



Protecting and Restoring the Santa Barbara Channel and Its Watersheds

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October 26, 2007

Planning and Environmental Services Department
130 Cremona Drive, Suite B
Goleta, CA 93117

Attention: Anne Wells

Re: Proposed Goleta General Plan Amendments

Dear Ms. Wells,

Please accept these comments on the proposed amendments to the City of Goleta's General Plan, which are hereby submitted by Santa Barbara Channelkeeper. Channelkeeper is a local non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds, and we represent more than 100 members who are citizens of Goleta.

Santa Barbara Channelkeeper is highly concerned about the proposed General Plan amendments being considered by the Council, because the very policies and laws that govern the City of Goleta appear to be in the process of being re-written to appease a handful of private interests. By replacing words like "shall" with "should," by requiring site-specific studies to prove the value of each and every sensitive habitat area, and by writing off degraded habitats that still provide valuable functions to our community, these amendments would systematically weaken nearly every environmental protection currently provided by the City.

The existing General Plan was formulated throughout an extensive public process. The City's own website describes the process as follows: *"After more than three and a half years, sixty meetings, twenty three workshops, and input from over 1,200 city residents, on October 2, 2006 the City Council adopted the City of Goleta's first General Plan"* Based on input provided by the public, the City Council carefully crafted General Plan language word by word, throughout multiple draft versions before the final plan was approved.

We are discouraged that less than one year later, the citizens of Goleta and local stakeholders are being required by a relatively small group of corporations, private developers, and the organizations that represent them, to defend policies the community was clearly supportive of when the General Plan was approved. Cumulatively, these amendments are significant as they severely alter the City's future course regarding environmental protection and development. Given the gravity of these changes, Channelkeeper is generally concerned that the broader public has not been adequately notified about this process and the implications it will have on the future of Goleta. We recommend that before any further action is taken, that the City conduct further public outreach.

In light of many recent environmental dilemmas the City has experienced, it is essential that the City recognize how many of our current water quality, flood control, and habitat issues are a result of development and encroachment into our local creeks and wetlands. Approval of the proposed amendments would constitute a failure to learn from our past mistakes. Economic and residential growth does not have to come at the cost of that which makes our community special in the first place.

One needs only to look at other foresighted communities like San Francisco, Portland, and Seattle to see how sustainable growth can be achieved. Better yet, let the City of Goleta lead the initiative to achieve sustainable growth by working to create a community that is built around its natural beauty instead of one that is built on top of it. If developers are telling the City that they can not build their projects without compromising the environment, then they need to come up with better projects, *not* re-write our laws that shape the future of our community.

Please do not let people convince you that this balance is not achievable or that we cannot find sustainable housing solutions without compromising our environment, for these things are wholly achievable *if* the citizens of Goleta decide that our natural heritage is important and worth protecting. One year ago this is exactly what the citizens of Goleta decided when they adopted the General Plan.

One needs only to take a short drive south of here to get a taste of the future being offered to us today. View the urbanized concrete creeks of Oxnard, or the track-home covered hills of the Inland Empire and Orange County. Perhaps more compelling, view the amount of money that cities like LA and Ventura are being forced to spend on addressing urban water quality problems.

Protection of our local waterways makes sense. Protecting creek setbacks saves money otherwise spent on flood control projects, maintenance, and retrofits. In the near future, state regulations will force the City to address chronic water quality problems that have resulted from poorly planned urbanization. Continued encroachment and degradation of creeks and creek setbacks will make these problems harder and more costly to solve in the future. Even degraded creeks and wetlands provide valuable benefits to the community.

Regarding specific Goleta General Plan amendments that would alter the environmental protections currently in place for our creeks, wetlands, beaches, and other environmentally-sensitive habitats, Santa Barbara Channelkeeper hereby offers the following specific comments.

Land Use Element 1.7

Channelkeeper opposes replacing the word “shall” with the word “should.” This replacement opens up the Land Use element to subjective interpretation regarding whether projects deserve adherence to high environmental standards and the preservation and protection of environmental resources. This generalization would severely weaken environmental protections currently provided for in the General Plan. This change would turn the policy into a mere guideline, creating uncertainty, wasting taxpayers’ money and slowing decisions.

Land Use Element 9.1

Channelkeeper opposes the amendment proposed by Bacara to limit protection to only environmentally-sensitive habitats “designated on the Coastal Land Use Plan Map.” All environmentally-sensitive habitat areas deserve to be protected regardless of whether or not each and every area has been specifically identified on a City map. Some ESHA areas, as defined by Conservation Element 1.1, may exist within City boundaries that have not yet been identified in the Coastal Land Use Plan Map. ESHA protections for unmapped areas are currently provided for under Conservation Element 1.3.

Open Space Guiding Principle and Goal

Channelkeeper opposes replacing the word “preserve” with the word “protect.” Without further restrictions, this amendment opens the door to development of those areas that have already been deemed worthy of preservation by Goleta community members.

Open Space Element 1.3

Channelkeeper opposes deletion of the word “preserve.” Goleta’s coastal access is a valuable public resource that should be preserved.

Open Space Element 1.10

Bacara has proposed that this policy be amended by limiting public access between sunrise and sunset. Channelkeeper opposes this policy amendment, which is being proposed to address project-specific issues on Bacara property. Project-specific grievances must not dictate amendments of the General Plan, which will affect the entire city. Further, without evidence suggesting that a public safety hazard exists, the City should not impose broad limits on public access to coastal areas.

Conservation Element 2.2

Channelkeeper opposes amending this element to reduce Streamside Protection Areas (SPAs) from 100 feet to 50 feet as written in section (b). SPAs provide valuable functions and should be maximized wherever possible. SPAs improve water quality by providing pollutant filtration and assimilation, reduce flooding by retaining storm water and providing land for infiltration, and reduce flood control costs by minimizing the potential for structural damage without requiring the installation and maintenance of flood control structures, which would negatively impact riparian systems and water quality.

Conservation Element 2.3

Channelkeeper opposes deletion of the following sentence: “Any land use, construction, grading, or removal of vegetation that is not listed above is prohibited.” SPAs provide existing valuable functions that benefit the community at large and improve water quality by providing pollutant filtration and assimilation. SPAs also reduce flooding by retaining storm water and providing land for infiltration, and reduce flood control costs by minimizing the potential for structural damage without requiring the installation and maintenance of flood control structures, which would negatively impact riparian systems and water quality. These benefits are unique to SPAs and cannot be replaced without a net loss of these services to a community. Other beneficial projects or land uses should not interfere with SPAs. Further, riparian systems are interconnected. Any project that impacts an SPA by default also impacts downstream areas and therefore those impacts become multiplicative in nature.

Conservation Element 2.5

Channelkeeper opposes all proposed amendments to this policy. Replacement of the word “shall” with “should” would severely weaken existing and necessary environmental protections. These amendments would open the door to administrative waste as exceptions to these rules are debated on a project by project basis, only to be made moot during the permitting process. The standards outlined in sections (a) through (e) of this policy element are already minimum requirements of state agencies and permits regulating streambed alteration and storm water discharges. All reasonable exceptions to these standards already exist in General Plan text.

Conservation Element 10.3

Channelkeeper opposes all proposed amendments to this policy. The proposed revision eliminates language currently required by the State’s General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems. Deletion of this language will only create inconsistency between the City’s General Plan and the City’s imminent coverage under the aforementioned municipal stormwater permit, under which the City will be required to observe and implement these provisions.

Land Use Guiding Principle and Goal

Channelkeeper opposes replacing the word “preserve” with the word “protect.” Without further restrictions, this amendment opens the door to development of these areas that have already been deemed worthy of preservation by Goleta community members.

Open Space Element 7.3

Channelkeeper opposes all proposed language modifications to this element including language that requires site-specific studies to justify protection of ESHAs. The ESHAs in Figure 3-5 have already been identified to be of significant value to the community and deemed worthy of preservation. Site-specific environmental studies are not necessary to determine the significance of environmentally sensitive habitats. Site-specific studies will likely be funded by those interested in development, so conflict of interests are likely to arise. Site-specific studies may fail to identify rare or sensitive species

depending on the species migratory nature, diurnal habits, and on the experience of the surveyor. Habitat type has long been established as the best standard method of predicting rare or sensitive species and is regularly used by government agencies for conservation planning. The cumulative impact of multiple projects that include ESHA development will cause significant environmental impacts that site-specific biological studies funded by developers will not identify. Project by project analyses of developments in ESHAs will place an administrative strain on local government as site conditions are debated and decisions are appealed by various interest groups.

All ESHAs deserve to be preserved and protected regardless of condition. Development occurring within ESHAs of all creeks and wetlands (degraded or otherwise) increases the potential for contamination by polluted stormwater runoff. Development within ESHAs of all creeks and wetlands (degraded or otherwise) increases the need for costly flood control projects and maintenance. Development within ESHAs of all creeks and wetlands (degraded or otherwise) eliminates buffer zones that filter harmful pollutants. Development of degraded ESHAs preempts restoration efforts. Degraded ESHAs deserve to be protected until future restoration opportunities become available. Conservation Element 2.6 specifically calls for the restoration of degraded creeks. Creeks, wetlands, and riparian systems are inherently interconnected. Development of these areas (degraded or otherwise) will cause significant environmental impacts on downstream ESHAs, including cumulative impacts to habitat and water quality. Water quality improvements (in the form of limited waste load allocations pursuant to Total Maximum Daily Loads) to be imposed in the near future by the Regional Water Quality Control Board to address impaired water bodies are likely to be very costly. Development of creek and wetland ESHAs (degraded or otherwise) will severely hamper the City's ability to implement water quality improvements in the future.

Conservation Element Section 4.1 Introduction (page 4-2, lines 3-8)

Channelkeeper opposes this policy amendment. Site-specific environmental studies are not necessary to determine the significance of environmentally sensitive habitats. Site-specific studies will likely be funded by those interested in development, so conflicts of interest could arise. Site-specific studies may fail to identify rare or sensitive species depending on the species migratory nature, diurnal habits, and on the experience of the surveyor. Habitat type has long been established as the best standard method of predicting rare or sensitive species and is regularly used by government agencies for conservation planning. The cumulative impact of multiple projects that include ESHA development will cause significant environmental impacts that site-specific biological studies funded by developers will not identify. Project by project analysis of developments in ESHAs will place an administrative strain on local government as site conditions are debated and decisions are appealed by various interest groups.

Conservation Element 1.2

Channelkeeper opposes the proposed amendment to add language specifying "naturally occurring habitats" and require site-specific studies for designation of ESHAs. Addition of "naturally occurring habitats" would put into question the protection of restored areas. Further, many ESHAs have been degraded. All ESHAs deserve to be preserved and protected regardless of their condition. Development occurring within ESHAs of all creeks and wetlands (degraded or otherwise) increases the potential for contamination by polluted stormwater runoff. Development within ESHAs of all creeks and wetlands (degraded or otherwise) increases the need for costly flood control projects and maintenance. Development within ESHAs of all creeks and wetlands (degraded or otherwise) eliminates buffer zones that filter harmful pollutants. Development of degraded ESHAs preempts restoration efforts. Degraded ESHAs deserve to be protected until future restoration opportunities become available. Conservation Element 2.6 specifically calls for the restoration of degraded creeks. Creeks, wetlands, and riparian systems are inherently interconnected. Development of these areas (degraded or otherwise) will cause significant environmental impacts on downstream ESHAs, including cumulative impacts to habitat and water quality. Water quality improvements to be imposed in the near future to address impaired water bodies are likely to be very costly. Development of creek and wetland ESHAs (degraded or otherwise) will severely hamper the City's ability to implement water quality improvements in the future.

Site-specific environmental studies are not necessary to determine the significance of environmentally sensitive habitats, for the numerous reasons outlined in our above comments on similar amendments.

Conservation Element 1.3

Channelkeeper opposes this amendment. All areas meeting the ESHA criteria specified in CE 1.1 should be granted the same protection as if the area were shown on Figure 4-1.

Conservation Element 1.6

Channelkeeper opposes this amendment. ESHAs already provide unique and valuable functions that benefit the community at large. Additional development not listed in subpart (d) should not be allowed within ESHAs. The proposed change to this policy lacks any specifics regarding “public improvement projects” deemed lacking in subpart (d). Without more specificity, there is no justification for amending the element. Further, creek and wetland systems are interconnected. No revision of subpart (f) is required. The policy is already consistent with CE 1.7, which currently refers only to allowable uses within ESHAs listed in CE 1.6 (d).

Conservation Element 3.5

Channelkeeper opposes modifying “shall” to “should” throughout the policy language and modifying “will” to “may” in subpart (c). Subparts (a) – (c) already provide more than sufficient flexibility for infilling of wetlands. Wetlands provide multiple functions that benefit the entire community, such as fish and wildlife habitat, natural water quality improvement, flood storage, shoreline erosion protection, opportunities for recreation and education, and protection of public health and safety by reducing flood damage and preserving water quality. No justification has been provided for reducing wetland protections.

Conservation Element 8.1

Channelkeeper opposes further study of the term “special status species.” No rationale for further study has been provided. Usage of the term is clear as written in the policy text.

General Plan Element 8.2

Again, Channelkeeper opposes modifying the word “shall” to “should.” This generalization would severely weaken protections of habitat areas of special-status species and is not warranted.

Land Use Element Section 2.3 Coastal Act Policies; Conservation Element Section 4.3 Coastal Act Policies; PF Section 9.3 Coastal Act Policies

Channelkeeper opposes these proposed amendments. Addition of the proposed policy language would allow for approval of projects that encroach upon or destroy ESHAs. All re-development and new development projects must be designed to eliminate impacts to ESHAs.

Respectfully,

Ben Pitterle
Watershed Programs Director
Santa Barbara Channelkeeper