



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 9, 2008
AGENDA DATE: April 17, 2008
PROJECT ADDRESS: 900-1100 Las Positas Road (MST99-00608)
 Veronica Meadows
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Allison De Busk, Project Planner *AD*

I. SUBJECT

Environmental hearing to receive public comment on the Draft Revised Environmental Impact Report (EIR) – Selected Chapters Veronica Meadows Specific Plan (hereinafter referred to as the Draft Revised EIR) for the proposed Veronica Meadows Project.

No action on the Draft Revised EIR or project permit requests will be taken at this hearing. Written comments on the Draft EIR will be accepted through April 30, 2008.

II. PROJECT DESCRIPTION

The project associated with the subject environmental document is an annexation of approximately 50.5 acres from the County, and a subsequent 25-unit single-family residential subdivision on 14.8 of those acres. The remaining 35.7 acres would be dedicated open space. Proposed residential lot sizes would range from approximately 5,000 to 9,000 square feet, with homes sizes ranging from 1,700 to 3,800 square feet.

The City Council is the body that will make a decision on the proposed project. The discretionary applications required for this project are:

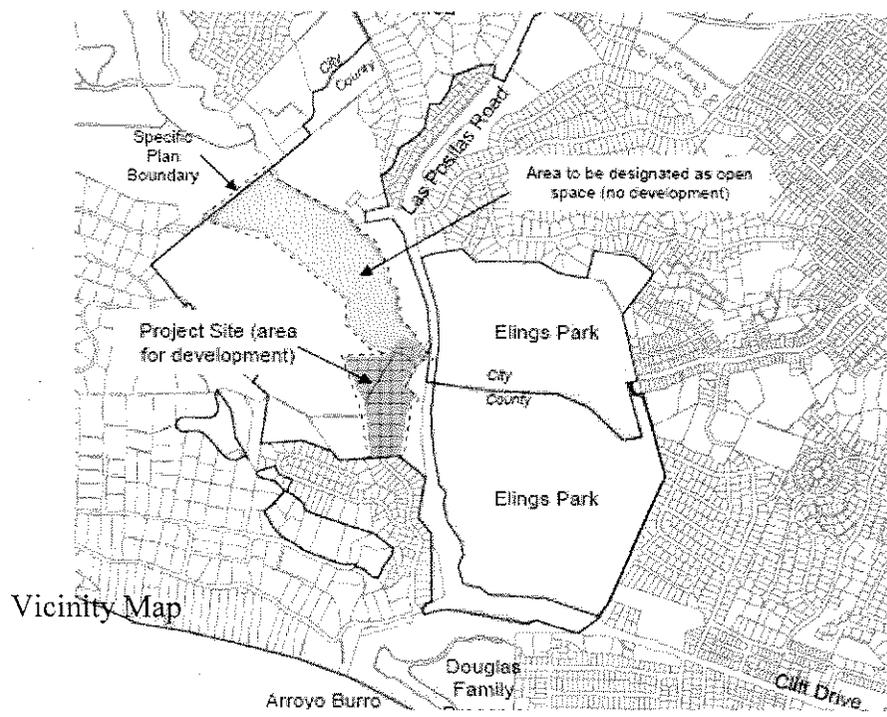
1. A Coastal Development Permit (CDP2003-00026) to allow the proposed subdivision and development of the portion of the project within the appealable and non-appealable jurisdictions of the City's Coastal Zone (SBMC 28.44);
2. A Lot Line Adjustment to attach a 4.49-acre portion of APN 047-010-053 to APN 047-010-016 (SBMC 27.40 and Gov. Code §66412);
3. A Public Street Waiver to allow lots 4, 5 and 6 to be served by a private driveway (SBMC §22.60.300);
4. A Tentative Subdivision Map to allow the division of one parcel into 31 lots. Twenty-five lots would be developed with single-family homes, four would be for open space,

one would be for the public road and one would be for the cul-de-sac at the end of Alan Road (SBMC 27.07);

5. A request to Santa Barbara County Local Agency Formation Commission (LAFCO) for annexation of the subject parcels to the City of Santa Barbara;
6. A General Plan Amendment, upon annexation, to add the subject parcels to the City's General Plan Map. APNs 047-010-016, 047-010-053 (the 4.49-acre portion), and 047-010-026 would be designated Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail; APN 047-010-011 would be designated Major Hillside, Open Space, Buffer/Stream and Pedestrian/Equestrian Trail designations;
7. A Local Coastal Plan Amendment, upon annexation, to add the portion of APN 047-010-016 that is located within the Coastal Zone boundary to the City's Local Coastal Plan Map, with Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail designations;
8. Zoning Map and Ordinance Amendments, upon annexation, to adopt Specific Plan Number Nine (SP-9), and zone APNs 047-010-011, 047-010-016, 047-010-053, and 047-061-026 Specific Plan Number Nine (SP-9) and Coastal Zone Overlay, where applicable, and add the parcels to the Hillside Design District; and
9. Approvals related to bridge construction and creek restoration on City-owned lands adjacent to the project site.

III. RECOMMENDATION

- A. Receive a Staff presentation outlining the environmental and public review process, and summarizing the Draft Revised EIR analysis; and
- B. Hold a public hearing to receive public, agency, and Planning Commission comments on the Draft Revised EIR.



IV. PROJECT HISTORY - SUMMARY

An Initial Study was prepared in 2003 to analyze the potential environmental impacts of the project, and that Initial Study identified potential significant impacts that required further analysis in an environmental impact report (EIR). On October 29, 2003, the Planning Commission held an environmental scoping hearing to further identify potential impacts to be included in the Draft EIR. On October 21, 2004, the Planning Commission held an environmental hearing on the Draft EIR. On December 1, 2005, the Planning Commission certified the Final EIR for the project (hereinafter referred to as the 2005 Final EIR). The Planning Commission did not make a decision on the project (23 residential units) due to a 3-3 tie vote, so the project was forwarded to the City Council for decision.

On March 21, 2006, the 23-unit project was presented to the City Council, at which time they directed the applicant to return with a project with reduced residential density, and which used Alan Road for vehicular access (no vehicle bridge over Arroyo Burro Creek). On October 3, 2006, a 15-unit project with all access off of Alan Road was presented to the City Council. The Council directed the applicant to return with a project design and density similar to the prior 23-unit project. On December 12, 2006, the applicant proposed two projects, one with 23 units and one with 25 units (two of which were affordable). The City Council certified the 2005 Final EIR and approved the 25-unit Veronica Meadows development project. This decision was litigated in Santa Barbara Superior Court, which invalidated the City approvals and EIR certification and directed that the City revise the EIR before reconsidering the proposed project. Following the court order in early 2008, these approvals were rescinded by the City Council in February 2008.

V. DRAFT REVISED EIR ANALYSIS

Environmental review of the proposed project is being conducted pursuant to the California Environmental Quality Act (CEQA). Because the 2005 Final EIR certification was rescinded, the City must certify an EIR for the project prior to making a decision on the project. In order to document the changes to the project and additional information received since the 2005 Final EIR was released, the City has prepared a Draft Revised EIR with revisions limited to certain EIR Chapters. The environmental review process for this document is outlined in CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification).

The main sections of the 2005 Final EIR that have been modified in the Draft Revised EIR are:

- A. **Section 3.3 Biological Resources** – This Section has been updated to account for the more detailed creek restoration plan associated with the project. These details indicate that the creek bank will be lowered by four to eight feet under the bridge (thus allowing for more light to enter under the bridge and increased space for riparian trees to grow), and that the large sycamore tree previously identified for removal would remain, although there would potentially be some damage to its roots due to project construction. These changes, while lessening the previously determined impact, do not change the City's determination that the project would have a significant and unmitigable (Class I) impact. Information has been submitted by the applicant, indicating that the project

(with the refinements identified in the creek restoration plan) does not result in a Class I impact (Exhibit C). The Draft Revised EIR also identifies a new mitigation measure (BIO-9) to help offset the impact of the bridge by reducing vehicle noise associated with the bridge.

B. Section 4.5 Alan Road Access Alternative – This alternative discussion has been updated to more clearly identify potential impacts resulting from it, and to be clear that, while this alternative could be physically possible or potentially “feasible”, it would possibly be appropriate for the City Council to determine it is infeasible for reasons unrelated to its potential environmental impacts.

1. As discussed in the Traffic Study that was an Appendix to the 2005 Certified EIR, there would be a project-specific (Class I) traffic impact that would occur at the Cliff Drive/Las Positas Road intersection if all vehicular access were via Alan Road rather than the proposed bridge from Las Positas Road.
2. Construction traffic noise (a Class I impact) would be greater (due to a longer overall duration) under this alternative because the mitigation proposed to reduce construction traffic noise for the original project (Mitigation Measure N-2 – prohibiting most Phase 2 construction traffic from using Alan Road after construction of the bridge) would not be possible.
3. Additional traffic on Alan Road would result in increased noise and vehicular emissions along Alan Road and the immediate vicinity. These impacts would be considered adverse, but less than significant (Class III).

C. Section 4.13 Current (2008) Project Design – This alternative is the project design that was presented to (and approved by, although subsequently rescinded due to court order by) the City Council in December 2006. It is a 25-unit project that is very similar to the project analyzed in the 2005 Final EIR. This alternative is considered potentially feasible and meets all project objectives. It incorporates some of the mitigation measures recommended in the 2005 Final EIR (particularly relative to drainage and stormwater treatment, and creek setbacks) and would have less environmental impact relative to biological effects due to an increased distance between the creek and development areas.

In addition to the sections noted above, the Executive Summary, Mitigation Measures and Introduction have also been updated to account for the changes made to those sections, as noted above. Additionally, minor changes to Sections 3.0 (Environmental Impacts and Mitigation) and 4.0 (Alternatives) have been made and are included in the Draft Revised EIR.

Overall, the project’s Class I environmental impacts remain the same: Biological Resources (Habitat Impacts of New Bridge), Traffic (Cumulative) and Noise (Construction). In recirculating the EIR, the City requests that reviewers limit their comments to only the revised sections of the EIR, pursuant to CEQA Guidelines 15088.5 (f)(2).

VI. PUBLIC REVIEW PROCESS

The public review and comment period for the Draft Revised EIR began on March 14, 2008, and ends on April 30, 2008. The purpose of the environmental hearing is to provide an opportunity to receive verbal comments from the public and Commissioners on the environmental analysis. No comment letters on the Draft EIR have been received to date.

Following the end of the public comment period on the Draft Revised EIR, staff will consider all written and public hearing comments, and will prepare a Final Revised EIR, including written responses to comments, and any clarifications or revisions to the document analysis as needed. The proposed Final Revised EIR will then be forwarded to the Planning Commission for certification. If the Planning Commission certifies the Final Revised EIR, that decision will be Appealable to the City Council within ten days of the decision. At a subsequent City Council hearing, the City Council will consider actions to certify the Final Revised EIR and approve the requested discretionary applications for the project.

Exhibits:

- A. Draft Revised EIR (previously distributed to the planning Commission, and available at the Community Development Department at 630 Garden Street, the Main Library at the corner of Anapamu and Anacapa Streets, and online at: www.santabarbaraca.gov/Resident/Environmental_Documents/Veronica_Meadows_Draft_Rev_ised/)
- B. Veronica Meadows EIR (2005) (previously distributed to the Commission, and available at the Community Development Department at 630 Garden Street, and online at: www.santabarbaraca.gov/Resident/Environmental_Documents/Veronica_Meadows/)
- C. Bridge Impact Evaluation for Veronica Meadows Specific Plan prepared for Peak-Las Positas Partners by Althouse and Meade, Inc., February 2008

Draft Revised EIR

(previously distributed to the planning Commission, and available at the Community Development Department at 630 Garden Street, the Main Library at the corner of Anapamu and Anacapa Streets, and online at:

[www.santabarbaraca.gov/Resident/Environmental Documents/Veronica Meadows Draft Revised/](http://www.santabarbaraca.gov/Resident/Environmental_Documents/Veronica_Meadows_Draft_Revised/))



Veronica Meadows EIR (2005)

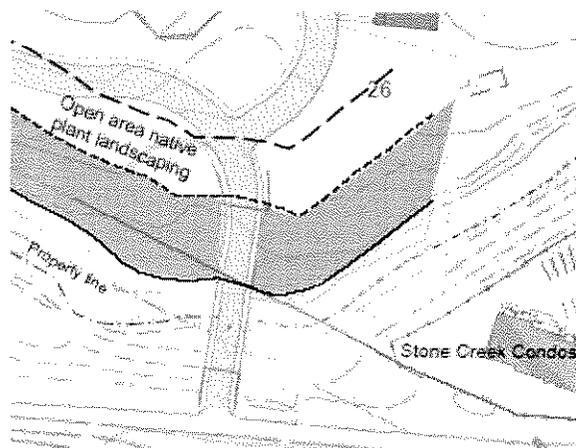
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www.santabarbaraca.gov/Resident/Environmental_Documents/Veronica_Meadows/)



Bridge Impact Evaluation
for
Veronica Meadows Specific Plan

Santa Barbara
California



Prepared for

Mark Lee

Peak-Las Positas Partners
525 East Micheltorena Street, Suite 101
Santa Barbara, CA 93103

by

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES
1875 Wellsona Road
Paso Robles, CA 93446
(805) 467-1041

February 2008

This report by Daniel E. Meade, Ph.D. examines potential biological impacts from the proposed Veronica Meadows Bridge across Arroyo Burro Creek. We reviewed the impact analysis in Veronica Meadows Final Environmental Impact Report (FEIR), and conducted further investigations to illuminate the potential impact determination. We gathered vegetation and wildlife information from field investigations, and reviewed the most recent restoration drawings (Creek Restoration Plan, SH+G Engineering, July 2006) and site plans.

Bridge Impact Analysis History

Information and conclusions presented in the FEIR for the Veronica Meadows project lead to the designation of the proposed bridge across Arroyo Burro Creek as a Class I, significant and unavoidable impact under the CEQA determination. Subsequent to the Draft EIR circulation, numerous commentators have questioned the Class I labeling of the bridge component, and have challenged the factual basis of the determination.

At the initial public hearings of the Draft EIR, questions were raised about the bridge impact determination. John Grey, the EIR lead author, said that the determination was “subjective”, and could have received a lower rating than Class I. A substantial body of facts was presented by commentators and at hearings that support a Class II or Class III designation. Because of serious questions raised regarding the appropriateness of a Class I designation for the bridge, the FEIR consultant produced a Topical Response document as part of the responses to comments. In our opinion, Topical Response No. 2 does not support the Class I designation.

Additional Information concerning Topical Response No. 2

Four reasons are proposed in the Topical Response to justify the Class I designation.

Reason No. 1

Reason No. 1 suggests that 7,328 square feet consisting of the bridge abutments and deck would “permanently preclude the re-establishment of woody riparian habitat which has always been present along the creek at the proposed project site.” However, a review of the site plan shows that the western abutment is located outside the riparian zone. Thus, it is incorrect to include 1,360 square feet for that abutment in the impact calculation. Further, the area under the bridge deck should not be included in this total, as will be discussed below. This leaves only the east abutment as a permanent removal of riparian vegetation, or 1,530 square feet. However, vegetation at the bridge site is dominated by Giant Reed (*Arundo donax*), an invasive non-native species. The Topical Response states, “the permanent loss of the 600 to 800 square feet of willow and giant reed at the eastern abutment is not considered significant because of the offsetting effects of the propose creek corridor restoration plan...” There is no oak woodland, only one oak tree. Existing woody riparian vegetation consists of small willows along the lower creek bank and eleven willow branches (nine of which are less than six inches in diameter) on the upper creek banks. The bridge, which would be 18 feet above the creek, would have a natural bottom capable of supporting willows. The actual loss of native riparian vegetation by the abutments would be less than 1,530 square feet (0.03 acre). As of the

date of this report, habitat at the eastern abutment location consists of one oak tree, one 4" diameter willow, and non-native German ivy and Giant Reed. Even if one assumes the entire eastern abutment is riparian vegetation, less than one-half of one percent of the proposed creek restoration area (296,208 square feet) would be removed. In our opinion, the conclusion that this is a "substantial physical impact" lacks a factual basis.

With regard to impacts to wildlife, the loss of one-half of one percent of the available nesting habit for common birds in this section of the creek would not reduce the nesting density, fledging success, or the population structure of birds along the creek corridor, or within the Veronica Meadows property. The proposed habitat restoration and tree planting would provide more nesting habitat of higher quality than currently exists, effectively mitigating the loss of 1,530 square feet of riparian habitat. In addition, the clearance of Giant Reed within just 50 feet of the bridge would make available for use far more native habitat than the abutments would occupy. The proposed project would greatly increase habitat "for various migratory birds, shelter and structure for birds to forage and rest, substrate for insects, and shade for the creek corridor." The bridge would also add a new nesting habitat for swallows and possibly bats.

An examination of the statement in Topical Response No. 2 that the bridge would preclude the development of "similar riparian vegetation under the bridge" such as oak woodland, willow woodland/scrub, and Giant Reed thickets reveals the following facts:

1. Oak woodland habitat does not occur at the bridge site. There is one oak tree. Willows would grow under the bridge.
2. Giant Reed thickets constitute degraded habitat and should be eliminated.
3. The Topical Response asserts that there is "no evidence or examples of riparian woodland or thickets developing under the shadow of local bridges". However, the response fails to mention that other local bridges span water courses with concrete or grouted bottoms (e.g. Cliff Drive, Torino Road), or are concrete box structures with no banks (e.g. Torino Road, Calle de Los Amigos).
4. The proposed bridge at Veronica Meadows will span a creek which will have a natural bottom. It will also have a very wide flood terrace. There are examples of bridges with substantial riparian vegetation beneath them (see photos).

Lack of water and vegetation removal programs are the primary reasons for bare ground under bridges, not lack of light or space. The proposed restoration plan would assure that riparian vegetation is maintained under the bridge, and that it would be a productive natural habitat. Maintaining a vegetative cover under a bridge is a feasible mitigation.

Reason No. 1 states that the bridge would remove a 40-foot high sycamore tree. In fact, the current grading plan and field survey shows that the subject sycamore would not be removed. The bridge would not remove any sycamore trees. The removal of one coast live oak tree for the bridge is mitigable. Removal of oak trees is commonly mitigated by replacement at a ten to one ratio. The Topical Response, regarding these two trees, states "Their loss contributes to the determination that the habitat impact is considered substantial." This conclusion should be revised based on current information.



Woody native vegetation growing under the Highway 154 Bridge at San Antonio Creek, Santa Barbara.



Thick vegetation growing under a concrete span bridge in San Luis Obispo County.

Reason No. 2

Reason No. 2. states that the eastern bridge abutment “would extent 45 feet into the creek channel”, and that the bridge would be too low to the ground to provide useful habitat. However, currently available information shows that the eastern abutment would not extend into the creek channel. A creek channel is defined by the area where water flows. The abutment is above the 100 year flow line and will not impede or affect the flow of water. The eastern abutment is approximately 50 feet away from the low flow channel.

The second argument in Reason No. 2 claims that, “the vertical space under the bridge would be limited.” However this conclusion did not include information now available from the restoration plan. The restoration would lower the ground by four to eight feet under the western portion of the bridge, greatly increasing the width of the creek corridor and improving the wildlife movement corridor. Reason No. 2 did not consider the restored creek elevation in reaching a conclusion regarding the functional span of the bridge.

Reason No. 3

Reason No. 3. states that “In general”, wildlife movement along Arroyo Burro Creek “is generally greater than along open grassy or scrub areas.” However, the author fails to consider the specific condition of the site, which is choked with Giant Reed. This makes passage on the banks through this section of Arroyo Burro creek virtually impossible for

medium-sized terrestrial wildlife such as opossum, raccoon, skunk, or coyote (large wildlife, e.g., deer or bear do not occur in the vicinity). The premise of Reason No. 3 is incorrect; wildlife currently does pass along open areas and through the scrub north of the property because it can not pass along the choked banks of Arroyo Burro Creek.

Reason No. 3 presents three bullet points regarding features of riparian corridors. All three of these features would be present after construction of the bridge and restoration of the site.

Reason No. 3 states gaps in the riparian corridor can adversely affect wildlife movement and interaction, but provides no metric for determining if the proposed bridge will do this. It is then incorrectly stated that there are three major wildlife corridors on the site, referencing the EIR Figure 4 which shows four or five major movement paths, including roughly the main creek corridor and the top of the western bank. Reason No. 3 states that "wildlife move from the adjacent uplands to the creek throughout the site", evidently not using any particular corridor at all. There is no factual or observational data provided regarding the number, time, species, or direction of movement of any wildlife. It is not stated what species would be affected by the alteration of upland habitat, or the improvement of riparian habitat proposed by the project. There is no evidence presented that the bridge would have any effect on wildlife movement. The author states that the horizontal and vertical constraints of the bridge would alter movement patterns of wildlife, but as discussed above, the purported vertical constraints are based on existing conditions, not on the final configuration of the restored channel. The author goes on to state, "For many common wildlife, such as raccoons, woodrats, and skunks, the presence of the bridge would not be a substantial barrier". The author then concludes that, "the constraints created by the bridge could adversely affect wildlife interaction and movement in the riparian zone." It is not stated what wildlife would be adversely affected. Common wildlife species such as fence lizard or opossum would not be constrained by the bridge. There is no basis for the conclusion that the bridge would adversely affect wildlife. The author claims that "all wildlife would be forced under the bridge". That might be good for the wildlife; it is generally safer passing under a bridge than travelling on a road. However, the author then states that "Wildlife that pass around the west end of the bridge would need to cross the main site road and the yard associated with Lot 12." Apparently, wildlife is not all forced under the bridge. The author makes no mention of the proposed 100 foot riparian buffer and abundant open space along this area of the proposed project, making easy passage for nocturnal wildlife.

Reason No. 3 concludes with a discussion of the larger site and incorrectly identifies the property north of the bridge as a flood plain. It is not a floodplain but a terrace formed by ancient landslides (see geology section of the EIR). The author repeats a previous non-sequitor in stating that "Common wildlife such as raccoons will undoubtedly travel through the project site regardless of the bridge", and then states in the next sentence that the proposed bridge, "Would substantially modify the opportunities for wildlife to interact and travel through the project site." But, they just said the wildlife examples given would "undoubtedly travel through the site regardless of the bridge." This is not an analysis of wildlife movement, and the conclusion that wildlife would be adversely affected by the bridge can not be supported by any cognitive ecological theory.

Reason No. 4

Reason No. 4 attempts to find inconsistencies with the proposed bridge and local coastal policies. The author proposes that the bridge may be inconsistent with Coastal Act Policy 30231 to minimize "alteration of natural streams." However, the bridge itself would not alter the stream; it would completely span it. It has been understood for years that the intent of this local coastal policy (Coastal Act Section 30231) is to encourage the construction of free span bridges over streams rather than construction of culverts or other more restrictive structures. The proposed development would alter the stream below the bridge, but only as part of a much needed and desirable restoration of the stream to enhance natural function. The proposed project would also remove the current constrictive barrier created by a sewer pipe crossing, greatly increasing the width of the creek channel and removing a detrimental alteration of the creek.

The author of Reason No. 4 next proposes that because the bridge is in an environmentally sensitive habitat area (ESHA) it may be inconsistent with Coastal Act Section 30240 due to a substantial impact to the creek channel and riparian corridor. This argument is based on the incorrect analysis presented in the previous Reasons; no new information is provided. It is not demonstrable that there is a substantial adverse impact to the creek from the free span bridge, but it is demonstrable that the proposed project would result in a significant beneficial impact to the creek through the proposed riparian habitat restoration.

The City Local Coastal Plan Policy 6.8 is cited, and it is implied that the proposed bridge would not be consistent with this policy. However, the proposed bridge and restoration project would actually fulfill this policy by restoring and enhancing riparian resources and biological productivity.

The final policy citation does not pertain to the proposed project. The policy cited (Policy 6.11-A) refers to "highway bridges or other highway improvements." The Veronica Meadows Bridge would not be part of a highway. The comment is mistaken regarding the location of the eastern concrete abutment. It would be below the top of bank, but it is above the 100 year flood line. It is not in the creek channel.

Conclusion

In our opinion, the reasons provided to justify the Class I designation of the proposed bridge as presented in Topical Response No. 2 are not convincing. New information, field investigations, and review of project plans have identified factual errors in the analysis. These factual errors contributed to incorrect conclusions regarding the impact of the bridge. We conclude that the designation of the proposed Veronica Meadows Bridge as a Class I, significant and unavoidable adverse impact is not based on substantial evidence.