijaya Jammalamadaka - SBCAPCD
James Koizumi – SCAQMD
Susan Nakamura - SCAQMD
Steve Smith - SCAQMD
Scott Nester - SJVUAPCD
Glenn Reed - SJVUAPCD
Leland Villalvazo – SJVUAPCD
Dave Warner – SJVUAPCD
Alex Bugrov - SLOCAPCD
Melissa Guise – SLOCAPCD
Alicia Stratton - VCAPCD
Chuck Thomas - VCAPCD
Terri Thomas – VCAPCD
Matt Jones – YSAQMD
Dan O’Brien – YSAQMD
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Glossary

Acute Hazard Index  Acute Hazard Index is the ratio of the average short term (generally one hour) ambient concentration of an acutely toxic substance(s) divided by the acute reference exposure level set by the Office of Environmental Health Hazard Assessment. If this ratio is above one, then adverse health effects may occur.

Background Risk  Background risk is the risk level found throughout an area. This risk is not caused by a particular facility; it is the cumulative risk and may be partly due to air pollution from vehicle traffic.

Cancer Risk  Cancer risk is defined as the probability that an individual will contract cancer usually expressed as so many chances per million persons exposed to a specified concentration of carcinogenic substance(s).

Chronic Hazard Index  Chronic Hazard Index is the ratio of the average annual ambient concentration of a chronically toxic substance(s) divided by the chronic reference exposure level set by the Office of Environmental Health Hazard Assessment. If this ratio is above one, then adverse health effects may occur.

Commenting Agency  A commenting agency is any public agency that comments on a CEQA document, but is neither a lead agency nor a responsible agency. For example, a local air district, as the agency with the responsibility for air pollution control, could review and comment on an air quality analysis in a CEQA document, even though the project was not subject to an air permit or other air pollution control requirements.

Cumulative impact  Cumulative impacts represent the risks from all onsite sources and from sources near enough to the project to significantly contribute to the total risk levels.

Hot Spots Program  Health and Safety Code §44300-44394, Program which requires existing sources to inventory toxic emissions, prepare risk assessments, notify significantly exposed receptors, and prepare and implement risk reduction plans.

Lead Agency  A lead agency is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA. In general, the land use agency is the preferred public agency serving as lead agency, because it has jurisdiction over general land uses. The lead agency is responsible for determining the appropriate environmental document, as well as its preparation.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receptors</td>
<td>Include sensitive receptors and worker receptors. Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work.</td>
</tr>
<tr>
<td>Responsible Agency</td>
<td>A responsible agency is a public agency, other than the lead agency, with discretionary approval authority over a project that is subject to CEQA (i.e., project requires a subsequent permit).</td>
</tr>
<tr>
<td>Risk Assessment</td>
<td>An evaluation that assesses the impact of toxic substances affecting receptors. A risk assessment can include minimal input parameters resulting in conservative results (screening risk assessment) or include increasingly detailed input parameters (refined risk assessment).</td>
</tr>
<tr>
<td>Source</td>
<td>A source is referred to as the locality where toxic emissions originate and are released into the atmosphere. Sources of emissions are categorized into groups such as point source (e.g., refinery) or line source (e.g., roadway).</td>
</tr>
<tr>
<td>Type A Project</td>
<td>Land use project that impacts receptors near the project.</td>
</tr>
<tr>
<td>Type B Project</td>
<td>Land use project with receptors that are impacted by nearby, existing toxics sources.</td>
</tr>
</tbody>
</table>
Acronyms

ARB: California Air Resources Board
ATCM: Air Toxic Control Measure
CAPCOA: California Air Pollution Control Officers Association
CEQA: California Environmental Quality Act
DPM: Diesel Particulate Matter
EIR: Environmental Impact Report
EPA: U.S. Environmental Protection Agency
HRA: Health Risk Assessment
OEHHA: California Office of Environmental Health Hazard Assessment
PM: Particulate Matter
REL: Reference Exposure Level
TAC: Toxic Air Contaminant
TBACT: Toxic Best Available Control Technology
Executive Summary

This guidance was prepared to assist Lead Agencies in complying with the requirements of the California Environmental Quality Act (CEQA). CEQA requires environmental impacts of a proposed project be identified, assessed, and avoided or mitigated (as possible) if these impacts are significant. To determine the impact of airborne toxic emissions [i.e., toxic air contaminants (TACs)] for CEQA purposes, health risk assessments must be prepared. This document describes when and how a health risk assessment should be prepared and what to do with the results.

In 2005, the California Air Resources Board (ARB) prepared the Air Quality and Land Use Handbook: a Community Health Perspective (ARB Handbook), to help readers understand the potential cancer risks from some common sources of toxic emissions such as:

- Freeways and High Traffic Volume Roads,
- Goods Distribution Centers,
- Rail Yards,
- Ports,
- Refineries,
- Chrome Platers,
- Dry Cleaners using Perchloroethylene, and
- Gasoline Dispensing Facilities.

The ARB Handbook identified the potential cancer risks at various distances from these sources and recommended buffer distances between those sources and receptors.

Recent air pollution studies have shown an association between respiratory and other non-cancer health effects and proximity to high traffic roadways. Other studies have shown that diesel exhaust and other cancer-causing chemicals emitted from cars and trucks are responsible for much of the overall cancer risk from airborne toxics in California.

While local air districts have ample experience evaluating and mitigating toxic emissions from permitted stationary sources, most have limited experience preparing or reviewing risk assessments associated with multiple toxic sources or assessments for exhaust from mobile sources that are typically found when evaluating health risks to proposed land use projects.

In order to provide consistency to lead agencies, project proponents and the general public throughout the state, the California Air Pollution Control Officers Association (CAPCOA) formed a subcommittee composed of representatives from the Planning Managers Committee and the Toxic Risk Managers Committee to develop guidance on assessing the health risk impacts from and to proposed land use projects. This CAPCOA guidance document focuses on the acute, chronic, and cancer impacts of sources affected by CEQA. It also outlines the

Health Risk Assessments
for
Proposed Land Use Projects

recommended procedures to identify when a project should undergo further risk evaluation, how to conduct the health risk assessment (HRA), how to engage the public, what to do with the results from the HRA, and what mitigation measures may be appropriate for various land use projects. With respect to health risks associated with locating sensitive land uses in proximity to freeways and other high traffic roadways, HRA modeling may not thoroughly characterize all the health risk associated with nearby exposure to traffic generated pollutants.

This guidance does not include how risk assessments for construction projects should be addressed in CEQA. As this is intended to be a “living document”, the risks near construction projects are expected to be included at a later time as the toxic emissions from construction activities are better quantified. State risk assessment policy is likely to change to reflect current science, and therefore this document will need modification as this occurs.
1.0 Requirements to Evaluate Health Risks in CEQA

This guidance was prepared to assist Lead Agencies in complying with the requirements of the California Environmental Quality Act (CEQA)\(^3\). CEQA requires that environmental impacts of proposed projects be identified, assessed, avoided and/or mitigated (as possible) if the environmental impacts are significant.

Section 15126.2(a) requires the following: "An Environmental Impact Report (EIR) shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there."

This language is included here to clearly show that risk assessments can be required for both projects that will impact nearby receptors (Type A), and projects that will be impacted by nearby sources (Type B).

---

2.0 Overview of the Process

Figure 1 shows an overview of the proposed Health risk Assessment (HRA) process. There are basically two types of land use projects that have the potential to cause long-term public health risk impacts:

Type A - Land use projects with toxic emissions that impact receptors, and
Type B - Land use project that will place receptors in the vicinity of existing toxics sources.

Type A project examples (project impacts receptors):
- combustion related power plants,
- gasoline dispensing facilities,
- asphalt batch plants,
- warehouse distribution centers,
- quarry operations, and
- other stationary sources that emit toxic substances.

Type B project examples (project impacted by existing nearby toxic sources):
- residential, commercial, and institutional developments proposed to be located in the vicinity of existing toxic emission sources such as:
  - stationary sources,
  - high traffic roads
  - freeways,
  - rail yards, and
  - ports.

The flowchart (Figure 1) shows how to proceed with the CEQA process when either a Type A or Type B related project is proposed. The following summarizes the process for proceeding through the flowchart:

- First determine if the project is categorically exempt from CEQA;
- Next, determine if the project is impacting, or being impacted (Type A or B);
- Using screening methods, calculate acute, chronic, and cancer risk;
- If the screening analysis indicates significant health risk as defined by the lead agency, demonstrate that risks will be mitigated with all feasible measures even though a refined risk assessment may show that less mitigation is needed;
- Or, conduct a refined screening risk assessment; and,
- If the risk continues to be deemed significant by the lead agency even with the refined screening, demonstrate that the risks will be adequately mitigated with feasible measures.

Air districts, in their role as either a responsible agency or a commenting agency, should review the HRA and communicate to the lead agency their evaluation of the risk assessment and whether it is fully described (e.g., methodology, assumptions and resulting risk values) and mitigated with all feasible measures.
Figure 1. Overview of Health Risk Assessment

Process for determining whether a risk assessment and mitigation is needed for projects subject to CEQA
Projects included are those that emit toxic substances that may impact the public, and projects that may be impacted by existing sources of toxic emissions.

- Is the project listed as categorically exempt under CEQA or District CEQA Guidelines?
  - NO
    - Is project impacted by toxic emissions, or does it emit toxic emissions even though it is categorically exempt? (See Table 1 "exception" from exemption?)
      - NO
        - Project can claim CEQA exemption.
      - YES
        - Impacting Project (Type A)
          - Using screening methods, is further review recommended?
            - YES
              - Is source willing to mitigate screening based risks?
                - YES
                  - Will proposed mitigation measures fully mitigate impacts?
                    - YES
                      - District comments that project will not cause, or be impacted by a significant risk, or District may choose not to comment.
                    - NO
                      - Is project being impacted willing to prepare a more refined risk assessment?
                        - YES
                          - Using refined methods, is there still a potential for significant risks?
                            - YES
                              - Is source willing to mitigate refined analysis based risks?
                                - YES
                                  - Will project be mitigated to the extent feasible?
                                    - YES
                                      - District comments that project will not be fully mitigated, states project risks, and identifies additional feasible mitigation measures.
                                    - NO
                                      - Is source or receptor willing to mitigate refined analysis based risks?
                                        - YES
                                          - Using refined methods, is there still a potential for adverse risks?
                                            - YES
                                              - District comments that project will not be fully mitigated, states project risks, and identifies additional feasible mitigation measures.
                                            - NO
                                              - Is source willing to mitigate refined analysis based risks?
                                                - YES
                                                  - District comments that project will not be fully mitigated, states project risks, and identifies additional feasible mitigation measures.
                                                - NO
                                                  - NO
                                                    - NO
                                                      - District comments that project will not be fully mitigated, states project risks, and identifies additional feasible mitigation measures.
3.0 Overview of Risk Assessment Methodology and Guidance Documents

This document bases the risk assessment methodology on the procedures developed by the California Office of Environmental Health Hazard Assessment (OEHHA) to meet the mandates of the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588). The Hot Spots program applies to stationary sources and requires affected facilities to prepare a toxic emissions inventory, and if the emissions are significant, that a risk assessment be prepared. The OEHHA procedures can be found at [http://www.oehha.ca.gov/air/hot_spots/index.html](http://www.oehha.ca.gov/air/hot_spots/index.html) and describe:

- The toxicity factors associated with various substances.
- How these toxicity factor are to be used to determine the acute, chronic, and cancer risks associated with downwind concentrations of chemicals in the air at various receptors, and
- Dispersion modeling procedures.
4.0 CEQA Exemptions

The first step in a risk analysis is to determine if the project is statutorily or categorically exempt from CEQA. There are no exceptions to statutorily exempt projects, however, certain projects that are categorically exempt under the state or air district guidelines, may emit toxic emissions or may be impacted by existing toxic sources. Table 1 shows the exceptions from categorical exemptions where an HRA evaluation is needed. These are situations where a project proponent or lead agency may not rely on a categorical exemption because the health risk may trigger an exception (CEQA §15300.2), preventing their use. In such cases, a negative declaration or environmental impact report should be prepared.

Table 1
Categorical Exemptions Requiring HRA Evaluation

<table>
<thead>
<tr>
<th>Categorical Exemption</th>
<th>Exempt Activity with Possible Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>15301. Existing Facilities</td>
<td>This exemption also allows use of a single-family residence as a day care facility without CEQA review. However, such uses near existing TAC emissions may warrant further review.</td>
</tr>
<tr>
<td>15302. Replacement or Reconstruction</td>
<td>This exemption allows the replacement or construction of existing schools and hospitals in certain cases without CEQA review. However, locating new facilities near existing TAC emissions may warrant further review.</td>
</tr>
<tr>
<td>15303. New Construction or Conversion of Small Structures</td>
<td>This exemption class allows small new construction projects to proceed without CEQA review. However, projects claiming this exemption should be reviewed for possible TAC impacts from ongoing nearby sources.</td>
</tr>
<tr>
<td>15314. Minor Additions to Schools</td>
<td>This exemption class allows small school addition projects to proceed without CEQA review. However, projects claiming this exemption should be reviewed for possible TAC impacts from ongoing nearby sources.</td>
</tr>
<tr>
<td>15316. Transfer of Ownership of Land in Order to Create Parks</td>
<td>Exemptions in this class should be reviewed for possible impacts from locating near ongoing sources of TAC.</td>
</tr>
<tr>
<td>15332. In-Fill Development Projects.</td>
<td>This exemption class allows certain in-fill development projects to proceed without CEQA review. However, projects claiming this exemption should be reviewed for possible TAC impacts from ongoing nearby sources such as high volume roadways and freeways.</td>
</tr>
</tbody>
</table>

Although methodology for assessing health risk for construction projects is not included in this document, lead agencies under CEQA are required to identify health risk from construction activities or projects and mitigate if they are deemed significant.
5.0 Screening Risk Assessments

Various tools already exist to perform a screening analysis from stationary sources impacting receptors (Type A projects) as developed for the AB2588 Hot Spots and air district permitting programs. Local air districts should be contacted for appropriate screening tools for proposed projects. Screening tools may include: prioritization charts, SCREEN3 and various spreadsheets.

For projects being impacted by existing sources (Type B projects), one screening tool is contained in the ARB Handbook\(^4\). The handbook includes a table (reproduced in these guidance documents as Table 2) with recommended buffer distances associated with various types of common sources. ARB’s Handbook focuses on community health and provides important public health information to land use decision makers. In this document, ARB’s primary goal is to provide information that will help keep California’s children and other vulnerable populations out of harm’s way with respect to nearby sources of air pollution.

For example, as shown in Table 2, ARB recommends avoiding siting new sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities within 500 feet of a freeway, urban roads with traffic volumes exceeding 100,000 vehicles/day, or rural roads with volumes greater than 50,000 vehicles/day. Therefore, siting a residential project within 500 feet of a freeway, and the associated public health risks, should be disclosed as such in a CEQA document. Re-designing the project so that sensitive receptors are moved greater than 500 feet away from such roadways may mitigate the risk. Other non-sensitive land uses such as commercial uses may be sited in this area. ARB recommends that their guidelines be considered by the decision makers along with housing needs, economic development priorities, and other quality of life issues. It should also be noted that health risk assessments conducted on sensitive land uses in close proximity to freeways and other high traffic roadways may not thoroughly characterize all the health risk associated with nearby exposure to traffic generated pollutants.
### Table 2
Recommendations on Siting New Sensitive Land Uses Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities

<table>
<thead>
<tr>
<th>Source Category</th>
<th>Advisory Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeways and high-traffic roads</td>
<td>• Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles per day.</td>
</tr>
</tbody>
</table>
| Distribution centers                   | • Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).  
• Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points. |
| Rail yards                             | • Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard.                                                                                                                     
• Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.                                                                                                                   |
| Ports                                  | • Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.                                      |
| Refineries                             | • Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.                                         |
| Chrome platers                         | • Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.                                                                                                                                              |
| Dry cleaners using perchloroethylene   | • Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district.   
• Do not site new sensitive land uses in the same building with perch dry cleaning operations.                                                                                                                      |
| Gasoline dispensing facilities         | • Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities. |

---

5 These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.

• Recommendations are based primarily on data showing that the air pollution exposures addressed here (i.e., localized) can be reduced as much as 80% with the recommended separation.

• The relative risk for these categories varies greatly. To determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in.

• These recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists. The recommended distances take into account other factors in addition to available health risk data (see individual category descriptions).

• Site-specific project design improvements may help reduce air pollution exposures and should also be considered when siting new sensitive land uses.

• This table does not imply that mixed residential and commercial development in general is incompatible. Rather it focuses on known problems like dry cleaners using Perchloroethylene that can be addressed with reasonable preventative actions.

• A summary of the basis for the distance recommendations can be found in the ARB Handbook.

9
Letter 12

COMMENTS: Kathleen M. Weinheimer, Attorney at Law

DATE: March 26, 2014

Response 12.1

The commenter notes that she represents a group of property owners in the Santa Barbara Business Park and asks that all comments from these owners be considered in the Final EIR. As required by CEQA, written responses to all written comments received from those owners as well as this letter have been provided. In addition, responses to verbal comments provided at the March 19, 2014 Environmental Hearing Officer Meeting are included.

Response 12.2

The commenter suggests that the EIR needs additional analysis of potential compatibility conflicts related to security, “attractive nuisances”, the use of dangerous chemicals in the adjacent research park businesses, noise, air pollutant emissions, traffic, visual impacts, leasing issues and the loss of research park property.

The commenter states that the introduction of a residential use on the project site would pose land use incompatibility with the neighboring businesses. The commenter raises “security issues” and identifies trespass and attractive nuisances as a potential problems (“foot traffic” and “loading docks used as skateboard ramps”). The potential for trespass and security issues exist on the neighboring businesses regardless of whether residents are placed on the project site. The project design shows that the development would provide adequate ingress and egress, via vehicle and foot. The project is required to provide for adequate ingress and egress but not required to prevent trespass, which state criminal laws prohibit.

If the loading docks are an attractive nuisance as this commenter suggests, the attractive nuisance exists regardless of whether the proposed residential development occurs on the project site. The neighbors are obligated to maintain their property in accordance with all laws to prevent any condition of property from being an attractive nuisance. Their legal obligations exist independent of the proposed residential development or any other type of development on the project site.

Potential risk of upset and chemical exposure issues are discussed in Draft EIR Section 4.7, Hazardous Materials/Risk of Upset. As discussed under Impact HAZ-1, although potentially hazardous chemicals are stored and used on several neighboring properties, there is no evidence of hazardous materials currently migrating from neighboring properties to the project site and there have been no known incidents involving hazardous materials releases affecting the project site vicinity. Any hazardous materials are required to be stored, used and disposed of in compliance with applicable laws, which minimize the risk of upset. These laws also require users to submit Business Plans and Emergency Response Plans to mitigate any potential impact of release. The Plans must be done to the satisfaction of the regulatory agencies as well as the Santa Barbara Environmental Health Services Department, which is charged with implementing state law on hazardous materials/hazardous wastes. The Business Plans and Emergency Response Plans must identify the following aimed at containing the upset and preventing further upset:
8.0 Responses to Comments on the Draft EIR

- Facility response personnel
- Local emergency medical assistance providers
- Mitigation, prevention, and abatement procedures
- Procedures for notification and evacuation of facility personnel
- Earthquake vulnerable areas, mechanisms, and/or systems

Even with these preventive measures, the Draft EIR recognized that the neighbors’ failure to contain their chemicals and hazardous materials in accordance with their plans and applicable law could pose a catastrophic effect on the residents of the proposed development. The impact of risk of upset would be Class I regardless of what development occurs on the site. Please note that Section 4.7 of the Final EIR has been revised to clarify that the overall risk of hazardous material upset at the project site (including the risk from area business, U.S. 101, the UPRR, and the nearby gas pipeline) is considered significant and unavoidable. This determination is based on the potentially catastrophic consequences of such an incident even though the likelihood of an incident is extremely low. This finding is consistent with the finding in the City’s General Plan EIR.

In response to the commenter’s issue regarding incompatibility with defense contractor tenants who have strict contractual limitations, lease issues are not a CEQA issue and there are no deed restrictions on the project site preventing the property owner from placing residential development on it.

The commenter suggests that residents may be upset with the neighboring tenants’ noise and diesel truck emissions in the nighttime or early hours. First, the neighboring tenants must adhere to all local standards and regulations on noise and diesel truck emissions. As discussed in Section 4.9, Chapter 9.09 of the GMC regulates noise in the City, prohibiting loud and unreasonable noise between the hours of 10:00 PM and 7:00 AM Sunday through Thursday and between 12:00 midnight and 7:00 AM Friday and Saturday. Loud and unreasonable noise is defined as sound that is clearly discernible at a distance of 100 feet from the property line of the property upon which it is broadcast or sound above 60 dBA at the edge of the property line upon which the sounds is broadcast. These regulations currently apply to the neighboring businesses. Thus no “Right to Farm” ordinance would be necessary.

The commenter states that residential development on the project site would result in the “loss of almost 9 acres of manufacturing research park property.” This is not true since the property has been designated by the General Plan for residential use as well as a zone designation for medium density residential and has been so since 2006. The proposed development is for residential apartments, which meets the General Plan and zoning designations.

The project’s impacts relative to visual resources, air quality, noise, and traffic are discussed in detail in Draft EIR sections 4.1, 4.2, 4.9, and 4.13. The project would be exposed to potentially significant levels of air pollutants and noise from U.S. 101 and the UPRR (as discussed in Draft EIR sections 4.2 and 4.10), but no evidence that project residents would be exposed to significant air pollutants or noise from neighborhood properties has been provided or identified. The project would be visible from neighboring properties, but would not block views of identified scenic resources or adversely affect the visual character of the site or neighborhood. The project would contribute to a potentially significant traffic impact on Storke Road north of Hollister Avenue, but this impact can be reduced to below a level of significance with proposed mitigation. The primary issue of concern with respect to deliveries and nighttime activities is noise. As discussed in Section 4.9, Chapter 9.09 of the GMC regulates noise in the City, prohibiting loud and unreasonable noise between the hours of 10:00 PM and 7:00 AM Sunday through Thursday and between 12:00 midnight and 7:00 AM Friday and Saturday. Loud and
unreasonable noise is defined as sound that is clearly discernible at a distance of 100 feet from the property line of the property upon which it is broadcast or sound above 60 dBA at the edge of the property line upon which the sounds is broadcast. Activities on nearby properties would be subject to these restrictions.

The commenter suggests that the issue of compatibility was never fully explored when the property was rezoned from Industrial Research Park (IM-RP) to residential. Before the property’s land use and zone designation was established for the project site, the Planning Commission and City Council held public hearings and invited the public to comment in order to weigh all policy ramifications of the proposed land use designation. After determining that all the findings were made as required by law and considering public testimony, the City Council made the policy decision to establish residential use for the property. Some of those policy reasons for such a land use and zone change still currently exist, including the benefits of placing residents close to primary transit corridors (Hollister Ave and US 101) and within walking distance to numerous employment centers and retail establishments. The placement of residents in the project property would reduce greenhouse emissions generated and vehicle miles traveled by future residents. In addition, the size, bulk and scale of the proposed buildings are in line with the existing structures in the neighboring properties.

Response 12.3

The commenter notes that the Draft EIR does not mention the Santa Barbara County APCD’s recommended 500-foot buffer from U.S. 101 for residential uses and suggests that the Draft EIR fails to include an analysis of the health effects of U.S. 101 and the UPRR on site residents, particularly children. The commenter also suggests that the Draft EIR fails to address “quality of life” issues related to air quality, noise, and dust.

The Draft EIR does not specifically mention the SBCAPCD’s recommended 500-foot buffer from U.S., although it does specifically discuss the 500-foot setback recommended by the California Air Resources Board (ARB). The SBCAPCD’s recommended 500-foot buffer was considered in the analysis associated with exposure of site residents to diesel particulates from U.S. 101 and the UPRR. The Final EIR text has been amended to clarify that the 500-foot buffer is recommended by both the ARB and the SBAPCD.

Because the project would be within 500 feet of both U.S. 101 and the UPRR, a health risk assessment (HRA) was conducted for the project to determine whether or not site residents would be exposed to cancer or other chronic health risks (e.g., asthma, emphysema, injury to those with reduced pulmonary function) exceeding APCD standards. The HRA, which is discussed under Impact AQ-4 in Section 4.2, Air Quality, was conducted in accordance with guidelines provided by the SBCAPCD and the California Air Pollution Control Officers Association (CAPCOA). The HRA considered effects to both adults and children, and concluded that the carcinogenic health risk for lifetime residency exceeds the SBCAPCD-recommended health risk criterion for a 70-year residency of ten excess cases of cancer in one million individuals (1.0E-05). Consequently, health risk impacts were identified as potentially significant. As discussed under Impact AQ-4, the HRA is based on outdoor air concentrations and therefore the analysis conservatively assumes that interior concentrations would be the same. The commenter questions the air quality impacts on residents using the outdoor play areas, pool, volleyball courts and general outdoor areas. The excess cancer risk identified in the Draft EIR is based on a 70-year exposure for a resident that remains outside 24 hours per day every day. Because residents spend the majority of time indoors long-term exposure and associated cancer risk can be substantially reduced by limiting indoor exposure. Therefore, the Draft EIR includes a mitigation measure requiring forced air ventilation with filter screens.
on outside air intake ducts. Based on an assumption that residents would spend an average of two hours per day outdoors, the HRA determined that installation of filter screens on the residences would reduce the excess cancer risk to below the recommended 10 in one million threshold for a 70-year residency. There would not be an acute or short-term health risk associated with use of the exterior areas of the site.

CEQA does not directly address “quality of life” issues; however, as discussed in EIR Land Use section the City’s Environmental Thresholds Manual discusses Quality of Life issues. While difficult to quantify, these issues are often primary concerns to the community affected by a project. Examples of such issues include the following:

- Loss of privacy
- Neighborhood incompatibility
- Nuisance noise levels (not exceeding noise thresholds)
- Increased traffic in quiet neighborhoods (not exceeding traffic thresholds)
- Loss of sunlight/solar access

The elements comprising “Quality of Life” are to be considered on a case-by-case basis. For this analysis, “Where a substantial physical impact to the quality of the human environment is demonstrated, the project’s effect on ‘quality of life’ shall be considered significant.”

The Draft EIR analyzes potential impacts related to air quality (including dust) and noise, and provides mitigation for identified significant effects (see Draft EIR sections 4.2 and 4.9). In addition, Draft EIR Section 6.0, Alternatives, considers several possible alternative development scenarios that would partially address impacts related to noise, health risks, and exposure to risk of upset hazards.

In response to this comment, the first paragraph under Impact AQ-4 has been revised to read as follows:

The ARB has identified diesel particulate matter as the primary airborne carcinogen in the state (ARB, n.d.). The main sources of diesel particulate matter are exhaust from heavy-duty trucks on the interstate freeway system and diesel-powered locomotives. Due to the potential for exposure of sensitive receptors to diesel particulate matter and other toxic air contaminants, ARB’s Air Quality and Land Use Handbook: A Community Health Perspective (June 2005) recommends avoiding siting new sensitive land uses, such as residences, schools, daycare centers, playgrounds, or medical facilities, within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. The Santa Barbara County APCD also recommends a 500-foot buffer between new residences and U.S. 101. The ARB Handbook found that, based on traffic-related studies, additional non-cancer health risks attributable to proximity to freeways occurs within 1,000 feet and is strongest within 300 feet. California freeway studies show about a 70% drop-off in particulate pollution levels at 500 feet (ARB, 2005).

Response 12.4

The commenter asks whether the proposed affordable housing project is needed and suggests that the EIR should identify other housing projects so that City decisionmakers can evaluate the need for such

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1 The U.S. EPA reports that, on average, Americans spend 90 percent or more of their time indoors (http://www.epa.gov/greenbuilding/pubs/gbstats.pdf).
housing. The commenter also suggests that residents of the project would not work at nearby businesses and states that the project should include a deed restriction limiting rents.

The project apartments are not proposed to be restricted to a certain income level. It is not the EIR’s purpose to justify the need for affordable housing or types of housing that are proposed. The EIR’s purposes are to analyze and disclose the environmental effects of the proposed project, develop feasible mitigation measures for identified significant effects, and consider alternatives to the proposed project. The City has already designated/zoned the site for residential use and in doing that, determined that such use is appropriate for the site during the General Plan adoption. The proposed development would assist the City in meeting its jobs/housing imbalance. Providing housing for employees in the area is one of the applicant’s stated objectives listed in the project description. The apartments will be available for employees with diverse incomes. It is not known where individuals who may live at the proposed project would work. Placement of housing in proximity to places of employment would provide the opportunity for employees to find housing near where they work. The environmental analysis contained in the Draft EIR does not, however, assume or rely on the possibility that employees in nearby businesses would live at the project site.

The suggestion that the project should include a deed restriction limiting rents is noted. Housing affordability is outside of CEQA’s purview.

Response 12.5

The commenter states that the Draft EIR fails to discuss the impact of off-site parking, suggesting that oversized vehicles will be parked on surrounding streets.

Parking impacts are discussed under Impact T-5 in Draft EIR Section 4.13, Transportation/Circulation. As discussed therein, the proposed project’s parking demand can be met with the 330 onsite spaces proposed; therefore, the available evidence, which includes surveyed rates at the comparable Willow Springs apartment site, indicates that the supply of parking would be sufficient to avoid offsite spillover. As such, spillover parking onto the adjacent street system is not anticipated. It is possible that oversized vehicles (RVs, boats, etc.) could be parked on public streets in the area, but only as regulated by the City.

Response 12.6

The commenter states that there is no analysis of impacts related to the setback modifications and suggests that the placement of six-foot sound walls along the property line “infringes on the rights of the existing manufacturing research park owners.”

It is not clear what impact the commenter believes the reduced setbacks would have on adjacent properties or how the proposed perimeter walls would infringe on adjacent property owners’ rights. The proposed project is a residential use and would not involve activities that would restrict ongoing business activities on adjacent sites. The proposed perimeter wall would provide additional privacy for both the proposed residential use and the adjacent businesses.

Response 12.7

The commenter questions the traffic analysis, suggesting that impacts would be unavoidably significant.
The comment regarding traffic impacts is noted. However, the traffic analysis was performed in accordance with adopted City guidelines, was performed by a qualified transportation consultant, and was peer reviewed by both City staff and another qualified consultant. No evidence suggesting that the analysis was not performed properly has been provided.

Response 12.8

The commenter suggests that Alternative 5, a 260,400 square foot business park development as described in Section 6.0, Alternatives, could not accommodate sufficient parking to meet that alternative’s demand.

Per the City’s parking regulations, business park development requires 1 parking space per 500 square feet of floor area and warehousing requires 1 space per 1,000 square feet of floor area. Assuming that the ¾ of the alternative is business park and ¼ is warehouse/storage, demand would be approximately 456 spaces.

As described on page 6-18 of Section 6.0, Alternative 5 includes approximately three acres of parking. According to the American Planning Association, approximately 100-150 spaces can generally fit in one acre; therefore, the three acres of parking under Alternative 5 could accommodate about 300-450 spaces. This suggests that for the specific uses proposed within a development in this alternative, parking may need to be structured or a small amount of additional site acreage would need to be devoted to parking in order to meet City requirement of approximately 456 spaces. The Final EIR has been revised to clarify this fact.

It should be noted that the alternative suggested by the commenter (a 135,000 square foot one-story business park development) would generate an estimated 1,723 daily vehicle trips, or about 47% more trips than would be generated by the proposed project. Consequently, although traffic and related air quality, greenhouse gas, and noise impacts would be lower than those described for Alternative 5, they would be higher than those of the proposed project. Also, it should be noted that the commenter’s suggestion that a 135,000 square foot one-story development is a more accurate representation of what could be built onsite is belied by the fact that many of the buildings in the business park are two stories in height.

Response 12.9

The commenter reiterates the opinion that the Draft EIR is flawed and restates objections to the proposed residential use.

This opinion is noted. Please see responses 12.2 through 12.8 for the City’s response to specific issues raised.
March 26, 2014

Ms. Stephanie Diaz  
Contract Planner  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Re: Comments on Draft EIR for PROPOSED Cortona Apartments, APN 073-140-016  

Dear Ms. Diaz:

As a resident of the City of Goleta, I am voicing my concern regarding the Draft EIR on the above referenced project. I feel that the EIR in its current form fails to accurately address the lack of compatibility with the surrounding Business Park. In addition, I am concerned about the social injustice of placing low income housing in an area that has inmitigable environmental issues. Because the EIR fails to address these issues, the fact that the development will create an environment that may prove harmful to either the potential future residents or the businesses attempting to operate within their rights adjacent to the proposed residential project is being overlooked.

The area surrounding this proposed development has been the heart of Goleta’s economic engine for over 40 years. Beginning in the 60’s and 70’s with Delco and Santa Barbara Research, followed by Raytheon, Applied Magnetics, Northrup Grumman, FLIR, all the way through the current high-tech firms, this area has been providing well-paying jobs to our residents. By allowing high density residential development to be placed in the middle of the “Santa Barbara Research and Light Industrial Park” this development may reduce the desirability of the area for commercial usage.

The conflicts as outlined below are significant environmental impacts, and appear to be inmitigable. Because of the lack of neighborhood compatibility this environmental impact should be increased to a Class 1 Environmental Impact as it will have a direct effect on the business health of Goleta:

- Many of the businesses located in the Park are government contractors working on high security projects, including defense contracts. Many in the area have voiced concern regarding the validity of their current security clearances granted by the Department of Defense if there are transient residential units located nearby.

- If Defense related industries (15%+ of the local market) are not able to occupy the adjacent properties, they may locate elsewhere (Camarillo, Lompoc, Santa Barbara) which could undermine Goleta’s economic base.

- The permitted use of hazardous, noxious, or annoying materials and processes, current or potential, are likely to create grievances by the proposed residential neighbors which will have a negative effect upon the right to quiet enjoyment and future use by the tenants of the commercial properties, and again could cause some firms to locate outside the area.

- The large commercial parking lots, railings, loading docks, etc. would become attractive nuisances to the young people residing in the apartments. In addition, vandalism and parking encroachment would require increased security and maintenance by the tenants and potentially expose them to increased liability due to supposed negligence. These potential
increases in the cost of doing business in the area would again make alternative locations more attractive

The physical location of this potential development has the undesirable effect of placing low income children in a “neighborhood” full of environmental hazards. The fact that 20 units to the acre are proposed means that the average occupant will likely be on the lower end of the socio-economic scale locally. While I am not an environmental expert or advocate, I can recognize how the health of children may be affected by the location of the proposed development as outlined below:

- The proposed development is surrounded by permitted commercial uses that can include the use of hazardous, noxious, or annoying materials and processes that are likely to reduce the potential for a clean quiet environment that the residents should have access to.

- The location of most of the units within 500 feet of a Railway, and major Highway will create continual Air Quality issues for the residents of the proposed development. I cannot imagine how this type of 24/7/365 exposure would not be harmful to developing lungs.

- The proposed development is surrounded on all sides by the potential for hazardous spills either coming from the Railway, Freeway, Overpass, or surrounding commercial operations. The likelihood of some sort of spill from any of the surrounding areas, coupled with the single emergency access point to the party appears to me to create a significant liability to any entity that develops or approves such development.

In reviewing the above areas of concern that will be brought about by this proposed project and the poor zoning which allows it, I do not understand how the proposed project can, “Ensure that any future residential development will not threaten the continued viability of the existing Business Park uses.” [Section 4.9, Table 4.9-1, LU 8.5, (b.) Coordinated Development Plan and Quality Design]. This lack of Compatibility directly threatens the viability of the surrounding properties, and is immitigable. In addition, the fact that high-density (lower income) housing is being allowed in an area with high risks for environment hazards appears to be some form of social injustice through poor planning, and again appears immitigable. Based on the above reasons these two issues should rise to Class 1 Environmental Impacts and the project and the parcels zoning should be subject to further evaluation and revision.

Sincerely,

Peter W. Goodell
491 Windsor Avenue
Goleta, CA 93117
Letter 13

COMMENTS:

Peter W. Goodell

DATE:

March 26, 2014

Response 13.1

The commenter states concerns about compatibility of the project with surrounding business park uses and social injustice.

Issues of compatibility with adjacent properties are addressed throughout several of the Draft EIR sections, including 4.1, Aesthetics, 4.2, Air Quality, 4.7, Hazardous Materials/Risk of Upset, 4.9, Noise, and 4.13, Transportation/Circulation, and in Response 12.2. The comment that the proposed residential use would significantly hinder operations at nearby businesses or otherwise adversely affect neighboring properties is speculative as no such information has been provided. Nevertheless, as discussed in responses 12.2 and 12.3, potentially significant, but mitigable health risk impacts associated with proximity to U.S. 101 and the UPRR have been identified (see Section 4.2, Air Quality) while unavoidably significant risk of upset impacts have been identified due to the potential for a hazardous material release (see Section 4.7, Impact HAZ-2). Please note that Section 4.7 of the Final EIR has been revised to clarify that the overall risk of hazardous material upset at the project site (including the risk from area businesses, U.S. 101, the UPRR, and the nearby gas pipeline) is considered significant and unavoidable (Class 1). This determination is based on the potentially catastrophic consequences of such an incident even though the probability of an incident is extremely low. The Class 1 finding regarding risk of upset for transportation of hazardous materials is consistent with the General Plan EIR.

With respect to the concerns about social injustice, presumably the commenter is suggesting that placement of housing on the project site would subject residents to environmental harms or nuisances. The project is not “low income housing” as described by the commenter. It is proposed to be market-rate apartments, which would house individuals who could decide to rent or not. The project would not house a particular economic class of people. However, as noted above and in Draft EIR Sections 4.2, 4.7, and 4.9, the project would expose site residents to potential air quality (health risk), risk of upset, and noise impacts. Health risk from air pollutants and noise impacts can be mitigated to below a level of significance, but the project’s risk of upset impact has been determined to be significant and unavoidable. A condition of approval will require the permittee to provide notice to any prospective tenants regarding the potential hazards.

Response 13.2

The commenter indicates that the project may reduce the desirability of the project area for commercial use.

This opinion is noted. This comment does not pertain to the Draft EIR analysis or conclusions. CEQA does not require analysis of economic impacts.
Response 13.3

The commenter suggests that neighborhood compatibility impacts should be classified as significant and unavoidable.

This opinion is noted. The commenter’s specific concerns are addressed in Response 12.2 and responses 13.1 and 13.4 through 13.8.

Response 13.4

The commenter notes that owners of nearby businesses have security concerns if there are “transient residential units” nearby.

It is not clear why the commenter suggests that the proposed project involves “transient residential units” or what the significance of this classification is. The proposed project would be a multi-family rental apartment complex that would be expected to require tenants to sign leases for specific periods of time. No evidence suggesting that the development of residences on the project site would create security issues has been identified or provided. Security is not an environmental issue under CEQA.

Response 13.5

The commenter suggests that if defense related businesses cannot occupy adjacent properties, they will locate elsewhere. No evidence suggesting that defense related businesses could not occupy properties in the vicinity of the project site has been provided. Moreover, this is an economic concern rather than an environmental concern and is, therefore, outside of CEQA’s purview.

Response 13.6

The commenter suggests that hazardous or noxious activities associated with existing business park development may create grievances by residential neighbors, which would have a negative effect on business owners’ “right to quiet enjoyment and future use” and cause firms to relocate.

As discussed in responses 12.3 and 13.1, potentially significant, but mitigable health risk impacts associated with proximity to U.S. 101 and the UPRR have been identified (see Section 4.2, Air Quality) while unavoidable significant risk of upset impacts have been identified due to the potential for a hazardous material release (see Section 4.7, Impact HAZ-2). This finding is consistent with the finding in the City’s General Plan EIR.

The commenter believes that the presence of residences would adversely affect businesses’ quiet enjoyment of their properties. This suggests that the residential use would adversely affect neighboring businesses, but no evidence demonstrating such adverse effects has been identified or provided. Therefore, this concern is speculative and does not need to be addressed by CEQA.

As discussed in Response 13.5, the issue of businesses relocating due to perceived compatibility issues is an economic concern and, therefore, outside of CEQA’s purview.
Response 13.7

The commenter suggests that the presence of parking lots, railings, and loading docks may be “attractive nuisances” for residents and also suggests that businesses may be subject to vandalism and liability as a result of the proposed residences. No evidence suggesting that site residents would trespass on neighboring properties or engage in vandalism has been provided.

Response 13.8

The commenter states that the proposed project would place children in a neighborhood that is “full of environmental hazards.”

Hazards are discussed in Draft EIR Section 4.7, Hazardous Materials/Risk of Upset. Please see responses 12.2 and 13.1. Because the project is a market-rate rental development it is expected to house families of diverse incomes and, therefore, would not disproportionately expose low income individuals to hazards.

Response 13.9

The commenter reiterates a concern about how the use of hazardous materials by area businesses may adversely affect site residents. This issue has been addressed in the Draft EIR Section 4.7 and responses 12.2 and 13.1.

Response 13.10

The commenter suggests that placement of residences within 500 feet of U.S. 101 and the UPRR would be harmful to developing lungs.

Chronic health risks associated with the site’s proximity to U.S. 101 and the UPRR are addressed in Draft EIR Section 4.2, Air Quality, under Impact AQ-4, and mitigation is provided. Response 12.3 also addresses this concern.

Response 13.11

The commenter states concerns about the potential for a hazardous material spill to affect project site residents. This issue is addressed in Draft EIR Section 4.7, Hazardous Materials/Risk of Upset. Please see responses 12.2 and 13.1.

Response 13.12

The commenter reiterates concerns about compatibility, social justice, and the viability of business park uses. Please see responses 12.2 and 13.1 through 13.11.
March 26, 2014

Ms. Stephanie Diaz
Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Comments on Draft EIR for PROPOSED Cortona Apartments, APN 073-140-016

Dear Ms. Diaz:

As the representative for the owners of the property at 44 Castilian Drive, I am writing to voice our concern regarding the Draft EIR on the above referenced project. We feel that the EIR in its current form fails to accurately address the lack of compatibility with the surrounding Business Park, and in failing to address this issue, will create an environment that may prove harmful to either the potential future residents, or the businesses attempting to operate within their rights adjacent to the proposed residential project.

As with all of the other parcels in the “Santa Barbara Research and Light Industrial Park” (the Park), our building is in compliance with the original CC&R’s. According to the CC&R’s the only approved usage of the referenced parcel is “research and light industrial purposes”. The approved uses are further detailed within the CC&R’s and are very specific regarding what uses are approved, none of which includes residential usage. The intent of the CC&R’s was outlined as follows:

“The real property described here is subject to these Protective Covenants to insure proper use and appropriate development and improvement of each building sites against improper use of surrounding building sites which will depreciate the value of their property…”

With regards to our property, 44 Castilian is located one parcel to the east of the 8.8+ acres referenced above. If the proposed project goes forward it would likely create conflicts with the approved, potential, and historical usage of our property. The permitted commercial uses allow for, manufacturing (welding, sawing, grinding), assembly, processing of drugs, metal plating and etching, idling truck traffic, loading/unloading, loud chillers, roof-top HVAC, large pressurized external tank storage, external diesel generators, and high-intensity lighting.

The conflicts as outlined below are significant environmental impacts, and appear to be inmitigable. Because of the lack of neighborhood compatibility this environmental impact should be increased to a Class 1 Environmental Impact:

- Many of the businesses located in the Park are government contractors working on high security projects, including defense contracts. Many in the area have voiced
concern regarding the validity of their current security clearances granted by the Department of Defense if there are transient residential units located nearby.

- If Defense related industries (15%+ of the local market) are not able to occupy the adjacent properties, increases in lease-up times, coupled with lower rents due to a diminished tenant pool may cause upwards of 15-20% loss in value of the properties based on a cash-flow valuation, which is the standard way commercial properties are appraised. This constitutes an illegal reduction in value similar to the reduction in farm-land adjacent to schools etc.

- The permitted use of hazardous, noxious, or annoying materials and processes, current or potential, are likely to create grievances by the proposed residential neighbors which will have a negative effect upon the right to quiet enjoyment and future use by the tenants of the commercial properties.

- The permitted commercial use of hazardous, noxious, or annoying materials and processes are likely to cause a reduction in the quiet enjoyment of the residential property by its proposed tenants.

- The large commercial parking lots, railings, loading docks, etc. would become attractive nuisances to the young people residing in the apartments. In addition, vandalism and parking encroachment would require increased security and maintenance by the tenants/landlords, and potentially expose them to increased liability due to supposed negligence.

In reviewing the above areas of concern that will be brought about by this proposed project and the poor zoning which allows it, I do not understand how the proposed project can, “Ensure that any future residential development will not threaten the continued viability of the existing Business Park uses.” [Section 4.9, Table 4.9-1, LU 8.5, (b.) Coordinated Development Plan and Quality Design]. This lack of Compatibility directly threatens the viability of the surrounding properties, and is immitigable. Therefore this should rise to Class 1 Environmental Impact and the project and the parcels zoning should be subject to further evaluation and revision.

Sincerely,

Peter W. Goodell
Goodell Investments, LLC
General Partner
Castilian Associates, LP

Goodell Investments, LLC
425 Las Palmas Drive, Santa Barbara CA 93110
(805) 899-2626
Letter 14

COMMENTER: Peter W. Goodell, Goodell Investments, LLC (representative of the owners of the property at 44 Castilian Drive)

DATE: March 26, 2014

Response 14.1

The commenter states general concerns about the compatibility of the proposed residential use with permitted business park uses in the area and suggests that impacts related to neighborhood compatibility should be classified as significant and unavoidable.

As discussed in Response 13.1, issues of compatibility with adjacent properties are addressed throughout several of the Draft EIR sections, including 4.1, Aesthetics, 4.2, Air Quality, 4.7, Hazardous Materials/Risk of Upset, 4.9, Noise, and 4.13, Transportation/Circulation. Please see responses 12.2 and 13.1. It should be noted that the CC&Rs for the “Santa Barbara Research and Light Industrial Park” have expired.

The commenter’s specific concerns are addressed in the responses to letters 12 and 13 and in responses 14.2 through 14.5.

Response 14.2

The commenter notes that owners of nearby businesses have security concerns if there are “transient residential units” nearby.

Please see Response 13.4.

Response 14.3

The commenter suggests that if defense related businesses cannot occupy adjacent properties, an illegal reduction in property value would occur.

No evidence suggesting that the proposed project would adversely affect property values or that defense-related businesses could not occupy properties in the vicinity of the project site has been provided. Moreover, this is an economic concern rather than an environmental concern and is, therefore, outside of CEQA’s purview. Also, please see responses 13.5 and 13.6.

Response 14.4

The commenter suggests that hazardous or noxious activities associated with existing business park development may create grievances by residential neighbors, which would have a negative effect on business owners’ “right to quiet environment and future use.”

Please see Response 13.6.
Response 14.5

The commenter suggests that the presence of parking lots, railings, and loading docks may be “attractive nuisances” for residents and suggests that businesses may be subject to vandalism and liability as a result of the proposed residences.

No information regarding these issues has been submitted. Such issues are speculative and therefore do not need to be addressed by CEQA. Please see responses 12.2 and 13.7.

Response 14.6

The commenter reiterates concerns about compatibility, social justice, and the viability of business park uses.

Please see responses 12.2, 13.1, and 13.4 through 13.7.
Ms. Stephanie Diaz  
Contract Planner  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117  

Re: Comments on Draft EIR for PROPOSED Cortona Apartments, APN 073-140-016

Dear Ms. Diaz:

As the representative for the owners of the property at 6800 Cortona Drive, I am writing to voice our concern regarding the Draft EIR on the above referenced project. We feel that the EIR in its current form fails to accurately address the lack of compatibility with the surrounding Business Park, and in failing to address this issue, will create an environment that may prove harmful to either the potential future residents, or the businesses attempting to operate within their rights adjacent to the proposed residential project.

As with all of the other parcels in the “Santa Barbara Research and Light Industrial Park” (the Park), our building is in compliance with the original CC&R’s. According to the CC&R’s the only approved usage of the referenced parcel is “research and light industrial purposes”. The approved uses are further detailed within the CC&R’s and are very specific regarding what uses are approved, none of which includes residential usage. The intent of the CC&R’s was outlined as follows:

“The real property described here is subject to these Protective Covenants to insure proper use and appropriate development and improvement of each building sites against improper use of surrounding building sites which will depreciate the value of their property…”

With regards to our parcel, the only access to the 8.8+ acres referenced above is adjacent to our property. If the proposed project goes forward it would likely create conflicts with the approved, potential, and historical usage of our property. The permitted commercial uses allow for, manufacturing (welding, sawing, grinding), assembly, processing of drugs, metal plating and etching, idling truck traffic, loading/unloading, loud chillers, roof-top HVAC, large pressurized external tank storage, and high-intensity lighting.

The conflicts as outlined below are significant environmental impacts, and appear to be immitigable. Because of the lack of neighborhood compatibility this environmental impact should be increased to a Class 1 Environmental Impact:

- Many of the businesses located in the Park are government contractors working on high security projects, including defense contracts. Many in the area have voiced...
concern regarding the validity of their current security clearances granted by the Department of Defense if there are transient residential units located nearby.

- If Defense related industries (15%+ of the local market) are not able to occupy the adjacent properties, increases in lease-up times, coupled with lower rents due to a diminished tenant pool may cause upwards of 15-20% loss in value of the properties based on a cash-flow valuation, which is the standard way commercial properties are appraised. This constitutes an illegal reduction in value similar to the reduction in farm-land adjacent to schools etc.

- The permitted use of hazardous, noxious, or annoying materials and processes, current or potential, are likely to create grievances by the proposed residential neighbors which will have a negative effect upon the right to quiet enjoyment and future use by the tenants of the commercial properties.

- The permitted commercial use of hazardous, noxious, or annoying materials and processes are likely to cause a reduction in the quiet enjoyment of the residential property by its proposed tenants.

- The large commercial parking lots, railings, loading docks, etc. would become attractive nuisances to the young people residing in the apartments. In addition, vandalism and parking encroachment would require increased security and maintenance by the tenants/landlords, and potentially expose them to increased liability due to supposed negligence.

In reviewing the above areas of concern that will be brought about by this proposed project and the poor zoning which allows it, I do not understand how the proposed project can, “Ensure that any future residential development will not threaten the continued viability of the existing Business Park uses.” [Section 4.9, Table 4.9-1, LU 8.5, (b.) Coordinated Development Plan and Quality Design]. This lack of Compatibility directly threatens the viability of the surrounding properties, and is immitigable. Therefore this should rise to Class 1 Environmental Impact and the project and the parcels zoning should be subject to further evaluation and revision.

Sincerely,

Peter W. Goodell
Goodell Investments, LLC
General Partner
Santa Barbara Park Industrial, LP

Goodell Investments, LLC
425 Las Palmas Drive, Santa Barbara CA 93110
(805) 899-2626
Letter 15

COMMENTER: Peter W. Goodell, Goodell Investments, LLC (representative of the owners of the property at 6800 Cortona Drive)

DATE: March 26, 2014

This letter is identical to Comment Letter 14. Please see responses 14.1 through 14.6 as well as the responses to letters 12 and 13.
Re: Comments on Draft EIR for PROPOSED Cortona Apartments, APN 073-140-016

Dear Ms. Diaz:

As the representative for the owners of the property at 25 Castilian Drive, I am writing to voice our concern regarding the Draft EIR on the above referenced project. We feel that the EIR in its current form fails to accurately address the lack of compatibility with the surrounding Business Park, and in failing to address this issue, will create an environment that may prove harmful to either the potential future residents, or the businesses attempting to operate within their rights adjacent to the proposed residential project.

As with all of the other parcels in the “Santa Barbara Research and Light Industrial Park” (the Park), our building is in compliance with the original CC&R’s. According to the CC&R’s the only approved usage of the referenced parcel is “research and light industrial purposes”. The approved uses are further detailed within the CC&R’s and are very specific regarding what uses are approved, none of which includes residential usage. The intent of the CC&R’s was outlined as follows:

“The real property described here is subject to these Protective Covenants to insure proper use and appropriate development and improvement of each building sites against improper use of surrounding building sites which will depreciate the value of their property…”

With regards to our property, 25 Castilian is located to the east of the 8.8+ acres referenced above. If the proposed project goes forward it would likely create conflicts with the approved, potential, and historical usage of our property. The permitted commercial uses allow for, manufacturing (welding, sawing, grinding), assembly, processing of drugs, metal plating and etching, idling truck traffic, loading/unloading, loud chillers, roof-top HVAC, large pressurized external tank storage, external diesel generators, and high-intensity lighting.

The conflicts as outlined below are significant environmental impacts, and appear to be immitigable. Because of the lack of neighborhood compatibility this environmental impact should be increased to a Class 1 Environmental Impact:

- Many of the businesses located in the Park are government contractors working on high security projects, including defense contracts. Many in the area have voiced
concern regarding the validity of their current security clearances granted by the Department of Defense if there are transient residential units located nearby.

- If Defense related industries (15%+ of the local market) are not able to occupy the adjacent properties, increases in lease-up times, coupled with lower rents due to a diminished tenant pool may cause upwards of 15-20% loss in value of the properties based on a cash-flow valuation, which is the standard way commercial properties are appraised. This constitutes an illegal reduction in value similar to the reduction in farm-land adjacent to schools etc.

- The permitted use of hazardous, noxious, or annoying materials and processes, current or potential, are likely to create grievances by the proposed residential neighbors which will have a negative effect upon the right to quiet enjoyment and future use by the tenants of the commercial properties.

- The permitted commercial use of hazardous, noxious, or annoying materials and processes are likely to cause a reduction in the quiet enjoyment of the residential property by its proposed tenants.

- The large commercial parking lots, railings, loading docks, etc. would become attractive nuisances to the young people residing in the apartments. In addition, vandalism and parking encroachment would require increased security and maintenance by the tenants/landlords, and potentially expose them to increased liability due to supposed negligence.

In reviewing the above areas of concern that will be brought about by this proposed project and the poor zoning which allows it, I do not understand how the proposed project can, “Ensure that any future residential development will not threaten the continued viability of the existing Business Park uses.” [Section 4.9, Table 4.9-1, LU 8.5, (b.) Coordinated Development Plan and Quality Design]. This lack of Compatibility directly threatens the viability of the surrounding properties, and is immitigable. Therefore this should rise to Class 1 Environmental Impact and the project and the parcels zoning should be subject to further evaluation and revision.

Sincerely,

[Signature]

Peter W. Goodell
Goodell Investments, LLC
General Partner
SBR Associates, LP

Goodell Investments, LLC
425 Las Palmas Drive, Santa Barbara CA 93110
(805) 899-2626
Letter 16

COMMENTER: Peter W. Goodell, Goodell Investments, LLC (representative of the owners of the property at 25 Castilian Drive)

DATE: March 26, 2014

This letter is identical to Comment Letter 14. Please see responses 14.1 through 14.6 as well as the responses to letters 12 and 13.
March 26, 2014

VIA EMAIL AND U.S. MAIL

Ms. Stephanie Diaz
Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Cortona Apartments Project
Case No. 09-140-DP-GPA

Dear Stephanie:

As I have previously represented to you, I am part of a group of building owners in the Santa Barbara Research Park, all of whom own buildings adjacent to the vacant parcel where the above captioned project is proposed. We have been active in our opposition to these proposed apartments from its inception. I am writing to elaborate on those portions of the EIR which inadequately address salient issues.

First, there is absolutely nothing about a residential use in the middle of what is otherwise a fully developed business park that makes it compatible with the neighborhood. Currently, all of the existing buildings were built under strict architectural guidelines that established not only standards to the structures themselves but for proper setbacks, appropriate on-site parking, and generous landscaping. There are no three story structures, as at least four of the buildings are that are proposed. There are no setback modifications, as the applicant is proposing in order for accommodate parking. There are no walls between buildings, as the applicant has likely been forced to include in the design in an attempt to isolate the residents from the surrounding uses. Undoubtedly, uses which are currently permitted under current zoning in buildings adjacent to or near the subject property will come under attack from residents who feel threatened by them. Loading docks will be seen as attractive for skateboard use, thus inviting trespassing and potential serious injury. None of these conflicts can be mitigated. To build out a residential use is to invite a disastrous and contentious conflict that cannot be solved.
Second, there is a significant error in the traffic study when a comparative analysis is made of an alternative use. The assumption is that approximately 260,000 square feet of office/industrial space could be constructed. In fact, all of the existing buildings cover no more than 35% of the land in order to accommodate proper parking, landscaping, and setback requirements. Thus, no more than 135,000 commercial square feet could be built on this parcel.

Third, the proposed project does not meet current air quality standards for residential development. Studies have shown that living within 500 feet of freeway traffic is harmful, especially to youths. In fact, the City of Santa Barbara is not approving any residential development within 250 feet of the freeway for exactly this reason. Among the mitigation measures in the EIR is "closing windows." That is unacceptable.

Finally, the applicant, as noted above, has requested modifications in the setback requirements. None of the buildings in the park have any modifications in the setback requirements. All are well landscaped between buildings, and there are no needs for walls and/or fences separating the properties. The proposed needs setback modifications in order to provide the parking needed for 176 units. Further, the west property line of my property, which is adjacent to the east property line of the subject property, is lined with eucalyptus trees that will be destroyed by footings for a 6’ block walls such as is proposed.

My associates and I, all of whom are developers, have appeared before Planning Commissions and City Councils as Applicants our entire careers. It absolutely goes against our grain to stand in opposition to a development. However, the incompatibility of this proposed residential use in a business park that we helped develop is so egregious that we cannot sit silent. Any impartial planner who understands zoning and comprehensive planning would never approve of this development. We remain unbending in our opposition for all of the reasons outlined above.

Sincerely,

Thomas E. Luria
Letter 17

COMMENTER: Thomas E. Luria

DATE: March 26, 2014

Response 17.1

The commenter states opposition to the project and notes that his comment letter addresses issues that he believes the Draft EIR inadequately addresses. The opposition is noted. The commenter’s specific concerns are addressed in responses 17.2 through 17.6.

Response 17.2

The commenter states various concerns about the project’s visual compatibility with nearby properties. The commenter also suggests that current property owners will “come under attack” from residents and that loading docks on neighboring properties will invite trespass and injury. Finally, the commenter suggests that none of these conflicts can be mitigated.

Please see the responses to letters 12, 13, and 14.

Visual compatibility impacts are discussed in Draft EIR section 4.1, Aesthetics, and 4.9, Land Use and Planning. Additionally, text has been added to that section and Section 4.9 to clarify the project’s design and relation to area buildings. The proposed project would not adversely affect the visual character of the area by introducing buildings with both similar and varied architectural elements. Four of the eight proposed buildings at the front of the site on Cortona Drive would be two stories in height, similar to most buildings in the business park. The overall massing on the project site would be comparable to that of surrounding development with simple rectangular forms and many flat roofs. Additionally, the project would not impair views of scenic resources from designated view corridors. These potential aesthetic impacts were, therefore, determined to be less than significant under CEQA. Lighting impacts were found to be potentially significant, but proposed lighting specifications would reduce such impacts to a less than significant level.

It should also be noted that overall development intensity on nearby properties is generally similar to that of the proposed project. For example, development at 26 Castilian Drive includes approximately 76,696 square feet of building area on a 4.91-acre lot, development at 50 Castilian Drive includes approximately 43,277 square feet of building area on a 3.35-acre lot, and 6740 Cortona Drive includes approximately 57,933 square feet of building area on a 3.14-acre lot. Development on all three of these properties includes two-story buildings of 25 feet or more in height. These properties are shown on figures 4.1-2(b) and 4.1-2(c) in the Final EIR.

Issues related to the use of loading docks by project residents are discussed in Response 13.7.

The opinion that compatibility conflicts cannot be mitigated is noted. However, no evidence refuting the analysis contained in the Draft EIR has been identified or provided. The impacts expressed in this comment are speculative including attacks from residents on existing business park uses, attractive nuisances and trespass on existing business park development and therefore not an impact under CEQA. Architectural compatibility is discussed in section 4.1, Aesthetics, and 4.9, Land Use and Planning, as well
as in Response 17.2. As discussed in responses 12.2 and 13.1, Section 4.7 of the Final EIR has been revised to clarify that the overall risk of hazardous material upset at the project site (including the risk from area business, U.S. 101, the UPRR, and the nearby gas pipeline) is considered significant and unavoidable. This determination is based on the potentially catastrophic consequences of such an incident even though the probability of an incident is extremely low. This finding is consistent with the finding in the City’s General Plan EIR. Nevertheless, the City considered land use and zoning designations for vacant parcels, including the project site when the General Plan was adopted and found the residential designation and zoning to be appropriate.

Response 17.3

The commenter suggests that Alternative 5, Business Park Development, discussed in Draft EIR Section 6.0, Alternatives, should include no more than 135,000 square feet of development.

This issue is addressed in a previous response. Please see Response 12.8.

Response 17.4

The commenter states concerns about air quality due to the proximity of the proposed residential development to U.S. 101 and suggests that a mitigation measure related to “closing windows” is unacceptable. The Draft EIR identifies potentially significant, but mitigable health risk impacts associated with proximity to U.S. 101 and the UPRR (see Section 4.2, Impact AQ-4) as well as unavoidably significant risk of upset impacts related to the potential for a hazardous material release (see Section 4.7, Impact HAZ-2). Measure AQ-4 does not require closing windows. Rather, the measure requires the installation of forced air ventilation with filter screens on outside air intake ducts for all residential units proposed on the project site. The filter screens must be capable of removing at least 85% of the particulate matter, including fine particulate matter (PM<2.5 micron). To maximize the effectiveness of these units windows would need to be closed; however, the measure does not require residents to close windows. Also, please see responses 12.2, 12.3, and 13.1.

Response 17.5

The commenter notes that the applicant has requested setback modifications and suggests that the block walls proposed along the east property line would destroy eucalyptus trees on the adjacent property.

The applicant has requested setback modifications for carports along the east and west side yard setbacks, but no evidence suggesting that such modifications would create significant environmental impacts has been identified or provided. The block walls along the property lines would need to be designed in such manner as to not adversely affect trees and other landscape elements on adjacent properties. A sentence regarding this issue has been added to Impact LU-2 in Section 4.9, Land Use and Planning. In addition, a condition of approval regarding wall design has been added.

Response 17.6

The commenter reiterates concerns about the compatibility of the project with surrounding uses. Please see responses 17.2 through 17.5.
March 26, 2014

VIA EMAIL AND U.S. MAIL

Ms. Stephanie Diaz
Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Re: Cortona Apartments Project
Case No. 09-140-DP-GPA

Dear Stephanie:

As I have previously represented to you, I am part of a group of building owners in the Santa Barbara Research Park, all of whom own buildings adjacent to the vacant parcel where the above captioned project is proposed. We have been active in our opposition to these proposed apartments from its inception. I am writing to elaborate on those portions of the EIR which inadequately address salient issues.

First, there is absolutely nothing about a residential use in the middle of what is otherwise a fully developed business park that makes it compatible with the neighborhood. Currently, all of the existing buildings were built under strict architectural guidelines that established not only standards to the structures themselves but for proper setbacks, appropriate on-site parking, and generous landscaping. There are no three story structures, as at least four of the buildings are that are proposed. There are no setback modifications, as the applicant is proposing in order for accommodate parking. There are no walls between buildings, as the applicant has likely been forced to include in the design in an attempt to isolate the residents from the surrounding uses. Undoubtedly, uses which are currently permitted under current zoning in buildings adjacent to or near the subject property will come under attack from residents who feel threatened by them. Loading docks will be seen as attractive for skateboard use, thus inviting trespassing and potential serious injury. None of these conflicts can be mitigated. To build out a residential use is to invite a disastrous and contentious conflict that cannot be solved.
Second, there is a significant error in the traffic study when a comparative analysis is made of an alternative use. The assumption is that approximately 260,000 square feet of office/industrial space could be constructed. In fact, all of the existing buildings cover no more than 35% of the land in order to accommodate proper parking, landscaping, and setback requirements. Thus, no more than 135,000 commercial square feet could be built on this parcel.

Third, the proposed project does not meet current air quality standards for residential development. Studies have shown that living within 500 feet of freeway traffic is harmful, especially to youths. In fact, the City of Santa Barbara is not approving any residential development within 250 feet of the freeway for exactly this reason. Among the mitigation measures in the EIR is “closing windows.” That is unacceptable.

Finally, the applicant, as noted above, has requested modifications in the setback requirements. None of the buildings in the park have any modifications in the setback requirements. All are well landscaped between buildings, and there are no needs for walls and/or fences separating the properties. The proposed needs setback modifications in order to provide the parking needed for 176 units. Further, the west property line of my property, which is adjacent to the east property line of the subject property, is lined with eucalyptus trees that will be destroyed by footings for a 6’ block walls such as is proposed.

My associates and I, all of whom are developers, have appeared before Planning Commissions and City Councils as Applicants our entire careers. It absolutely goes against our grain to stand in opposition to a development. However, the incompatibility of this proposed residential use in a business park that we helped develop is so egregious that we cannot sit silent. Any impartial planner who understands zoning and comprehensive planning would never approve of this development. We remain unbending in our opposition for all of the reasons outlined above.

Sincerely,

[Signature]

Thomas E. Luria
VIA EMAIL AND U.S. MAIL

As I have previously represented to you, I am part of a group of building owners in the Santa Barbara Research Park, all of whom own buildings adjacent to the vacant parcel where the above captioned project is proposed. We have been active in our opposition to these proposed apartments from its inception. I am writing to elaborate on those portions of the EIR which inadequately address salient issues.

First, there is absolutely nothing about a residential use in the middle of what is otherwise a fully developed business park that makes it compatible with the neighborhood. Currently, all of the existing buildings were built under strict architectural guidelines that established not only standards to the structures themselves but for proper setbacks, appropriate on-site parking, and generous landscaping. There are no three story structures, as at least four of the buildings are that are proposed. There are no setback modifications, as the applicant is proposing in order for accommodate parking. There are no walls between buildings, as the applicant has likely been forced to include in the design in an attempt to isolate the residents from the surrounding uses. Undoubtedly, uses which are currently permitted under current zoning in buildings adjacent to or near the subject property will come under attack from residents who feel threatened by them. Loading docks will be seen as attractive for skateboard use, thus inviting trespassing and potential serious injury. None of these conflicts can be mitigated. To build out a residential use is to invite a disastrous and contentious conflict that cannot be solved.

Second, there is a significant error in the traffic study when a comparative analysis is made of an alternative use. The assumption is that approximately 260,000 square feet of office/industrial space could be constructed. In fact, all of the existing buildings cover no more than 35% of the land in order to accommodate proper parking, landscaping, and setback requirements. Thus, no more than 135,000 commercial square feet could be built on this parcel.

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My associates and I, all of whom are developers, have appeared before Planning Commissions and City Councils as Applicants our entire careers. It absolutely goes against our grain to stand in opposition to a development. However, the incompatibility of this proposed residential use in a business park that we helped
develop is so egregious that we cannot sit silent. Any impartial planner who understands zoning and comprehensive planning would never approve of this development. We remain unbending in our opposition for all of the reasons outlined above.

Thomas E. Luria

Thomas Luria
114 E. De La Guerra, Suite 4
Santa Barbara, CA 93101
(805) 966-5823 office
(805) 899-2706 facsimile
tel@thomasluria.com
Good Afternoon:

I am part of a group of building owners in the Santa Barbara Research Park, all of who own buildings adjacent to the vacant parcel where the above captioned project is proposed. We have been active in out opposition to this project from its inception.

As you are aware, a hearing before the planning commission to review the EIR and listen to public comments is this Wednesday. I would appreciate it if you could contact me and give me the opportunity to speak with you. There are so many aspects of this proposal which are completely incompatible with the surrounding uses that it is too numerous to go into here. What we all know is that we either built, or in the case of others, acquired buildings in this research and development park that was master planned by the County of Santa Barbara as such. The proposed residential use is beyond the worst kind of planning, but rather it reflects no planning.

I may be contacted either at this e-mail or my cell phone (452-4810).

I appreciate the courtesy of your time.

Tom Luria

Thomas Luria
114 E. De La Guerra, Suite 4
Santa Barbara, CA 93101
(805) 966-5823 office
(805) 899-2706 facsimile
tel@thomasluria.com
Letter 18

COMMENTER: Thomas Luria

DATE: March 17, 2014

The commenter states various concerns about the project and requests a meeting with City staff to discuss concerns about the project.

The specific environmental concerns raised by the commenter are addressed in the response to Letter 17. This request for a meeting does not directly pertain to the Draft EIR analysis or conclusions. The meeting occurred on March 19, 2014.
City of Goleta,
I would like to express my concerns over the massive density issue that this project presents.
This proposal includes way, way too many people!
Too many cars! Too much noise!
What is going on in our beautiful, quiet town?
Why are low-quality, high density living projects like this even being considered?
Is someone getting paid off from the City of Santa Barbara to take all of the shit developing required by the State?
Please excuse my strong language, but seriously - this is criminal.
I beg you to think about it - once it is developed it is never returned to nature. The view is destroyed FOREVER. The birds and animals are gone - the concrete suffocates all life.
What will Goleta have to offer?
Oh, right. A paved creek leading to the beach! Good job!
I urge you all to stop this rampant growth.
Save our City!!!
Thank you.
Letter 19

COMMENTER: Dawn O’Brien

DATE: March 18, 2014

The commenter states concerns about the project’s impacts from traffic and noise as well as to wildlife and “a paved creek leading to the beach.”

Biological resources impacts and mitigation measures are addressed in Draft EIR Section 4.3, Biological Resources. The proposed project does not involve paving of any creek.
Dear Ms. Diaz,

I am writing to provide early comments on the Cortona Apartments Project EIR. I want to be clear that my comments in no way express my judgment on the merits of this project. Rather, my comments are aimed exclusively at technical aspects of the EIR. As delineated and explained below, I believe that the EIR makes a finding that is not supported by facts and evidence contained within EIR. Consequently, the finding is not supportable by any facts presented. The finding in question is Impact AQ-4 on page 4.2-11 of the EIR.

Impact AQ-4 states, “[n]ew sensitive receptors on the project site would be exposed to hazardous air pollutants at levels that may cause health risks. The proposed residences closest to U.S. 101 and Union Pacific Railroad...would be exposed to hazardous air pollutants that exceed significance thresholds. This impact would be Class II, significant but mitigable.” The first two sentences of the foregoing quoted statement are supported by evidence cited in the EIR. However, the statement that the impact is mitigable is not supported by the evidence, facts, and recommendations provided in the EIR.

As the EIR reports, The Air Quality and Land Use Handbook: A Community Health Perspective (June 2005) that was issued by the California Air Resources Board recommends that sensitive land uses such as residences, schools, day care centers, playgrounds, and medical facilities should not be sited within 500 feet of:

- A freeway
- Urban roads with 100,000 or more vehicles/day
- Rural roads with 50,000 or more vehicles/day

The reason for this recommendation is that many studies show that living in proximity to freeways and other high traffic roadways leads to adverse health effects beyond those associated with regional air pollution. A number of studies that focused on children have found slower lung development and significant increases in the incidence of lung disease, such as asthma, bronchitis, and decreased lung function, in children who live or attend school near heavily travelled roadways. In addition to children, seniors, and people with heart and lung conditions are considered particularly sensitive to the effects of air pollution. Residence in high-traffic areas has been shown to increase the risk of mortality within a cohort of male veterans. The results of health studies suggests that it is important to avoid exposing children and other sensitive populations to the elevated air pollution levels near freeways and other high traffic roads. While particulate pollution is suspected as contributing the most to the adverse health effects, studies have not yet determined which specific pollutants and sources (cf. diesel particulate, re-entrained roadway dust particulate, NO2 vehicle exhaust, diesel trucks vs. gasoline cars, &c.) are responsible. Additional studies are underway. While significant adverse health effects were observed in children who lived within 1,500 feet of a freeway, the studies indicate a substantial benefit to a 500 foot separation. It is important to note that while adverse health effects were linked to residing in proximity to freeways and other high-traffic roadways, it was not determined in those health studies which pollutants and at what concentrations were responsible for producing the health effects measured by the studies. Consequently, the only measure currently recognized to mitigate the health effects measured in the studies is the recommendation to avoided siting residences within 500 feet of a freeway or other high-traffic roadways as defined. I have attached a document that was prepared by the Santa Barbara County Air Pollution Control District that
provides guidance on this matter and includes background and citations of the studies on which the recommendations are base.

The EIR conducted a health risk assessment, using accepted risk assessment tools (i.e., the HARP model) for a number of pollutants. However, it does not follow that this risk assessment provides a comprehensive analysis of all the pollutants generated by freeway traffic in such a manner as to characterize the entire level of risk of living within 500 feet of said freeway. Consequently, while the mitigation measures recommended in the EIR (e.g., forced air ventilation with filter screens on outside air intake ducts) may or may not reduce the risks identified by the health risk assessment model, there is no evidence to suggest that the mitigation measures would be effective at protecting residents from the health effects measured in the health studies on which the California Air Resources Board’s recommendations are based. The only mitigation currently supported by the health studies would be the 500 foot buffer recommended by the California Air Resources Board policy. Therefore, it is not correct for the EIR to conclude that the risk from living within 500 feet of the freeway is “mitigable.”

Once again, these comments in no way address the merits the Cortona Apartments Project and are aimed exclusively on narrow technical aspect of the EIR that the comments address. If you have any question regarding my comments or would like to discuss them further, please contact me via e-mail or call me at (805) 451-6541.

Sincerely,

Terry Dressler
Public Health and High Traffic Roadways

California Air Resources Board Recommended Policy:
Sensitive land uses such as residences, schools, day care centers, playgrounds, and medical facilities should not be sited within 500 feet of:

- A freeway
- Urban roads with 100,000 or more vehicles/day
- Rural roads with 50,000 or more vehicles/day

(Ref. "Air Quality and Land Use: A Community Health Perspective." California Air Resources Board. April 2005)

Reason for the Policy:
Many studies show that living in proximity to freeways and other high traffic roadways leads to adverse health effects beyond those associated with regional air pollution. A number of studies that focused on children have found slower lung development and significant increases in the incidence of lung disease, such as asthma, bronchitis, and decreased lung function, in children who live or attend school near heavily travelled roadways. In addition to children, seniors, and people with heart and lung conditions are considered particularly sensitive to effects of air pollution. Residence in high-traffic areas has been shown to increase the risk of mortality within a cohort of male veterans.

Health Studies:
The results of health studies suggests that it is important to avoid exposing children and other sensitive populations to the elevated air pollution levels near freeways and other high traffic roads. While particulate pollution is suspected as contributing the most to the adverse health effects, studies have not yet determined which specific pollutants and sources (cf. diesel particulate, re-entrained roadway dust particulate, NO2 vehicle exhaust, diesel trucks vs. gasoline cars, &c.) are responsible. Additional studies are underway. While significant adverse health effects were observed in children who lived within 1,500 feet of a freeway (Gauderman, 2007), the studies indicate a substantial benefit to a 500 foot separation (McConnell, 2006).

Key Findings:
- Reduced lung function in children is associated with traffic density within 1,000 feet and the strongest association is within 300 feet of the roadway. (Bruneckreef, 1997)
- Children living within 550 feet of heavy traffic have more medical visits than children who live further away from traffic. (English, 1999)
- Increased asthma hospitalizations are associated with living within 650 feet of heavy traffic. (Lin, 2000)
- Asthma symptoms increase with proximity to roadways and the risk is greatest within 300 feet. (Venn, 2001)
- Asthma and bronchitis symptoms in children are associated with proximity to high traffic in a community with good overall regional air quality. (Kim, 2004)
- Children living within 150 – 200 meters (~450 feet – 600 feet) of heavy traffic have higher rates of asthma than children living further away from traffic. (McConnell, 2006)
- Children living within 500 meters (~1,500 feet) of heavy traffic have significantly slower lung development than children living further away from traffic. (Gauderman, 2007)
- Survival of members of the Washington University-EPRI Veterans Cohort is strongly and robustly associated with county-average levels of traffic related air pollution and mortality relationships are stronger in the counties with higher levels of traffic density. (Liptfert et al, 2009)

Applicability to Santa Barbara County:
The studies covered children in a variety of urban environments living in proximity to roadways covering a wide spectrum of traffic volumes. The adverse health effects were measured at traffic volumes as low as 41,000 vehicles per day (English) and between 80,000 and 150,000 vehicles per day (Bruneckreef). Highway 101, through Santa Barbara County, experiences traffic volumes within the range where health effects have been observed. Also, some parts of Highway 101 see over 7000 diesel trucks per day.
Furthermore, running parallel to Highway 101 through the southern portion of Santa Barbara County is a rail corridor that contributes significantly to the pollution levels near the highway (cf., rail contributes an additional 10% or 0.07 tons per day to mobile source generated PM10 emissions in Santa Barbara County).

2012 Average Daily Traffic (ADT) Volumes for Highway 101 (Caltrans):
US 101 at Storke = 63,600 ADT (Back)
US 101 at Highway 150 = 64,000 ADT
US 101 at Las Positas/Route 225 = 130,000 ADT
US 101 at Highway 166, Santa Maria = 57,400 ADT

Conclusion:
In order to protect the public health, especially the health of children, from the adverse effects of air pollutants generated by traffic on Highway 101, land use policies should prohibit the construction of new residences, schools, day care centers, playgrounds, and medical facilities within 500 feet of Highway 101. No other roadways in Santa Barbara County currently have estimated traffic volumes at the magnitude for which the proximity studies have identified adverse health effects.

References:
Roseville Rail Yard Study. California Air Resources Board (October 2004).
“2007 Clean Air Plan.” Santa Barbara County Air Pollution Control District (August 2007).
“2007 Travel Trends Report for Santa Barbara County.” Santa Barbara County Association of Governments. (December 2007)
Letter 20

COMMENTER:  Terry Dressler

DATE:  February 25, 2014

The commenter states disagreement with the Draft EIR’s conclusion that health risk impacts associated with air quality in proximity of the proposed development to U.S. 101 can be mitigated to below a level of significance.

While the commenter is correct that both the California Air Resources Board and the Santa Barbara County APCD recommend siting of residences at least 500 feet from freeways such as U.S. 101, this recommendation is not a regulatory standard. New text from the Santa Barbara County APCD has been added to Section 4.2, Air Quality, that recaps the results of existing health studies in their paper “Public Health and High Traffic Roadways.” This paper states that studies have not yet determined which specific freeway related pollutants contribute to adverse health effects and indicates that additional studies are underway.

The environmental impact associated with placing residences near a freeway relates to the health risk to which residents would be exposed. To that end, a health risk assessment (HRA) was conducted as part of the Draft EIR analysis to compare potential health risks to APCD-recommended thresholds. As discussed in Section 4.2, Air Quality, (Impact AQ-4), the HRA concluded that the carcinogenic health risk for lifetime residency exceeds the SBCAPCD-recommended health risk criterion for a 70-year residency of ten excess cases of cancer in one million individuals (1.0E-05). Consequently, health risk impacts were identified as potentially significant. As discussed under Impact AQ-4, the HRA is based on outdoor air pollutant concentrations and conservatively assumes that interior concentrations would be the same. However, because residents spend the majority of time indoors, long-term cancer risk associated with exposure to air pollutants can be substantially reduced by limiting indoor exposure. Therefore, the Draft EIR includes a mitigation measure requiring forced air ventilation with filter screens on outside air intake ducts. This was determined to reduce the excess cancer risk to below the APCD-recommended 10 in one million threshold for a 70-year residency. Mitigated cancer risks are shown in Table 4.2-6.
March 19, 2014

Ms. Stephanie Diaz, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Dear Ms. Diaz:

SCH#2010071061 DEIR CORTONA APARTMENTS PROJECT

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the Draft Environmental Impact Report for the above referenced project. The Division has no jurisdiction or statutory responsibility for the project. DOGGR is mandated by Section 3106 of the Public Resources Code to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells. This is for the purposes of preventing: 1) damage to life, health, property, and natural resources; 2) damage to underground and surface waters suitable for irrigation or domestic use; 3) loss of oil, gas, or reservoir energy; and 4) damage to oil and gas deposits by infiltration of water and other causes.

The Division has a record of three wells drilled within or in close proximity to the Cortona Apartments project area. The following map shows the approximate location of those wells, all drilled by Chevron U.S.A. Inc and subsequently plugged and abandoned in the 1940’s. While the wells were plugged to meet the standards applicable in the 1940’s, they do not meet current Division regulations.

The first well, “Bishop” A-1, was drilled to a total depth of 4350 feet. The well location was given as 805 feet north and 1706 feet east of the center line and intersection of Glen Annie Road and Highway 101 (circa 1940’s) in Section 13, Township 4N, Range 29W, San Bernardino B&M. The second well, “Bishop” A-2, was drilled to a total depth of 3025 feet. Measured from the same location as “Bishop” A-1, the well location is given as 1771 feet north and 1476 feet east in Section 13, Township 4N, Range 29W, San Bernardino B&M. The last well, “Bishop” A-3, was drilled to a total depth of 3239 feet. Again measured from the same location, the well location is given as 1134 feet north and 1603 feet east in Section 13, Township 4N, Range 29W, San Bernardino B&M.
The Division recommends that each well’s potential location be determined relative to proposed building footprints and building activity within the Cortona project. If found to be on the project site, the Division recommends that the wells be located, exposed, and tested to ensure there is no detectable leakage. The Division should be contacted to witness the testing activity. A recommendation to upgrade the plugging and abandonment condition of the well(s) would be made after reviewing the locations relative to land use along with testing results. In addition, the Division does not recommend that structures be placed in a manner that would impede future access to the well(s).

The Division has no documentation regarding the location of oil sumps, storage tanks, pipelines or other infrastructure commonly associated with oil production in the 1940’s. While the Division has no report of oil production from the above mentioned wells, equipment attendant to oilfield operations may be encountered during excavation of the area.

If you have any questions, please contact our district office at 805 937-7246

Sincerely,

Patricia A. Abel  
District Deputy

cc: CEQA - Unit

APPROMXIMATE WELL LOCATIONS
Letter 21

**COMMENTER:** Patricia A. Abel, District Deputy, California Department of Conservation

**DATE:** March 19, 2014

The commenter notes that three oil/gas wells that are plugged and abandoned are located in the vicinity of the project site and suggests that each well’s location should be determined.

The Phase I Environmental Site Assessment (ESA) prepared for the project site and included in Appendix F of the Draft EIR identifies all three of the wells identified by the commenter and notes that none of the three are located on the project site. As noted in the Phase I ESA, all three wells are a minimum of 150 feet from the project site. Records indicate that all three wells were dry holes and have been abandoned and plugged.
May 29, 2014

Ms. Jennifer Carman
Ms. Stephanie Diaz
Planning and Environmental Review
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

Re: Housing Element Update's Impact on Cortona Apartment Project

Dear Jennifer and Stephanie:

As you know, I represent a group of property owners in the Santa Barbara Business Park surrounding the Cortona Apartment Project. During the public comment period for the Draft EIR on that project, I submitted comments concerning the many adverse impacts which we feel will occur if housing is developed in the midst of the existing manufacturing research park. One of the items which was not addressed in the EIR, however, was whether the need for housing on this site still exists. The recent hearings on the Housing Element Update included information on the Regional Housing Needs Assessment which indicated that fewer housing units are needed to meet the City’s goal than the number of units estimated in the previous RHNA. The analysis also demonstrated that the main need was for low and very low housing, especially for the elderly, a need which will not be met by the proposed Cortona apartment project.

My clients have long maintained that this site is inappropriate for housing, is environmentally inferior to other residentially zoned sites, and that the bonus density designation for this property, without concomitant income or rental restrictions, is contrary to governing law. In light of the new needs assessment, this designation seems to be even more out of place with sound community planning, particularly given the negative impacts to the future residents caused by the placement of housing adjacent to the railroad tracks and freeway, and the resulting Class I impacts. We urge you to delay...
Ms. Jennifer Carman
Ms. Stephanie Diaz
May 29, 2014
Page two

further action on the Cortona EIR until the Housing Element update has been completed and a thorough analysis of the need for additional housing on this property can be properly evaluated, particularly as a finding of overriding considerations will be impossible to support if this site is not needed for housing.

Thank you.

Sincerely,

[Signature]

Kathleen M. Weinheimer
Letter 22

COMMENTS: Kathleen M. Weinheimer, Attorney at Law

DATE: May 29, 2014

The commenter notes that the City’s Housing Element is currently being updated and that the new Regional Housing Needs Assessment (RHNA) indicates that fewer housing units are needed to meet the City’s goal than were identified in the last RHNA upon which the current Housing Element is based. The commenter also states that the bonus density designation for the project site should have income or rental restrictions. Based on these facts, the commenter suggests that further action on the proposed project should be delayed until the Housing Element update is completed.

The Draft EIR identifies one of the applicant’s objectives for the project to provide work-force housing (see Section 2.0, Project Description). However, it is not the EIR’s purpose to justify the need for the proposed project. The need for housing is not an environmental issue that is within CEQA’s purview. Additionally, the project is not a bonus density project which would require rental rate restrictions. It is proposed within the density allowed in the zoning and Affordable Housing Opportunity Site designation which requires a density of 20 to 25 units per acre. The project is consistent with this density requirement at 21.2 units per acre. Tenants with a diversity of incomes may rent the proposed units.
April 2, 2014

Lisa Prasse  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Subject: Cortona Apartments; 09-140-DP/10-099-OA  
SCH#: 2010071061

Dear Lisa Prasse:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 1, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

[Signature]

Scott Morgan  
Director, State Clearinghouse
Document Details Report
State Clearinghouse Data Base

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**Lead Agency Contact**

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Agency</td>
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<tr>
<td>Phone</td>
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<td>email</td>
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<tr>
<td>Address</td>
<td>130 Cremona Drive, Suite B</td>
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<td>Zip</td>
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**Project Location**

| County    | Santa Barbara |
| City      | Goleta |
| Region    |             |
| Lat / Long| 34° N / 119° 52.1' W |
| Cross Streets | Hollister Avenue/Cortona Drive |
| Parcel No. | 073-140-016 |
| Township  |             |
| Range     |             |
| Section   |             |
| Base      |             |

**Proximity to:**

- **Highways**: US Hwy 101/SR 217
- **Airports**: Santa Barbara Municipal
- **Railways**: Southern Pacific
- **Waterways**: Pacific Ocean, Devereux Slough, Goleta Slough, Lake Los Carneros, Creeks, Devereux, Tecolotl, Los Car
- **Schools**: UC Santa Barbara, Dos Pueblos HS, Goleta Valley Jr. HS, Ellwood ES...
- **LU**: R-MD; Medium Density Residential
- **Z**: DR-20; Design Residential, 20 units/acre

**Project Issues**: Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies**: Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission
Document Details Report
State Clearinghouse Data Base

Date Received  02/14/2014  Start of Review  02/14/2014  End of Review  04/01/2014
Letter 23

COMMENTER: Scott Morgan, Director, State Clearinghouse

DATE: April 2, 2014

The commenter indicates that the City has complied with State Clearinghouse review requirements for CEQA environmental documents. No response is necessary.
April 2, 2014

Lisa Prasse
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Cortona Apartments; 09-140-DP/10-099-OA
SCH#: 2010071061

Dear Lisa Prasse:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 1, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency
**Document Details Report**
**State Clearinghouse Data Base**

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**Type**  EIR  Draft EIR

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**Lead Agency Contact**
- **Name**: Lisa Prasse
- **Agency**: City of Goleta
- **Phone**: 805 961 7542
- **Address**: 130 Cremona Drive, Suite B, Goleta, CA
- **State**: CA  **Zip**: 93117

**Project Location**
- **County**: Santa Barbara
- **City**: Goleta
- **Region**:

**Cross Streets**: Hollister Avenue/Cortona Drive
- **Lat / Long**: 34° N / 119° 52.1' W
- **Parcel No.**: 073-140-016

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April 1, 2014

Stephanie Diaz, Contract Planner
City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117
sdiaz@cityofgoleta.org

Subject: Draft Environmental Impact Report for the Cortona Apartments Project, Santa Barbara County, SCH # 2010071061

Dear Ms. Diaz,

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) involves a Development Plan for 176 apartments, contained within eight residential buildings, on an 8.8 acre site located at 6830 Cortona Drive within the City of Goleta (City), Santa Barbara County. The Project also includes 330 parking spaces, a clubhouse/rental office building, a pool/spa, a maintenance building, and a recreation area for a volleyball court or similar facility. An eight-foot high masonry sound wall is proposed along the northern site boundary. The Project site is bounded on the north by the Union Pacific Railroad and U.S. Highway 101, on the east and west by existing business park development and on the south by Cortona Drive and business park development.

Habitat types described in the DEIR with the potential to be impacted by the project include coastal sage scrub, California native oak woodland, and native grassland habitats. The City General Plan/Coastal Land Use Plan (Plan) identified and mapped a sage scrub Environmentally Sensitive Habitat Area (ESHA) located along the northern boundary of the Project site, adjacent to the railroad corridor (Figure 4-1, Goleta General Plan; City of Goleta, 2005).

Project impacts include the removal of bird nesting habitat, including 12 mature coast live oak trees (Quercus agrifolia) and several non-native trees; the removal of approximately 8 acres of raptor foraging grassland habitat; and the removal of less than an acre of coastal sage scrub ESHA. Measures proposed in the DEIR to mitigate impacts to biological resources include a tree protection and replacement plan, a prohibition on planting invasive non-natives for landscaping, and pre-construction surveys for nesting birds.

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).

Conserving California’s Wildlife Since 1870
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 Project as proposed will increase these identified stressors to wildlife within the local area and further contribute to cumulative regional losses of wildlife habitat function and values within this portion of the Santa Barbara County coast.

Impacts to Sensitive Biological Resources

Mapped sage scrub ESHA
Approximately 0.8 acres of mapped coastal sage scrub ESHA occurring on the Project site would be removed as the result of the Project. A biological report prepared in 2009 for the Project concluded the mapped ESHA, dominated by coyote brush, should not have been classified as coastal sage scrub, and therefore does not qualify as ESHA, as defined by the City. The biological assessment (BA) conducted for the Project in 2013 also states that the coyote brush habitat in the mapped ESHA does not constitute coastal sage scrub or any other unique, rare, or fragile community.

The Department does not agree with the conclusion in the DEIR that there is no sage scrub ESHA on the Project site. Coyote brush dominated habitats in the coastal zone are considered a type of coastal sage scrub (Sawyer et al. 2008). The Plan recognizes that coyote brush is a component of coastal sage scrub (Plan Policy CE 5.3). Coyote brush itself is a particularly valuable component of coastal ecosystems; this species is one of the last to flower in fall, and sustains a remarkable diversity of native insects reliant upon it for pollen, nectar, and other features required to complete their life cycle. For example, Tilden (1951) documented 221 species of insects utilizing coyote brush for some aspect of their life cycle.

The wealth of insects found on coyote brush interacts with other species in their environment, and are foundational to the food chain which sustains native birds and reptiles. Coyote brush provides a late-season food source for over-wintering insects such as monarch butterflies (Danaus plexippus), a declining butterfly which has winter roosts in coastal Santa Barbara County.

Mexican elderberry (Sambucus nigra subsp. caerulea) also was observed by Department staff in the mapped ESHA and nearby woodland. This plant is very valuable to wildlife and despite the current extreme drought, was recently observed on the Project site flowering and producing berries which sustain many bird species.

The Department therefore recommends the onsite mapped coyote brush-dominated ESHA be retained and protected in place. This stand can continue to provide important habitat values to birds and insects as it is adjacent to the railroad corridor which serves as a type of wildlife movement corridor.
Oak Woodland
Department staff recently examined the coast live oak woodland located on the eastern edge of the Project site, along with other large trees on the adjacent property. In addition to the 12 larger oaks noted in the DEIR, numerous smaller coast live oaks were observed on the Project site, indicating conditions are suitable for natural recruitment and replacement over time.

According to the DEIR, the coast live oak trees on the Project site are not associated with other understory and woodland species and therefore cannot be collectively identified as oak woodland ESHA. Department staff, however, observed an extremely large Mexican elderberry with two immense trunks in the oak area. The elderberry appeared to be of great age and habitat value. It was estimated to be at least 24 feet tall; despite the severe drought, it was in full bloom and producing fruits. Mexican elderberry is an important berry producing shrub/tree and considered a component of mesic coast live oak woodlands (Sawyer, et al. 2008). Based upon this information and conditions onsite, the Department finds the eastern edge of the Project site where coast live oaks are growing is in fact coast live oak woodland and therefore should be considered ESHA; the area should be protected in place so that it can continue to provide important habitat functions, and should remain connected to the coyote brush ESHA to maximize wildlife access and benefits.

Native Grassland
According to the 2013 BA, purple needlegrass (*Nassella pulchra*) was found on about 2,000 square feet at the southwestern corner of the Project site. The BA noted reduced percent coverage of purple needlegrass in this area. The DEIR states, "Although purple needlegrass was observed within the project boundary, there is (sic) not enough individual species present to be collectively identified as a foothill grassland habitat." The DEIR concluded there to be no grassland ESHA on the Project site.

The Department disagrees with this conclusion. Although Department staff did not specifically examine the grassland area identified in the BA, they observed an extensive patch of grassland dominated by purple needle grass in the central area of the project site that appears to have not been identified in the DEIR and associated biological surveys. Department staff estimated this patch of purple needlegrass to be approximately 3400 square feet in size, with an additional 500 square feet patch located about 40 feet away from the larger patch. Based upon this information, the Department finds this area also meets the definition of ESHA.

Consistency with Existing Goleta General Plan Policies

The DEIR contains, in Table 4.9-1, an analysis of the Project's consistency with policies contained in the Conservation Element of the Plan. The Guiding Principles and Goals of the Conservation Element of the Plan begin:

>"The policies of the Conservation Element are designed to preserve and protect Goleta’s environmental resources, including valuable habitat areas, to the maximum extent feasible while allowing reasonable development in conformance with the provisions of the Land Use Element."
Conservation Element Policy CE 1.6 Protection of ESHAs:

"ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers."

The proposed removal of sage scrub ESHA from the Project site is an action which was determined in the DEIR to be consistent with Policy CE 1.6. The explanation for this consistency was:

"Although the project site contains a City of Goleta mapped ESHA, the habitat is no longer present within the project boundary or immediately adjacent areas."

For the reasons outlined above, the Department disagrees with the conclusion in the DEIR that the mapped ESHA on site does not qualify as ESHA, and that the habitat is no longer present. The Department believes the proposed removal of sage scrub ESHA would therefore render the Project inconsistent with Conservation Element Policy CE 1.6.

Conservation Element Policy CE 1.5 Corrections to Map of ESHAs

"If a site-specific biological study contains substantial evidence that an area previously shown as an ESHA on Figure 4-1 does not contain habitat that meets the definition of an ESHA for reasons other than that set forth in CE 1.4, the City biologist and the Planning Commission shall review all available information and determine if the area in question should no longer be considered an ESHA and therefore not be subject to the ESHA protection policies of this plan. If the final decision-making body determines that the area is not an ESHA, a map modification shall be included in the next Coastal Land Use Plan amendment; however, Local Coastal Program policies and standards for protection of ESHAs shall not apply, and approval of development consistent with all other requirements of this plan may be considered prior to the map revision."

The Project includes an application for a General Plan Amendment involving a correction to Figure 4.1 in the Conservation Element of the Plan, removing the current designation of sage scrub ESHA on the Project site. The Department could not find a discussion in the DEIR of the Project's consistency with Conservation Element Policy CE 1.5 in Table 4.9-1 of the DEIR. Specifically, there was no indication given that the Planning Commission had determined that there is no ESHA on the Project site. It appears a Planning Commission determination is necessary for a General Plan Amendment involving a correction to Figure 4.1 in the Conservation Element of the Plan, as proposed. We therefore request the City include in the DEIR an analysis of the Project's consistency with Conservation Element Policy CE 1.5.
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 Ms. Mary Meyer, Senior Environmental Scientist (Specialist), at (805) 640-8019.

Sincerely,

Betty Courtney
Environmental Program Manager I
South Coast Region

cc: Mr. Martin Potter, CDFW, Ojai
    Ms. Mary Meyer, CDFW, Ojai
    Mr. Scott Morgan, State Clearinghouse, Sacramento, California

References:


Tilden, J. W. 1951. The Insects Associated with Baccharis pilularis De Candolle. Microentomology 16: pp 149-188
Letter 24

COMMENTS: Scott Morgan, Director, State Clearinghouse

DATE: April 2, 2014

The commenter indicates that the City has complied with State Clearinghouse review requirements for CEQA environmental documents and attaches a letter from the California Department of Fish and Wildlife. The Department of Fish and Wildlife letter is included as Letter 1. Responses to the Department’s comments immediately follow that letter.
VERBAL COMMENTS AT THE MARCH 19, 2014
ENVIRONMENTAL HEARING OFFICER MEETING

Five individuals spoke at the March 19, 2014 Environmental Hearing Officer Meeting. Specific comments provided are summarized below, followed by a response to each comment.

1. Russell Michaelsen (owner of the building to the east of the project site)

Comment 1.A
Environmental justice needs to be addressed for the residents due to proximity to US 101 and the railroad.

Response
Environmental justice is addressed in Response 13.1. The project consists of market-rate apartments, which would house individuals who could decide to rent or not. The project would not house a particular economic class of people.

Comment 1.B
The apartments would be a cave to mitigate air quality; it would not be good to live there.

Response
Air quality is addressed in Draft EIR Section 4.2, *Air Quality*, and in Response 12.3. Impacts related to exposure of site residents to air pollutants from U.S. 101 and the UPRR would be significant, but mitigable by air filters that would not create a “cave” environment.

2. Peter Goodell (owner of property at 6800 Cortona adjacent to the project site, on the east and south)

Comment 2.A
Incompatibility of land uses is a concern and the land use impact in the EIR should be Class I.

Response

Comment 2.B
The project could result in a potential loss of tenants at the business park, especially in military certification, which would be an economic impact on the existing businesses.
Response
This issue is addressed in Response 13.5. This is an economic concern rather than an environmental concern and is, therefore, outside of CEQA purview.

Comment 2.C
The project is an infringement for existing businesses to fully enjoy the leasehold or ownership.

Response
This issue is addressed in responses 13.5 and 13.6. No evidence that placement of residences on the project site would infringe on the ability of existing area businesses to continue their operations has been identified or provided. This is an economic concern rather than an environmental concern and is, therefore, outside of CEQA purview.

Comment 2.D
Existing commercial tenants have a right to use the property as approved. Resident complaints regarding noise, air quality, sawing, welding, truck deliveries and such that is a part of the existing approved business operations may hurt businesses.

Response
The commenter is speculating that future project site residents would complain about activities at nearby businesses, but has not identified or provided any evidence to support this assertion. Businesses would be able to continue their operations if the proposed project is built to the extent that such operations are consistent with applicable law.

Comment 2.E
There would be a risk of vandalism and trespassing from the residents this will be an additional economic issue for the businesses to address.

Response
This issue is addressed in responses 12.2 and 13.7. No evidence suggesting that site residents would trespass on neighboring properties or engage in vandalism has been provided. Consequently, this concern is speculative. In addition, such issues are socioeconomic rather than environmental in nature and are, therefore, outside of CEQA purview.

Comment 2.F
Goleta should encourage commercial growth.

Response
This opinion is noted, but economic issues are not relevant to the Draft EIR analysis or conclusions.
3. **Kathleen Weinheimer (representative of adjacent property owners)**

**Comment 3.A**
Compatibility with adjacent uses is not discussed and the impact of introducing housing into business park setting needs to be discussed in Table 4-1.

**Response**
Land use compatibility is addressed in Draft EIR Section 4.9, *Land Use and Planning*, as well as in sections 4.2, *Air Quality*, 4.7, *Hazards and Hazardous Materials*, and 4.10, *Noise*. Responses 12.2 and 13.1 also address land use compatibility. Impacts related to exposure to risk of upset have been identified as significant and unavoidable (Class I). This finding is consistent with the finding in the City’s General Plan EIR.

**Comment 3.B**
The EIR should discuss impacts to tenants from attractive nuisances in the area.

**Response**
This issue is addressed in Response 12.2. No evidence suggesting that the presence of residents would increase incidents of trespass onto neighboring properties has been identified or provided. This concern is speculative.

**Comment 3.C**
The discussion of trespassing is inadequate.

**Response**
Please see the response to verbal comment 3.B.

**Comment 3.D**
A Right to Farm ordinance may be needed.

**Response**
The relevance of a Right to Farm Ordinance to the Draft EIR is not clear. Therefore, a meaningful response to this comment is not possible.

**Comment 3.E**
The APCD recommendation on air quality impacts for residential uses has not been considered. No discussion of impacts due to using outdoor recreation areas.

**Response**
This comment is addressed in Response 12.3. A mention of the SBCAPCD-recommended buffer has been added to the Final EIR. This recommendation is the same as the California Air Resources Board recommended buffer, which is discussed in the Draft EIR.
8.0 Responses to Comments on the Draft EIR

Comment 3.F
At the time of rezoning, the City was attempting to meet State requirement for affordable housing. No information has been presented whether City has met the need through units that have been built or are in the proposed. Better cumulative analysis of the number of units built or proposed is needed.

Response
This issue is addressed in the response to Letter 22. It is not the EIR’s purpose to justify the need for the proposed residential development.

Comment 3.G
The Business Park Alternative 5 assumes that all parking could be put on-site. A 130,000 sf alternative would be more realistic. This is the Environmentally Superior Alternative as it has no Class 1 impacts.

Response
This comment is addressed in Response 12.8. The 260,400 square foot development considered as part of that alternative is the maximum footprint permitted in the Industrial Research Park zone and assumes a two-story building which is consistent with many buildings in the business park area. Either the alternative described in the Draft EIR or the alternative suggested by the commenter would incrementally lessen eliminate the significant and unavoidable impact related to the overall risk of hazardous material upset at the project site by eliminating the placement of residences with households that may be in the units twenty-four hours a day on the project site. It should, however, be noted that employees of any future business park development would be subject to the same types of risks-to which residents of the proposed project would be exposed.

Comment 3.H
The EIR is flawed and needs to be revised and far more analysis is needed.

Response
This opinion is noted. Specific issues are addressed in the responses to verbal comments 3.A through 3.G.

4. Dan Michaelsen (owner of the property at 6680 Cortona)

Comment 4.A
The EIR addresses freeway concerns but how are those people supposed to live, shut in and never go outside?

Response
This concern is addressed in Response 12.3. The significant health risk impact identified in Draft EIR Section 4.2, Air Quality, relates to 70-year exposure to diesel particulates from U.S. 101 and the UPRR. The finding of a significant health risk impact does not mean that residents would be unable to use the exterior areas of the site due to potential health risks as the cancer risk is a long-term risk rather than an
acute (short-term) one. The analysis is based upon outdoor air pollutant concentrations and conservatively assumes that interior concentrations would be the same. EPA activity factors show that people in a residential environment spend only a small portion of the day outdoors on an average basis (as noted in Response 12.3, the U.S. EPA reports that, on average, Americans spend 90 percent or more of their time indoors). Therefore, the proposed mitigation measure (which involves installation of air filtration systems in onsite residences) would substantially reduce exposure to pollutants from U.S. 101 and the UPRR.

Comment 4.B
The site was meant to be an industrial park and property owners would welcome an industrial park on the site.

Response
This opinion is noted, however, when the General Plan was adopted, the land use was designated residential. Section 6.0 of the Draft EIR considers an alternative involving the development of business park development on the project site.

5. Thomas Luria (owner of the property at 26 Castilian Drive)

Comment 5.A
This site and zoning was selected by a young city and inexperienced people. They made a big mistake.

Response
This opinion is noted, but is not relevant to the Draft EIR analysis or conclusions.

Comment 5.B
We want to see it built out as a business park.

Response
This opinion is noted. Section 6.0 of the Draft EIR considers an alternative involving the development of business park development on the project site and the response to verbal comment 4.B.

Comment 5.C
The Business Park Alternative in the Draft EIR should be half the size as presented.

Response
This comment is addressed in Response 12.8 and the response to verbal comment 3.G.

Comment 5.D
This neighborhood was founded as a business park in the 1960s.
Response
This comment is noted. The project site was designated for residential development as part of the City’s General Plan adoption.