Final Comments
Valle Verde Retirement Community Expansion Project
Santa Barbara, CA

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Documents Reviewed:

- Initial Study /. Environmental Checklist MST2005-00742 for Valle Verde Retirement Community Expansion (Feb. 19, 2009);
- Valle Verde Retirement Community Tree Assessment and Protection Plan (Nov. 12, 2008);
- Revised Biological Assessment of Valle Verde Retirement Community Expansion Project – Santa Barbara, California (Dec. 18, 2008);
- Project Plans

Site Visit:
Mar. 1, 2009

Qualifications:
Brian Trautwein has over 20 years of experience with biological resource impact assessment in the Santa Barbara County region. Mr. Trautwein has been on Santa Barbara County Planning and Development Department's list of qualified biological consultants for approximately 20 years (attached). Mr. Trautwein also has extensive experience with and knowledge regarding Land Use Planning, general plans and the California Environmental Quality Act (CEQA). Mr. Trautwein earned a Bachelor's Degree in Natural Resource Management in 1989 while achieving High Honors at UC Santa Barbara.

Project Description (Initial Study pp. 2 – 4):

Proposed Residential
The project proposes demolition of the Rutherford Property house, maintenance building two independent living units, four studios, the Wellness Clinic, the Bed and Breakfast (rooms for resident guests), and the Hospice. The proposal also includes the construction of 40 new two-bedroom independent living units on multiple parcels of the Valle Verde Retirement Community Campus. This would result in a total number of 251 units and seven studios on the campus. Unit sizes range from 1,084 square feet to 1,425 net square feet excluding garages. Nine of the proposed units would be new detached single family residences; 28 units would be configured as duplexes, and three units would be configured as a triplex. Twenty seven of the units will have attached one-car garages, and the remaining 13 will use existing parking spaces on the property. Ten of the units (five

duplexes) are proposed on parcel 049-440-015, which is known as the "Rutherford Property". Eight of the units located on the Rutherford Property would be accessed directly from Torino Road by residents via a new driveway, or by VVRC staff via a cart path through campus. The remaining units would be accessed via the existing street network throughout the campus.

Existing and Proposed Commercial & Common Areas
Commercial structures that currently exist on site include a 36 room, 80 bed Skilled Nursing facility a hospice (operated by a separate organization), a 45-unit Assisted Living facility with 48 beds, a two room bed and breakfast for visitors, a central dining room/kitchen, a laundry kiosk, a maintenance building, and an administration building. Common areas include a campus dayroom, a recreation building, and gazebos. All included, the commercial floor area of the site currently totals approximately 90,000 net square feet. Demolition of the hospice, the maintenance building, and four gazebos is proposed. The facility's Central Core (Common Area) and commercial facilities would be upgraded as part of the proposed project, including renovations to the existing gazebos. Other commercial facilities would be expanded, including a redeveloped Theater Multipurpose Room, expanded outside dining, a new fine dining component, a café, expanded spa services, resident's business center, fitness center, and administration and maintenance buildings. Three enclosed gazebos with an attached covered patio would be constructed in various locations throughout the development. Each gazebo would have a half bath and a janitor's area with a laundry facility that can also be used by the residents (some smaller units do not have laundry facilities). The Central Core component of the proposed project consists of 10,461 net square feet of remodeled space and 14,902 net square feet of new construction.

Existing and Proposed Parking Facilities
There are currently 331 parking spaces existing onsite. Six existing common parking lot areas, which park approximately 10 to 12 cars each, will be removed for the new development, and either reconfigured in the same location, or relocated throughout the campus. Most of the relocated parking areas will park approximately the same number of cars, and the parking stalls would be located either perpendicular to the private roads or within small parking lots. Approximately 83 new parking spaces are proposed, including two new staff parking lots totaling 43 spaces, 27 new single car garages and 13 additional surface parking lot spaces. With these improvements, there would be a total of 414 parking spaces onsite.

Proposed Lot Line Adjustment
The applicants are proposing a lot line adjustment to transfer approximately 9,000 s.f. from APN 49-440-015 to APN 49-440-016, in order to prevent Units 16 and 17 from crossing property lines. The lot line adjustment provides opportunity for infill development and better use of the existing topography.

Proposed Oak Woodland Dedication
A condition of the 1984 Planning Commission approval was the dedication of four acres of oak woodland. This was never done. The applicant is currently proposing to dedicate

or otherwise restrict development rights of that four acres, plus 5.8 additional acres, for a total of 9.8 acres.

Proposed Grading, Tree Removal and Construction
Grading for the project would involve 11,520 cubic yards of cut, 13,300 cubic yards of fill and 1,780 cubic yards of import. Fifteen oak trees are proposed to be removed, and six oak trees may be impacted by the construction. The applicants are proposing to plant 150 oak trees to replace those removed (10:1 replacement ratio). Grading would take up to three months, and construction would last approximately 18 months.

Baseline Setting

The Initial Study does not adequately set forth the existing biological baseline because it omits important elements of the site's existing biotic resources.

The project site contains one of two pristine Southern Coast Live Oak Woodland stands in the City (Santa Barbara City Conservation Element). This habitat type is considered sensitive by Santa Barbara County and the California Department of Fish and Game. Santa Barbara City Conservation Element Policy 4.0 requires preservation of this habitat if feasible. These facts heighten the significance and sensitivity of the project site's existing baseline biological resources. This heightened sensitivity and significance of the existing biological resources at the project site increases the significance of the project's biological impacts described below.

The western area of facility expansion into open space and sensitive habitat includes native forbs not identified in the documents reviewed including the Initial Study's Dec. 18 2008 Revised Biological Assessment. The Initial Study's Revised Biological Assessment site visits were conducted in September 2008. Many native annual plant species are not detectable this late in the season as noted in the Revised Biological Assessment on pages 4 and 5. This is particularly true during particularly dry years such as 2008. The presence of native forbs and annuals in the expansion area in March 2009 which were not identified in September 2008 increases the sensitivity and significance of the biological resources in the western expansion area. The heightened sensitivity and significance of the existing biological resources at the project site increases the significance of project impacts described below.

The western expansion area contains a wildlife movement corridor and wildlife trail. Wildlife movement corridors which connect habitats are significant biological resources. Substantial interference with wildlife movement triggers a significant impact finding pursuant to Thresholds of Significance used by the City in the Initial Study's Dec. 18 2008 Revised Biological Assessment (page 12). Therefore this wildlife movement corridor along the western project boundary within the expansion area is an important element of the existing biological baseline setting. The presence of this corridor heightens the sensitivity of biological resources affected by the project and increases the significance of the project's biological affects.

Southern Oak Woodlands are not common in the City of Santa Barbara. Most oak woodlands near the City's coast have been eliminated. Only two pristine Southern Oak Woodland stands exist in the City according to the City's Conservation Element. The fact that oak woodlands are uncommon in the City increases the significance of this on-site biological resource. Considering this regional context and rarity of Southern Oak Woodlands in the City, loss of and impacts to Southern Oak Woodlands within the City are more significant than loss of and impacts to Southern Oak Woodlands where such woodlands are more common.

The western expansion area represents an ecotone in which two or more habitat types adjoin each other (Coastal Sage Scrub, Southern Coast Live oak Woodland, grassland, and ruderal vegetation/landscaping). Ecotones have high biological diversity because species from each adjacent habitat type may be present. Location of the project's western expansion area in an ecotone increases the significance of the biological resources affected by the project.

Baseline Setting and Fuel Modification

The Initial Study incorrectly assumes the existing conditions are the environmental baseline. The environmental baseline is normally the physical conditions at the time environmental review is conducted. In this case however the existing conditions include extensive fuel modification clearing of Southern Coast Live Oak Woodland which went beyond that necessary or directed by the City or County to minimize wildfire hazards. This habitat is protected by state and City policies. Clearing of this habitat beyond that directed to enable protection from wildfires degraded the habitat. Correction of past overzealous fuel modification practices is not a benefit or mitigation of this project because it is merely ensuring compliance with pre-existing City policies which required preservation of the Southern Oak Woodland habitat. Regardless of whether this project is approved and constructed, the extent of fuel modification will be decreased pursuant to Fire Officials' instructions (i.e. owners need to clear to 75 feet from structures, not to 100 to 150 feet from structures). Therefore in this case the baseline setting includes the Southern Oak Woodland and Coastal Sage Scrub habitat west of the project absent apparently unauthorized and over-reaching clearing of these protected habitats. Specifically, the baseline biological setting includes authorized clearing to 75 feet from existing structures but does not include the additional clearing to 100 to 150 feet from existing structures. Using this baseline, the resulting presence of more pristine Coastal Sage Scrub and Southern Oak Woodland in the western expansion area heightens the biological sensitivity and importance of this area, and increases the significance of biological impacts in this area.[1]

CEQA's Fair Argument Standard requires preparation of an EIR

The project is likely to cause significant biological impacts that would remain after mitigation measures are applied, as discussed below. The California Environmental

[1] Conclusions in this report that residual biological impacts (i.e. impacts after mitigation) are potentially significant remain regardless of which biological baseline is used in the analysis (i.e. with fuel modification to 75 feet and with fuel modification to 150 feet.)

Quality Act (CEQA) standard for triggering lead agency preparation of an Environmental Impact Report (EIR) is met in this case. Under CEQA, when substantial evidence supports a fair argument that a project may cause a significant impact, the lead agency must prepare an EIR. Even if other evidence in the record indicates impacts would not be significant, an EIR is required whenever substantial evidence supports fair argument that a project may cause a significant impact. In this case substantial evidence in the record including this report supports a fair argument that the project is likely to result in significant biological and land use impacts. Therefore an EIR is required for the project.

Biological Resources Impacts

Significance Thresholds

The Initial Study's Dec. 18 2008 Revised Biological Assessment identifies several Thresholds of Significance for determining biological impact levels of a project. These Significance Thresholds include: (1) "Conflicts with adopted environmental plans and goals of the community where it [the project] is located;" and (2) "Interferes substantially with the movement of any resident or migratory fish or wildlife species." (Initial Study Exhibit E, pp. 11 – 12)

Bio Impact I. Removal of Southern Oak Woodland violates General Plan Policy and is a Significant Biological Impact.

The Project's removal of sensitive Southern Coast Live Oak Woodland conflicts with City General Plan Conservation Element Biological Resources Policy 4.0 and triggers a significant biological impact.

Policy 4.0 holds that, "Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible."

Visual Resources Policy 4.2 holds that "All feasible options should be exhausted prior to the removal of trees."

The project can feasibly preserve all Southern Coast Live Oak Woodland and avoid removing trees in the western expansion area while still fulfilling the basic underlying objectives. At least four feasible options exist which would enable the project to fulfill its underlying objectives and preserve remaining Southern Coast Live Oak Woodlands and trees in the western expansion area.

(A) Reduced Scale Alternative

The project proposes a total of 40 new residential units. Seventeen proposed units and the proposed employee parking area are located in the western expansion area's open space and sensitive habitats outside the existing facility footprint. Eliminating these units and the southern portion of the proposed parking lot would preserve the Southern Oak Woodland by avoiding direct impacts and would minimize indirect impacts. This

alternative would result in 23 units being constructed within the facility's existing footprint. Combining this alternative with Option (B) or (C) below would enable the project to preserve the Southern Coast Live Oak Woodland and provide even more units.

(B) Two-Story Units Alternative

The project could feasibly fulfill its underlying objective and approach or meet the desired 40-unit total through more efficient land use such as inclusion of two-story units with elevators. Such a design would enable the project to concentrate units within the existing facility footprint and thereby preserve the Southern Oak Woodland as required - when feasible – by City Biological Resources Policy 4.0.

(C) Increased Interior Density Alternative

Similarly, the design can make more efficient use the land by increasing the density of one-story homes within the existing facility footprint such as areas west and east of Senda Verde.

(D) Hybrid Alternatives

Any of the above three alternatives can be combined into hybrid alternatives which feasibly fulfill the project's basic objectives while avoiding the Southern Oak Woodland pursuant to Biological Resources Policy 4.0.

No evidence in the documents reviewed indicates that the above alternatives are infeasible, would not fulfill the project's basic underlying objectives, or would not preserve the Southern Oak Woodland pursuant to Biological Resources Policy 4.0. It is feasible to modify the project within the 59.75 acre project site to avoid the .3 acre impact to Southern Coast Live Oak Woodland and associated habitat.

The Initial Study incorrectly presumes that because the number of trees initially proposed to be removed has been reduced, the project complies with City policies. However the policies clearly require (A) preserving Southern Oak Woodlands where feasible (not merely reducing the initially proposed loss of oak trees and woodland habitat), and (B) retaining all trees when feasible (not merely reducing the number initially proposed to be removed). Given the policy language and the feasibility of redesigning the project to preserve Southern Oak Woodlands and retain trees in the western expansion area, the project violates the cited general plan policies and as a result causes a significant impact to the Southern Oak Woodland habitat and to oak trees.

Due to the conflict with Biological Resources Policy 4.0 (failure to preserve remaining Southern Oak Woodlands) and Visual Resources Policy 4.2 (failure to exhaust all feasible options prior to removal of trees) the project causes a significant biological impact.

Bio Impact 2: The Project would result in a permanent net loss of Southern Oak Woodland Habitat, Coastal Sage Scrub Habitat and undeveloped grassland habitat which is a Significant Biological Impact.

The Initial Study at page 18 identifies a permanent loss of .3 acres of Coastal Sage Scrub habitat and Southern Oak Woodland habitat. These habitats are designated sensitive by the state Department of Fish and Game and support state-designated sensitive species identified in Tables 1 and 2 of the Initial Study's Exhibit E. Displacing at least .3 acres of habitat for project facilities would be a permanent net loss of .3 acres of habitat because the loss of overall habitat area is not mitigated as part of the proposed project or its mitigation plans. Proposals to mitigate the loss of Coastal Sage Scrub and Southern Oak Woodland by restoring Coastal Sage Scrub habitat and planting oak seedlings do not mitigate this loss because .3 acres would be covered with facility structures and paving resulting in a net loss of overall habitat area on the project site (Grassland, Southern Oak Woodland and Coastal Sage Scrub). There is no offsetting increase in overall habitat area proposed (i.e. no facilities are being removed and returned to habitat). The oak seedling and Coastal Sage Scrub habitat restoration would take place within the open space and habitat areas west of the proposed expansion – not through removal of existing development. Said restoration would enhance existing habitats and/or convert grassland to Southern Oak Woodland or Coastal Sage Scrub, but would not generate .3 acres of new undeveloped land to offset the loss of .3 acres of land caused by facility expansion. Therefore the proposed Coastal Sage Scrub habitat restoration and oak seedling installation would not offset the .3 acre loss of overall habitat area. Given the heightened sensitivity of the biological resources present in the western expansion area, this net loss of .3 acres of undeveloped land would represent a significant impact to biological resources.

Bio Impact 3: Oak Tree Removal is a Significant Biological Impact.

Loss of Southern Coat Live Oak Woodland habitat would be a significant impact as noted above. In addition, loss of individual trees would be a significant impact. Approximately 27% of the oak trees on the project site (21 of 79) would be removed or adversely affected / potentially killed by the project as currently designed. Over four percent of the 500+ coast live oaks on the property would be removed, affected and/or potentially killed. Some of these trees exceed 16" diameter at breast height (DBH) as measured at 54" above the ground. Loss of these trees would be significant. Mitigation in the form of planting oak seedlings would not replace these trees' biomass, bird nesting opportunities, acorn production, shading or habitat values for several decades or longer. Therefore loss of individual oak trees would be a significant temporal biological impact which remains significant until such a time when – and if – enough of the new seedlings reach mature tree stature.

Bio Impact 4: Interruption of Wildlife Movement Corridor is a Significant Biological Impact

As noted above the western expansion area contains significant wildlife habitat including Southern Coast Live Oak Woodland and Coastal Sage Scrub through which a wildlife movement corridor and trail pass. The trail connects habitat north of the project site (including the golf course) to the significant, dense Southern Coast Live Oak Woodland and Coastal Sage Scrub habitats located south and southwest of the project site. Aerial

photos show that alternate wildlife movement routes may be available through the Coastal Sage Scrub, Southern Coast Live Oak Woodland and grasslands further west. However these alternative north-south routes also cross Torino Road near the existing cul-de-sac at the southwest corner of the project site where development is planned. Thirteen residences are proposed within this wildlife movement corridor on and near the Rutherford Parcel creating a substantial interference with wildlife movement. Four proposed residences on the northwest side of the project site (in the northern portion of the western expansion area) would also sit immediately on top of the existing trail and wildlife movement corridor. The proposed project would substantially interfere with this wildlife movement corridor. Alternative wildlife routes further west would also be interrupted by the project's 13 units near the Torino Road cul-de-sac, forcing wildlife into private yards or precluding movement between habitats to the north and the Southern Coast Live Oak Woodland and Coastal Sage Scrub to the south and southwest of the project site. The project's western expansion would impact this wildlife movement corridor and would be expected to cause a substantial impact on wildlife movement.

Bio Impact 5: Indirect Impacts

In addition to direct removal of designated sensitive habitats, removal of oak trees and interference with the north-south wildlife movement corridor, the project would cause indirect impacts to biological resources. Increased noise, light, landscaping activities, pest control and human presence within and adjacent to what is now sensitive Southern Oak Woodland and Coastal Sage Scrub habitats would represent a potentially significant impact.

The project would sit within at least .3 acres of sensitive habitats, therefore the project also lacks an undeveloped buffer to protect the adjoining habitats (i.e. is not setback from the habitats). Absent a buffer to protect Southern Oak Woodland and Coastal Sage Scrub habitats, the project's indirect impacts would not be sufficiently mitigated and would remain potentially significant.

Proposed Oak Woodland Dedication

The applicant is proposing to dedicate or otherwise restrict development rights of 9.8 acres which contains Southern Oak Woodland habitat (Initial Study p. 4). However, this proposal is not sufficiently defined in the Initial Study's project description or mitigation measures or elsewhere in project documents to ensure permanent protection of the 9.8 acres from future development. Given the lack of clarity regarding the mechanism to preserve the woodland in perpetuity and ensure no future development (e.g. deed restriction, conservation easement, etc.), there is no assurance that this land would be conserved and protected. Therefore, in addition to significant biological impacts including conversion of Southern Coast Live Oak Woodland, loss of overall habitat, loss of oaks trees and substantial interference with wildlife movement, the project description and Initial Study do not include adequate detail to ensure permanent dedication or protection of the 9.8 acres of Southern Oak Woodland. The Initial Study and Project

Description are inadequate for failing to ensure that the 9.8 acre area will be dedicated as vaguely described in the project description on page 4. This deficiency is especially problematic considering the City's failure to ensure that 4 acres of this woodland was dedicated following the 1984 Planning Commission approval which required such dedication of land. More clarification including a description of the method by which this acreage would be preserved in perpetuity is necessary to ensure this important element of the project is included.

In addition, since this measure is included in the project description but is not included as a mitigation measure, there appears to be nothing requiring the applicant to implement this measure to protect Southern Oak Woodland habitat pursuant to the requested approvals. The proposal to place this area in a conservation easement or otherwise protect it should be included as a mitigation measure (i.e. in an EIR for this project) and as a condition of approval to ensure enforceability should the project be approved. Such a measure is warranted to mitigate the indirect impacts of the proposed project.

Notwithstanding this recommendation, even if the 9.8 acres is permanently protected, the project as proposed would still allow development within the Southern Oak Woodland in violation of the general plan, resulting in a significant biological impact. Adjusting the project to preserve the Southern Oak Woodland to the maximum extent feasible would help ensure consistency with City General Plan Conservation Element Biological Resources Policy 4.0.

Lastly, it should be noted that the 9.8 acres loosely proposed for dedication or other form of protection excludes significant Southern Coast Live Oak Woodland northwest of Senda Verde Drive (due west of proposed units 33 and 34). The area of dedication should be expanded to include all of the sensitive Southern Oak Woodland and Coastal Sage Scrub habitat in the parcel west of Senda Verde.

Land Use Impacts

The project setting is a residential and wildland interface. The proposed project's western expansion across this interface into Southern Oak Woodland habitat is not compatible with the existing setting, and represents a potentially significant land use impact. Unlike other CEQA documents, the Initial Study and Negative Declaration (ND) excludes a Land Use Impact section and an analysis of neighborhood compatibility and compliance with zoning. This omission results in a deficient CEQA document which fails to analyze Land Use impacts such as incompatible development.

One type of land use impact identified in CEQA Guidelines Appendix G involves conflicts with adopted environmental plans and policies. As noted above the project is inconsistent with adopted policies including Visual Resources Policy 4.2 and Biological Resources Policy 4.0. As a result, the project as designed would cause a significant Land Use impact which the Initial Study and ND omit.

Conclusion

The project as proposed would result in significant biological resources impacts related to temporal losses of mature oak trees, conversion of existing Southern Coast Live Oak Woodland and Coastal Sage Scrub, and interference with an established wildlife movement corridor. Indirect biological impacts resulting from lack of a buffer between the proposed development's western expansion and sensitive habitats are potentially significant. Land use impacts relating to conflicts with biological resources policies and visual resources policies, and relating to incompatible development are significant. An EIR is required to evaluate and compare the impacts of feasible alternatives which avoid or substantially lessen the project impacts. Preparation of an EIR will comply with CEQA, and help the City and community identify an environmentally superior alternative which protects the neighborhood and the natural environment from significant project impacts.

March 12, 2009
Santa Barbara City Planning Department,

The Draft of the Negative Declaration prepared for the proposed expansion of the Valle Verde Campus is insufficient to properly identify, classify and mitigate the environmental impact of this requested development of the existing campus. A full Environmental Report is necessary for this project.

This area is classified as environmentally sensitive and important for the City of Santa Barbara. Section 3.a-e) of the Negative Declaration describes this site (APN 049-440-015;-016;and-050) as containing a pristine oak woodland that is identified by the Conservation Element as one of two pristine stands of Southern Oak Woodlands left in the City and designated as highly sensitive in the City's Conservation Element. This habitat is designated sensitive by the California Department of Fish and Game, and the County of Santa Barbara, as described in the biological assessment (Neg. Dec. 3.a-e). This is environmentally significant, and the described mitigations are not adequate to correct the biological harm. The following five polices under the Conservation Element have not been mitigated by this Negative Declaration:

- Visual Resources Policy 2.0- "Development on hillsides shall not significantly modify the natural topography and vegetation."
- Visual Policy 2.1-"Development which necessitates grading on hillside with slopes greater than 30% should not be permitted"
- Visual Resources Policy 4.0-"Trees enhance the general appearance of the City's landscape and should be preserved and protected."
- Visual Resources Policy 4.1-"Mature trees should be integrated into project design rather that removed.
- Visual Resource Policy 4.2-"All feasible options should be exhausted prior to the removal of trees.
- Biological Resources Policy 4.0-"Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved were Feasible".

Units 15, 16, 17 and 31 through 34, and the employee parking lot violate every one of these policies.

At the last Planning Commission meeting 10/4/07, these were the Commissioner's comments on Open Space/Oak Woodland:

1. Most Commissioners felt that the woodland should be defined by the actual location of where the oak woodland actually exists. Did not feel it should be defined acreage, but would like to see more that five acres preserved as open space.
2. One Commissioner felt that how much of the land is set aside is a negotiation between the City and the applicant. The acreage of Oak Woodland to be

restricted should be closer to Staff's recommendation. Oak Woodland area is steep: its highest and best use is as open space.

3. One Commissioner felt that no development should ever occur in the Oak Woodland area. Expects a generous area of Oak Woodland to be preserved as open space. "
4. Concerned with too much encroachment of development into open space areas.
5. Concerned with interruption of access to existing wildlife habitat in Oak Woodland by the length and height of retaining walls.

I cannot believe that the applicant has submitted this current proposal after receiving this input from the Planning Commission.

There is not adequate mitigation occurring, when all of these policies are being violated by this proposal. The best mitigation is not to allow building along the Pristine Oak Woodland. The City and all us neighbors stand to lose so much by the development along the Oak perimeter. There is no reason to allow this to happen, and the City is not doing its job to protect this area if it allows this construction to occur. The only mitigation seems to be a 10 to 1 planting of oak seedlings, however then the "project could be found *potentially consistent* with biological resources of the Conservation Element" (ND pg. 7). "Potentially consistent "is no promise by the City or the Applicant to offset the permanent lose of biologically significant wildlife habitat, visual aesthesis, and impact to soil erosion and run off. An Environmental Impact report needs to be done, to explore all possible outcomes and recommend better solutions.

As a side note: The trees that are supposedly being grown in 1 gallon containers, need to be grown in tree tubes, to become viable trees. Also there is not sufficient acreage to properly plant 150 trees. The neighbors of Hidden Oaks object to using the property line as the only area to plant 100 oak trees. They are concerned about getting walled in and losing their views.

The City Fire Department has indicated that the oak woodland area adjacent to the proposed development poses a wild land fire hazard (ND Bio 3). How could senior housing be contemplated with such risks to the safety of the people that would live there? We have had three fires in this Valley, and the Painted Cave Fire started burning the oaks. The houses being proposed along the oaks are unsafe for this reason. Another fire (3 years ago), was started by a cigarette, which was tossed into the bushes, along Calle de Los Amigos right where the employees park their cars. This burned the hillside along Arroyo Burro Creek. Fortunately, because this was a public street, quick action got the fire Department here fast, and the fire was extinguished before it moved along the creek. Just imagine an employee parking lot built into the Oak Woodland hillside, (which the Fire Department says is a wild land fire hazard). If a cigarette is tossed into the bushes out there, we have a major disaster.

Under the guise of fire protection Valle Verde, last summer, cleared under brush and also cut down mature Oak trees along the areas where development is proposed. As soon as the City Planner was notified, by me and several Valle Verde Residents, of the extensive tree and brush removal occurring, they were stopped. However significant damage had already been done to the Oak woodland and the biological ecosystem in the Oak woodlands. Is their no consequence for Valle Verde cutting down significant trees last summer. Do they instead get to just remove more?

Density:

The number of current residents of approximately 400 is in violation of the CUP under which Valle Verde is operating, which limits them to 350 residents and staff. This is at the core of many of the environmental issues that will be affected by any additional expansions of this campus. They seem to be "cherry picking" the 254 independent Living Unit number from the 1980 amendments, and trying to ignore that they are subject to a density limit.

Adding in the 109 current employees (7am-3pm), the number of people on campus is over 500, 150 people more then was allowed at the time the CUP was granted in the 1960s and amended in the 1980s. At that time the calculations were based on this campus, needing to be compatible with residential density of 4 houses per acre and the number of people that would be equivalent to that kind of build out. The number of people on campus needs to be addressed before ever considering that a CUP of 254 is a "self proclaimed and assumed" right of Valle Verde. Please remember that they finished building out these units in the 1980s, and then did not want studios any more and converted most of them into 1 and 2 bedroom apartments. Thereby being able to accommodate more married couples, and still grow their resident population. We should not allow the oak perimeter to be over developed and yard setbacks to be ignored, just because Valle Verde wants 40 more homes to sell off for $700K buy ins and $4000/month rents. This benefits a "non profit" organization that does not pay property taxes for their units, and does not provide affordable senior housing for our community.
However will draw upon city services such as emergency personnel, transportation and utilities.

In addition to these Independent Living units, this retirement community has a significant commercial operation of an 80 bed skilled nursing facility; a 44 bed assisted living facility, and Alzheimer's unit of and Hospice Care. As these commercial operations have grown there, so has the need for more employees to service them. There now is an increasing lack of parking and increasing traffic problems. The Planning Commission has been made aware of these public concerns for the past 4 years.

I believe we are reaching a limit to this campus being compatible with the residential community it is situated in.

I am very concerned about evacuating my home during an emergency. I only have one way in and out, and that is through the Valle Verde campus. During the Painted Cave Fire my lot was on fire. We are in the path of the Sundowner wind current. An adequate density limit needs to be maintained on this retirement campus. This point is not addressed by the MND, and therefore an EIR is necessary for this project.

Aesthetics:

The MND rightly states there will be significant impact, however does not identify all the visual impacts, nor does it mitigate these impacts. We will lose the scenic Santa Barbara Mountain Views, the oak woodland views, and if modifications to front and side yard setbacks are changed, this will no longer look like a residential community, but instead have a commercial look. This was not allowed by the Conditional Use Permit of 1960 . There should be no modifications allowed that change the spirit of this residential-like senior campus. The MMD does not mitigate these issues, and leaves them undefined and open game for the developer.

Transportation

The City has been notified for the past 5 years, that we have a serious traffic problem leaving Hidden Valley. The intersection of Los Positas and Modoc are under City Thresholds of V/C .79 so it is considered impacted by the City. With the cumulative effects of Elings Park, Hillside House, and other development projects at the end of Palermo, we will continue to see traffic become more of a problem. Remember Modoc becomes an alternative route anytime there is a problem on Freeway 101. How can this study call this area of the MND as less than significant?

I am attaching pictures of the most recent accident at the corner of Calle De Los Amigos. We have many serious accidents there each year.

How can Valle Verde claim they are going to hire only two more employees, when they are adding 80 more people, and all the new commercial businesses of: Beauty Salons, Cafes, Banks, Fine Dining, and Fitness Centers? This seems like a misrepresentation of fact. The ND is basing traffic counts on assumptions and not facts. We need the full EIR to properly handle this important safety issue.

Seniors have impaired driving ability. We oppose the unsafe and unsightly intersection of Mesa Verde and Torino. The sight line is marginal and the corner sight distance is inadequate (needs to have 275ft. at 25 mph, there is only at best 225ft). There is a safer alternative to this road coming out there, and that is to exist the Rutherford property out the existing driveway onto Calle Sastre and then exit onto Torino. **Four more oak trees would be saved if the road does not go through.** Is this not what an EIR would accomplish, to implement Visual Resource Policy 4.2-"All feasible options should be exhausted prior to the removal of trees".

The proposed project is at the end of a valley of curvy surface streets that were not built to handle heavy equipment. There is no fully defined mitigation associated

with the current MND that handles the noise, traffic and parking of the construction equipment and workers. How could something so important be lacking from this document. We need the full EIR, so that these important areas of environmental impact are not omitted or short changed. The Residents of Hidden Valley have to live through the mess of construction, and the MND does not fully mitigate all the issues surrounding this environmental impact.

Parking

The Negative Declaration does not adequately mitigate the area of parking impacts. A requirement of their original CUP was to provide for onsite parking for the Valle Verde employees. For the Negative Dec to call this issue "Less than Significant" is not classifying this environmentally significant impact correctly. I have had many near collisions, as I maneuver down the ½ mile of Calle de Los Amigos that is parked with as many as a 100 cars. Most accidents happen in parking lots. That is what this ½ mile of curvy roads is with people parallel parking, double parking, opening car doors on you, performing u-turns in front of your moving car, and City Muni busses and the seniors that pull out of side streets in unsafe manners, makes this such an unsafe portion of the public road we need to use to enter and exit our home. **Please address the excessive employee cars parked on Calle de los Amigos and Torino adequately.**

The current proposal does not provide for enough off street parking to fix this problem. The suggestion from the Planning Commission to build an underground parking lot, since they are insisting on raising the current Administration Building lot, has so much importance. Now that they also want to build along the sides of this parking lot, maybe a larger underground parking lot can be engineered.

The Parking Study (ATS exhibit J) that was commissioned by the Developer has several flaws in it and therefore does not mitigate this significant problem.

1) It is three years old (2006), no longer reflects the current situation
2) Does not reflect the current proposal that will remove up to 75 on site parking spots. Displacing current parking to where?
3) Needs to be done on a Monday and Tuesday, which are peak days
4) Based all assumptions on only 60 cars parked on public roads, when everyone else is counting peaks of over 100.
5) The city is allowing the new 83 parking spots to satisfy the requirements to build 40 more units, however the parking on campus is not being considered in its entirety, with the fact that there has been inadequate parking for decades.
6) 40 out of the 83 spots are going to be used by new residents, so only 43 new spots for employees (none for visitors)
7) The "Modern" senior couple might have two cars, would they get limited to one spot?

A condition of approval since the 1960s was to provide adequate staff parking.

I believe I have raised good arguments that need to be addressed by a full EIR. The MND needs to be abandoned.

Heike Kilian
4138 Hidden Oaks Road, SB 93105
Hidden Oaks Homeowners Association

Mariana Homeowners Association

Mariana Homeowners Association
3841 Mariana Way
Santa Barbara, CA 93105

Dear Planning Commissioners:

We are writing to you regarding our concerns about the proposed Valle Verde expansion. I am the President of the Mariana Homeowners Association, representing 38 homes in Hidden Valley.

We request that an Environmental Impact Report be required for this project because we feel that the Mitigated Negative Declaration is insufficient.

Our understanding is that Valle Verde Retirement Homes was licensed for a maximum of 350 residents and staff. Right now if you count the actual bodies living at Valle Verde the population count is almost 400 people. This does not include the 100 + employees working at the facility. If 40 new units are approved it appears that the resident count will grow by 80 to 480. Once you add the 100+ employees it appears that Valle Verde will have over 600 people at peak times. We believe this increased density negatively impacts this environmentally sensitive Valley. We do not feel that the Negative Declaration prepared by the City adequately mitigates the impacts on parking, traffic, aesthetes, density, protecting the pristine Oak Woodland Preserve, wildlife, public views, landslides, and earthquake fault lines.

We believe that the impact of this continued growth in population will negatively impact Hidden Valley with increased traffic/speeding; increased parking shortages, as well as a public safety issue as 600+ seniors try to evacuate Hidden Valley from Valle Verde in the case of an emergency. Our neighborhood is not designed for high density. A simple bicycle race totally closed access in or out of the valley for 4 hours 2 years ago, what would happen in the case of a wildfire that spreads as quickly as the Tea fire?

We have seen an increase in the number of families with small children in our valley and older active local residents who like to walk on the street. The speeding down Torino and Palermo Drive are a serious problem and need to be addressed.

Valle Verde is becoming more and more a commercial operation that exists deep inside a residential zone. The addition of a bank, beauty salon, coffee shop, business offices, and fine dining are new commercial enterprises. These will bring in more traffic into Hidden Valley. We understand that they currently conduct dinners for local organizations. We see this as yet another commercial aspect to Valle Verde that is expanding beyond its original intent.

The proposed 40 units will remove a large segment of open space. I personally have seen a coyote family and a mountain lion in the area of the proposed new parking lot/building site. When Valle Verde was first built, the density was in line with the surrounding neighborhood at 4 homes per acre. We are concerned that the 40 proposed units will increase density to an undesirable level and have a negative impact on the surrounding neighborhood by creating a precedent for increased density.

Some of our street counts indicate almost 100 cars on Calle De Los Amigos during the daytime. The parking study conducted by ATS is faulty and needs to be conducted again. There needs to be enough

Mariana Homeowners Association

'employees parking' to handle the number of the employees. Additional employee parking needs to be included in this plan, before any additional development should be allowed to occur. Based on the current negative declaration, this environmentally sensitive issue has not been mitigated sufficiently.

We were told that initially the project would be all single story. However, lately we have been told that the new administration building will have 2 stories. Again this does not comply with the original Mater Plan for the community.

Will this project complete the build out of the site? Wasn't the build out complete in 1986?

We have concerns about the dust, noise and traffic from the construction. Where will the construction workers park as Calle de Los Amigos is parked solid with current employee cars? Also the time allowed during the day for construction (this is usually 7am to 4pm and not on Sunday)? We would like to have a resident's committee involved in these issues if the project is approved.

Our board remains concerned about the public safety issue. We are located in a valley and the only way out is through Modoc Rd. This road becomes a major traffic route during times of emergency or blockage on Highway 101. Being able to make a left hand turn is very difficult. The signal at Los Positas and Modoc (service level D) is documented to already be under capacity for current needs v/c 0.79, and this is before any more units get built. We do not feel that the negative declaration adequately examines the traffic problems in this valley. The Negative Declaration does not adequately classify or mitigate these significant issues. Stating that the additional vehicle trips will not impact long term traffic is false. We request an Environmental Impact report be prepared.

We continue to have many concerns about this project. We do not feel that our concerns are given adequate consideration.

Thanks,
Cathy Callaway
President
Mariana Homeowners Association

3841 Mariana Way, Santa Barbara, CA 93105

John B. Mandle
1020C Calle de los Amigos
Santa Barbara, CA 93105

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DATE: emailed 6/1/09
PLANNING COMMISSION (7)
SR. PLANNER, ASST. CITY ATTY.
CASE PLANNER APPLICANT('S)
AGENT PC SEC, ENTERED AS INT
PARTY ON
DATE:

May 21,2 009

In SUPPORT of
ValleVerde Master Plan

City of Santa Barbara Planning Commissioners;
735 Anacapa Street
Santa Barbara,C A 93101

Commissioners:

This letter willa ddress several details concerning supposed facts about the Environmental Impact data concerning the Valle Verde Master Plan which I feelh ave been transmitted to you in error.T his issue concerns street parking on Calle de los Amigos.

Several persons, in the past, have intimated to you that the parking on Calle de los Amigos was primarily Valle Verde Employees or others connected directly with Valle Verde and,t herefore, was a "Valle Verde problem" of unavailable parking capacity on campus.P lease let me correct that statement by presenting to you the following facts:

1) There is a community children's park at the intersection of Torino and Calle de los Amigos,o n land donated by Valle Verde, called Hidden Valley Park. This park is routinely used by neighborhood mothers for infant programs, birthday parties, and as a children's playground. Parking is along Calle de los Amigos and is rarely less than 3 cars - sometimes with parties increasing to 20.

2) The Visiting Nurses Serenity Hospice is housed in a 4 bedroom apartment on Calle de los Amigos. The land and building are part of the Valle Verde campus, and allh ospice food and maintenance services are supplied by Valle Verde.T here are a continuous stream of visitors to the terminally illc ared for 24 hours per day by this facility, as wella s hospice personnel,w hich park on Calle de los Amigos. At any given time,t he caregivers and visitors normally number 5 or more cars.

3) Valle Verde hosts,b y furnishing meeting rooms, a number of classes of adult education. At any given day, 4 or more classes such as square dancing,V ista Lifelong Learning, Water Color,C reative Writing,t o name a few, are in session

Telephone/Fax: 805 898 0259 E-mail: jbmandle@ix.netcom.com

not only to Valle Verde residents, but any interested member of the community. These Santa Barbara community attendees park on Calle de los Amigos from 9 am to 4 PM most days. A view of Calle de los Amigos on weekends willa ttest to the reduction of

4) There are community organizations,s uch as The League of Women Voters, Hidden Valley Residence Association, The ChannelC ity Photography Club, and other civic organizations which use Valle Verde meeting and catering capabilities to hold organizationalm eetings. Allt hese members park on Calle de los Amigos - day and evening.

5) Lastly,t he few employees who do not have assigned spaces on the Valle Verde campus park on Calle de los Amigos. At any one time these cars are less than 1/6 of those at work because of the 3 shift operation.T herefore the "150" quoted by others during the daytime could not possibly allb e Valle Verde employees.

Thus,t he data and impression you have been given by others has been to highly colored and criticizes a situation that does not exist as a Valle Verde problem.P lease take into account that others are giving this false impression of Valle Verde's use of Calle de los Amigos parking purely for other selfish motives.

John and Sally Mandle

Telephone/Fax: 805 898 0259

E-mail: jbmandle@ix.netcom.com

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PARTY ON

May 27, 2009

RECEIVED
JUN 01 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

Hidden Valley Resident's Association
3702 Barcelona Drive
Santa Barbara, CA 93105

Planning Commissioners:

We are writing to you regarding our concerns about the proposed Valle Verde expansion. I am the President of the Hidden Valley Resident's Association, representing 400 homes in Hidden Valley.

Our understanding is that Valle Verde Retirement Homes was licensed for a maximum of 350 residents and staff. Right now if you count the actual bodies living at Valle Verde the population count is almost 400 people. This does not include the 100 + employees working at the facility. If 40 new units are approved it appears that the resident count will grow by 80 to 480. Once you add the 100+ employees it appears that Valle Verde will have over 600 people at peak times. We believe this increased density negatively impacts this environmentally sensitive Valley. We do not feel that the Negative Declaration prepared by the City adequately mitigates the impacts on parking, traffic, aesthesis, density, protecting the pristine Oak Woodland Preserve, public views, landslides, and earthquake fault lines. We request that an Environmental Impact Report be required for this project.

We believe that the impact of this continued growth in population will negatively impact Hidden Valley with increased traffic/speeding; increased parking shortages, as well as a public safety issue as 600+ seniors try to evacuate Hidden Valley from Valle Verde in the case of an emergency. Our neighborhood is not designed for high density.

We have seen an increase in the number of small children. The speeding down Torino and Palermo Drives is a serious problem and needs to be addressed. Many Valle Verde residents like to walk in our area and do so on the street. Again we do not want to wait until there is a death or serious accident to have this problem addressed

Valle Verde is becoming more and more a commercial operation that exists deep inside a residential zone. The addition of a bank, beauty salon, coffee shop, business offices, and fine dining are new commercial enterprises. These will bring in more traffic into Hidden Valley. We understand that they currently conduct dinners for local organizations. We see this as yet another commercial aspect to Valle Verde.

The proposed 40 units will remove a large segment of open space. When Valle Verde was first built, the density was in line with the surrounding neighborhood at 4 homes per acre. We are concerned that the 40 proposed units will increase density to an undesirable

level and have a negative impact on the surrounding neighborhood by creating a precedent for increased density. Many of the residents picked Valle Verde for the open space feel and the additional units will affect this atmosphere.

Some of our street counts indicate almost 100 cars on Calle De Los Amigos during the daytime. The parking study conducted by ATS is faulty and needs to be conducted again. There needs to be enough employees parking to handle the demands of the employees. So at least 109 employee spots needs to be included in this plan, before any additional development should be allowed to occur. Based on the current negative declaration, this environmentally sensitive issue has not been mitigated sufficiently.

We were told that initially the project would be all single story. However, lately we have been told that the new administration building will have 2 stories. Is this correct?

Will this project complete the build out of the site? Wasn't the build out complete in 1986? We have concerns about the dust, noise and traffic from the construction. Where will the construction workers park as Calle de Los Amigos is parked solid with current employee cars? Also the time allowed during the day for construction (this is usually 7am to 4pm and not on Sunday)? We would like to have a resident's committee involved in these issues if the project is approved.

Our board remains concerned about the public safety issue. We are located in a valley and the only way out is through Modoc Rd. This road becomes a major traffic route during times of emergency or blockage on Highway 101. Being able to make a left hand turn is very difficult. For the safety of all Hidden Valley residents, we feel that a signal at Calle de Los Amigos and Modoc Road is necessary. Unfortunately the city seems to wait until there is a death before acting. We would like to request your help in supporting the traffic light option. The signal at Los Positas and Modoc (service level D) is documented to already be under capacity for current needs v/c 0.79, and this is before any more units get built. We do not feel that the negative declaration adequately examines the traffic problems in this valley. The Negative Declaration does not adequately classify or mitigate these significant issues. Stating that the additional vehicle trips will not impact long term traffic is false. We request an Environmental Impact report be prepared.

We continue to have many concerns about this project. We do not feel that our concerns are given adequate consideration.

We look forward to speaking with you further.

Best regards,

Maeda Palius
President, Hidden Valley Resident's Association
805-683-7585 – daytime
Maeda@pokcpa.com

Ruth Georgi
4102 Hidden Oaks Road
Santa Barbara, CA 93110
(805)687-8098

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SR. PLANNER, ASST. CITY ATTY.
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DATE:

May 28, 2009

Dear Commissioners,

I am a 17 year resident of Hidden Oaks Estates, a Planned Unit Development directly adjacent to Valle Verde. I realize that you have all heard and read my concerns in the past but I have been notified that all previous communication will not be considered for this hearing so I am forced to repeat myself. **The intent of this letter is to ensure that a complete Environmental Impact Report be required for the Valle Verde Retirement Community expansion project currently under consideration by your board.**

The staff at Santa Barbara's Planning Division have issued a Notice of EIR Preparation/Notice of Environmental Scoping Hearing for the Valle Verde Retirement Revised Conditional Use Permit. In a Memorandum to Interested Parties dated May 21, 2009, the Community Development Department states "an interested party raised a fair argument regarding the analysis of the Biological and Transportation impacts." For the City Planning Division to contend that only **two issues "raised a fair argument"** is, in my opinion, ludicrous. Yes, the two issues cited warrant more analysis but so does the parking situation in and around the Valle Verde Campus as well as the overall size, density and scope of this extremely ambitious project. The **cumulative impact** of this proposed plan must be examined and a **comprehensive plan of staging and phasing**.

Valle Verde continues to proclaim that they are allowed 254 units under the current CUP. This is their focus in the ongoing discussion to allow additional building on their property. However, this approach fails to appropriately address the whole project that is proposed. It downplays the expansion of the administration building, the maintenance building, and parking lots . There is very little mention of the proposed commercial enterprises and their effect on the neighborhood, parking and traffic.

Conditional Use Permit--Valle Verde has laid out a time line regarding their development, starting with the initial CUP approval and moving on through several variances, annexations and additions (Initial Study, page 2). While the expansion of Valle Verde has continued over many years, no regard has been given to the **350 resident/staff population** cap mandated in the CUP nor to the provision of "**adequate parking to meet the requirements of the residents, staff and visitors**". Valle Verde is dramatically out of compliance with the current Conditional Use Permit. Not only do they have well over 100 more persons on campus than allowed, the continuing problem of street parking along Calle De Los Amigos has still not been addressed despite the ongoing discussion, complaints and recommendations over the last two plus years since this General Plan was first brought to the commission.
Valle Verde has established **commercial businesses** on their premises **and plan on adding more to a facility that was initially approved as an independent resident community. The Land Use Element describes Valle Verde as a retirement home.**

Parking--Even with all the meetings, questions and recommendations made to clear the street; there are still 60 + cars lining Calle de los Amigos on a regular basis. Supposedly there is adequate parking on campus for the residents, staff and visitors, so why is this thoroughfare bogged down? New spaces in the form of garages, carports and open air parking are planned for the proposed new units at one space per unit. Valle Verde claims that these parking spaces, plus reconfiguring old lots and adding a new 48 stall lot at the back of the property will provide more than enough parking spaces for all existing and new residents and staff but the numbers don't add up. Add to this equation that these new two bedroom units are being built with the "new senior" profile in mind and I would have to assume that several would have more than one vehicle. Where will the second car be parked? Also, more and more support professionals in the form of physical therapists, visiting nurses, as well as student nurses come to Valle Verde everyday. This can only increase as Extended Care Insurance becomes the norm rather than the exception.

Mesa Verde--The proposed driveway/road, Mesa Verde, is an anomaly. All existing roads and driveways within the Valle Verde campus connect with one another. This road does not. Furthermore, it would intersect Torino Drive where it runs directly east/west. From experience, I can tell you how dangerous this is at certain times of the day because the position of the sun blinds you. Mesa Verde does not belong, as designed, in this plan and the

intersection of Mesa Verde and Torino should be eliminated. Access to any buildings, if allowed, on the Rutherford property should be from the existing street, Calle Sastre.
One of the proposed units is situated very close to Torino (requiring a lot modification) and is designed to have a hedge placed between it and the street. If the driveway/road Mesa Verde is allowed, this will cause an additional hazard for line of sight for vehicles traveling on Torino and those exiting Mesa Verde.
I am also concerned that Mesa Verde would be used for staging during construction.

Lot Modifications--Valle Verde is asking for no less than five modifications in this plan (p.6 of the May 22, 2009 Initial Study). Especially impacted will be the Rutherford Property. Please do not allow, or at the least, limit modifications on the Rutherford Property and carefully scrutinize modifications in other parts of the campus.

Rezoning--Do not allow parcel 049-440-015, the Rutherford Property, to be rezoned. It is currently A-1 and should remain so. All building, if allowed, on this property should be on the extreme eastern portion of the property only and the rest should be left as an open area in perpetuity. This will ensure that wildlife that utilizes this open field will continue to have access to the Oak Woodland on the north end of this property.

Traffic-- I challenge the findings of the traffic report submitted in the Initial Study (February19,2009). How is it possible that only 5 vehicle trips per day would be generated by 40-80 new residents and 5 staff persons? The staff doesn't live on the property so are the residents unable to leave?
Hidden Valley is already highly impacted with traffic. We have no fewer than four condo developments, two retirement communities, and two homeowner's associations in addition to homes along Veronica Springs Road, Hillside House and two churches. The study did not follow guidelines regarding the overall impact of all proposed development in and around the Valle Verde campus.

Hardscape/Open Space--The amount of **open space versus hardscape** as documented in Valle Verde's General Plan, p.13 doesn't add up. Valle Verde has claimed in the past that even though they are adding several thousands of square feet in additional housing, commercial buildings, parking and support buildings that their hardscape to open space ratio will remain the same. This is a shell game that they are utilizing to further their

cause. They pick and choose how to report their massive footprint on our environment. In one section of the Initial Study, the Preserved Oak Woodland which **HAS YET TO BE DEDICATED** is included in their open space figures, in another section it is not. To use an old idiom, they want to have their cake and eat it too.

Water--A full study of water use and disposal must be conducted. The number of new buildings, expansions and landscape proposed for this project is huge. This plan qualifies as substantial growth. Even the expansion allowed in the 1980's realized that water was a limiting factor and required that a well be drilled to provide water to the new units. I understand that this well was capped because the water was not potable. With more growth in our city, there is even less water available. Sewer and waste must be studied in more detail through an EIR.

Biological Resources--The Revised Initial Study/Environmental Checklist MST2005-00742 dated May 22, 2009 states on page 19 that there is a potentially significant impact to biological resources. The Mitigated Negative Impact Report submitted for the April 5, 2009 Planning Commission Meeting was grossly inadequate and inaccurate in regards to our natural resources. This area has been cited in the past by the Planning Department as needing an EIR. The previous study was conducted during September. The new study must be conducted during the spring, summer and winter months as well. Several species of birds and plants were not included in the first study.
Valle Verde is adjacent to a pristine Oak Woodland as designated by the City of Santa Barbara. It is essential that the impact on this property be fully examined.

Please require a complete Environmental Impact Report on the entire proposal put forth by Valle Verde. To select only two areas of the proposal for further analysis is not acceptable.

Respectfully submitted,
Ruth Georgi

764B Senda Verde
Santa Barbara, California 93105
May 30. 2009

RECEIVED
JUN 01 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

City of Santa Barbara, Planning Division
Attn: Peter D. Lawson, Associate Planner
630 Garden Street
Santa Barbara, California 93101

SUBJECT: Valle Verde MASTER PLAN, 900 Calle de los Amigos

Many Valle Verde residents are hoping that you will put on hold your approval of the so-called Master Plan. We are concerned that the current recession would bring the construction to a stand-still LONG before completion. We can't ignore the strong possibility that many interested buy-ins will have to renege on their intentions until their own day-to-day financial survival has been assured. Should this happen AFTER tear-up has begun, the upheaval in residents' lives is too disheartening to consider.

We survivors of the 1930's Depression and its subsequent recovery recognize the writing on the wall that this is not the time to consider tearing up perfectly satisfactory living arrangements to "improve" them for a generation that may not be able to afford them for many moons.

A very large number of Valle Verde residents were completely and totally in the dark about the enormity of ABHOW's ambitions. The Rutherford addition was a known possibility, but changing our placid campus into a construction site for thirty-five additional residential units was a complete and unpleasant surprise. This was NON-DISCLOSURE at its worst: not once in the several months of our visiting Valle Verde, meeting residents, and negotiating living quarters with Marketing, did the subject of ABHOW's planned enormous changes in the configuration of the lovely quiet campus come to light. Nor have ALL the residents ever been asked if they approve of the Plan, or if they would care to VOTE on the Plan. It was decided for them.

Now ABHOW's plans appear nearer finalization. This last step will eliminate the main selling point of Valle Verde for many of the residents—the openness and serenity of the green setting. It will become a huge HUGE

construction site, littered with bulldozers, backhoes, dump trucks, jack hammers, detours, uprooted plantings, dust, noise, cement trucks, and the daily hammering of carpenters for months and months and months.

It is unconscionable for ABHOW to expect residents at our stages of life to endure this punishment. WE WERE NOT TOLD THAT THIS CHANGE WAS GOING TO HAPPEN. Many of us used life savings for the entrance fees, and now feel we have been victimized by the misrepresentation. There is a "What next?" atmosphere that is unpleasant and unacceptable; gone is our confidence that ABHOW truly cares about our final accommodations.

We have had to accept the fact that more money at the TOP is ABHOW's bottom line.

Very truly yours,

Elizabeth R. Staley

Elizabeth R. Staley

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DATE: 6/4/09
PLANNING COMMISSION (7)
SR. PLANNER, ASST. CITY ATTY.
CASE PLANNER APPLICANT('S)
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May 30, 2009

Re: Draft Negative Impact Study
Valle Verde Retirement Community

Planning Commissioners
Community Development Department Planning Division
630 Garden St.
Santa Barbara, CA 93101

RECEIVED
JUN 02 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Planning Commissioners;

We understand that comments on the negative draft impact study are being accepted by the commission for review. The Allied Neighborhoods Association's Board of Directors wishes to still urge you to require a full and complete EIR on this project. We find that critical issues are still not addressed in the staff statements of issues to be covered.

The question of the proposed commercial use should be addressed to determine if it is an allowed use in the zoning under which the Valle Verde Conditional Use permit is being requested.

Traffic: The impacts of the addition of the proposed commercial activity, additional deliveries, additional staff, new residents as well as events for the residents and public events of town organizations is not fully calculated. Also the impacts of special events and classes need to be included in any calculations. Commercial businesses are in the business of making money; placing commercial operations deep within a residential area, their demand for customers and impacts resulting from the additional traffic need to be calculated.

The on going issues of speeding on the residential streets has been discussed with Valle Verde officials but is not addressed in the document. The Hidden Valley Park located on Torino and Calle de los Amigos is very popular with families and small children; the speeding by this park is an invitation to an accident. Enclosed is a picture of some of the cars parked on Torino to show the intensity of use in the park. Methods which will reduce speeding on Torino, Palermo and Calle de los Amigos should be addressed.

Part of the impact of traffic is the question of availability of parking. Presently there are over 100 cars parked daily on Calle de los Amigos for people either working or using the facilities.
Currently the parking demand of Valle Verde staff is not being met. Calculations of the number of staff, guests, and proposed new residents show that the parking proposed does not meet the demand. The manner in which the supply is figured does not mitigate the impacts.

Concern about the ability to exit the area is not addressed. There are two roads serving the facility, Calle de los Amigos and Torino Drive. Torino Dr. has exits ontoVeronica Springs Rd. and Calle de los Amigos. Veronica Springs Rd is a substandard narrow road, Calle de los Amigo and Veronica Springs Rd. both exit onto Modoc Rd. which has a legal speed of 45 mph. When there is an accident on US 101, a fire, or at peak times, it is extremely difficult to make a left turn onto Modoc Rd. We have had this situation happen frequently. You can also daily find a line of 25 cars at peak times waiting to turn from Modoc onto La Cumbre. Turning right from Torino Drive or Calle de los Amigos onto Modoc places you into a level D intersection of 101/Modoc/Calle Real and Las Positas. Not only does this intersection operate below city standards, but it is currently being considered as an off ramp for Cottage Hospital employees who will take Calle Real after it is converted into 2 lanes. The ability of Valle

Verde residents, as well as the existing residents of the area, to evacuate in time of emergency needs to be addressed and mitigated. We note that Valle Verde has a hospital facility which will take additional services and time to evacuate In the last 5 years there has been at least one accident per year on the corner of Calle de los Amigos and Modoc the last being in Feb. of this year (09). (Santa Barbara Police Report). The current speed limit on Modoc Rd. is 45 mph and speeds are frequently much higher than that. The need for safe ability to exit this intersection needs to be addressed.

This area is also in the high fire hazard area. Arroyo Burro Creek as well as Campanile Hills are considered to be high fire hazard areas. In the recent years there have been 2 fires that threatened this area. The Painted Cave fire burned to the back of Valle Verde and another was in the creek area across from Valle Verde. In the past 45 years there have been 4 fires, Campanile Hills, two in the creek, and the Painted Cave fire. The ability of emergency equipment to get into the area as well as residents being able to leave should be addressed. Currently Valle Verde has emergency responses once a week for other causes. If the route to Modoc Rd. is not available the only other route is Torino Dr. to Veronica Springs Rd. (a substandard county rd) to Cliff Dr. Even this route was impacted by the Painted Cave Fire which was anticipated to jump Las Positas Rd. and burn to the ocean.

The loss of open space should be addressed. The city policy is to place density in the downtown core, and low density on the perimeter of the city. This proposed increase will generate a very dense project and should be evaluated in regard to this city policy. Previous Valle Verde projects have been presented as final build out of the area; how many more additions will the future hold?

We have concerns about the soil study as there is a long history of slope failure in the area. The picture enclosed, taken on the slopes above Valle Verde last year, shows slide areas covered by mustard plants (yellow) which are one of the first plants to re-grow when the soil is disturbed. It also should be noted that a portion of Hidden Valley Park has become unusable all year round with water drainage. These are all indicators that a complete soil stability study needs to be done. I request that the photos that were included in the previous letter be included in the current presentation to the Planning Commission.

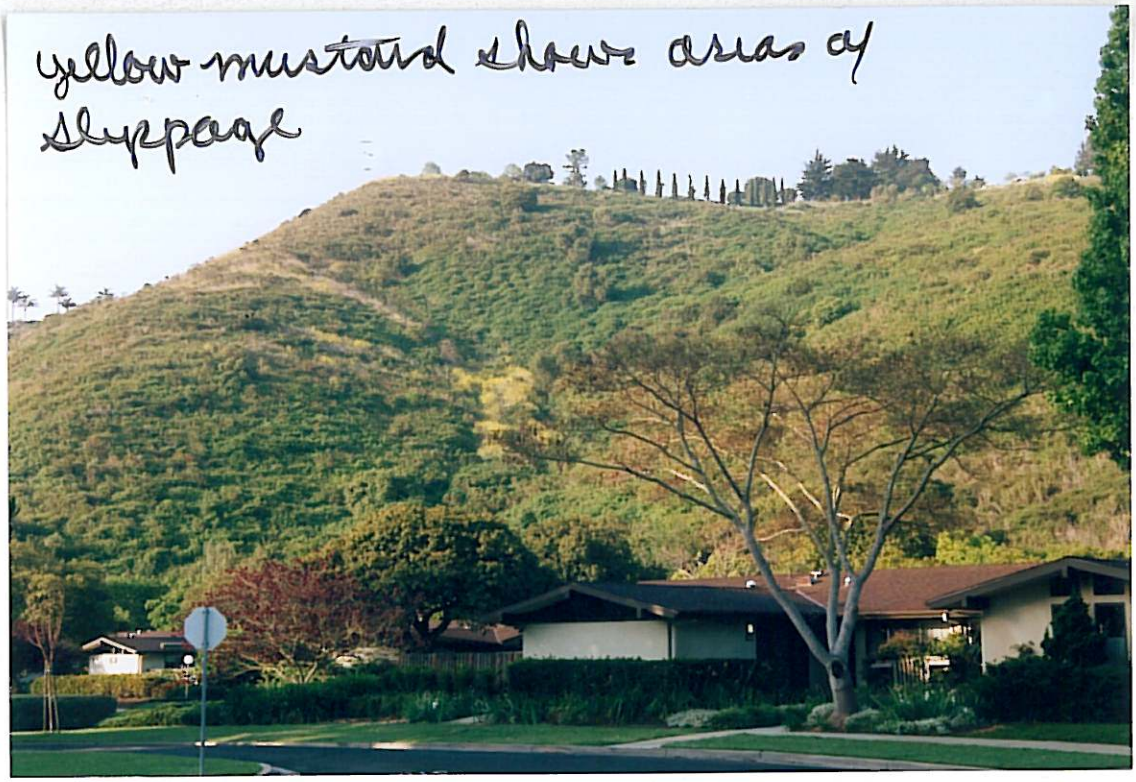
Preservation of the existing oak trees and mature trees on the site is important to the appearance. The original landscape plan should be reviewed to correct changes that have been made over the years. Major trees have been removed and not replaced.

There is a lack of discussion about the demolition and construction problems. Control of dust and the assurance that worker parking will be contained on the Valle Verde site are needed. There also needs to be recognition that the adjacent neighborhood streets are to be kept clean from dirt. Trucks and cars parking on wet soil carry the mud throughout the area. Trucks removing the debris driving through neighborhood streets need to be covered and their speed controlled. The noise of the construction is a factor that will also affect adjacent neighborhoods. The valley is very susceptible to noise as the speakers at Earl Warren can be heard from Hidden Valley and so the noise of construction should also be mitigated.

All these issues need to be addressed in an EIR and we request that the above concerns be included. All of these issues are intertwined with the issue of traffic and environmental effects. We are concerned that all previous comments are not to be considered for this revised initial study. Certainly the impacts previously stated in letters still remain as viable. This is a very large project, the construction time is for over a year and its impacts on Valle Verde residents as well as the adjacent neighborhoods need to be fully examined and mitigated. We also note with some concern that other

projects in the valley are required to do full EIRs and wonder why this project does not fall in the same situation. Thank you for your consideration.

Judith Dodge Orias president
Allied Neighborhood Association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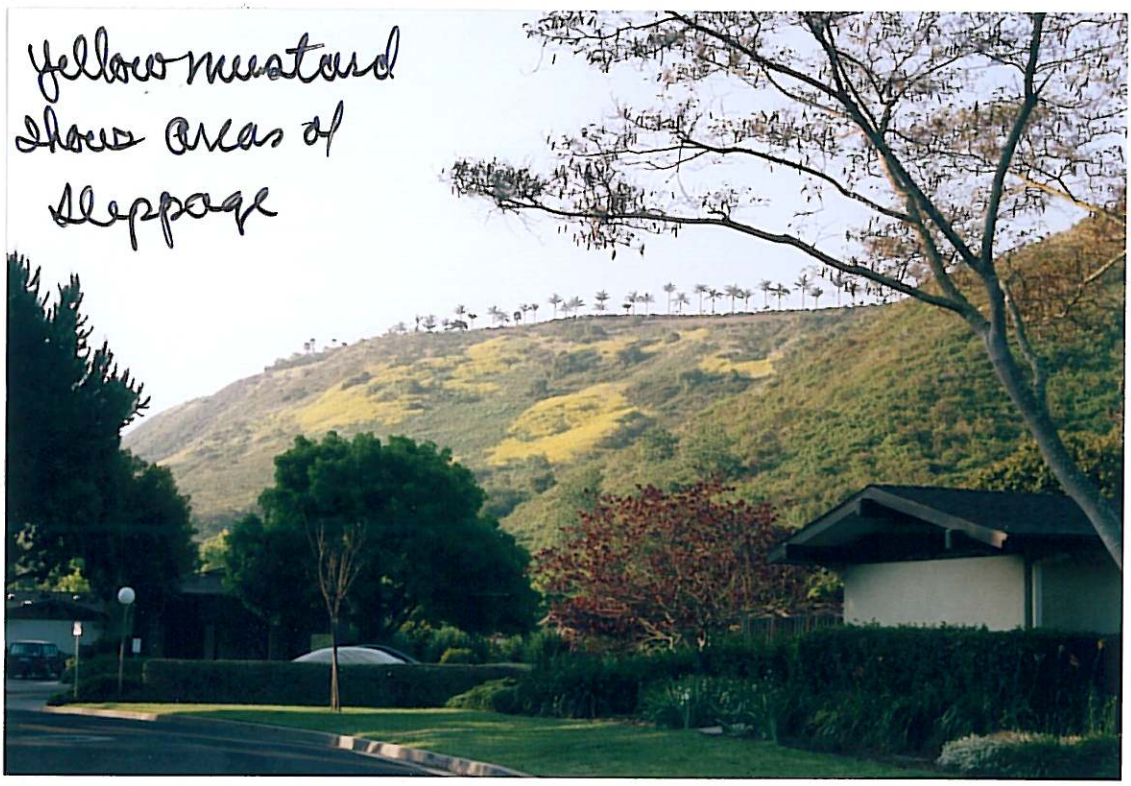
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Parking for use of
Hidden Valley Park

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PARTY ON

June 3, 2009

City of Santa Barbara Planning Division
Mr. Peter D Lawson, Associate Planner
P.O Box 1990
Santa Barbara, CA 93102

Re: 900 Calle de los Amigo – MST2005-00742

Dear Mr. Lawson:

I am a long term neighbor of Valle Verde Retirement Community and wanted to express a few comments regarding their upcoming constructions plans.

In general I have found them to be a good neighbor and they have done a good job operating a commercial business in a residential neighborhood. Most of the concerns I have with their proposal revolve around the issue of parking, traffic and safety.

Being located at the back of Hidden Valley there is only one way in and out. Currently, on most weekdays the cars are parked bumper to bumper on both sides of Calle de los Amigos. With the curving nature of the street and blind driveways I feel more traffic could represent a serious risk for everyday drivers as well as safety personnel. With rare exception, every day as I drive along Calle de los Amigos I will have to stop to wait for a formerly parked car that is attempting to pull a u-turn in order to leave the area in front of Valle Verde and not have to drive the proper distance to turn around. I also see many Valle Verde cars struggle to leave several of the parking lots along Calle de los Amigos – they are struggling because the visibility is so poor with the curves and parked cars blocking the view of oncoming traffic. With the additional structures off Torino, I am worried a similar problem will arise on that road.

I could not tell from Mr. Schaefer's letter dated May 28, 2009 whether or not the residents and the visitors of the new units will be using the new access road off of Torino. The letter makes it sound like only emergency vehicles and electric carts will use it but I don't think that is the case. His letter dated Dec. 18, 2009 included an aerial photo overlay showing the main access for these residents will be the new road off of Torino. Please be sure to address this question as these cars will have the same visibility problem as on Calle de los Amigos. We had hoped that the revised plan would include a road allowing the residents to enter and exit from an already existing interior road (Calle Sastre). Calle Sastre seems to have a clearer view of oncoming traffic since it is before a broad, uphill curve that causes a blind spot at the proposed new road entrance.

Another question is how is Valle Verde going to insure that their employees park in the designated new parking lot? Mr. Schaefer once said in an answer to this question at one of our neighborhood meetings that Calle de los Amigos and Torino are public roads and we cannot legally prevent this ongoing use. Some Valle Verde residents are already using Torino for parking since it is more convenient for them to do this verses parking in their resident spaces. These resident cars are often parked crooked or too far from the curb and are a hazard for other cars. I also see the same u-turn problem on Torino. How will Valle Verde address these concerns?

I have heard statements from representatives of Valle Verde that the above mentioned questions are not a problem at the correct speed. My wife and I are extremely careful to never exceed the 25 mile/hour speed limit and these issues are still a big concern.

Please consider more "no parking" areas along these roads, as well as very carful review of the curves and blind spots and proposed type of use of the new road off of Torino.

I appreciate your careful consideration of these negative impacts.

Sincerely,

David L. Peters

PS –

Please request that any fill and dirt that is coming from one part of the Valle Verde property to another during this construction be moved only within the property and not transported on the public streets. Any movement on the roads will cause more danger for traffic. I believe that this is the rule that needs to be observed for any interior movement of fill that has been requested for construction.

May 27, 2009

Hidden Valley Resident's Association
3702 Barcelona Drive
Santa Barbara, CA 93105

Planning Commissioners:

We are writing to you regarding our concerns about the proposed Valle Verde expansion. I am the President of the Hidden Valley Resident's Association, representing 400 homes in Hidden Valley.

Our understanding is that Valle Verde Retirement Homes was licensed for a maximum of 350 residents and staff. Right now if you count the actual bodies living at Valle Verde the population count is almost 400 people. This does not include the 100 + employees working at the facility. If 40 new units are approved it appears that the resident count will grow by 80 to 480. Once you add the 100+ employees it appears that Valle Verde will have over 600 people at peak times. We believe this increased density negatively impacts this environmentally sensitive Valley. We do not feel that the Negative Declaration prepared by the City adequately mitigates the impacts on parking, traffic, aesthesis, density, protecting the pristine Oak Woodland Preserve, public views, landslides, and earthquake fault lines. We request that an Environmental Impact Report be required for this project.

We believe that the impact of this continued growth in population will negatively impact Hidden Valley with increased traffic/speeding; increased parking shortages, as well as a public safety issue as 600+ seniors try to evacuate Hidden Valley from Valle Verde in the case of an emergency. Our neighborhood is not designed for high density.

We have seen an increase in the number of small children. The speeding down Torino and Palermo Drives is a serious problem and needs to be addressed. Many Valle Verde residents like to walk in our area and do so on the street. Again we do not want to wait until there is a death or serious accident to have this problem addressed

Valle Verde is becoming more and more a commercial operation that exists deep inside a residential zone. The addition of a bank, beauty salon, coffee shop, business offices, and fine dining are new commercial enterprises. These will bring in more traffic into Hidden Valley. We understand that they currently conduct dinners for local organizations. We see this as yet another commercial aspect to Valle Verde.

The proposed 40 units will remove a large segment of open space. When Valle Verde was first built, the density was in line with the surrounding neighborhood at 4 homes per acre. We are concerned that the 40 proposed units will increase density to an undesirable

level and have a negative impact on the surrounding neighborhood by creating a precedent for increased density. Many of the residents picked Valle Verde for the open space feel and the additional units will affect this atmosphere.

Some of our street counts indicate almost 100 cars on Calle De Los Amigos during the daytime. The parking study conducted by ATS is faulty and needs to be conducted again. There needs to be enough employees parking to handle the demands of the employees. So at least 109 employee spots needs to be included in this plan, before any additional development should be allowed to occur. Based on the current negative declaration, this environmentally sensitive issue has not been mitigated sufficiently.

We were told that initially the project would be all single story. However, lately we have been told that the new administration building will have 2 stories. Is this correct?

Will this project complete the build out of the site? Wasn't the build out complete in 1986? We have concerns about the dust, noise and traffic from the construction. Where will the construction workers park as Calle de Los Amigos is parked solid with current employee cars? Also the time allowed during the day for construction (this is usually 7am to 4pm and not on Sunday)? We would like to have a resident's committee involved in these issues if the project is approved.

Our board remains concerned about the public safety issue. We are located in a valley and the only way out is through Modoc Rd. This road becomes a major traffic route during times of emergency or blockage on Highway 101. Being able to make a left hand turn is very difficult. For the safety of all Hidden Valley residents, we feel that a signal at Calle de Los Amigos and Modoc Road is necessary. Unfortunately the city seems to wait until there is a death before acting. We would like to request your help in supporting the traffic light option. The signal at Los Positas and Modoc (service level D) is documented to already be under capacity for current needs v/c 0.79, and this is before any more units get built. We do not feel that the negative declaration adequately examines the traffic problems in this valley. The Negative Declaration does not adequately classify or mitigate these significant issues. Stating that the additional vehicle trips will not impact long term traffic is false. We request an Environmental Impact report be prepared.

We continue to have many concerns about this project. We do not feel that our concerns are given adequate consideration.

We look forward to speaking with you further.

Best regards,

Maeda Palius
President, Hidden Valley Resident's Association
805-683-7585 – daytime
Maeda@pokcpa.com

Lawson, Peter D

From: Judy Orias [judy.orias@verizon.net]
Sent: Friday, May 29, 2009 4:40 PM
To: Lawson, Peter D
Subject: Valle Verde expansion

HI,The Alied Neighborhood Associations submitted a letter to the Planing Commission regarding the proposed development of Valle Verde. The letter was dated arch 13, 2009. In this letter we requested a full EIR regarding traffic, speeding and lack of exits from the area in case of emergencies. We also requested that the parking demand of the staff be accommodated on site and not alone the street as it is presently being done. We expressed concern about soil stability and the problems regarding the demo and construction since the area is accessed by 2 streets Torino and Calle de los Amigos. I am requesting a response in regard to these important issues and will they be before the Planning Commission on June 4? These issues are very important to the
neighborhoods and should be examined with impacts mitigated. I look forward to you response. Thank you Judy Orias

828-B Calle de los Amigos
Santa Barbara, CA 93105
June 1, 2009

City of Santa Barbara Planning Commissioners
735 Anacapa Street
Santa Barbara, CA 93101

Re: Valle Verde Master Plan

Dear Board Members:

My wife and I have been residents of Valle Verde, in Independent Living, since March of 2006.

During our three years in residence, I have had the opportunity to experience driving in local traffic at different times of the day and on different days of the week while on shopping errands, keeping medical appointments, visiting church, etc. From a traffic standpoint, our driving is typical of those other Valle Verde residents, mostly occurring at non-peak commute times.

Compared to the history of earlier years at Valle Verde and looking into the future, the Independent Living component of our population has grown smaller since the campus has gone through an evolution of small single bedroom units being consolidated into larger two bedroom units (often occupied by a single person) through an ongoing campus upgrade. Over these same years, with improved medical care for seniors and a greater life expectancy, the average age of our residents has been increasing. That reflects into an increasing proportion of Valle Verde residents who are no longer driving. Our more senior residents are more and more relying on alternative transportation provided by Valle Verde for such things as trips to the doctor, shopping, and recreational trips such as the theater, or symphony performances.

The other component of Valle Verde's impact on local traffic is the staff commuting to and from work. For the most part, staff do not arrive and depart during the busy commute hours. The maintenance staff generally arrive to start work at 7:00 am and depart between 3:00 to 4:00 pm. The dining room staff, except for the kitchen, need to be here by mid-morning for the noon meal and again in late afternoon for dinner, departing after 7:00 pm. The health center runs a three shift operation around the clock and except for a shift change about 7:00 am, do not commute during peak hours.

For over 40 years, Valle Verde has operated in Hidden Valley as a good neighbor to the surrounding community, with a minimum of traffic impact on our immediate neighbors and to the Santa Barbara community as a whole. One area over which we have no control is the impact of emergency vehicle traffic. But that traffic is not equivalent to the impact that a hospital facility would have in creating traffic and noise in a surrounding community. At Valle Verde, the occasional emergency responders wisely turn off their traveling alarms as they approach the campus.

Valle Verde's Master Plan for the addition of 40 residence units, bringing the total residences to 254, amounts to less than a 20% expansion of facilities. The traffic impact of the few additional staff required to serve the new residents will be negligible and similar to the off peak distribution described above. Overall, traffic from the additional residents and staff will have little impact, if any, on traffic within the Santa Barbara community, so there should be no need to upgrade the City's existing support infrastructure as the result of this project.

Sincerely,

Robert J. and Marion D. Buegler

Suzanne R. Hull
4119 Hidden Oaks Road
Santa Barbara, California 93105

June 2, 2009

City of Santa Barbara
Planning Division
Peter D. Lawson

Dear Mr. Lawson,

I am a home owner in the Hidden Oaks Development, adjacent to Valle Verde Retirement Community ("Valle Verde"). My husband and I have lived in our home for the past seven years. We selected a home in this area due to the beauty and rural nature of its surroundings.

The purpose of this letter is to communicate my concerns about the proposed expansion of Valle Verde, and specifically the Draft Mitigated Negative Declaration and proposed EIR. My specific comments follow:

Draft Mitigated Negative Declaration
The Draft Mitigated Negative Declaration is very brief and general in nature. Although there are Attachments which contain more detail, they merely identify issues, but do not propose solutions which can be evaluated by a third party. For example, on the Environmental Checklist, there are many items which are designated as Significant, Potentially Significant, or Potentially Significant – Mitigable. However, there is no evidence in the documents that a thoughtful plan has been developed to mitigate the potential hazards to the property. The Mitigated Negative Declaration seems to be deficient in addressing the environmental concerns of such a wide scale project. Therefore, an EIR should be required to ensure that all environmental issues be addressed by experts in this area.

Geophysical
In the Initial Study, there is a description of the soil on the Rutherford site which indicates that it is predominately silty sand. As discussed in the study "silty sand can be considered loose to medium density and, therefore, the site has the potential to experience liquefaction-related impacts." This issue is a serious one and needs to be further developed by experts in this area. Flooding and/or erosion (Arroyo Burro Creek) has been an issue at Valle Verde, and can cause irreparable harm to the environment.

City of Santa Barbara
June 2, 2009

Density Issues
In the seven years that we have lived in Hidden Oaks, the traffic and number of parked cars associated with Valle Verde have increased significantly. The original CUP provided for 350 residents, including residential staff. The actual number of residents has increased dramatically. With the addition of 10 units on the Rutherford property, and the resulting road intersecting Torino, I am concerned about the health, safety and welfare of both the residents of Valle Verde and Hidden Valley. As a resident of Hidden Oaks, Torino is the only road available to our families in case of an emergency evacuation.

Phasing and Staging of Construction
The Valle Verde expansion project is huge and will extend over a long period of time. How this project will be staged and phased has not been addressed. Where will all of the equipment and building materials be located during construction? Will Rutherford be first or last on the schedule? Will demolition (and resulting noise and pollution) occur at the beginning or over a multi-year period? These issues not only affect the quality of life in the Hidden Valley neighborhood, including Valle Verde, but also have environmental impacts that have not been addressed.

We enjoy having Valle Verde has neighbors and appreciate their desire to improve their residential community. However, a construction project of this magnitude requires careful study and planning. The Draft Negative Mitigated Declaration is not a thorough analysis of all of the potential environmental impacts to the Hidden Valley area nor does it provide detailed plans regarding mitigation of issues.

Thank you for the opportunity to address my concerns to the Planning Division of Santa Barbara.

Sincerely,

Suzanne R. Hull

RECEIVED
JUN - 4 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

SHERYL M. BURGHER
4120 Hidden Oaks Rd.
Santa Barbara, CA 93105

June 3, 2009

Santa Barbara City Planning Commission
P.O. Box 1990
Santa Barbara, CA 93102

Dear Commissioners:

Having lived in Hidden Oaks Estates for over seventeen years, I consider myself blessed to be able to live in such a beautiful neighborhood. However, I feel that the impending development of the Rutherford property in its present form will forever change the quiet surroundings, the amazing wildlife, and the friendly encounters with Val Verde residents.

My concern is the Mitigated Negative Declaration Report:

It does not adequately address the impact of the view Hidden Oaks Estates residents have enjoyed for seventeen plus years.

The density of the project is not addressed properly, especially since Val Verde already is over it's approved occupancy plus staff of 350.

The Mitigated Negative Declaration Report says there will be minimal impact on the wildlife, which is completely wrong. The hawks, hummingbirds, other small birds, owls, fox, and coyote will all find new homes or starve during the construction.

What about fire evacuations? We are all very familiar with the devastation from the Tea Fire, and more recently the Jesusita Fire. We have only one way out – down Torino through Val Verde. More residents trying to flee this impacted area will only make an evacuation more difficult for everyone, and this issue is not addressed in the report.

I urge you to request an Environmental Impact Report, as the Mitigated Negative Declaration Report has not addressed my concerns or the concerns of other residents of Hidden Oaks Estates.

My final concern is a selfish one. I have numerous allergies that cause migraine headaches. If you allow the size of Val Verde's expansion to go forward, with all the dust, truck noise, hammering, sawing, traffic congestion, workers radios blasting, workers throwing their trash on the ground, I'm afraid my life will be utterly miserable.

Please request the Environmental Impact Report be done as required. Thank you for your outstanding service to the community; I trust you will do the right thing.

Sincerely,
Sheryl M. Burgher

RECEIVED
JUN 24 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

TOM B. BURGHER II
4120 Hidden Oaks Rd.
Santa Barbara, CA 93105

June 3, 2009

Santa Barbara City Planning Commission
P.O. Box 1990
Santa Barbara, CA 93102

Dear Commissioners,

My family and I have lived in Hidden Oaks Estates since 1991. We are one of the original residents of this beautiful community. I have listed below my concerns regarding the Mitigated Negative Declaration (MND):

1. The MND is superficial and fails to adequately address environmental, economic, safety, and wildlife impacts of the Val Verde expansion project request. A full Environmental Impact Report is requested.

2. Specific Issues:

   a. Proposed population density exceeds original permit.
   b. Single ingress and egress puts Hidden Oaks Estates residents at risk.
   c. Increased on-street parking exposes Val Verde residents to higher risk of accidental death or injury.
   d. High risk of toxic run-off into Arroyo Burro Creek threatening Hendry's Beach.
   e. Insufficient assessment or impact to specific existing wildlife (i.e. fox, deer, coyote, hawks, owls, egrets, heron, hummingbirds, and other small birds that currently live on the Rutherford property.
   f. Extended construction period and mitigation statements such as "paved as soon as possible" are vague, unenforceable, and open ended.

Sincerely,

DONALD D. O'DOWD
810-A SENDA VERDE
SANTA BARBARA, CA 93105
JUNE 3, 2009

Santa Barbara City Planning Commission

Dear Commissioners:

The ecological sensitivity of Valle Verde attains a level that is likely unsurpassed by any other comparable facility in Santa Barbara. With the leadership of the Executive Director, Ron Schaefer, the facilities director, Terry Bentley, and the community Advisory Board the environmental footprint of Valle Verde has become remarkably small.

To begin, it should be noted that the 400 residents of Valle Verde each lives in about an average of 600 square feet of residential space including public spaces on the campus. That means that the heating, lighting and maintenance of space is minimal in our small community. In addition to that we have utilized most available alternatives to keep our use of energy and scarce resources controlled. This is a position supported wholeheartedly by the residents of Valle Verde.

The specific measures in use are so numerous that I will resort to a list to illustrate the programs in place:

1. 50 kilowatt capacity solar panel array.
2. Low wattage fluorescent bulbs available to all residents.
3. High efficiency fluorescent lighting in public spaces.

4. Solar or tankless residential water heaters in all remodeled and some older units.
5. Residential furnaces are being replaced with new energy efficient models.
6. Energy efficient appliances are installed in all newly remodeled units.
7. Double pane windows, added insulation and heat barriers are used in remodeled spaces.

8. Landscape watering is electronically controlled to maximize efficiency of water use.

9. High efficiency emergency generators have recently replaced older inefficient models.

10. Electric vehicles are used by staff and residents for on- campus transportation.
11. Vans are used to transport residents to many off-campus activities to which they would otherwise drive in their cars.
12. A thoughtful plan has been developed to limit the number of delivery visits that regular vendors make to Valle Verde.

13. Recycling has been pursued systematically by residents and staff for many years.

Valle Verde is continuing to seek new ways to improve its performance as a good steward of scarce resources. This effort is a source of pride for the residents. It makes us feel that our home is something special. We are grateful to our administration for taking us along this road of civic responsibility.

Attached hereto are copies of several commendations recognizing the efforts of Valle Verde to be a "Green" community.

Sincerely,

Donald D. O'Dowd
President, Valle Verde Resident Council

S T A T E O F C A L I F O R N I A

Senate

CERTIFICATE OF RECOGNITION

Valle Verde Retirement Community

2007 Green Award Consortium

GREEN AWARD RECIPEINT

In recognition of your generous contributions and achievements in taking actions to protect, improve and preserve the environment.

Thank you and congratulations.

September 21, 2007

Senator Tom McClintock

CALIFORNIA LEGISLATURE

Assembly

CERTIFICATE OF RECOGNITION

Presented to

Valle Verde Retirement Community

Special recognition, heartiest congratulations and commendations are conveyed for your dedication and commitment to utilizing environmentally smart policies, and upon being honored with a

Green Award

September 21, 2007
UCSB Faculty Club

STATE · ASSEMBLY · CALIFORNIA

ASSEMBLYMEMBER PEDRO NAVA
CALIFORNIA STATE LEGISLATURE

Certificate of Special Congressional Recognition

Presented to

Valle Verde Retirement Community

in recognition of outstanding and invaluable service to the community.

September 21, 2007
DATE

Lois Capps
MEMBER OF CONGRESS

Wrap 2008 Winner

WRAP
WASTE REDUCTION AWARDS PROGRAM

Presented to

Valle Verde

for Improving the Environment by Reducing Waste

Margo Reid Brown
Board Chair

Wesley Chesbro
Board Member

Cheryl Peace
Board Member

Rosalie Mulé
Board Member

Gary Petersen
Board Member

State of California Environmental Protection Agency
California Integrated Waste Management Board

printed on 30% postconsumer recycled paper

Certificate of Recognition

This Is To Commend

Valle Verde Retirement Community

On the Occasion of Receiving the

14th Annual Green Award

This 21st Day of September, 2007

Janet Wolf, Second District Supervisor
County of Santa Barbara

Certificate of Solar Award

The City of Santa Barbara Certifies that

Homes of the American Baptist, Valle Verde

Has Installed an Aesthetically Well-Integrated and Highly Efficient
Solar Energy System Project, Helping to Make Santa Barbara a More Sustainable City.

900 Calle de los Amigos

July 17, 2007

Marty Blum

Marty Blum
Mayor, City of Santa Barbara

CAPITOL OFFICE
STATE CAPITOL, ROOM 4062
SACRAMENTO CA 95814
TEL (916) 651-4019
FAX (916) 324-7544

DISTRICT OFFICES
223 E. THOUSAND OAKS BLVD.
SUITE 400
THOUSAND OAKS, CA 91360
TEL (805) 494-8808
FAX (805) 494-8812

610 ANACAPA STREET
UNIT B-4
SANTA BARBARA, CA 93101
TEL (805) 965-0862
FAX (805) 965-0701

California State Senate

SENATOR
TONY STRICKLAND
ASSISTANT MINORITY LEADER
NINETEENTH SENATE DISTRICT

COMMITTEES
HEALTH
VICE-CHAIR
BUDGET & FISCAL REVIEW
ENERGY, UTILITIES
& COMMUNICATIONS

May 14, 2009

Ms. Andrea Lewis
Secretary for Education and Quality Programs
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95812-2815

RE: 2009 Governor's Environmental and Economic Leadership Awards

Dear Ms. Lewis:

I am pleased to recommend Valle Verde Retirement Community for a 2009 Governor's Environmental and Economic Leadership Award. Valle Verde's green initiative is a true testament to what a community can do when they work together.

In 2004, community members, residents, and non-profit staff members began planning ways in which they could improve their campus, our environment, and the quality of life for residents and staff. What they have developed and are continuing to expand upon is a campus-wide program that:

- Reduces electricity, natural gas, and water consumption
- Produces 52,000 kilowatts of photo-voltaic energy
- Purchases 85% of produce from local farms
- Uses Built Green remodeling practices to upgrade senior living apartments
- Plants drought resistant, native plants
- Recycles campus materials
- Reduces food deliveries to save fuel and reduce truck pollution and traffic
- Employs electronic medical records
- Encourages use of alternative transportation, including electric carts

This is the type of campus program that I'd like to see more of throughout California. Valle Verde's green initiative not only improves our environment, it gets people involved in making our communities better. I highly recommend Valle Verde Retirement Community for this award and hope that you will join me in celebrating their achievements.

If you have any questions, please don't hesitate to contact my office at (805) 494-8808.

Sincerely,

Tony Strickland
Senator, 19th District

Cc: Valle Verde Retirement Community

JANET WOLF
County Supervisor, Second District

MARY O'GORMAN
Executive Assistant

JAMES KYRIACO, Jr
Administrative Assistant

JANE S. FERRY
Administrative Assistant

BOARD OF SUPERVISORS
105 East Anapamu Street
Santa Barbara, California 93101

TELEPHONE: (805) 568-2191
FAX: (805) 568-2283

E-mail: jwolf@sbcbos2.org

SANTA BARBARA COUNTY

May 27, 2008

2008 Governor's Environmental and Economic Leadership Awards
c/o California Environmental Protection Agency
1001 "I" Street
PO Box 2815
Sacramento, CA 95812
Attn: Andrea Lewis, Assistant Secretary

SUBJECT: Valle Verde Retirement Community

Dear Ms. Lewis:

It is my pleasure to recommend Valle Verde Retirement Community for a 2008 Governor's Environmental and Economic Leadership Award. As Santa Barbara County's Second District Supervisor, I am proud that this model, sustainable retirement community is in my District. Valle Verde has truly served as a pioneer facility in integrating environmental values and conservation practices into just about every aspect of their operations. The 384 residents and 200 staff—a virtual community—have embarked upon a multitude of sustainable initiatives and programs, including:

- Whenever possible, remodeled apartments are deconstructed and the lumber reused on campus;
- Solar tubes, sky-lights, and high performance windows are now the norm;
- Incandescent lights are replaced with fluorescent lamps;
- The entire Assisted Living and Memory Support facility is served by solar heated water and solar space heating;
- Old water pumps have been replaced with high efficiency recirculation pumps with timers designed to shut off at night;
- Sustainable landscaping practices including only minimal and decreasing use of pesticide, and no fertilizer used;
- Use of electric vehicles for most transportation needs on campuses.

The above are just a few examples of the bold, enterprising, integrated approach to incorporating sustainability into business practices of a community. Last year I

presented Valle Verde with one of the County's "Green" awards. I urge you, and the Governor's office, to give serious consideration to extending the Governor's Environmental and Economic Leadership Award to Valle Verde.

Please do not hesitate to contact me for any reason.

Sincerely,

Janet Wolf

Janet Wolf
Second District Supervisor
County of Santa Barbara

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0035
(916) 319-2035
FAX (916) 319-2135

DISTRICT OFFICES
101 W. ANAPAMU ST., SUITE A
SANTA BARBARA, CA 93101
(805) 564-1649
FAX (805) 564-1651

201 E. FOURTH ST., SUITE 209-A
OXNARD, CA 93030
(805) 483-9808
FAX (805) 483-8182

Assembly
California Legislature

PEDRO NAVA
ASSEMBLYMEMBER, THIRTY-FIFTH DISTRICT

COMMITTEES:
CHAIR, TRANSPORTATION
CHAIR, JOINT COMMITTEE ON EMERGENCY SERVICES AND HOMELAND SECURITY
APPROPRIATIONS
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
WATER, PARKS AND WILDLIFE

CALIFORNIA OCEAN PROTECTION COUNCIL
CALIFORNIA TRANSPORTATION COMMISSION
LITTLE HOOVER COMMISSION

May 22, 2008

The 2008 Governor's Environmental and Economic Leadership Award
c/o California Environmental Protection Agency
1001 I Street, P.O. Box 2815
Sacramento, CA 95812-2815
Attention: Andrea Lewis, Assistant Secretary

Dear Assistant Secretary Lewis,

I write to recommend the Valle Verde Retirement Community for the 2008 Governor's Environmental and Economic Leadership Award in the Sustainable Practices or Facilities category. Valle Verde Retirement Community (VVRC) has implemented environmental initiatives throughout their campus aimed at promoting energy conservation, waste reduction and recycling, run-off water treatment, sustainable landscape management, and the use of green building materials.

Among VVRC's specific accomplishments are the installation of a 42 kilowatt solar energy generation system and the use of solar powered water heaters in private homes, common spaces, and the community swimming pool. As the recipient of the 2007 State of California Waste Reduction Award, VVRC has implemented recycling programs for fluorescent lamps, old appliances, electronic waste, and paper waste, as well as collection programs for old paint and other hazardous waste. Additionally, the community installed a water treatment system to clean and divert run-off water from the nearby creek which drains directly to the ocean and uses electric vehicles for on-campus transportation and hybrid-electric vehicles to transport resident to medical appointments. Importantly, VVRC also runs programs to educate the community on sustainability.

As a recent visitor, I was impressed by Valle Verde Retirement Community's environmental leadership and am honored to represent them in the Assembly. Thank you for your consideration of this request.

Sincerely,

PEDRO NAVA
Assemblymember, 35th District

June 4, 2009

Dear Planning Commissioners,

The EIR review of the Biological impacts of the proposed expansion of the Valle Verde Campus is necessary, and I am glad to hear that the applicant has volunteered to do this. The total impacts on Los Positas Hidden Valley, however, are not adequately addressed by such a limited scope of potential environmental impacts of this expansive project. I do not understand why erosion, drainage, and landslides are not being addressed, or why parking is removed from the transportation study. I am especially concerned to learn yesterday, that the city uses an abbreviated CEQA guideline, which no longer includes evaluating Land Use. With out this state mandated component, conflicts with underlying land use, zoning inconsistencies and general plan conflicts are not identified and mitigated.

When reviewing the EIR prepared 5/29/1984 for the Valle Verde Annexation, it is noted: "EIRs are designed to help identify potentially hazardous conditions affecting or generated by Land use changes and to point out ways to minimize these adverse environmental impacts." How can you do this if you eliminate the land use component from this study? The information is then out of context. This is especially relevant, as this Facility is operating under a CUP that is to be compatible with a residential neighborhood. At the last meeting 4 out or 5 Planning Commissioners requested the full EIR so that all potential impacts were identified and alternatives explored.

Aesthetics

The statement that building new structures would not change mountain views is incorrect.. Building 6,7 and possibly 8,9 will eliminate the Santa Barbara Mountain Ridge view from Torino Drive. We treasure this beautiful view. Please study this under an EIR to examine impacts and alternatives. The Initial Study lists this category as **potentially significant:** the affect on public scenic Vista, (and landscaping does not mitigate the effect). Yet is not currently included in the scope,

Biological:

The Biological impact of this project is important when considering whether building on Rutherford is detrimental to the sensitive and pristine Oak Woodland Preserve and the animals and plants, and oak trees that exist in this open space woodland. As has been established, this property has served as the wildlife corridor linking the open spaces together. According to a review of the 1984 EIR by the Division of Environmental Review, Santa Barbara County, shows that there was a cumulative review (pg 29 EIR 1984) in regards to linking the three development plans' open spaces to avoid isolated pockets. The Rutherford property is the link joining the 12 acres behind Valle Verde Oak woodlands with the 50 acres deeded to the City on the left uphill side of Torino.

In addition to serving as a wild life corridor it is also the open space buffer between incompatible land uses (residential vs. commercial facility) between our homes and the Valle Verde Retirement Home.

In reviewing page 9 of this 1984 EIR , it is noted that the open space buffer is what allowed Valle Verde to get approval for the large 11.7 acre annexation and campus expansion in 1985 (28 apartments, 45 unit personal care, nursing care, recreation building, laundry etc) . "By having this buffer it reduces this higher density conflict with surrounding land uses and densities." (Page 9 General Plan Policies EIR 1984) It was the buffer that got them the approval they sought, and it is this buffer that needs to be maintained. No rezoning should occur for the Rutherford parcel it was zoned A-l for the right reasons.

Geology, Soils, Drainage and Erosion:

The entire Valle Verde campus drains to Arroyo Burro Creek. Just a few years ago, the creek swelled and took with it such a large chunk of earth, that I was told Valle Verde had to spend over $750,000 to pound in steel columns along the washed out creek to keep from losing a private road, and the utilities for their campus. With the proposed addition of 90,000 sq ft of new buildings and parking surface coverage (an increase of 30% over the existing campus square footage), I can assume there will be a lot more run off leading to the creek. I would hate to see another expensive creek side failure. Could someone make the City pay for such repairs?

There is some source of water leaking into the City Park below Calle de los Amigos, making parts of the park unusable. This source needs to be identified for the safe building of units 23/24 and 36/37. Liquefaction is a concern.

In heavy rainfall, there are mudslides which completely block Torino Road and threaten houses on Senda Verde. Perhaps as the campus drainage system is reviewed, some provisions can be explored to help with this emergency condition. (EIR pg 16 and my own experience)

Will the infill units be required to keep runoff on site, as is proposed for any development that might occur on Rutherford?

The potential for adverse erosion and drainage effects of expanding the campus Needs to be fully studies by an EIR.

Fire Hazard

Was found to be Potentially Significant and needs to be reviewed by a EIR. We have had 3 fires in this area, Painted Cave in the Oak woodlands, and in the Creek started by a smoker along. Evacuation is a concern for us, as we only have one way in and out through the Valle Verde Campus. Building along the hillside puts more seniors at risk. And also requires fuel modification which in itself has destroyed the oak wood lands. This needs to be added to the scope of the EIR.

Public Services:
Identifying Solid Waste disposal of 1221 tons of construction demolition waste as potentially significant demonstrates clearly that some alternate remodeling concepts should be strongly considered. **REUSE REUSE.** Instead of tearing down Hospice, studios and the buildings by administration, could they not be remodeled to modernize with out tearing down completely. Has it been considered to just remodel the house on Rutherford to accommodate an independent living unit without demolishing it. This project seems wasteful of existing buildings. This could save so much potential construction expenses, and make the project more palatable for the seniors and neighbors that are asked to live through 2 years + of heavy construction.

Parking
Parking has been a major issue of incompatibility and density problems that have been discussed for years. Why is that being removed from the scope of transportation study? That is why we again are asking for this to be studied and mitigated by an EIR.

For the Initial Study to call this issue "Less than Significant" is not classifying this environmentally significant impact correctly. I have had many near collisions, as I maneuver down the ½ mile of Calle de Los Amigos that is parked with as many as a 100 cars. Most accidents happen in parking lots. That is what this ½ mile of curvy roads is with people parallel parking, double parking, opening car doors on you, performing u-turns in front of your moving car, and City Muni busses and the seniors that pull out of side streets in unsafe manners, makes this such an unsafe portion of the public road we need to use to enter and exit our home. **Please address the excessive employee cars parked on Calle de los Amigos and Torino adequately.**

A condition of approval since the 1960s was to provide adequate onsite staff. resident and guest parking. Again on July 5, 1984, in Planning Resolution No. 093-84 page 2 #7 states:
"Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met **without altering the character of the public streets in the area at any time"**

After the Planning Commission meeting on 3/4/09, I would have expected Valle Verde to try to clean up their parking act. You challenged them on their claim of having enough existing parking to get all their employees and residents off the public road. In the interest of good will, why did they not show an effort to change this neighborhood problem? **At this point, the City needs to step in and require compliance, as was a condition of their operating this facility here. Make them have van pools, make them limit the number of cars residents can keep on site, make them mandate the employees to use off street spots.** If everyone thinks that waiting into the future for the possibility of a 43 employee spot to solve

this problem, it wont. It is not a big enough fix. No approval for additions to this campus should be approved until this problem is fixed. **Why is the City Administration failing to address this problem, who enforces Conditions of Use?**

The current proposal does not provide for enough off street parking to fix this problem. The suggestion from the Planning Commission to build an underground parking lot, since they are insisting on raising the current Administration Building lot, has so much importance. Why in this current proposal was this not included as a solution to this problem? Please recommend it again!!

The Parking Study (ATS exhibit J) that was commissioned by the Developer has several flaws in it and therefore does not mitigate this significant problem.

1) It is three years old (2006), no longer reflects the current situation
2) Does not reflect the current proposal that will remove up to 75 on site parking spots. Displacing current parking to where?
3) Needs to be done on a Monday and Tuesday, which are peak days
4) Based all assumptions on only 60 cars parked on public roads, when everyone else is counting peaks of over 100.
5) The city is allowing the new 83 parking spots to satisfy the requirements to build 40 more units, however the parking on campus is not being considered in its entirety, with the fact that there has been inadequate parking for decades.
6) 40 out of the 83 spots are going to be used by new residents, so only 43 new spots for employees (none for visitors

In summary: The scope of the proposed EIR is too narrow to adequately identify and mitigate the impacts of these additional and cumulative changes taking place in the Las Positas/ Hidden Valley. The setting of this back portion of the Valley is semi-rural. To intensify the Valle Verde campus with modifications of all required setbacks and increase commercial services is not compatible with the surrounding area.

How many Independent Units could realistically be added to the campus, if no requests for modified set backs were allowed, no building along the Oak woodlands, no rezoning and remodeling existing studies and buildings (i.e hospice) instead of tearing it down. Then you have the right number of units to be considered for an expansion to the campus. Remember they had their 254 and voluntarily "lowered" their kitchen count. I support them building, but it should be the right amount, and the current proposal is too aggressive.

Sincerely,
Heike Kilian
Hidden Oaks Homeowners Association

City of Santa Barbara
Planning Division

RECEIVED
JUN 16 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

To Whom It May Concern:

On June 1, 2007, I was traveling eastbound on Modoc Road, at approximately 25-30 miles per hour, signaling to make a right turn onto Calle de los Amigos. As I slowed to make my turn, I was rear-ended by another vehicle. The impact of the crash sent me into the oncoming (westbound) lane of traffic. I applied my brakes and wound up skidding across the intersection and came to rest on the curb taking out a street sign. I also came within inches of striking an elderly pedestrian, and nearly struck a large Eucalyptus tree as well. My car was totaled, and I was extremely lucky to have escaped serious injury.

The accident would likely never have happened if there were a traffic signal at that intersection of Modoc and Calle de los Amigos. I have witnessed several other near-accidents at that intersection, and I understand that my accident was one of several in the last few years. Traffic moves at a brisk pace on Modoc and it appears that drivers are not prepared to slow down or stop. We desperately need a traffic signal, especially with the influx of additional drivers that the planned expansion of Valle Verde is likely to bring. I was lucky enough to have dodged serious injury by inches. The next person might not be so lucky. We need a traffic light! Please do everything in your power to make this happen.

With great concern,

Cheryl Reuben

Cheryl Reuben
3717 Barcelona Dr.
Santa Barbara, CA 93105

Lawson, Peter D

From: Jermaine Chastain [jermainechastain@gmail.com]
Sent: Monday, June 22, 2009 12:33 PM
To: Lawson, Peter D
Cc: Community Development PC Secretary
Subject: Case # MST2005-00742

DSCN2471

I took these photos on the Rutherford Parcel in early June of 2008. In prior weeks Valle Verde cut down many oak trees in the vicinity. The last photo in the series shows one of the piles in relation to what they are calling the "Farmhouse". I is my understanding that they had no approval for this clearing of oak trees.

Jermaine Chastain

DSCN2472

DSCN2473

DSCN2474

DSCN2475

DSCN2477

Lawson, Peter D

From: Jermaine Chastain [jermainechastain@gmail.com]
Sent: Monday, June 22, 2009 12:52 PM
To: Lawson, Peter D
Cc: Community Development PC Secretary
Subject: Photos Case # MST2005-00742

DSCN3148.JPG

These are photos I took in early July of 2008. A huge limb from a tree on the Rutherford Parcel broke off and fell onto my backyard fence. At my own expense, I had my gardener trim and dispose of the portion that had fallen into my yard and repair my fence. I immediately contacted Ron Schaeffer and Valle Verde to imform them of the problem and to ask them to remove the fallen debris from their property. As is customary, my many requests and contacts went unanswered. As you can see from the photos, the branch sat so long that it began to dry out and I began to fear - especially in the context of the Gap Fire--that this dried branch might pose a fire hazard. I even tried to contact the City Arborist and was only able to leave a message. Although I offered to have the tree looked at and possibly trimmed to prevent future damage AT MY OWN EXPENSE, the City Arborist never returned my call. As the fallen branch got drier and drier I also contacted the fire department as my concern was growing by mid August when I was leaving the country for several weeks. I never received a response from the fire department. A few days after I left for France, my daughter called to tell me that someone was finally out back cutting up the large limb and hauling it w[illegible] As you can see, incident after incident goes unaddressed by our neighbor Valle Verde and when we turn to the powers that be for help we are largely ignored.

DSCN3149.JPG

DSCN3151.JPG

D .3152.JPG

DSCN3157.JPG

June 22, 2009

To: Peter Lawson, Associate Planner City of Santa Barbara

Re: Valle Verde Retirement Case #MST2005-00742

Initial Study/Environmental Checklist

From: Jermaine Chastain

This letter supplements my oral comments made at a hearing on the above entitled matter before the Planning Commission on June 4, 2009 and pertains to the Initial Study/Environmental Checklist for the expansion of the Valle Verde Retirement Community.

I also made oral comments at the hearing on the draft study and submitted written comments as well. I am resubmitting my initial comment letter on the draft version together with this comment letter thereby renewing and restating all of my initial comments, as I do not believe they have been adequately addressed.

The limited scope of this EIR is shocking in light of the record. The scope of the EIR as presently defined for this project is much too narrow. It appears that staff has chosen to ignore much of the **fair argument** raised in connection with many of the categories that will go unaddressed unless the scope of the EIR for this very aggressive project is expanded. Specifically, **substantial evidence** exists in the record to show unaddressed potentially significant adverse impacts to the environment with respect to parking, mudslides, water drainage, land use, aesthetics, fire and emergency safety and cumulative impact.

FAIR ARGUMENT

I begin with the very concept of **fair argument** which under California law has developed as an extremely low threshold of what is required to force an EIR on any particular category. Specifically, the **fair argument** standard requires that an EIR **must** address each and every category on the checklist where there exists a fair argument raised on the basis of substantial evidence that a project **might possibly** have a significant adverse effect **EVEN IF** there is also substantial evidence to the contrary.

The practical effect is that at this stage, the law provides for no final determination of the evidence at hand as the purpose of this entire process is merely to identify **potential**. It is the in-depth study that follows (the actual EIR) that reaches the conclusions. Essentially, the law provides for no factual determination at this stage and it is completely inappropriate for Staff to favor one body of evidence over another or to completely disregard proper evidence. Instead, Staffs' function is

basically to receive the evidence, and where there is evidence on the record of a **possible** significant adverse effect, an EIR must follow. And even where there is contradictory evidence, and EIR must be required. Unfortunately, Staff member, Mr. Berman revealed in a face-to-face meeting with me and Ms. Kilian that he wrongly and prematurely sees himself as the ultimate trier of fact. This is a grossly improper position and he and Staff are operating outside the bounds of well-settled law in this field.

SUBSTANTIAL EVIDENCE

So the only question Staff should consider is what under California law is **substantial evidence** in the context of CEQA? **First, expert testimony constitutes substantial evidence.** Although Hidden Oaks homeowners submitted expert testimony from a qualified expert on the categories of Land Use and Aesthetics, that expert testimony has apparently been completely ignored by Staff. Unless Staff could legitimately disqualify Ms. McGinnis as an expert, her formal comments were and are adequate to trigger an EIR for these categories. Although there was absolutely no evidence submitted to the contrary, even if there had been, the matter would still be at issue according to the **fair argument** standard. The only possible counter to Ms. McGinnis' expert testimony is Staff's own internal analysis and such analysis simply cannot and must not eliminate the **fair argument** provided by law as such a result would improperly insert Staff as the ultimate arbiter of fact.

In my meeting with Mr. Berman, he also expressed defiance against the well-settled notion that **non-expert, personal observations qualify as substantial evidence.** When I inquired as to why certain issues I and other property owners gave comment on seem to have been dismissed, he stated unequivocally that he would not entertain my observations unless I had a photo to back it up. This is simply **NOT** the law in California. The public comment letters and hearing comments on this matter are overflowing with non-expert personal observations regarding problems with land use, parking, aesthetics, views, mudslides, water drainage, biology and safety. Even in a court of law, first hand personal knowledge and observation is a perfectly legitimate foundation for anything other than a technical matter. Yet, Staff appears to have completely ignored this important body of substantial evidence.

One does not have to be an expert: to observe storm run off draining from Valle Verde to into Arroyo Burro Creek (in fact the City's own document states that all water run off drains to Arroyo Burro Creek); to observe that during heaving rainy periods there is mud flow across lower Torino that prevents us from exiting our neighborhood except through the internal campus; to observe that during the latest fires and attendant evacuations we could not exit Hidden Valley on to Modoc; to observe the on street parking problems and the safety hazards associated there with; to observe frequent accidents at the intersection of Modoc and Calle de los Amigos; to observe that important views will be impacted; to observe the many negative consequences caused by this commercial institution flagrantly operating well beyond the limits of its CUP in a residential neighborhood; to observe the many

near miss traffic accidents that occur between us and the elderly residents as well as staff buzzing around in unlicensed carts on city streets.

What does California law say about non-expert observations in the context of what is required to trigger an EIR?

A case out of the First District Court of Appeals has held that statements of area residents who are not experts may qualify as substantial evidence if they are based upon relevant personal observations or involve non-technical issues.

A case right out of Santa Barbara and the Second District Court of Appeals has held that personal observations on non-technical issues can constitute substantial evidence. Ironically, this case also related to views and aesthetics and the court specifically found that on the issues of views and aesthetics, **the observations and opinions of area residents can be the basis of substantial evidence.**

And then the Third District Court of Appeals concluded that non-expert testimony offered at a public hearing where matters are within the personal knowledge of the area's residents constitutes substantial evidence.

Hidden Oaks and other area residents who have submitted comment on this project have a **collective observation history of close to 200 years** with respect to the issues at hand. We have **first hand personal knowledge** of the many problems caused by traffic, parking, mudslides, water drainage, and density beyond the original CUP. We also have a collective history of witnessing and observing the oak trees, the wild life and the incredible public views, all of which have great potential to be degraded beyond mitigation. **Our collective history of personal observations is SUBSTANTIAL in every respect and is well documented throughout the record on this matter.**

The problems that already exist can only multiply to an unacceptable level if the proposed development is not subjected to a much more comprehensive environmental review than is currently planned. With a history that spans many years of observing the variety of conditions that can present in this ecologically sensitive neighborhood, **we homeowners are in a far better position to observe the many ill effects of this facility than some expert that shows up for a few hours or the Staff member who makes desk top decisions without even visiting the project and who relies on outdated data.** CEQA recognizes that private citizens are uniquely positioned to assist the local governments in acting as guardians of the environment. The law gives us an important voice in the process. We have spoken. Yet, we appear to be unheard. **In ignoring our voice, Staff is not serving the best interests of this community.**

CUMULATIVE IMPACT

The record shows that I have made repeated comment on the cumulative adverse impact that this proposed expansion will have on the greater neighborhood of Hidden Valley. **Cumulative impact is an analysis required by CEQA.** There are

numerous other expansion and development projects in the vicinity that the City is either actively involved in reviewing or has knowledge that the project is foreseeable. Yet, the initial draft and now the latest document are completely silent on how cumulative impact has factored into Staff's analysis. I submit that Staff remains silent because cumulative impact never has figured into their analysis. When I first brought this glaring defect to light at the Hearing on March 5, 2009 both Staff and the City Attorney seem to be completely caught off guard. **It is quite obvious that if Staff had taken a cumulative impact approach, it could not in good conscience proceed with the narrow scope of the EIR it has presented.**

A proper cumulative impact analysis is particularly critical with respect to the categories under PUBLIC SERVICES. I REQUEST A STATEMENT FROM STAFF THAT THEY HAVE COMPLETELY EVALUATED ALL SUBCATEGORIES A THROUGH J UNDER PUBLIC SERVICES FROM A CUMULATIVE IMPACT APPROACH.

A proper cumulative impact analysis is also extremely critical as it relates to traffic. While traffic will be studied pursuant to an EIR, I REQUEST A CLEAR STATEMENT FROM STAFF THAT THE CUMALATIVE EFFECT FROM OTHER PENDING OR FORSEEABBLE PROJECTS IN THE VACINITY WILL BE MADE PART OF THE INVESTIGATION.

A proper cumulative impact analysis is also extremely critical as it relates to biological resources. I REQUEST A CLEAR STATEMENT FROM STAFF THAT THE CUMULATIVE EFFECT FROM OTHER PENDING OR FORSEEABLE PROJECTS IN THE VACINITY PARTICULARLY AS IT RELATES TO ARROYO BURRO CREEK WILL BE MADE A PART OF THE BIOLOGICAL INVESTIGATION.

DEFECTIVE ANALYSIS

The narrow scope of the EIR is additionally deficient because it is based on out dated analysis that cannot support its conclusions. Staff began its analysis of the proposed development on a set of plans that have been dramatically modified, not once but twice. Not only have the number of new units increased since the original submission, but the project has also been heavily loaded with infill. This raises two concerns.

The first concern relates to water drainage. The study itself states that "the entire Valle Verde Retirement campus drains to Arroyo Burro Creek". While the subterranean retention basin located on the Rutherford parcel, was originally intended to service run-off from a good portion of the new units, with the latest plan it can now service only 9 -10 of the 40 units. The other 30 or so units in their new locations will have to drain into landscape beds that already overflow in times of heavy rain. It appears that Staff has not performed a new analysis based on the current plan, for if they had with the potential for run-off to Arroyo Burro Creek and the biological implications of that, it is inconceivable that water drainage would not be a category included in the EIR.

The second concern relates to solid waste. While Staff did upgrade its evaluation from *less than significant* to *potentially significant, mitigable,* it appears that most of its analysis must have been performed on the earlier versions of the development plan. The latest version calls for so much more demolition and the solid waste generated by the current version of this project will overburden our already burdened land fill. An EIR with an expanded scope to address this issue will force the exploration of alternatives such as the rehabilitation of existing units and the salvage of existing parking lots.

CONCLUSION

The Valle Verde expansion saga is a story of manipulation and deception on the part of the Applicant and Staff seems to be along for the ride. If we have learned anything over the past few years from an environmental perspective, it is that each and every person creates their own carbon footprint. Valle Verde is already so far out of compliance with their CUP with approximately 200 residents and staff beyond their approval level. The new expansion will add a hundred or so more. What was initially approved as an incompatible use was mostly independent living units with some minimal support services. What Valle Verde is maneuvering to become is a full service facility that is much more commercial in nature than was originally intended for this quiet landlocked residential neighborhood.

From the beginning, Valle Verde suggested the wrong baseline for this project and Staff has taken the bait. Valle Verde has made the focus of their application and every presentation the **number of units** allowed by the original CUP. Obviously they want to keep the focus on the number of units because they are already way out of compliance on their number of residents and staff. This focus also supports the manipulative strategy they have systematically implemented over the past few years to reduce the number of units they originally had by combining units, thereby artificially creating their perceived right to grow. This manipulation also fosters the unsupportable position that the expansion will not further burden the city resources, traffic, parking, emergency services, the environment and the residential neighborhood in general.

Rewarding the defiant behavior of an Applicant who is so far out of compliance with their CUP and who 20 years later has not met the conditions of prior expansions (dedication of the original oak woodland) is a dangerous precedent for the City to set. The EIR needs to be expanded to explore the many more potential areas for significant impact as the substantial evidence on the record for this matter brings to light. An expanded EIR is required under the law and to best serve the interests of the City of Santa Barbara and its citizens.

I am also submitting a variety of photos that I have personally taken in the past year that support the already existing evidence as to view and wildlife as well as other photos that show what an insensitive, unresponsive and overall poor neighbor Valle

Verde has become. As a clarification, when I speak of Valle Verde I am speaking of the Administration. Please make the photos part of my official comment.

Finally, I am also resubmitting my original comment letter on the Draft.

Sent via Email with hardcopy to follow

JERMAINE CHASTAIN

4108 Hidden Oaks Road

Santa Barbara, CA 93105

6/22/09
via email

Re: Case # MST2005-00742

INTRODUCTION

My name is Jermaine Chastain and I have been a Hidden Oaks homeowner for almost 14 years. My property immediately adjoins the property which is part of the proposed Valle Verde expansion and has come to be known as the *Rutherford Property.* I am also an attorney duly licensed to practice law in the state of California, and many of my comments go the legal insufficiency of the proposed Mitigated Negative Declaration (MND) for this project.

The purpose of my comments is to demonstrate that under the governing law, an Environmental Impact Report (EIR) *must* be prepared for this project.

GOVERNING LAW

There is no dispute that this project is subject to the requirements of the California Environmental Quality Act (CEQA). **CEQA** starts with the requirement that an EIR *must* be prepared when a project *may* have a significant adverse impact on the environment. Only when the potential adverse effects can be reduced by project revisions and ***agreed*** mitigations **and** there is **no** substantial evidence on the entire record that the project will have a significant impact on the environment is a MND the proper document.

For **CEQA** cases, the burden of proof required to trigger an EIR has such an extremely low threshold that there is really no actual *proof* required. Instead, in order for an EIR to be required all that needs to exist is a **fair argument. Specifically, the fair argument standard requires that an EIR must be prepared when a fair argument can be raised on the basis of substantial evidence that a project MAY have a significant adverse effect EVEN IF there is also substantial evidence to the contrary.**

I submit that the comment offered by myself and other Hidden Oaks homeowners together with that of experts Christina McGinnis and Brian Trautwein is substantial evidence and consists of facts, reasonable assumptions predicated upon those facts, and expert opinion supported by facts, that the Valle Verde expansion may have a significant adverse impact upon the environment and that an EIR must therefore be required.

FIRST DEFECT

The first defect with the proposed NMD is that there are absolutely no **agreed** mitigations.

Some jurisdictions require the Applicant to actually sign the proposed MND before it is released for comment. Evidently, the City of Santa Barbara has no such requirement, but it is disturbing that there is no evidence within the document itself or identified by the document that the Applicant has actually agreed to all or any of the mitigation measures. The document reveals that some mitigations are to be conditions of approval, while others are never nailed down and made binding in any way. It is fundamental that such an agreement must be **formally** reached **before** the draft is released for review and public comment. When I inquired about the existence of such a formal agreement to Project Planner Peter Lawson, I was referred to a casual email between Cameron Carey (agent for Applicant) and Melissa Hetrick of the Planning Division. That email is part of the public record in this case, but the entire substantive content is as follows with emphasis added:

> Melissa:
>
> **I've added** comments below **and** to the final MM doc. I **think** we're on the same page. **If** we've incorporated the previous comments and these, **then** we find these acceptable.
>
> Thanks...Cameron

This email is **not a legally binding agreement** by the Applicant to be bound by a defined list of mitigation factors. It is ambiguous, speculative and conditional. "If" and "I think" are not binding in any way, shape or form. The result is that the MND is lacking the foundational agreement to support it. With no formally agreed to mitigation factors, all identified significant impacts remain at full force and an EIR must be required.

Perhaps the most significant mitigation measure of the entire project involves the proposed dedication of 5.8 acres of oak woodland. It is entirely premature to release this initial study for public comment when the Applicant has not yet agreed to really do anything of a mitigated nature in connection with the oak woodland. This proposed gesture is currently nothing more than a dangling carrot. The lack of any commitment on the part of the Applicant is extremely concerning in light of another alarming fact disclosed by the MND. That is, even though a dedication of 4 acres of oak woodland was a condition of approval for the Applicant's prior expansion back in 1984, to this day—25 years later-- the 4 acres

have never been dedicated. This is clear indication that this Applicant must be required to commit to a formal, legally binding agreement.

Moreover, the proposed dedication is not sufficiently described by the MND. It is not clearly stated what form the dedication would take. At an October 4, 2007 Planning Commission hearing, an attorney by the name of Mr. Amerikaner appeared on behalf of the Applicant and clearly stated that while there are no current plans for the development of the Oak Woodland, the Applicant would like to keep future options open. Clearly, the exact details and legal form of the dedication need to be disclosed in the MND and most importantly agreed to by the Applicant.

The result of no formal agreement on behalf of the Applicant to perform with respect to any of the mitigations listed in the MND, leaves all significant impacts at their full force, and EIR is therefore required.

SECOND DEFECT

The MND has failed to consider the cumulative effect of the proposed project in conjunction with Hillside House and other foreseeable projects in the vicinity.

Although staff is fully immersed in the expansion of **Hillside House**, which will add another 125 new units to our neighborhood, there is absolutely no mention of the potential for cumulative effect. **CEQA requires an analysis of any potential cumulative effects of the Valle Verde project when viewed in relation to other foreseeable projects in the vicinity. The Hillside House project is currently under environmental review pursuant to an EIR and the cumulative impacts of these two developments could not be any more appropriate for the cumulative analysis required by CEQA. The MND states "The entire Valle Verde Retirement campus drains to Arroyo Burro Creek" and the EIR for Hillside House was a least partially predicated upon its impact to the Creek. The cumulative impact as it relates to the ecological integrity of Arroyo Buurro Creek and community traffic and emergency evacuation concerns are certainly great enough to require an EIR.**

Other foreseeable projects that might also need to be factored into the cumulative effect analysis include the Santa Barbara School District's plans to build an elementary school at the end of Palermo together with high density work force housing and the approval of the Hidden Valley neighborhood as appropriate for the addition of Granny Units to existing homes. The cumulative effect of all of these projects triggers the major overriding concerns of the health, safety and welfare of the entire Hidden Valley community. Traffic, emergency evacuation of a very large community of the elderly, infirm, physically and/or developmentally challenged as well as a school full of children is far too important to ignore. Finally, the ecological integrity of Arroyo Burro Creek, and the cumulative effect all of this proposed development will most certainly have on Green House Gases should be enough in and of itself to trigger the requirement of an EIR under **CEQA.**

The public record demonstrates that all three of these projects (Hillside House, Granny Units, and the Hidden Valley School) are most certainly foreseeable. The document must fail on this defect alone. An EIR is the only proper response to the great potential for significant negative impact upon the environment.

Additionally, because the cumulative impact requirement was not factored into the proposed MND, a complete re study and analysis of all factors on the environmental checklist must now be performed.

THIRD DEFECT

In the category of AIR QUALITY, the conclusion of **less than significant** as it relates to Global Climate Change, is unsupportable and therefore erroneous, because it fails to adequately analyze the proposed project's Green House Gas emissions and other potential climate change impacts in violation of **CEQA.**

This defect leaves the conclusions of the MND unsupportable in this category with a net effect that a potential significant impact must be presumed and an EIR is therefore required.

FOURTH DEFECT

The TRANSPORTATION/CIRCULATION analysis is completely inadequate to support the MND's conclusions.

TRAFFIC:

Although this proposed project exists in the general area of one of the most notoriously problematic intersections in the entire City, no traffic study was performed. Instead, staff who are not experts in this field, relied upon their own internal analysis of traffic impacts. An issue of such magnitude as it relates to public safety and welfare simply cannot be treated in such a cavalier manner.

The traffic analysis cannot support the MND's conclusions because it fails to consider cumulative impacts as required by **CEQA.**

The traffic analysis cannot support the MND's conclusions because it fails to consider a significant element of the Valle Verde population. In addition to staff employees, there are independent caregivers and other independent contractors that frequent the campus on a daily and on going basis. Physicians, dentists, speech therapists, physical therapists and other health care professionals make regular calls to Valle Verde residents. Non-staff nurses are frequently engaged to assist residents for a time after surgeries, hospitalizations, or stokes. With the.increased

popularity of long term care insurance, supplemental care by non-staff contractors is likely to increase. Each one of these non-staff providers represents a trip in and a trip out, as well as a parking impact. The significant impact of this group on the number of daily trips on neighborhood streets and on increased parking demands has been completely unaccounted for.

The traffic analysis cannot support the MND's conclusions because it fails to consider the additional non-Valle Verde employees that will be required by the installation of the commercial elements of the project that include a bank, a beauty salon, and a café.

PARKING:

The parking analysis cannot support the MDN's conclusions because it fails to consider non-staff caregivers and other independent providers as discussed above.

The parking analysis cannot support the MND's conclusions because it fails to consider the additional non-Valle Verde employees that will be required to staff the new commercial elements of the proposed expansion as discussed above.

The parking analysis cannot support the MND's conclusions because it fails to consider the overlapping of employee shifts required in the health care industry.

The parking analysis cannot support the MND's conclusions because the study on which is relies is not timely. The document reveals that the study upon which it relies was conducted way back in September of 2006. As such, the study is not sound evidence as it relates to the evaluation of a proposed plan of development that no longer exists. There has been at least one and possibly two major revisions of the plan since this study was conducted. For example, Applicants newest plan calls for the destruction of 6 parking lots that were not slated for destruction at the time of the 2006 study. **This unaccounted for fact leaves 66 fewer parking spots. While there are ambiguous references to these 66 spots being replaced somewhere within the development, to date the spots have not be relocated or identified.**

An MND that allows the Applicant to choose the mitigation measure prospectively is not permissible under **CEQA** or applicable case law. The measures must be specific and definite. They may not be left open ended or to future determination. While the relocation of demolished spots is never even addressed in the parking component of the MND, they are mentioned in the Project Description as follows with emphasis added;

"Six existing common parking lot areas, which park approximately 10 to 12 cars each, will be removed for the new development, and **either** configured in the

same location, **or** relocated throughout the campus. **Most** of the relocated parking areas will park **approximately** the same number of cars, and the parking stalls **would be** located **either** perpendicular to private roads **or** within small parking lots. **Approximately** 83 new parking spaces are proposed...With these improvements, there **would be** a total of 414 parking spaces on site."

Moreover, the numbers supplied by the 2006 study are internally conflicted and are not a legitimate basis of reliance for reaching a conclusion of no significant impact. Specifically the study found that 60 employee cars were parked along adjacent public streets throughout the day. The over flow parking onto the streets was observed at a time when Applicant had 331 parking spaces throughout its campus. Mysteriously, the study concludes that even after the expansion, during peak demand there will only be a need for 322 spots.

The inescapable conclusion must be: if before expansion Applicant already had 9 parking spaces more than it needed, and at that time there was an overflow of 60 cars onto the streets, the study numbers are not supported by reality and are therefore unreliable. Parking has great potential to create a significant negative impact upon the environment in our small community as well as posing overriding threats to safety.

The MND itself reveals that staff's conclusions in the category of PARKING are unsupported and unsound. This forces the conclusion that there is a significant impact with no identified **or agreed to** mitigation and an EIR must be prepared.

FIFTH DEFECT

In the category of AESTHETICS, the significant impact identified is mismatched with the mitigation factor.

In the category of **AESTHETICS** as it relates to the sub category of *Public Scenic Vista*, I **agree** with the conclusion of **significant**, but **d**isagree that the full impact can be mitigated by the measures identified. The report characterizes as potentially significant only that part of this category that relates to the vast number of native and non-native trees that will be lost. And of course, the mitigation is to plant new trees.

However, there is a total mistreatment of the public scenic view component as it relates to construction on slopes ranging from 20% to 30%. The document identifies two areas of new construction in areas of slopes ranging from 20% to 30%. For one of those areas, it states that the construction would not even be visible from the public street of Calle de los Amigos. However, for the second area of new constriction on the Rutherford property it states that the new development would be visible from the public street of Torino. Completely skipping over what the impact of the Rutherford development would have on the public viewpoint from Torino or from the public hiking trail along Torino, it jumps way down the street to

the park that has absolutely no view of either areas identified and states that these areas of development would not alter views from the park. It later references that the mountain views will not be significantly affected for the neighbors to the West. Again, those views are a red herring as they are private views, when the focus should have been placed on the **public views** from Torino Road and the hiking trail. The MND completely glosses over critical public views that should have been considered. Because the only identified mitigation in this category is the planting of trees,, the mitigation will not only fail to mitigate the impact, but it will actually increase the intensity of the impact by further obstructing public views. When public views are obstructed by buildings, the mitigation must be related to a relocation or downscaling of the building.

The result is that a potentially significant negative impact to the environment exists which cannot be mitigated by the measures identified and an EIR is required.

SIXTH DEFECT

The MND is riddled with general legal defects that leave it a completely unenforceable document. The MND at issue is vague, ambiguous, inconsistent, speculative, open ended and lacks the consideration required to make it legally binding.

It is fundamental that the decision to prepare a MND must be grounded in an objective, good faith effort on the part of the lead agency to review the project's potential for significant impacts. The problem with the instant matter is that there is still so much left unknown and undetermined. Critical details concerning build-out, phasing, staging and construction logistics are left unaddressed. This is particularly alarming due to the potential for the sensitive biotic habitat of the Rutherford property to be used for a primary staging area during construction.

There is nothing within the four corners of this document to prevent that. As a result, you are free to imagine the adverse biological damage that could be done by storing heavy equipment and other construction vehicles here with their potential to leak fuel, oil and other harmful elements into the soil; the potential for it to be used for the storage of fuel and as a fueling area; the potential for the parking of vehicles and the storage of construction materials to adversely impact the wildlife and the four special status plant species identified by the experts to exist here. These details are likely to have a significant impact on the environment and cannot be left to chance.

An environmental document that unequivocally states all potential significant impacts will be reduced by mitigation methods that leave the Applicant with **either or choices** is fundamentally unsound. **The MND at issue leaves important issues undetermined, such as whether construction vehicle parking will be on- site or off. Further, the MND at issue leaves undetermined whether the storage of construction materials, equipment and vehicles will be on-site or off. An MND**

that leaves such issues undetermined or to be determined at some point in the future is defective under California law.

As previously discussed above, another **either/or**, impermissible mitigation relates to the overall campus parking: (emphasis added)

"Six existing common parking lot areas, which park approximately 10 to 12 cars each, will be removed for the new development, and **either** configured in the same location, **or** relocated throughout the campus. **Most** of the relocated parking areas will park **approximately** the same number of cars, and the parking stalls **would be** located **either** perpendicular to private roads **or** within small parking lots. **Approximately** 83 new parking spaces are proposed...With these improvements, there **would be** a total of 414 parking spaces on site."

Proper mitigation measures are required to be written in clear, declaratory language specifying: **WHAT is required to be done; HOW it is to be done; WHEN it is to be done; and WHO is responsible for doing it. An MND that fails to properly define its mitigation measures must fail for ambiguity.**

A review of the entire MND and the casual email referred to above reveals that there has been absolutely no binding commitment on behalf of this Applicant to do anything. The document therefore lacks consideration and must fail as the mitigation document it was intended to be. The significant adverse environmental impacts the MND identifies are left unmitigated in all respects, and an EIR must be prepared.

SEVENTH DEFECT

Many of the Assumptions of the underlying studies and or planning directives are flawed as they are based upon outdated models and statistics.

The Applicant bases it entire attempt to expand its campus upon the changing demographic of retirees. We have heard that recent retirees and the retirees of the future will be far more active and will require more amenities and larger living spaces. The available statistics support the Applicant's claims. However, the statistics also make a strong case against conclusions related to slope density exceptions, and parking and traffic impacts. It is incumbent upon Project Planners to make sure that all the markers they use in their analysis remain valid against changing patterns and trends. With the changing demographic of retirees, it is poor policy and fundamentally unsound to rely upon studies that were performed in 2006 and to assume that the retirees of today or in the future will adhere to outdated lifestyle models.

EIGHTH DEFECT

The MND fails to fully describe the project to be evaluated by neglecting to fully or credibly describe the **commercial** element of the expansion, the amendment to the **CUP** , the **Lot Line Adjustment** and the 3 categories of **Zoning Modifications.**

Only those aspects of a proposed project that are fully and credibly described can be properly evaluated from an environmental standpoint. **CEQA** requires the MND to evaluate the entirety of a project and ALL of the environmental consequences which may flow from it. It is not possible for an incompletely or incorrectly described project to lead to a supportable conclusion.

In the Project Description, the MND fails to disclose that the updated expansion of the "resident's business center" includes the addition of a **commercial** enterprise in the form of a branch of **Santa Barbara Bank and Trust and therefore fails to analyze any of the potential adverse environmental impacts that might flow from this commercial addition.** If a federally chartered bank maintains a branch, or even an ATM, they may not limit access to that branch or ATM to a select group, but must make it accessible to the general public as well.

None of the specifics of what is sought by the **Conditional Use Permit** Amendment are disclosed by the document. The CUP that will govern this large and incompatible community that consists of commercial operations and a 24/7, 365 day a year heavily staffed facility within a residential neighborhood is an extremely important component of the overall project. Based upon the population numbers disclosed in Applicant's Master Plan filed with the Planning Division on December 1, 2008, the **Valle Verde population is currently hundreds over that currently permitted by the existing CUP** and is maintaining a flagrant **zoning violation.** Overall population numbers play a significant role in determining environmental impact. **The fact that they are currently operating at hundreds in excess of their current CUP is proof positive that this project should not turn upon the number of units.** The record discloses that because Applicant has combined smaller units over the past few years their overall unit number has fallen below that allowed by the CUP from 254 to 213. Yet, the record also discloses that they have in excess of 200 more residents/staff than the current CUP allows. Even with 41 fewer units than they were allowed, they were able to significantly increase their population beyond the permitted number. **And now, they come with unclean hands and ask to add back the number of units they voluntarily deleted in a cleverly orchestrated numbers game?** The project description fails to disclose any population figures for residents and/or staff. Because population density greatly affects environmental impacts this defect is fatal to the validity of the MND. The existence of the CUP component of this project so greatly increases and complicates mitigation that an EIR must be required to flush out all negative impacts to the environment.

The Zoning Modifications and Lot Line Adjustment are described in too general of terms to support any conclusions based upon environmental impacts. The description also lacks sufficient detail to disclose that the Lot Line Adjustment must be approved in order for the requested Zoning change for the Rutherford property

to work. That is, without the Lot Line Adjustment, there will be 6 units on the Rutherford property instead of 5.

FIRST HAND, PERSONAL KNOWLEDGE

I am not a biologist, but I have lived in my home for almost 14 years and I have personally observed the following and if called as a witness I could and would competently testify as to the following under oath:

1) I have seen Great Blue Heron and 6 other species of birds that are not identified in the Biological Assessment.

2) I have regularly and continually witnessed the passage of animals and quail with chicks in a wildlife corridor that runs in close proximity to the proposed new intersection at Torino Road and in the area of the proposed parking lot on the Rutherford property.

3) Our Association maintains open space on the north and south edges of the Rutherford property and I have regularly and continually observed the wild life using the Rutherford property as a link between these other areas of open space.

4) There is an amazing unobstructed public view of the Santa Ynez Mountain range that runs along a large portion of the City of Santa Barbara that is visible from Torino Road, the public sidewalk along Torino Road and the open space along Torino Road.

CONCLUSION

The MND at issue is internally inconsistent, lacks credible evidence to support its conclusions and is riddled with legal defects. As such, the potential adverse effect on the environment cannot be reduced to a level of insignificance through implementation of the proposed Mitigated Negative Declaration. Moreover, there is substantial evidence that the project may have a significant adverse impact on the environment. A Mitigated Negative Declaration for the Valle Verde expansion project is not good public policy and the matter must be referred for an Environmental Impact Report.

Respectfully Submitted by;

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