

**SANTA BARBARA CITY ATTORNEY'S IMPARTIAL ANALYSIS OF  
MEASURE Y2012**

Santa Barbara City ballot measure Y-2012 seeks voter authorization (pursuant to City Charter §520) to allow the construction of a public road and bridge across Arroyo Burro Creek near the intersection of Las Positas Road and the entrance to Elings Park. The bridge's easterly abutment would be constructed on a small portion of a 5.89 acre undeveloped City-owned parcel zoned as "undeveloped parkland" which is located between Las Positas Road and Arroyo Burro Creek. The bridge would have one travel lane in either direction with a sidewalk on both sides.

The road and bridge are necessary for vehicular access to a proposed private housing development known as the "Veronica Meadows Project." The Project consists of twenty-five single family homes on 14.8 acres of private property zoned by a City Council approved specific plan to allow for single family homes. Three of the Project's homes would be located near the end of Alan Road and would only be accessible by way of Alan Road. The other twenty-two Project homes would be accessible by way of the road and bridge. The road and bridge would provide public access to the City parkland property along Arroyo Burro Creek and would also allow public access to a separate pedestrian/bike path to be constructed by the Project on private property along the west side of Arroyo Burro Creek. The proposed pedestrian/bike path would begin at the west end of the bridge and connect to the existing Alan Road cul-de-sac.

The Environmental Impact Report prepared for the Project concluded that construction of the bridge and the Project could result in some significant adverse environmental impacts and that there are no feasible mitigation measures likely to reduce these impacts to a less than significant level. These impacts have to do with the following three areas of environmental concern: 1. the removal of existing riparian plants and trees necessitated by the bridge abutments would result in a permanent loss of the existing tall dense riparian habitat near the bridge which loss could, in turn, adversely impact the wildlife living in this area; 2. the Project could contribute to adverse traffic impacts when all of the proposed future developments in the Las Positas Valley area are analyzed on a cumulative basis; and, 3. the Project could result in potentially significant adverse temporary noise during the period of its construction.

As allowed by CEQA, the City Council decided to approve the Veronica Meadows Project despite its potentially significant impacts by making findings of overriding considerations and by finding certain project alternatives infeasible. For example, a project alternative which eliminated the road and bridge by providing all vehicular access by way of Alan Road was rejected, in part, because it only eliminated the significant wildlife habitat concerns but might have worsened the potential traffic and noise impacts. The Council also chose to override the unmitigated impacts, in part, because the Project would provide other benefits such as public access to the adjacent City parkland, access to a new pedestrian/bike path, and because it would provide a significant amount of creek bank restoration work along Arroyo Burro Creek.

/s/ Stephen P. Wiley, City Attorney

## ARGUMENT IN FAVOR OF MEASURE Y2012

**YES ON Y** ensures a degrading section of Arroyo Burro Creek will be restored and 50 acres of adjacent property permanently dedicated and maintained as open space and restores 6 acres of park at no taxpayer expense.

“Y” also ensures a safe route to Arroyo Burro Beach for pedestrians and bicyclists at no taxpayer cost.

“Y” allows the use of one-twentieth of an acre of city land for a new public road and an environmentally advanced, clear span bridge at no taxpayer cost.

This is the best means to access the exhaustively studied Veronica Meadows neighborhood, already approved by the City Council and Coastal Commission.

Today, the creek is eroding – invasive plants have taken over, and an abandoned bridge, sewer line, and water main threaten the creek. The creek would be restored to slow erosion and improve water quality, and 50 adjacent acres will be permanently dedicated as open space – including 6 acres of restored park.

Safe passage to the beach has long been needed. Along with creek restoration, open space and a public park, “Y” provides a safe trail connecting Elings Park to the beach.

### **Yes on Y: Environmentally Restored Creek – Safe Beach Access.**

The undersigned authors of the primary argument, in favor of ballot measure Y2012 at the Presidential Primary Election for the City of Santa Barbara to be held on June 5, 2012, hereby state that this argument is true and correct to the best of their knowledge and belief.

/s/ Marty Blum, Former Mayor

/s/ Dan Secord, Former Councilmember and Coastal Commissioner

/s/ Michael Jordan, Planning Commissioner and Former Creeks Advisory Committee Chair

/s/ Scott Burns, Parks & Recreation Commissioner

/s/ Mark Lee, Veronica Meadows Property Owner

## REBUTTAL TO ARGUMENT IN FAVOR OF Y2012

**Measure Y is NOT about saving tax dollars, restoring Arroyo Burro Creek, improving beach access, or creating a new public park.**

Measure Y asks voters to approve a GIFT of City parkland to a private developer for his luxury home development.

Measure Y DOES NOT create a new public park! The City purchased the 6 acre park in 1998.

Measure Y DOES NOT create a safe path to the beach. The proposed trail is only a fraction of what is needed to provide a safe route along Las Positas Road.

Measure Y DOES NOT improve Arroyo Burro Creek. The City's environmental analysis concluded that the bridge will cause permanent negative impacts to the Creek, kill large oak and sycamore trees, and interfere with wildlife movement. The developer's "restoration plan" leaves Arroyo Burro Creek permanently damaged by this project.

Measure Y DOES NOT protect open space. The developer claims credit for preserving "open space" that is too steep and prone to landslides for it to be developed. Most of the "open space" will be privately owned and NOT open to the public.

Measure Y IS NOT FREE. City taxpayers will pay for future maintenance and repairs to the bridge, road and path.

Measure Y MEANS MORE TRAFFIC. The development requires a new stop light and more congestion and delays on Las Positas Road.

Measure Y sets a dangerous precedent that threatens city parkland.

**Vote NO on Measure Y to save our city parks!**

The undersigned authors of the rebuttal to the argument in favor of ballot measure Y2012 at the primary election for the City of Santa Barbara to be held on June 5, 2012 hereby state that this argument is true and correct to the best of their knowledge and belief.

/s/ Jim Balter, Executive Committee, Sierra Club, Santa Barbara Group

/s/ John Jostes, Former City Planning Commissioner

/s/ Paul Hernadi, South County Vice-President, Citizens Planning Association

/s/ Laura S. Rasmussen, Board Member, Santa Barbara Urban Creeks Council

/s/ Joe Rution, President, Allied Neighborhood Association

## ARGUMENT AGAINST MEASURE Y2012

### **Vote No – Stop the City's gift of open space/parkland to a private developer!**

The court has ruled that the voters have the right to reject the gift of our precious city parkland to a private developer. This gift would set a dangerous precedent that threatens the future of city parklands.

The private developer of 25 large luxury homes wants to construct concrete bridge abutments on city-owned parkland along Arroyo Burro Creek, an important wildlife migration corridor.

The city's environmental analysis concluded that the bridge over Arroyo Burro Creek will cause permanent negative impacts to creek habitat, kill large oak and sycamore trees and interfere with wildlife movement. Even after the developer's proposed creek restoration, Arroyo Burro Creek would be permanently damaged by this project.

Assemblymember Das Williams, Mayor Helene Schneider, Councilmember Bendy White and newly elected Councilmember Cathy Murillo are on record opposing the private Veronica Meadows luxury home project because of the multiple permanent negative environmental impacts to plants and animals that live in the creek. This development would also worsen traffic all along Las Positas Road between Highway 101 and Cliff Drive, and increase congestion on impacted local roadways, especially during emergency evacuations.

This is your chance to say No to the overdevelopment in this historic landslide area of the Las Positas Valley. Without this precedent-setting gift of city parkland, the proposed luxury home development must be reduced in size.

### **Please Vote No on Measure Y to save our city parks!**

The undersigned authors of the primary argument against ballot measure Y2012 at the Primary Election for the City of Santa Barbara to be held on June 5, 2012 hereby state that this argument is true and correct to the best of their knowledge and belief.

/s/ Jim Balter, Executive Committee, Sierra Club, Santa Barbara Group

/s/ Mary Louise Days, Secretary, Citizens Planning Association

/s/ Eddie Harris, President, Santa Barbara Urban Creeks Council

/s/ Joe Rution, President, Allied Neighborhoods Association

/s/ Das Williams, Assemblymember

## REBUTTAL TO ARGUMENT AGAINST MEASURE Y2012

If Measure Y sets a precedent – it's a good one.

Measure Y asks us to approve the use of 1/20<sup>th</sup> of an acre of unused city land to build an environmentally advanced clear span bridge.

In return for 1/20<sup>th</sup> of an acre, Measure Y ensures:

- Natural rehabilitation of a degraded section of Arroyo Burro Creek that will save historic oaks
- Completion of safe beach access for pedestrians all the way from Elings Park, avoiding a dangerous part of Los Positas Road
- Restoration of six acres of unused, blighted city land to create a new park

All created and maintained forever at no cost to the taxpayers.

Clearly, allowing the use of 1/20<sup>th</sup> of an acre is an excellent deal for the environment and for city taxpayers, especially those using the new safe trail and the restored 6-acre park.

The environmentally advanced clear span bridge offers the best means to access the Veronica Meadows neighborhood, approved for 25 family homes and 44 acres of permanent open space including the restored park. The clear span bridge will be located just downstream from a section of Arroyo Burro Creek that flows through a concrete channel and several narrow concrete culverts.

The city and Coastal Commission approved Veronica Meadows after exhaustive study, knowing that without the bridge and the new neighborhood, the creek will continue to degrade, erode, and threaten historic oak trees.

Our former mayor and a former member of the Coastal Commission agree:

Yes on Y – it deserves our support.

The undersigned authors of the rebuttal to the argument against ballot measure Y2012 at the primary election for the City of Santa Barbara to be held on June 5, 2012 hereby state that this argument is true and correct to the best of their knowledge and belief.

/s/ Scott Burns, Parks & Recreation Commissioner

/s/ Addison Thompson, Planning Commissioner

/s/ Mark Lee, Owner

/s/ Dan Secord, Former Councilmember, Former Coastal Commissioner