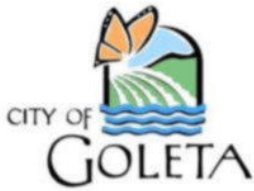


Appendix A

Notice of Preparation and Public Comments Received



**NOTICE OF PREPARATION
FOR A DRAFT ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF SCOPING MEETING
BY THE ENVIRONMENTAL
HEARING OFFICER
(held in person and virtually)
May 17, 2023 at 5:00 P.M.**

**SYWEST INDUSTRIAL BUILDING PROJECT
NO. 17-121-DP
907 SOUTH KELLOGG AVENUE;
APN 071-190-035**

PURPOSE OF THIS NOTICE: This Notice of Preparation (NOP) is being issued by the City of Goleta for the proposed Sywest Industrial Building Project located in the City of Goleta to advise the public and Responsible Agencies that an Environmental Impact Report (EIR) is being prepared to study the environmental impacts of the above referenced project. Additionally, the purpose is to provide the public and Responsible Agencies an opportunity to comment on the anticipated range of issues to be studied within the EIR. The proposal is for an approximately 71,000-square foot, 35-foot-high industrial building with 102 parking spaces and six loading spaces. The City is the lead agency for the project and will prepare an EIR in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementation guidelines. This NOP is being circulated pursuant to California Resources Code Section 211153(a) and CEQA Guidelines Section 15082.

In accordance with CEQA Guidelines Section 15082(b), the NOP is being provided for thirty days and will serve as the baseline for the environmental analysis. The NOP period will commence on April 28, 2023, and will conclude on May 30, 2023.

The Planning and Environmental Review Department of the City of Goleta has determined that an EIR will be prepared for the above referenced project and is seeking input on the scope of the topics to be addressed within the EIR. The City has chosen to not prepare an Initial Study for the project but to proceed directly to the preparation of the EIR. The topics to be analyzed within the EIR are outlined on page two and three of this notice. In addition, an in person and virtual scoping meeting to be conducted by the Environmental Hearing Officer (EHO) will be held on May 17, 2023, as indicated below on page three for the Sywest Industrial Building Project (Project) proposed by Sywest Development.

PROJECT LOCATION: The Project would be located on an existing 11.71-acre site within the Coastal Zone that was formerly occupied by a drive-in theater and swap meet at 907 South Kellogg Avenue within the City of Goleta, California. The proposed project would be developed on approximately 6.75 acres of the northeastern portion of the project site.

The project site is bordered by San Jose Creek and State Route (SR) 217 on the east; by industrial uses to the north; by industrial and residential uses to the west; and by Old San Jose Creek, tidal wetlands, and stormwater infrastructure to the south. Residential properties are located beyond SR 217 to the east. The project is proposed on Assessor's Parcel Number (APN) 071-190-035.

GENERAL PLAN: Service Industrial (IS)

ZONING: Service Industrial (IS) (prior to April 3, 2020, the Zoning was M-1 and M-S-GOL)

In accordance with Section 17.01.040(E)(4) of the Goleta Municipal Code (GMC), the applicant and the City of Goleta (City) have entered into a Development Agreement (and approved by the Coastal Commission on April 6, 2022) because the project was deemed complete prior to September 2019. The Development Agreement permits the continued use of prior zoning standards until either the date the City obtains a certified Local Coastal Program or December 31, 2023, whichever occurs earlier. Because of the adopted Development Agreement, the project is subject to the requirements of the previous zoning code (Article II, Coastal Zoning Code) rather than the City's current zoning code and using all the previous regulations and procedures in place prior to the adoption of Title 17.

PROJECT DESCRIPTION: The proposed project involves the demolition of existing structures including an approximately 3,663 square foot concessions building, freestanding movie screen, three ticket booths, an approximately 200 square foot projector building, pad-mounted transformer, storm drain, and two dewatering wells. The project also involves the construction of a 70,594 square foot industrial warehouse building with 60,939 square feet of landscaping, 102 parking spaces, and six loading zones. The building height will be 35 feet from finished grade. Development of the proposed project would require approximately 600 cubic yards (CY) of soil cut and approximately 38,000 CY of soil fill. Between four to six feet of fill would be used to elevate the proposed building above the 100-year floodplain elevation. In order to elevate the building on fill, the project would require 37,400 CY feet of soil to be imported to the site.

In addition, the proposed project includes a request to reduce the 100-foot Streamside Protection Area buffer at San Jose Creek to 25 feet along the entire project site boundary adjacent to San Jose Creek, as measured from top of bank or the outer limit of wetlands and/or riparian vegetation, (whichever is greater). General Plan/Coastal Land Use Plan Policy CE 2.2, *Streamside Protection Areas*, in the City's General Plan Conservation Element requires a 100-foot buffer from San Jose Creek. However, the City can approve a buffer reduction on a site-specific basis, but not less than 25 feet wide. As part of the project, the applicant will grant the City an easement on the project site for access to San Jose Creek.

EIR SCOPE OF ANALYSIS: The EIR is intended to provide decision-makers and the public with information that enables them to consider the environmental consequences of the proposed project. The EIR would identify potentially significant effects, and any feasible means of avoiding or reducing the effects through project redesign, the imposition of mitigation measures, or implementation of alternatives to the project. The EIR will address the key issue areas listed in CEQA Guidelines Appendix G Checklist and cumulative impacts, which are:

Aesthetics	Air Quality
Biological Resources	Cultural Resources
Energy	Geology/Soils
Greenhouse Gas Emissions	Hazards & Hazardous Materials
Hydrology/Water Quality	Land Use/Planning
Noise	Public Services
Transportation	Tribal Cultural Resources
	Utilities and Service Systems

For the issue of Aesthetics, the EIR will evaluate the potential aesthetic impacts of approximately four to six feet of fill material over a wide area to raise the proposed building's finished floor height and surrounding area above the 100-year floodplain elevation.

For the issues of Hazards & Hazardous Materials, the EIR will analyze the potential impacts of the on-site development in relationship to the Santa Barbara Airport clear zone and airport approach zone as outlined in General Plan Safety Element Policy SE 9 and both the recently adopted Airport Land Use Plan and the previous Airport Land Use Plan.

For the issue area Hydrology/Water Quality, the EIR will analyze the potential impacts of sea-level rise and coastal hazards based on the project site's proximity to the ocean and the tidal waters of the Goleta Slough.

In addition, the EIR will consider the following issues which are anticipated to have a less than significant finding:

- Agriculture and Forestry Resources
- Mineral Resources
- Population/Housing
- Parks and Recreation
- Wildfire

The issues of Agriculture and Forestry Resources, Mineral Resources, Population and Housing, Parks and Recreation, and Wildfire will be addressed but limited in scope due to their low significance to the Project or lack of presence of resources at the Project site.

ENVIRONMENTAL HEARING OFFICER (EHO) HEARING: The City of Goleta Environmental Hearing Officer will conduct an in person and virtual public scoping meeting regarding the list of topics to be studied within the draft EIR. The EHO hearing has been scheduled as follows:

MEETING DATE AND TIME:

May 17, 2023 at 5:00 P.M.

PLACE

**Goleta City Hall – Council Chambers
(in person and via Zoom)
130 Cremona Drive, Goleta, CA, 93117**

VIRTUAL LINK:

https://us06web.zoom.us/webinar/register/WN_z-E45D_ZTEy0eOISGv2dTg#/registration

On May 17, 2023, the EHO will only be receiving comments and is not the decision maker. Either the Planning Commission or the City Council will be the decision maker on this project for the City depending on the level of impacts identified in the eventual Final EIR. The review and action of the California Coastal Commission will also be needed.

Interested people are encouraged to provide public comments during the public hearing in person or virtually through the Zoom teleconference, by following the instructions listed below. Written comments may be submitted prior to the hearing by e-mailing Kim Dominguez, Management Assistant for Planning and Environmental Review at kdominguez@cityofgoleta.org. Written comments will be distributed to the Environmental Hearing Officer and published on the City's CEQA page for the project.

TELECONFERENCE PARTICIPATION VIA ZOOM:

- Join the meeting using the link below.
- You must have audio and microphone capabilities on the device you are using to join the meeting.
- When you join the meeting make sure that you join the meeting with audio and follow the prompts to test your speakers and microphone prior to joining the meeting.

TO SPEAK ON THE ITEM USING ZOOM:

- The Clerk will call the item and staff will begin with a presentation.
- Click on the Raise Hand icon if you would like to speak on the item.
- The Clerk will call your name when it's your turn to speak.
- When your name is called, you will be prompted to unmute yourself.
- When your time is up, you will be muted.

JOIN THE ZOOM TELECONFERENCE AT:

URL: https://us06web.zoom.us/webinar/register/WN_z-E45D_ZTEy0eOISGv2dTg#/registration

Webinar ID: 818 1673 3242

Passcode: 754654

Join via audio: US: [+14086380968](tel:+14086380968), [+181816733242](tel:+181816733242)#, ..., [*754654#](tel:+1754654) or
[+16694449171](tel:+16694449171), [+181816733242](tel:+181816733242)#, ..., [*754654#](tel:+1754654)

Or, dial: US : +1 408 638 0968 or +1 669 444 9171 or +1 669 900 6833 or +1 346 248 7799 or
+1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 646 931 3860 or
+1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or
+1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or
+1 564 217 2000 or +1 646 876 9923

ADDITIONAL PUBLIC PARTICIPATION ALTERNATIVES: Submit your comment via email at least 24 hours prior to the meeting. Please submit your comments to Brian Hiefield, Associate Planner, at: bhiefield@cityofgoleta.org. Your comments will be placed into the record and distributed appropriately.

NOTICE OF PREPARATION PUBLIC COMMENT PERIOD: The public comment period begins on April 28, 2023, and ends on May 30, 2023 (30 days). All letters should be addressed to Brian Hiefield, Associate Planner, City of Goleta, 130 Cremona Drive, Goleta, CA 93117 or bhiefield@cityofgoleta.org. The NOP period ends on **May 30, 2023, at 4:00 P.M.** Please limit comments to environmental issues. When possible, please use email to submit public comment. NOTE: In compliance with the Americans with Disabilities Act, if you need assistance to participate in the hearing, please contact the City Clerk's Office at (805) 961-7505 or cityclerkgroup@cityofgoleta.org. Notification at least 48 hours prior to the hearing will enable City staff to make reasonable arrangements.

Published: *Santa Barbara News Press* April 28, 2023
Santa Barbara Independent, May 4, 2023

NATIVE AMERICAN HERITAGE COMMISSION

April 28, 2023

Brian Hiefield
City of Goleta
130 Cremona Dr.
Goleta, CA 93117

Re: 2023040690, SyWest Industrial Building, Santa Barbara County

Dear Mr. Hiefield:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,



Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

From: [Nelson, Zack@DOC](mailto:Nelson,Zack@DOC)
To: [Brian Hiefield](#)
Subject: Sywest Industrial Building
Date: Tuesday, May 09, 2023 9:28:10 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Hiefield,

I am reaching out regarding the Sywest Industrial Building NOP DEIR.

CalGEM would like the opportunity to comment on the project. We typically see a site plan at a minimum, will those types of documents be available for this project?

Regards,

E-Sig-DOC-Logo



Zack Nelson, P.G.

Associate Oil & Gas Engineer | Northern

California Department of Conservation

Geologic Energy Management Division

195 S. Broadway Suite 101. Orcutt, CA 93455

T: (805) 465-9610

E: zack.nelson@conservation.ca.gov

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California Department of Transportation

DIVISION OF AERONAUTICS – M.S. #40
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P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959 | FAX (916) 653-9531 | TTY 711
www.dot.ca.gov



May 31, 2023

Brian Hiefield
Associate Planner
City of Goleta
130 Cremona Drive
Goleta, CA 93117

Electronically Sent <bhiefield@cityofgoleta.org>

Re: 2023040690, Sywest Industrial Building located at 907 S. Kellogg Goleta CA 93117, Santa Barbara County

Dear Mr. Hiefield:

The California Department of Transportation, Division of Aeronautics has reviewed the Notice of Preparation of a Draft EIR for the project Sywest Industrial Building located at 907 S. Kellogg. One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions or their equivalent (ALUC), to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Division in the review of the Notice of Preparation.

The Site of the proposed Project is in Zone 2 of the defined safety zones of the Santa Barbara Municipal Airport and therefore must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan formed by the ALUC pursuant to the PUC, Section 21674.

Caltrans advises the City of Goleta to submit its plans upon completion to the ALUC to determine if the plans or projects are consistent or not with the ALUCP according to the State Aeronautics Act's statutory procedure. An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport.

If you have any questions or need additional information, please contact me at my email address: tiffany.martinez@dot.ca.gov.

Brian Hiefield, Associate Planner
May 31, 2023
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Tiffany Martinez".

Tiffany A. Martinez
Transportation Planner, Division of Aeronautics

Cc: State Clearinghouse



air pollution control district
SANTA BARBARA COUNTY

Public Comment No. 4; Item No. B-1
Sywest Industrial Building, Case 17-121-DP
Scoping Meeting (DEIR)- Environmental Hearing Officer
May 17, 2023 at 5pm

May 15, 2023

Brian Hiefield
City of Goleta
130 Cremona Drive
Goleta, CA 93117

Sent Via Email: bhiefield@cityofgoleta.org

Re: Air Pollution Control District Response to Notice of Preparation of an Environmental Impact Report for the Sywest Industrial Building Project, 17-121-DP

Dear Brian Hiefield:

The Santa Barbara County Air Pollution Control District (District) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Sywest Industrial Building. The applicant proposes to construct a 71,000 square foot (SF) industrial warehouse building with 102 parking spaces and six loading spaces. All existing structures including a 3,663 SF concession building, movie screen, ticket booths, and a projector building, will be demolished. Development will require approximately 600 cubic yards (CY) of soil cut, 38,000 CY of fill, and 37,400 CY of soil to be imported in order to elevate the proposed building above the floodplain elevation. The project with APN 071-190-035, is located on an 11.71-acre site at 907 South Kellogg Avenue in the City of Goleta.

District staff reviewed the Initial Study and NOP of a Draft EIR, and concurs that air quality impacts should be addressed in the EIR. The proposed industrial operations may include equipment and operations that may be subject to District permit requirements and prohibitory rules. Therefore, **the District may be a responsible agency under the California Environmental Quality Act (CEQA) and will rely on the EIR when evaluating any District permits for proposed equipment.** In order to avoid additional CEQA documentation related to District permit issuance, the EIR should include the air pollutant emissions for all proposed operations and equipment in the project's air quality impact analysis and include mitigation as appropriate to reduce the impacts. The District's guidance document, entitled *Scope and Content of Air Quality Sections in Environmental Documents* (updated January, 2022), is available online at www.ourair.org/land-use/. This document should be referenced for general guidance in assessing air quality impacts in the Draft EIR.

The EIR should evaluate the following potential impacts related to the Sywest Industrial Building:

1. Attainment Status and Consistency with the District's Ozone Plan. Attainment status for the County is posted on the District website at www.ourair.org/air-quality-standards. The most recent Ozone Plan (previously known as the Clean Air Plan) was adopted in December 2022 and is available at www.ourair.org/clean-air-plans. The District website should be consulted for the most up-to-date air quality information prior to the release of the Public Draft EIR.

Consistency with local and regional plans, including the District's 2022 Ozone Plan, is required under CEQA for all projects. Consistency with the Ozone Plan should be evaluated on a case-by-case basis, and

the EIR should include an assessment of whether the proposed project will be consistent with the Ozone Plan. The Ozone Plan relies primarily on land use, population, and on-road emissions projections provided by the California Air Resources Board (CARB) as a basis for vehicle emission forecasting. All development projects should be evaluated to determine whether direct and indirect emissions associated with the project are accounted for in the Ozone Plan's emissions growth assumptions, and whether the project is consistent with policies adopted in the Ozone Plan.

Many industrial and manufacturing sources, as well as buildings with large heating devices or generator engines, may be subject to District rules and permit requirements. Commercial or industrial stationary source projects will generally be considered consistent with the Ozone Plan if they are consistent with District rules and regulations.

2. Impacts to Sensitive Receptors and Potential for Nuisance Issues. The EIR should examine whether any of the operations associated with the proposed project will result in air quality impacts by exposing sensitive receptors (e.g. residential, childcare facilities, schools, or senior living communities) to substantial pollutant concentrations. Examples of this type of impact include odors, dust, or toxic or hazardous air pollutants from industrial processes or diesel particulate matter.

The project site is located within 500 feet of nearby residential land uses. The California Air Resources Board (CARB)'s Air Quality and Land Use Handbook¹ includes recommendations and siting criteria for development projects and encourages land use agencies to use their planning processes to ensure the appropriate separation of facilities emitting air pollutants of concern and sensitive land uses. The current project proposal involves placing an industrial building that may involve high truck travel on a site that is proximate to sensitive land uses. If the project has the potential to generate more than 100 truck trips per day, more than 40 truck trips with operating Transportation Refrigeration Units (TRUs) per day, or where TRU operations exceed 300 hours per week, the District suggests adhering to CARB's recommended 1,000-foot buffer distance for siting a new distribution center near a residential neighborhood. If the recommended buffer distance is not feasible, the District recommends incorporating strategies that reduce exposure to air contaminants, to the maximum extent feasible.

Additionally, if the proposed project will require a District permit and has the potential to emit toxic or hazardous air pollutants, the District will require that a Health Risk Assessment (HRA) be performed as part of the District permitting process to ensure that project emissions do not cause a significant risk to the surrounding community and nearby sensitive receptors. If an HRA for District permit issuance is required, we recommend that the HRA be performed up front during the land use review process to ensure that project-related equipment will not result in a significant impact. The results of the HRA should be incorporated into the EIR for the project. HRA's should be prepared in accordance with the District's *Modeling Guidelines for Health Risk Assessments*, Form-15i, available at www.ourair.org/wp-content/uploads/apcd-15i.pdf. More information on HRAs can be found at www.ourair.org/air-toxics-for-business.

The potential for other project emissions (such as odors and dust) to adversely affect a substantial number of people should also be evaluated in the EIR.

¹ Available at www2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources

3. Increase in Criteria Pollutant Emissions from Proposed Project. The EIR should present significance thresholds for ozone precursor emissions (reactive organic compounds [ROC], and oxides of nitrogen [NO_x]) and particulate matter and determine whether the proposed project will produce emissions in excess of the thresholds. The District's *Environmental Review Guidelines for the Santa Barbara County APCD* (available at www.ourair.org/landuse/) contains the District Board-adopted criteria for evaluating the significance of air quality impacts for District projects. In the absence of locally-adopted thresholds, the District recommends that these thresholds be used to determine significance of air quality impacts.

The proposed project will involve air quality impacts from proposed industrial operations, including from truck trips and worker commute trips. Air quality impacts should be based on project-specific information and should be supported by technical studies, such as an air quality technical report and/or traffic study whenever possible. In addition to motor vehicle emissions, the analysis should include emissions from any equipment/operations anticipated to require District permits (termed "stationary sources") such as solvent usage, large boilers, and emergency generators, and from unpermitted stationary sources (termed "area sources") such as heating and cooling equipment. In addition, the EIR should include a description and quantification of potential air quality impacts associated with construction activities for the proposed project.

Stationary and area source emissions should be added to mobile source emissions prior to applying the project-specific thresholds of significance. If the proposed project exceeds the significance thresholds for air quality, mitigation should be applied to reduce those emissions as appropriate under CEQA. Section 6 of the District's *Scope and Content* document offers ideas for air quality mitigation. However, project-specific measures should be developed that are pertinent to the specific project. Mitigation measures should be enforceable through permit conditions, agreements, or other legally binding instruments. The EIR should include a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigations and establishes a mechanism for enforcement.

4. Asbestos Reporting Requirements. Since the project involves the demolition of existing structures, the EIR should include a discussion of how materials will be removed in compliance with District Rule 1001 – National Emission Standards for Hazardous Air Pollutants (NESHAP) – Asbestos. Advance notification to the District may be required before asbestos is disturbed and/or removed. For additional information regarding asbestos notification requirements, please visit our website at www.ourair.org/asbestos.

5. Global Climate Change/Greenhouse Gas Impacts. Greenhouse gas (GHG) emissions and global climate change impacts should be addressed in the CEQA document. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases. The EIR should include a quantification of GHG emissions from all project sources (direct and indirect), present significance thresholds, and make a determination regarding the significance of impacts. In addition, we recommend that climate change impacts be mitigated to the extent reasonably possible, whether they are determined to be significant.

At a minimum, the project should be designed and operated to minimize GHG emissions. Some potential measures include, but are not limited to:

- Energy use (energy efficiency, low carbon fuels, renewable energy)
- Water conservation (improved practices and equipment, landscaping)
- Waste reduction (material re-use/recycling, composting, waste diversion, waste minimization)
- Architectural features (green building practices, cool roofs)
- Transportation and Zero Emission Technology (utilization of a truck fleet with the newest/cleanest possible vehicles, including alternatively fueled vehicles, all-electric plug in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration)
- Electric Vehicle and Electric Equipment Infrastructure (EV charger installation and electric hookups for all loading/unloading docks)

CAPCOA has published *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*, an extensive sector-by-sector compendium of project-specific mitigation measures, including quantification methods to calculate GHG reductions. The Handbook is available at www.caleemod.com/handbook/index.html. In addition, the District has identified some potential strategies for local GHG mitigation that could be implemented in Santa Barbara County; these strategies are summarized and posted on the District's website at www.ourair.org/ghgmitigation-sbc.

We hope you find our comments useful. We look forward to reviewing the Draft EIR. Please contact me at (805) 979-8334 or via email at WaddingtonE@sbcapcd.org if you have questions.

Sincerely,



Emily Waddington,
Air Quality Specialist
Planning Division

cc: Planning Chron File

****Received via email 05/23/23 to Brian Hiefield at 4:09PM**

May 23, 2023

Brian Hiefield
Associate Planner
City of Goleta
130 Cremona Drive, Goleta, CA 93117
Dear Mr. Hiefield,

The following comments are in response to the NOP for 907 S. Kellogg.
Surfrider Foundation is a 501C(3) public interest environmental group and we are the local Santa Barbara chapter.

San Jose Creek adjacent to the proposed project goes from a hardened channel to a very lovely riparian habitat at that location and quickly runs into the ocean. In addition I believe it is within the Coastal Zone and as such falls under the purview of the California Coastal Act.

We are particularly concerned that the current proposed project reduces the setback buffer to San Jose Creek down to 25 ft.. As you know the buffer required by Goleta's General Plan is a minimum 100 foot setback; see in sections CE 2.2 or CE2.3.

Our chief concern is that such a reduction will create unacceptable, adverse impacts that the minimum General Plan 100 ft. setback seeks to avoid.

YOU ARE REQUIRED TO EVALUATE THE EFFECTS OF REDUCING THE BUFFER ON BIRDS AND OTHER SPECIES

☐ The DEIR must look carefully at impacts to birds such as mallards and other water fowl that frequent the creek. This includes negative impacts on feeding, mating and travel. It is possible that Bell's Least Vireo may be found in this area and that needs to be looked at.

☐ White tailed kites may roost in the tall trees on the east side of San Jose Creek and could be impacted in ways similar to water fowl but also in their hunting and feeding habits.

☐ The large trees on the east side of the creek may be current or future monarch butterfly roosting sites, so the reduced setback could affect their roosting and feeding habits. In addition, noise from and around the development, including incoming and outgoing traffic and their emissions could disrupt butterfly roosting, mating and migration.

☐ The creek itself may be habitat for both steelhead, tidewater goby and other species. So you must also consider how a reduced buffer could create unhealthy impacts on the creek from emissions and runoff. Also, the reduced buffer will reduce filtration from the setback, risking water pollution that would impact these species.

OTHER ENVIRONMENTAL IMPACTS YOU MUST EVALUATE

☐ Reducing the buffer will reduce the buffer area necessary to filter the water

before it enters the creek.

- ☐ Reducing the buffer could increase the chances of increasing flooding on the property and elsewhere

- ☐ Reducing the buffer increases the chance of land-born material being washed into the creek and polluting the creek as well as the downstream beach and ocean.

EXPLORATION OF ALTERNATIVES THAT THE EIR MUST FULLY CONSIDER

- ☐ Moving the project

- ☐ Downsizing the project

- ☐ Keeping the size but changing the footprint

- ☐ Providing access to the creek for flood control upstream or downstream of the project

- ☐ Reducing the buffer to less than 100 ft. but more than 25ft. But ideally increase the buffer to a minimum of 100 feet to comply with City of Goleta policies

- ☐ Relocating the project to another site entirely

The possibility of significant cumulative impacts of reducing the creek buffer to a mere 25 feet could create a precedent that other developers will seek to exploit. Granting such significant exceptions could result in widespread environmentally significant degradation of creeks and wetlands, whose numbers are already woefully small and degraded, throughout the City of Goleta.

Ken Palley

Surfrider Foundation

Santa Barbara Chapter

805 722-4037

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Ken Palley

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Santa Barbara Chapter

805 722-4037

From: [Brad Frohling](#)
To: [Brian Hiefield](#)
Subject: Sywest Industrial Building Project/907 S Kellogg Ave
Date: Friday, May 12, 2023 9:34:36 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brian,

I am writing in support of the proposed industrial project at 907 S Kellogg Ave. I am the managing partner of the most active commercial real estate brokerage in the region and we desperately need new industrial spaces to accommodate various service businesses in the region. While the political will in recent years has been for housing, industrial space is what enables a community to work. This project is a very modest use of the large parcel and it will offer a quality option for companies that typically serve our region from the North and/or South of the South Coast. I hope the governing authorities see the benefit to our community and support this well designed project.

Thank you,

Brad Frohling

Principal

Radius Group Commercial Real Estate

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