

Attachment 5:

EIR Revision Letter RV1, dated March 19, 2013

ATTACHMENT E: EIR REVISION LETTER RV1

TO: County Planning Commission

FROM: Nicole Lieu, Planner
Planning and Development, Development Review Division

DATE: March 19, 2013

RE: Revisions to 09EIR-00000-00003, the proposed Final EIR for the Paradiso Del Mare Ocean and Inland Estates (Case Nos.: 06CDH-00000-00038 and 06CDH-00000-00039, 07CUP-00000-00065, 09CDP-00000-00045, 10CUP-00000-00039, 10CDP-00000-00094) to make two clarifications in the FEIR and to reflect revisions proposed subsequent to completion of the proposed Final EIR and prior to decision-maker action (including potential certification of the FEIR).

I. LOCATION

The project site is identified as Assessor Parcel Numbers 079-200-004 and 079-200-008, located south of Highway 101 approximately one mile west of the City of Goleta in the Gaviota area, Third Supervisorial District.

II. BACKGROUND

On July 28, 2006, the property owner submitted Coastal Development Permit (CDH) applications for two single family dwellings with guest houses. That project was analyzed under a Draft Environmental Impact Report (DEIR), 09EIR-00000-00003, which was published in September 2009 and circulated for public comment. Subsequently, in 2011, the applicant modified the project design to relocate the development on the lots to the currently proposed locations, to add the proposed public access and open space dedications to the project, and to add the proposed habitat restoration. The currently proposed project includes the development of two residences with guesthouses and appurtenant structures, an access driveway and bridge, extension of Goleta Water District water lines to serve the proposed residences, public access offers-to-dedicate (OTD), construction of a portion of the California Coastal Trail, dedication of an open space area, and on-site habitat restoration.

A revised Environmental Impact Report, 09EIR-00000-00003, was prepared for this revised project to evaluate potentially significant impacts under CEQA and to identify mitigation measures to reduce impacts and identify alternatives to the proposed project that would avoid or substantially lessen significant impacts. The Draft Revised EIR was released for a 45-day public comment period on September 12, 2012. This EIR studied an alignment of the offer to dedicate the Coastal Trail across the ocean lot and reuse of the existing wooden access bridge across

UPRR between the two lots for public pedestrian access. A public workshop to introduce the project was held on September 20, 2012. A public hearing was held on October 18, 2012 to receive oral comments on the adequacy of the Draft EIR.

Following the close of the public comment period and in response to comments, the applicant made a revision to the project to specify floating easements rather than specific locations for all of the public access components of the project (please see Attachment-B of the Memo to the Planning Commission, dated March 18, 2013). The floating easement on the Ocean lot extended from the UPRR on the north to the Pacific Ocean on the south, and from Eagle Canyon on the east to the Ocean Estate development envelope on the west. The floating easement on the Inland lot covered the existing wooden bridge and proposed parking lot location and extended west approximately 745 feet at its widest point. In making these changes, the applicant indicated that the intent of these expansive floating easements was to allow for flexibility in future trail and bridge siting.

On March 13, 2013, subsequent to publication of the FEIR, the applicant narrowed the scope of the floating easements for the public access components of the project (please see Attachment-A of the Memo to the Planning Commission, dated March 18, 2013). The purpose of narrowing the easements is to focus future selection of an ultimate trail corridor alignment while still allowing flexibility for resource protection. As currently proposed:

- The Coastal Trail would start on the Ocean lot at Eagle Canyon and follow the alignment of the utility corridor westerly for 1,600 lineal feet. As proposed since the outset, this portion of the trail would be constructed by the applicant concurrent with the extension of utilities and would be located over the utilities within a 20 foot wide easement. Consistent with the vision for the entire California Coastal Trail, the constructed portion would be a multi-use trail consisting of a six foot wide decomposed granite path with two foot wide shoulders and low native vegetation plantings.
- The floating easement would begin at the terminus of the portion of the trail to be constructed as part of the project and would be centered on the previously proposed California Coastal Trail alignment analyzed in the DEIR; the floating easement would measure a total of 150 feet in width.
- Provision is made for a new loop trail with bluff top overlook, also located within a 150 foot wide floating easement, between Drainages 4 and 5.
- Provision is also made for vertical connectors from the California Coastal Trail to each of the seven on site drainages to allow for beach access. Only one vertical access point would ultimately be developed.
- The floating easement on the Inland lot would cover the alignment of the existing bridge and proposed parking area as analyzed in the DEIR and would also include an

approximately 150 foot wide corridor located outside of and to the west of the riparian buffers of Drainage 1.

III. CLARIFICATIONS

Executive Summary

In the FEIR, Aesthetics Impact AES-5 was erroneously stricken in Table ES-1 (Summary of Impacts and Mitigation Measures) of the Executive Summary. The FEIR is revised herein to include AES-5 in the Executive Summary as a Class I Impact, as it was in the DEIR, as follows:

Table ES-1 Summary of Impacts and Mitigation Measures

<i>Description of Impact</i>	<i>Proposed Mitigation Measures</i>	<i>Significance After Mitigation</i>
CLASS I IMPACTS		
<i>Aesthetics</i>		
<i>Impact AES-5 The proposed project together with the adjacent Naples Townsite development and other development in the surrounding area would result in a cumulatively considerable aesthetic and visual impact.</i>	<i>Implement project mitigation measures as feasible.</i>	<i>Significant and unavoidable</i>

No additional revisions are necessary to the FEIR in regard to this issue as it was correctly identified in the document text as a Class I significant and unavoidable cumulative impact, consistent with the analysis in the Revised DEIR.

Section 3.16 Effects Found Not To Be Significant

While this section was included in the DEIR, it was inadvertently omitted from the FEIR. The FEIR is revised herein to include Section 3.16, Effects Found Not To Be Significant, below:

3.16 EFFECTS FOUND NOT TO BE SIGNIFICANT

3.16.1 INTRODUCTION

In the course of this evaluation, certain types of impacts of the proposed project were found to be less than significant because a project of this scope could not generate such impacts, or the project has no characteristics producing effects of this type. The effects determined not to be significant are not required to be included in primary analysis sections of the Draft EIR rather, California Environmental Quality

*Act (CEQA) Guidelines Section 15128 states that the EIR shall contain a statement briefly indicating the reasons that various potentially significant effects of a project were determined not to be significant and therefore not discussed in detail in the EIR. In accordance with Section 15128, the following section provides a brief description of potential impacts found to be less than significant. Some topic areas, such as Energy, were found to be less than significant in the previous Draft EIR (09EIR-00000-00003), but have been reassessed in this EIR, and further analysis resulted in mitigation measures provided as appropriate. The results of the environmental analyses are either presented in **Section 3.0, Environmental Analysis**, or discussed below.*

3.16.2 MINERAL RESOURCES

The Santa Barbara County Environmental Thresholds and Guidelines Manual does not contain thresholds of significance for mineral resources, but according to Appendix G of the State CEQA Guidelines under Mineral Resources, a project would have a significant impact if it would:

- *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or*
- *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general, specific plan, or other land use plan.*

*There are no active mining operations on or adjacent to the site. In addition, although the site was previously used for oil production in the past, these facilities have been abandoned, the applicant has no plans to resume operations, and the remaining buried infrastructure and contaminated soils are being evaluated and permitted for removal and remediation under a separate action which is described in **Section 3.9, Hazardous Materials**. Nonetheless, in **Section 6.0, Alternatives**, under the No Project alternative, a brief discussion of the potential to resume oil production on site is provided.*

3.16.3 POPULATION AND HOUSING

The Santa Barbara County Environmental Thresholds and Guidelines Manual does not contain thresholds of significance for population and housing, but according to Appendix G of the State CEQA Guidelines, a project would have a significant impact if it would:

- *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);*
- *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or*

- *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

*The proposed project would add two homes to the housing stock in the South Coast Housing Market Area and thus result in a small increase in population on the project site. No homes currently exist on the project site and thus no homes would be displaced due to the construction of the project. Homes such as those proposed have been identified by the County to incrementally contribute to the demand for service workers with a subsequent potential increase in secondary demand for affordable housing. However, because the project would only include a total of two homes, impacts would be less than significant. Indirect impacts associated with growth inducement are addressed in **Section 5.0, Other CEQA Sections**.*

No additional revisions are necessary to the FEIR in regard to this issue.

IV. MINOR REVISIONS TO THE PROJECT

Offers to Dedicate Public Access

The Arco Dos Pueblos Golf Course project included requirements to record OTD public access easements across the lots and also included easements off site and located west of the lots in the Naples townsite, providing access to the beach. These irrevocable OTD public access easements were recorded on November 12, 1998. Realization of the trails within the public access easements was however, conditional upon issuance of a Coastal Development Permit to allow construction of the golf course.

The FEIR, 09EIR-00000-00003, analyzes the biological impacts associated with future development of the currently proposed public access easements across the lot and concludes that these elements of the project would have potentially significant but mitigable impacts to special status vegetation including Southern Tarplant (BIO-2), coastal wetlands (BIO-5), and riparian vegetation (BIO-6). The FEIR also finds that the offers to dedicate public access through the project site would result in potentially significant but mitigable impacts to monarch butterflies (BIO-8), white tailed kite (BIO-10, BIO-14, BIO-18), harbor seals (BIO-12) and Naples Reef (BIO-13). If considered in its entirety, the easement throughout the two lots, including floating easement areas of up to 200 feet wide, would constitute approximately 32 acres, including a mosaic of areas containing Creeping Spike Rush Marsh (coastal wetland species; total of 0.0125 acres), Arroyo Willow Thicket (riparian species; total of 0.0179 acres), California Sagebrush (total 1.3476 acres) and Purple Needle Grass Grassland (total 0.2492 acres). However, the actual trail alignment would impact far less acreage given that it would be located in a specifically dedicated 20 foot wide easement where the trail itself would measure six feet in width with two foot wide shoulders on either side. Therefore, biological resource impacts would be similar to or less than those analyzed in the Final EIR. The width of the floating easement in association with the patchy occurrences of these plant communities throughout the easement provides the opportunity for avoidance, to the maximum extent feasible, of these species during the on the ground design of the alignment of the public access easements, with modification to MM BIO-2, as follows:

MM BIO-2 Southern Tarplant and other Special Status Plant Communities Avoidance or Restoration. The utility corridor locations shall utilize existing roads and disturbed areas to the maximum extent feasible. Trenching shall be accomplished by hand tools when working near sensitive plants. Prior to construction, the applicant shall survey and flag by a qualified biologist the alignment of the water lines. Where determined to be feasible by the project biologist, the utility corridor will be realigned ~~the corridor~~ to avoid impacts to sensitive plant species. Similarly, the public access easements throughout the site shall be surveyed for special status plant species and aligned specifically to avoid impacts, to the maximum extent feasible, to these special species. Special status plant species and communities to be avoided include Southern Tarplant, Creeping Spike Rush Marsh, Arroyo Willow Thicket, California Sagebrush Scrub, and Purple Needle Grass Grasslands. Any field revisions shall be plotted on a revised site plan submitted to Santa Barbara County Planning and Development (P&D) for review and approval. [...]

Plan Requirements and Timing. Pre-construction surveys for the presence of any sensitive plant species must be completed, along with plans if necessary for the collection of seed from any individuals discovered, prior to ground disturbance. The revised plans depicting relocated water lines and the exact alignment of the proposed trails and other access improvements throughout the site shall be submitted to P&D for review and approval prior to issuance of grading permit. Individual sensitive species shall be indicated on the Map and on grading plans.

Additionally, relocation of the pedestrian bridge to within the floating easement west of Drainage One would remove that feature from proximity to a wetland and monarch butterfly roosting area and would locate it instead in a 2.4 acre area populated by mustard grass with some Italian Rye Grass. Therefore the potential relocation of the bridge and parking area to within the floating easement would result in lesser impacts than those identified in conjunction with refurbishment and reuse of the existing wooden bridge for public pedestrian access between the two lots.

The FEIR discussion of BIO-3 is revised below to clarify that Coastal Sagebrush Scrub is not a non-sensitive plant community:

BIO-3 The proposed project would result in the loss of non-sensitive plant communities: 11.59 acres of annual brome grassland, 1.74 acre of coyote brush scrub, ~~0.95 acre of California sagebrush scrub~~, 2.42 acres of developed areas [...]

The impact analysis for BIO-2 is modified herein to discuss impacts to California sagebrush scrub (i.e. coastal sage scrub) from fire clearance around the Ocean Estate development:

[...]Cliff aster grows mostly restricted to the face of the ocean bluff and the proposed project design incorporates a minimum 100-foot setback from the edge of the bluff. Fuel

clearance around the Ocean Estate would impact 0.46 acres of coastal sage scrub. The fire clearance zone in which the coastal sage scrub is located mandates a minimum of five foot on center spacings for the plants for fire clearance. Given the small area of habitat affected, as well as the continued provision for numerous plants within the mosaic zone, impacts to coastal sage scrub are considered less than significant. Potential loss of southern tarplant can be mitigated through restoration of the habitats in which the species occurs.

Modifications to the offers to dedicate public access easements across the project site and clarification that California Sagebrush Scrub is a sensitive plant community do not alter the conclusions of the FEIR that the residual impacts of the project on biological resources would be less than significant after mitigation, as presented in the FEIR and herein in this revision letter.