City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: July 14, 2005

AGENDA DATE: July 21, 2005

PROJECT ADDRESS: 900-100 Las Positas Road (MST99-00608)
Veronica Meadows Specific Plan

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
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I. PROJECT DESCRIPTION

The Veronica Meadows Specific Plan (hereinafter referred to as "the project") involves the annexation of approximately 50.5 acres from an unincorporated portion of Santa Barbara County to the City. Approximately 35.7 acres would be dedicated open space and 14.8 acres would be developed for residential uses, a public road, and public passive recreation and open space. Twenty four residential lots would be created, ranging in size from approximately 5,520 to 14,140 square feet. The project would include seven house plans, all of which would be two-stories in height, and range in size from 1,800 to 4,500 square feet of living area. Each lot would also contain a 500 square-foot garage. The project also involves annexation of a 5.89-acre City-owned parcel located between the project site and Las Positas Road, in support of orderly annexation and in consideration of the habitat and creek restoration proposed by the applicant for a portion of that area.

Site access to all but two lots would be provided via a proposed concrete bridge over Arroyo Burro Creek that would intersect with Las Positas Road. A public loop road on the west side of the creek would serve 17 of the homes; a private drive off of the public road would provide access to five home sites. The remaining two homes would be accessed from the end of Alan Road. A public pedestrian path is proposed along the western edge of the creek to provide access from the end of Alan Road to Las Positas Road.

II. REQUIRED APPLICATIONS

The required discretionary actions for this project are as follows:

Actions requiring a recommendation to the City Council by the Planning Commission:

1. Annexation of the subject parcels to the City of Santa Barbara;
2. Adoption of Specific Plan (SP-9) – Veronica Meadows Specific Plan;
3. General Plan Amendment, upon annexation, to add the subject parcels to the City's General Plan Map. APNs 047-010-016, 047-061-026, and the 4.49-acre portion of 047-010-053 would have a

General Plan Land Use Designation of Residential, Two Dwelling Units per Acre; APN 047-010-011 would be designated Major Hillside, Open Space, Buffer/Stream, and Pedestrian/Equestrian Trail; APN 047-010-009 would be designated Open Space, Buffer/Stream, and Pedestrian/Equestrian Trail;

4. Zoning Map Amendment, upon annexation, to designate APNs 047-010-011, 047-010-016, 047-061-026 and the 4.49-acre portion of 047-010-053 as SP-9, Veronica Meadows Specific Plan, and APN 047-010-009 as P-R, Park and Recreation. Any portion of the involved properties located within the Coastal Zone would also be designated as SD-3, Coastal Overlay Zone;
5. Hillside Design District Map Amendment, upon annexation, to add the subject parcels to the Hillside Design District (SBMC §22.68.110); and
6. Local Coastal Plan Amendment, upon annexation, to add the portions of APNs 047-010-009 and 047-010-016 that are located within the Coastal Zone boundary to the City's Local Coastal Plan.

Actions by the Planning Commission, contingent upon completion of the actions listed above:

Certification of the Final EIR for the Veronica Meadows Specific Plan;

7. Approval of a Coastal Development Permit for the subdivision and development (residences, roads, creek restoration, landscaping, grading, etc.) of the portion of the project within the Appealable and Non-Appealable jurisdictions of the Coastal Zone (SBMC §28.45.009);
8. Approval of a Lot Line Adjustment to remove a 4.49-acre portion from APN 047-010-053 and attach it to APN 047-010-016 (Gov. Code §66412);
9. Approval of a Waiver of the requirement that newly created lots front upon a public street, to allow proposed Lots 3, 4, 5, 6, and 7 to be served by a private driveway (SBMC §22.60.300);
10. A Finding of Neighborhood Preservation Ordinance Compliance because the project requires an EIR and to allow grading in excess of 500 cubic yards outside of a main building footprint within the Hillside Design District (SBMC §22.68.070); and
11. Approval of a Tentative Subdivision Map to divide one parcel into 28 lots, including a finding of consistency with proposed Specific Plan #9. Twenty-four lots would be developed with single-family homes, and four would be common open space lots (SBMC Chapter 27.07).

III. RECOMMENDATION

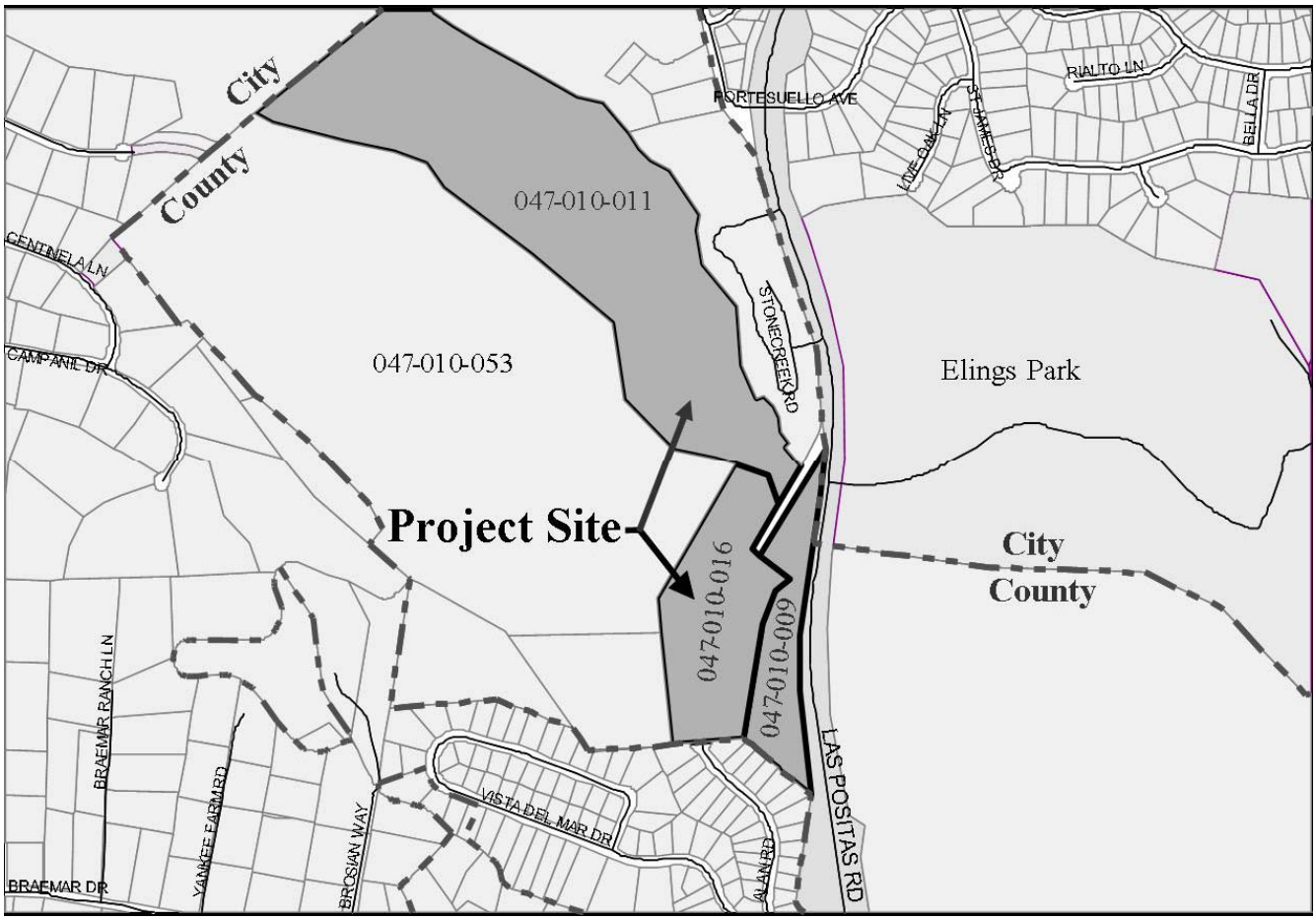
Staff believes that the annexation of the subject parcels is appropriate to ensure logical and consistent land use planning, efficient public services, and orderly development in the Las Positas Valley, and that the proposed overall density is appropriate for the site.

Based on direction from the Planning Commission at the April 14, 2005 meeting to discuss project issues and options, Staff believes the Commission could determine that the project conforms to the City's Zoning and Building Ordinances and policies of the Coastal Act, General Plan and Local Coastal Plan (LCP) and make the necessary findings to approve the project as proposed. Staff has prepared the findings and conditions of approval for the project as proposed.

However, Staff has concerns, as expressed at the April meeting, regarding the determination of top of creek bank and associated creek setback. This report includes additional discussion of those concerns. Staff still believes that Arroyo Burro Creek, and public and private development, should be further

protected through adherence to a 100-foot creek setback for all structural development. If the project is revised through the Commission's deliberation, the findings and conditions may need to be adjusted accordingly.

Therefore, Staff recommends that the Planning Commission make the required findings in Section VII of this report to certify the Final Environmental Impact Report, recommend the City Council to annex the subject properties to the City of Santa Barbara, adopt Specific Plan 9, make the necessary General Plan Map, Zoning Ordinance and Map, and Hillside Design District Map Amendments, and amend the Local Coastal Plan. Contingent upon those legislative actions by the City Council, Staff recommends that the Planning Commission approve the project subject to the proposed Conditions of Approval contained in Exhibit A.



IV. SITE INFORMATION AND PROJECT STATISTICS

SITE INFORMATION

Applicant/Property Owner: Peak-Las Positas Partners	
Existing Use: Vacant Land, Creek	Topography: Varies – Nearly flat to in excess of 30%
Adjacent Land Uses: North – Open Space/Creek/Residential South – Residential	East – Creek/Public Park/Open Space West – Residential

PROJECT STATISTICS

Lot #	Proposed Lot Area (square feet)	Approximate House Size (square feet)	Approximate Number of Bedrooms / Bathrooms
1	10,239	2,400	3 / 2.5
2	10,276	2,000	2 / 2.5
3	9,983	1,800	2 / 2.5
4	8,692	2,500	3 / 2.5
5	14,140	4,500	5 / 3.5
6	9,962	3,200	3 / 2.5
7	12,907	3,500	3 / 2.5
8	10,848	3,500	3 / 2.5
9	7,410	3,500	3 / 2.5
10	7,420	3,200	3 / 3.5
11	8,341	4,000	4 / 3.5
12	11,373	4,000	4 / 3.5
13	7,036	1,800	2 / 2.5
14	6,656	2,500	3 / 2.5
15	8,024	4,000	4 / 3.5
16	6,965	3,200	3 / 3.5
17	7,092	3,500	3 / 3.5
18	6,946	4,000	4 / 3.5
19	5,520	3,200	3 / 3.5
20	6,306	3,200	3 / 3.5
21	9,391	4,000	4 / 3.5
22	7,612	3,500	3 / 3.5
23	7,422	3,200	3 / 3.5
24	9,569	4,000	4 / 3.5
25	54,108	N/A	N/A
26	27,985	N/A	N/A
27	110,657	N/A	N/A
28	155,781	N/A	N/A

V. APPLICATION/PROJECT REVIEW PROCESS

Residential development of the 10-acre site has been considered and reviewed by the City since 1993 when the subject property was initiated for annexation. The current property owner purchased the property in 1999 and submitted an application for development of 36 residential lots in late 1999. In February 2000, the Planning Commission held a concept review of the proposal and initiated annexation of the 4.49-acre portion of the adjacent parcel to the west. Further, the property owner chose to include the adjacent 35-acre parcel as part of the project, designating it for open space purposes only.

In May 2002, Staff advised the applicant that the 30-lot residential subdivision proposed at that time was inconsistent with City policies and, instead of beginning environmental review, Staff would proceed to the Planning Commission with a recommendation for denial of the project. In response, the applicant chose to revise the development proposal and continued to work with Staff towards an improved development. Numerous concept reviews by both the Architectural Board of Review and Planning Commission were held during the following year to discuss the appropriate site design and intensity of development for this property. A summary of these concept reviews, as well as reviews by other City advisory bodies, are provided below.

A. PLANNING COMMISSION (PC) WORK SESSIONS

Three work sessions regarding the project were held by the PC to provide early comments and guidance to the applicant and Staff regarding the general direction of the project, including site design, neighborhood compatibility and potential environmental issues (minutes of these work sessions are attached as Exhibit E).

On February 3, 2000, the Planning Commission initiated the annexation of the 4.5-acre parcel and requested that a full range of pre-zoning and General Plan designations for the 15-acre area be studied in conjunction with site constraints and compatibility with surrounding neighborhoods. In reviewing a proposal for 36 single-family residential units on the 15-acre development site, the PC offered extensive direction to Staff and the applicant. The PC felt that the density of the project was too great and should be defined by environmental constraints, the units should be clustered and more open space should be provided, and the project should be compatible with the density and floor-to-area ratio of the surrounding neighborhood. The Commission asked that the development avoid steep slopes and that grading on the hillside be minimized. Vehicular access through Alan Road was discouraged, and the PC also expressed concern that the proposed bridge would cross City park land. Pedestrian access to Alan Road was supported through a meandering pedestrian path along the creek. The PC also stated that hard structures should not be placed in the creek.

On February 20, 2003, a joint PC and Architectural Board of Review (ABR) concept review of the project was held to provide the applicant feedback and direction regarding the overall scope of the project, size, bulk, scale, architectural and height, as well as neighborhood compatibility issues. At that time, the proposal included 20 single-family homes, two duplex buildings, and one four-plex building, for a total of 28 dwelling units. Six of the proposed units took access from the end of Alan Road. The PC and ABR offered the following comments:

- **Density.** Different opinions were expressed with respect to the proposed density. Some thought the development was too dense and that higher density should be focused in the City's urban core, but others stated that most of the area to be developed is presently zoned for five units per acre, and felt the density was appropriate. Stated concern with developing an area zoned at one house per 20 acres, and felt that the greatest opportunity for development is on Alan Road. A preference for fewer, possibly larger, more expensive homes, was also expressed. Some felt that one or two duplex units would allow for more green space, but others were opposed to the idea of a duplex or four-plex in this rural setting.
- **Access.** Different opinions were also expressed about the possible extension of Alan Road. Some members thought extending Alan Road with four or five units that matched the style of the existing houses would serve as a nice connection between the older neighborhood, and would provide more passive open green space. While recognizing the strong neighborhood opposition to an extension of Alan Road, members felt that Alan Road is wide enough and provides enough off-street parking that adding three to six houses at end of the road would not be a significant impact. Others requested that the project be sensitive to the Alan Road residents.
- **Site Design and Architecture.** Members suggested further study of the road design and felt the road west of the bridge should meander more significantly to the north to help slow traffic and mitigate the aesthetic impact of the row of houses. Many thought that combining driveways would significantly reduce the amount of paving and increase the amount of open space. They complimented the porches, ribbon drives, and stately architecture. Most comments supported the proposed craftsman style architecture, but some felt that craftsman style homes, which have traditionally been built in flat areas, may not be suitable on a slope, and supported a more rural, ranch type style.
- **Creek Setback.** Many members thought the 100-foot creek setback should be observed and would not support anything built within the 100-foot creek setback. They also felt that any impacts to the creek from the pedestrian path would need to be mitigated.
- **Trees and Water Quality.** Some members suggested leaving the large grove of mature eucalyptus trees, because they are the result of an existing bioswale and microclimate and would eliminate the need for creating a new bioswale. Many cited the importance of the creek, water quality, site runoff, and the bioswale.
- **Affordable Housing.** Most felt this location was unsuitable for affordable housing because of the lack of stores, banks, or theaters within walking distance, and would prefer to have more open space and trails than affordable units. Others thought that one or more affordable units would be appropriate.
- **Pedestrian and Bicycle Circulation.** Most felt that sidewalks should be provided on both sides of the bridge and that pedestrian and bicycle access should be provided along the south side of the public road, away from the houses, if possible. Members liked the multi-use pathway connecting the neighborhoods and thought the bridge to be a key element. Commissioners expressed the desire to have the path meander close to the creek.

- **Neighborhood Market.** Some felt that pedestrian access to neighborhood amenities, such as a market, should be considered, but others stated there is no suitable location for a neighborhood market.

On March 6, 2003, the Planning Commission held a work session to discuss a proposal for 24 single family residences. The Commission stated the following:

- **Trees.** The majority of the PC was comfortable with the removal of eucalyptus trees and replacement with trees that are appropriate to the site, based on the information they had at that time.
- **Creek Setback.** They could be flexible with the creek setback (i.e., access, path); the one unit on Alan Road in the 100-foot setback was acceptable.
- **Site Plan.** Commissioners liked the new site plan, the meandering loop road, and thought the proposed architecture was appropriate for this development. They also liked the clustering of several areas: the two homes at the end of Alan Road, the five homes on the private driveway, and the cluster of homes around the loop road, but asked the applicant to study combining some driveways to simplify the plan.
- **Bridge.** They found the bridge location acceptable and believed it should have two minimum width lanes, two sidewalks, and should be as beautiful as possible.
- **Housing.** The PC suggested that this project have a mix of unit types and sizes. Some also felt that affordability should be kept as an aspect of this project, with the possibility of an inclusionary requirement, before the project is approved. Some felt that duplexes are more appropriate to this development than four-plex buildings and suggested that Unit #7 was a proper location for a duplex.
- **Pedestrian Circulation.** Commissioners thought the sidewalks should be aesthetically appropriate to this rural type of development and trail access should be provided in several different places around the site.
- **City Parkland.** They expressed that the trade-off of using City parkland for the bridge in exchange for the open space and public trail appeared to be acceptable.
- **Open Space.** One Commissioner had reservations about converting five acres of dedicated open space to an urban use.

B. ARCHITECTURAL BOARD OF REVIEW (ABR)

The ABR reviewed this project on two occasions over the last five years, in addition to the joint concept review with the Planning Commission, discussed above.

On September 5, 2000, the ABR conceptually reviewed a proposal for 27 single family homes, all accessed from Las Positas Road, and provided many comments. The Board felt that a rural concept for this project site is desirable. The ABR also expressed that the mass, bulk, and scale should be reduced to allow for more outdoor useable living spaces, the architectural style of the homes should be limited in number and simplified, and that a maximum house size should be specified as part of the CC & Rs for the

development. The ABR stated that the existing grade should drive the house design and the homes should be unique to the site on which they are located. They asked the Applicant to restudy the driveway design and placement of garages, and suggested the use of permeable materials and stated that they prefer some detached garages. They also asked that "real" porches be used on the street elevation of the homes. The ABR encouraged pedestrian interaction between this development and the two adjoining neighborhoods (Alan Road and Stone Creek Condominiums) and meandering roads that are varied in width to accommodate on-street parking. The Board stated that the project should be a model for riparian development and that the separation and maintenance of private and public open areas should be addressed. The Board supported the perimeter road design, as it would provide additional protection from fire and geologic hazards. The ABR also stated that bioswales are preferred to underground pipes for drainage purposes. Preservation of oak and palm trees is a higher priority than preservation of the eucalyptus trees. They also stated that fences should be used minimally.

On September 25, 2000, the ABR applauded the Applicant for addressing their previous comments. They felt the open space traversing through the site was commendable. The majority of the Board was supportive of the sidewalk plan, as it lent itself to the rural setting, but asked that the road system within the development connect to Alan Road for pedestrian and bicycle use. The ABR asked the Planning Commission to consider the placement and amount of fencing within the development, and felt the drainage features under the roads should be augmented for animal access. They again asked the applicant to study the use of detached garages in some lots.

C. HISTORIC LANDMARK COMMISSION

On January 5, 2000, the HLC accepted the Phase I Archaeology Report prepared by Mary Maki, and accepted the Phase I Historic Structures Report with the following conditions: 1) The Phase II Report shall address the previously existing landscape elements and other circulation paths that may have existed with the Veronica Springs Medicinal Water Company; 2) Photo documentation shall be used in various phases to allow designers to look at some of these materials for vernacular elements; 3) The site shall be made a landmark, and; 4) The development and design shall reflect the historical use of the site in the mitigation measures.

On August 15, 2001, the Commission accepted the Phase II Historic Structures Report as submitted. The report indicated that little remains today of the original road circulation system of the Veronica Meadows Medicinal Water Company. Only one small remnant of what may have been the row of oak and acacia trees along the original road remains near the center of the site. Mitigation Measure CR-2 requires these trees to be retained. In addition, a gazebo structure, similar to one that was seen in old photographs of the site, is required to be built along the pedestrian trail, along with interpretive signage (Mitigation Measures CR-3 and CR-4). Staff has proposed conditions of approval incorporating these mitigation measures.

D. CREEKS ADVISORY COMMITTEE

On February 2, 2005, the Park and Recreation Commission and Creeks Advisory Committee (CAC) held a joint meeting to receive presentations from Staff and the Applicant on the project, receive public comment, and ask questions about the proposal. In order to provide sufficient time to complete the

discussion and to receive comments and recommendations from the two bodies, the meeting was continued to each of the advisory body's subsequent meetings.

At their regular meeting on February 9, 2005, the Creeks Advisory Committee was asked to comment on the following aspects of the project: 1) creek setback; 2) creek bank erosion; 3) riparian vegetation; 4) site drainage and runoff; 5) bridge construction; 6) creek restoration; 7) recreation, access, and trails, and; 8) the EIR, proposed mitigation measures, and suggested alternatives. The minutes of that meeting, including detailed comments and recommendations on the project, are provided as Exhibit G. In summary, the CAC recommended the following:

- The bridge should be removed from the project because of adverse impacts to the creek and interference with the restoration project planned by the Creeks Division.
- The creek setback should be 100 feet, as delineated in Figure 4-4 of the FEIR. The setback should not contain permanent structures or roads, but could include a pedestrian or bicycle path and small constructed wetlands or bioswales that are appropriately designed for treatment of stormwater runoff and sediment loading.
- Drainage throughout the site should be decentralized to direct stormwater to numerous percolation basins and bioswales and allowed to overland flow and percolate to the creek. Pervious paving should be used for driveways, sidewalks, and roads, to the extent allowable by the Fire Department and Building & Safety Division.
- The tributary flowing from Campanil Hill through the site should remain open and have an appropriate buffer.
- Public access should be provided within the riparian buffer.

E. PARK AND RECREATION COMMISSION

On February 23, 2005, the Park and Recreation Commission was asked to comment on the following: 1) whether the project would be compatible with public recreation needs, as envisioned for the City-owned parcel, and; 2) whether the proposed construction of the bridge is compatible with, or an accessory to, the park purposes of the City. The Commission made several recommendations to the Planning Commission and City Council (minutes are attached at Exhibit H):

- The proposed bridge should remain in the project as proposed, subject to modifications or changes made by the Planning Commission.
- The creek setback should be determined by the Planning Commission based upon the three options presented in the Figures 4-3, 4-4, and 4-5 of the FEIR, or some modification the PC may find proper and fitting.
- The Commission concurs with the Creeks Advisory Committee's recommendations regarding drainage and public access in the riparian buffer.
- The Applicant should meet with the appropriate agency to clarify and determine the proposed restoration plan and submit those findings back to the Commission for review.

- A detailed agreement regarding maintenance standards and ongoing funding of the restoration plan should be submitted.
- The trail should feel like it is a parkway, so it is friendly to the community.

F. TRANSPORTATION AND CIRCULATION COMMITTEE

The Transportation and Circulation Committee (TCC) is responsible for advising the City Council regarding street abandonments or projects that involve major changes or additions to the City's street network. On March 24, 2005, the TCC was asked to provide comments and recommendations on the proposed bridge and overall circulation of the project as it relates to the larger Las Positas Valley. The TCC recommended that the Planning Commission support a bridge from Las Positas Road to the Veronica Meadows site, as it is consistent with the policies of the Circulation Element. They did, however, offer the following conditions: 1) the width of the bridge is to remain as identified in the proposal with inclusion of the two vehicle lanes, and; 2) a signal light is to be included at the new intersection as soon as feasible.

ENVIRONMENTAL REVIEW PROCESS

A. CEQA BACKGROUND

As required under the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) has been prepared to evaluate physical environmental effects resulting from the project and proposed Specific Plan. The EIR provides an evaluation of both temporary construction-related impacts and long-term impacts from project operations.

An EIR is intended by CEQA to be an informational document that is considered in conjunction with other planning documents and project analysis as part of the overall permitting process. The CEQA environmental review process has two overall purposes: first, to disclose environmental impacts so that the public and decision-makers consider the environmental consequences of a project before it is approved, and second, to avoid or reduce significant environmental effects to the extent feasible. Feasibility is defined in CEQA and the CEQA Guidelines as meaning *"capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."* Mitigation measures applied to a project to reduce environmental impacts must also meet the constitutional tests of nexus and reasonable proportionality to project impacts. The EIR and staff analysis provide an identification of feasible measures, with decision-makers determining final feasibility.

An EIR analysis is not required to be exhaustive, and is based on reasonably available information. Conclusions about the significance of environmental impacts use City guidelines and practices and need to be based on substantial evidence within the entire record. Substantial evidence is defined in CEQA and the CEQA Guidelines to mean enough relevant information and reasonable inferences from this information to support a conclusion, even though other conclusions might also be reached. *"Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."* Because the analysis involves predicting future effects, an EIR necessarily only provides a best

estimate of environmental impacts based on numerous assumptions. Where there are disagreements among experts over the significance of impacts, it is not required that an EIR resolve these differences but only summarize them. As noted in the CEQA Guidelines Section 15151, "*…the courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure*."

B. EIR PROCESS

Staff deemed the current project proposal complete on July 25, 2003, and began the environmental review process. Through preparation of an Initial Study, Staff determined that an EIR would be required to fully evaluate the potential environmental impacts of the project. A Notice of Preparation (NOP) of an EIR was issued for 30-day agency and public review, and an environmental scoping hearing was held by the Planning Commission on October 16, 2003, to assist in refining the EIR scope of analysis. The City contracted with an environmental consulting firm, URS Corporation, to prepare the EIR.

On September 22, 2004, a Notice of Availability was issued, announcing that the Draft EIR was available to the public and agencies for review and comment. A 45-day public review period was provided to receive comments, ending on November 5, 2004. A total of 33 letters of comment from public agencies, community organizations, and the general public were received. On October 21, 2004, the Planning Commission conducted an environmental hearing on the Draft EIR to receive comments on the document. Copies of written letters received within the comment period, and verbal comments received at the environmental hearing from 13 individuals and community groups, are presented in Appendix D of the Final EIR (FEIR).

A proposed Final EIR has been prepared (Exhibit K) with consideration of comments received on the Draft EIR. Appendices E and F of the FEIR include written responses to comments and, as appropriate, changes to the text of the EIR were also made.

C. SUMMARY OF IMPACTS AND MITIGATION

The FEIR identified environmental impacts of the proposed project using four classifications: Significant and Unmitigable (or Unavoidable) Impacts, Significant but Mitigable Impacts, Less than Significant Impacts, and Beneficial Impacts.

1. Significant, Unavoidable Impacts

The FEIR determined that the proposed project would result in significant unavoidable long-term impacts to biological resources and traffic, and short-term construction noise impacts. No feasible mitigation measures or alternatives have been identified to fully avoid these impacts while still meeting the project objectives. Therefore, in order to approve the project as proposed, the Planning Commission would need to make a Statement of Overriding Considerations through consideration of the following, per CEQA Guidelines §15093:

> *(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse*

environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

A brief discussion of these impacts and available mitigation measures is provided below. As necessary, mitigation measures have been included as proposed conditions of approval (Exhibit A). For more details related to the EIR analysis and mitigation measures, please refer to the Final EIR and the Findings section of this report (Section VII).

The Response to Comment document (Appendix F) contains Topical Responses intended to address recurring comments received as part of the public review of the Draft EIR and Planning Commission Draft EIR hearing. Three Topical Responses have been included to provide additional discussion and analysis on issue areas related to Use of Alan Road as the Access to the Project Site, Environmental Impacts of the Proposed Bridge, and Grading on 30 Percent Slopes.

Habitat Impacts of New Bridge. The construction of the bridge over Arroyo Burro Creek would permanently remove native and non-native riparian habitat at the location of the abutments, and would require removal of a large oak tree and a sycamore tree. Tall dense riparian woodland would not develop at this location with the bridge in place. The change in habitat could affect wildlife movement if there is a complete gap in vegetation cover at the bridge. In addition, wildlife movement would be hindered by the presence of the bridge abutments. In light of the narrow riparian corridor at this location and the close proximity of other human disturbances that affect wildlife, the overall impact of the bridge on riparian habitat and associated wildlife is considered significant and unmitigable. However, the EIR recommends mitigation measures that would reduce the magnitude of this impact, including narrowing the bridge, minimizing the area of habitat disturbance during construction and creek and habitat restoration following construction.

Contribution to Cumulative Traffic Impact on Local Intersections. The proposed project would add 5 to 21 trips to AM and/or PM peak hour trips at four local intersections. The additional trips, while small in magnitude, would contribute to a potentially significant cumulative impact from this and future projects on the operation of these intersections. A feasible mitigation measure requiring a fair share contribution of funds for capacity improvements at these intersections has been identified in the EIR, but it would not fully mitigate the potentially significant cumulative impact.

Construction Truck Noise on Alan Road. Construction traffic and haul trucks would use Alan Road to access the site during the initial phase of the project, while the bridge over Arroyo Burro Creek is being constructed. Noise from haul trucks using Alan Road would increase the ambient noise levels in outdoor and indoor living areas of residences along the road, which would cause an annoyance to residents during construction. The number of truck trips per day is estimated to be 30 to 40 round trips. Partial mitigation measures include a maximum 15

miles per hour speed limit for large vehicles and construction timing limitations. However, even with the implementation of the mitigation measures, the temporary impact of construction truck noise would not be reduced to a less than significant level.

2. Significant, but Mitigable Impacts

The proposed project would also result in various significant, but mitigable impacts, which are summarized in the table below. Mitigation measures to avoid these impacts, or to reduce them to less than significant levels, are also presented below, and are described in more detail in the FEIR. Staff has proposed the inclusion of the identified mitigation measures as conditions of project approval.

Significant, but Mitigable Impacts (LT = long-term, ST = short-term)	**Mitigation Measure**
Air Quality	
Construction dust (ST)	Required dust mitigation (site watering, covered stockpiles, covered trucks, clean roads)
Biological Resources	
Loss of habitat and oak trees (LT)	Habitat restoration plan and oak tree replacement
Disturbance and possible displacement of wildlife from the creek corridor (ST, LT)	Restrictions on timing and extent of ground disturbance Limitations on lighting, activities, and development near creek
Cultural Resources	
Adverse effect of development on historic properties of the site	Retain cluster of oak trees, incorporate gazebo and interpretive signage, use historic street names
Drainage, Flooding, and Water Quality	
Potential hydraulic impacts and infiltration and bank seepage reduced along Arroyo Burro Creek (LT)	Additional drain outlets to creek, equally distributed
Adverse effects on Arroyo Burro Creek water quality (ST, LT)	Storm Water Pollution and Prevention Plan Convey runoff water through detention basins and bioswales
Increased bank erosion and instability along Arroyo Burro Creek (ST)	Creek corridor restoration plan
Geologic Hazards	
Liquefiable and expansive soil conditions (LT)	Geotechnical investigation; appropriate design and construction techniques
Landslide hazards (LT)	Geotechnical investigation and additional borings
High groundwater conditions (LT)	Geotechnical investigation and additional borings
Public Health and Safety	
Potential exposure to pesticides (LT)	Pesticide management plan
Potential public exposure to radon gas (LT)	Conduct study; EPA-approved construction methods
Traffic and Circulation	

Significant, but Mitigable Impacts (LT = long-term, ST = short-term)	Mitigation Measure
Sight distances (LT)	Prune or modify trees north of project entrance
Entrance road width (LT)	Modify width for adequate clearance
One-way stop controlled intersection (LT)	Modifications to Las Positas Road; turn lanes
Degradation of pavement conditions (ST)	Document road conditions and repair, if needed

3. Less Than Significant Impacts

Various adverse, but less than significant, impacts would also occur due to the proposed project. These impacts are summarized in Table ES-1 of the Final EIR. They include impacts to air quality, drainage, geological hazards, noise, traffic, public services, visual resources, public health and safety, and cultural resources.

4. Significant, Unavoidable Impacts

The project would also result in beneficial impacts, including enhancing pedestrian and bicycle facilities in the Las Positas Valley and implementation of an ambitious creek and riparian habitat restoration plan.

VI. DISCUSSION/ISSUES

Staff has some concerns with the project as proposed, due to its environmental effects outlined in the EIR and potential inconsistency with Coastal Act, General Plan and Local Coastal Plan (LCP) policies. An analysis of the project's consistency with applicable policies is included below, within each topic area. The full text of relevant policies referenced in this report is attached as Exhibit C. Final determinations about project consistency with policies are made by the decision-makers (PC and City Council).

A. LAND USE AND DENSITY

Existing policies of the Land Use Element and the Draft Las Positas Valley and Northside Pre-Annexation Study (completed in 1995, but never adopted) encourage annexation of parcels within the City's sphere of influence at the earliest convenience. The project site is located within the unincorporated area of the Las Positas Valley, between Arroyo Burro Creek and Campanil Hill. The current City/County jurisdictional boundary runs along the southern property line of the project area. The site is currently undeveloped, and access is taken from the end of Alan Road. Existing single-family development along Alan Road is located immediately south of the project site, and the Stone Creek Condominiums are located across Arroyo Burro Creek to the north.

The Draft Pre-Annexation Study designated the flatter portions of this unincorporated area for single-family residential development with a density of five dwelling units per acre, and the steeper areas for Major Hillside and Open Space uses. The zoning designation envisioned for this area in the Draft Pre-Annexation Study was E-3, One-Family Residence (7,500 square-foot minimum lot size) and 20-A-1, One-Family Residence (20-acre minimum lot size). The existing development along Alan Road is in the City and is designated E-3. The Stone Creek Condominium development, which is under County

jurisdiction, is designated DR-10 (Design Residential, 10 dwelling units/acre). The proposed residential development is consistent with the General Plan land use designations of surrounding neighborhoods, which range from one to five dwelling units per acre and the uses envisioned for this area in the Draft Pre-Annexation Study.

1. Existing and Proposed Development Potential

The 50-acre Specific Plan area involves four privately-owned parcels; approximately 14.8 acres of that land is proposed for residential development. As shown in the tables below, the majority of the area proposed for development is currently designated for single-family residential development with a minimum lot size of 8,000 square feet. A 4.49-acre portion of an 86.78-acre property, which is currently designated for one dwelling unit per 20 acres, is also proposed for residential development. While most of that large property is on steep hillsides, the portion presently proposed for annexation is a flatter area, averaging less than 20% slope. As part of the larger parcel that exceeds 30% slopes for the most part, it would make sense for this area to be zoned RR-20 (Rural Residential - 20-acre minimum lot size). However, as part of the proposed project, it is considered developable in the same manner as the rest of the proposed project area. The remaining 35.71-acre property, which has an existing designation of one dwelling unit per 20 acres, would be dedicated open space as part of the project. Although not part of the Specific Plan, the 5.89-acre City-owned parcel would be annexed as part of this proposal, and would have General Plan and Zoning designations of Open Space and Park and Recreation, respectively.

Parcel Number	Size (ac.)	Existing County Land Use Designation	Proposed City Land Use Designation
047-010-016	10.28	Residential, 4.6 units/acre & Public or Private Open Space (for Arroyo Burro Creek)	Residential, 2 units/acre
047-010-053	4.49	Residential Ranchette, 1 unit/20 acres	Residential, 2 units/acre
	82.29	Residential Ranchette, 1 unit/20 acres	Not to be annexed
047-061-026	0.04	N/A	Residential, 2 units/acre
047-010-011	35.71	Residential Ranchette, 1 unit/20 acres	Major Hillside, Open Space, Stream/Buffer & Pedestrian/ Equestrian Trail
047-010-009 (City-owned parcel)*	5.89	Residential, 1 unit/acre	Open Space, Stream/Buffer & Pedestrian/Equestrian Trail

* Parcel not included in the Specific Plan Area

Parcel Number	Size (ac.)	Existing County Zoning	Proposed City Zoning
047-010-016	10.28	8-R-1, Single-Family Residential (8,000 sq. ft. minimum lot size)	SP-9, Specific Plan/SD-3, Coastal Overlay Zone
047-010-053	4.49	RR-20, Rural Residential (20 acre minimum lot size)	SP-9, Specific Plan
	82.29	RR-20, Rural Residential (20 acre minimum lot size)	Not to be annexed

Parcel Number	Size (ac.)	Existing County Zoning	Proposed City Zoning
047-061-026	0.04	N/A	SP-9, Specific Plan/SD-3, Coastal Overlay Zone
047-010-011	35.71	RR-20, Rural Residential (20 acre minimum lot size)	SP-9, Specific Plan
047-010-009 (City-owned parcel)*	5.89	8-R-1, Single-Family Residential (8,000 sq. ft. minimum lot size)	P-R, Park & Recreation/SD-3, Coastal Overlay Zone

* Parcel not included in the Specific Plan Area

The Alternatives section of the FEIR (Section 4.0) provides a comparison of the development potential of the property under existing conditions (No Annexation Alternative) and the proposed development. The FEIR states that the 14.8-acre area proposed for development could potentially accommodate up to 32 dwelling units under the current County zoning designation, assuming that the setback from the creek would be the same as the proposed project. The proposed Specific Plan includes 24 dwelling units within the same area, for a density of 1.6 dwelling units per acre (gross lot area). Thus, the current County designations could potentially allow for more development on the site than what is proposed. Staff does, however, recognize that the County could reach similar conclusions regarding on-site constraints and consider a development similar in size to that being considered by the City.

2. Proposed Specific Plan

The Government Code Article 8 allows the preparation of a specific plan for any area covered by the City's General Plan in order to establish systematic methods for implementing the General Plan. The Government Code also states that a specific plan must include standards under which development may proceed, implementation measures, and infrastructure needed to support the land uses described in the plan. The primary effect of a specific plan is the establishment of a detailed plan for development of a specific area of the City. Conventional zoning standards are replaced with detailed development standards that best meet the needs of the area within the specific plan boundaries. As a result, any development within the specific plan area must be consistent with the adopted specific plan.

The Specific Plan proposed for the 50-acre site would replace the existing County Zoning designations of 8-R-1 and RR-20, and provide customized allowable land uses and specify development standards for the residential development, including building heights, setbacks, review procedures, etc (Exhibit D). The Specific Plan area would include two separate areas (Areas A and B) as follows (an Area Map is included in Exhibit D):

- Area A would encompass the 14.81-acre area composed of the existing 10.28-acre property (APN 047-010-016), the 0.04-acre property (APN 047-061-026), and the 4.49-acre portion of APN 047-010-053. This area would be designated for residential development.
- Area B would include the 35.77-acre parcel (APN 047-010-011) and would be designated for open space use.

Staff recommends that the Specific Plan proposed for the project be adopted. Proposed SP-9 provides a list of permitted uses and design and development standards that are consistent with the use of the area as single family residential development, in accordance with the General Plan and LCP. The Specific Plan addresses the future build out of the SP-9 Zone, striving to promote a clustered

development and protecting the natural environment. The Specific Plan provides a maximum residential density of 1.6 dwelling units per gross acre in Area A, and review of future development by the ABR to ensure neighborhood compatibility. Additionally, the Tentative Subdivision Map outlines the infrastructure necessary to serve the site.

B. PROPOSED BRIDGE OVER ARROYO BURRO CREEK

The FEIR concluded that the proposed bridge would have a significant environmental impact due to the permanent displacement of native and non-native riparian habitat at the bridge crossing, loss of a large oak tree and a sycamore tree, and the possible effect on the movement of wildlife using the project site (particularly the riparian corridor) due to the gap in the vegetation, presence of concrete abutments that impinge into the creek bank area, and road connections at each end of the bridge. The FEIR concluded that the above impacts could not be fully mitigated, and that the impacts had greater magnitude than would normally be expected because the riparian corridor at the crossing is located adjacent to existing human disturbances that may degrade the riparian function, including noise and light from Las Positas Road, and human activities and pets at nearby condominiums.

Conversely, the proposed bridge is identified in the EIR as a beneficial impact to circulation, as it would enhance pedestrian and bicycle circulation throughout the Las Positas Valley and beyond.

1. Staff Recommendation

Overall, it is Staff's opinion that the bridge is a supportable element of the project. The significant impacts to biological resources caused by the bridge are a serious concern and present potential inconsistencies with General Plan policies, as discussed below. However, the bridge would provide access to enhanced pedestrian and bicycle amenities throughout the Las Positas Valley and from the Westside through Elings Park to this area, and, although not required by the Fire Department, it could provide a secondary means of access to and from the project site and the Alan Road neighborhood in the event of an emergency. The EIR identified access from Alan Road as feasible from a traffic/circulation perspective. However, in 1972, the City Council adopted a Resolution restricting through vehicular access from Alan Road to Las Positas Road. While this Resolution could be superseded, and does not preclude access to the site from Alan Road, it did recognize that a secondary thoroughfare in this area is not necessary.

As presented in the FEIR, the impacts of the bridge are unavoidable, but they can be significantly reduced through the aggressive creek restoration plan proposed by the Applicant and identified mitigation measures, including narrowing the bridge to 27.7' wide by providing a sidewalk on only one side (Condition G.3), and minimizing habitat disturbance incorporated as conditions of approval. The greater overall public benefit of the enhanced circulation system would be enjoyed by local residents and visitors. Eliminating the bridge from the project would result in a lost opportunity to provide an enhanced bicycle and pedestrian system in this area, something the City has strived to achieve for many years. However, in order to make this recommendation, Staff believes that all feasible measures must be taken to provide maximum protection of the creek resources in all other aspects of the project. These measures are discussed further in the Creek Setback section of this report.

When a project results in both significant adverse and beneficial impacts, it requires a careful weighing of those impacts to the environment and the general public. In this case, Staff believes that the beneficial aspects of the bridge on the circulation system and public safety outweigh the adverse impact to biological resources of the creek.

2. General Plan Consistency

The bridge is located outside the Coastal Zone; only the southern third of the project site is located in the Coastal Zone. Therefore, this element of the project is not evaluated in terms of consistency with the Coastal Act or the LCP. General Plan policies are applicable, however, and Visual Resources Policies 1.0 and 4.0 of the Conservation Element protect creeks and their riparian environment from degradation caused by development, and encourage the preservation of trees. Evaluated solely in terms of impacts to biological resources, the substantial effect of the proposed bridge on Arroyo Burro Creek and the associated riparian corridor could be considered inconsistent with these policies.

The Circulation Element contains many policies that support the expansion and enhancement of bikeways and pedestrian systems. The proposed bridge would provide a major enhancement to the bicycle and pedestrian network in the Las Positas Valley, consistent with these policies. It would provide a connection between the Westside, Bel Air, and Hidden Valley neighborhoods, and visitors of Elings Park to Arroyo Burro Beach, via Alan Road and Cliff Drive, rather than walking or riding along Las Positas Road.

C. CREEK SETBACK

1. Setback Alternatives

Proposed Project. As proposed, the project would provide a 100-foot buffer between the proposed residences and the top-of-bank of Arroyo Burro Creek. Development rights would be restricted within the first 50 feet of the buffer zone, where primarily only creek restoration and maintenance work would occur. Other development within this buffer area would include a five-foot wide public pedestrian path, a small portion of a 10-foot wide public bicycle path, and drainage outfall structures. Development proposed between the 50-foot and 100-foot setback area would include: 1) a portion of the public loop road, including some public utilities; 2) nearly the entire length of the private road, which also serves as a public bicycle path; 3) several private driveways and front yards, and; 4) some creek restoration work and native landscaping.

The Applicant has proposed extensive creek restoration measures, including repairing areas of previous bank failure, removal of non-native, invasive plant species, creation of benches and rock revetments where necessary to control the flow of water and increase bank stability, and re-planting the creek corridor with native riparian plant species. Restoration would occur on both sides of the creek, including portions of the project site and a City-owned 5.9-acre parcel, located between Arroyo Burro Creek and Las Positas Road. This aspect of the project would be included to the maximum extent feasible in all of the following alternatives.

Environmentally Superior Alternatives Identified in the FEIR. The Environmentally Superior Alternative discussed in the FEIR includes three different creek setback scenarios for the project. The first scenario, shown in Figure 4-3 of the FEIR, is a uniform 100-foot setback from the top of creek bank as defined by the Applicant, which assumes that bank erosion that occurred in 1998 would be

repaired and not considered in defining the creek bank. No roads or structures would be located in the 100-foot setback. Native landscaping and a pedestrian path would occur in this buffer area, similar to the development proposed in the project. This alternative would require relocating the main public road and private drive to the west, and thus, reducing the depth of Lots 2-6 and 7-11. This alternative would result in a decrease of buildable area and could result in the loss of lots. Under this scenario, the private drive would traverse the base of a hill, requiring a cut slope and additional retaining wall. All other aspects of the project would remain the same.

The second scenario, shown in Figure 4-4, is a uniform 100-foot setback from an adjusted top of creek bank established during the EIR studies. The adjusted top of bank was based on a topographic map and field observations, and is also more consistent with the calculated top of bank approach required for Mission Creek and used for other creeks in the City. It differs from the Applicant's top of bank by establishing the line outside of several areas where the creek bank was eroded by the 1998 flood events. No roads or structures would be located in the 100-foot setback. Native landscaping and a pedestrian path would occur in this buffer area, similar to the development proposed in the project. The main public road would be shifted 30 to 50 feet to the west and the private drive would be eliminated. A 10-foot bicycle path could be located in this area, from Las Posiatas Road to Alan Road, to maintain the public benefit of this project element. The buildable area would be reduced, such that Lots 8-11 and 1-6 would be reduced in number and/or size. Lot 7 would be eliminated due to the loss of buildable area in the center of the site, between the steep hillside to the west and the 100-foot creek setback to the east. Alan Road could be slightly extended to maximize development at the end of the road, without encroaching into the creek setback. All other aspects of the project would remain the same.

The third scenario, shown in Figure 4-5 of the FEIR, involves an increased creek setback in selected locations from the adjusted top of bank defined in the FEIR. No buildings are proposed within the 100-foot setback. The main public road and private drive would be shifted up to 25 feet to the west in order to increase their setback from the creek; however, portions of the roads would be located within the 100-foot buffer area. Lot 7 would be eliminated and the buildable area of Lots 2-6 and 8-11 would be reduced. All other aspects of the project would remain the same.

2. Staff Recommended Alternative

Staff prefers the scenario shown in Figure 4-4 of the FEIR, which provides a 100-foot setback for all roads and structures from the adjusted top of bank. This alternative would reduce the magnitude of impacts on riparian resources, wildlife, aquatic habitats, and water quality in the Arroyo Burro Creek corridor. A wider buffer zone would provide greater distance and vegetation to filter the creek from the adverse impacts of residential land uses and would also provide greater assurance that a creek buffer zone would be present long-term, even after future sever flood events that could erode the creek banks and adjacent buffer zone.

This alternative would result in the loss of Lot 7, located near the middle of the site. Staff has concerns with the location of this lot due to its close proximity to the historic oak grove and the limited area for development as it is located in a "pinch point" area between the creek to the east and steep slopes to the west. With the elimination of Lot 7 and the reconfiguration of lots at the end of Alan Road, the proposed private driveway would also be eliminated from the project, reducing the amount of impervious road material and opening up the center of the site for additional open space. This, in

effect, creates two areas of development on the site; a few homes located at the end of Alan Road designed to be compatible with that neighborhood, and the majority of homes accessed from a public loop road via the bridge across Arroyo Burro Creek. A ten-foot wide paved bike path could still be incorporated into the project, connecting the bridge to Alan Road and serving as an emergency access road for residents of either neighborhood.

Based on the project impact analysis in the FEIR, it is Staff's belief that Arroyo Burro Creek should be protected to the maximum extent possible to help off-set the impacts of the proposed bridge and find consistency with the above policies. While this alternative would not fully mitigate the significant, unavoidable impact of the bridge, it would provide the most conservative creek setback of all alternatives studied, with a 100-foot buffer between the creek resources and any structural development on the site (with the possible exception of a 10-foot wide paved bicycle and pedestrian path). This would provide the greatest protection of creek resources and create additional area for creek restoration efforts, while still providing adequate protection of the development from future creek bank erosion, a large bank failure, or future meandering of the creek channel.

3. Coastal Act, LCP and General Plan Consistency

Policies of the Conservation Element generally serve to protect creeks and riparian environments. The Coastal Act and LCP, where applicable, provide more detail in that these resources shall be maintained, preserved, enhanced and, where feasible, restored. More specifically, LCP Policy 6.10 states that the City shall require a setback buffer between the top of bank and any proposed project, and that the buffer will vary depending upon the site conditions and the environmental impact of the proposed project. Coastal Act Policy 30231 requires that biological productivity and quality of coastal streams be protected and, where feasible, restored. Policy 30240 protects sensitive habitat areas and requires development to be sited and designed to prevent impacts that would degrade these areas. Additionally, the Seismic Safety-Safety Element requires that adequate creek setbacks be established to protect new development from flood and erosion hazards.

Staff believes the project could be found consistent with applicable Coastal Act, LCP, and General Plan policies with the implementation of the creek setback shown in Figure 4-4 of the FEIR. As currently proposed, in staff's view, the project would not adequately satisfy the requirements of these policies. The majority of the proposed private road and the southern portion of the public loop road would be located 50 to 60 feet from the top of the creek bank. While protection of biological resources is an important consideration in establishing a setback area, it is also important to consider the potential impacts of an inadequate setback on the future development of the site. A new public road and utility lines would be placed within the 100-foot setback. Should the creek experience significant erosion or flooding, these public facilities could be jeopardized in the future, along with the private development beyond. Therefore, it is critical that both biological resources and public safety are considered when establishing a creek setback. For these reasons, Staff believes a more conservative creek setback is necessary.

D. GRADING AND DEVELOPMENT ON STEEP SLOPES

Coastal Act Policy 30251, LCP Policy 9.1, and several policies of the Conservation Element discourage development that would significantly modify the natural topography of the site or be visible from large areas of the community (Visual Resources Policies 2.0, 5.0, 6.0). More specifically, Visual

Resources Implementation Strategy 2.1 discourages development on slopes greater than 30%. Coastal Act Policy 30253 seeks to limit risks in areas of high geologic, flood, and fire hazard.

The proposed project would involve approximately 61,500 cubic yards of cut and 61,500 cubic yards of fill to stabilize several active and dormant landslides west of the development area. Another 13,459 cubic yards of cut and up to about 26,390 cubic yards of fill would be required to establish the proposed roads and building pads in the flatter portions of the site. Additional in-depth geotechnical reports are required as mitigation measures and conditions of approval, and further technical analysis of the project site regarding hazards from landslides and soil erosion, retreat, settlement, or subsidence during the plan review process may require alterations to the final project design.

The proposed project would not create new or unstable fill slopes and the original topographic contours of the hillside would be re-established after the stabilization is complete. Therefore, the project would not significantly modify the natural topography of the site, and could be found consistent with the Coastal Act, LCP, and Conservation Element in this respect.

The amount of grading on 30% slopes for project development would be relatively minor compared to the overall extent of steep slopes on the site. While the grading could be considered potentially inconsistent with Implementation Strategy 2.1 of the Conservation Element, the strategy does not strictly prohibit grading on slopes greater than 30%. Additionally, proposed structural development on slopes greater than 30% would be limited to the garages at Lots 5, 6, and 7, a portion of the residence at Lot 6, and a small length of the public road near Lot 21. The Final EIR includes a mitigation measure that would require the applicant to modify the site plans for Lots 5-7 to locate those structures away from the 30% slopes. This requirement would eliminate almost all proposed development on slopes greater than 30%, and has been included as a condition of approval. Given the minimal amount of remaining development occurring on steep slopes and the limited visibility of these areas from major public viewing areas (i.e., Elings Park), the project could be found consistent with the Coastal Act, LCP, and Conservation Element in this respect.

E. DRAINAGE AND WATER QUALITY

The existing hydrology on the site primarily consists of sheet flow and concentrated off-site flow that discharges into Arroyo Burro Creek. The additional impervious surfaces of the new residences, driveways, and roads would slightly increase the amount and rate of runoff from the project site by approximately 0.7 cfs for a 25-year storm event and 0.6 cfs for a 100-year storm event.

Drainage for the project would be provided primarily by a system of bioswales and an underground storm drain system. The storm drain system would be located within the project open space, streets, and utility easements. A head wall would be used to capture existing off-site runoff from areas north and west of the site and a 60" diameter pipe would transport the flow to a large bioswale that runs through an open space area within the project. The flow from the bioswale, and the runoff from the proposed road would collect in a bioswale/groundwater discharge area before flowing into another 60" reinforced concrete pipe that would enter Arroyo Burro Creek in the vicinity of the new bridge.

The proposed drainage system would be designed to provide sufficient drainage for a 100-year storm event and would be cleaned by use of bioswales before it is conveyed into Arroyo Burro Creek. The discharge of runoff from the project would be located at two points along Arroyo Burro Creek; near

the proposed bridge crossing, and in the southerly portion of the site. In the event that the headwall on the western edge of the site plugs, the road is designed to act as an overflow escape route down to Arroyo Burro Creek.

Although the amount of additional runoff created by the project would not be substantial and could be accommodated by planned improvements, the overall drainage patterns of the site would change, and the site runoff would be discharged into Arroyo Burro Creek at two concentration points. The FEIR identified several mitigation measures to reduce the potential impact of the project on the quantity and quality of site runoff, and changes to hydraulics of the creek. These include increasing the number of discharge points into the creek, the use of additional stormwater detention basins or bioswales to retain and treat site runoff, and detailed plans for stabilization and restoration of the two areas of creek bank erosion. These mitigation measures have been incorporated into the conditions of approval.

Grading activities on the site, including installation of the bridge, stabilization of the hillside, and grading for the new homes, are expected to last approximately 12 months. Given the substantial quantity of cut and fill activities and overall area of ground disturbance and the proximity to the creek, Best Management Practices (BMPs) are required as mitigation to reduce the potential for contaminants and sediments to enter the creek during construction activities. With the implementation of these measures, discussed further in the Findings section of this report (Section VII), the project could be found consistent with Visual Policy 1.0 of the Conservation Element, Coastal Act Policies 30231, 30236, and LCP Policies 6.8, 6.10, and 6.11, as they seek to protect creek environments.

F. TRAFFIC

Vehicular access to the project site would be primarily from Las Positas Road. The proposed project is expected to generate a total of 18 AM and 24 PM peak-hour trips and 230 average daily trips (ADTs). Six key intersections surrounding the project site were evaluated in the FEIR in terms of potential impacts to the intersection from project-specific and cumulative traffic.

The intersection of Cliff Drive and Las Positas Road is currently impacted at a Level of Service (LOS) F during the AM and PM peak-hour. The Las Positas Road/Highway 101 southbound ramp currently operate at LOS D during the AM peak-hour and LOS C during the PM peak-hour. All of the nearby intersections currently operate at LOS C or better during the peak hours. Further discussion of this analysis is in the FEIR.

The proposed project would add a range of 5 to 21 vehicle trips to AM and PM peak hour trips at four local intersections: Calle Real/Hwy 101 northbound ramps, Las Positas Road/Highway 101 southbound ramps, Las Positas Road/Modoc Road, and Las Positas Road/Cliff Drive. When these trips are distributed to the nearby intersections, the result is that the project itself would not result in a significant traffic impact; and the LOS for each intersection would not increase a result of the project. However, the additional trips, while small in magnitude, would contribute to a potentially significant cumulative impact from this and future projects on the operation of these intersections.

A feasible mitigation measure requiring a fair share contribution of funds for capacity improvements at these intersections is identified in FEIR (TR-6). However, this mitigation may not fully mitigate the contribution of this project to the cumulative traffic impacts. The applicant's contribution would be based on the peak hour traffic volume contributed by the proposed project as a percentage of the

existing and future volume that exceeds the City's significance impact threshold of a 0.77 volume/capacity (V/C) ratio. This would result in the applicant contributing approximately $88,850 towards future operational improvements at the four affected intersections. These fees are calculated in proportion to the impact the project causes at each individual intersection (based on impact nexus and proportionality requirements).

The four affected intersections are currently Caltrans facilities. Capacity improvement projects have been identified at each intersection, but specific projects have not yet been programmed or funded at this time, except at Cliff Drive and Las Positas Road. An alternate solution to dividing the funds among the four intersections is to allocate the entire mitigation fund to the Cliff Drive/Las Positas roundabout project, which would occur once Highway 225 is relinquished to the City. Given that CEQA requires mitigations to have a direct nexus to the impact (in this case, allocating funding for capacity improvements in proportion to the impact the project causes at each individual intersection), the City could not impose such a solution unless the City had a formal traffic mitigation fee program.

However, the Applicant has indicated a willingness to offer that the entire mitigation fee ($88,850) be directed to the Cliff Drive/Las Positas Road project. While this would result in no mitigation fees being allocated to the other three intersections, it would increase the likelihood that the fees would be used for an intersection improvement that is likely to be funded and constructed in the near future. Condition of Approval X.X memorializes the Applicant's offer, should the Planning Commission decide that it would result in a greater overall benefit than having the funds dispersed to all four projects.

While the traffic mitigation fee would help offset the cumulative traffic impacts related to the project, it is unlikely that it would fully mitigate the impacts due to funding and timing considerations of the improvement projects. The Applicant's offer to direct funds to a single improvement project is beneficial because it would assist in the completion of a project that would help reduce traffic congestion in the area in the foreseeable future. However, the public benefit of the proposed pedestrian path and bicycle access through the site would provide an enhanced means of alternative access from Elings Park and the Westside to the Arroyo Burro Beach. As discussed previously in this report, the public benefit of this enhanced access could outweigh this unavoidable impact. With the combination of Mitigation Measure TR-6 and the proposed public pedestrian path and bicycle trail through the site, the project could be found consistent with applicable Circulation Element and LCP policies.

The project would generate construction-related traffic that would occur over the two-year construction period and would vary depending on the stage of construction. This temporary construction traffic is considered an adverse but not significant impact. Standard mitigation measures would be applied as appropriate, including restrictions on the hours permitted for construction trips and approval of routes for construction traffic. In this case, given traffic levels in the area and the duration of the construction process, short-term construction-related traffic may create a potentially significant impact, and was further evaluated in the EIR. The EIR concluded that, with the imposition of mitigation measures outlined in the Initial Study and the EIR, construction traffic impacts could be reduced to less than significant levels. These measures have been incorporated into the conditions of approval.

G. VISUAL RESOURCES

Coastal Act Policy 30251 and LCP Policy 9.1 serve to protect, preserve, and enhance views to, from, and along the ocean. Policies of the Conservation Element also strive for protection of visual resources, such as hillsides, creeks, and significant open spaces.

The project site is surrounded primarily by a mix of open space and low- to medium-density residential development. The site itself is mostly open, with the exception of a grove of eucalyptus trees in the northwest corner of the site and willow, eucalyptus, and oak trees along the riparian corridor. The area near the center of the property has been subjected to extensive grading and vegetation removal as a result of past and present motorcycle use on the property.

The area proposed for development is partially visible from the upper portions of Elings Park, a major public viewing area. Based on the visual simulations in the FEIR (Appendix C of the FEIR), this area would be seen from Elings Park, with the backdrop of Campanil Hill and surrounding coastal scrub to the west. Because the site is situated at a lower elevation in the valley, the proposed development would not block views of the ocean, and could be found consistent with the Coastal Act and LCP Policies.

Some of the structures would be obscured by mature trees and fairly dense vegetation along the creek. A larger area, including the hillsides and creek, would remain intact. When viewed in the larger context of the Las Positas Valley area, the project would blend in with the surrounding residential development on the ridgeline above and to the north and south of the project site. Over time, the development would be less visible as the proposed landscaping reaches maturity. Therefore, the project would represent a change, but not a significant degradation, to the existing view from Elings Park. As such, the project could be consistent with the Conservation Element in this regard.

The site is less visible from Las Positas Road due to the heavy vegetation cover along Arroyo Burro Creek. Currently, the site offers visual relief from surrounding developed areas as seen from Las Positas Road.

H. OPEN SPACE

The proposed subdivision includes 24 residential lots and four open space lots. Proposed Lots 25-28 are common open space lots within the development area, including the bioswale/detention basin feature, a small open area northwest of the bridge, the hillside area west of the development, and the creek corridor to the east. These lots would be owned and maintained by the future HOA, although the City would obtain an easement across a portion of Lots 26 and 28 for the public pedestrian trail. An easement to allow the public to traverse the private road would also be obtained, for purposes of bicycle circulation from Las Positas Road to Alan Road.

The 35-acre parcel north of the development site would remain a separate lot as part of the project. This lot, which is limited to Open Space uses by the Specific Plan, would also be commonly owned and maintained by the HOA.

The public and private roadways may also be identified on the Final Map as separate lots, owned by the future Homeowners' Association (HOA), but the City would obtain an easement over the bridge and loop road for public road and utility purposes.

VII. FINDINGS

The Planning Commission finds the following:

ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A. CERTIFICATION OF THE PROPOSED FINAL ENVIRONMENTAL IMPACT REPORT (PER PUBLIC RESOURCES CODE (PRC) SECTION 21081 AND CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 15090).

The Planning Commission certifies the Final Environmental Impact Report for the Veronica Meadows Specific Plan, finding that:

1. The Final Environmental Impact Report for the Veronica Meadows Specific Plan was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the proposed Final Environmental Impact Report, along with public comment and responses to comments.
2. The proposed Final Environmental Impact Report for the Veronica Meadows Specific Plan has been completed in compliance with the California Environmental Quality Act and Guidelines, reflects the City of Santa Barbara Planning Commission's independent judgment and analysis, and constitutes adequate environmental analysis and documentation for the Veronica Meadows Specific Plan.
3. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.
4. A mitigation monitoring and reporting program (MMRP) is hereby adopted. Mitigation measures have been made enforceable through incorporation into the project description or will be included as conditions of project approval.
5. **Class I Impacts (Significant and Unavoidable).** The project would result in the following significant and unavoidable impacts identified in the Final EIR. These findings are supported by substantial evidence in the record, including the proposed Final EIR and associated appendices.

    a. Biological Resources: Construction of the bridge across Arroyo Burro Creek would result in a significant, unavoidable impact as a result of permanent displacement of native and non-native riparian habitat, and a large oak tree and a sycamore tree. The change in habitat could also affect wildlife movement. These long-term impacts would be partially mitigated through conditions of project approval by limiting the area of disturbance to riparian habitat during bridge construction, stabilization of disturbed banks, installation of riparian trees and shrubs (BIO-3), restoration of a native oak-riparian area near Lot 12 (BIO-4), and potentially reducing the width of

the bridge (BIO-8). While these measures would reduce the level of impact to some degree, there are no feasible measures that would fully mitigate the significant impacts of this element of the project.

b. Noise: Short-term noise from construction haul trucks along Alan Road would result in a temporary increase in ambient sound levels during the initial construction period (approximately three months). This impact would be partially mitigated by conditioning the project to limit the truck's travel hours to 9 a.m. to 4 p.m. during weekdays, and prohibiting haul trucks from using Alan Road once the bridge is constructed, except as needed to construct the residences at Lots 1 and 2 (N-2).

c. Traffic: The proposed development would contribute additional trips to the AM and PM peak hour traffic and, when combined with traffic from other future projects, would result in a significant cumulative impact. To partially mitigate this impact, the applicant would be required to contribute a fair share contribution of funds for future capacity improvements of the affected intersections (TR-6). A residual significant impact may occur because it may not be feasible to fully implement the mitigation measure for the following reasons: 1) the proposed intersection improvements may not be completed in a reasonable timeframe; 2) most of the improvement projects are not programmed or funded, and; 3) implementation of only one of the projects would not fully reduce the cumulative impacts.

6. **Class II Impacts (Potentially Significant and Mitigated).** Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record, including the proposed Final EIR and associated appendices.

a. Biological Resources: The project would result in: 1) the permanent loss of approximately 6.8 acres of mostly non-native habitat due to the construction of the residential lots; 2) the removal of up to seven coast live oak trees; 3) an increase in noise, traffic, dust, and human activity due to construction activities; 4) adverse effects to wildlife in the creek corridor due to long-term operation of the development, and; 5) reduced infiltration and bank seepage along Arroyo Burro Creek.

These impacts would be reduced to less than significant levels through implementation of several mitigation measures applied as conditions of project approval: 1) a modified native habitat restoration plan to ensure long-term establishment of new and enhanced native habitats at the site (BIO-1); 2) oak trees to be removed will be replaced at a 10:1 ratio at the project site (BIO-2); 3) grading and earthwork within 100 feet of the riparian corridor will not occur between March 1st and July 15th to avoid disturbing breeding birds (BIO-5); 4) disturbance in areas with native or naturalized vegetation will be limited to the maximum extent feasible (BIO-6); 5) lighting within the development will be controlled to minimize stray light effects; 6) the pedestrian path will be sited to not substantially interfere with

wildlife habitat and native plant cover and will include interpretive signage informing the public of the sensitive resources in the creek; 7) the proposed gazebo will be located as far as possible from the creek, and; 8) a habitat maintenance and management plan for the four open space areas (Lots 25-28) will be implemented and funded by the future homeowners' association (BIO-7).

b. Drainage, Erosion, and Water Quality: Proposed site development would increase the amount of impermeable surfaces and the amount of site runoff, and changes to local drainage would result in both on-site and downstream impacts. These impacts would be reduced to a less than significant level by increasing the number of drain outlets from the site to the creek; thus, reducing the magnitude of the discharge at each location, and modifying the drainage to facilitate infiltration through the creek banks to support riparian vegetation and contribute to base flows (W-1).

The project also has the potential to cause short- and long-term adverse effects on creek water quality during construction activities and operation of the new residential development. Temporary construction impacts to drainage and water quality would be reduced to less than significant levels with temporary best management practices (BMPs) mitigation applied as conditions of project approval, including restricting earthwork activities to the period between April 1st and November 1st, and restricting construction of the bridge to the period between July 1st and November 1st, implementation of a dewatering and flow by-pass plan for construction of the bridge, allowing only specific minor earthwork activities during the winter months, stockpile management, controlling construction vehicle and equipment operations, implementation of a spill prevention/response plan, provisions for construction liquids storage, limited equipment washing and maintenance on-site, refuse and construction debris removal, use of a stabilized construction entrance/exit, and erosion control BMPs (W-3). Long-term water quality effects from increased discharge of stormwater pollution to Arroyo Burro Creek would be reduced to less than significant levels with relevant BMP mitigation measures applied as conditions of project approval, including construction of detention basins and bioswales to treat runoff from Lots 1-7, collecting runoff from lots 8-11 and 13-24 and treating it in a separate stormwater system, conveying runoff from the western off-site watershed through the center of the site to facilitate infiltration, including, to the extent practicable, stormwater management design elements (e.g., roof drainage directed to bioswales, use of permeable materials, pavers, or pavement strips in driveway design, curb openings to allow for infiltration into grassy swales, small depressions in front yards to collect roadside runoff for infiltration), and long-term maintenance of stormwater management facilities by the future homeowners' association (W-4).

Removal of giant reed and proposed areas of creek bank repair could potentially cause an inadvertent increase in bank erosion along the creek at the site. This impact would be reduced to a less than significant level through a mitigation measure, applied as a condition of project approval, requiring detailed plans on the

methods to remove exotic species from the creek banks and stabilization and restoration of the two areas of bank erosion (W-2). The plans will consider hydraulic and geomorphologic factors along the creek (e.g., flow velocities, sediment carrying capacity, bank failure modes, shear stress factors), include stabilization methods and materials, and long-term weeding and bank maintenance activities. These plans will be reviewed and approved by the Community Development and Public Works Departments and the Creeks Division.

c. Geologic Hazards: There is a potential for several geologic hazards to be present at the site, including liquefiable conditions throughout much of the site, expansive soils near Lots 1-7 and Lots 12-21, and a rise in groundwater near the surface in fractures in the Rincon shale at the toe of the slopes. These potential impacts would be reduced to less than significant levels with a requirement to conduct additional geotechnical investigations during final project design (G-2). The investigations include additional borings to identify areas susceptible to liquefaction, evaluation of expansive soils underlying Lots 12-21 (G-3), and borings to identify areas of high groundwater conditions in lots along the base of the hillside (G-4). Appropriate engineered design, drainage measures, and construction techniques to ensure public safety and property stability for these areas will be reviewed and approved by the Building and Safety Division, and implemented on the site.

   The proposed landslide stabilization approach is considered standard and reasonable, involving traditional engineering solutions. To ensure that a significant impact due to landslide hazards is avoided throughout the life of the project, a series of geotechnical and engineering studies to more fully characterize the individual landslides and refine project design will be required as conditions of project approval (G-5).

d. Cultural Resources: Development of the site would significantly modify the physical setting of the property, which would result in a potentially significant impact on the historic resources on the property associated with the Veronica Springs Medicinal Water Company. Through mitigation measures applied as conditions of project approval, this impact could be reduced to a less than significant level. Measures include: 1) retaining the remnant oak trees on the site, located north of proposed Lot 7 (CR-2); 2) interpretive signage placed along the pedestrian path and near the oak trees, describing the historic elements of the property (CR-4); 3) placement of a gazebo structure near the pedestrian trail to match the design, scale, and material of the original building associated with the water company, containing photographs and brochures from the water bottling plant, and (CR-3); 4) streets within the development will be named to reflect the history of the site (CR-5). Design and materials for these elements will be subject to the review and approval of the Historic Landmarks Commission.

e. Traffic: The proposed traffic signal at the project entrance is not warranted per Caltrans standards; a two-way stop would be the only feasible intersection. Mitigation Measure TR-2 requires that a two-way stop controlled intersection

meeting all Caltrans standards be installed at the new project entrance (stop signs would be installed on the Jerry Harwin and Veronica Meadows roadway connections). Additional turn lanes and minor widening of Las Positas Road may be necessary; thus, the Applicant will be required to obtain Caltrans' conceptual approval of the intersection prior to final action by City Council on the proposed Specific Plan, and acquire all necessary Caltrans approvals prior to submittal of plans for building permits.

Sight distances at the project entrance for outgoing traffic would not be adequate for southbound traffic on Las Positas Road. As such, the vegetation on the west side of Las Positas Road will be pruned between the new public road and the Stone Creek condominium complex to create sight distances that meet Caltrans standards (TR-3). The proposed entrance would also not have adequate width to accommodate safe entry to the site under certain conditions. Therefore, mitigation applied as a condition of project approval will require the entrance to be modified to allow for adequate clearance for incoming trucks and vehicles queued on the outbound approach at the intersection (TR-4).

Construction traffic along Las Positas Road, Cliff Drive, and Alan Road could degrade pavement conditions. To reduce this impact to a less than significant level, the Applicant will be required to video document the pavement conditions on these roads before and after the construction project, and repair and resurface any affected areas of the roads (TR-5).

f. Public Health and Safety: The use of pesticides for maintenance of open spaces on the project site in proximity to the residences and a public path could result in accidental exposure to people. In addition, the project site is underlain by Rincon shale, a known geologic stratum that emits radon gas, which could expose people to a gas that can result in a health hazard. These impacts would be reduced to less than significant levels through mitigation measures applied as conditions of project approval, including submittal of a pesticide management plan that addresses the selection, storage, and transport of pesticides (H-1), and a requirement that the Applicant conduct a study to determine the potential for radon gas to be emitted from the project soils after grading (H-2). If radon appears to be present, the building plans will incorporate EPA-approved construction methods and design features to prevent the exposure of residents to the gas.

7. **Class III Impacts (Less than Significant).** The project, as proposed, would result in a less than significant impact in the following environmental issue areas identified in the Final EIR. Mitigation Measures will be incorporated as conditions of project approval to further reduce the level of impact. These findings are supported by substantial evidence in the record, including the proposed Final EIR and associated appendices.

a. Air Quality: No significant long-term air quality impacts (project-specific impacts or project contribution to cumulative impacts) would result from project development. Temporary construction dust effects would be mitigated to less than significant levels by application of standard Air Pollution Control District and City

measures required as conditions of approval, including daily watering of exposed soils and stockpiles, stabilization of disturbed soil areas, covered truck transport, reduced construction vehicle speeds on unpaved surfaces, cleaning of entrance/exit points, dust control monitoring and reporting, and complaint resolution procedures (AQ-1). Temporary NO_x emissions from construction equipment would be further reduced by ensuring equipment is well-maintained, installation of catalytic converters, and minimizing simultaneous operation of equipment and vehicle trips of construction workers (AQ-2).

b. Drainage, Erosion, and Water Quality: The proposed bridge would be partially located in the Flood Zone, but the bridge span and height would be sufficient to avoid impinging on flows less than the 100-year event and no in-channel structures are required. No mitigation measures are required, as impacts to the hydraulics of the creek and increased flood hazards are not anticipated.

c. Visual Resources: While the project would create a visual contrast with the surrounding landscape when viewed from public areas at Elings Park, the project would be co-dominant with the surrounding visual environment, and the loss of open space would be offset by the preservation of the remainder of the site as open space. The project would not substantially degrade views or significantly change the existing visual character of the suburban setting when viewed from Las Positas Road. The proposed two-story homes at the end of Alan Road would be compatible with the design and scale of the existing neighborhood through required submittal of architectural plans and color/material boards to the Architectural Board of Review (ABR) for their review and approval (VS-1 and VS-2). Streetlights and residential and landscape lighting is subject to City ordinance provisions and would not obscure a significant view or affect a nighttime public viewing location. Exterior lighting would be installed and directed to minimize glare and visibility from observation points (VS-3).

d. Cultural Resources: It is unlikely that previously undocumented cultural resources would be encountered on the site; however, standard requirements per the City's Master Environmental Assessment Guidelines would be implemented in the event that such materials are discovered (CR-1).

e. Public Health and Safety: The proposed project is located in the High Fire Hazard Area and, thus, would comply with all applicable fire codes and requirements, including maintenance of defensible space, appropriate building materials, adequate hydrant flows and spacing and emergency access, and landscaping design and maintenance, to ensure less than significant fire hazard effects.

f. Geologic Hazards: There is a slight potential for surface faulting to create a geologic hazard near Lot 12. Proposed stabilization of the landslide above Lot 12 would include an assessment of the presence or absence of the nearby Lavigia Fault, and therefore, ensure that the minimum 50-foot structural setback from the fault is achieved (G-1). Impacts related to groundshaking are considered less than significant because the residences will be constructed to meet current state and local

building codes.

g. Noise: After completion of Phase I grading, construction noise would increase ambient noise levels in the adjacent residential neighborhoods and portions of Elings Park. This impact is considered less than significant because the noise would be temporary and intermittent; however, it could be further reduced by standard measures limiting major construction activities to 8:00 a.m. to 5:00 p.m. at specific locations (bridge site and landslide stabilization sites above Lots 1 and 12) (N-2), restrictions on various construction operations (e.g., use of mufflers, controlling speeds, limiting use of horns), and advanced notice to residents of construction activities (N-3).

h. Traffic: Construction truck traffic occurring on Alan Road during Phase 1 of the project would be a change to existing conditions, but would be a less than significant impact because, as with all other vehicles, trucks must follow the rules of the road. However, to provide a higher level of public safety on Alan Road during Phase 1 of the project, a Traffic Control Plan would be implemented, no trucks would be allowed to park on this road, truck speed limit would be 15 MPH, and trucks would be marked with a name and number to contact in the event of non-compliance with these rules (TR-1).

While the project would add traffic to the study area intersections, most of them are operating at LOS C or better, and therefore, the contribution of the project to the AM and PM peak hour traffic is less than significant.

i. Public Services: The proposed project would generate new solid waste, but not enough to be considered a significant impact on limited disposal capacity. Implementation of a solid waste management plan identifying measures for reuse, source reduction, and recycling would further reduce this impact (PS-1).

8. Findings of Infeasibility of Alternatives (per PRC Section 21081 and CCR Section 15091). The Planning Commission makes the finding that specific economic, legal, social, technological, environmental, or other considerations, make infeasible the project alternatives identified in the Final Environmental Impact Report for the Veronica Meadows Specific Plan for the following reasons:

Project Alternative 4.2 - No Project Alternative
This alternative does not meet the basic project objectives of developing the site for residential use to address ongoing City housing demand and annexing property that is within the City's sphere of influence and an island of County jurisdiction within the City boundaries.

Project Alternative 4.3 - No Annexation Alternative
Development of the property under County jurisdiction would not necessarily result in reduced environmental effects when compared to the proposed project. This alternative would not be consistent with the City's policy to annex properties within the City's sphere of influence at the earliest time possible, and it would perpetuate the existence of a large island of properties under County jurisdiction within the City's boundary, which

is not supported by the City or LAFCO.

Project Alternative 4.4 - Use of Draft Pre-Annexation Zoning Designations
Development of the property using the Draft Pre-Annexation zoning would not necessarily result in reduced environmental effects when compared to the proposed project. The Pre-Annexation Policy Update designated the entire 86.78-acre parcel to the west as Major Hillside and Open Space, which would also restrict the 4.49-acre area at the base of the hillside from being developed. Preventing this flatter area from development could potentially result in reduced impacts in the areas of construction-related erosion, exposure of landslide hazards, and on-site impacts to native and non-native vegetation because the overall project area would be reduced. However, these impacts of the project have already been reduced to less than significant levels with mitigation.

The Draft Pre-Annexation General Plan designation of five dwelling units per acre is more than the proposed two dwelling units per and thus, could potentially allow for more units than the current proposal. This could result in increased stormwater pollution, have a greater effect on hydraulic conditions of the creek and riparian vegetation, increase the impact of humans and pets on the creek habitat, and increase traffic impacts on local intersections.

Project Alternative No. 4.5, Alan Road Access Alternative
This alternative could increase several environmental impacts compared to the proposed project, including additional traffic, parking, and noise effects to residents that now live on a dead end street, and the use of Alan Road would add traffic to the Alan Road/Cliff Drive intersection and contribute to the current congestion at the Cliff Drive/Las Positas Road intersection. While this alternative would avoid the significant, unavoidable biological impact of the proposed bridge, it would also forego the beneficial impact of providing new pedestrian and bicycle coastal access from Las Positas Road and Elings Park. As discussed in the staff report, the public benefit of the enhanced pedestrian and bicycle access would outweigh the impact to biological resources as a result of the bridge.

Project Alternative No. 4.6, Secondary Emergency Access Alternative
Widening the ten-foot paved bike path to 16 feet to accommodate emergency vehicles is not required by the Fire Department and would result in increased encroachments into the riparian corridor when compared to the proposed project.

Project Alternative No. 4.7, Concrete Sidewalk Alternative
This measure is feasible and would have a negligible effect on meeting the overall project objective. The proposed permeable surface sidewalks would slightly reduce runoff and increase stormwater infiltration on the site, but they may not be able to meet the standards of the City Public Works Department. Therefore, this alternative may be required to be implemented if the permeable sidewalk material is found to be infeasible. The conditions of approval include this measure as an alternative to the current permeable material design if it is found that permeable materials would not meet ADA requirements or maintenance costs would be too high.

Project Alternative No. 4.8, Avoid Landslides Alternative
Under this alternative, the extensive landslide stabilization would not be required, which would substantially reduce site development costs. However, this alternative would be infeasible because the reduction in the number of units would be substantial (up to 11 lots), and would make the overall project economically infeasible.

This alternative would reduce the number of residential units developed on the site, which would reduce some of the project impacts already mitigated to less than significant levels, but would not mitigate the significant and unavoidable impacts.

Project Alternative No. 4.9, Alternative Landslide Stabilization
The alternative stabilization method (without using caissons) is considered infeasible for several reasons. It is uncertain if the adjacent landowner would grant permission to work on landslides on their property due to the potential liability involved, and the disturbance to the hillsides. In addition, the City would not grant land use permits and grading permits for project-related actions on land not owned by the applicant unless the other landowner is part of the application request. The retaining wall alternative is not desirable from an engineering viewpoint due to the extensive foundations required for large retaining walls.

Project Alternative No. 4.10, Alternative Creek Setbacks
These alternative creek setbacks would reduce some of the project impacts already mitigated to less than significant levels, but would not mitigate the significant and unavoidable impacts. This alternative is considered infeasible because the reduction in the number of units would potentially be substantial (up to six lots), and could make the overall project economically infeasible. The economic impact of the loss of these units could substantially reduce the applicant's financial ability to implement the creek corridor restoration measures.

Project Alternative No. 4.11, Alternative Drainage and Stormwater Treatment Plan
This alternative addresses a single component of the project that would reduce some of the project impacts already mitigated to less than significant levels, but would not mitigate the significant and unavoidable impacts. Feasible components of this alternative have been incorporated as Mitigation Measure W-1.

Project Alternative No. 4.12, Alternative Bridge Sites
Sites 1 and 2 are not considered technically feasible because traffic and intersection conflicts would occur because the entrances to Elings Park and the bridge would not align, but would occur in close proximity, causing driver confusion. For Site 3, the potential for a larger easement from the City is unknown.

Use of Site 1 would avoid the loss of a large oak and sycamore tree; however, the overall impacts of the bridge at this site would remain the same as for the proposed bridge. Use of Site 2 would increase the magnitude of the impacts to the riparian resources of the creek. Use of Site 3 would have similar impacts to riparian resources as the proposed bridge, but would increase the impacts on adjacent upland habitats.

B. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission has balanced the benefits of the project against the unavoidable environmental impacts and has concluded that the benefits of the project outweigh the significant biological resources, cumulative traffic, and short-term noise impacts sufficiently to make the adverse effects acceptable. The Planning Commission makes the following Statements of Overriding Considerations, which support approval of the project, notwithstanding the identified impacts that are not mitigated to a level of insignificance:

1. **Social**

   a. The project results in restoration and dedication of approximately six acres of land for open space and recreational use by the general public.

   b. The project establishes enhanced public access for pedestrians and bicyclists connecting Elings Park and the Westside to Arroyo Burro Beach County Park, the Alan Road and Braemar Ranch neighborhoods, and homes within the project site.

   c. The project establishes safer pedestrian and bicycle access to the beach from the neighborhoods east of Las Positas Road along a pleasant new creek-side trail, avoiding the heavily traveled road.

   d. The project helps the City meet key goals in the City's Circulation Element's Bikeway and Pedestrian Master Plans at no taxpayer expense.

   e. The project minimizes new traffic impacts to the Alan Road neighborhood.

   f. The project helps maintain the Alan Road neighborhood as a peaceful cul-de-sac area where children can play safely by permanently eliminating the potential for Alan Road extension for a Las Positas Road shortcut.

   g. The project's traffic design, access route, contributions to a roundabout at Cliff Drive and Las Positas Road, and a signalized crosswalk on Las Positas between the project site and Elings Park entrance, improve safe traffic efficiency and flow on Las Positas Road, to benefit the community as a whole.

2. **Economic**

   a. The project establishes a creek corridor restoration, upland habitat restoration, and public access benefits of a new public trail and open space land providing free recreational opportunities for the general public.

   b. The project would result in an increase in property tax revenues benefiting the City, County, and local school and other special districts.

c. The project would result in new housing and the creation of new construction jobs.

d. The project allows the City to better leverage limited General Fund and Measure B creek restoration funds by expediting removal of invasive species, restoring private and public creek riparian corridors, reducing pollution and erosion along a portion of Arroyo Burro Creek to the highest professional standards and on a shorter time schedule than the City's current restoration timetable, all at no new net cost to taxpayers.

3. **Technological**

The project's erosion, pollution, and riparian creek restoration plans are developed with a high level of scientific and technical expertise, techniques, and tools to a modern City creek enhancement or restoration project. Fluvial geomorphology studies and mitigation plans for this section of Arroyo Burro Creek already exceed all Measure B funded mapping and restoration studies preceding it. Bringing higher levels of creek and habitat restoration science and technology to the City at no new net taxpayer cost are additional community benefits.

4. **Environmental**

a. The project results in the complete restoration of highly incised, degraded and polluted riparian corridor, overrun by invasive species, in excess of 1,500 lineal feet, including City-owned land.

b. The project improves water quality in the site area and substantially reduces discharge and runoff of sediment pollution into Arroyo Burro Creek.

c. The project results in the creation of a new riparian corridor on the site, improving the existing drainage deficiencies on the site.

d. The project improves the Arroyo Burro Creek ecosystem quantitatively and qualitatively by removal of numerous invasive species, and permanently replacing them throughout the site with native plants (and where possible, local native seed stocks) to create, over time, a more natural and bio-diverse riparian corridor, furthering the long-term goals of Measure B at no new net community cost.

e. The project would direct traffic mitigation funds to a single intersection improvement project (Cliff Drive/Las Positas Road roundabout), which is a greater overall benefit than having the funds dispersed to all four projects. This will assist in the completion of a project that would help reduce traffic congestion in the area in the foreseeable future.

C. FINDINGS FOR THE FISH & GAME CODE

An Environmental Impact Report has been prepared by the lead agency, which has evaluated the potential for the proposed project to result in adverse effects, either individually or

cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The proposed project has the potential for adverse effects on native specimen trees and associated wildlife during project construction. Mitigation measures have been applied such that potential impacts will be less than significant, or a Statement of Overriding Considerations has been made. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

FINDINGS FOR RECOMMENDATIONS TO THE CITY COUNCIL

D. ANNEXATION/GENERAL PLAN AND ZONING ORDINANCE AND MAP AMENDMENTS

As determined in the Planning Commission hearings, Final EIR and Staff Report, the proposal is consistent with current General Plan annexation policies, which encourage annexation of parcels within the City's sphere of influence at the earliest convenience. Annexation of the subject parcels would also reduce the size of a large island of properties subject to County jurisdiction within an area located in the City boundary. Therefore, the Planning Commission recommends that the City Council initiate the annexation request, with the zoning upon annexation to be SP-9 (Veronica Meadows Specific Plan) and P-R (Park & Recreation), the General Plan designations to be Residential (Two Dwelling Units Per Acre), Major Hillside, Open Space, Buffer/Stream, and Pedestrian/Equestrian Trail, and the property to be included in the Hillside Design District, with the annexation conditioned upon the applicant's express written acceptance of the conditions of approval imposed by the Planning Commission for the subdivision of the property, in a form acceptable to the City Attorney.

E. ADOPTION OF SPECIFIC PLAN NO. 9

The Planning Commission recommends that the City Council approve the proposed Veronica Meadows Specific Plan No. 9 and amend the Zoning Ordinance to include the new SP-9 Zone. Following City Council approval of Specific Plan No. 9 and Zoning Ordinance amendments, the existing and future uses of the project area will be in compliance with the standards described in the Specific Plan and contained in the SP-9 zone. The Specific Plan and the proposed residential development are determined to be consistent with Coastal Act, Local Coastal Plan, and General Plan policies and the General Plan Land Use designation, as discussed in the Staff Report, the Final EIR and in Planning Commission hearings.

1. The Specific Plan meets all provisions of Article 8, Chapter 3 of Division I of Title 7 of the California Planning and Zoning Law (Government Code Sections 65450 through 65457).
2. The Specific Plan is consistent with both the General Plan and Local Coastal Plan in that the General Plan Map will be amended to reflect the changes in land use designation included in the Specific Plan.
3. With respect to Section 1507 of the City Charter, the Specific Plan, with the proposed mitigations, policies and actions, does not allow the development to exceed, on a project-specific basis, air quality, traffic, water or wastewater treatment

capacity in the City, except as allowed for residential projects. The FEIR found that the project-specific traffic generated would not exceed the City's thresholds at affected intersections. Short-term air quality impacts would be less than significant as mitigated, and the project would not create long-term air quality impacts. The City has adequate water supply and wastewater capacity to accommodate this project.

F. LOCAL COASTAL PLAN AMENDMENT (PRC §30512(C))

The Planning Commission recommends that the City Council adopt the proposed Local Coastal Plan amendment and forward to the California Coastal Commission for certification. The project and LCP Amendment are consistent with the applicable policies of the Coastal Act and the City General Plan and Local Coastal Program, as discussed in the Staff Report, the Final EIR and in Planning Commission hearings.

FINDINGS FOR THE DEVELOPMENT PROJECT:

G. PUBLIC STREET WAIVER (SBMC §22.60.300)

The Specific Plan requires that newly created lots have at least 60 feet of frontage on a public street. As proposed, five of the newly created lots would take access directly from a private driveway, and not a public road. Therefore, a waiver of the public street frontage requirements is necessary for Lots 3, 4, 5, 6 and 7. The following findings can be made:

1. The proposed driveway will provide adequate access to the subject property and other properties using said driveway. The proposed driveway, which will be 16 to 20 feet wide to meet fire regulations, is acceptable to the Fire Department and Public Works Department.

2. The proposed roadway, lane, drive or driveway and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.

3. There is adequate provision for maintenance of the proposed private road, lane, drive because the owner of the subject property has agreed to adequately maintain said private road, lane, drive or driveway and said agreement will be recorded prior to recordation of the final map.

4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development. Development of a public road to serve the proposed lots would not improve the quality or reduce the impacts of the development.

H. LOT LINE ADJUSTMENT (GOV. CODE §66412 AND SBMC §27.04.030)

The proposed lot line adjustment is appropriate for the area and is consistent with the City's General Plan and Building and Zoning Ordinances, as discussed in the Staff Report. The lot line adjustment would transfer approximately 4.49 acres of previously disturbed and relatively

flat land from a larger parcel that is primarily steep slopes to a 10.28-acre parcel with minimal slopes suitable for development.

I. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS (SBMC §22.68.070)

1. The public health, safety and welfare will be protected.

2. The grading and development will be appropriate to the site, have been designed to avoid visible scarring and will not significantly modify the natural topography of the site or the natural appearance of any ridgeline or hillside.

   Stabilization of the hillside would not significantly alter its natural topography. Development of the homes and roads would require some grading, but would be appropriately designed to minimize scarring of the hillside. No ridgeline development is proposed.

3. The project will, to the maximum extent feasible, preserve and protect any native or mature trees with a minimum diameter of four inches (4") measured four feet (4') from the base of the trunk. Any specimen tree, skyline tree, or oak tree with a diameter of four inches (4") or more at four feet (4') above natural grade that must be removed will be replaced on a one-to-one basis, at a minimum. Designated Specimen, Historic and Landmark trees will not be removed.

4. The development will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood.

   The project design and density are in keeping with the acceptable architectural styles of the City and the neighborhood and will result in an overall enhancement for the neighborhood. Large areas of open space would remain around the developed site, and the riparian corridor would be restored and re-planted with native riparian species. The project would also result in a substantial improvement of a disturbed site through creek and habitat restoration and maintenance of the open space areas.

5. The development will be compatible with the neighborhood, and its size, bulk, and scale will be appropriate to the site and neighborhood.

   The development is acceptable in term of its mass, bulk, and scale and neighborhood compatibility. The lot sizes are compatible with the single family development to the south, and the proposed two-story homes are appropriate as a transition from the primarily single-story homes south of the development to the two-story condominiums to the north, and the large homes on the hillside above.

6. The development will preserve significant public scenic views of and from the hillside.

   The residential development would be visible from Elings Park, a public scenic

area, but would be co-dominant and compatible with the surrounding visual environment, and the loss of open space would be offset by the preservation of the remainder of the site as open space. Additional vegetation along the creek corridor and throughout the site would also help partially shield the view of development from the park. The final project design would be subject to review and approval by the Architectural Board of Review.

J. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the Veronica Meadows Specific Plan (SP-9), the General Plan, and the Local Coastal Plan of the City of Santa Barbara, as discussed in the Staff Report, the Final EIR, and the Planning Commission hearings. The site is physically suitable for the proposed development, the project is consistent with the density allowed by the Specific Plan and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan and Local Coastal Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

K. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

As discussed in the Staff Report, the Final EIR, and in Planning Commission hearings:

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Relevant Coastal Act, Local Coastal Plan, and General Plan Policies
D. Proposed SP-9 – Veronica Meadows Specific Plan
E. Planning Commission Work Session Minutes
F. Architectural Board of Review Minutes
G. Creeks Advisory Committee Minutes
H. Park and Recreation Commission Minutes
I. Transportation and Circulation Committee Minutes
J. Applicant's letter, dated July 2005 (under separate cover)
K. Veronica Meadows Specific Plan Final EIR (under separate cover)