



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 29, 2009
AGENDA DATE: May 8, 2009
PROJECT: *Plan Santa Barbara EIR Status Report*
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
John Ledbetter, Principal Planner JLD
Barbara Shelton, Project Planner/ Environmental Analyst BSA

I. PLAN SANTA BARBARA EIR STATUS REPORT

A citywide Program Environmental Impact Report (EIR) is under preparation to evaluate the Draft *Plan Santa Barbara* General Plan policy update. At the January 29, 2009 Planning Commission hearing, staff was requested to return in three months to report further on the EIR status and scope.

This report reviews the following aspects of the EIR scope of analysis:

- Background: Program EIR approach
- EIR public scoping period, and public and agency comments received
- Refinements made to the EIR scope of analysis
- Upcoming EIR process steps and timeline
- Outline of the EIR scope of analysis

This is a Planning Commission discussion item, to include a staff presentation, public comment, and Commission discussion. No Commission actions will be taken on the EIR or *Plan Santa Barbara* Draft General Plan policy amendments.

II. BACKGROUND: PROGRAM EIR

Under the provisions of the California Environmental Quality Act (CEQA), approvals of General Plan policy updates and other discretionary projects are subject to environmental review prior to their approval. An Environmental Impact Report (EIR) is an informational document to allow the public and decision-makers to consider the environmental consequences of proposed actions, along with any measures than could feasibly avoid or lessen significant environmental effects.

As a citywide "Program" EIR, the EIR under development for the *Plan Santa Barbara* Draft General Plan policy amendments will necessarily be more general in nature than a project-specific EIR on an individual development project. The EIR will identify cumulative impacts of incremental development over the time frame of the Plan (to the year 2030) under the proposed *Plan Santa Barbara* Draft

General Plan policies, and mitigation proposals to avoid or reduce significant impacts. The EIR information will assist in refining Draft *Plan Santa Barbara* growth management and land use policies.

The *Plan Santa Barbara* Program EIR will cover the full range of environmental impact topics, including environmental resources (air quality, biological resources, heritage resources, open space and visual resources, water quality, etc.); environmental hazards (geologic/seismic, flooding, wildfire, noise, etc); public facilities and services issues (water supply, wastewater, solid waste, fire, police, schools, parks, etc.), and transportation (traffic, circulation, parking), as well as growth-inducing impacts (population, housing, employment, land use), and global climate change issues.

Based on existing environmental conditions and because of the citywide scope of the policy changes and two-decade timeframe of proposed Plan build-out citywide, there is the *potential* for significant cumulative environmental effects under all impact categories, requiring further EIR analysis. The State *CEQA Guidelines* and the State *General Plan Guidelines* strongly recommend that a full-scope EIR be prepared for General Plan updates, to evaluate cumulative effects, identify programmatic mitigation approaches to address cumulative effects, and streamline future environmental review of plan implementation actions and individual future development projects.

The EIR “project” under analysis is the set of *Plan Santa Barbara* Draft Policies proposed to update the City General Plan with sustainability principles. The EIR will also provide comparative impact analysis for the “No Project”/Existing Policies alternative required by CEQA, which considers impacts should the *Plan Santa Barbara* policies not go forward and existing General Policies and recent growth trends continued into the future. Two other policy alternatives will also be evaluated for comparative environmental effects. Alternative 1 will evaluate more growth limitation policies toward further protection of community character and resources. Alternative 2 will evaluate policies for additional affordable housing toward further improving the jobs/housing balance and maintaining population and economic diversity.

As with all General Plans, final approval of *Plan Santa Barbara* will require finding a balance among sometimes competing policy objectives. There also continue to be some differences of opinion in the public and among decision-makers as to the best balance among objectives. This issue is also noted in the State CEQA Guidelines 15021(d): “*CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and in particular the goal of providing a decent home and satisfying living environment for every Californian.*” This EIR is being structured to highlight differences in environmental impacts for a range of growth levels and policies through the alternatives analysis, with the intent of assisting the public and decision-makers in balancing among objectives and refining the *Plan Santa Barbara* policies.

Professional Services Assistance

The City retained an EIR professional services team in 2008 to prepare the *Plan Santa Barbara* EIR under City staff oversight (AMEC Earth & Environmental, Santa Barbara office). Their work on environmental baseline conditions and transportation model development began in 2008 as the *Plan Santa Barbara* process was proceeding to develop the draft policy amendments.

III. EIR PUBLIC SCOPING PROCESS

In December 2008, City Council directed environmental review to proceed on the *Plan Santa Barbara* Draft policy amendments to update the City General Plan. On January 15, 2009, the City issued a Notice of Preparation of an EIR for *Plan Santa Barbara*, which triggered a 30-day period through February 13th to receive agency and public comment on the proposed EIR scope of analysis.

The Planning Commission held a public scoping hearing on January 29, 2009, and comments were received from Commissioners and ten members of the public. (See Exhibit A - Minutes of 01-29-09)

Thirty-five letters and emails commenting on the EIR scope were received from agencies, organizations, and individuals during the public scoping period. The comments touched on all EIR impact topics and major project components to be analyzed. (See Exhibit B – Scoping Letters). Following the end of the public scoping period, letters relevant to the EIR scope were also received from the California Emergency Management Agency, and the California Attorney General (also included in Exhibit B).

IV. REFINEMENTS TO THE EIR SCOPE

As provided for in City CEQA procedures, the Environmental Analyst considers public scoping comments received, and adjusts the EIR scope of analysis as needed before proceeding with Draft EIR preparation. The EIR was originally scoped to provide the full range of EIR impact topics at a programmatic level, and the scope includes analysis of impact topics raised in scoping comments.

There has been no change in the overall scope of analysis planned. However, some scope refinements were made within the existing consultant budget to direct more consultant resources to the following issues of public comment:

- Water Supply: Analysis of long-term water supply sources and forecasts, and groundwater basin issues.
- Jobs/Housing: Projection of job and affordable/workforce housing generation under each alternative, and integration of the analysis with traffic and air quality findings to relate with key sustainability factors such as long-distance commuting, energy consumption, and greenhouse gas (GHG) generation.
- Impact and Resource Demand Footprints: Identification of impact and resource demands by housing types (e.g., multiple family, duplex, single-family) and uses (e.g., residential, commercial). Identification of changes in impact footprint/resource demand based on variations in unit size, location, and affordability. Provision of tables and data to permit 'cafeteria plan' comparisons between alternatives. Identification of elements of a possible composite alternative to optimally achieve sustainability goals.
- Climate Change: Provision of up-to-date climate change analysis incorporating recent information and direction from legislation (SB 375), CAPACOA white paper, and Office of Planning and Research (OPR) proposed CEQA guidelines. Provide data and analysis on regionally-specific issues such as changes in water supply yields, sea level rise, long-distance commuting, measuring carbon footprint, etc. The EIR will include programmatic citywide calculations of baseline and future levels of energy use and greenhouse gases.

- Mobility-Oriented Development Area (MODA) Transportation: Focus analysis on the effectiveness of MODA policies, and transportation analysis of growth management, housing, and circulation policies.
- Integrate Mitigation with Policy Framework: Structuring of mitigation measures for integration into policy framework or as implementation measures, (e.g., further developing MODA policies/implementation, unit size/density, development standards, incentives/disincentives).
- Adaptive Management Program: Integration of EIR mitigation monitoring and reporting program with the Adaptive Management Program (AMP) to ensure meaningful milestone measures for inclusion into the AMP.

Additional minor adjustments were made in the consultant team and resources to address scope issues of water quality associated with wastewater, urban forest, and community health.

To accrue budget savings to support the issues of more focus discussed above, consultant resources were readjusted and reduced for the following topics:

- Extended Range Scenario: Although the primary focus of the EIR impact analysis is the identified planning period to the year 2030, the EIR scope will also continue to include a discussion of longer-term build-out potential and associated impacts to the year 2050 or beyond under *Plan Santa Barbara* Draft Policies.

The *Plan Santa Barbara* General Plan update proposes to approve a reauthorization and amendment of the citywide Land Use Element map, and a full build-out analysis is a required component under CEQA. The longer range analysis is also needed for consideration of climate change issues.

The Extended Range discussion will use a reasonable estimate of full build-out under proposed General Plan policies and the Land Use Map, including the assumption that growth management policies to limit non-residential development would continue to be reauthorized over time.

The scope of analysis will be somewhat scaled back and more qualitative than originally envisioned, but will be adequate for purposes of a Program EIR. As an example, the quantitative traffic model run will not be performed, which will result in substantial budget savings to reallocate for priority topics. The Extended Range discussion will be part of the individual topical impact analyses, not as a separate project alternative.

- Biology, Geology, and Hazards: These issues are important, but will require less analysis to address impact changes associated with proposed policy implementation than would the priority issues noted above. Separate recent work on updating City master environmental assessment materials for biological resources and geology is now available, and EIR analysis would continue to be provided by experts on the consultant team. Staff and the EIR team are confident that an appropriate programmatic level of analysis will be provided with the adjusted approach using less resources.

V. UPCOMING EIR PROCESS AND TIMELINE

EIR Process Steps: Staff and the EIR consultant team are at work on the EIR analysis and document preparation. The complex work on the development and application of the transportation model is driving the overall EIR schedule. Upcoming EIR process steps and working schedule are as follows:

- Complete Draft EIR in late 2009 and 45-day public comment period in early 2010 which will include Planning Commission public comment hearing(s).
- Prepare Final EIR, including written responses to public comments, and forward to the Planning Commission for certification in mid-2010, and on to City Council for consideration prior to taking action on the *Plan Santa Barbara* General Plan update.

Public notification of specific public review period and hearing dates will be provided on the *Plan Santa Barbara* web site at www.YouPlanSB.org.

VI. OUTLINE OF THE EIR SCOPE

The following summarizes the *Plan Santa Barbara* EIR Project Description and Alternatives policy and growth assumptions, and the environmental impact scope of analysis.

A. EIR PROJECT DESCRIPTION AND ALTERNATIVES –POLICY & GROWTH ASSUMPTIONS

PROJECT - *Plan Santa Barbara* Draft General Plan Policies incorporate sustainability principles, and balance between policies to protect resources and community character and policies to provide more affordable housing to improve jobs/housing balance and maintain economic and population diversity.

Key PlanSB Policy Assumptions for EIR Analysis:

- Reconfirm policies to live within our resources, and protect and enhance community character, historic resources, and established neighborhoods
- Limit non-residential growth, and establish the priority for use of limited resources for affordable housing;
- Focus the next small increment of growth within a mobility-oriented development area (MODA)
- Reduce unit sizes and amendments to variable density provisions
- Promote Community Benefit Land Uses
- Establish Sustainable Neighborhood Plans
- Mixed Use development standards and Form-Based Codes to provide compatible building size, bulk, & scale
- Lower building height standards and additional standards for building setbacks, open space, and landscaping
- Incentives for affordable housing, including second units, rental housing, and 'affordable by design' housing
- Improved pedestrian, bicycle, and transit, and reduced parking standards within the MODA to manage traffic

PlanSB Growth Assumptions for EIR Analysis: (net increase in development to the year 2030)

Non-Residential Development (*square feet*): City 2,000,000 SF (+sphere 178,202 SF = ~2.2 million SF)

Residential Development (*dwelling units*): City 2,795 DU (+ sphere 403 DU = ~3,200 DU)

“NO PROJECT” ALTERNATIVE - Continue existing policies and historic growth rate.

Key Existing Policy Assumptions for EIR Analysis:

- Existing General Plan land use and zoning designations; pyramid uses in commercial and R-3/R-4 zones
- Continue non-residential growth cap, allocation categories, and findings
- Continue policies for demolition/rebuild of existing nonresidential square footage
- Continue building heights of 30, 45, 60 feet in commercial zones; design standards
- Continue mixed use incentives; variable density; R-2 density standards; State/City bonus density provisions
- Continue inclusionary affordable housing provisions; current 2nd unit policies
- Continue current parking policies, annexation policies

Historic Growth Rate Assumptions for EIR Analysis: (net increase in development to the year 2030)

Non-Residential Development (*square feet*): City 2,291,700 SF (+ sphere area 178,202 SF = ~2.5 million SF)

Residential Development (*dwelling units*): City 2,795 DU (+ sphere area 403 DU = ~3,200 DU)

ALTERNATIVE 1 – More growth limitation policies to protect resources and community character.

Key Lower Growth Policy Assumptions for EIR Analysis:

- Lower building height limits to 40-45 feet
- Reduce nonresidential SF cap
- Added protection for historic districts and residential area density
- Increase setbacks, open space, landscaping requirements
- Retain second unit restrictions
- Retain or increase parking standards
- Limit build-out of unused demolished non-residential square footage.

Growth Assumptions for EIR Analysis: (net increase in development to the year 2030)

Non-Residential Development (*square feet*): City 1 million SF (+ sphere 178,202 SF = ~1.2 million SF)

Residential Development (*dwelling units*): City 2,000 DU (+ sphere 403 du = ~2,400 DU)

ALTERNATIVE 2 – More affordable housing for jobs/housing balance & economic/population diversity.

Key Policy Assumptions for EIR Analysis:

- Promote compact growth along transit corridors
- Increased affordable housing incentives
- Reduce unit sizes
- Retain building height limits
- Allow second units in more areas
- Reduce parking standards
- Streamline housing permit processes

Growth Assumptions for EIR Analysis: (net increase in development to the year 2030)

Non-Residential Development (*square feet*): City 1 million SF (+ sphere 178,202 SF = ~1.2 million SF)

Residential Development (*dwelling units*): City 4360 DU (+ sphere 443 DU = ~4,800 DU)

B. SUMMARY OF EIR SCOPE OF ANALYSIS

The following summarizes types of impacts/questions to be analyzed in EIR sections with *Plan Santa Barbara* draft policies, "No Project"(Existing Policies), and Alternative Policies 1 and 2 scenarios. The EIR will evaluate impacts that could occur citywide or to areas within the City as a result of additional incremental development under proposed policies. Cumulative effects of City development together with development within the larger South Coast or other regional area will also be considered.

Where environmental impacts are identified as potentially significant, mitigation measures that could feasibly avoid or reduce significant environmental impacts will be proposed, such as:

- Amendments or additions to *Plan Santa Barbara* growth management or land use policies
- City operational programs and funding mechanisms, and
- Standard mitigation conditions to apply to individual future development projects.

Air Quality: Cumulative air emissions to the regional air basin from transportation, electricity use, and construction associated with future development within the City and South Coast under project and alternative growth and policy scenarios (including mixed use/transportation policies and jobs/housing balance and commuting); pollutant concentration issues along transportation corridors; greenhouse gas emissions and climate change; and mitigation through air quality standards and regulations, land use and transportation policies and programs, energy policies; and individual project conditions.

Biological Resources: Cumulative effects from future development, vegetation management for fire protection, water facility improvements, and non-native landscaping on City and regional biological habitats (including beach and estuarine, creekside riparian, oak woodland, chaparral, coastal sage scrub, grasslands, and urban forest) and associated protected wildlife and vegetation; secondary effects of climate change; and mitigation approaches such as land use/growth management policies and programs, creeks funding, habitat restoration programs, and project review and mitigation conditions.

Geology: Impacts associated with future development in areas subject to slope failure, unstable soils, erosion and sedimentation, earthquake hazards, and sea cliff retreat; global climate change/sea level rise; and mitigation measures such as land use policies and programs, State and City building regulations, and project review and conditions.

Hazards: Safety risks to future development associated with wildfire, soil or groundwater contamination, hazardous materials use and disposal, pesticide use, pipelines, railroads, aircraft, and industrial processes, and mitigation such as land use policies, Federal, State, and City regulations, and project conditions.

Heritage Resources: Impacts from future development and redevelopment (including consideration of alternative height and size policies) on historic character of downtown and El Pueblo Viejo District and individual historic structures; disturbance or loss of subsurface archaeological resources; and mitigation such as land use policies, Federal, State, and City regulations, policies, programs, guidelines, and project conditions for protection of historic and archaeological resources.

Hydrology and Water Quality: Impacts from future development associated with flood hazards (e.g., development within creek floodplains, long-term climate change issues); drainage (e.g., changes

to the amount and pattern of run-off); and water quality (e.g., effects of increased urban run-off and construction run-off on creeks, estuaries, and ocean, wastewater issues); and mitigation through land use policies, Federal, State, County, and City regulations, programs, and development review standards for flooding, drainage, and water quality.

Noise: Impacts of future development associated with traffic noise near transportation corridors; density and mixed use compatibility issues; and construction noise; and mitigation through land use policies, State and City policies, regulations, and development design review and conditions.

Open Space and Visual Resources: Impacts from future in-fill development (including consideration of building height and size policies) on localized or cumulative reduction in openness, light, scenic views, and changes in the visual character of urban downtown, historic districts, and residential neighborhoods; impacts from future development within City foothill and sphere areas on localized or cumulative loss or fragmentation of open space, or alteration of City backdrop; and mitigation of impacts through land use policies, guidelines, and development standards that address visual, open space, and community character issues.

Water Supply: Impacts of future development on long-term water demand and water supply safety margin; water demand associated with different types of housing; changes in surface water supplies due to sedimentation of reservoirs, water rights judgments and environmental releases, State water deliveries, climate change effects, potential changes in regulations, technologies, and cost factors; feasibility of water conservation and water supply options, including feasibility of desalination; and mitigation associated with land use, growth, and water policies, programs, and regulations.

Wastewater: Impacts of future development on wastewater collection and treatment capacity, and wet weather issues (localized overflows); climate change issues (e.g., treatment plant location); and mitigation measures associated with land use and growth policies, system management and maintenance programs, treatment technologies, and development review standards (e.g. permeable surfaces).

Solid Waste Management: Impact of future development from increased cumulative City and South Coast generation of solid waste, use of remaining landfill capacity, and the need for/cost of replacement capacity; and mitigation through land use policies, waste management programs and alternatives to landfill disposal, reduction/ reuse/ recycling programs, and development review and conditions.

Energy and Utilities: Impact of future development on energy use and demand/supply of electricity, natural gas, and telecommunications facilities/ services; and mitigation associated with land use policies and energy policies and programs (e.g., energy conservation, solar energy), and development standards.

Fire and Police Services: Impacts of future development and daytime and resident population growth on overall demand for fire, police, and jail services and need for/cost of personnel and facilities expansions; effect of additional development within the foothills on wildfire danger; increased disaster management efforts; and mitigation associated with land use and growth management policies, police and fire management programs, and regulations.

Parks and Recreation: Impacts of future development and population growth (daytime and resident) on demand for park and recreation facilities (neighborhood parks, playing fields, trails, etc.); cumulative loss of open areas available for additional park and recreational facilities; user conflicts on trails; maintenance costs; and mitigation measures through land use/growth policies, park and recreation programs, fee programs (e.g., Quimby fees), and project review standards and facilities.

Schools and Other Public Facilities & Services: Impacts of future development and population growth on local school system and City College, libraries, and County and State facilities and services (e.g., Courts, health facilities); and mitigation associated with land use policies and programs, school district, County and State regulations and programs, funding options, and development conditions.

Transportation: Cumulative increase in congestion at some City intersections and roadways, particularly near freeway ramps, and on the freeway and surrounding communities, due to future development and population growth (daytime and resident) under the project and alternative scenarios, jobs/housing balance and commuting, construction of highway improvements, regional traffic attracted due to City's continuing position as regional center for the South Coast (e.g., employment, commercial, educational, medical, institutional, cultural, and recreation), non-development external factors (such as vehicle ownership rates, land economics, individual decisions on location of jobs and homes, availability of commuter alternatives in other jurisdictions, gas prices, etc.).

Increased periods of parking scarcity in downtown and some neighborhoods.

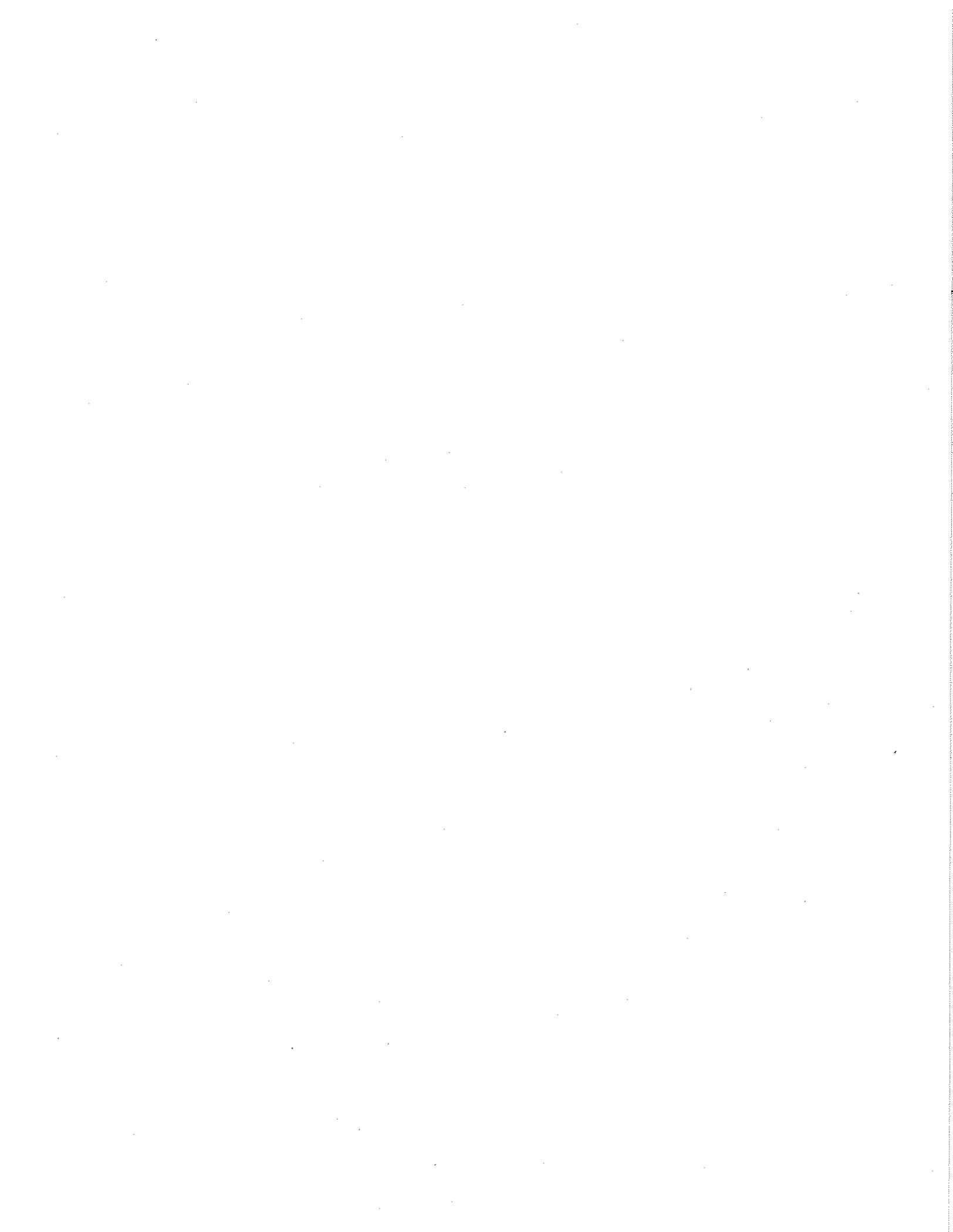
Mitigation measures such as land use, transportation and parking policies to reduce vehicle trips, connectivity improvements for vehicles, pedestrians, and bicycles, parking management programs (e.g., parking standards, parking pricing), transit service improvements, commuter programs (e.g., bus and rail), transportation demand management (e.g., telecommuting, flexwork, ridesharing), traffic management measures (e.g., signal phasing, lane striping), interchange improvements, funding options, development conditions.

Global Climate Change and Energy Issues: Future cumulative contributions from development, energy use, and greenhouse gas generation to climate change effects on temperature, air quality, weather events, drought and fire hazard, sea level rise, ocean composition, and secondary effects; and mitigation measures associated with land use, transportation, housing, and energy policies, programs, and development standards.

Socioeconomic Effects: Growth-inducing impacts including housing demand associated with job growth, and increased service jobs associated with housing development; displacement of existing affordable and rental housing, overcrowding and illegal units; changes in demographics/ loss of population diversity (income, age, professions, etc.); loss of regular and critical (health and safety) work force; loss of economic diversity, small business, local business, neighborhood-serving commercial; health effects; and environmental justice issues.

Exhibits:

- A. Minutes of January 29, 2009 Planning Commission EIR Public Scoping Hearing
- B. Public Scoping Comment Letters





City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

January 29, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:02 P.M.

I. ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Staff Present:

N. Scott Vincent, Assistant City Attorney

John Ledbetter, Principal Planner

Barbara Shelton, Project Planner/ Environmental Analyst

Gabriela Feliciano, Commission Secretary

Staff Absent:

Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Announcements and appeals.

None.

B. Comments from members of the public pertaining to items not on this agenda.

Chair Larson opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

ACTUAL TIME: 1:04 P.M.

III. ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING HEARING

PLAN SANTA BARBARA EIR

The purpose of the hearing was to receive public comment on the scope of analysis for the *Plan Santa Barbara* EIR.

Project Description: *Plan Santa Barbara* is a multi-year planning process underway to update the City General Plan, including growth management and land use policies to govern development to the year 2030. The initial General Plan update documents will include the Draft General Plan Framework and Draft Policy Preferences; Draft Land Use Element and Map, Draft Housing Element, and Draft Adaptive Management Program. Draft policy updates pertain to sustainability and living within our resources; land use and growth management; housing; circulation; historic resources and community design; environmental resource protection; public services and safety; and economy and fiscal health. The *Plan Santa Barbara* Draft Policy Preferences Report, City Council Direction (January 2009) is available at www.YouPlanSB.org or at the Planning Division office (630 Garden Street).

EIR Scope of Analysis: The City of Santa Barbara will be Lead Agency to prepare a Program EIR to evaluate effects on the environment that may occur as a result of future growth within the City over the next two decades under the proposed *Plan Santa Barbara* draft policies. The EIR will identify potentially significant environmental impacts citywide or to areas within the City, or cumulatively in the larger region. Mitigation measures that could feasibly avoid or reduce significant impacts will be identified.

EIR impact topics to be analyzed include: air quality; biological resources; geology; hazards (wildfire, safety hazards, hazardous materials); heritage resources (archaeology, history); hydrology and water quality; noise; open space and visual aesthetics, public facilities (water, wastewater, solid waste, utilities), public services (police, fire protection, parks, schools), transportation (circulation, traffic, parking); energy and climate change; growth-inducing effects (housing, population, employment, and land use); and socioeconomic issues (demographics, environmental justice, economy).

The EIR will also provide a comparative impact evaluation for a range of alternative future growth scenarios and policy options considered in the *Plan Santa Barbara* process. These will cover a non-residential growth range of 1-2.5 million square feet and residential growth range of approximately 2,000 to 5,000 additional residential units over the planning period to the year 2030. Three million square feet nonresidential and 8,000 residential units will also be evaluated to the year 2050.

Public Comment: In addition to public comment at this hearing, public and agency comment on the EIR scope of analysis may be submitted to the Planning Division, to be received no later than February 13, 2009. Mailing address: City of Santa Barbara Planning Division, Attn: Barbara Shelton, P.O. Box 1990, Santa Barbara, CA 93102-1990. Email: BShelton@santabarbaraca.gov. Planning Division Office: 630 Garden Street, Santa Barbara. Telephone: (805) 564-5470. Fax: (805)897-1904.

Case Planner: Barbara Shelton, Project Planner/Environmental Analyst
Email: BShelton@SantaBarbaraCA.gov

Barbara Shelton, Project Planner/Environmental Analyst, gave the Staff presentation.

Chair Larson opened the public hearing at 1:15 P.M.

The following people spoke expressing concerns:

1. Christy Schuerch, Coalition for Community Wellness, suggested that the EIR should consider transportation congestion and mitigation measures from a health policy perspective, and advocated for increased public transit, bicycle and walking facilities to mitigate congestion of intersections and reduce air pollution. The primary congested intersections are those leading on to and off of the 101 freeway.
2. Russell Ruiz, Water Commissioner, speaking for himself, stated that the EIR baseline should not include water supply from the Desalination Facility, due to the high cost of its reactivation and operation. The General Plan that has sustainability as a theme should not be formulated on a water supply source that is speculative, extremely costly, energy intensive, and would carry an unacceptable carbon footprint. Water supplies from State Water and Gibraltar Reservoir also have constraints. There should be resolution of water service to the Coast Village Road and Goleta overlap areas.
3. Dianne Channing, local resident, expressed concern about the Adaptive Management Program as to lack of specifics and how public input will be gathered, and suggested surveys to neighborhood and business organizations.
4. Mickey Flacks, local resident, commented that the Alternative Policies #2 should be described as additive to the Plan Santa Barbara Project policies. The Extended Range Alternative is problematic; because there are too many unknown variables to project over forty years. Alternative Policies #2 is the environmentally superior alternative: increasing affordable housing at all levels would produce fewer car trips into and out of the area; higher downtown density, and development in the MODA should be encouraged; multi-family housing is more sustainable; a change from auto-oriented to multiple modes and less parking would result in a reduction of global warming.
5. Naomi Kovacs, Citizens Planning Association (CPA), commented that the day-time population of local residents plus commuters and tourists is much larger than those acknowledged to live in the city. This should be taken into account when EIR analyzes the existing conditions and various growth scenarios in terms of public facilities and public services. Environmentally sound benchmarks should be established for adaptive management, including jobs/housing balance, and social equity, e.g. proportion of affordable housing.
6. Paul Hernadi, CPA, commented that the EIR should evaluate the possible environmental disadvantages of increasing the allowable density in the Mobility Oriented Development Area (MODA), such as traffic and air quality effects. Mitigating measures, such as sizeable setbacks and other open spaces, should be required in locations where densification is proposed, yet site specific air quality

measurements indicate potential danger to public health. The EIR should also evaluate the City's growth in the cumulative context of predictable growth in areas outside the City. Examples are highway and surface street traffic; ocean tanker emissions; and alternative mode transportation mitigation.

7. Mary Louise Days, CPA, commented that most development involves demolition, and the environmental impact of demolitions should be analyzed, including solid waste, traffic congestion, air and noise pollution, the potential adverse impact on neighborhood character, and historical/archaeological resources. The EIR should weigh any possible environmental benefits of incentivizing secondary dwelling units in single family neighborhoods against the possible environmental disadvantages, such as increase in gas and water use with single meter; historical character, visual and economic effects to neighborhoods, and traffic and parking impacts.
8. Connie Hannah, Santa Barbara League of Women Voters, requested that the EIR include examination of: present and future water and sewer capacity; building of low and moderate-income housing; effects of building more luxury condos and the many impacts they have on the community; whether expensive condos would result in reduction of drivers; detailed traffic information and air quality effects; traffic and parking effects of secondary units; transit funding; whether anything is gained by encouraging secondary dwelling units if they are not required to be affordable. The League supports the use of adaptive management to see if resource capacity is being exceeded, but the community indicators that are used will be important.
9. Debbie Cox Bultan, Coastal Housing Coalition, commented that the Project Description uses the same number of new dwelling units as the No Project alternative, which doesn't help the jobs/housing balance. She recommends that the City should include upper-middle income in its description of affordable housing. She agrees with the cumulative analysis, which needs to look at commuting.
10. Cathie McCammon, Allied Neighborhood Association Executive Committee, commented that the EIR needs to address the actual use of public resources and services, including estimating the number of people living in illegal secondary units and the daytime population. The EIR should spell-out exactly how the adaptive management will work so that resources aren't used up. There should be an analysis of variable density changes, including the cost of market rate units necessary to subsidize the workforce units; the number of service workers needed to support the residents of luxury condos; and who is buying workforce housing by occupation and family size to determine how effective it is.

Chair Larson acknowledged receipt of correspondence from June Jones, Citizens Planning Association, Paula Westbury, Jean Holmes, League of Women Voters, Brian Fahnestock, and Joe Rution.

With no one else wishing to speak, the public hearing was closed at 1:54 P.M.

Plan Santa Barbara Staff and Dan Gira, AMEC Earth and Environmental, answered additional Planning Commission questions about:

1. Projection as far as a timeline for completing the EIR process. Staff responded that the *PlanSB* team is on track with the planned estimate and it should conclude in one year. An updated timeline will be given at the February 12 City Council/Planning Commission joint meeting on the Phase III Work Program.
2. How the EIR will be analyzing the issues of increased density affect on traffic, air quality and the jobs/housing balance. Mr. Gira responded that the primary and secondary job creation impacts will be looked at, as well as impacts of different types of housing, to allow for mix and match among alternatives. The details behind the assumptions will be included.
3. Asked if the extended range alternative be excluded. Ms. Shelton noted that a more qualitative discussion of the extended range could be provided. Mr. Gira responded that having a programmatic discussion of full build out of the City and longer range implications of land use maps is necessary and would be beneficial. Staff added that global warming issues push for longer range planning.
4. Asked if the desalination facility be excluded in the water supply baseline equation. Mr. Vincent responded that the consideration of the Desalination Facility's place in the water supply plan is part of the EIR process. It would be more appropriate to allow time for the water supply managers to be consulted. There will be another opportunity to comment further on this issue once the water supply managers complete their analysis.

The Commissioners made the following comments:

1. The EIR should focus on key resources of water, waste water treatment, solid waste, and transportation.
2. Some Commissioners felt that the Desalination Plant should not be counted as baseline water supply because it is not being used and it is only an emergency source.
3. The Adaptive Management Program is a most important part of the General Plan Update and needs to be detailed to maximize functionality of the mitigation program. This will streamline staff's ability to expedite the review process, improve the confidence of the public in what is perceived as impacts, and give assurances that the City will not exceed its resources.
4. Adaptive management tools and how they are implemented need to be worked on.
5. The mitigation measures should be crafted and designed so that they will be applicable to the proposed Adaptive Management Program.
6. Requested that not much effort be spent on the extended range alternative. The timeframes for general plans are purposely shorter because trying to predict forty years into the future would likely be inaccurate.
7. The scope should be focused to be more functional. If there is an environmentally superior alternative it can be constructed out of the alternatives analysis.

8. The structure of the alternatives should be refined so that they are designed to mix and match. The ability to equate residential dwelling units and non-residential square footage in terms of resources could provide a "cafeteria" plan.
9. Full built-out should be discussed in the environmental sections, rather than the alternatives section, and further built upon in the Growth-Inducing Effects section.
10. Suggested that the EIR consider that an increase in crime resulting from higher density would impact the need for city services.
11. The daytime population versus the night time population needs to be addressed.
12. There is concern with the renting population. The issue of how Santa Barbara could be made a great place for renting so that people do not have to move away should be considered.
13. With regard to transportation associated with commuters, requested consideration of what environmental benefits could be garnered by improved commuter transportation and what can be done to decrease the impact.
14. The sphere of influence appears to be the same in each scenario. More adjustability should be built-in.
15. Some Commissioners questioned why the MODA has drastically shrunk since last presented, as well as the areas allocated for potential secondary dwelling units.
16. Suggested that the extended range element be excluded.
17. The project's performance on areas such as water use, energy use, and traffic generation should be compared with the existing buildings on the ground, and both should be analyzed.
18. The collective community education facilities should be included as a resource.
19. In order to incentivize building smaller units, the allowable density for smaller units should be increased.
20. Requested that the historic element be separated from community design in the policy preferences report
21. Moving forward in the completion of the EIR is important. Requested a three month status report specifying what questions each section of the EIR will answer with the goal of expediting the process of the EIR completion.

ACTUAL TIME: 2:43 P.M.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Jacobs reported that the Parks and Recreation Commission has two new commissioners: Scott Burns and Daniel Hochman. At the last meeting the need to charge body training facilities for the use of public parks when they choose not to exercise in a gym was discussed.

Commissioner Bartlett reported he attended the last Architectural Board of Review meeting. The Valle Verde project Master Plan was well received in terms of the site planning component. The alternate height limit charter amendment was presented by Staff with mixed reception.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Chair Larson reported on the 411 E. Carrillo Street modifications that were granted.

V. ADJOURNMENT

MOTION: Jostes/Jacobs

To adjourn the meeting.

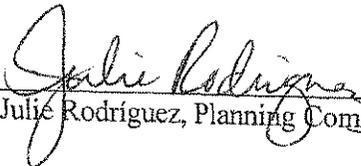
This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson adjourned the meeting at 2:45 P.M.

Prepared by Gabriela Feliciano, Commission Secretary

Submitted by,


Julie Rodriguez, Planning Commission Secretary





Plan Santa Barbara
LIVING WITHIN OUR RESOURCES

Plan Santa Barbara
Environmental Impact Report
Scoping Comments

Agencies, Organizations and Individuals
January 12 to February 13, 2009

Plan Santa Barbara Environmental Impact Report
Notice of Preparation/ Notice of Public Scoping Process

**LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS THAT SUBMITTED COMMENTS
DURING JANUARY 12 – FEBRUARY 13, 2009 NOP/NOS COMMENT PERIOD**

March 16, 2009

LETTERS, FAXES, EMAILS, WEB SITE, AND PUBLIC HEARING COMMENTS RECEIVED:

Public Agencies

Governor's Office of Planning & Research (Scott Morgan, Assistant Deputy Director & Senior Planner, State Clearinghouse, January 14, 2009)

Santa Barbara County Local Agency Formation Commission (Bob Braitman, Executive Officer, January 16, 2009)

California Native American Heritage Commission (Katy Sanchez, Program Analyst, January 26, 2009)

California Department of Transportation (Chris Shaeffer, District 5, Development Review, February 11, 2009)

California Department of Fish & Game (Edmund J. Pert by Helen R. Bern, Regional Manager, South coast Region, February 11, 2009)

Santa Barbara County Air Pollution Control District (Molly Pearson, Air Quality Specialist, Technology & Environmental Assessment Division, February 11, 2009)

Santa Barbara County Association of Governments (Andrew Orfila, Transportation Planner, February 12, 2009)

City of Santa Barbara Water Commission (no signature, February 9, 2009)

County of Santa Barbara (John Baker, Asst County Executive Officer/Director of Planning and Development, February 13, 2009)

County of Santa Barbara (William Gillette, Agricultural Commissioner, 1-23-09)

Organizations

Hidden Valley Residence Association (Judy Orias, January 16, 2009/ Letter of November 21, 2009 to Mayor & City Council)

Citizens Planning Association of Santa Barbara County, Inc. (January 25, 2009)

League of Women Voters of Santa Barbara (Cathie McCammon, General Plan Update Committee, January 28, 2009)

Brinkerhoff Avenue/Santa Barbara Looking Good (Tony & Caroline Vassallo, Street Captains, February 5, 2009)

Citizens Planning Association of Santa Barbara County (Paul Hernadi, Chair, Comprehensive Planning Committee, February 6, 2009)

Bungalow Haven Neighborhood Association (Joe Rution, Secretary, BHNA, Member, Plan Santa Barbara Outreach Committee, February 8, 2009)

Santa Barbara Downtown Organization (Government Relations Committee, February 11, 2009)

League of Women Voters of Santa Barbara (Connie Hannah, First Vice-President, February 12, 2009)
Allied Neighborhoods Association (Judy Orias, President, February 12, 2009)
Citizens Planning Association of Santa Barbara County (Naomi Kovaks, Executive Director & General Plan Update Committee, February 12, 2009)
Community Environmental Council (Dave Davis, Executive Director & Megan Birney, Senior Associate, February 13, 2009)
Santa Barbara Trust for Historic Preservation (Craig Makela, Board President & Jarrell Jackman, Executive Director, February 13, 2009)

Individuals

Russell Ruiz, January 15, 2009
Bruce Burnworth, January 15, 2009
June Jones, January 23, 2009
Paula Westbury, January 25, 2009
Jean Holmes, January 27, 2009
Brian Fahnestock, January 28, 2009
Joe Rution, Member, Plan Santa Barbara Outreach Committee, January 28, 2009
Dr. Edo McGowan, February 3, 2009
Sheila Lodge, Member, Planning Commission, February 5, 2009
Russell R. Ruiz, February 5, 2009
Judith Dodge Orias, February 10, 2009
Russell R. Ruiz, February 10, 2009
Norbert Dall, Atty, for Thomas Felkay, February 13, 2009

PUBLIC COMMENT AT EIR PUBLIC SCOPING HEARING JANUARY 29, 2009

Christy Schuerch, Coalition for Community Wellness
Russell Ruiz, resident
Dianne Channing, resident
Mickey Flacks, individual
Naomi Kovaks, CPA Executive Director, GP Update Committee
Paul Hernadi, CPA Comprehensive Planning Committee
Mary Louise Days, CPA, GP Update Committee
Connie Hannah, League of Women Voters of SB
Debbie Cox Bulton, Executive Director, Coastal Housing Coalition
Cathie McCammon, Allied Homeowners Association, Executive Committee
Chair Larson & Planning Commissioners Jostes, Thompson, White, Lodge, Jacobs, Bartlett

LATE LETTERS RECEIVED AFTER CLOSE OF 30-DAY COMMENTS PERIOD:

California Emergency Management Agency (Dennis Castrillo, Environmental Officer, March 2, 2009)

California Attorney General (Edmund G. Brown, Jr., Attorney General, March 13, 2009)

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Plan Santa Barbara
Environmental Impact Report
Scoping Comments

PUBLIC AGENCIES

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STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

RECEIVED
JAN 16 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

January 14, 2009

To: Reviewing Agencies

Re: Plan Santa Barbara General Plan Update - Draft Policy Amendments for General Plan Framework, Land Use Element, and Housing Element
SCH# 2009011031

Attached for your review and comment is the Notice of Preparation (NOP) for the Plan Santa Barbara General Plan Update - Draft Policy Amendments for General Plan Framework, Land Use Element, and Housing Element draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Barbara Shelton
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Assistant Deputy Director & Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009011031
Project Title Plan Santa Barbara General Plan Update - Draft Policy Amendments for General Plan Framework, Land Use Element, and Housing Element
Lead Agency Santa Barbara, City of

Type NOP Notice of Preparation

Description In December 2008, City Council directed environmental review to proceed on a set of Draft Policy amendments that would provide the basis and directives for updating the City General Plan. The initial General Plan update documents will include the overall General Plan Framework and Policy Update, Land Use Element/Map Update, Housing Element Update, and an Adaptive Management component. The draft policies pertain to sustainability and living within our resources, circulation, historic resources and community design, environmental resource protection, public services and safety, and economy and fiscal health.

Lead Agency Contact

Name Barbara Shelton
Agency City of Santa Barbara
Phone 805-564-5470 **Fax**
email
Address P.O. Box 1990
City Santa Barbara **State** CA **Zip** 93102-1990

Project Location

County Santa Barbara
City Santa Barbara
Region
Cross Streets Citywide
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways US101, SR154, SR225, SR192, SR144
Airports City of Santa Barbara Airport
Railways SPRR
Waterways Pac Ocean, SB Cr Channel, SB Harbor, Sycamore Cr, Mission Cr, Arroyo Burro Cr, Sheffield & Lauro
Schools SBSD ES, MS, HS/SB City College, Numerous Private
Land Use Citywide Land Use Element/Zoning

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Caltrans, Division of Aeronautics; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; Native American Heritage Commission; Caltrans, Division of Transportation Planning; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 5; Regional Water Quality Control Board, Region 3

Date Received 01/14/2009 **Start of Review** 01/14/2009 **End of Review** 02/13/2009

NUP Distribution List

APN County: SWITK PLU VAL

SCH#

Resources Agency	Fish & Game Region 2	Fish & Game Region 3	Fish & Game Region 4	Fish & Game Region 5	Fish & Game Region 6	Fish & Game Region 6 I/M	Dept. of Fish & Game M	Other Departments	Food & Agriculture	Dept. of General Services	Dept. of General Services	Dept. of Public Health	Dept. of Health/Drinking Water	Independent Commissions/Boards	Delta Protection Commission	Office of Emergency Services	Governor's Office of Planning & Research	Native American Heritage Comm.
<input type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Jeff Drongesen	<input type="checkbox"/> Robert Floerke	<input type="checkbox"/> Julie Vance	<input checked="" type="checkbox"/> Don Chadwick Habitat Conservation Program	<input type="checkbox"/> Gabriela Gatchel Habitat Conservation Program	<input type="checkbox"/> Gabriela Getchel Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> George Isaac Marine Region	<input type="checkbox"/> Steve Shaffer Dept. of Food and Agriculture	<input type="checkbox"/> Steve Shaffer Dept. of Food and Agriculture	<input type="checkbox"/> Anna Garbeff Environmental Services Section	<input type="checkbox"/> Anna Garbeff Environmental Services Section	<input type="checkbox"/> Bridgette Blinning Dept. of Health/Drinking Water	<input type="checkbox"/> Bridgette Blinning Dept. of Health/Drinking Water	<input type="checkbox"/> Linda Flack	<input type="checkbox"/> Linda Flack	<input type="checkbox"/> Dennis Casirillo	<input type="checkbox"/> State Clearinghouse	<input checked="" type="checkbox"/> Debbie Trenthway
<input type="checkbox"/> Dept. of Boating & Waterways Mike Sotelo								<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section										
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs																		
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman																		
<input checked="" type="checkbox"/> Dept. of Conservation Rebecca Salazar																		
<input type="checkbox"/> California Energy Commission Dale Edwards																		
<input type="checkbox"/> Cal Fire Allen Robertson																		
<input checked="" type="checkbox"/> Office of Historic Preservation Wayne Donaldson																		
<input checked="" type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section																		
<input type="checkbox"/> Central Valley Flood Protection Board Jon Yego																		
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdam																		
<input checked="" type="checkbox"/> Dept. of Water Resources Nadell Gayou																		
<input type="checkbox"/> Conservancy																		
Fish and Game																		
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division																		
<input type="checkbox"/> Fish & Game Region 1 Donald Koch																		
<input type="checkbox"/> Fish & Game Region 1E Laurie Harnsberger																		
<input type="checkbox"/> Public Utilities Commission Leo Wong																		
<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang																		
<input type="checkbox"/> State Lands Commission Marina Brand																		
<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques																		
Business, Trans & Housing																		
<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard																		
<input checked="" type="checkbox"/> Caltrans - Planning Terr Pencovic																		
<input checked="" type="checkbox"/> California Highway Patrol Scott Loetscher Office of Special Projects																		
<input checked="" type="checkbox"/> Housing & Community Development CEQA Coordinator Housing Policy Division																		
Dept. of Transportation																		
<input type="checkbox"/> Caltrans, District 1 Rex Jackman																		
<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez																		
<input type="checkbox"/> Caltrans, District 3 Bruce de Terra																		
<input type="checkbox"/> Caltrans, District 4 Lisa Carboni																		
<input checked="" type="checkbox"/> Caltrans, District 5 David Murray																		
<input type="checkbox"/> Caltrans, District 6 Michael Navarro																		
<input type="checkbox"/> Caltrans, District 7 Elmer Alvarez																		
<input type="checkbox"/> Air Resources Board Airport Projects Jim Lerner																		
<input type="checkbox"/> Transportation Projects Douglas Ito																		
<input type="checkbox"/> Industrial Projects Mike Tollstrup																		
<input type="checkbox"/> California Integrated Waste Management Board Sue O'Leary																		
<input type="checkbox"/> State Water Resources Control Board Regional Programs Unit Division of Financial Assistance																		
<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality																		
<input type="checkbox"/> State Water Resources Control Board Steven Herrera Division of Water Rights																		
<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center																		
<input type="checkbox"/> Department of Pesticide Regulation CEQA Coordinator																		

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Plan Santa Barbara EIR NOP/ Public Scoping Comment

From: Bob Braitman [mailto:CONFIDENTIAL]
Sent: Friday, January 16, 2009 6:09 AM
To: McMillion, Deana; Shelton, Barbara
Cc: Casey, Paul
Subject: Notice of Program EIR Preparation and Notice of Environmental Scoping Hearing for Plan Santa Barbara

Hi Deana and Barbara,

Thank you for notifying our office of the City's GPA update process. I could not tell from the information I received whether the project description projects development or land use changes that would occur on land not currently within the City boundaries and/or its current Sphere of Influence. Can you please provide this information to our office before we can respond to the Notice of Preparation.

Bob Braitman
Executive Officer
Santa Barbara LAFCO
805-568-3391

-----Original Message-----

From: McMillion, Deana [mailto:DMcMillion@SantaBarbaraCA.gov]
Sent: Thursday, January 15, 2009 8:55 AM
To: Shelton, Barbara
Subject: Notice of Program EIR Preparation and Notice of Environmental Scoping Hearing for Plan Santa Barbara

Please follow this link to read the notice and attachments:
<http://www.youplansb.org/>

You are receiving this email because you requested to be notification regarding items related to the City of Santa Barbara General Plan Update - Plan Santa Barbara.

If you have any questions regarding the Notice of Preparation please

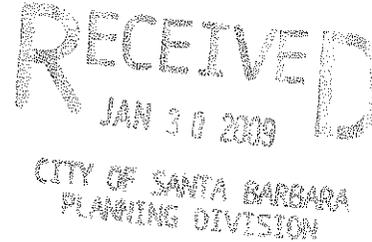
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NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



January 26, 2009



Barbara Shelton
 City of Santa Barbara
 P.O. Box 1990
 Santa Barbara, CA 93102-1990

RE: SCH#2009011031 Plan Santa Barbara General Plan Update-Draft Policy Amendments for General Plan Framework;
 Santa Barbara County

Dear Ms. Shelton:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
 Katy Sanchez

Program Analyst

CC: State Clearinghouse

Native American Contact
Santa Barbara County
January 23, 2009

Ernestine DeSoto
1027 Cacique Street, #A
Santa Barbara, CA 93103
(805) 962-3598

Chumash

Julie Lynn Tumamait
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fernandeño

Patrick Tumamait
992 El Camino Corto
Ojai, CA 93023
(805) 640-0481
(805) 216-1253 Cell

Chumash

Owl Clan
Dr. Kote & Lin A-Lul'Koy Lotah
48825 Sapaque Road
Bradley, CA 93426
(805) 472-9536

Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach, CA 93433
cheifmvigil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez, CA 93460
varmenta@santaynezchumash.org
(805) 688-7997
(805) 686-9578 Fax

Chumash

John Ruiz
1826 Stanwood Drive
Santa Barbara, CA 93103
(805) 965-8983

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed
SCH# 2009011031 Plan Santa Barbara General Plan Update-Draft Policy Amendments for General Plan Framework; Santa Barbara County.

Native American Contact
Santa Barbara County
January 23, 2009

Gilbert M. Unzueta Jr.
571 Citation Way
Thousand Oaks , CA 91320
(805) 375-7229

Chumash

Randy Guzman - Folkes
4577 Alamo Street, Unit C
Simi Valley , CA 93063
ndnrandy@hotmail.com
(805) 905-1675 - cell

Chumash
Fernandefio
Tataviam
Shoshone Paiute
Yaqui

Diane Napoleone and Associates
Diane Napoleone
6997 Vista del Rincon
La Conchita , CA 93001
dnaassociates@sbcglobal.net

Chumash

Coastal Band of the Chumash Nation
Janet Garcia, Chairperson
P.O. Box 4464
Santa Barbara , CA 93140
805-964-3447

Chumash

Stephen William Miller
189 Cartagena
Camarillo , CA 93010
(805) 484-2439

Chumash

Charles S. Parra
P.O. Box 6612
Oxnard , CA 93031
(805) 340-3134 (Cell)
(805) 488-0481 (Home)

Chumash

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Chumash

Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009011031 Plan Santa Barbara General Plan Update-Draft Policy Amendments for General Plan Framework; Santa Barbara County.

Native American Contact
Santa Barbara County
January 23, 2009

Carol A. Pulido
165 Mountainview Street
Oak View , CA 93022
805-649-2743 (Home)

Chumash

Melissa M. Para-Hernandez
119 North Balsam Street
Oxnard , CA 93030
805-988-9171

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009011031 Plan Santa Barbara General Plan Update-Draft Policy Amendments for General Plan Framework; Santa Barbara County.

From: Chris Shaeffer [CONFIDENTIAL]
Sent: Wednesday, February 11, 2009 4:34 PM
To: Shelton, Barbara
Subject: Plan SB General Plan Update - NOP

Ms. Shelton,

Please accept Caltrans' comments for the subject project NOP. Thank you.

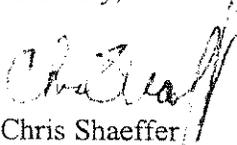
(See attached file: Plan SB Gen Plan Update NOP.pdf)

Chris Shaeffer
Caltrans Dist 5
Development Review
(805) 549.3632

B. Shelton
February 11, 2009
Page 2

Thank you for consideration of these issues. I can be reached at (805) 549-3632 if you have any questions about these comments.

Sincerely,



Chris Shaeffer
Development Review
Caltrans District 5

Attachment

Cc: L. Newland, CT

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>

ATTACHMENT I



*Flex your power!
Be energy efficient!*

December 11, 2008

Rob Dayton, Principal Transportation Planner
Sarah Grant, Assistant Transportation Planner
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

Subject: Plan Santa Barbara Draft Policy Preferences Report

Dear Mr. Dayton and Ms. Grant:

Department staff has reviewed the Draft Policy Preferences Report and the Council Agenda Report for December 11, 2008 and offers the following discussion and questions.

1. General Plan Element Economy and Fiscal Health includes Objective EF3, Regional cooperation centered on a regional blueprint to include among other items, transportation. The Regional transportation system through the City in large measure consists of US 101. This facility experiences poor levels of services during the peak hours within the city limits and, as staff has stated earlier, there are no capacity improvements planned for US 101 in the City north of Milpas Street within the Plan period. What policies are there that support Objection EF3 which specifically target US 101 indicating how the City envisions, within the scope of its jurisdictional authority, it will work toward improving service levels on the regional system?

2. General Plan Element Environmental Resources, Hydrology, Water Quality and Flooding, includes Policy ER28, Master Drainage Plan. Please ensure that the decision-makers and appropriate City staff include US 101 and its hydraulic and drainage facilities as an integral component in the City Plan. The hydraulic capacity of facilities traversing the freeway is a finite resource. Existing capacity has been sized to anticipate existing, or known, 100-year events. Increasing flow potential through land use intensification may cause undesirable effects or hazards unless properly mitigated. These may include upstream flooding or embankment erosion or both. In order to avoid these types of effects, the Department requires a no-net gain in drainage runoff when land use intensifies. Draft Policy ER28 appears to be thoughtfully considered. We ask that the implementation strategies adhere to the no-net gain perspective. Examples of specific implementation strategies are requiring new land uses to construct on-site retention facilities or improving (enlarging) existing drainage facilities under the freeway. A City watershed / maintenance plan may also be a strategic component as that would ensure debris and other material do not create flow obstructions either up- or down-stream.

With respect to Policy ER24 as well as ER28, please ensure that the Flood Capacity Master Plan for Sycamore Creek is included and implemented as one of the component plans or programs.

R. Dayton / S. Grant

December 11, 2008

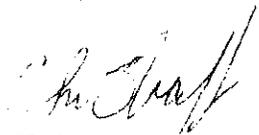
Page 2

3. General Plan Element Circulation includes Objective C3, Traffic congestion. This objective should include to the extent possible US 101. The Plan Santa Barbara traffic modeling effort should include analysis of City residents who use US 101 essentially as an arterial, moving from one local interchange to another, to determine the degree of service level and capacity degradation that pattern causes. This effort could complement policy C5: Optimizing capacity through ITS strategies. Implementation of Policy C5 for signal coordination and transit pre-emption within the City and US 101 ramp metering may set the conditions toward advancing Objective C2 and the desired mode split.

4. How do the draft policy preferences accommodate freight movements with the City? The Plan is laudable in its emphasis on mainstreaming what is commonly referred to as alternative modes, however, what policy or policies ensure that the movement of goods is not inhibited within or through the City? This would include not only the carrier movement itself, but also staging, parking and support services.

Thank you for considering these comments during the pre-CEQA draft Policy Preferences review. I can be reached at (805) 549-3632 if you have any questions about this letter. Staff looks forward to communicating with you during Phases III and IV of Plan Santa Barbara effort.

Sincerely,



Chris Shaeffer
Development Review
Caltrans District 5

Cc: L. Newland, CT
L. Wickham, CT
P. Mcclintic, CT

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DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



February 11, 2009

RECEIVED
FEB 17 2009
CITY OF SANTA BARBARA
PLANNING DIVISION

Barbara Shelton
City of Santa Barbara
P.O. Box 1990
Santa Barbara, Ca 93102

**Subject: Notice of Preparation for the Plan Santa Barbara General Plan Update-
Draft Policy Amendments for General Plan Framework, Land Use Element,
and Housing Element draft Environmental Impact Report (EIR)
SCH #2009011031**

Dear Ms. Shelton:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced project, relative to impacts to biological resources. The proposed action is to proceed on a set of Draft Policy amendments that would provide the basis and directives for updating the City General Plan. The General Plan update documents will include the overall General Plan Framework and Policy Update, Land Use Element/Map Update, Housing Element Update, and an Adaptive Management Component. The draft policies pertain to sustainability and living within our resources, circulation, historic resources and community design, environmental resource protection, public services, and safety, and economy and fiscal health. A Program EIR will be developed to evaluate the effects on the environment that may occur as a result of future growth within the City over the next two decades under the *Plan Santa Barbara* Draft Policies.

To enable the Department staff to adequately review and comment on the project we recommend the following information, where applicable, be included in the Draft Environmental Impact Report:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
 - a. A thorough recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (attachment).
 - b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and U.S. Fish and Wildlife Service.

- c. Rare, threatened, and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, § 15380).
 - d. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 324-3812 to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs), Significant Natural Areas (SNAs), or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction located in or adjacent to the project area must be addressed.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance, and minimizing impacts.
- a. CEQA Guidelines, § 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts resulting from such effects as increased vehicle traffic and outdoor artificial night lighting.
 - c. A cumulative effects analysis should be developed as described under CEQA Guidelines, § 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - d. Impacts to migratory wildlife affected by the project should be fully evaluated. This can include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.
 - e. Impacts to all habitats from City or County required Fuel Modification Zones. (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.
 - f. Proposed project activities (including disturbances to vegetation) should take place outside of the breeding bird season (February 1- August 15) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500 foot buffer for all active raptor nests).

3. An EIR shall describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4(a)(1)). Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed.
 - a. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts. The List of California Terrestrial Natural Communities is available on request or may be viewed and downloaded online by visiting the Department's website at http://www.dfg.ca.gov/whdab/html/natural_communities.html.
 - b. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
4. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub, native woodlands, etc. should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
5. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:
 - a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
 - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
6. The Department opposes the elimination of watercourses and/or their channelization or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations.
 - a. The Department requires a streambed alteration agreement, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian

Barbara Shelton
February 11, 2009
Page 4 of 4

resources. The Department's issuance of a stream bed alteration agreement may be a project that is subject to CEQA. To facilitate our issuance of the agreement when CEQA applies, the Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

The Department suggests a pre-project or early consultation planning meeting for all projects. To make an appointment, please call Sean Carison, Staff Environmental Scientist, at (909) 596-9120. Thank you for this opportunity to provide comment.

Sincerely,

Helen R. Birss

for Edmund J. Pert
Regional Manager
South Coast Region

Attachment

cc: Betty Courtney, Santa Clarita
Helen Birss, Los Alamitos
Scott Morgan, State Clearinghouse, Sacramento

Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities

State of California
THE RESOURCES AGENCY
Department of Fish and Game
December 9, 1983
Revised May 8, 2000

The following recommendations are intended to help those who prepare and review environmental documents determine when a botanical survey is needed, who should be considered qualified to conduct such surveys, how field surveys should be conducted, and what information should be contained in the survey report. The Department may recommend that lead agencies not accept the results of surveys that are not conducted according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all rare, threatened, and endangered plants and plant communities. Rare, threatened, and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. The most current version of the California Natural Diversity Database's List of California Terrestrial Natural Communities may be used as a guide to the names and status of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or to the extent that, rare, threatened, or endangered plants will be affected by a proposed project when:
 - a. Natural vegetation occurs on the site, it is unknown if rare, threatened, or endangered plants or habitats occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
 - b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking.
3. Botanical consultants should possess the following qualifications:
 - a. Experience conducting floristic field surveys;
 - b. Knowledge of plant taxonomy and plant community ecology;
 - c. Familiarity with the plants of the area, including rare, threatened, and endangered species;
 - d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
 - e. Experience with analyzing impacts of development on native plant species and communities.
4. Field surveys should be conducted in a manner that will locate any rare, threatened, or endangered species that may be present. Specifically, rare, threatened, or endangered plant surveys should be:
 - a. Conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering.

When rare, threatened, or endangered plants are known to occur in the type(s) of habitat present in the project area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the species are identifiable at the time of the survey.

- b. Floristic in nature. A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report.
 - c. Conducted in a manner that is consistent with conservation ethics. Collections (voucher specimens) of rare, threatened, or endangered species, or suspected rare, threatened, or endangered species should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit requirements. A collecting permit from the Habitat Conservation Planning Branch of DFG is required for collection of state-listed plant species. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.
 - d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas.
 - e. Well documented. When a rare, threatened, or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5 minute topographic map with the occurrence mapped, should be completed and submitted to the Natural Diversity Database. Locations may be best documented using global positioning systems (GPS) and presented in map and digital forms as these tools become more accessible.
5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations and mitigated negative declarations, Timber Harvesting Plans (THPs), EIR's, and EIS's, and should contain the following information:
- a. Project description, including a detailed map of the project location and study area.
 - b. A written description of biological setting referencing the community nomenclature used and a vegetation map.
 - c. Detailed description of survey methodology.
 - d. Dates of field surveys and total person-hours spent on field surveys.
 - e. Results of field survey including detailed maps and specific location data for each plant population found. Investigators are encouraged to provide GPS data and maps documenting population boundaries.
 - f. An assessment of potential impacts. This should include a map showing the distribution of plants in relation to proposed activities.
 - g. Discussion of the significance of rare, threatened, or endangered plant populations in the project area considering nearby populations and total species distribution.
 - h. Recommended measures to avoid impacts.
 - i. A list of all plants observed on the project area. Plants should be identified to the taxonomic level necessary to determine whether or not they are rare, threatened or endangered.
 - j. Description of reference site(s) visited and phenological development of rare, threatened, or endangered plant(s).
 - k. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
 - l. Name of field investigator(s).
 - j. References cited, persons contacted, herbaria visited, and the location of voucher specimens.

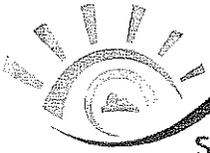
From: Molly M. Pearson [mailto:CONFIDENTIAL]
Sent: Wednesday, February 11, 2009 4:41 PM
To: Shelton, Barbara
Subject: APCD comments for Plan Santa Barbara

Barbara,

Attached file is APCD comments for Plan Santa Barbara NOP of Draft Program EIR. Original will be sent via U.S. mail. Please call with any questions.

Regards,

Molly Pearson
Air Quality Specialist
Santa Barbara County APCD
260 N. San Antonio Rd. Ste. A
Santa Barbara, CA 93110
(805) 961-8838
(805) 961-8801 (fax)



**Santa Barbara County
Air Pollution Control District**

Our Vision  Clean Air

February 11, 2008

Barbara Shelton, Environmental Analyst
City of Santa Barbara Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: NOP of a Draft Program EIR for Santa Barbara General Plan Update – Draft Policy
Amendments for the General Plan Framework, Land Use Element, and Housing Element

Dear Ms. Shelton:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (EIR) for *Plan Santa Barbara*, the Draft Policy Amendments for the Santa Barbara General Plan Framework, Land Use Element, and Housing Element.

Plan Santa Barbara is a multi-year planning process underway to update the City General Plan, including growth management and land use policies to govern development to the year 2030. This process was initially triggered because the City's existing voter-approved Charter provisions limiting non-residential growth (Measure E) sunset December 31, 2009. The General Plan Housing Element is also scheduled to be updated, including a reassessment of housing policies and build-out beyond 39,000 units (existing development and pending applications approximates 37,000 units at present). The City Council and community are also reassessing and updating other General Plan policies. Public outreach and Planning Commission consideration of draft updated policies has occurred over the past two years.

The initial General Plan update documents will include the overall General Plan Framework and Policy Update, Land Use Element/Map Update, Housing Element Update, and an Adaptive Management component. The draft policies pertain to sustainability and living within our resources, circulation, historic resources and community design, environmental resource protection, public services and safety, and economy and fiscal health. A Project Description Summary and Draft Land Use Element Map, as well as the full *Plan Santa Barbara* Draft Policy Preferences Report, have been prepared by the City of Santa Barbara and have been made available for review. APCD staff is pleased to see that our recommendations regarding avoiding locating sensitive land uses within 500 feet of the U.S. 101 freeway have been incorporated into the Draft Policy Preferences Report as Air Quality Policy ER12.

APCD staff reviewed the documents referenced above, and concurs that air quality impacts should be addressed in the EIR. The most current version of APCD's guidance document, entitled Scope and Content of Air Quality Sections in Environmental Documents, is available online at www.sbcapcd.org/apcd/landuse.htm. This document should be referenced for general guidance in assessing air quality impacts in the Draft Program EIR. The EIR should evaluate the following potential impacts related to the General Plan Update:

1. Attainment Status and Consistency with the APCD 2007 Clean Air Plan (CAP). The APCD has posted the most up-to-date attainment status for the County on the APCD website www.sbcapcd.org/sbc/attainment.htm and the most recent Clean Air Plan is available at www.sbcapcd.org/cap.htm. The website should be consulted for the most up-to-date air quality information prior to the release of the Public Draft EIR.

The 2007 CAP used the 2004 regional growth factors for land use and population projections provided by the Santa Barbara County Association of Governments (SBCAG), along with on-road emissions forecasts provided by the California Air Resources Board (ARB) as a basis for vehicle emissions forecasting. The EIR should examine whether the General Plan Update is consistent with the growth assumptions in the 2007 CAP.

Many industrial and manufacturing sources, as well as buildings with large heating devices or generator engines, may be subject to APCD rules and permit requirements. Commercial or industrial projects will be considered consistent with the CAP if they are consistent with APCD rules and regulations. Large industrial stationary source projects may be found inconsistent if their direct emissions are not considered in the CAP stationary source emission inventory (Section 4.4 of APCD's Scope and Content document).

2. Land Use Conflicts Related to Air Quality Emissions. The EIR should examine whether any of the residential or commercial developments associated with build-out under the proposed General Plan amendments will result in air quality impacts to sensitive land uses such as residential, childcare facilities, schools, or senior living communities. Examples of this type of impact include odors from restaurants, dust, or toxic air contaminants such as diesel particulate emissions from trucks.

3. Increase in Emissions from Proposed Project. The EIR should present significance thresholds for ozone precursor emissions (reactive organic compounds [ROC], and oxides of nitrogen [NO_x]) and particulate matter and determine whether the proposed project will produce emissions in excess of the thresholds. APCD's Scope and Content document contains the APCD Board-adopted criteria for evaluating the significance of adverse air quality impacts for APCD projects. APCD recommends that the City of Santa Barbara use these, or more stringent, thresholds to determine significance of air quality impacts.

Implementation of the proposed General Plan Update will involve air quality impacts associated with motor vehicle trips from commercial and residential development projects. The air quality impact analysis should be based on a project-specific traffic study whenever possible. In addition to motor vehicle emissions, the analysis should include emissions associated with unpermitted stationary sources such as residential and commercial heating and cooling equipment. These emissions (termed "area source" emissions) should be included in the operational phase emission evaluation. If any of the commercial land uses are anticipated to require APCD permits (for example, gas stations or drycleaners, termed "stationary sources"), these emissions should also be presented in the analysis.

Stationary and area source emissions must be added to transportation source emissions prior to applying the project-specific thresholds of significance. If the proposed project exceeds the significance

thresholds for air quality, mitigations should be applied to reduce those emissions to below the levels of significance. Section 5 of APCD's Scope and Content document offers ideas for air quality mitigations. However, project-specific measures should be developed that are pertinent to the subject project and are enforceable by the lead agency.

4. Construction Impacts. The EIR should discuss the potential air quality impacts associated with construction activities. APCD's June, 2008 Scope and Content document, Section 5.1, presents recommended mitigation measures for fugitive dust and equipment exhaust emissions associated with construction projects. Construction mitigation measures should be enforced as conditions of approval for development projects approved by the City of Santa Barbara. The EIR should present a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigations and establishes a mechanism for enforcement.

5. Asbestos Reporting Requirements. If the project will involve any demolition or renovation of existing structures, the EIR should discuss notification and reporting requirements pursuant to APCD Rule 1001 – National Emission Standards for Hazardous Air Pollutants (NESHAPS) – Asbestos.

6. Global Climate Change/Greenhouse Gas impacts. Global climate change is a growing concern that needs to be addressed in California Environmental Quality Act (CEQA) documents, and we recommend that the discussion be included under cumulative impacts. Although there are currently no published thresholds for measuring the significance of a project's cumulative contribution to global climate change, the California Office of Planning & Research (OPR) issued a Technical Advisory titled *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review* (dated June 19, 2008, available at the OPR website, www.opr.ca.gov). OPR is in the process of updating the CEQA Guidelines, and draft changes to the guidelines are available at their website. This advisory provides guidance to land use agencies in the interim period, until the state CEQA Guidelines are revised. The advisory states on page 4, in the third paragraph, "*Public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact.*" Furthermore, the advisory document indicates in the third bullet item on page 6 that "*in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact', individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice.*"

In light of this guidance from OPR, and also considering that the Program EIR for the General Plan Update establishes a precedent for individual projects tiered from this EIR, APCD staff strongly recommends disclosing potential GHG emissions associated with development under the proposed General Plan Update and the use of all feasible mitigation measures for long-term impacts. At a minimum, the project should include energy-conserving measures and mitigations to reduce emissions of greenhouse gases by:

- Incorporating green building technologies;

- Increasing energy efficiency measures at least 20% beyond those required by California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the California Code of Regulations);
- Encouraging the use of transit, and in more compact urban areas, bicycling and walking;
- Increasing recycling goals (e.g., separate waste and recycling receptacles); and,
- Increasing street landscaping (shade trees decrease energy requirements and also provide carbon storage).

For more information regarding these and other mitigation measures, please refer to the California Air Pollution Control Officers Association (CAPCOA) CEQA & Climate Change document, available at www.sbcapcd.org/apcd/landuse.htm, and to the OPR Technical Advisory referenced above.

7. Transportation Measures to Reduce Air Quality Impacts. The General Plan Update and associated EIR should include measures that promote the use of alternate modes of transportation and focus on reducing vehicle miles traveled, vehicle trips, and peak-hour travel.

We hope you find our comments useful. We look forward to reviewing the Draft EIR. Please contact me at 961-8838 or by e-mail at mmp@sbcapcd.org if you have questions.

Sincerely,



Molly Pearson
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

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■ 260 North San Antonio Road., Suite B ■ Santa Barbara, CA ■ 93110
■ Phone: 805/961-8900 ■ Fax: 805/961-8901 ■ www.sbcag.org

February 12, 2009

Barbara Shelton
City of Santa Barbara Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

**SUBJECT: COMMENTS ON SCOPE FOR PLAN SANTA BARBARA
ENVIRONMENTAL IMPACT REPORT**

The Santa Barbara County Association of Governments (SBCAG) has reviewed the City's Notice of Preparation for the Plan Santa Barbara EIR and has the following comments.

Traffic and Circulation

1. The Plan Santa Barbara Existing Transportation Conditions Report (prepared by AMEC, August 2008) indicates that a number of intersections within the City are exceeding the City's level of service standard. The City's LOS standard is in place to ensure that traffic congestion is minimal on City streets. However, it's important to acknowledge that the standard may hinder other policies the City wishes to implement, such as pedestrian and bicycle-friendly "complete streets" and affordable housing. The EIR needs to acknowledge this, as there are bound to be additional locations for the future forecasts that will exceed the City's LOS threshold.

It may be helpful here to note that SBCAG's Congestion Management Program (CMP) contains a provision for "infill opportunity zones" in order to encourage the development of mixed land uses and a multi-modal transportation network. The provision allows for flexibility within the CMP when it comes to these types of trade-offs between improved traffic flow and maintaining a bicycle and pedestrian-friendly environment (California Government Code Section 65088.4):

"It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed-use commercial developments within walking distance of mass transit facilities,

Member Agencies

Buellton ■ Carpinteria ■ Goleta ■ Guadalupe ■ Lompoc ■ Santa Barbara ■ Santa Maria ■ Solvang ■ Santa Barbara County

downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.”

The City should consider developing a similar program to deal with potential traffic impacts from transit-oriented development projects or other mixed use projects. Within the CMP, one opportunity for future development projects to pursue is the designation of infill opportunity zones. We would encourage the City to review the most recent Congestion Management Program document (November 2003) when evaluating future development projects to determine if any infill opportunity zones can be established in the downtown area. If the City can establish an infill opportunity zone, using the criteria specified in California Government Code Section 65088.1(g), the CMP impact thresholds will not apply to the street network within the infill zone area. The goal here is to provide an incentive for development of mixed land uses with adequate alternative transportation opportunities. The City could develop a similar exemption for its own LOS standards.

Hazards (Public Safety - Airport) section

1. The EIR will need to address the Building Height Ordinance and Restrictions.
2. The EIR will need to provide the latest Airport Safety Zone overlays based on the recently completed Runway Safety Area extension on Runway 7 in order to show its relationship and impacts between the Santa Barbara Municipal Airport and the City of Goleta boundary. Coordination with SBCAG staff is necessary since the new Airport Safety Zones have not been officially adopted in the current ALUP.

Noise Section

1. The GP update needs to address the latest airport noise environment and impacts based on the FAR Part 150 Study. Coordination with SBCAG is necessary since the latest and future noise contours from the FAR 150 Study have not been officially adopted in the current ALUP.

We appreciate the opportunity to comment on the scope and look forward to seeing the EIR. If you have any questions on the traffic and circulation comment, you can contact me at 961-8900 or via e-mail at aorfila@sbcag.org. Questions on the airport comments should be directed to Bill Yim.

Sincerely,

Andrew Orfila
Transportation Planner

Water Commission Comment to
General Plan Update EIR NOP

The City Water Commission has received and reviewed the Plan Santa Barbara-Water Supply Summary dated August 29, 2008, prepared by Water Resources Manager Rebecca Bjork; the comment submitted to the City Council by Commissioner Ruiz entitled General Plan Update-Water Supply dated December 2, 2008; the Water Commission received a report from Community Development staff and Water Resources staff on the General Plan Update EIR at its December 2008 meeting.

The City Charter states in part and in substance that the Water Commission shall act in an advisory capacity to the Council in all matters pertaining to the management and operation of the Water Department and water facilities of the City including development, production, use of water, operation of all dams and water facilities and recommend to the City Council plans, rules and regulations pertaining to the same.

The Water Commission is very interested in the Water Supply section of the General Plan Update EIR and believes it will be a critically important water planning tool for the City at its publication and for the City's future. We hope that the Water Commission will be given the opportunity to be informed on, and have input to the Water Supply section of the document before the Draft EIR is published. At this point we wish to state our comments to the EIR water supply baseline for purposes of the Notice of Preparation.

It will be important to properly assess our anticipated future supply from Gibraltar in light of impacts from the Zaca fire and the initiation of the Pass Through Operations.

When considering long term water supply and land use planning a thorough and conservative assessment of the anticipated future water deliveries from the State Water Project will be important.

It is our position that a water supply from the Desalination Facility should not be considered part of the existing water supply baseline. If additional expenditures are authorized it may become part of the baseline.

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COUNTY OF SANTA BARBARA

Michael F. Brown
County Executive Officer



105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414
www.co.santa-barbara.ca.us

EXECUTIVE OFFICE

February 13, 2009

Barbara Shelton, Environmental Analyst
City of Santa Barbara Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

RECEIVED
FEB 13 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

FAX: 805-897-1904

RE: Notice of Preparation of a Draft EIR-Plan Santa Barbara General Plan Update

Dear Ms. Shelton:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Plan Santa Barbara General Plan Update. At this time, the County is submitting the attached letter, which details comments from the County Agricultural Commissioner's Office. The County commends the City of Santa Barbara in their efforts to update the General Plan and offers additional comments provided below:

EIR Table of Contents and Outline of Alternatives*Environmental Conditions, Impacts, Mitigation*

The Draft Environmental Impact Report should include the evaluation of conditions, impacts and mitigations for land use planning, population and housing, and recreation pursuant to CEQA §15126.2. Given the age of the City of Santa Barbara Land Use Element, adopted in 1964, a thorough and comprehensive analysis of the existing conditions, impacts and mitigations for the above mentioned categories is merited. Recognizing that the NOP lists Growth-Inducing Effects (population, housing, employment, land use) as an additional category for environmental analysis, the County recommends the Draft EIR provide a stand alone analysis for each of these issue areas to determine significant impacts independently as consistent with CEQA Appendix G guidance.

The County has no further comments on this project at this time and looks forward to reviewing the Draft Environmental Impact Report. If you should have further questions, please do not hesitate to contact my office directly, or David Matson, Deputy Director in the Office of Long Range Planning at (805) 568-2068.

Sincerely,


John Baker
Assistant County Executive Officer/
Director of Planning and Development

John Baker
Assistant County Executive Officer
jbaker@co.santa-barbara.ca.us

Terri-Maus-Nisich
Assistant County Executive Officer
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FEB-13-2009 15:07

P.02/05

Subject: Notice of Preparation of a Draft EIR-Plan Santa Barbara General Plan Update

Date: February 13, 2009

Page: 2

cc: Bill Gillette, County Agriculture Commissioner
John McInnes, Director, Office of Long Range Planning
David Matson, Deputy Director, Office of Long Range Planning

Attachments: Agricultural Commissioner's Office letter, January 23, 2009
Department of Pesticide Regulation Memo, May 18, 2007



Agricultural Commissioner's Office
Weights & Measures ■ County of Santa Barbara

William D. Gillette
Commissioner / Director

January 23, 2009

Ms. Barbara Shelton
Environmental Analyst
City of Santa Barbara Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Plan Santa Barbara General Plan Update - Draft Policy Amendments

Dear Ms. Shelton:

Thank you for the opportunity to comment on the Notice of EIR Preparation. The Santa Barbara County Agricultural Commissioner's Office has the following comment regarding proposed Biological Resources Policy ER20 which will establish ordinance provisions to apply integrated pest management requirements to development permits:

While the Agricultural Commissioner's Office strongly supports the use of integrated pest management (IPM), you should be aware that California state law prohibits the City from enacting any ordinance provisions that restrict the use of pesticides (California Food and Agricultural Code Section 11501.1).

I have attached a copy of this code section and further explanation from the Chief Counsel of the California Department of Pesticide Regulation.

If you have any questions please, contact me at the address below.

Sincerely,

William D. Gillette

William D. Gillette
Agricultural Commissioner



Department of Pesticide Regulation

Arnold Schwarzenegger
GovernorMary-Ann Warmerdam
Director

May 18, 2007

EXECUTIVE OFFICE #07-01

TO: County Agricultural Commissioners

SUBJECT: STATE PREEMPTION OF RESTRICTIONS ON PESTICIDE USE IN
LAND USE PERMITS.

The Department of Pesticide Regulation has become aware of several instances where restrictions on pesticide use are being placed in local land use permits. Such restrictions are void and of no force or effect pursuant to Food & Agricultural Code section 11501.1. A copy of the statute is attached.

When this statute was passed, the Legislature clearly articulated its intent that "matters relating to [pesticides] are of statewide concern and are to be administered on a statewide basis, unless specific exceptions are made in state legislation for local administration." (Section 3, Chapter 1386, Statutes of 1984.) The language of the statute itself clearly reflects this intent by declaring that Divisions 6 and 7 of the Food & Agricultural Code "occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation." The statute goes on to provide that "no action by a local governmental agency or department . . . may prohibit or in any way attempt to regulate any matter relating to . . . the use of pesticides."

Please share this memorandum with your local planning agency if appropriate.

Sincerely,

Polly Frenkel
Chief Counsel
(916) 324-2666

Attachment

cc: Ms. Mary-Ann Warmerdam
Mr. Paul H. Gosselin
Mr. Jerry Campbell
Mr. Jim Shattuck



Food & Agricultural Code

11501.1. (a) This division and Division 7 (commencing with Section 12501) are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation. Except as otherwise specifically provided in this code, no ordinance or regulation of local government, including, but not limited to, an action by a local governmental agency or department, a county board of supervisors or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, sale, transportation, or use of pesticides, and any of these ordinances, laws, or regulations are void and of no force or effect.

(b) If the director determines that an ordinance or regulation, on its face or in its application, is preempted by subdivision (a), the director shall notify the promulgating entity that it is preempted by state law. If the entity does not repeal its ordinance or regulation, the director shall maintain an action for declaratory relief to have the ordinance or regulation declared void and of no force or effect, and shall also bring an action to enjoin enforcement of the ordinance or regulation.

(c) Neither this division nor Division 7 (commencing with Section 12501) is a limitation on the authority of a state agency or department to enforce or administer any law that the agency or department is authorized or required to enforce or administer.

(d) At the request of any state agency disseminating information on the pesticidal uses of any product, the director shall consult with, and provide technical assistance to, that agency to ensure that the dissemination is based on valid scientific information and consistent with state law.

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Plan Santa Barbara
Environmental Impact Report
Scoping Comments

ORGANIZATIONS

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Plan Santa Barbara EIR NOP/ Public Scoping Comment

Friday 1/16/2009 7:19 AM

From: Judy Orias [REDACTED]

To: 'Barbara Shelton'

Subject: Additional Information that should be in EIR

Hi, I suddenly realized that along with the concerns of Allied there was a letter from Hidden Valley Residence Assoc. that requested the secondary unit overlay not be applied to the area of Hidden Valley. I am forwarding you this letter which states the concerns about the proposal. Please add this to the issues that will be covered in the EIR

for the proposed general plan. Thank you Judy Orias

Attachment: Letter to Council from Hidden Valley Residence Association

Mayor and City Council

City Hall

De la Guerra Plaza

Santa Barbara, Calif. 93101

Nov. 21 2008

Re: Hidden Valley area .City of Santa Barbara General Plan Update 2030: Conditions, Trends and Issues Map #2 High Fire Area Map

Map #2 Potential Secondary Dwelling Unit Locations indicated Second units allowed.

Dear Mayor Blum and members of the City Council;

The board of the Hidden Valley Neighborhood Resident Association met and discussed the above cited map. We noted that second units will be allowed in our area as indicated by the map. We request that the Hidden Valley area be removed from this designation for the following reasons:

Our area of single family residents is zoned E3 which is lots of 7,500 sq ft. and the smallest size lots allowed in the single family zones in the city. This size would result in secondary units requiring modifications and would impact adjacent neighbors.

We understand that the city cannot regulate the number of people living in a unit. Cannot tell a person or persons where they will work, that they cannot own a car or even multiple cars. All these factors hat a potential to affect neighborhoods in a negative manner.

Our area has two large retirement homes Vista del Monte located on Modoc Rd. and Valle Verde located deep in the valley on Calle de los Amigos. Both of these homes have hospital units. Our area also has duplexes, garden apartments all of them are zoned at a higher density than the single family homes.

All this development currently exits onto Modoc Rd which is tied to two freeway interchanges of La Cumbre and Las Positas both of them are operating at level D and below city standards. The every day traffic on Modoc Rd make exiting from our area difficult and when there is congestion on the freeway we are at gridlock. This was brought home as a reality during the Painted Cave Fire, the recent accident on the freeway and the incident on La Cumbre bridge.

Currently proposed projects which also impact our ability to exit this area is Eilings Park expansion, Mark Lee on La Positas, Hillside House, Valle Verde, the school property and the church at the top of Veronica Springs.

While the current map General Plan Update Framework, Draft Policy Preferences cited in this letter does not show the single family area in the high fire area, the hills behind Valle Verde are shown in the high fire zone. The high fire map in the document General Plan Update does indicate that the Arroyo Burro Creek which separated Hidden Valley homes from Valle Verde is in the Coastal Zone moderate for fire. We all saw the problems of evacuation during the Painted Cave Fire which burned the hills behind Valle Verde and many residents could not exit but sat in the parking lot of a local church waiting. This fire was expected to burn across Las Positas Rd, into Bell Air Knolls, the Mesa and to the ocean. It was a change in the wind that saved this area.

Our area is also subject to earthquakes with several faults in the area of Campanil Hills, and Veronica Springs. Our area is also in the flood plain of Arroyo Burro Creek.

Given proposed developments, the large senior population the fact that we can exit from here only on Modoc Rd. the board is in agreement that our area is dense enough and the potential for secondary units should be removed from our area. In the interest of the residents of our area their safety and quality of life the board requests that the council removed the designation. Thank you



**CITIZENS PLANNING ASSOCIATION OF SANTA BARBARA
COUNTY, INC.**

916 Anacapa Street, Santa Barbara, CA 93101

phone (805) 966-3979 • toll free (877) 966-3979 • fax (805) 966-3970

www.citizensplanning.org • info@citizensplanning.org

DATE: January 25, 2009

TO: Barbara Shelton and Planning Commissioners

FROM: General Plan Update Committee, Citizens Planning Association

Re: Comments for the EIR scoping hearing of January 29, 2009

Our 12-12-08 memo to City Council, reproduced on YouPlanSB.org as pp. 87-90 of "Public Correspondence for 12-11 and 12-18-08 City Council Meeting," addressed three sets of issues with bearing on Plan Santa Barbara's environmental impact:

1. Residential and Nonresidential Growth
2. Environmental Sustainability and Public Health
3. Historical and Esthetic Resources and Their Impact on Economic Sustainability

In the present memo we urge that the proposed EIR's scope of analysis include the following specific concerns:

1. Actual population size affecting natural and infrastructural resources
 2. Benchmarks for adaptive management goals
 3. Demolitions in an almost built-out city
 4. Some risks of incentivizing secondary units
 5. Some risks of incentivizing increased density near heavy traffic
 6. Cumulative impacts of regional traffic and air pollution
 7. Preservation and protection of historical and archeological resources
-
1. According to the "Conditions, Trends, and Issues" report of August 2005, p. 152 of 350, Santa Barbara's daily influx of nonresident population oscillates between 40,000 and 100,000 people. These numbers indicate that our "daytime population" (local residents plus commuters and tourists) is much larger than the 90,000 plus people who are acknowledged to live in the city. Furthermore, many tourists, numerous commuters, and quite a few homeless people spend even the nights in local hotels, rented rooms, temporary shelters, parked vehicles, or in streets and parks. All this should be taken into account when Chapters 14 and 15 of the EIR analyze the existing conditions and various growth scenarios in terms of public facilities (water supply, waste water, solid waste disposal, utilities) and public services (police, fire protection, parks, etc). Likewise, the actual size of the population should be addressed by Chapters 11 and 16 in their

respective analyses of water resources and of road capacity for routine transportation and emergency evacuations.

2. Environmentally sound bench marks should be established for the "adaptive management" of the nonresidential and residential growth scenarios so that the annually permissible size and number of new developments can be conditioned according to the progress made or not made toward such goals as improved jobs/housing balance and enhanced social equity. Particularly important is the monitoring of the respective proportions of recently completed or proposed dwelling units affordable to our very low, low, moderate, and middle income workforce and to other city residents with special needs. The bench marks should reflect the need to clarify how the implementation of Plan Santa Barbara policies, which are said to underlie the Extended Range Alternative (3.2 million square feet of nonresidential growth and 8,600 dwelling units by 2050), will be prevented from exceeding the Project's stated limits of 2.2 million SF and 3,200 DU within the time horizon up to 2030.
3. Since Santa Barbara is largely built out, most construction projects target "underutilized" parcels and begin with partial or complete demolition. The environmental impact of various growth scenarios should be analyzed with such factors in mind as the solid waste, the traffic congestion, and the air and noise pollution generated by demolition activities as distinct from the activities of new construction. The potential adverse impact of some demolitions on neighborhood character and historical/archaeological resources (see Chapters 10 and 13 of the EIR table of contents) should also be considered.
4. The EIR should weigh any possible environmental benefits of incentivizing secondary dwelling units in single-family neighborhoods against the possible environmental disadvantages of implementing H 14 of the Draft Policy Preferences, p. 55. In particular, the EIR should address (a) the likely proliferation of market-rate rentals if affordability and the tenant's meeting of eligibility criteria are no longer required; (b) the likely increase in per-unit water, gas, and electricity consumption if the requirement is dropped that each unit have its separate meters; and (c) the impact on the historically established character of neighborhoods if the current onsite parking and attached unit requirements were eliminated.
5. The EIR should weigh any possible environmental benefits of increasing the allowable density in the Mobility Oriented Development Area against the possible environmental disadvantages of such a change to the Municipal Code. Two examples: The residents of dense housing near increased slow and stop-and-go traffic would be exposed to the scientifically demonstrated harmful effects of increased air pollution, and the same applies to pedestrians and cyclists who regularly traverse the impacted areas.¹ Mitigating measures such as generously landscaped sizable setbacks and other open

spaces should be required in locations where densification is proposed yet site-specific air quality measurements indicate potential danger to public health.

6. The EIR should evaluate the traffic and air quality impacts of the city's own growth in the CUMULATIVE context of predictable growth in relevant areas outside the city. Some examples: (a) Our highways and surface streets would become more impacted by increased population density not only within the city but also on the South Coast and even in such more distant locations as Ventura and Santa Maria. This is the price we pay for Santa Barbara's attractiveness as a place replete with jobs, stores, shops, health care facilities, governmental offices, and cultural events. (b) Highway 101 serves through-traffic between southern and northern California. So any increase in the state's population would increase the number of vehicles passing through and motivating local drivers to use surface streets in greater numbers. (c) Aviation and especially ocean shipping are predicted to increase in the coming decades and will make the air especially unhealthy to breathe in and near our ever more congested surface streets. Such near-certain impacts need to be carefully weighed by the EIR against any possible future improvements in emission controls, the city's jobs/housing balance, and alternative transportation.
7. Santa Barbara is special among our nation's communities. As the latest of many such recognitions, the National Trust for Historic Preservation recently named us as one of America's Dozen Distinctive Destinations. Santa Barbara's history is integral to the city's identity, cultural activities, economic health, and physical appearance. Therefore, Chapter 10 of the EIR should stress (a) the desirability of continued historic preservation and (b) the need to expand the policy framework currently proposed for the preservation and protection of our heritage. Other pertinent chapters should also address any and all likely impacts on our historical and archaeological resources.

We thank you in advance for your consideration.

¹ See, for instance, Howard Frumkin, Lawrence Frank, and Richard Jackson, *Urban Sprawl and Public Health: Designing, Planning, and Building for Healthy Communities* (Washington D.C.: Island Press, 2004), pp. 76 -77, and J.E.Sharman et al, "Cardiovascular Implications of Exposure to Traffic Air Pollution during Exercise," *Q J Med* (2004) 97: 637-643. Further documentation is provided at <www.citizensplanning.org> under Issues and Events ("CPA's Proposed Updates for the City of SB's Conservation Element's Air Quality Chapter" and "Attached Abstracts").

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**League of Women Voters of Santa Barbara
328 E. Carrillo Street, Suite A
Santa Barbara, CA 93101**

January 28, 2009
City of Santa Barbara Planning Commission

RE: Plan Santa Barbara EIR Scoping Comments

Living Within Our Resources

The EIR should include the information on the current amount of resources, such as water, sewage disposal etc. that are used (the baseline). This needs to include the amount of resources used by hotels and other facilities used by overnight visitors and some estimated amount attributed to "day-trippers." In addition, some estimate of the amount of resources used by those who commute to Santa Barbara for work, educational opportunities, medical offices and hospitals needs to be included in the current baseline.

The document needs to contain the baseline of current supply of resources and foreseeable changes to supply, such as, state water availability, and predictable unforeseen events, such as wild-land fires, that will reduce supplies.

The Policy Preferences document makes reference to the idea that the supply of some resources can be increased by technology, conservation etc. The EIR should contain information on what methods and strategies are available for how resources can be "expanded" now, in the near term, the mid-term and the future. Also, what other resources that may be negatively impacted by these methods and strategies, such as energy use by de-sal, and the cost and funding sources for these methods and strategies.

Adaptive Management

The League supports this strategy, but as with everything the devil is in the details. The EIR must contain the goals the city is trying to achieve and indicators that will be related to implementation strategies, as well as bench marks and criteria to determine success or failure, time periods, and strategies that will be used to change course if needed.

Density along Transit Corridors

The goal of this underlying objective is to get people out of their cars and to use alternative transportation. However the success or failure of this strategy is dependant on a number of factors. Before other measures are implemented that are based on this assumption, a number of factors need to be studied and further implementation measures may be needed.

The EIR needs to be specific in analyzing factors that reflect the unique qualities of Santa Barbara. Some examples of what should be included are as follows. If the condos built on transit lines are luxury condos, are the residents, who may not work here, more or less likely to take public transit, and how will their service workers and visitors get there? Will the residents shop downtown or go to other areas that are equally close, such as the Camino Real Market Place, where parking is free? What is the effect of cost of goods if they are more expensive downtown than in other areas? Is public transit use as high in areas where there is more suburban than urban density? What does the market indicate for condos that have less than the required parking? The effect of these factors and others like them need to be analyzed in order to provide the information as to whether or not people will get out of their cars and use public transit in Santa Barbara. The EIR should include what will happen if this goal does not work and what it anything can be done about this.

A major concern we have as to the success or failure of this goal is that fixed transportation routes are not necessarily compatible with people's needs or desires. Alternatives such as vans, shared taxi use etc need to be studied and their implementation discussed.

The EIR needs to be clear on what changes need to take place before parking requirements are reduced, and what impacts there will be to neighborhoods as a result of this reduction. We are concerned that the policies fail to take into consideration future methods of personal transit. The EIR needs to discuss how Santa Barbara will make accommodation for electric cars and other future modes of transportation.

Our main concern that needs to be covered in the EIR is that if the underlying goals fail what will be the consequences and just how will these impacts be mitigated.

Affordable Housing

The League has long been concerned about affordable housing and by this we mean housing that meets the HUD standards. The provision of this type of housing has long been a goal of the city and with the end of the Redevelopment Agency we do not see how this need will be met. We are concerned that policies while the Policy Preferences give lip service or imply there will be more affordable housing, the implementation strategies are not there. There needs to be examples that increased density in a given development in a given area will provide this type of housing or that the private sector will build it absent large subsidies. Unfortunately this need may be met only by illegal secondary units.

Secondary Units

The three categories of the policies dealing with secondary units needs to be clarified:

1. Those in high fire danger areas.
2. Those in areas throughout the city where secondary units are allowed.
3. Those in the MODA's where secondary units are to be encouraged.

The Policy Preferences discuss expanding and encouraging the number of secondary units. This is to be done by changing the standards. We believe the EIR should include tables and analysis of the results and impacts of both increasing the number of secondary units in given areas and changing or doing away with individual standards. For example, doing away with the affordability standard may increase the rents of secondary units thus reducing the potential for cheap affordable housing. Increasing the number of units in areas where there is not good public transit may lead to parking problems and increase congestion. Doing away with the separate water meters may mean an increase in the amount of water used and that has the potential to hurt conservation goals.

We also believe that there must be some way of estimating the number of existing illegal secondary units in the City, so that there can be a realistic idea of how many people and units the City has in a given area before it embarks on a blanket program of encouraging more secondary units. We want the EIR to look at this neighborhood by neighborhood, in order to evaluate where secondary units may be appropriate and those where they are not. For example, Hidden Valley has a number of retirement homes and access and egress are limited, so this may not be an area where more secondary units are appropriate.

We will be turning in more detailed written comments.

Sincerely,

Cathie McCammon, League Land Use Consultant

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From: Tony Vassallo [mailto: CONFIDENTIAL]

Sent: Wednesday, February 11, 2009 12:44 PM

To: Shelton, Barbara

Cc: Victor Plana; Steve Johnson; RICHARD PENNOCK; Cruz_Carpenter, Lorraine M.; Cristine Collier; Christina Pizarro; Carl Hightower; Brian Fahnestock

Subject: Citizen Comments For Scoping the EIR on the General Plan

Barbara,

Thank you for both email and phone call regarding the EIR public comment deadline for the General Plan.

Due to computer problems could you please confirm receipt of this email?

The copy list includes a partial list of those in or concerned with our neighborhood and from which I have received opinions regarding our neighborhood needs.

We wish you the best in your difficult task of incorporating so many questions and concerns from the public in the EIR process.

Tony Vassallo
805 965-7729

BARBARA SHELTON, Project Planner
SANTA BARBARA CITY PLANNING DEPARTMENT
Citizen Public Comment – Scope of Analysis for Environmental Impact Report on the
Draft Plan for the Santa Barbara General Plan Update.

Date Feb. 5, 2009

Specific Neighborhood Plan Needed Now

The following comments focus on the Downtown Lower West Side Neighborhood, generally from both sides of Ortega St South to the 101 Freeway and State Street West to the 101 Freeway. This area includes Public Agencies like the DMV, many social service non-profit agencies, new Chapala mixed-use projects, part of the El Pueblo Viejo Design District, the Brinkerhoff Architectural Landmark District, existing Housing Authority Projects as well as the large site for another Housing Authority Project, many other older residential housing and newer commercial buildings. The Santa Barbara Athletic Club and office complex is in this neighborhood.

Our area needs a bottoms-up Specific Neighborhood Plan where proactive property owners and residents, desiring a safer and calmer place to live, lead in the development of the plan. This plan should be of the type that is allowed under the Specific Neighborhood Plan provisions of State Law governing the General Plan Process. The Neighborhood Plan, when completed, could be adopted by the City Council, and made part of the approved Comprehensive General Plan. Our neighborhood needs a clearly written definition of itself in order to address the many positive influences as well as to correct detrimental aspects.

This bottom-up plan could fit quite effectively in the General Plan goal process because the top-down planning process has already identified the need for developing sustainable neighborhood plans or SNP's involving the active participation of plan development by affected neighborhood stake holders.

The main problem is that the SNP's (as they are called by the planners) are not scheduled to begin until Phase IV of the General Plan Planning Process which is years away. Our neighborhood urgently needs a plan *now*.

In light of this need, many proactive residents have taken action to improve our neighborhood but, with so many issues and new ones popping up all the time, these matters are just too many and coming too fast, so should be viewed in a larger context.

Our neighborhood needs a more immediate plan and grass roots residents must do the leading and not the following. Efforts by the City are well intentioned but staff is spread thin, making efforts fragmented and only partially successful in dealing with the full range of issues facing our neighborhood. We must try a new way to create neighborhood identity and it must be from the neighborhood level in order to best succeed.

We desire a stable, well functioning neighborhood and we need a multitude of personal connections with property owners, businesses and residents who communicate effectively and care enough to continuously contribute in a positive way any way they can. We need that picture of stability to be known by all, made an operating part of the General Plan and supported by the City with personnel and funding as needed. In short, we want stability and safety within our neighborhood, a downtown walk-able neighborhood which is the City's much talked about ideal. We at the neighborhood level are working to achieve this and acknowledge that present issues demand our rise to the occasion.

Housing Authority Site at 512 Bath St.

We intend to take an active role throughout the development process of the Housing Authority Site located at 512 Bath Street and being designed by the Peikert Group Architects. The Housing Authority has five projects in our neighborhood and offered to help us with our neighborhood issues and such help could provide the basis for initial dialogue and a basis of trust.

As Citizens we are understandably gun-shy because of missteps which occurred regarding the City's handling of neighborhood impacts associated with several multi-use buildings constructed, especially along Chapala. I don't believe our neighborhood opposes new buildings that fit within the fabric of our neighborhood context. We do need to fit within a neighborhood plan the answer to the question as to what the New Urbanism Experiment means in terms of future impacts on our downtown neighborhood? A Specific Neighborhood Plan can answer this question.

Safety, balance and stability are cornerstones of the plan we envision. We think the top down vision is too general because we all know the devil is in the details. And it's the details we feel we need to flesh out in a Specific Neighborhood Plan before any other major projects are approved without neighborhood consensus.

We have residents who have stepped up, willing to devote time to form a review group to follow the Housing Authority Project and provide rational input from other property owners and residents. We believe we can obtain relevant input on a block by block basis.

The Housing Authority Site is sizable and has the potential to make a large and positive or large and negative impact on the neighborhood. Presently four projects and one large project site is clustered in our neighborhood within a three block area. This excludes the large 62 unit project at 315 Carrillo St. just two blocks further. There is an issue here of clustering and it needs to be addressed as many in the neighborhood thought City policy with HA projects was to spread them throughout the community and not cluster them in one area?

Police Safety Element of the General Plan Needed

The Police Department needs to formulate and implement both proactive measures and reactive measures that succeed in making our neighborhood safer because safety is the neighborhoods number one issue. We need safe walk able streets day and night; safe walk able streets for downtown workers walking to their cars or homes after dark; safe walk able streets for our students who walk to City College; safe walk able streets for the elderly; safe walk able streets for tourists and residents alike to walk to the beach without being harassed by a growing transient population, often the source of police issues.

A small but relevant neighborhood survey registers "safety" as the number one concern by young and old in our neighborhood. Residents don't feel safe to walk at night in this neighborhood and that means the neighborhood is not working properly. It is the overriding problem that must be addressed in a plan. Some of your Housing Authority Staff, Planning Staff and Police, Fire and Public Works are schooled in defensible space planning techniques for neighborhoods. We need expertise from all these departments to help design mitigation measures that will work to insure our neighborhood lives up to the ideal desired of a safe, calm and secure downtown neighborhood. With Santa Barbara's architectural history, beautification standards, and its natural beauty of mountain and ocean views as well as great weather--the envy of the whole country--the failure to create a Specific Plan for our Downtown neighborhood would be a serious planning flaw.

So, what would be helpful would be the services of a City Planner from the Planning Department, experienced with designing of neighborhood plans from grass roots level up. The goal must be a plan that will serve the neighborhood well into the future: one which produces continuously positive results and measures to eradicate detrimental impacts.

Commercial uses on Chapala and State Street could be more carefully reassessed so that the commercial culture could be better aligned to balance downtown commercial needs and tourist needs, but also the neighborhood needs for peace and safety. A start in this direction has occurred via the City Council's action curbing some bar activity, new liquor stores and dancing permits in lower State St, due to threat of proliferation.

At the small neighborhood level only residents and property owners across the ethnic, economic and age spectrum with decent values can make a difference to improve our neighborhood. Ivory tower planning in a vacuum won't help much. That's why some are rising to the challenge *now*. Property owner and resident connectivity is an emerging element and a continuing goal of our neighborhood. It was born out of safety concerns. We have no more room in our neighborhood for those bent on harassment, property damage and other petty or serious crimes. Police tire of the constant calls to our neighborhood. They care, but cannot push on a string. More comprehensive measures are needed. A Specific Neighborhood Plan can be helpful in this regard.

We need to create effective implementation measures to reduce the impacts associated with crime in our neighborhood. In fact, in addition to the Specific Neighborhood Plan the city needs an overall Police Safety Element in the General Plan; such a safety element is vital but missing. If downtown is ever to achieve the ivory tower goal of successfully achieving safe and functional adjacent urban neighborhoods, we feel it is our neighborhood that should lead and become a pilot project now to develop a plan towards that desirable end. With the expertise in this community we can make it work.

Street Lighting Plan Needed

A resident team on Brinkerhoff is working with the City's Public Works Dept. to develop an historic street lighting plan for Brinkerhoff Avenue. Residents from other parts of our neighborhood are seeking to get street lighting as well to improve neighborhood security. Another component of a Specific and Sustainable Neighborhood Plan for our area could include the Public Works Dept. developing a coherent street lighting plan as one component of the SNP. Actually, our understanding is that the Public Works Department is going to request this on Feb 12, 2009 funds from the Community Block Grant to pay for lower west side neighborhood street lighting.

Self Policing Neighborhood Landlord Coalition Needed

Our neighborhood needs self policing as well as public policing. We need a landlord coalition that buys into a well structured neighborhood plan that avoids overcrowding and encourages landlords to properly maintain their rental properties and use professional property management for tenant selection to insure the safety of all our residents.

A proposed ideal for our neighborhood is that it be a community containing well managed and well maintained rental and ownership properties primarily for owners and residents who are employed and work downtown as well as be a neighborhood that houses foreign and local city college students, working artists and retired elders and families with children, a neighborhood where we may synergistically live in peace and harmony and enjoy the best of what downtown and the beach lifestyle offers.

We are taking initial steps now to form a neighborhood landlord network to dialogue with other landlords, encourage property maintenance and to request that ethical tenant selection is conducted properly and professionally, to reduce the chance of new residents becoming a serious neighborhood and City Police problem. Nobody wants more drug dealers in our neighborhood and nobody wants our neighborhood given over to street gangs and drug turf wars, except those up to no good.

Medical Cannabis Dispensaries

Many of our Neighborhood State and Chapala Street businesses, commercial and residential landlords, homeowners and tenants are supporting petitions circulating now in favor of **removing Downtown, below Canon Perdido** from the area of downtown allowing Medical Cannabis dispensaries. City Council has recently been alerted to this action.

Due to the safety issues present in the area, the lower downtown area no longer meets the City's criteria for the location of such a use and the application for such a dispensary close to our downtown neighborhood residences will have an extremely destabilizing effect. We are hopeful that the City Council will act soon to support us in our request and approve this neighborhood stabilization measure.

The downtown area west and east of State Street is adequately served with dispensaries. City maps show their locations. We do not desire more of them and proliferation requests from dealers as far away as Chicago are making requests from commercial building owners for vacant building space. Thus far our neighborhood commercial building owners have said absolutely no to three known requests for Cannabis Dispensaries within a one block area of State and Gutierrez, only one of which the Planning Department is aware of.

Farmers Market - A Community Amenity

I will say that one terrific amenity, only a short walk from our neighborhood, is the Tuesday Farmer's Market on State Street. This is an event I believe enjoyed by all.

Farmers Market success however raises an important neighborhood planning question. If this wonderful event is so well attended why doesn't this part of town have a large grocery market? A good ethnic Hispanic market exists on the south side of the 101 on Montecito St. outside our neighborhood but no market exists on the west side below Carrillo Blvd to serve a walk able neighborhood.

Most neighborhood markets in the lower west side are not neighborhood markets. They are primarily stores that make the lion's share of their profits from selling alcohol, very often to unfortunate street alcoholics. The food these markets sell is of dubious nutritional value.

In response, some residents in our neighborhood have shown interest in sustainable gardening of fruit and vegetable growing for neighborhood food sharing. These are the kinds of solutions that stem from bottom-up needs and from residents connecting with other residents. The Housing Authority said they would assist in neighborhood efforts to help identify sites for neighborhood gardens. A sustainable garden plan needs to be a part of our SNP to serve our neighborhood.

Closer review of Alcohol Licenses

We need a Specific Neighborhood Plan to address the needs and preferences for food purchases in our lower west side neighborhood, minus the detrimental impacts associated with the sale of alcohol to alcohol substance abusers. This, especially in view of the fact that some so called neighborhood markets are within a stone's throw of sober men's facilities housing this "special needs" population, many of which are trying their best to avoid contact with alcohol and drugs.

General Plan needs to inventory its Architectural and Historic Resources

We need an inventory done within the city of Historic and Architectural Resources. This inventory could be started by making it a component of a Sustainable Neighborhood Plan if the city will declare our neighborhood the pilot project for an SNP project. Numerous structures of merit exist in the west downtown neighborhood outside of those documented within the Brinkerhoff Historic Landmark District.

Traffic and Parking Component of SNP needed for the West Downtown Area.

Many of our residents complain of fast traffic through our neighborhood streets. Traffic flows must support our downtown business but be accomplished so as to be non-threatening to neighborhood pedestrians. Even bicycles and skateboards can be a threat to pedestrians if not handled properly. The SNP needs to address this issue and changes proposed by Public works traffic division that might impact our neighborhood positively or negatively. Impacts from adjacent major traffic generators must be assessed e.g. train station, bus terminal, Paseo Nuevo to note a few.

Block Grant Funding could help to Complete and Implement the SNP sooner.

On February 12, 2009 the Public Works Department will request Community Block Grant funds to improve the West Downtown Area with much needed street lighting. This request fits in perfectly with the need to appropriate city resources for an SNP. Residents have already started in its quest to make our neighborhood better. What is needed is coordinated help and expertise from the City to start the SNP now.

Request to Make Our Neighborhood a SNP Area Now

A Specific and Sustainable Neighborhood Plan SNP is needed now in our neighborhood so we are asking the City to formally declare our neighborhood a SNP Area and undertake the work in conjunction with our neighborhood stake holders to complete the plan as soon as possible.

Waiting for Phase Four of the Plan Santa Barbara Planning Process is not an option for our neighborhood. We need action taken now in order to produce a plan that can lead to the stabilization of our neighborhood.

I trust that the City Council would welcome the opportunity to work with our diverse neighborhood in developing a neighborhood plan aimed at creating a better neighborhood for all of us

Respectfully Submitted,

Tony and Caroline Vassallo
Santa Barbara Looking Good Street Captains for Brinkerhoff Avenue
Telephone 805 965-7729

From: Paul Hernadi [mailto:CONFIDENTIAL]
Sent: Friday, February 06, 2009 3:22 PM
To: Shelton, Barbara
Cc: Dayton, Rob; Naomi Kovacs
Subject: Plan Santa Barbara EIR scoping comments by CPA's Comp Planning Committee

Dear Barbara:

Please find attached the scoping comments by CPA's Comprehensive Planning Committee. I am cc-ing Naomi Kovacs, as well as Rob Dayton who is mentioned in endnote 1. A different set of comments will be submitted by CPA's General Plan Update Committee, which is chaired by Mary Louise Days.

Please acknowledge the receipt of these comments and let me know if you have any questions about them.

Cordially,

Paul

Paul Hernadi, Chair
CPA Comprehensive Planning Committee



CITIZENS PLANNING ASSOCIATION OF SANTA BARBARA COUNTY, INC.
916 Anacapa Street, Santa Barbara, CA 93101
phone (805) 966-3979 • toll free (877) 966-3979 • fax (805) 966-3970
www.citizensplanning.org • info@citizensplanning.org

6 February 2009

Barbara Shelton, Project Planner & Environmental Analyst
Community Development Dept.
630 Garden Street
Santa Barbara, CA

Sent via email to: BShelton@santabarbaraca.gov

Re: Plan Santa Barbara EIR Scoping – Transportation Modeling

Dear Ms. Shelton,

I am writing on behalf of the Citizens Planning Association's (CPA) Comprehensive Planning Committee. It is our understanding that the results of the Transportation Modeling Project, about which we have expressed various concerns since August 2008,¹ will be integrated into the Plan Santa Barbara Draft EIR. Hence we recapitulate three such concerns below and urge that they be addressed in the Draft EIR, especially (but not only) if it incorporates specific data or conclusions from the Transportation Modeling Project.

1. The review of existing conditions and the analyses of various growth scenarios should include quantifiable data about mid-block traffic congestion in all commercial and transit corridors targeted for major new developments.²
2. It should be clearly stated which methodologies were chosen for counting average daily trips (ADT) and for assigning level of service (LOS) grades. The reasons why the chosen methodologies were given preference by the EIR should also be stated, especially when conflicting data have been gathered and reported by two or more consultants about the same street or intersection.³
3. The EIR consultant, as well as the Modeling Project consultant whose website claims adherence to "Smart Growth" principles, should be asked to provide a *balanced* summary and bibliography of pertinent research. The EIR's approach and conclusions should take into account a range of pertinent studies including some that document the health risks involved with locating dense residential buildings near the heavy stop-and-go traffic of commercial and transit corridors.⁴

We trust that the DEIR being prepared under your leadership will be responsive to the above comments.

Sincerely,

Paul Hernadi, Chair
CPA Comprehensive Planning Committee

End notes

¹ See our letter dated August 26, 2008, to the Planning Commission and to the Transportation and Circulation Committee, as well as the subsequent pertinent correspondence with Rob Dayton and other city officials, mostly cc'd to you.

² Average Daily Trips counts and Level of Service grades based on intersection turning movement counts fail to reflect the actual mid-block congestion in the heavily traveled commercial streets of the proposed Mobility Oriented Development Area because they ignore:

- the number and purpose of curb cuts between intersections;
- the distance between intersections and major curb cuts;
- the distance between intersections and bus stops;
- the important distinctions among different types of motor vehicles (cars, SUV's, trucks, buses, 18-wheelers); and
- the number of wheelchairs, bicycles, and pedestrians crossing at a particular intersection.

We urge, therefore, that the data collected about average daily trips and about vehicular traffic at intersections be correlated with the typical length of time it takes vehicles to travel from one intersection to the next at various times of day and on different days of the week, with particular attention paid to Fridays and the peak shopping weeks of the year between mid-November and early January. In addition, the length of time pedestrians and bikers are typically made to wait before crossing particular intersections should also be considered as a measure of traffic congestion. Furthermore, the figures about pedestrian-involved accidents reported to police (428 between 1998 and 2002) should be updated with data covering the last 5 or 6 years.

³ The Transportation Modeling consultant's recent "Transportation Existing Conditions Report" (TECR) does acknowledge the significance of the Upper State Street Study (March 2007) but seems to ignore, or dismiss without argument, some essential data compiled for that study in the "Upper State Street Traffic, Circulation, and Parking Study" (TCPS) of February 2007, prepared by another consultant. For example, p. 8 of the 2007 TCPS listed 32,000 as the daily motor vehicle traffic volume just east of Las Positas Road; it also stated that the Average Daily Trips (ADT) on "State Street west of Las Positas Road generally range from 24,400 to 30,800 vehicles per day." By contrast, the highest State Street traffic volume identified on Figure 3-5 (after p.16) of the 2008 TECR is 21,160 vehicles per day, and no figures are listed on the map or in any other part of the report for the corridor's most heavily traveled segment between Highway 101 and De la Vina Street.

Similar discrepancies can be found in the evaluation of several pertinent intersections. The 2007 TCPS (p. 24) assigned the grade C to the existing P.M. peak hour Level of Service at the State/La Cumbre, State/Hope, and State/Hitchcock intersections. By contrast, the 2008 TECR (p.16) lists the P.M. peak hour Level of Service at the three respective intersections as D, B, and B. As for other times of the day, the two reports supply us with apples and oranges: Focusing on the A.M. peak hour, the 2008 TECR (p. 16) assigns A grades to all three intersections while the 2007 TCPC (p. 24) evaluated the midday peak hour traffic (which is much more relevant for a commercial corridor) as B, C, and B, respectively.

⁴ For example, the EIR should expressly recognize that "slow-moving vehicles and vehicles in stop-and-go conditions generate substantially higher emissions per vehicle-mile than do vehicles traveling at cruising speeds of 50 to 70 mph." (See p. 8 of *Predicting Air Quality Effects of Traffic-Flow Improvements: Final Report and User's Guide*, published by the National Cooperative Highway Research Program in 2006 as *Nchrp Report 535*.) Furthermore, the siting of residential buildings near heavy stop-and-go traffic should not be advocated on the unproven assumption that increasing urban density would decrease local traffic and air pollution. Even some strong opponents of sprawl recognize that "on a very localized scale -- alongside a street in a particular neighborhood -- greater traffic density could increase exposure to pollutants, especially [...] particulate matter and air toxics. [...] One study [...] found that people who live near busy streets (defined as carrying more than 10,000 vehicles per day) were exposed to two-to-threefold higher levels of 'black smoke' (a measure of particulate matter), NO_x, and carbon monoxide, compared to people who lived near a less busy street." *Urban Sprawl and Public Health* by Howard Frumkin, Lawrence Frank, and Richard Jackson, pp.76-77). Much additional information and documentation can be found at www.citizensplanning.org under Issues and Events ("CPA's Proposed Updates for the City of SB's Conservation Element's Air Quality Chapter" and "Attached Abstracts").

From: Joe Rution [mailto: CONFIDENTIAL]
Sent: Sunday, February 08, 2009 10:13 AM
To: Shelton, Barbara
Cc: Ledbetter, John; Weiss, Bettie
Subject: Plan Santa Barbara EIR Scoping

Dear Barbara:

Could you submit the following (copied below and attached) request for inclusion within the Plan Santa Barbara EIR.

Thanks!

Joe Rution

REZONING OF "STABILIZED" OLDER NEIGHBORHOODS

This is a request for inclusion of the following item within the "Plan Santa Barbara" EIR.

We in the older, multi-family zoned neighborhoods have urged the inclusion of rezoning possibilities for certain of these older neighborhoods (or portions thereof) in the General Plan revision.

We characterize the particular neighborhoods for which consideration of rezoning is requested as "stabilized" older downtown neighborhoods.

A number of these old neighborhoods, which consist primarily of single-family structures, are currently zoned for multi-family units (R-2 and R-3). This zoning was recommended in the original 1964 General Plan, as the result of projections and predictions in that document of more intense patterns of development for these neighborhoods. That development, however, never materialized, and the neighborhoods have remained as they were: primarily single family, small, modest houses. They "stabilized".

In order to preserve these older houses and their comparatively modest sale prices (they generally sell at below-median prices, even though the multi-family zoning drives up their price to reflect "development potential"), we have urged revision of the zoning to reflect the actual character of these neighborhoods. (An alternative approach is the extension of the Neighborhood Protection Ordinance -NPO - to such neighborhoods.)

That rezoning would certainly trigger a call for environmental review. Thus we ask that consideration of it be included in the Plan Santa Barbara EIR, lest it be precluded from consideration in the revised General Plan on the basis of not having been considered in that EIR. (We plan to continue urging specific inclusion of the matter in the final Plan revision.)

These rezoning possibilities are potential subjects of inclusion in the final General Plan revision pursuant to the following proposals in the Policy Preferences Report (the "project"): CH11 (Multi Family Residential Design Guidelines and Standards), LG15 (Sustainable Neighborhood Plans), H4 (Unit Size and Density Standards), H15 (Preserve Existing Affordable Housing), and Objective CH1 (retention of distinctive character of neighborhoods).

Our rationale for this approach, from a sustainability standpoint that reflects priorities in the Policy Preferences Report, is to protect old neighborhoods from the negative aspects of "gentrification": the demolition of modest old single family houses and their replacement by multiple units in the form of more expensive condominiums. This contravenes City housing priorities by removing less expensive housing from the city's inventory, and replaces it with multiple high-end units. (We refer to it as "the Balboa Island Effect".) This exacerbates our jobs/housing imbalance because the new occupants (of the increased number of new, more expensive units) generate more "workforce" in the city, who then either compete for local housing or commute. It adds new population, to no apparent community benefit, and threatens the character of older, traditional neighborhoods.

Respectfully Submitted,

Joe Rution,
Secretary, Bungalow Haven Neighborhood Association
Member, "Plan Santa Barbara" Outreach Committee

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Respectfully Submitted,

Joe Rution,
Secretary, Bungalow Haven Neighborhood Association
Member, "Plan Santa Barbara" Outreach Committee

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February 11, 2009

RECEIVED
FEB 12 2009 4:30 pm.
CITY OF SANTA BARBARA
PLANNING DIVISION

City of Santa Barbara
Honorable Mayor, City Council and
Planning Commissioners
PO Box 1990
Santa Barbara, CA 93102-1990

The following comments reflect the opinion of the Downtown Organization's Government Relations Committee (GRC) as they pertain to the proposals set forth in the most recent Draft Policy Options Report for Plan Santa Barbara. In addition, we are forwarding suggestions to our Mayor and City Council Members to be included in the "Scoping" process for the Draft Environmental Impact Report (DEIR).

While the GRC recognizes that community plans must be updated periodically in order to comply with state law and that tremendous amounts of resources have already been expended to develop this plan, we have grave concerns about the further expenditure of funds at this critical and highly unsure time in our local and national economy. Our City's security, cleanliness and fiscal solvency must take priority over new programs and proposals. We request that you consider delaying the initiation of the DEIR process - and the corresponding expenditure of \$1.2 million for a minimum of six to nine months in order to allow the economic horizon to clear so that we may more accurately evaluate our planning options. To that end, this committee stands ready to meet with Council to express our sense of priorities essential to promoting and enhancing the current economical and cultural vitality of the downtown corridor.

Economic sustainability, given the specter of limited, if not declining population growth in our community, is the keystone to the success of any future plan. The concept of restriction of traffic circulation and diminished customer and residential parking in favor of greater residential densities is of great concern to our established business and cultural community. Tremendous financial resources have been allocated in an effort to keep our community competitive with neighboring business and cultural districts in the last few decades, and that model involves the ability to conveniently and reasonably move individuals who elect personal modes of transportation. To wit: the downtown businesses in the parking zone of benefit will contribute \$880,000 towards subsidizing the 75 minute "free" parking period during the fiscal year 2008-2009 via the "PBIA".

The development of more Affordable/Workforce Housing and Enhanced Public Transit are essential to the draft plan. However, with the expiration of the RDA in 2015, the source of funding for low cost housing subsidies is neither forecast nor identified. Our current public transit system is ranked well above most communities of this size in both service and fare box recovery performance. The justification to further expand this system is unclear and the source of funding for expansion is not spelled out. Both the housing and transit elements will require perpetual subsidies. The further levying of taxes and fees would greatly imperil the economic recovery and sustainability of our City.

Environmental sustainability would be compromised by dramatically increasing the population densities in the downtown corridor. The size, bulk and scale of the residential units required by the

Page 1 of 2

plan would affect the aesthetic environment, as well as increase the "hardscape" nature of the downtown. The adequacy and treatment capacity of our current water resources is in question. The new buildings on Chapala Street, once applauded by former Planners and City Councils as the wave of Santa Barbara's future for commercial development and workforce housing, are now reviled as massive, imposing and not in keeping with the "human scale" of the community.

The GRC's scoping suggestions would include, first and foremost, an accurate census of downtown employees. The lack of accurate data on this very basic statistic has led to numerous and costly policy blunders historically, and has rooted itself in what we feel are misconceptions in the current proposed plan. In addition, the location and feasibility of proposed "workforce housing" in terms of economics as well as current neighborhood desirability need to be identified. Lastly, we would request that the scoping be clearly identified and limited as much as possible to help contain costs and perhaps be re-bid through another RFP process.

Sustainability is more than a concept; it is an economic and environmental imperative in these times. Through this committee's involvement with the planning process, we have come to consensus about the ultimate goal of sustainability, but as citizens, business and cultural leaders, we have substantial reservations about the methods proposed to achieve these goals.

Respectfully Submitted,

Government Relations Committee
Santa Barbara Downtown Organization

Cc: Barbara Shelton



LEAGUE OF WOMEN VOTERS OF SANTA BARBARA, INC.

328 East Carrillo Street, Suite A
Santa Barbara, California 93101

TEL/FAX (805)965-2422

email: info@lwvsantabarbara.org
www.lwvsantabarbara.org

LEAGUE OF WOMEN VOTERS COMMENTS ON THE SCOPING FOR PLAN SANTA BARBARA ENVIRONMENTAL IMPACT REPORT

Date: February 12, 2009

This year the local League organization will have been in existence for 70 years. During most of those years our principle policy concern for the City of Santa Barbara has been whether we will be able to plan well enough to live within our available resources. To date we think that the City has managed quite well to do this, but in recent years intense development pressures have emerged. From now on it will be much more difficult to plan, both because our resources are already under stress, and because the pressures will continue. This program Environmental Impact Report (EIR) must deal with the consequences of various growth scenarios, and their environmental impacts. Excessive growth would certainly be incompatible with previous citizen votes, like Measure E, and the report of the Downtown-Waterfront Vision. Are the new policies compatible with the existing General Plan policies?

EXISTING CONDITIONS

This is a critical element of the EIR. It must establish the current baseline conditions for available water supplies, waste disposal, air quality, traffic conditions and public services. We need to have the most updated figures for all of these areas in order to evaluate how additional development will impact local resources.

ENVIRONMENTAL EFFECTS

WATER. This EIR must include a realistic assessment of the City's diminished resources. Water is certainly a limiting factor for the entire South Coast, because of reservoir silting and constant reductions in the availability of State Water supplies. Since it appears that we are currently using just about all of our present supply, the EIR must answer where new sources, plus a 10% drought buffer, will come from. We concur with the Water Commission which said that the desalination plant cannot be considered to contribute to our baseline of available water since no funding allocation has been made for its restoration and subsequent operation, and it was never planned as a permanent source of water, but only as an emergency source during droughts. We will need the figures from the most recent study of the costs of desal, and the impacts of the amount of energy it requires.

In addition, it appears that our recycled water is such poor quality that large amounts of potable water are needed in order to use it, thus reducing the recycled water as a source of new supply. While new technology may provide some solutions to our water problems, the EIR needs to identify such methods and the specific sources for paying for them, along with any secondary impacts from the use of them.

Page 2 League of Women Voters Comments on Plan Santa Barbara EIR Scoping
Dated: 2-12-09

ENVIRONMENTAL EFFECTS (Continued)

SOLID WASTE The City's recycling programs and waste reduction efforts have had a major impact on the amount of waste being produced here, and are still an important part of the solution. However, we know that the Tajiguas Landfill site is almost full, and new disposal methods will be needed. What would those be, and what would they cost? Where could they be located? New technology may be a solution, but will it be expensive and have serious impacts?

OPEN SPACE / VISUAL AESTHETICS One of the City's outstanding attractions is its sense of open space, with lovely views of the mountains and ocean from many different places in the City. The public wants to preserve that, and it fits in well with their desire to leave as much open space as possible. As we pack more dense developments downtown, the need for parks and open space becomes more acute, and we do not see any concrete provisions for providing them in the new update. In fact, putting more density downtown means a loss of open space, parks and views. What specific provisions for recreation will be made for people living in new, dense development areas?

PUBLIC FACILITIES Our efforts to lure first responders into living in downtown condominiums has failed, largely because they are young people beginning to start families, and they do not see any place to do that in crowded central city locations. They see, as noted above, that the new condos lack outdoor space on the projects, and are often built a good distance from any parks. Therefore they choose to commute in order to live in the kind of home they can afford to buy. Most local employees follow that same pattern. This presents real problems with having responders on the scene in case of any problem, or in responding to disasters. How will this problem be addressed?

TRANSPORTATION Because of our lack of room for road expansion, the City has always had traffic back-ups and impacted intersections. Every new family added brings 1 to 3 new cars to the roads, and we have almost exhausted our traffic improvement ideas. This raises serious questions about adding more housing. The housing for lower income people that we need is not being built by the market, and luxury condos bring many more cars with them. Wealthy people may take the bus occasionally to nearby destinations, but they do not assume that a downtown condo obliges them to do so. For that reason, it will take a good deal of public education to convince people to use public transit. Will alternative transportation be adequately funded? If it is not, it appears that we will have continuing gridlock. People who can afford to live here will have money to buy cars, and therefore adequate parking should always be required for them.

Page 3 League of Women Voters Comments on the Plan Santa Barbara EIR Scoping
Dated: 2-12-09

AIR QUALITY The traffic problems noted above will continue to impact our downtown air quality. We have a lack of air monitoring stations in the downtown, so there is little accurate record of the air quality around the main streets, but putting more units there can only make air quality worse. The practice of requiring permanently locked windows to solve the noise problem does not seem like a desirable solution in such a mild and pleasant climate, and it has the potential to raise air conditioning and heating energy use.

GROWTH INDUCEMENT Increasing density downtown and encouraging the development of more second units would both be growth inducing. Second units, which might have produced more affordable housing in the past, now cost too much to build. If the affordability requirements are removed, they could be as expensive to rent as condos. If the parking space requirement is also removed, they will further impact the already crowded on-street parking. Any increase in density could put the City in the position of over-reaching their resources and infrastructure as they have never done in the past.

MITIGATION MEASURES The League strongly supports the use of Adaptive Management as a means of correcting mistakes that we may make, and avoiding future mistakes. We will need both good community indicators and close mitigation monitoring in order to prevent serious problems from escalating.

The League of Women Voters believes that Alternative 1 is closest to the approach that the City has followed in most of the past, and would best conserve our remaining resources. The residential and non-residential growth numbers of the other alternatives appear to be too large to allow us to continue our recent practices or adopt the other alternatives.

POLICY CONSISTENCY: It is extremely difficult for the public to determine whether the large number of new policies are actually consistent with the existing General Plan and the zoning ordinances, and how seriously they will alter them. We will look forward to having the EIR discuss this. We note that several changes in the present Plan would seriously change existing growth controls. Increasing the number of units downtown and in the MODA areas and changing the requirements for second units would do so. Reducing parking requirements in many places would surely result in putting more cars parking on the already crowded streets.

The League thanks the City for the opportunity to comment on this important Environmental Impact Report.



Connie Hannah, First Vice-President

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Allied Neighborhoods Association

February 12, 2009

TO: Barbara Shelton, Environmental Analyst, Community Development Department,
City of Santa Barbara

FROM: Judy Orias, President

RE: Plan Santa Barbara Environmental Impact Report Scoping Comments

Setting

The EIR needs to give information about how cities in California, such as Santa Barbara, with a strong history of local general and community plans are different from such cities as Portland in such states as Oregon which lack a strong history of local planning. There should be a discussion of how adopting their strategies may not be appropriate or compatible with Santa Barbara and how Santa Barbara can adapt strategies that are unique to its characteristics given this contextual difference.

Policy Consistency

It is now unclear what existing policies will remain and what policies such as general plan and coastal plan policies, will be affected by the changes contained in the Policy Preferences document. The EIR needs to clearly spell out what these existing policies are that remain in effect and what is proposed to be changed. See discussion of policies on page 21. What existing policies are anticipated to be changed to foster "Environmental stewardship and sustainable development"?

On page 11, the Policy Preferences document talks about "The need to review the Charter Section 1507 growth management assumptions." The EIR needs to be clear as to what this means and what the intention is. What is to be the effect of this "review" on existing policies?

Maintaining our historic and community character is listed as one of the policy drivers. The EIR needs to be explicit on what strategies are needed to maintain our character as well as which of the proposed policies threaten this and how will their impacts be mitigated.

This section must deal with the existing inconsistent policies of how to preserve Santa Barbara's historic character as contained in the El Pueblo Viejo with the continued effort to put more dense housing in the downtown. These inconsistencies are being further exacerbated by many of the new proposed policies.

It has always been the policy of the city to live within its resources. Many of the proposed policies, such as higher density limits and the resultant increased water use have the potential to be inconsistent with our limited resources. This needs to be spelled out and discussed in the EIR along with possible strategies to expand our resources. Indirect impacts need to be clearly spelled

out.

The EIR needs to spell out how many of the proposed policies to increase density, such as MODA's and the incentives for secondary units in single family neighborhoods are inconsistent with the existing Zoning Ordinance.

Is the change to the Variable Density, and other policies consistent or inconsistent with the SD - 2?

Are policies such as the reduced parking requirement consistent or inconsistent with the Local Coastal Plan?

Variable Density is to be changed to have smaller units. How can the impacts be measured when we do not know the size and number of units this would accommodate?

Areas to be annexed

Will the resulting zoning be consistent with the county's zoning and if not how is this to be justified. Will areas such as Mission Canyon, where the taxes do not support the services be annexed? If so, how will this problem be dealt with?

Housing

While giving the impression that more affordable housing will be provided, many of the housing strategies for dense development may only provide housing without it being affordable. The EIR needs to clearly spell out how realistic it is for any of these strategies to provide any significant amount of housing for the different categories of HUD affordability and workforce, absent subsidies. The source of funds for these subsidies need to be identified.

Before more Secondary Units are to be encouraged, we have asked that each neighborhood be evaluated for the suitability of these additional units. Items such as potential water demand, sewer demand and suitability of lot sizes all need to be included for each neighborhood. In addition, what will be the impacts on the character of residential neighborhoods of additional traffic and parking. Neighborhoods need to be evaluated for access and egress capacities for not only day to day traffic, but for what will happen in case of emergencies. We are even more concerned about these items being included in the EIR, since it is our understanding that the Neighborhood studies may be further put off because of budget constraints.

Transportation

There is a heavy reliance on increased public transit, yet there is no identified funding source for this increase. Where the money will come from needs to be clearly spelled out. In order to meet people's needs the EIR should include modes of transit that are available as alternatives to fixed line public transit. It should be explored what strategies are possible. We know that the city transportation planner has said that car share serves are not willing to come to Santa Barbara.

The EIR needs to address the impacts of policy C8 which appears to foster the potential narrowing of 4 lane roads to 2. It needs to explore how this will affect efficiency of movement and resultant idling of cars as well as safety especially during emergency evacuation. We have been told that this policy applies to Cliff Drive. Since this is not the view of many Mesa residents and they believe that Cliff Drive needs to have 4 lanes in case of emergency, the EIR should make clear what their options are if Cliff is to be narrowed.

Economics

Many of the proposed policies and their mitigations will result in large additional costs to the city. The cost of each item and the potential revenue source for it needs to be clearly spelled out. It is unclear if the Economic Study will be done in time to provide the necessary information for the EIR. This would be a serious flaw to the adequacy of many of the proposed mitigation measures.

Adaptive Management

The Adaptive Management Program needs to be formulated and included in the EIR. Otherwise such questions as: How will any improvement of the jobs/housing imbalance be measured? How can the causes and effects be quantified? Cannot be adequately answered.

Mixed-Use

The EIR needs to address the potential incompatibility of mixed-use projects with commercial activities, such as delivery of goods, noise, hours of operation etc. impacting on residential use. Traditional Euclidean zoning was designed to prevent such impacts on the different uses.

One of the original ideas behind mixed-use was that the commercial component would use parking space in the day time and the residents would use the parking at night. The EIR needs to cover what happens with the parking when the business hours overlap with the residential ones. This is true especially if the commercial use is a popular restaurant open for dinner. The EIR should specify types of uses that should not be included in mixed-use projects.

Regional Planning

The Policy Preferences document discusses the need for "Santa Barbara to form strategic alliances with Ventura, Lompoc and Santa Maria to address and plan for mobility needs..." and policy LG14 talks about a regional land use plan with a provision for affordable housing. The EIR needs to spell out what is anticipated by these policies. These policies appear not to be adequate and ignore the fact that Santa Barbara's daytime population greatly increases. The EIR needs to include the functional equivalent of a regional alternative and the impacts on city resources. It needs a realistic full discussion of a functioning South Coast region as well as the greater region including north Santa Barbara county and Ventura county. The EIR needs to address that as part of a region, many of our employees choose to live in other parts of the region and commute because Santa Barbara does not have the land to provide enough housing of the type and price many of our commuters need or desire. Other inducements for commuters include educational, medical and cultural resources.

Water Supply

The EIR needs to include all sources of potable and recycled water currently available to Santa Barbara. This should not include desal as this is a very expensive project with high energy use that is not currently on-line and has no identifiable funding source. The EIR needs to include the need for and source of a 10% drought buffer. The latter is even more significant because the state is in a long term drought. We know that delivery of our share of state water is extremely uncertain. How will the drought affect our other sources of water?

If the desal plant is to come online, will the city sell excess water to other potential users such as UCSB? If so, these need to be identified.

Growth Inducement

We know there is a shortage of affordable housing for local workers. However, with the Redevelopment Agency no longer able to produce any and the private sector unable to build it without subsidies, we do not see how the city can fill this need. The EIR needs to answer this question.

It is clear that inclusionary zoning, which is the current primary source of workforce housing cannot improve the jobs/ housing balance. The luxury units that are necessary to subsidize this program generate the need for even more employees who will then need housing or have to live out of the area. The pros and cons of this program need to be studied in the EIR.

What strategies are available to insure that housing will go to local workers and not to others from outside the area? The same question applies to those buying luxury units. How many condos have become rentals? How can the city legally restrict who will live in a given unit?

Many first responders have not shown an interest in living in downtown condos, how will this problem be dealt with?

Recreation

Many of the areas that are identified for higher density lack open and park space. Mitigation strategies need to be identified, such as creating new pocket parks where needed.

Land Use

LG 5 This policy talks about transfer of development rights from high fire areas to MODA's. The city has provisions for the Transfer of Existing Development Rights in the Housing Element and in the Municipal Code (Chapter 28.95) but has always said that it is too difficult to make this work for residential developments. The EIR should discuss what has changed and why the city thinks it might work now. In addition, moving this density to the MODA's will increase impacts in those areas. These impacts and their proposed mitigations need to be spelled out.

Transfer of Development Rights from other areas, such as the Gaviota Coast, has also been

discussed. Since the city paid into the county study is the city planning to use the county ordinance as a model? How will the impacts of this be mitigated?

Summary

Without more specificity, we question how many of the impacts of proposed new policies can be adequately addressed in the EIR. Without knowing how much and where the increased density will be placed how can the impacts be measured? For mitigations that will require large financial outlays the source of funding must be addressed with specificity or these mitigation are not adequate.

We look forward to seeing our concerns addressed in the Draft EIR.

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CITIZENS PLANNING ASSOCIATION OF SANTA BARBARA COUNTY, INC.
916 Anacapa Street, Santa Barbara, CA 93101
phone (805) 966-3979 • toll free (877) 966-3979 • fax (805) 966-3970
www.citizensplanning.org • info@citizensplanning.org

12 February 2009

Barbara Shelton, Project Planner & Environmental Analyst
Community Development Department
630 Garden Street
Santa Barbara, CA

Sent via email to: bshelton@santabarbaraca.gov

Re: Scoping Comments for the Plan Santa Barbara Draft EIR

Dear Ms. Shelton,

The Citizens Planning Association's General Plan Update Committee urges that the proposed EIR's scope of analysis include the following concerns:

1. Actual population size affecting natural and infrastructural resources
2. Benchmarks for adaptive management goals
3. Demolitions in an almost built-out city
4. Some risks of incentivizing secondary units
5. Some risks of incentivizing increased density near heavy traffic
6. Cumulative impacts of regional traffic and air pollution
7. Preservation and protection of historical and archeological resources

1. Actual population size affecting natural and infrastructural resources

According to the "Conditions, Trends, and Issues" report of August 2005, p. 152 of 350, Santa Barbara's daily influx of nonresident population oscillates between 40,000 and 100,000 people. These numbers indicate that our "daytime population" (local residents plus commuters and tourists) is much larger than the 90,000 plus people who are acknowledged to live in the city. Furthermore, many tourists, numerous commuters, and quite a few homeless people spend even the nights in local hotels, rented rooms, temporary shelters, parked vehicles, or in streets and parks. All this should be taken into account when Chapters 14 and 15 of the EIR analyze the existing conditions and various growth scenarios in terms of public facilities (water supply, waste water, solid waste disposal, utilities) and public services (police, fire protection, parks, etc).

Likewise, the actual size of the population should be addressed by Chapters 11 and 16 in their respective analyses of water resources and of road capacity for routine transportation as well as emergency services and evacuations.

2. Benchmarks for adaptive management goals

We urge that the EIR propose environmentally sound bench marks for the "adaptive management" of various growth scenarios. Both the annually permissible new commercial square footage and

the annually permissible number of new market rate dwelling units can then be calculated according to the progress made or not made toward such goals as improved jobs/housing balance and enhanced social equity. Particularly important is to monitor the respective shares of new housing affordable to our very low, low, moderate, and middle income workforce and to other city residents with special needs.

The bench marks should also help to keep the implementation of Plan Santa Barbara policies from exceeding, by 2030, the Project's stated limits of 2.2 million SF and 3,200 DU because the unchecked implementation of those policies could prematurely realize the Extended Range Alternative (3.2 million square feet of nonresidential growth and 8,600 dwelling units by 2050). The monitoring of growth should be coordinated with the monitoring of changes in resource availability -- for example, whether sufficient funds have been appropriated to enhance public transportation, increase sewer capacity, or improve the quality of recycled water.

As for desalination, we support the Water Commission's unanimous recommendation not to consider the now dormant plant as contributing to the "base line" of available water resources since no funding allocation has been made for its very costly refurbishing and subsequent operation.

3. Demolitions in an almost built-out city

Since Santa Barbara is largely built out, most construction projects target "underutilized" parcels and begin with partial or complete demolition. The environmental impact of various growth scenarios should be analyzed with such factors in mind as the solid waste, the traffic congestion, and the air and noise pollution generated by demolition activities even before any new construction can begin. The potential adverse impact of some demolitions on neighborhood character and historical/archaeological resources should also be considered in Chapters 10 and 13 of the EIR.

4. Some risks of incentivizing secondary units

The EIR should weigh any possible benefits of incentivizing secondary dwelling units in single-family neighborhoods (see H 14 of the Draft Policy Preferences) against at least three disadvantages:

- The likely proliferation of market-rate rentals if affordability and the tenant's meeting of eligibility criteria were no longer required;
- The likely increase in per-unit water, gas, and electricity consumption if the requirement were dropped that each unit have its separate meters;
- The impact on the historically established character of neighborhoods if the current onsite parking and attached unit requirements were eliminated; and
- The impacts of imposing the proposed Mobility Oriented Development Areas (MODAs) and potential secondary dwelling unit locations on many of the city's single family residence zoned areas, effectively eliminating them, and, by extension, the impacts on its environment, character and reputation as a desirable residential community that lives within its resources.

5. Some risks of incentivizing increased density near heavy traffic

The EIR should weigh any possible benefits of increasing the allowable density in the MODA against the possible disadvantages of such a change to the Municipal Code. Two examples: (1) the residents of dense housing near increased slow and stop-and-go traffic would be exposed to the scientifically demonstrated harmful effects of increased air pollution, and (2) the same applies to

pedestrians and cyclists who regularly traverse the impacted areas.¹ Mitigating measures such as generously landscaped sizable setbacks and other open spaces should be required in locations where densification is proposed yet site-specific air quality measurements indicate potential danger to public health.

6. Cumulative impacts of regional traffic and air pollution

The EIR should evaluate the traffic and air quality impacts of the city's proposed growth in the CUMULATIVE context of predictable growth in relevant areas outside the city. Three examples:

- Our highways and surface streets would become more impacted by increased population density in other South Coast communities and even in such more distant locations as Ventura and Santa Maria. This is the price we pay for Santa Barbara's attractiveness as a place replete with jobs, stores, shops, health care facilities, governmental offices, and cultural events.
- Highway 101 serves through-traffic between southern and northern California. So any increase in the state's population would increase the number of vehicles passing through and motivating local drivers to use surface streets in greater numbers.
- Ocean shipping is predicted to increase in the coming decades and will make the air especially unhealthy near the ever more congested surface streets of our coastal city.

Such impacts need to be weighed by the EIR against any possible future improvements in emission controls, the city's jobs/housing balance, and alternative transportation.

7. Preservation and protection of historical and archeological resources

Santa Barbara is special among our nation's communities. The 226-year-old city has been in the forefront of historic preservation activities for 50 years. As the latest of many such recognitions, the National Trust for Historic Preservation recently named this city as one of America's Dozen Distinctive Destinations. Santa Barbara's history is integral to the city's identity, cultural activities, economic health, and physical appearance. Therefore, Chapter 10.0 of the EIR should stress (a) the desirability of continued historic preservation and (b) the need to consider impacts on historical and archaeological resources caused by policy options and growth scenarios.

We thank you in advance for your consideration.

Sincerely,



Naomi Kovacs
Executive Director

¹ See, for instance, Howard Frumkin, Lawrence Frank, and Richard Jackson, *Urban Sprawl and Public Health: Designing, Planning, and Building for Healthy Communities* (Washington D.C.: Island Press, 2004), pp. 76 -77, and J.E. Sharman et al, "Cardiovascular Implications of Exposure to Traffic Air Pollution during Exercise," *Q J Med* (2004) 97: 637-643. Further documentation is provided at <www.citizensplanning.org> under Issues and Events ("CPA's Proposed Updates for the City of SB's Conservation Element's Air Quality Chapter" and "Attached Abstracts").

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Community Environmental Council

February 13, 2009

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City of Santa Barbara Planning Division,
Attn: Barbara Shelton,
P.O. Box 1990, Santa Barbara, CA 93102-1990

RE: Comments on Plan Santa Barbara: **Environmental Scoping**

Dear Planning Commission and Staff,

The Community Environmental Council is a local environmental non-profit organization founded in 1970 and based in the City of Santa Barbara. Our flagship campaign is to wean the Tri-Counties region off fossil fuels by 2033 or sooner, effectively eliminating greenhouse gas emissions on a net basis. More information on our programs can be found at www.fossilfreeby33.org. We thank the City for the opportunity to comment on the scoping plan for the environmental impact report for the Plan Santa Barbara process and look forward to working with staff in the coming months, and years, to complete a comprehensive plan for our city.

In general, we applaud the Staff for the thorough analysis of existing conditions and support the strategy around the different General Plan elements. We also feel as though the goals and objectives are broad enough to encompass a range of interconnected issues, but are specific enough to be achievable. We are wary of the impact analysis and feel as though it is not set up to fully analyze the interconnected nature of the different impact topics. As it is the mission of our organization, we are most concerned with the impacts related to greenhouse gas (GHG) emissions and climate change and hope that the EIR will fully address all potential emissions and impacts.

Below we have listed the areas where we would like to see a broader scope that encompasses our concerns around GHG emissions and climate change:

Environmental Effects

17.0 Energy

Energy is vital to our basic survival and to our quality of life. We must understand that everything we do requires energy – which means that almost every objective and policy option should be examined in relation to their impact on our supply and demand for energy. This section should also address how those impacts to energy will affect the environment, the economy, and our energy independence.

18.0 Global Climate Change

To reach the goals of AB32, the Global Warming Solutions Act, we implore the City to utilize a zero emission threshold for GHG emissions. Only projects that reduce the level of GHG emissions below the existing baseline should be considered to have insignificant emissions. Again, we support inclusion of this



Community Environmental Council

section and expect to see in the final version a discussion of how climate change will affect, and be effected by, all of the policy objectives and options.

16.0 Transportation

While we agree that people have a right to their cars, we also believe that people have a right to be free of their cars and that the city should be accommodating to all types of transportation, including walking, biking, buses, and trains. Transportation should also be examined in the context of the jobs/housing imbalance and how addressing that imbalance can mitigate our transportation impacts.

Mitigation Measures We encourage the City to invest in local mitigation measures that will benefit the community in the long term, both economically and environmentally, and reiterate our recommendation that the City commit to achieving, and vigorously pursue, carbon neutrality by 2020 for its own operations. As we and City staff have shown, this can be achieved in such a way that the City gains financially, while also extending its record of leadership on environmental issues.

Alternatives to the Project We are supportive of the project alternatives and look forward to a thorough analysis of the above conditions for each of the alternatives. In particular, we are most interested in what will happen to our environment and our economy if we decide to “do nothing” to address our current problems of energy and climate change. Our recent study *A New Energy Direction* (available at www.cecsb.org) shows that a “business as usual” trajectory will cost billions of dollars more than if we transition from fossil fuels, and put our community at greater risk to the impacts of climate change and declining and increasingly expensive fossil fuel supplies (there is a consensus that once global economies recover, oil and other fossil fuel prices will shoot quickly back to where they were at recent peaks, and possibly go even higher).

The alternative analysis should include a discussion of the future environmental setting if we do not take the recommended steps to reduce our GHG emissions and halt the progression of climate change. This should include impacts to air quality, biological resources, hazards, public facilities, and energy.

Thank you for your time and consideration. We look forward to working with the Commission and Staff throughout the rest of the General Plan Process. Any questions or comments may be addressed to Megan Birney at mbirney@cecmail.org or (805) 963-0583.

Sincerely,

Dave Davis,
Executive Director

Megan Birney,
Senior Associate



Santa Barbara Trust for Historic Preservation

To Bring Alive the History of Santa Barbara for Present and Future Generations

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February 13, 2009

Barbara Shelton
Environmental Analyst
City of Santa Barbara Planning Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

Dear Ms. Shelton;

SBTHP appreciates the opportunity to comment on the EIR scoping process for the Santa Barbara City General Plan. We have two areas of comment on the proposed process.

1. The significance of historic and cultural resources

- a. We notice inconsistency with the term "historic resources" in the Draft Policy Preferences document and the term "heritage resources" in the EIR scoping process documents. These terms appear to encompass, in various references, sites and structures of historic, architectural and archaeological significance, though many times only one or two of these resources are mentioned along with the term. We request the consistent use of one term with a clearly stated definition that accounts for historic, architectural and archaeological resources.
- b. We would like to see the intent to protect historic, architectural and archaeological resources clearly articulated in the EIR table of contents. The EIR should also articulate the possibility of an expanded Historic Resource element, since the current element in the Draft Policy Preferences document is extremely limited.
- c. The environmental conditions and impacts listed, including noise, transportation, air quality, and hazards will all have specific effects on the city's historic, archaeological and architectural resources. We would like to see each of the environmental condition and impact chapters in the EIR refer to the specific impact on these resources.

2. Archaeological Resources

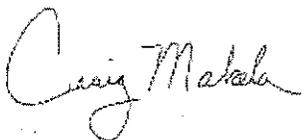
We are pleased to see the incorporation of archaeological resources in the EIR impact analysis. We encourage the maintenance of the broadest use of this term

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when evaluating the Draft Policy Preferences. While the category of archaeological resources was recently incorporated into the Historic and Cultural Resources Policies in the Draft Policy Preferences Document, it was limited to those resources connected with the Chumash culture, which refers to the Native American population present in Santa Barbara at the time of European contact through the present. We would like to see the definition of archaeological resources expanded to include all prehistoric and historic archaeological resources present throughout the city.

Thank you for considering our comments. We look forward to continued participation in the process.

Sincerely,



Craig Makela
Board President



Jarrell C. Jackman, Ph.D.
Executive Director

Plan Santa Barbara
Environmental Impact Report
Scoping Comments

INDIVIDUALS

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Plan Santa Barbara EIR NOP/ Public Scoping Comment

-----Original Message-----

From: Russell Ruiz [CONFIDENTIAL]
Sent: Thursday, January 15, 2009 9:47 AM
To: info@youplansb.org
Cc: CONFIDENTIAL
Subject: NOP Notice Docs

If you are interested:

I find the NOP Notice reference to January 15 confusing. Probably cured by looking at the document *itself* but since the hearing is on the 29th I think that date is more important to the public than the NOP publication date and using that date in the Notice would be clearer to the general public.

There is a typo in the Alternatives under Residential for No Project >3,200 SF instead of DU.

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Plan Santa Barbara EIR NOP/ Public Scoping Comment

From: Bruce Burnworth [CONFIDENTIAL]

Sent: Thursday, January 15, 2009 8:43 PM

To: YouPlanSB; Schneider, Helene; House, Grant; Blum, Marty; Williams, Das; Falcone, Iya; Francisco, Dale; Horton, Roger; Dayton, Rob

Subject: Unacceptable Revisions to Plan Santa Barbara Policy Preferences Report - MODA and US 101

Hello Fellow Sustainability Advocates –

I just opened the “January Draft Policy Pref Rprt CC Direction with Track Changes” and was very surprised to see that the MODA area shrunk away from the La Cumbre Junior High neighborhood rather than expanded to include the existing dense area served by high frequency transit service!

I was also surprised to see no changes to the discussion of the MODA boundaries and continuation of a map that shows with explicit detail “Potential Growth Locations” (Map 1).

I was also surprised to see no adjustments to the Highway 101 Setback proposed policy.

Shrinking of MODA area on Westside unacceptable. I spent a significant amount of time listening to the input and discussion at the Council meetings and reading the written input. I heard comments regarding shrinking the MODA area in the upper east area. These comments made sense because the area has a lower density, fewer transit dependent residents and lower frequency transit service when compared to most of the Westside. I heard no comments regarding shrinking the MODA area on the Westside. The only comments regarding the MODA on the Westside were two comments proposing that the MODA area be enlarged to include the existing dense residential area that is served by high frequency transit service – the La Cumbre Junior High Neighborhood.

The just posted Policy Preferences report (showing revisions) had no indication that the proposed MODA boundaries had changed. The intro to the revised document said it “*reflects Council direction to staff on December 16, 2009 and based on those suggestions with which there did not appear to be any disagreement.*” Many of the changes to the MODA do not fit either of these categories. I discovered the changes by comparing to the December Policy Preferences report. I have attached a pdf showing the December map and the January map. The December map includes the suggestion to add the La Cumbre Junior High neighborhood to the MODA.

If a property is within 1/4 mile of a bus stop with less than 15 minute headway, it should be in the MODA.

I'm sorry to say that without additional information the MODA boundaries appear to be based on somewhat arbitrary criteria. I just cannot understand the basis used to come up with the MODA boundaries shown on the map. They look like someone took a few pieces of information and then just decided where the boundaries should be. A more thorough and rigorous effort is needed to establish the MODA. I would be glad to assist with development of this more rigorous approach considering frequency of existing transit service, pedestrian and bike facilities, shopping, jobs, population density and density of transit dependent.

Please either generalize the MODA boundaries in the policy preferences report or establish logical and meaningful criteria for the MODA boundary that are mapped to show the basis for the MODA boundaries. Most of the Westside is served by high frequency transit service and is close to shopping and jobs. The La Cumbre Junior High area and most of the Westside should be included in the MODA and additional steps should be taken to improve transit service, bike and pedestrian facilities in the Westside to make the MODA even more effective.

Map 1 appears to show all locations for additional housing. Does that mean that if an area is not shaded blue, there is no potential for new housing? If that is the case the map needs to be modified to add my 1.3 acres at 2430 Pine Drive. It should also add my neighbor's property at 40 Pine Drive since they have an approved subdivision (it is not going forward now due to the economy).

The policy related to the Highway 101 Setback for Air Pollution needs to be modified to make it more of a policy rather than a statement of concern. How can a statement of concern be evaluated in an EIR? The EIR should determine whether or not there is enough evidence to justify even an "interim screening guideline" from US 101 through Santa Barbara and what that distance should be.

Please contact me if you have questions. I look forward to a response but I'm not sure who will respond. I guess if I am not contacted soon I will start making phone calls.

Thank you.

Bruce Burnworth
2430 Pine Drive
Santa Barbara, CA 93105
805-403-9323

January 23, 2009

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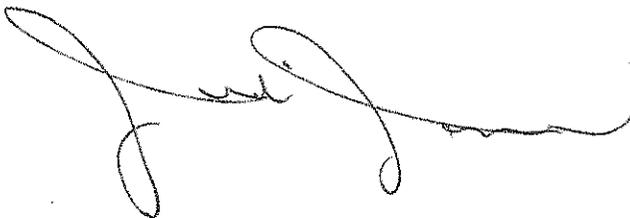
Barbara Shelton, Environmental Analyst
City of Santa Barbara Planning Division
PO Box 1990
Santa Barbara CA 93102-1990

Dear Ms. Shelton:

I would like to suggest that the City look into making Santa Barbara a non-smoking city like several other California cities. We should especially make the beaches, parks, and all outdoor events non-smoking. The streets of Santa Barbara reek of cigarette smoke and there are cigarette butts all over the sidewalks. This would also stop the homeless from living on the beaches and loitering in the parks and on the streets. This little city has become a big mess unfortunately. It looks really pretty but smells really bad. It's not healthy for humans or the fish in the big blue sea or the birds looking for a crumb of food. Let's do something about making it a cleaner city.

Please add this to your environmental report.

Thank you.

A handwritten signature in black ink, appearing to be "John" followed by a long, sweeping flourish.

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Dear Planning Commission
Santa Barbara is built out,

That was said in Plan SB. Never forget it. The quality of life is wonderful. We lost a great old growth Redwood Tree House 10,000 years old. Let's not lose any more. No more demolishing whatever. Santa Barbara is a precious place, never throw it in the ocean. EIR is expensive. Tourism is Big Here.

No one will ever come if you build 1-25 million sq' or 2,000,000 residential units. These prospects are erroneous. If Plan SB really is based on this erroneous scenario, then it is all over. Nobody will like it. Everyone knows that. The Environment is what is here. The old growth Redwood Tree Houses are the Bungalows. The great Redwood trees of California make up Santa Barbara out to the foothills and up some of the hills. We have to save Santa Barbara. We can't afford to lose any of it. Don't demolish anything. Don't encroach into the setbacks. We have to save the yards. We have to save the houses. We can't tear down any. The giant trees are here. Protect them. Preserve the town. It is full of Indians protecting people. We need to appreciate our precious Environment. Never be bulldozed. Get it? The Environmental Review is the law. Destruction of the town is not environmental. Destruction is not environmental. Demolition is not environmental whatsoever. Grading is contrary to good planning. Never ever do it. Save the hills. Save everything here. Then the Babes can live in Heaven & Earth - the Chumash Babes - they are all around us, adapting to traffic etc. Parents & friends take the horses - cows etc to water so the water has to be good. They are in their Heaven. Canoes was a big place. Mission Creek is a big place. We all need it. Never bulldoze. Never say it doesn't damage things. Traffic + circulation is drastically affected by this Plan SB. The Indians go at night to help things as it's quieter on the roads. They don't always get there, the bulldozer helps them. The bulldozers aren't feasible. Never be bad. Save S.B. Pearl Chase did. We have to act fast to save it. The Plan is erroneous + is based on bulldozing when we need to not build at all so life is decent and healthy and Environment

Jan 24, 2009
650 Miramonte
Santa Barbara, Calif 93109

Re: III Environment
Impact Report -
Please read at the
Meeting etc
1-29, 2009
-J Hank

Sincerely,
Paul Westburn
WESTBURN
Thanks
You

(cont)
that plan. You just
can't develop.
You will lose
everything.
The EIR is
good. It is
to stop destruction
Save all the town
Stop destruction.
No more bulldozing
That's what's logical
That's what's
Ecological.
That's what
is Natural.
That's what
Pearl Chase
did. The
Indians
need it.
Weeds too
Always
stop the bulldozing
never bulldoze

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From: YouPlanSB@SantaBarbaraCA.gov [mailto:YouPlanSB@SantaBarbaraCA.gov]
Sent: Tuesday, January 27, 2009 11:25 AM
To: YouPlanSB
Subject: Tell Us What You Think

Tell Us What You Think

This comment was submitted on: Tuesday, January 27, 2009 at 11:24:37 AM

Field	Value
Name	Jean Holmes
Organization	
ZIP Code	93105
Email	CONFIDENTIAL
Subject	Tell Us What You Think

re: EIR scoping for Draft Policy Preferences

I believe the Cumulative Impacts analysis needs to pay careful attention to effects of future development of other areas in the South Coast. We are the hub city and many who live or work outside the city do have reasons to come into the city, adding to the traffic and parking needs. Similarly folks in the city also circulate to other areas outside the city. Can Smart Planning succeed if instituted for one small area of the region?

Jean Holmes

General
Comments

This automated email was sent from <https://www.SantaBarbaraCA.gov/YouPlanSB/>.
Please contact YouPlanSB@SantaBarbaraCA.gov if you have questions or problems with this mail.

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January 28, 2009

Barbara Shelton
Environmental Analyst
City of Santa Barbara Planning Division
PO Box 1990
Santa Barbara, CA 93102

Ms. Shelton:

I am writing to submit comments as the City of Santa Barbara's General Plan Update: Draft Policy Preferences, dated December 2008 goes into the Environmental Impact Report phase.

A part of that plan calls for greater density of housing in the downtown core and I think that is a great idea. But I think it is a great idea only if we protect/improve the quality of life for those of us living downtown.

Background: I am vice president of a small software firm here in town and I am also a member of the Board of Directors for the Santa Barbara Metropolitan Transit District. In the past I have held executive positions at the County of Santa Barbara and Santa Barbara City College.

I have lived downtown for several years and during that time I have attempted to live the type of life that many urban planners envision – I walk, ride my bicycle, take a cab or ride my Vespa virtually every day. On occasion, I take public transportation. I walk for exercise and for routine household business extensively in the downtown area (maybe as much as two hours per day). I know many of my neighbors and downtown shop keepers. I think I have developed a good understanding of my neighborhood. I hope that you find my insights helpful.

Services to be included in EIR: I know that I will go against the grain, but I think greater services per capita are required with greater density, not less. As families are crowded together and share open space rather than enjoy it individually (say, for instance in their back yards or even in their cars), greater public service is required. More people in close contact equal more people in conflict. This is especially true with the mix of people in the downtown area. So here are the services that I think should lead, not follow any further downtown densification.

Homeless: Since we have people living in our public areas, we need to recognize that they need special services. They need bathrooms 24 hours per day and they need quite a few of them. They need mental health services and substance abuse services present on the street, not a phone call away. It should not be up to the downtown residents with homes to monitor and report poor behavior of the residents without homes.

For many in our community, the homeless are a visual issue. They see them in passing either in their car or on foot downtown. For those of us living downtown, we experience the homeless on a personal basis. They use our lawns as a toilet, they go through our garbage, they sleep in their vehicles right outside our homes. This needs to be addressed in a humane manner for all.

Gangs: There is a high level of gang activity and intimidation in the downtown area. Drugs are sold openly. Young men on bicycles and skateboards roam with menacing looks at residents. Gang intervention services need to be evident on the street at all times. Again, it should not be the responsibility of the downtown residents to monitor and report poor behavior. It should be our right to feel safe, day and night.

Currently there are no police in our neighborhood on a routine basis. The police only come into this neighborhood in response to a call or report of a crime. In many parts of the city that would be sufficient. In the downtown area it is not.

Pedestrian Travel: The plan seems to envision a pedestrian area in the center of town. I like that idea, but think that the walking infrastructure is inadequate. A sidewalk that is designed for casual use (four feet wide) is inadequate for busy times of the day in a truly pedestrian sector. Think of the sidewalk leading to the farmers market each Saturday morning. It is inadequate for the volume of people using it. The sidewalks need to be wider in busy places.

Currently the sidewalks are dangerous because walkers have to share the path with skateboards and bicycles. That needs to be addressed if elderly people and parents with small children are to feel safe to use the sidewalks. Currently they do not.

There are few crosswalks painted at intersections and cars travel at high speeds. The speed limit of all downtown streets should be 20mph and should be enforced aggressively by the police. Crosswalks should be painted on every corner and the right of way for pedestrians protected. Currently pedestrians are not protected.

There are few trash cans so litter is a problem. If we are to encourage people to walk, we need to provide services like we would at a mall. There need to be seats and trash cans and they need to be cleaned routinely.

Traffic: Traffic moves entirely too fast in the downtown area. The expectation to drive fast needs to be changed – not just at bulb-outs or crosswalks, but in the entire area. The current traffic calming devices are failing because they do not express a consistent driver expectation. The entire area needs to be slowed, and then traffic calming devices will work.

Riding a bicycle is dangerous on many downtown streets. De la Vina is a good example. Cars often pass by bikes at high speed and at very close range. There is no police protection for bikes in this area.

Skateboards provide a legitimate means of transportation for sizable segment of our population. Many young workers in the downtown area park on side streets and then use their skateboards to get to their jobs at restaurants and shops. Pedestrians many times are put at risk by the skateboards on the sidewalks. There is little enforcement of laws concerning skateboards downtown.

Noise Pollution: One of the most striking things about living downtown is the noise. During the day vehicles (mostly motorcycles or booming car stereos) rumble down the narrow streets setting off car alarms. Some act as if it is a sport to set off these alarms. It makes living here needlessly stressful. There are noise ordinances on the books that need to be enforced.

Another noteworthy element to downtown living is the bar-closing-time ritual. Many nights at about 2am, the downtown neighborhood is flooded with very loud, sometimes angry, sometimes foul-mouthed drunken people walking home or to their cars. You really have to experience it to believe just how bad this can be. Again, police presence in this neighborhood is desperately needed.

Automobiles: While I try to walk every day to do routine business, I also need a car. If we are going to have apartments and condominiums developed without the necessary parking spaces, we need to have car sharing services that the city sponsors or helps develop. There are small parcels throughout the downtown area that could be used.

Blight: One of the things that I find most discouraging about living downtown is the blight. There are more vacant and near-abandoned properties in this area than anywhere else in town I know of. Some places have been allowed to become eyesores, rodent homes and sources of neighborhood litter. I am not sure of the laws governing properties that have been allowed to degrade the neighborhood, but if there are rules, I think they should be enforced. If none exist, they need to be developed.

Flood Control: I know that the county and city are currently working to improve the flooding that can occur in this area. This is vitally important as the downtown residents improve their properties. Currently flood insurance for a home in this area is prohibitively expensive.

I am commenting with respect to the new Plan Santa Barbara, but the issues I have identified are important even if no new development occurs. Thank you for this opportunity to comment.

Sincerely,
Brian Fahnestock
210 West Cota Street
Santa Barbara, CA 93101
(805) 962-6698

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From: Joe Rution [CONFIDENTIAL]

Sent: Wednesday, January 28, 2009 6:17 PM

To: Shelton, Barbara; Bendy White; Addison Thompson; Larson, Stella; Myers, George C.; John Jostes; Charmaine Jacobs; Bruce Bartlett

Subject: "Plan Santa Barbara" EIR "Scoping" Request

RE: "Plan Santa Barbara" EIR Scoping Hearing
January 29, 2009

Dear Staff and Commissioners:

The fundamental purpose of the EIR, as I understand it, is to illuminate local decision makers as to the environmental ramifications of the possible outcomes of measures they propose.

This EIR will study a complex General Plan revision, involving a number of innovative proposals ("Transit Oriented Developments", among others). Of course, these proposals have been put forth with the hope and expectation they will prove successful, bring about certain anticipated effects – and produce environmentally beneficial outcomes. However, it is very much within the realm of possibility that they *may not* work out as hoped – and if so, the environmental effects may be quite different. In other words, the environmental ramifications posed by many of the Plan's proposals depend upon the effectiveness of those proposals.

That makes the accuracy of the environmental assessments that come out of this EIR **dependent upon the degree of efficacy of the proposals being studied** – and that in turn depends on the validity of many of the assumptions upon which these proposals are based.

As a result, the inquiry into potential environmental consequences becomes, in effect, a two-tiered endeavor: first, an assessment (or presumption) of the potential effectiveness of the proposals (which range from resounding success to abject failure), and then assessing the potential environmental impacts flowing from that range of possible outcomes.

In order to assure that this EIR best serves the democratic process to which this General Plan update is pledged, I urge that the EIR:

- 1) abstain from analysis of the former types of questions cited above: the potential effectiveness of the policies and proposals presented in the project. I request that the EIR avoid, entirely, attempting judgments on such policy questions (or opining, presuming or prognosticating whether or not they will "work") - aside from what will be necessary to assess the environmental consequences attendant to the range of their possible outcomes.

I make this request because such judgments depend on types of considerations than are not typically brought to bear on environmental assessments: political, sociological, behavioral, economic, adaptability of the proposals to unique local circumstances. With regard to such considerations, the EIR preparers are not, I'd expect, any more competent to arrive at accurate judgments than are the appropriate ultimate decision makers – the deliberators and participants in the local “Plan Santa Barbara” democratic process. For the EIR to opine on such questions - to interject what may be interpreted as a peremptory judgment - might prejudice that democratic decision making process.

2) Rather, I urge that the EIR focus instead exclusively upon assessing the environmental impacts **that may result from the various possible outcomes of the policies or proposals** (success as well as failure) – including, to the degree they might be anticipated, possible unforeseen consequences that might accrue.

I believe that such an approach would in no way limit or impinge upon the effectiveness or utility of the EIR, but would assure its greatest possible benefit to the “Plan Santa Barbara” community decision-making process.

Joe Rution
Member, “Plan Santa Barbara” Outreach Committee

Submitted via Email February 3, 2009

To: City of Santa Barbara Planning Division, Attn: Barbara Shelton

Fm: Dr Edo McGowan

Re: Scoping of Plan Santa Barbara General Plan Update

The City has my qualifications; I am considered as an expert in these areas outlined below. With the expansion envisioned within this proposal, there may be an expansion in the use of recycled water. Recycled water should be expanded and I will limit my comments to water, recycled water, and byproducts of sewage treatment. The City's El Estero sewer treatment plant, according to City data, currently processes an average of 11 million gallons per day (MGD) of wastewater which is treated to a secondary level and can currently produce from that up to 4.3 MGD of tertiary treated effluent for use as recycled water. The difference between the 11 MGD processed and that discharged to the ocean and the potential 4.3 MGD going to recycled could be greatly expanded. In essence we are wasting almost 7 MGD of potentially useful water to the ocean. This additional recycled water could be out-sourced to surrounding jurisdictions for various uses, thus cutting back on potable water now going for non-potable uses. That out-sourcing of recycled water as a commodity would potentially enhance the fiscal health of the community.

Unfortunately, there are some serious socioeconomic, environmental, and public health problems with the current way that recycled water is being produced and the EIR needs to discuss these.

I will briefly go through the EIR impact analysis topics and then get into specifics via addenda to this document. Citations, appended abstracts, and other references will follow in the addenda.

Air Quality-----may be impacted by aerosols generated from sprinkler irrigation and the use of recycled water. It is possible that the recycled water may carry pathogens and their genetic material which will drift down wind to sensitive human and animal targets or surfaces which can then act as fomites. Because of the potential extended drift distances into the communities that surround many of the sites that receive this water, it will be important for the EIR consultants to have capacity to review these potential impacts. These impacts should be considered potentially adversely significant. As noted by Basum, et al (1981, see below) and Raynor (1976, see below) the down wind drift of pathogens from irrigation spray can be extensive. There is nothing new about this information nor for that matter, the potential human health impacts. Tellier (2006) discusses the issues of aerosol drift and the fact that regulatory agencies may be underestimating drift. This issue takes on special meaning when considering that the recycled irrigation system may substantially exacerbate the public health impact of an epidemic. This is discussed by Tellier (2006):

"protection against infectious aerosols is often ignored for influenza, including in the context of influenza pandemic preparedness. For example, the Canadian Pandemic Influenza Plan and the US Department of Health and Human Services Pandemic Influenza Plan (4.5) recommend surgical masks, not N95 respirators, as part of personal protective equipment (PPE) for routine patient care. This position contradicts the knowledge on influenza virus transmission accumulated in the past several decades. Indeed, the relevant chapters of many reference books, written by recognized authorities, refer to aerosols as an important mode of transmission for influenza.."

Because many pathogens are not stopped by the processing of recycled water as noted by Rose (2005) and Harwood (2005), aerosol movement must be considered as a significantly adverse impact and thus addressed within the EIR.

Biological Resources-----The contaminants found within recycled water can and do impact soil and aquatic organisms. Earth worms, for example, bioaccumulate toxins and birds and other animals that feed on soil organisms such as earth worms can be and are adversely impacted (see Markman, et al below). For example birds feeding on this type of contaminated prey have been demonstrated to have shifts in song length and complexity, hence impacting their mating and reproductive status. The females will selectively chose these longer song-producing males for mating but these males are less fit and thus unable to carry out parenting.

Fish are impacted by contaminants found within recycled water (see Science News article below). This impacts survival behavior, hence species status. The current Recycled Water Policy, as proposed by the State Water Resources Board allows for incidental runoff and because of the unspecified nature of what constitutes incidental runoff, the impact on riparian and aquatic species is unclear but potentially adverse. Thus the EIR needs to address these issues as potentially significantly adverse.

Geology-----Santa Barbara is underlain by several distinct aquifers from which the city derives part of its water supply. Because of our situation adjacent to the ocean, we are susceptible to sea water intrusion. This sea water intrusion into our aquifers has already been demonstrated. As global warming progresses, the sea level is assumed to rise. In the Plan Santa Barbara scenario, we are realistically looking down the road to 2050. Church, et al, (see below) indicate that with a global mean 3.0°C (1.5°C, 4.5°C) temperature rise by 2050 (and with the spatial distribution predicted by three climate models), that just the component of sea level rise caused by the ocean's thermal expansion will be about 0.2 to 0.3 m (0.1 m, 0.4 m) by 2050. When added to the thermal expansion components, our total sea level rise scenario for 2050 for a temperature rise of 3.0°C (1.5°C to 4.5°C) is about 0.35 m (0.15 and 0.70 m). Along much of the United States coast, sea level is already rising 2.5-3.0 mm/yr (10 to 12 inches per century). The EPA estimates that Global warming is most likely to raise sea level 15 cm by the year 2050 and 34 cm by the year 2100. EPA also indicates that there is also a 10 percent chance that climate change will contribute 30 cm by 2050 and 65 cm by 2100. These estimates do not include sea level rise caused by factors other than greenhouse warming.

Global warming may well impact snow packs in the Sierra, hence impacting the total water supply for the South Coast. This may see a greater need to conserve potable supplies, hence the critical nature of recycled water. With careful controls over conjunctive use between surface and ground water and the off-setting of potable supplies by judicious use of recycled water, Santa Barbara, because of its partial isolation from the State Water Project (SWP), stands a better chance in the future, but we must be proactive. Data derived from state records indicate that in 1998, the SWP was able to deliver 51% of the requested demand but actually only 38% of the SWP design capacity. In part, this is the basis of the paper water issue, something now haunting San Diego. The average amount delivered by the SWP during the period 1997 through 2002 was 65.8% of demand. Thus with limited snow packs as a response to global warming, this average will not likely get better, hence the critical nature of recycled water.

If we consider reduced SWP delivery coupled with a rising sea level, then the issue of sea water intrusion gains increased prominence in planning. Recycled water could be used for creating ahydraulic head or barrier mounds to limit sea water intrusion, but only if the quality of that water were not a threat local ground water quality and thus to public health. Again, as currently produced, recycled water contains many contaminants, some of which are potential carcinogens. Carcinogens, by definition have no dose response curve end points that are valid (see Ballesteros-Gomez et al below).

In addition to carcinogens, there are numerous endocrine mimics or disrupters contained within the currently produced recycled water. These, if commingled with the potable supplies have the potential to adversely impact fetal development. This was a major point noted during the recent Research Triangle Environmental Health Collaborative, which held its inaugural Environmental Health Summit on November 10-11, 2008. This meeting assembled over 150 experts to discuss pharmaceuticals in water. I was one of the scientists invited to participate in this collaborative. The representative from the Water Environment Research Foundation (WERF) kept stressing the fetal and developmental aspects of these contaminants. I discussed the genetic fragments that augmented both antibiotic resistance and pathogen virulence and which are enhanced by pharmaceuticals and chlorine found in recycled water. Far more of these contaminants are found in recycled water than within the potable supply. Nonetheless, these contaminants are found in the potable supply.

Consequently, the potentially significantly adverse geology aspects of using recycled water should be introduced and thoughtfully discussed by the EIR.

Hazards-----This is an area that warrants much analysis. The use of currently produced recycled water, as used for irrigation of parks, playing fields, green-scape, etc as well as community gardens, needs a thorough analysis. Under state law, a producer of recycled water, such as the City, can force that water's use on new development and to offset potable supplies. The City forced the use of recycled water upon the Montecito Country Club via court action. It can also force the use of that water on new housing tracts and other areas. If this happens, the question of pathogen transfer to home gardens and bioaccumulation of contaminants within crops must be considered. An interesting aside is that under currently designed law and policy, the citizens upon whom this water is thrust have few options to refuse and virtually no standing to object. Above, we have noted potential public health impacts and issues with the use of recycled water. The fact that currently produced recycled water has been shown to contain multi-antibiotic resistant bacteria as well as other pathogens (works by Joan B Rose (2005, see below), Valerie Harwood, (2005, see below), McGowan (2007, 2008), and for pharmaceuticals, Chad Kinney (2006, see below), indicates that current standards are not protecting the public health. In fact the 2005 WERF paper by Rose from the year-long study made several suggestions on how to correct these flaws and thus the through-put of pathogens in the water produced by El Estero. El Estero was one of the test sewer plants involved in the WERF study. Notwithstanding those suggestions, this writer was informed by the City of Santa Barbara that it made no corrections pursuant to the Rose report. Thus, the EIR should consider the above and it is suggested that the use of recycled water as currently produced may represent a significantly adverse impact on both the environment and public health, thus needs to be well addressed within the EIR.

Hydrology and Water Quality-----As noted above, there are several issues with the use of recycled water as currently produced. It was mentioned that the capacity and reliability of the SWP is questionable. Thus we may be faced with quantity issues as well as quality issues. Sea water intrusion has been discussed above but that has the potential to adversely impact supply, hence the discussion also falls to this category. Between now and 2050, we also know that our dams will continue to receive silt, hence seeing a reduction in storage. Water quality is related to quantity.

This again speaks to the need for salvaging that amount of sewage effluent that we now discharge to the ocean. In such ocean discharge, we are also polluting the marine environment, thus it makes sense for a variety of reasons to recycle more water, but again, only if that water is not a threat to the environment or public health. As it stands today, that water does not protect the public health.

There are extant technologies for treating wastewater that could obviate many of these issues. As better technology comes along we will see less pollution, a variety of savings in energy consumption, greater energy generation, and a reduction in released pathogens. We must, however, be proactive. One of the ways to be proactive is to discuss these issues through a publicly circulated environmental document. Thus the EIR needs to review these issues, which unless mitigated, are significantly adverse.

As to potable supplies. As noted in the works by Firl (2006, see below), Pruden (2006, see below) as well as Chang (2007, see below), it is possible to find pathogens and their genetic material in the potable water supply. Current standards and lab tests do not generally reflect these problems. Additionally, as noted by the work of Higgins & Murthy and their WERF report, bacteria in quiescent states such as viable but non-culturable (VBNC) are not noted in standard tests, yet these pathogens exist, can resuscitate, multiply, transfer antibiotic resistance, and colonize delivery systems as well as human and animal hosts. Of importance here, then is the establishment of biofilms within the potable delivery system. The establishment of biofilms within water pipes is a serious issue impacting public health and is well represented in the scientific literature.

Hospitals have been adversely impacted by biofilms shedding and contaminating critical hospital equipment. As the use of recycled water increases, the risks for cross connections also increases. The ability to completely clear contaminated pipes is highly limited. The city of Walkerton, Canada was required to dig up its potable water delivery system and replace it because of contamination and fear of continued pathogen transmission. The Walkerton water tragedy cost a minimum of \$64.5-155 million.

Public Facilities-----The five key policy drivers that have been identified in the Plan Santa Barbara process are Growth Management, Energy & Climate Change, Economic & Fiscal Health, Historic Resources & Community Design, and **Public Health**. With the last item in mind, it is incumbent upon the City in

adopting the Plan Santa Barbara proposal, to look at public facilities much more closely. For example, the flushing of toilets with recycled water has been shown to generate aerosols that then contaminate rest room surfaces. These surfaces offer a source of pathogens that can be transferred by touch, to finger to mouth, thence to the human gut where the genetic information conferring antibiotic resistance is passed to the gut bacteria. Once ingested, the plasmids and genetic information may be transferred to normal flora, and subsequently to pathogenic bacteria found in humans or animals, making later treatment with particular antibiotics ineffective. Also one must consider transfer of genetic information from these organisms to more robust organisms as highlighted by Sjolund et al. (2005, see below) indicating that resistance in the normal flora, which may last up to four-years, might contribute to increased resistance in higher-grade pathogens through interspecies transfer.

Sjolund et al go on to note that since populations of the normal biota are large, this affords the chance for multiple and different resistant variants to develop. This thus enhances the risk for spread to populations of pathogens.

The EIR needs to look at these processes that may transfer pathogens to the public. It is suggested that surfaces where recycled water is used for toilet flushing be swabbed and plated out with later colony transfer to Mueller Hinton agar and then subjected to Kirby Bauer antibiotic diffusion testing.

Energy-----Because of the scope of time involved in the plan's eventual horizon, the EIR should review the range of alternative energy options available in both the U.S. and Europe for converting sewage sludge to energy and capturing heat from effluent. It has been estimated by Region 9 of the U.S. EPA that somewhere between 2,000 and 4,000 cubic feet of methane are released per ton from land applied sewage sludge. On top of that there is the energy needed to transport this material to the disposal site. Much of this energy now lost and/or consumed in moving sludge could be captured at the plant. While El Estero does have a process of converting sewer sludge to energy, it appears that this is a post-digestion process. If, on the other hand the solids were removed and converted to energy prior to being introduced to the digesters a significant reduction in overall pollution could be gained and at the same time a significant savings in energy that is now expended. Digesters, via the action of bacteria and other microbes, break down many of the incoming solids and these solids are thus, by bacterial digestion, converted to solutions. Sewer plants are poorly designed to effectively deal with materials in solution---hence the problems seen nationally with pharmaceuticals in water. But if the solids are removed before digestion and consumed by converting to energy by, for example, pyrolysis or fluid bed, the energy is mainly conserved. Additionally and importantly, this conversion prior to digestion sees the solids containing many of the detractors destroyed. This includes the pathogens and their genetic material, the pharmaceuticals, endocrine disrupters, personal care products, flame retardants, etc. Thus the water going out the back of the plant will be much cleaner. Additionally that water presented to the recycling process would be cleaner from the start----all with significant energy savings. Because the digesters are now superfluous, the energy need for their operation is also eliminated.

Thus the EIR should examine options for energy alternatives, conversion, and capture as part of the process.

Global Climate Change-----As noted above, substantial energy savings may available by converting pre-digester solids into biofuel. Sewer plants themselves, via bacterial digestion of

solids, do generate significant amounts of greenhouse gases. The El Estero is now capturing some of that energy. Additionally as mentioned, land application of sewage sludge sees the release of greenhouse gases. Some of the sewage sludge from adjacent sewer plants may be trucked as far as Arizona for disposal. The EIR should review currently available practices in the U.S and abroad that convert energy as well as capturing spent heat.

Growth Inducing Effects-----Through the off-setting of potable supplies with recycled water, the scarcity of potable supplies is reduced. This then allows for increased building and that may be considered a growth inducing impact. This phenomenon needs to be discussed in greater detail within the EIR.

SocioEconomic Issues-----Santa Barbara contains a robust homeless population. This segment of the population spends a considerable portion of time in the parks. To the extent that recycled water is a carrier of pathogens, those using or sleeping in parks may be unnecessarily exposed to pathogens and their genetic material. To the extent that recycled water also harbors pathogens or bacteria that have gained antibiotic resistance, this may be transferred disproportionately to this segment of the population. This is then an environmental justice as well as a public health issue. Because this segment of the population is mainly dependent on the tax base for medical assistance, any increase in illness attributed to enhanced pathogen availability becomes a direct impact on the public fisc.

Because of the potential for contact with multi-drug resistant pathogens from recycled water, the hospital may see an increased influx of resistant pathogens. This becomes additive because the hospital discharges to the local sewer, and thus there may be a revolving door. Thus the EIR needs to look carefully at these issues. The last time this issue was raised, Cottage was doing its EIR pursuant to its current expansion. Politics got in the way of a fair analysis of the topic. The EIR consultant involved, within the text of the circulated draft EIR, stated that it did not have the capacity to evaluate these issues. Interestingly, it had been mentioned to the City prior to the initiation of the EIR that the consultant did not have adequate staff to evaluate these issues. Nonetheless, the City ignored this advice and forged ahead with the EIR. When the DEIR came out with the consultants statement that it was incompetent to do the necessary evaluation and faced with this conundrum in the DEIR, the City engaged an industry friendly consultant post facto and who then produced no written document for review and the City finalized the EIR.

Addenda

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APPLIED AND ENVIRONMENTAL MICROBIOLOGY, Jan. 1982, p. 28-38 Vol. 43, No. 1

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Comparison of Coliphage and Bacterial Aerosols at a Wastewater Spray Irrigation Site

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SMALL

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Received 24 April 1981/Accepted 22 September 1981

Microbiological aerosols were measured on a spray irrigation site at Fort Huachuca, Ariz. Indigenous bacteria and tracer bacteriophage were sampled from sprays of chlorinated and unchlorinated secondary-treatment wastewaters

during day and night periods. Aerosol dispersal and downwind migration were determined. Bacterial and coliphage f2 aerosols were sampled by using Andersen viable type stacked-sieve and high-volume electrostatic precipitator samplers.

Bacterial standard plate counts averaged 2.4×10^5 colony-forming units per ml in unchlorinated effluents. Bacterial aerosols reached 500 bacteria per m³ at 152 m downwind and 10,500 bacteria per m³ at 46 m. Seeded coliphage f2 averaged $4.0 \times$

10⁵ plaque-forming units per ml in the effluent and were detected 563 m downwind. Downwind microbial aerosol levels were somewhat enhanced by nighttime conditions. The median aerodynamic particle size of the microbial aerosols was approximately 5.0 μ m. Chlorination reduced wastewater bacterial levels 99.97% and reduced aerosol concentrations to near background levels; coliphage f2 was reduced only 95.4% in the chlorinated effluent and was readily measured 137 m downwind. Microbiological source strength and meteorological data were used in conjunction with a dispersion model to generate mathematical predictions of aerosol strength at various sampler locations. The mean calculated survival of aerosolized bacteria (standard plate count) in the range 46 to 76 m downwind was 5.2%, and that of coliphage f2 was 4.3%.

I. Aerosol production by irrigation equipment used for land application of wastewater

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I. Abstract

Aerosol production from sprays of four irrigation systems used for upland application of wastewater was studied over a range of operating and meteorological conditions by sampling particles from evaporated tracer droplets. Most aerosol-forming droplets were less than 100 μ m diameter with median number diameters from 1 to 3 μ m and median mass diameters appreciably larger. More than 10^{10} respirable sized particles were produced per minute by single nozzles. Actual wastewater sprays were similar. Diffusion calculations indicate decreases in concentration of 1 to 2 orders of magnitude in 1 km.

II. Volume 12, Number 11–November 2006

III. *Perspective*

II. Review of Aerosol Transmission of Influenza A Virus

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[Suggested citation for this article](#)

Abstract

In theory, influenza viruses can be transmitted through aerosols, large droplets, or direct contact with secretions (or fomites). These 3 modes are not mutually exclusive. Published findings that support the occurrence of aerosol transmission were reviewed to assess the importance of this mode of transmission. Published evidence indicates that aerosol transmission of influenza can be an important mode of transmission, which has obvious implications for pandemic influenza planning and in particular for recommendations about the use of N95 respirators as part of personal protective equipment.

Concerns about the likely occurrence of an influenza pandemic in the near future are increasing. The highly pathogenic strains of influenza A (H5N1) virus circulating in Asia, Europe, and Africa have become the most feared candidates for giving rise to a pandemic strain.

Several authors have stated that large-droplet transmission is the predominant mode by which influenza virus infection is acquired (1–3). As a consequence of this opinion, protection against infectious aerosols is often ignored for influenza, including in the context of influenza pandemic preparedness. For example, the Canadian Pandemic Influenza Plan and the US Department of Health and Human Services Pandemic Influenza Plan (4,5) recommend surgical masks, not N95 respirators, as part of personal protective equipment (PPE) for routine patient care. This position contradicts the knowledge on influenza virus transmission accumulated in the past several decades. Indeed, the relevant chapters of many reference books, written by recognized authorities, refer to aerosols as an important mode of transmission for influenza (6–9).

In preparation for a possible pandemic caused by a highly lethal virus such as influenza A (H5N1), making the assumption that the role of aerosols in transmission of this virus will be similar to their role in the transmission of known human influenza viruses would seem rational. Because infection with influenza A (H5N1) virus is associated with high death rates and because healthcare workers cannot as yet be protected by vaccination, recommending an enhanced level of protection, including the use of N95 respirators as part of PPE, is important. Following are a brief review of the relevant published findings that support the importance of aerosol transmission of influenza and a brief discussion on the implications of these findings on pandemic preparedness.

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MINIREVIEW

Significance of Fomites in the Spread of Respiratory and Enteric Viral Disease

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Worldwide annually there are 1.7 million deaths from diarrheal diseases and 1.5 million deaths from respiratory infections (56). Viruses cause an estimated 60% of human infections, and most common illnesses are produced by respiratory and enteric viruses (7, 49). Unlike bacterial disease, viral illness cannot be resolved with the use of antibiotics. Prevention and management of viral disease heavily relies upon vaccines and antiviral medications (49). Both vaccines and antiviral medications are only 60% effective (39, 49). Additionally, to date there are no vaccines or antiviral drugs for most common enteric and respiratory viruses with the exception of influenza virus and hepatitis A virus (HAV). Consequently, viral disease spread is most effectively deterred by preclusion of viral infection. Increases in population growth and mobility have enhanced pathogen transmission and intensified the difficulty of interrupting disease spread (14). Control of viral disease spread requires a clear understanding of how viruses are transmitted in the environment (27). For centuries it was assumed that infectious diseases were spread primarily by the airborne route or through direct patient contact, and the surrounding environment played little or no role in disease transmission (19, 27). Up until 1987 the Centers for Disease Control and the American Hospital Association focused on patient diagnosis due to the belief that nosocomial infections were not related to microbial contamination of surfaces (19). Over the years studies have changed the perspective on viral transmission to include a more complex multifactorial model of disease spread (27). There is now growing evidence that contaminated fomites or surfaces play a key role in the spread of viral infections (3, 7, 38, 71).

Viral transmission is dependent on interaction with the host as well as interaction with the environment (60). Viruses are probably the most common cause of infectious disease acquired indoors (7, 71). The rapid spread of viral disease in crowded indoor establishments, including schools, day care facilities, nursing homes, business offices, and hospitals, consistently facilitates disease morbidity and mortality (71). Yet, fundamental knowledge concerning the role of surfaces and objects in viral disease transmission is lacking, and further investigation is needed (52, 60, 61). The goal of this article was to use existing published literature to assess the significance of fomites in the transmission of viral disease by clarifying the role of fomites in the spread of common pathogenic respiratory and enteric viruses.

ROLE OF FOMITES IN VIRAL DISEASE TRANSMISSION

Fomites consist of both porous and nonporous surfaces or objects that can become contaminated with pathogenic microorganisms and serve as vehicles in transmission (Table 1) (24, 31, 58, 63, 66). During and after illness, viruses are shed in

large numbers in body secretions, including blood, feces, urine, saliva, and nasal fluid (10, 33, 34, 39, 48, 58). Fomites become contaminated with virus by direct contact with body secretions or fluids, contact with soiled hands, contact with aerosolized virus (large droplet spread) generated via talking, sneezing, coughing, or vomiting, or contact with airborne virus that settles after disturbance of a contaminated fomite (i.e., shaking a contaminated blanket) (22, 24, 27, 58, 66). Once a fomite is contaminated, the transfer of infectious virus may readily occur between inanimate and animate objects, or vice versa, and between two separate fomites (if brought together) (27, 66). The Panic study (52) recovered 3 to 1,800 PFU of rhinovirus from fingertips of volunteers who handled contaminated doorknobs or faucets. Using coliphage PRD-1 as a model, Rusin et al. (60) demonstrated that 65% of virus could be transferred to uncontaminated hands and 34% to the mouth. The nature and frequency of contact with contaminated surfaces vary for each person depending on age, personal habits, type of activities, personal mobility, and the level of cleanliness in the surroundings (66). Viral transfer and disease transmission is further complicated by variations in virus survival on surfaces and the release of viruses from fomites upon casual contact (24, 66). Virus survival on fomites is influenced by intrinsic factors which include fomite properties or virus characteristics and extrinsic factors, including environmental temperature, humidity, etc. (Fig. 1) (24, 66). If viruses remain viable on surfaces long enough to come in contact with a host, the virus may only need to be present in small numbers to infect the host (10, 58, 66, 71). After contact with the host is achieved, viruses can gain entry into the host systems through portals of entry or contact with the mouth, nasopharynx, and eyes (10, 24, 58, 66). Host susceptibility to viruses is influenced by previous contact with the virus and the condition of the host immune system at the time of infection (27).

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<http://gristmill.grist.org/story/2008/3/13/103138/633>

Noisy spring, silent summer?

Following the path of contaminants from your bathroom to the birds
 Fawn Pattison
 14 Mar 2008

This is a story about sludge, worms, and songbirds, and it starts in your bathroom cabinet.

Photo: Southernpixel
 When we treat our wastewater to remove "biosolids" -- a polite term for our human waste -- all sorts of other things end up in the leftover sludge, including the drugs we take and the "personal care products" like lotion, shampoo, makeup, and cologne that we slather on our bodies, which have been absorbed through our skin and then excreted in our

waste. The treated wastewater is usually discharged into the local river, and the sludge that's been removed from it frequently becomes fertilizer for agricultural production.

Researchers at the U.S. Geological Survey have found that the hungry earthworms who feed on this sludge in farm fields contain concentrated levels of our drugs and personal care products in their bodies. In fact, a USGS study published in February found that the compounds bioaccumulate in earthworms, meaning that the worms bear higher levels of these pollutants than the surrounding soil does. The USGS researchers note that worms could become monitoring species to help us determine the relative pollution levels in soil, but state that the pollution in these worms have "unknown effects" for wildlife (read the story in Science News).

"Unknown" maybe in that particular study, but researchers in the U.K. published a disturbing study about a week later that provides some insight into what happens to the polluted worms: Birds eat them.

This particular study examined European starlings in the wild, who like to forage in farm fields where fertilizer from sewage sludge has been applied, because the soil is rich in earthworms and other organisms who are busy feasting on the nutrients in the fertilizer. But they're also feasting on the contaminants in the fertilizer, and those contaminants have an impact on the foraging birds (story in The New York Times).

The contaminants in sewage sludge can contain hormone-mimicking compounds that act like estrogen in the birds' bodies. (Following the thread here? Those compounds are the drugs and personal care products that the USGS was examining in the earlier study.)

The U.K. researchers found that the contaminants boosted development in the part of the male birds' brains that control their songs, making them sing longer and more complex songs. The researchers also found that female starlings preferred the long, complex songs of the contaminated male starlings.

The bad news is ... they're contaminated. The same endocrine-disrupting compounds in the male starlings that made them attractive as mates make

them
unfit as fathers, because the compounds suppress the birds' immune
systems
and make them sick. While that might be good news for American birders
who
aren't fond of invasive starlings, it's rather bad news for birds
everywhere
who like to eat worms. While that fat earthworm might taste good and
improve
a male songbird's chances of attracting a pretty lady bird, it could
actually be crippling his chances of producing a healthy brood of
babies.

This might seem like just a scientific curiosity if the same kinds of
effects hadn't also been noted in many other species, including fish,
reptiles, and amphibians. Sort of makes you think twice about that nice
body
spray in your bathroom cabinet that's supposed to make you more
attractive
to a mate, doesn't it?

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YOU can print out the whole study for free at this link:

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0001674>

Pollutants Increase Song Complexity and the Volume of the Brain
Area HVC
in a Songbird

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Abstract

Environmental pollutants which alter endocrine function are now known
to
decrease vertebrate reproductive success. There is considerable
evidence for
endocrine disruption from aquatic ecosystems, but knowledge is lacking
with
regard to the interface between terrestrial and aquatic ecosystems.

Here, we show for the first time that birds foraging on invertebrates
contaminated with environmental pollutants, show marked changes in both

brain and behaviour. We found that male European starlings (*Sturnus vulgaris*) exposed to environmentally relevant levels of synthetic and natural estrogen mimics developed longer and more complex songs compared to control males, a sexually selected trait important in attracting females for reproduction. Moreover, females preferred the song of males which had higher pollutant exposure, despite the fact that experimentally dosed males showed reduced immune function.

We also show that the key brain area controlling male song complexity (HVC) is significantly enlarged in the contaminated birds. This is the first evidence that environmental pollutants not only affect, but paradoxically enhance a signal of male quality such as song. Our data suggest that female starlings would bias their choice towards exposed males, with possible consequences at the population level. As the starling is a migratory species, our results suggest that transglobal effects of pollutants on terrestrial vertebrate physiology and reproduction could occur in birds.

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Introduction

Numerous examples exist of the detrimental effects of environmental pollutants on the survival or reproductive success of wild organisms e.g. [1]-[3]. In particular, both natural and synthetic endocrine disrupting chemicals (EDCs) act to alter the function of the endocrine system [4], causing gross anatomical changes [5]-[7], as well as changes to behaviour [5] in a range of taxa, including fish, reptiles and amphibians. EDCs' potential to alter physiological function has led to concerns that they could be potent physiological disruptors for wild organisms [7] or, more

controversially for humans [8].

According to sexual selection theory [9], male secondary sexual traits have evolved as a result of female preferences and may act as indicators of male quality. Bird song is under strong sexual selection [10] and song production is controlled by discrete neural pathways in the brain which develop and operate under endocrine control of the nervous system [11]. Although the exact roles of testosterone and estrogen in controlling song production are still much debated [12], estrogens are known to be necessary for the masculinisation of the avian song centres in the developing male songbird brain [13]. Furthermore, aromatization of testosterone to estradiol has a neurotrophic effect in male song sparrows (*Melospiza melodia*) and is implicated in controlling the degree of neural plasticity seen in adult songbirds [14]. Many songbird species show seasonal development of their neural song system due to photoperiodic influences on hormone production [15]. This leads to the possibility that neural development in adult birds, which is strongly controlled by the endocrine system may be susceptible to changes in endocrine function.

Natural and synthetic estrogens are known to both occur in concentrated amounts in sewage effluent [16]. As part of sewage treatment processes worldwide, effluent is trickled over filterbeds rich in organic sediment, thereby supporting a complex community of micro and macro-invertebrates [17]. These commonly occurring environments provide an essential foraging environment for a range of wild songbird species, including for one of the most invasive bird species on a global scale, the European starling (*Sturnus vulgaris*), particularly during the winter [18]. The effects of EDC exposure on adult songbird behaviour and physiology are largely unknown, although a recent observational study has documented that neural centres associated with song production may be detrimentally affected by exposure to dichlorodiphenyltrichloroethane (DDT) [19]. This study, which correlated egg levels of a range of DDT metabolites and isomers with neural development in chicks of the American robin (*Turdus migratorius*), found that nestlings with higher total DDT exposure showed reduced forebrain volumes and reduced volume of the robust nucleus of the archipallium (RA). DDT is a

recognised endocrine disrupter which has complex effects on estrogen receptor activity, but the persistent DDT metabolite p,p'-DDE is a recognised estrogen antagonist and has been shown to inhibit the binding of estradiol both in vivo and in vitro [20]. Interestingly, in this study the strongest effects on neural development were seen in relation to p,p'-DDE levels in male birds [19].

In the present study, we sought to test the effects of EDC exposure on immune function, song production and neural development in wild birds. Due to the established toxic effects of a range of EDCs on immune function, including changes in antibody production, nitric oxide synthesis, cytokine synthesis, as well as changes to the allergic response [21], we predicted that birds foraging on sewage filterbeds would show immunosuppression. Although EDCs such as DDT can show toxic effects on neural development [19], a range of endocrine disrupters can function as estrogen mimics, potentially having a neurotrophic effect on the development of HVC. Due to the functional association of estrogens with brain masculinisation and neural plasticity [11], [13], [14], we therefore predicted that exposure to EDCs which act as estrogen mimics would, in contrast to exposure to estrogen antagonists [19], cause an increase in both song production and song complexity. We tested these predictions experimentally by exposing wild-caught starlings to ecologically relevant doses of known EDCs and quantifying the effects on immune function and song behaviour. In order to calculate exposure levels of wild starlings, we identified the EDCs present in invertebrate prey and assessed the intake rate of birds observed foraging at these sites. Since we found substantial levels of both natural and synthetic estrogenic compounds [22], we then tested the effects of ecologically-relevant dose levels of either i) 17 β -estradiol alone (E2) or ii) a mixture of all the estrogenic compounds found, including E2, on the behaviour and immune function of wild starlings in captivity. Specifically, we predicted that we would see a stepwise decrease in immune function and stepwise increase in song production, song complexity and neural development across the treatment groups, in the order control, E2, mixture treatment.

Results and Discussion

Wild-caught male starlings (n = 36) were randomly allocated to three

experimental treatments: 1) control group 2) E2 group or 3) mixture group which received all the known endocrine disrupters identified from field sampling (see Materials and Methods). All dose levels were calculated following field observations of foraging starlings and analysis of invertebrate samples from sewage treatment filterbeds.

EDC exposure significantly reduced both cell-mediated immune function (Fig. 1a) and the humoral immune response of male starlings (Fig 1b). Treatment did not have an effect on body mass (ANOVA, $F_{2, 32} = 0.334$, $P = 0.718$) nor on haematocrit (% packed red blood cell volume) (ANOVA, $F_{2, 30} = 1.338$, $P = 0.278$) or testosterone titre (ANOVA $F_{2, 32} = 0.66$, $P = 0.524$), as measured at the end of the experimental period.

Figure 1. Immune function in male starlings exposed to chemicals.

The immune function of male starlings in three treatment groups; control (open bars); E2 dosed (hatched bars); and the chemical mixture dosed (black bars) (a) Cell-mediated immune function was measured as wing web swelling of both wings, 24 hours after injection with phytohaemagglutinin (PHA). Treatment had a significant effect on cell-mediated immune function (ANOVA, $F_{2, 32} = 12.16$, $P < 0.001$). Bonferroni pairwise comparison post-hoc tests showed that the immune function of males in both chemically dosed groups (E2 or mixture) was significantly lower than that of the control males (E2 versus control $P < 0.001$, mixture versus control $P = 0.001$) but there was no significant difference between males in the E2 and mixture groups ($P > 0.05$). (b) The secondary humoral response following an intraperitoneal injection of sheep red blood cells (SRBC). Treatment had a significant effect on the secondary humoral response to SRBC (ANOVA, $F_{2, 32} = 10.98$, $P < 0.001$). Bonferroni pairwise comparison post-hoc tests showed that the mean response of the males in both dosed groups (E2 or mixture), was significantly lower than the mean of the control males (E2 versus control $P < 0.001$, mixture versus control $P = 0.001$), but there was no significant difference between the E2 treated and the mixture treated males ($P > 0.05$). Graphs show means+s.e.m. ** indicates $P < 0.001$.

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Treatment had a significant effect on the song output of the male starlings (Fig. 2). Males in the group which received the mixture of chemicals spent

more time singing, sang more song bouts, sang longer song bouts and had a larger repertoire size, a measure of song complexity, than males in the control group. The mechanism for this effect is clear as when examining the underlying neurobiology. There was a significant effect of treatment on HVC volume, the principal nucleus in the songbird brain associated with the production of complex songs [12], [23], such that the HVC volume of the males in the mixture group was significantly larger than in males in the control group (Fig. 3a, b). There were no significant differences in the HVC volume between males in the E2 and control groups or between males in the E2 and mixture groups (Fig. 3a).

Figure 2. Song production in male starlings exposed to chemicals.

The song production of male starlings in three treatment groups: control (open bars); E2 dosed (hatched bars); and the chemical mixture dosed (black bars) (a) Total time spent singing (sec/h). (b) Number of song bouts per hour. (c) Song bout duration (s) d) Repertoire size. Graphs show means+s.e.m. There was a significant effect of the experimental manipulation on the time spent singing between the treatment groups (ANOVA, $F_{2, 24} = 6.15$, $P = 0.007$). Bonferroni pairwise comparison post-hoc tests showed that the males that received the mixture of chemicals spent significantly longer singing than the control males ($P = 0.009$) and the E2 group ($P = 0.028$). There was a significant effect of treatment on the number of song bouts sung by the males (ANOVA, $F_{2, 23} = 9.16$, $P = 0.001$). Males in the mixture treatment group sang more song bouts than the control males ($P = 0.004$) and the E2 males ($P = 0.002$). Mean song bout duration was significantly longer for males in the mixture treatment group compared to the control males (ANOVA, $F_{1, 11} = 5.842$, $P = 0.034$). Finally, there was a significant effect of the experimental manipulation on the repertoire size of male starlings (ANOVA $F_{2, 16} = 4.39$, $P = 0.030$). The males in the mixture group had significantly greater repertoire size than males in the control group (Bonferroni pairwise comparison post-hoc tests $P = 0.042$). * = $P < 0.05$; ** = $P < 0.01$.

doi:10.1371/journal.pone.0001674.g002Figure 3. HVC size in male starlings exposed to chemicals.

a) HVC volume (mean+s.e.m.) in the three treatment groups; control (open bars); E2 dosed (hatched bars); and the chemical mixture dosed (black bars) (ANOVA, $F_{2, 32} = 4.46$, $P = 0.019$). HVC volume of the males in the mixture group was significantly larger than in males in the control group (Bonferroni pairwise comparison post-hoc tests $P = 0.032$), but there were no significant differences in the HVC volume between males in the E2 and control groups ($P > 0.05$) or between males in the E2 and mixture groups ($P > 0.05$) * = $P < 0.05$. b) Photomicrograph of an HVC from (i) a chemical mixture treated male and (ii) a control male. Arrows indicate the borders of HVC. Scale bar = 200 μm .

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Finally, consistent with the changes in repertoire size and underlying neural structure, in mate choice preference tests female starlings showed a significant preference for song playback from males dosed with the mixture of chemicals in comparison to control males (Fig. 4). In addition, song from males exposed to the mixture of chemicals was preferred over song from the E2 dosed males, although no difference was found between the preferences for song from E2 dosed or control males.

Figure 4. Song preferences in female starlings.

The percentage of time spent by females on the perch adjacent to song playback from male starlings in the three treatment groups; control (open bars); E2 dosed (hatched bars); and chemical mixture dosed (black bars). Playback from the mixture group was preferred over playback from E2 dosed males ($t_{10} = 2.42$, $P = 0.035$); Playback from the mixture group was preferred over song from control males ($t_9 = 2.57$, $P = 0.029$). There was no significant preference between control and E2 dosed playback ($P > 0.05$); Graphs show mean+s.e.m. * = $P < 0.05$.

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To the best of our knowledge, our study provides the first experimental test of the effects of ecologically relevant dose levels of endocrine disrupters on avian neural development and behaviour. Our dose levels have been carefully determined following field observations and sampling [22] and assume that starlings in winter take approximately half of their food intake from the sewage filterbeds. The fact that EDC exposure can have detrimental effects on immune function [21] is supported by the consistent

immunosuppression across the treated groups. The higher EDC dose of the mixture group did not cause further increased levels of immunosuppression, above that of the E2 group, although there are a number of potential interpretations of this result.

Steroid hormones influence the initial sexual differentiation of the songbird brain [11] and 17- β -estradiol is specifically known to affect the plasticity of the avian brain [14], [24], suggesting that estrogen mimics and natural estrogens can directly influence seasonal development of HVC. Males that received the mixture of EDCs showed both increased song output and increased song complexity, almost certainly due to changes in the size of the HVC. We saw no such effects within the group dosed solely with E2. This could be due to the fact that the physiological response to EDC exposure is dose-dependent, such that the higher total dose of EDCs in the mixture group produced effects that E2 alone would not. Alternatively, these effects could be due to the combination, or even a subset, of the pollutants administered in the mixture treatment. Within the brain of the songbird, testosterone is converted into estrogen, which is then released into the blood stream at physiologically significant levels [25]. Paradoxically, in birds where male is the default sex, estrogens are known to be both necessary for the feminisation of the sexual organs during early development, and also for the masculinisation of the avian song centres in the brain [13]. Song complexity determines male attractiveness in many songbird species [10], and has been shown intraspecifically to correlate with the volume of the HVC [23]. Within the cerebral song system pathways only the HVC has estrogen receptors [12], [26] suggesting this region is likely to be one of the most susceptible to the effects of EDCs. Our study has demonstrated the vulnerability of the HVC to disruption by estrogen mimics. In addition, our results also highlight the continued plasticity of the adult songbird brain.

>From an ultimate, evolutionary perspective our results suggest that exposure to endocrine disrupters may alter the selective forces acting on songbird populations. It is established that female starlings show active preferences for males which have greater song output and larger repertoire sizes [27].

Our results show that females prefer the song output from males exposed to the complete mixture of endocrine disrupters, despite the fact that such males are immunosuppressed. If female starlings bias their reproductive investment towards males in poor physiological condition then hatching and/or fledging rates could decline with detrimental consequences at the population level.

Our findings document for the first time that invertebrates living on sewage filterbeds take up a range of environmental pollutants. The levels of these chemicals in aqueous sewage effluent leaving the percolating sewage filterbeds in UK have been found to vary: e.g. E2 50 ng/L [16]-100 ng/L [28] or bisphenol A 500 ng/L [28]. Although liquid and solid samples are not analogous, the concentrations of both E2 and bisphenol A identified by our study in 1 g of earthworms therefore greatly exceed (up to 1000 fold) [22] those previously reported in 1 ml of sewage treatment effluent. Our study therefore highlights the potential for such pollutants to have detrimental physiological effects at various trophic levels.

Birds are transglobal vectors for disease and our results highlight the potential for them to demonstrate intercontinental effects of pollution exposure. As the starling is a migratory bird species, our findings may suggest that pollutant exposure on the wintering grounds could affect reproductive success at the breeding sites. Starling populations in the UK have suffered a 50% decrease in the last forty years and consequently the starling is listed as a bird of high conservation concern [29]. Many issues contribute to this decline [29], but reduced reproductive success as a result of EDC exposure may be a factor that has yet to be recognised. Our study has shown that ecologically-relevant levels of EDC intake affect immune function, neural development and behaviour in male starlings and may therefore contribute to their population decline. Further work is needed to quantify the importance of these effects in wild bird populations.

Materials and Methods

Quantification of contamination levels

We observed starlings foraging in the winter of 2003/4 at 20 sewage treatment works in the south west UK, and their prey species were identified. We collected and analyzed duplicate 10 g samples of the earthworm *Eisenia fetida*, which was the prey item observed to be taken at the greatest biomass. The EDC content of the collected earthworm tissue was

quantified using gel permeation chromatography and GC-MS [22]. The means of each chemical in the earthworm samples across five sewage filterbed sites were: 9.85 ± 6.7 ng/g of 17 β -estradiol (E2), 6.2 ± 2.19 ng/g dibutylphthalate, 26 ± 12.6 ng/g dioctylphthalate and 4.28 ± 2.6 ng/g bisphenol A. We found that *E. fetida* from garden soil contained significantly lower levels of these chemicals excluding E2 which was only found in the earthworms from the sewage treatment sites [22]. Starlings were observed to take in single *E. fetida* (mean mass 0.3 g) at a rate of 1/min, with a mean patch residence time of 16 mins/hr observation and the intake rate was constant with increasing food patch residence time ($P > 0.05$). We therefore calculated from our observations that the individual starlings in our study take in on average 14.4 g/day wet weight of invertebrates from the sewage treatment filterbeds. As the daily food intake of invertebrates (wet weight) for adult starlings is approximately 30 g/day [18], intake from filterbeds represents 48% of their daily food intake during the winter months (100.8 g wet weight/week). The daily dose levels used in the captive experiment were based on the chemical content of the filterbed samples and this intake calculation.

Dosing and physiological responses of captive birds

One year old starlings were allocated to three treatment groups: 1) control group: each bird received daily one mealworm *Tenebrio molitor* with 10 μ l of peanut oil, injected into the body cavity as the carrier substance, 2) E2 group: each bird received a mealworm with 200 ng 17- β -estradiol (E2) in 10 μ l of peanut oil, or 3) mixture group: each bird received a mealworm with 200 ng E2, 520 ng dioctylphthalate, 80 ng bisphenol A, and 120 ng dibutylphthalate dissolved in 10 μ l of peanut oil. All the birds were caught as juveniles and housed for one year in outdoor aviaries prior to the start of the experiment. During the experiment the birds were housed in single-sex trios (1 from each treatment group) in outdoor aviaries each measuring 2 m x 1 m x 1 m and maintained in the same groups throughout the experiment. Birds were dosed 5 days per week from October 2004 until April 2005, to mimic their foraging period on sewage filter beds. All the starlings were maintained on an ad lib diet of an insect paté (Orlux™) and had

constant access to water and one nestbox per bird. At the end of the experiment (April 2005), the birds were also weighed and blood sampled for haematocrit levels and testosterone levels. The cell-mediated immune response of the birds was tested in March 2005, by using an injection of phytohaemagglutinin (PHA) into both wings webs [30]. The thickness of both wing webs was measured (mean 3 measurements) at the same location of the wing before injection and 24 hours after injection, using callipers (Moore and Wright™; to 0.1 mm). PHA (Sigma L-8754) in phosphate buffered saline (PBS; 0.45 µg in 50 µl [30], [31] was injected into both wings webs of each bird. The mean response of both wings was calculated and used in all analyses. A control injection of PBS alone, to control for any injection trauma was not carried out, as this has been shown to be unnecessary [32]. After more than 24 hours post-injection, the swelling subsided. The humoral response of the birds was tested in April 2005 using intraperitoneal injection of sheep red blood cells (SRBC) [33]. A control blood sample was drawn before the start of the test. SRBC in Alsever's solution (TCS Microbiol Ltd, Claydon, UK) washed and resuspended 1× PBS to form a 2% solution. 500µl was injected twice intraperitoneally 14 days apart and blood samples were drawn to test for the primary and secondary humoral response. Plasma samples were heat-treated at 56°C for 30 minutes and stored at 4°C for three weeks before testing using a standard haemagglutination test[33].

Song analysis

In March-April 2005 the song output of individual male starlings was recorded as follows: On day 1 a male was moved into a separate outdoor cage with a novel female. Each male was housed with a different female to avoid pseudoreplication. The song output of the male was recorded twice for 3 hours: once in the afternoon of day 1 and once on the morning of day 2. The recordings were made using a Marantz solid state recorder PMD 670 and a Sennheiser K6 microphone body, with a Sennheiser (MKE 2-60 Gold C) sub-miniature microphone attachment, mounted on top of the nestbox. We calculated the following measures: (i) the total amount of time spent singing; (ii) the number of song bouts; (iii) the duration of each song bout and iv) repertoire size. Song bouts were defined as continuous song and were separated from each other by at least 1 s [27]. Repertoire size was estimated from a cumulative plot of the novel phrase types appearing in

20

song bouts [27]. These measures were averaged over both recording periods.

Birds that did not sing during either recording attempt were not included in the song analysis.

Testosterone analysis

Testosterone concentrations were estimated from plasma samples in 2 assays using anti-testosterone antiserum (code 8680-6004, Biogenesis, U.K.) and [125I]-testosterone label (code 07-189126, ICN, U.K.) [34]. The mean 50% binding for the assays was 0.355 ng/ml. Samples were run in either duplicate 10ul or 20ul samples and the detection limits were of 0.01 ng/ml or 0.02 ng/ml respectively. The interassay CV was 10.4%.

Neural analysis

Male starlings were killed by decapitation on 22nd April 2005 and their brains were removed immediately by dissecting them out of the skull.

Brains

were frozen over liquid nitrogen and stored at -80°C until analysis.

Brains were cut on a cryostat (Leica) into 30 μm sagittal sections.

Sections

were mounted onto Superfrost Plus slides (Menzel Gläser, Germany) in four

different series. One series was Nissl-stained with thionin and coverslipped. Slides were analysed under bright-field illumination with a microscope (Leitz Aristoplan). For area measurements, brain regions were

video-digitised on a PC equipped with an image analysis system (MetaMorph,

Visitron, Germany) and measured by the built-in measurement tools.

Volumes

were calculated as the sum of the area sizes multiplied by section interval

and section thickness..

Throughout, all statistical analysis was conducted using Systat v 10.

As the

males were held in trios, trio group was entered as a covariate in all models, but not found to be significant in any case ($P > 0.05$).

Song preference

Wild-caught female starlings ($n = 11$) were placed in a long aviary (810x180x200 cm) with a perch 20 cm away from each of the speakers at each

end. A Sony SRS-A37 speaker was hidden behind a cloth at each end of the

arena. The speakers were connected to a Sony Walkman portable compact disk

player operated by the experimenter.

Five males were used from each treatment group to provide the song stimuli and were randomly paired in the combinations of playback from the different treatment groups. Two different song files were created using Avisoft-SASLAB Pro for each male, each containing three song bouts, for a total clip length of 30 s. These songs were matched for amplitude and used to create 5 minutes of song loops, which were then recorded 6 times to create 30 minutes of song stimulus. The playback from a particular male was experienced by either 2 or 3 females and averaged across females. Choice stimuli tests were counterbalanced for each song pair type and side of presentation (right or left speaker) in the testing apparatus and playback was simultaneous at each end of the aviary.

We tested each female with three comparisons of male song stimuli in succession: control versus males treated with the mixture of chemicals; control versus E2 treated males; and E2 treated versus mixture of chemical males. Each test consisted of two playback blocks. In each block the song playback was played for 5 minutes prior to data gathering. The song stimuli were played for 30 minutes. The amount of time that the female spent on the perches within 20 cm of the speaker was recorded. In the second block the protocol was repeated but the song playback was reversed to control for any side biases. Data were averaged over blocks 1 and 2. The playbacks of the treatment comparisons were carried out sequentially and the order of the pairwise song stimuli choice test was randomly assigned to each female.

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Author Contributions

Conceived and designed the experiments: KB SM DP. Performed the experiments: KB SM SE CM. Analyzed the data: SL SM CM. Contributed

reagents/materials/analysis tools: KB. Wrote the paper: KB SM. Other:
 Provided financial support for PDRA as a grant PI: CC. Obtained the
 funding:
 KB.

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> December 20th, 2008;

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> Vol.174 #13

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> Antidepressants make for sad fish

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>

> The drugs are becoming more common in river waters and can play dangerous head games with fish

By Janet Raloff December 20th, 2008; Vol.174 #13 (p. 15)

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>

> AWKWARD POSE

>

> Some hybrid striped bass exposed to Prozac eventually began hanging vertically in the water "a highly anomalous pose" and stopped eating. Clemson University's Institute of Environmental Toxicology TAMPA, Fla. "In the fish world, baby is just another word for lunch. So it behooves aquatic larvae to be ever vigilant. Yet those who as embryos or hatchlings encountered water polluted with trace concentrations of antidepressants are much more likely to become lunch.

>

> Tons of medicine ends up in the environment each year. Much has been excreted by patients. Leftover pills may also have been flushed down the toilet. Because water treatment plants were never designed to remove pharmaceuticals, water released into rivers by these plants generally carries a broad and diverse array of drug residues.

>

> In 2006, a pair of chemists reported that antidepressants downstream of

- > water treatment plants were making it into the brains of fish.
- >
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- > RIDING HIGH
- >
- > Normally a bottom-dwelling species, this antidepressant-exposed bass started
- > swimming at the surface, partially out of the water. Below, its putative
- > meal of minnows swam with impunity. Clemson University's Institute of
- > Environmental Toxicology Meghan McGee of St. Cloud State University in
- > Minnesota studies larval fathead minnows. Recently she set out to see
- > whether exposure to specific antidepressants would affect the fish. Fish
- > exposed as embryos or hatchlings to trace concentrations of the
- > antidepressant venlafaxine, marketed as Effexor, didn't react as quickly
- > as normal to stimuli signaling a possible predator. This laid-back reaction
- > could prove to be a "death sentence," she observes.
- >
- > McGee's is one of many studies probing behavioral impacts on aquatic
- > wildlife from pharmaceutical pollution, especially antidepressants. Emerging
- > data from these studies were reported in Tampa, Fla. November 16-20 at the
- > North America annual meeting of the Society of Environmental Toxicology and
- > Chemistry, or SETAC. Overall, the studies show that antidepressants can
- > impair a fish's ability to eat, to avoid being eaten and perhaps even
- > to attract a mate.
- >
- > And venlafaxine: It's one of many antidepressants found in river waters.
- > Indeed, McGee's team selected concentrations for this study based on
- > values measured downstream of water treatment plants.
- >
- >
- > PREDATOR CALLING
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- > Researchers placed a cell phone set to vibrate beneath a dish of water
- > holding a larval fish. Fish tend to interpret such vibrations as signaling
- > an approaching predator and will initially curl into a "C" and then dart
- > off in a new direction. Minnows exposed to antidepressants reacted only half
- > as quickly as unexposed minnows. Clemson University's Institute of
- > Environmental Toxicology "I was surprised how often I was seeing these
- > antidepressants," recalls Melissa Schultz of the College of Wooster in
- > Ohio, one of the chemists who documented that antidepressants reach fish
- > brains. "Pretty much any water sample in the vicinity of a wastewater
- > treatment plant will test positive for some group of antidepressants," she
- > finds.
- >
- > The most common ones showing up in water: venlafaxine, bupropion "
- > marketed as Wellbutrin, and citalopram " sold as Celexa. What showed up in
- > fish brains were both the drugs and their metabolites, or breakdown
- > products. "The most common ones we saw were metabolites of Prozac
- > [fluoxetine] and Zoloft [sertraline]," Schultz says. The second most
- > abundant were the parent compounds: Prozac and Zoloft. "So profiles of
- > these drugs in the brain weren't matching the profiles we were seeing in
- > the water." Why remains a mystery.
- >
- > The St. Cloud State researchers exposed minnows to venlafaxine alone or as a
- > mix of four antidepressants and quantified how quickly fish reacted to a
- > stimulus signaling a possible predator. For the stimulus, the researchers
- > chose to send a vibration into the fish's water. "My wife's cell phone
- > got hijacked for the task," explains study leader Heiko Schoenfuss. An
- > electronic chip that allowed the phone to vibrate was removed and placed
- > beneath the dish in which each tiny hatchling was placed. Pressure sensors

- > along the sides of fish detect vibrations, which can signal an approaching
- > big fish.
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- >
- > FAST FOOD
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- > This frame shows a hybrid striped bass quickly gobbling up four minnows. Fed
- > only once every three days, the bass tend to become quite aggressive about
- > downing their meals. After being exposed to high concentrations of Prozac,
- > however, some bass took up to two minutes to capture their first minnow and
- > didn't finish all four with the allotted 25 minutes. Over the nearly
- > month-long experiment, a few bass lost their appetites altogether. Clemson
- > University's Institute of Environmental Toxicology incubating eggs were
- > exposed to the drugs for five days before hatching, then the larvae spent 12
- > days in clean water before testing. In another set of experiments, new
- > hatchlings swam in drugged waters for 12 days before encountering the chip's
- > vibrations.
- >
- > Only venlafaxine slowed the time it took minnows to recognize and respond to
- > the vibrations. The mix of antidepressants slowed the velocity at which fish
- > fled. When the response time and swimming velocity were accounted for, the
- > new study found that drugged fish reacted slowly to avoid predators.
- > Untreated fish responded about twice as fast as the pharmaceutically
- > exposed larvae, says McGee.
- >
- > That wouldn't be so bad if predators were comparably slowed by these
- > similarly low concentrations of antidepressants billionths of a gram per
- > liter of water. But such nanogram concentrations of fluoxetine didn't slow
- > the speed at which hybrid striped bass scarf down fathead minnows, according
- > to preliminary data reported at SETAC by Joseph Bisesi Jr. and his
- > colleagues at Clemson University's Institute of Environmental Toxicology
- > in Pendleton, S.C.
- >
- > To see what concentrations would affect feeding, Bisesi's group upped
- > water concentrations to between 10 and 40 micrograms per liter values
- > 100 to 1,000 times higher than needed to affect minnow-escape responses in
- > the St. Cloud study. Only then did some of the normally aggressive and
- > hungry bass start to lose their voracious appetites.
- >
- > Each bass was offered four minnows once every three days. Any not eaten in
- > 25 minutes were removed. Prior to drug exposures, young-adult bass quickly
- > devoured prey, sometimes all four within 10 seconds, Bisesi notes. But six
- > days into a 27-day exposure to fluoxetine, several fish in the higher
- > concentration groups began to show behavior changes. Some waited a minute or
- > two before going after their first fish. Some spit a minnow out after
- > capturing it or failed to eat more than two. A few developed severely
- > aberrant swimming patterns such as hanging vertically in the water or
- > resting at the surface, dorsal fin exposed as minnows cavorted beneath
- > them.
- >
- > Many of the antidepressants tested work in people by altering levels of
- > serotonin, a neurotransmitter, in the brain. However, Schoenfuss reported at
- > SETAC that fluoxetine also functions like an estrogen at least in adult
- > male fathead minnows. It triggered the minnows' production of
- > vitellogenin, a yolk protein normally made only by egg-laying females. The
- > drug also diminished the macho facial bumps and coloration that females
- > prize in their mates.
- >
- > So clearly these drugs may have multiple modes of action, Schoenfuss says,
- > particularly once they enter the water and are taken up by nontarget
- > organisms like fish. Ironically, his feminized male minnows actually

- > proved more aggressive at guarding nests than did unexposed males. Joanne
- > Parrott of Environment Canada and her colleagues reported at the meeting on
- > a similar boost in males' nest-protecting aggression among fathead minnows
- > exposed to venlafaxine.
- >
- > Of course, all these experiments are quite artificial. Explains Schultz:
- > "When a fish is exposed to wastewater, it's not just getting a dose of
- > antidepressants, it's also encountering lots of other things" -
- > including other drugs. In the future, she says, "we'll have to look at
- > how these might all interact."
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- > Comments
- > It continues to be a source of surprise that nobody is studying the effect
- > on humans of these anti-depressants relative to humans failing to flee or
- > fight when it is appropriate.
- >
- > For example, how has the great American experiment with anti-depressants has
- > helped get us into the current financial insanity. I think that quite a few
- > people have seen it coming, become angry, depressed, disturbed, and instead
- > of dealing with it the way people did in times past - by demanding changes -
- > took anti-depressants.
- >
- > Inappropriate affect now firmly enforced by drugs, (legal ones) Americans
- > head back to their white-collar jobs where they continue to row the boat
- > toward Niagara falls, accepting defeat, able to not be agitated, angry or
- > depressed.
- >

III. A Model of Sea Level Rise Caused by Ocean Thermal Expansion

John A. Church, J. Stuart Godfrey, David R. Jackett, and Trevor J. McDougall

DOI: 10.1175/1520-0442(1991)004<0438:AMOSLR>2.0.CO;2

IV. Titre du document / Document title

Determination of priority carcinogenic polycyclic aromatic hydrocarbons in wastewater and surface water by coextractive extraction and liquid chromatography-fluorimetry

V. Auteur(s) / Author(s)

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VII. Résumé / Abstract

The r S Environmental Protection Agency (EPA) and the European r nion (Er) have set restrictive limits for priority carcinogenic polycyclic aromatic hydrocarbons

(CPAHs) in surface waters (EPA 3.8 ng l⁻¹ and Er 2-100 ng l⁻¹) in order to protect aquatic life and human health. Currently, methods meeting these sensitivity criteria are not suitable for routine analysis of CPAHs. Here, we present a simple, rapid and low-cost method for the routine monitorization of these pollutants in aquatic environments based on their extraction with coacervates of decanoic acid reverse micelles in the nano- and microscale, and determination by liquid chromatography-fluorimetry (LC-Fl). The method involves the stirring of filtered aqueous samples (36 ml) with 4 ml of THF containing 70 mg of decanoic acid for 5 min, its centrifugation for 10 min and the analysis of 20 µl of the resulting coacervate containing the CPAHs by LC/Fl. The method is robust, the extractions being independent on salt concentration (up to 1 M), temperature (up to 60 °C) and pH (below 4). Besides, the coacervate prevents the CPAHs from adsorption onto the surface of containers during sample storage. No clean-up steps are necessary and the method is matrix-independent. The quantification and detection limits of the method ranged between 0.4 and 3.5 ng l⁻¹ and 0.1 and 1 ng l⁻¹, respectively, for the seven priority CPAHs. The method has been successfully applied to the determination of these pollutants in raw and treated sewage from three mechanical-biological treatment plants, two rivers and a reservoir with frequent motorized recreational craft activities, all of them located in the South of Spain. Recoveries for spiked samples in the range 2-30 ng l⁻¹ were between 88 and 95% with relative standard deviations from 1 to 7%. CPAHs were present in wastewater influents at concentrations in the range 3.9-37 ng l⁻¹, while the treatment at the treatment plants studied reduced their concentration in their respective effluents in a percentage near 100%. Three CPAHs were present at quantifiable levels in Guadajoz river (1.8-6.6 ng l⁻¹) and six in La Breña reservoir (1.39-4.8 ng l⁻¹).

VIII. **Revue / Journal Title**

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IX. **Source / Source**

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The Importance of Municipal Sewage Treatment in the Spread of Antibiotic Resistance

106th General Meeting of the American Society for Microbiology

May 21-25, 2006, Orlando, Florida

For more information on any presentation at the 106th General Meeting of the ASM contact Jim Sliwa, ASM Office of Communications at jsliwa@asmusa.org

EMBARGOED r NTii : **Monday, May 22, 9:00 a.m. EDT**
(Session 041/n, Paper n-032)

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Our study determined that substantial numbers of antibiotic-resistant bacteria were present in municipal wastewater, and that the existing treatment infrastructure did not adequately prevent release of antibiotic-resistant bacteria into the environment. Many of the bacteria found in the wastewater treatment plant and in the plant effluent were tentatively identified as potential pathogens and were also resistant to multiple antibiotics, raising public health concerns. We believe that wastewater treatment plants could be modified to further prevent the release of resistant bacteria to the environment.

IV. Antibiotic Resistance Genes as Emerging Contaminants: Studies in Northern Colorado

Amy Pruden,^{*} Ruoting Pei, Heather Storteboom, and Kenneth H. Carlson
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Environ. Sci. Technol., 2006, 40 (23), SS 7445-7450

DOI: 10.1021/es060413l

This study explores antibiotic resistance genes (ARGs) as emerging environmental contaminants. The purpose of this study was to investigate the occurrence of ARGs in various environmental compartments in northern Colorado, including Cache La Poudre (Poudre) River sediments, irrigation ditches, dairy lagoons, and the effluents of wastewater recycling and drinking water treatment plants. Additionally, ARG concentrations in the Poudre River sediments were analyzed at three time points at five sites with varying levels of urban/agricultural impact and compared with two previously published time points. It was expected that ARG concentrations would be significantly higher in environments directly impacted by urban/agricultural activity than in pristine and lesser-impacted environments. Polymerase chain reaction (PCR) detection assays were applied to detect the presence/absence of several tetracycline and sulfonamide ARGs. Quantitative real-time PCR was used to further quantify two tetracycline ARGs (tet(W) and tet(O)) and two sulfonamide ARGs (sul(I) and sul(II)). The following trend was observed with respect to ARG concentrations (normalized to eubacterial 16S rRNA genes): dairy lagoon water > irrigation ditch water > urban/agriculturally impacted river sediments ($p < 0.0001$), except for sul(II), which was absent in ditch water. It was noted that tet(W) and tet(O) were also present in treated drinking water and recycled wastewater, suggesting that these are potential pathways for the spread of ARGs to and from humans. On the basis of this study, there is a need for environmental scientists and engineers to help address the issue of the spread of ARGs in the environment.

X. Toxicogenomic response to chlorination includes induction of major virulence genes in *Staphylococcus aureus*.

Chang MW, Toghiani F, Bentley WE.

School of Chemical and Biomedical Engineering, Nanyang Technological University, Singapore.

Despite the widespread use of chlorination for microbial control in aqueous environments, cellular response mechanisms of human pathogens, such as *Staphylococcus aureus*, against chlorination remain unknown. In this work, genome-

wide transcriptional analysis was performed to elucidate cellular response of *S. aureus* to hypochlorous acid, an active antimicrobial product of chlorination in aqueous solution. Our results suggest that hypochlorous acid repressed transcription of genes involved in cell wall synthesis, membrane transport, protein synthesis, and primary metabolism, while amino acid synthesis genes were induced. Furthermore, hypochlorous acid induced transcription of genes encoding major virulence factors of *S. aureus*, such as exotoxins, hemolysins, leukocidins, coagulases, and surface adhesion proteins, which all play essential roles in staphylococcal virulence. This work implies that chlorination may stimulate production of virulence factors, which provides new insight into host-pathogen interactions and effects of chlorine application for microbial control. *Environ Sci Technol.* 2007 Nov 1;41(21):7570-5.

Applied and Environmental Microbiology, June 2005, p. 3163-3170, Vol. 71, No. 6
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V. Reduction Of Pathogens, Indicator Bacteria, And Alternative Indicators By Wastewater Treatment And Reclamation Processes: Werf Report: Water For Reuse

(Paperback - 2005)

by Joan B. Rose (Author), Samuel R. Farrah (Author), Valerie J. Harwood (Author)

Reduction Of Pathogens, Indicator Bacteria, And Alternative Indicators By Wastewater Treatment And Reclamation Processes: Werf Report: Water For Reuse

In wastewater reclamation systems, microbiological monitoring is conducted to ensure that the users of reclaimed water are exposed to minimal risks from exposure to pathogens. Typically, utilities rely on the use of process controls to remove or inactivate pathogens. Routine monitoring of indicator organisms is conducted to evaluate overall process performance and for regulatory compliance. However, the effectiveness of individual treatment processes for removal of pathogens is dependent on process variables. This project was conducted to compare the effectiveness of biological treatment, filtration, and disinfection for removal of bacterial and viral indicators, enteric viruses, and protozoan pathogens. Six full-scale treatment facilities were each sampled a minimum of four times over a one year period. The relative impacts of loading conditions, process design, and operating parameters on the removal/inactivation of a suite of nine microbial species (bacteria, coliphages, enteric viruses, and protozoan pathogens) was evaluated. Bacterial removal was consistent for all types of biological systems, however, increased virus removal was associated with biological nutrient removal and nitrification processes. Parasite removal was highly variable. The effectiveness of filtration was impacted most by the use of upstream chemicals (either chlorine or coagulant chemicals). Chlorine disinfection was more effective in cases where ammonia levels were low (biological nutrient removal or nitrification facilities). Infectivity assays for protozoan pathogens suggest that the proportion of infective cysts or oocysts increases with increasing level of treatment.

XI. Validity of the Indicator Organism Paradigm for Pathogen Reduction in Reclaimed Water and Public Health Protection[†]

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The validity of using indicator organisms (total and fecal coliforms, enterococci, *Clostridium perfringens*, and F-specific coliphages) to predict the presence or absence of pathogens (infectious enteric viruses, *Cryptosporidium*, and *Giardia*) was tested at six wastewater reclamation facilities. Multiple samplings conducted at each facility over a 1-year period. Larger sample volumes for indicators (0.2 to 0.4 liters) and pathogens (30 to 100 liters) resulted in more sensitive detection limits than are typical of routine monitoring. Microorganisms were detected in disinfected effluent samples at the following frequencies: total coliforms, 63%; fecal coliforms, 27%; enterococci, 27%; *C. perfringens*, 61%; F-specific coliphages, ~40%; and enteric viruses, 31%. *Cryptosporidium* oocysts and *Giardia* cysts were detected in 70% and 80%, respectively, of reclaimed water samples. Viable *Cryptosporidium*, based on cell culture infectivity assays, was detected in 20% of the reclaimed water samples. No strong correlation was found for any indicator-pathogen combination. When data for all indicators were tested using discriminant analysis, the presence/absence patterns for *Giardia* cysts, *Cryptosporidium* oocysts, infectious *Cryptosporidium*, and infectious enteric viruses were predicted for over 71% of disinfected effluents. The failure of measurements of single indicator organism to correlate with pathogens suggests that public health is not adequately protected by simple monitoring schemes based on detection of a single indicator, particularly at the detection limits routinely employed. Monitoring a suite of indicator organisms in reclaimed effluent is more likely to be predictive of the presence of certain pathogens, and a need for additional pathogen monitoring in reclaimed water in order to protect public health is suggested by this study.

XII. Titre du document / Document title

Presence and distribution of wastewater-derived pharmaceuticals in soil irrigated with reclaimed water

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XV. Résumé / Abstract

Three sites in the Front Range of Colorado, r SA, were monitored from May through September 2003 to assess the presence and distribution of pharmaceuticals in soil irrigated with reclaimed water derived from urban wastewater. Soil cores were collected monthly, and 19 pharmaceuticals, all of which were detected during the present study, were measured in 5-cm increments of the 30-cm cores. Samples of reclaimed water were analyzed three times during the study to assess the input of pharmaceuticals. Samples collected before the onset of irrigation in 2003 contained numerous pharmaceuticals, likely resulting from the previous year's irrigation. Several of the selected pharmaceuticals increased in total soil concentration at one or more of the sites. The four most commonly detected pharmaceuticals were erythromycin, carbamazepine, fluoxetine, and diphenhydramine. Typical concentrations of the individual pharmaceuticals observed were low (0.02-15 µg/kg dry soil). The existence of subsurface maximum concentrations and detectable concentrations at the lowest sampled soil depth might indicate interactions of soil components with pharmaceuticals during leaching through the vadose zone. Nevertheless, the present study demonstrates that reclaimed-water irrigation results in soil pharmaceutical concentrations that vary through the irrigation season and that some compounds persist for months after irrigation.

XVI. Revue / Journal Title

Environmental toxicology and chemistry ISSN 0730-7268 CODEN ETOCDK

XVII. Source / Source

2006, vol. 25, n°2, pp. 317-326 [10 page(s) (article)] (28 ref.)

Research

XVIII. Persistence of Resistant *Staphylococcus epidermidis* after Single Course of Clarithromycin

Maria Sjölund,*† Eva Tano,* Martin J. Blaser,‡ Dan I. Andersson,† and Lars Engstrand*†

*8nivHrVity +RVSitDQ 8SSVDQ, 6Z HGHN; †7KH 6Z HGVK ,nVtituH IRr ,nIHftiRuV' iVHDVH Control, Solna, Sweden; and ‡1HZ YRrN 8nivHrVity 6FKRRORI 0 HGFinH, 1HZ YRrN, New York, r SA

[Suggested citation for this article](#)

We examined how a common therapy that includes clarithromycin affects normally colonizing *Staphylococcus epidermidis*. Samples from the nostrils of 5 patients receiving therapy were collected before, immediately after, 1 year after, and 4 years after treatment. From each patient and sample, *S. epidermidis* strains were isolated and analyzed for clarithromycin susceptibility and presence of the *erm(C)* gene. We show that macrolide-resistant strains of *S. epidermidis*

were selected during therapy and that the same resistant strain may persist for 4 years, in the absence of further antimicrobial treatment.

The emergence and spread of drug-resistant bacteria pose a serious threat to global public health (1,2), and the normal biota constitutes a potential reservoir of resistance genes that can spread to invading pathogens (3,4). A gene (*aphA-3*) that confers resistance to amikacin and kanamycin in *Campylobacter* spp. may have originated from the gram-positive *Enterococcus*, *Streptococcus*, or *Staphylococcus* spp. (4). Similarly, *aadE* and *tet(O)*, which encode streptomycin and tetracycline resistance, respectively, have been found in *Campylobacter* spp. but are considered to have been transferred from gram-positive bacteria (4). Moreover, parts of the mosaic penicillin-binding protein genes of *Streptococcus pneumoniae* that confer penicillin resistance are likely to originate from viridans streptococci, which tend to be more resistant (5), and the *mecA* gene that renders *Staphylococcus aureus* resistant to all β -lactams likely originated in coagulase-negative staphylococci (6). *Staphylococcus epidermidis*, a coagulase-negative staphylococcus, is a major component of the normal human biota (7). Large populations (10^3 – 10^6 CFU/cm²) of *S. epidermidis* are commonly found in the anterior nares and the axillae (7). Coagulase-negative staphylococci have been increasingly recognized as important nosocomial pathogens (8), affecting immunocompromised patients or those with indwelling devices, such as joint prostheses, prosthetic heart valves, and central venous catheters (8,9). Since the infections associated with *S. epidermidis* are chiefly acquired during hospitalization, it is not surprising that they are increasingly resistant to antimicrobial drugs (10). Macrolide resistance in *S. epidermidis* is commonly caused by *erm* genes (10), whose products dimethylate a 23S rRNA adenine residue, preventing macrolide binding to the 50S ribosomal subunit (11,12). In *S. epidermidis*, *erm(C)*, which induces high-level macrolide resistance, predominates (13,14).

In this study, we have assessed how a commonly used therapy that includes clarithromycin affects the normal microbiota of *S. epidermidis*. We show that a 1-week course of clarithromycin selects for macrolide-resistant *S. epidermidis* that may persist up to 4 years after treatment.

The EPA's Inspector General's Office issued a report Dec. 30 that concluded the agency failed to adhere to its own guidelines in evaluating the toxicity in water of perchlorate. The Inspector General's Office found that EPA guidance supports the use of a cumulative risk assessment when examining toxicity issues, but the agency used a single chemical risk assessment to derive the perchlorate reference -- or maximum acceptable -- dose.

Feliciano, Gabriela P.

From: Shelton, Barbara
Sent: Thursday, February 05, 2009 12:21 PM
To: Ledbetter, John; Weiss, Bettie; Casey, Paul
Cc: Feliciano, Gabriela P.; Gularte, Beatriz; Burbank, Peggy P.; Unzueta, Irma
Subject: FW: EIR scoping and the urban forest

FYI

-----Original Message-----

From: Sheila Lodge [mailto:CONFIDENTIAL]
Sent: Thursday, February 05, 2009 11:13 AM
To: Shelton, Barbara
Subject: EIR scoping and the urban forest

Hello Barbara,

I didn't reiterate my concern about the urban forest and its inclusion in the EIR at the Planning Commission scoping meeting since I'd expressed it at the GPU subcommittee meeting on January 26th.

I do want to be sure that it will be included.

Thanks,

Sheila

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Shelton, Barbara

From: ruiz: [REDACTED]
Sent: Thursday, February 05, 2009 12:41 PM
To: Vincent, Scott; Wiley, Stephen
Cc: Bjork, Rebecca; Andersen, Christine; Shelton, Barbara; ruiz: [REDACTED]
Subject: General Plan EIR Water Supply Baseline

Dear Mr. Vincent:

As you know this subject will be on our Agenda for the Water Commission meeting of February 9. I am directing this to you as you heard my comment on the issue at the recent Planning Commission meeting. I have also copied Mr. Wiley and I ask that any other Members of your Office who will be involved in the final determination of issue receive it as well.

Ms. Bjork has prepared a Memo on the issue that is now posted on the Water Commission section of the City website. It purports to be a Water Resources Division comment to the NOP. It supports desalination as part of the existing Water Supply baseline for the EIR. Although Ms. Bjork is highly qualified in her position and would be a staff person to provide factual information on the determination of the correct Water Supply baseline, she is clearly not qualified to express a legal opinion on behalf of the City on the CEQA legal issue that is vitally important to the preparation of an accurate and legally adequate EIR.

It appears to me that she, and in our brief discussion of the issue, maybe you as well, misunderstand my advocacy on this issue. Describing the accurate EIR Water Supply baseline will in no way affect the current status of the Desalination Facility. I certainly do not advocate abandoning the Facility nor abandoning our permit. As a Member of the Water Commission and as a property owning resident of the City I strongly support maintaining the Facility and keeping it available as a potential emergency source of water if circumstances demand its use in the future. I believe my position in that regard is in complete agreement with what I expect would be a unanimous vote of our City Council if they were allowed the opportunity to voice their opinion on the matter.

As you know or your Office needs to determine soon, there is well established law on this issue. The EIR baseline is to describe the current conditions at the time the NOP is published. What is our current water supply condition in February 2009? Today we do not have an available water supply from the Desalination Facility. We have spent the money for the preparation of the Desalination Facility Study that will explain that if the City Council determines to incur the expenditure sometime in the future, at that time the estimated cost to re-activate the Facility will be approximately \$20 million. That entire \$20 million must be spent before we can produce one drop of water. The ongoing operational costs are estimated to be \$1,600-\$1,800 per acre foot of water produced, after the \$20 million upfront costs are incurred. This would be by far our most expensive water to produce. In the only opportunity the City Council has had to express their position on these issues, it was absolutely clear that they have no intention of incurring those costs, absent a dire and most likely catastrophic water supply emergency. I also support that position.

As I communicated with you I remain willing to communicate in writing and/or in person with Members of your Office to discuss this issue. I have substantial real world experience with the issue. I was thoroughly engaged in the preparation of the Goleta Community Plan in the early 90s where I worked closely with Dan Gira, who, as you know, is our EIR contractor for the City General Plan. At that time the Water Supply baseline was a highly debated issue. The State Water vote had just occurred but we were years away from the first deliveries. Desal was an issue. Groundwater. Déjà vu! I would welcome the opportunity to sit down with Members of your Office and Mr. Gira to discuss this matter. I was thoroughly engaged in the preparation of the initial City of Goleta General Plan; the IV Master Plan and all the University Long Range Development Plans since 1990, including the current pending one. I am an expert in the CEQA law on this issue of water supply in the context of preparing a legally adequate General Plan EIR, by necessity, and I am quite confident in my opinion on this issue at this time.

An opportunity to resolve the issue conclusively could be, to clearly and specifically frame the issue for a City

Council Agenda item in the immediate future. I suggest the following:

1. Thoroughly describe the current CEQA law on the issue of water supply baseline for purposes of preparing an accurate and legally adequate EIR.
2. Disclose to the Council and the public the information in the Desalination Facility Study that the costs to re-activate the Facility in the future will be approximately \$20 million and the operational costs to produce water will be approximately \$1,600-\$1,800 per acre foot.
3. Specifically frame a policy statement for Council action and adoption that can be made part of the record for the EIR, that the Council supports having the Desalination Facility considered part of the EIR baseline.

If that action is taken by the City Council I will accept that determination and abandon my argument on this issue.

In my year and a half on the Water Commission but particularly in the last six months that I have been pursuing this issue, it has been my observation that there appears to be an intentional strategy by certain members of City staff to keep this issue away from determination by elected or appointed decision makers. A fair observation of the City Council hearings on the Desalination Facility Study authorization in August of last year, clearly demonstrates that the Council has no interest in desal as a baseline water supply today. That was the first time the Council had an opportunity to address desal in some time and I believe their position came as a surprise and a shock to certain members of City staff. It was apparent that the Planning Commission was prepared to take action to support and direct staff to adopt my position at the January 29 meeting. Those are very experienced and sophisticated citizens on planning issues. If the elected decisionmakers are given the opportunity to directly address this issue I do not believe there is any question what the determination will be. Quite frankly I do not believe that should be necessary. A clear understanding of the current law on the issue of a proper EIR Water Supply baseline, and the undisputed facts available today, make the answer absolutely clear to me.

I have only put out this effort because I care about our City getting it right and I take my responsibility to public service as a Water Commissioner seriously. Setting the correct Water Supply baseline is one of the most critical steps to the preparation of an accurate, informed and legally adequate EIR. The potential impacts of the proposed Project are measured against the baseline. If the baseline is not properly described, the entire environmental analysis is factually and legally flawed.

Please let me know if I can be given the opportunity to provide additional input on this subject. As the Vice-Chair of the Water Commission I would strongly encourage the participation of your Office in our Commission meeting Monday.

Thank you for your time and attention to this.

Russell R. Ruiz

From: Judy Orias [CONFIDENTIAL]
Sent: Wednesday, February 11, 2009 5:40 AM
To: Shelton, Barbara
Subject: Issues for EIR on general plan

Here are my comments/concerns that I am requesting to be addressed in the EIR for the general plan. Judy Orias

February 10, 2009

Request for the following issue to be evaluated for its impacts and necessary mitigation measures in the proposed General Plan of the city of Santa Barbara

The review of all areas designated as allowing 2nd units to be constructed:

Each individual area or neighborhood proposed to allow 2nd units should be reviewed for their water demand potential, existing and potential sewer capacity, if the size of the lot is suitable to have 2 units, ability of the area with existing and potential housing residents to evacuate, impact on the supply of single family houses in the city (the desired type of housing by residents), the effect on the appearance of residential neighborhoods without required parking.

The city of Santa Barbara cannot make you take the bus, cannot prevent you from owning a car or cars, cannot tell you where you will work or limit the number of people in a unit. These limits should be addressed in any discussion regarding the impacts of 2nd units.

In reviewing the Plan Santa Barbara documents there appear to be a change in the high fire zones. The City of Santa Barbara General Plan Update 2030: Conditions, Trends and Issues Map #2 High Fire Area Map and Map #4 Potential Secondary Dwelling Unit Location (Single Family Zones) in the Draft Update entitled City Council Direction Jan. 2009 still appear to be in conflict. The high fire zone in the first map shows a fire line extending down Arroyo Burro Creek in the Hidden Valley area. This has been eliminated from the second map. The grey areas previously labeled high fire hazard areas are no longer labeled such and are just labeled secondary dwelling units restricted. Looking at the far upper right hand corner of the map the grey areas are identified as secondary dwelling units restricted high fire. The EIR needs to clearly identify what issues make an area or a neighborhood not suitable for a 2nd unit and the identification of the areas need to be uniform. The maps need to be consistent.

The proposals discuss the need for services so that travel is reduced in an area. The proposal for 2nd units in areas such as Hidden Valley do not take this fact in account. There are no near by services that can easily serve the valley. These two proposals seem to be in conflict the impacts should be discussed.

The proposals discuss the increase of density in the downtown core and not in the areas that are on the edge of the city. Hidden Valley is located at the edge of the city boundary yet is designated to become a 2nd unit approval area. The two proposals seem to be in conflict and the impacts of both policies need to be identified.

The single family home with a yard is still the most desired type of housing. The impact of making the majority of middle class single family housing into 2nd units needs to be discussed. The potential of families still seeking the single family house outside of the city, the commute to jobs, affect on air quality, and loss of a balance in the type of housing available in the city need to be discussed and evaluated.

The potential impacts of this proposed policy of 2nd units in large areas of our city single family zones needs to be examined fully as to the potential impacts and what mitigation measures can be successfully implemented to mitigate the impacts.

What policies that are implemented need to be examined as they have a lasting effect on people's quality of life.

Judith Dodge Orias
3788 Torino Dr.
Santa Barbara, California
93105

RECEIVED
FEB 12 2009

Comment to General Plan EIR NOP
February 12, 2009
submitted by Russell R. Ruiz

CITY OF SANTA BARBARA
PLANNING DIVISION

I have been following the General Plan process including the hearings and Staff Reports leading to the Notice of Preparation procedure. I have submitted comments to the Planning Commission and to the City Council on General Plan Water Supply issues. My Comment submitted to the Council dated December 2, is posted on the General Plan website. In December Community Development staff and Water Resources staff gave a report on the EIR process at our City Water Commission meeting. My primary concern at this juncture is the water supply baseline for the Water Supply section of the EIR.

This document is being prepared at a time that there is uncertainty about two of the City's important water supplies, State Water and Gibraltar. When doing long term water supply and land use planning, making a miscalculation on anticipated future water supply by being conservative can be rather easily rectified, if the facts warrant it. Making a miscalculation by overestimating our anticipated future water supply can have severe consequences. Our next door neighbor the Goleta Water District ran out of surplus water in 1972 and operated in a chronic water shortage for the next 25 years. The hardships on the Water District's residents and property owners was particularly exacerbated during the drought of the late 80's and early 90's. That chronic water shortage required the expenditure of in excess of \$130,000,000.00 (one hundred and thirty million dollars) to address.

On our other border the Montecito Water District almost ran out of water last year. Questions about Montecito's ability to serve new development has raised uncertainty for property owners both in Montecito and in the City, on property served by the Montecito Water District. Ten years ago Montecito was seriously considering selling some of the State Water allotment acquired when Summerland Water District was merged, as Montecito thought they had more available water supply than necessary to serve their future needs. Montecito's current predicament has occurred without much new development in the service area.

In addition to advocating a conservative approach in general, my main goal here and now is to try to effectively communicate with decision making staff that the EIR baseline should not include a water supply from the Desalination Facility. I first expressed my concern on this issue during the City Council hearings on the Desalination Facility Study in August. That concern was heightened after reading the Memorandum entitled "Plan Santa Barbara-Water Supply Summary" dated August 29, and the accompanying Memorandum entitled, "Resources Capacity Summary" dated September 2008 that make the finding that we have a currently available supply of potable water of 17,900 afy and a surplus of supply over current demand of 1,300 afy to serve new development. I strongly disagree with those findings. These water supply findings are based in part on the position that we have a currently available supply of water from the Desalination Facility of 3,125 afy.

The Desalination Facility is not currently operational. We will soon receive a final Report that will show the estimated cost to re-activate the Facility and the projected costs to operate it. If sometime in the future the City Council decides to fund that expenditure, at that time it would cost in excess of \$20,000,000.00 (twenty million dollars) just to activate the Facility, and the operational costs would make it by far the most expensive water to produce and deliver. Our water rates are structured so that every water user in the City would be required to share in those costs. In my opinion, during the term of the General Plan Update the decision to spend that kind of money, for this purpose, in the face of the City, State and federal economic situation would be prohibitive, both fiscally and politically, and therefore should not be considered likely. If there is any question on this issue, staff should take the matter directly to the Council now before hundreds of thousands of dollars are spent on what would be a factually and legally flawed EIR, if it is written with an inaccurate and speculative water supply baseline.

There have been several reported cases recently discussing State Water and its use to serve new development, where the term "paper water" has been coined. It is my opinion that the same analysis that has given rise to the term "paper water" as applied to State Water allotment would be equally applicable to our Desalination Facility if it were to be considered part of the existing water supply baseline for the EIR. The supply does not currently exist. A substantial expenditure would be required to make it available and there is no current evidence that the City Council would approve that expenditure during the term of the General Plan Update, absent an emergency, and simply to fuel and serve new development. As a definitional matter of law and fact, a water supply from the Desalination Facility is not part of our existing baseline condition and the General Plan EIR should accurately reflect that fact.

Our situation is similar in concept to two reported cases on the CEQA baseline issue. In one of the cases the project at issue was an existing mine facility, the other an existing factory. In both cases the project proponents were seeking an expansion of an existing permitted use, at a time that the existing use was not yet at the permitted use level. On the question of baseline the issue in both cases was, what is the correct baseline, the permitted use or the existing use? The law has been well established that CEQA requires the description of baseline to be existing conditions at the time the NOP is published. Although in deciding whether to approve a project, the decisionmaker may properly consider the permitted use, that is a different issue than the EIR baseline.

In our case there is no question that the Desalination Facility is a permitted use. A question has arisen as to whether accurately describing the baseline in the General Plan EIR will have any bearing on future use of the Desalination Facility. It is absolutely certain that as a matter of law, the description of baseline in this EIR can have no legal bearing on a future use of the Desalination Facility nor on the existing permit. I fully support maintaining the existing permit. I also support the annual expenditure necessary to maintain the Facility. If in the future circumstances require the use of the Facility, I will fully support that action by the City Council at that time. It is without dispute today that in order to have a baseline operational Facility, the City Council

would have to take a discretionary action at a properly noticed public meeting to authorize the expenditure of over \$20,000,000.00 (twenty million dollars), and the operation of the Facility at a cost to produce water of between \$1,600-\$1,800 per acre foot of water produced, by far our most expensive water to produce and deliver. Those discretionary actions by the City Council would have a direct impact on the monthly water bill of every City water rate payer. A thorough examination of the law and our current facts clearly establishes that the Desalination Facility is not part of our baseline water supply today. I also believe it is relevant to this issue, that the Facility has never been part of our baseline water supply as a practical matter. It was operated for a very short time approximately 15 years ago and not since. Intentional discretionary actions have been taken since to place the Facility in standby mode and it is not operational and as discussed, particularly in the current and anticipated near term future economic situation, it is highly unlikely the Facility will be operated again in the foreseeable future.

In our Water Commission discussion of the draft Water Resources Division comment on the NOP EIR and the Desalination/baseline issue, Ms. Bjork acknowledged that she is not a CEQA expert, is not qualified to express a legal opinion on CEQA, and did not intend her Memorandum to be understood as the expression of a CEQA legal opinion on the proper EIR baseline under CEQA.

CEQA law and Guidelines make it clear that the EIR must acknowledge the opinion of experts. That opinion does not necessarily have to be followed but it must be acknowledged. I am a CEQA and California water law expert. I have over 20 years professional experience in the field. I am Counsel of Record in a reported California Supreme Court CEQA case that established important, generally applicable CEQA law. I have been involved in Santa Barbara County water matters for over 20 years in a professional capacity. My current service on the City Water Commission and as the Commission's Vice-Chair also bolsters my qualifications as an expert in the field.

At our February 9, 2009 Water Commission meeting, the Commission voted unanimously to submit a Comment to the EIR NOP. That Comment states in relevant part:

"It is our position that a water supply from the Desalination Facility should not be considered part of the existing water supply baseline."

Another issue that the law requires be disclosed in the EIR baseline discussion is the current situation with our Recycled Water Facility. In the last water year over 75% of the water delivered through the Facility was in fact potable water as we have a severe water quality problem with our Facility. That information must be disclosed and the matter fully discussed.

Other issues that should be considered in the Water Supply section of the EIR include resolution of water service to the so called Goleta Overlap Area, and water service to that part of the City currently served by the Montecito Water District, primarily on Coast Village Road.

I would be happy to further develop this input if given the opportunity and I hope that through the Water Commission we are given that opportunity.

Russell R. Ruiz
108 Mesa Lane
Santa Barbara, CA. 93109
ruizsblaw@cox.net

DALL & ASSOCIATES

6700 FREEPORT BOULEVARD SUITE 206 SACRAMENTO, CALIFORNIA 95822 USA
Tel.: (Office Direct) ++916.392.0283 Fax: ++916.392.0462 Email: NDall49@sbcglobal.net

By Electronic Mail and Facsimile

February 13, 2009

Ms. Barbara Shelton
City of Santa Barbara Planning Division
PO Box 1990
Santa Barbara, California 93102-1990
Fax: 1.805.897.1904

SUBJECT: SCOPE OF THE EIR ON THE GENERAL PLAN UPDATE

Dear Ms. Shelton:

This firm represents Mr. Thomas Felkay, the owner of property on El Camino de la Luz, Santa Barbara. Our client commends the City for embarking on the General Plan Update (GPU, "*Plan Santa Barbara*") and for soliciting public comment regarding the scope of its accompanying Environmental Impact Report (EIR).

Pursuant to the California Environmental Quality Act (CEQA), the purpose of the EIR is to assist the public and public decision-makers to identify the GPU's potential direct and cumulative significant effects on the environment, identify alternatives to the GPU, and indicate the manner in which significant effects can be mitigated or avoided. CEQA provides, in relevant parts, that long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions; that the City develop applicable standards and procedures necessary to protect environmental quality; and that the City consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

Our client therefore respectfully provides the following scoping comments with regard to preparation of the EIR on the General Plan Update. We incorporate by reference herein our previous comments to City staff of October 21, 2008 (regarding the Master Environmental Assessment and Draft Seismic Hazards map), February 2, 2009 (regarding the draft Visual Quality map), and February 13, 2009 (requesting the City's Initial Study). You have advised us that the City has prepared no Initial Study as part of its environmental review of the GPU, which makes it all the more important that the analytical scope of the EIR be sufficiently detailed and inclusive to ascertain whether the updated General Plan, taken as a whole, has significant direct and cumulative effects on the environment and on housing, and how such effects may be avoided (e.g., through alternatives) or be mitigated.

DALL & ASSOCIATES

Ms. Barbara Shelton
City of Santa Barbara Planning Division
Re: General Plan Update EIR Scoping
February 13, 2009

Specific EIR Scoping Comments

The General Plan Update should clearly identify, and the EIR should specifically address the direct, indirect, and cumulative effects (including alternatives and mitigations, as applicable) of the following extant or necessary (required) GPU components:

1. Discharged Water to Coastal Landforms, Water Quality. Point and non-point surface and subsurface storm, horticultural irrigation, infrastructure, and other water discharge or drainage impacts on coastal landform and structural stability, locally native biota, and receiving water quality.
2. Landslides, Seismic Hazards Map. The location and type of historic and present landslide areas, including mitigation measures and entitlements relating to grading, drainage, related infrastructure replacement, repair/maintenance, monitoring/reporting, and limitations on economic use of private property.
3. Visual Quality Protection Criteria. The City's criteria for determining the visual quality protection (open space) area boundaries shown on Visual Quality Map.
4. Public View(shed) Origination Points. Any (all) public view (viewshed) origination points utilized by the City in mapping visual quality protection (open space) areas should be shown on the Visual Quality Map.
5. Visual Quality Base Map. Visual quality (open space) areas on a (reasonably) current topographical contour base map, with current parcel boundaries.
6. Top and Toe of Coastal Bluff Location Criteria. The City's criteria for determining the hydrogeomorphological basis (bases) for determining the parcel or sub-area specific location of the top and toe of coastal bluff, including in response to future conditions during the GP planning horizon.

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DALL & ASSOCIATES

Ms. Barbara Shelton
City of Santa Barbara Planning Division
Re: General Plan Update EIR Scoping
February 13, 2009

7. Map Datum(s) and Epoch. The datum(s) and epoch(s) for any (all) geological (hazard) and visual quality maps that depict conditions or limitations on use in the City's coastal zone.
8. Mapped Top of Coastal Bluff Line. The mapped current spatial (elevational) location of the top of coastal bluff, consistent with the criteria stated in Title 14 Cal. Code of Regulations section 13577(h).
9. Transfer of Development Credit Program. The location of City's identified (contemplated) Transfer of Development Credit (TDC) comparable receiver and donor sites, and the process for applying the TDC program to investment-backed use expectations of private property affected by proposed GPU open space mapping.
10. GPU-Zoning Consistency. The consistent zoning or other implementation measures generally necessary to implement the General Plan Update provisions, policies, and standards, including mapped standards.
11. GPU-Coastal Act/LCP Consistency. The General Plan Update-Local Coastal Program/Coastal Act consistency analysis for areas within the delineated coastal zone.
12. Other GPU (Alternative) Programmatic Implementation. Where the GPU contains provisions, policies, and standards, including mapped standards, that specifically and differentially or uniquely affect one or a small number of parcels in private ownership, the EIR should address the informational basis (bases) for such special treatment and identify programmatic, including cooperative public-private, alternatives or mitigations to remediate any existing, or potential, significant direct or cumulative effects of General Plan implementation on the environment, housing, and public infrastructure.

Thank you for this opportunity to comment on the scope of the General Plan Update EIR. Please call or email us if you have any questions regarding our comments.

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DALL & ASSOCIATES

Ms. Barbara Shelton
City of Santa Barbara Planning Division
Re: General Plan Update EIR Scoping
February 13, 2009

We look forward to receiving your responses to them and to working with the City in the transparent and effective preparation, and implementation, of a sustainable updated General Plan.

Sincerely yours,

DALL & ASSOCIATES



Norbert H. Dall

Stephanie D. Dall

223:2808.25.130209.1

c: Mr. Thomas Felkay
Mr. John Wallace, Cotton, Shires & Assoc., Inc.
Mr. James Armstrong, City Administrator
Mr. Paul Casey, City Community Development Director

*Plan Santa Barbara
Environmental Impact Report
Scoping Comments*

**PLANNING COMMISSION HEARING
JANUARY 29, 2009**

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City of Santa Barbara

Planning Division

PLANNING COMMISSION MINUTES

January 29, 2009

CALL TO ORDER:

Chair Larson called the meeting to order at 1:02 P.M.

I. ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Staff Present:

N. Scott Vincent, Assistant City Attorney

John Ledbetter, Principal Planner

Barbara Shelton, Project Planner/ Environmental Analyst

Gabriela Feliciano, Commission Secretary

Staff Absent:

Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Announcements and appeals.

None.

B. Comments from members of the public pertaining to items not on this agenda.

Chair Larson opened the public hearing at 1:04 P.M. and, with no one wishing to speak, closed the hearing.

ACTUAL TIME: 1:04 P.M.

III. ENVIRONMENTAL IMPACT REPORT (EIR) SCOPING HEARING

PLAN SANTA BARBARA EIR

The purpose of the hearing was to receive public comment on the scope of analysis for the *Plan Santa Barbara* EIR.

Project Description: *Plan Santa Barbara* is a multi-year planning process underway to update the City General Plan, including growth management and land use policies to govern development to the year 2030. The initial General Plan update documents will include the Draft General Plan Framework and Draft Policy Preferences; Draft Land Use Element and Map, Draft Housing Element, and Draft Adaptive Management Program. Draft policy updates pertain to sustainability and living within our resources; land use and growth management; housing; circulation; historic resources and community design; environmental resource protection; public services and safety; and economy and fiscal health. The *Plan Santa Barbara* Draft Policy Preferences Report, City Council Direction (January 2009) is available at www.YouPlanSB.org or at the Planning Division office (630 Garden Street).

EIR Scope of Analysis: The City of Santa Barbara will be Lead Agency to prepare a Program EIR to evaluate effects on the environment that may occur as a result of future growth within the City over the next two decades under the proposed *Plan Santa Barbara* draft policies. The EIR will identify potentially significant environmental impacts citywide or to areas within the City, or cumulatively in the larger region. Mitigation measures that could feasibly avoid or reduce significant impacts will be identified.

EIR impact topics to be analyzed include: air quality; biological resources; geology; hazards (wildfire, safety hazards, hazardous materials); heritage resources (archaeology, history); hydrology and water quality; noise; open space and visual aesthetics, public facilities (water, wastewater, solid waste, utilities), public services (police, fire protection, parks, schools), transportation (circulation, traffic, parking); energy and climate change; growth-inducing effects (housing, population, employment, and land use); and socioeconomic issues (demographics, environmental justice, economy).

The EIR will also provide a comparative impact evaluation for a range of alternative future growth scenarios and policy options considered in the *Plan Santa Barbara* process. These will cover a non-residential growth range of 1-2.5 million square feet and residential growth range of approximately 2,000 to 5,000 additional residential units over the planning period to the year 2030. Three million square feet nonresidential and 8,000 residential units will also be evaluated to the year 2050.

Public Comment: In addition to public comment at this hearing, public and agency comment on the EIR scope of analysis may be submitted to the Planning Division, to be received no later than February 13, 2009. Mailing address: City of Santa Barbara Planning Division, Attn: Barbara Shelton, P.O. Box 1990, Santa Barbara, CA 93102-1990. Email: BShelton@santabarbaraca.gov. Planning Division Office: 630 Garden Street, Santa Barbara. Telephone: (805) 564-5470. Fax: (805)897-1904.

Case Planner: Barbara Shelton, Project Planner/Environmental Analyst
Email: BShelton@SantaBarbaraCA.gov

Barbara Shelton, Project Planner/Environmental Analyst, gave the Staff presentation.

Chair Larson opened the public hearing at 1:15 P.M.

The following people spoke expressing concerns:

1. Christy Schuerch, Coalition for Community Wellness, suggested that the EIR should consider transportation congestion and mitigation measures from a health policy perspective, and advocated for increased public transit, bicycle and walking facilities to mitigate congestion of intersections and reduce air pollution. The primary congested intersections are those leading on to and off of the 101 freeway.
2. Russell Ruiz, Water Commissioner, speaking for himself, stated that the EIR baseline should not include water supply from the Desalination Facility, due to the high cost of its reactivation and operation. The General Plan that has sustainability as a theme should not be formulated on a water supply source that is speculative, extremely costly, energy intensive, and would carry an unacceptable carbon footprint. Water supplies from State Water and Gibraltar Reservoir also have constraints. There should be resolution of water service to the Coast Village Road and Goleta overlap areas.
3. Dianne Channing, local resident, expressed concern about the Adaptive Management Program as to lack of specifics and how public input will be gathered, and suggested surveys to neighborhood and business organizations.
4. Mickey Flacks, local resident, commented that the Alternative Policies #2 should be described as additive to the Plan Santa Barbara Project policies. The Extended Range Alternative is problematic; because there are too many unknown variables to project over forty years. Alternative Policies #2 is the environmentally superior alternative: increasing affordable housing at all levels would produce fewer car trips into and out of the area; higher downtown density, and development in the MODA should be encouraged; multi-family housing is more sustainable; a change from auto-oriented to multiple modes and less parking would result in a reduction of global warming.
5. Naomi Kovacs, Citizens Planning Association (CPA), commented that the day-time population of local residents plus commuters and tourists is much larger than those acknowledged to live in the city. This should be taken into account when EIR analyzes the existing conditions and various growth scenarios in terms of public facilities and public services. Environmentally sound benchmarks should be established for adaptive management, including jobs/housing balance, and social equity, e.g. proportion of affordable housing.
6. Paul Hernadi, CPA, commented that the EIR should evaluate the possible environmental disadvantages of increasing the allowable density in the Mobility Oriented Development Area (MODA), such as traffic and air quality effects. Mitigating measures, such as sizeable setbacks and other open spaces, should be required in locations where densification is proposed, yet site specific air quality

- measurements indicate potential danger to public health. The EIR should also evaluate the City's growth in the cumulative context of predictable growth in areas outside the City. Examples are highway and surface street traffic; ocean tanker emissions; and alternative mode transportation mitigation.
7. Mary Louise Days, CPA, commented that most development involves demolition, and the environmental impact of demolitions should be analyzed, including solid waste, traffic congestion, air and noise pollution, the potential adverse impact on neighborhood character, and historical/archaeological resources. The EIR should weigh any possible environmental benefits of incentivizing secondary dwelling units in single family neighborhoods against the possible environmental disadvantages, such as increase in gas and water use with single meter; historical character, visual and economic effects to neighborhoods, and traffic and parking impacts.
 8. Connie Hannah, Santa Barbara League of Women Voters, requested that the EIR include examination of: present and future water and sewer capacity; building of low and moderate-income housing; effects of building more luxury condos and the many impacts they have on the community; whether expensive condos would result in reduction of drivers; detailed traffic information and air quality effects; traffic and parking effects of secondary units; transit funding; whether anything is gained by encouraging secondary dwelling units if they are not required to be affordable. The League supports the use of adaptive management to see if resource capacity is being exceeded, but the community indicators that are used will be important.
 9. Debbie Cox Bultan, Coastal Housing Coalition, commented that the Project Description uses the same number of new dwelling units as the No Project alternative, which doesn't help the jobs/housing balance. She recommends that the City should include upper-middle income in its description of affordable housing. She agrees with the cumulative analysis, which needs to look at commuting.
 10. Cathie McCammon, Allied Neighborhood Association Executive Committee, commented that the EIR needs to address the actual use of public resources and services, including estimating the number of people living in illegal secondary units and the daytime population. The EIR should spell-out exactly how the adaptive management will work so that resources aren't used up. There should be an analysis of variable density changes, including the cost of market rate units necessary to subsidize the workforce units; the number of service workers needed to support the residents of luxury condos; and who is buying workforce housing by occupation and family size to determine how effective it is.

Chair Larson acknowledged receipt of correspondence from June Jones, Citizens Planning Association, Paula Westbury, Jean Holmes, League of Women Voters, Brian Fahnestock, and Joe Rution.

With no one else wishing to speak, the public hearing was closed at 1:54 P.M.

Plan Santa Barbara Staff and Dan Gira, AMEC Earth and Environmental, answered additional Planning Commission questions about:

1. Projection as far as a timeline for completing the EIR process. Staff responded that the *PlanSB* team is on track with the planned estimate and it should conclude in one year. An updated timeline will be given at the February 12 City Council/Planning Commission joint meeting on the Phase III Work Program.
2. How the EIR will be analyzing the issues of increased density affect on traffic, air quality and the jobs/housing balance. Mr. Gira responded that the primary and secondary job creation impacts will be looked at, as well as impacts of different types of housing, to allow for mix and match among alternatives. The details behind the assumptions will be included.
3. Asked if the extended range alternative be excluded. Ms. Shelton noted that a more qualitative discussion of the extended range could be provided. Mr. Gira responded that having a programmatic discussion of full build out of the City and longer range implications of land use maps is necessary and would be beneficial. Staff added that global warming issues push for longer range planning.
4. Asked if the desalination facility be excluded in the water supply baseline equation. Mr. Vincent responded that the consideration of the Desalination Facility's place in the water supply plan is part of the EIR process. It would be more appropriate to allow time for the water supply managers to be consulted. There will be another opportunity to comment further on this issue once the water supply managers complete their analysis.

The Commissioners made the following comments:

1. The EIR should focus on key resources of water, waste water treatment, solid waste, and transportation.
2. Some Commissioners felt that the Desalination Plant should not be counted as baseline water supply because it is not being used and it is only an emergency source.
3. The Adaptive Management Program is a most important part of the General Plan Update and needs to be detailed to maximize functionality of the mitigation program. This will streamline staff's ability to expedite the review process, improve the confidence of the public in what is perceived as impacts, and give assurances that the City will not exceed its resources.
4. Adaptive management tools and how they are implemented need to be worked on.
5. The mitigation measures should be crafted and designed so that they will be applicable to the proposed Adaptive Management Program.
6. Requested that not much effort be spent on the extended range alternative. The timeframes for general plans are purposely shorter because trying to predict forty years into the future would likely be inaccurate.
7. The scope should be focused to be more functional. If there is an environmentally superior alternative it can be constructed out of the alternatives analysis.

8. The structure of the alternatives should be refined so that they are designed to mix and match. The ability to equate residential dwelling units and non-residential square footage in terms of resources could provide a "cafeteria" plan.
9. Full built-out should be discussed in the environmental sections, rather than the alternatives section, and further built upon in the Growth-Inducing Effects section.
10. Suggested that the EIR consider that an increase in crime resulting from higher density would impact the need for city services.
11. The daytime population versus the night time population needs to be addressed.
12. There is concern with the renting population. The issue of how Santa Barbara could be made a great place for renting so that people do not have to move away should be considered.
13. With regard to transportation associated with commuters, requested consideration of what environmental benefits could be garnered by improved commuter transportation and what can be done to decrease the impact.
14. The sphere of influence appears to be the same in each scenario. More adjustability should be built-in.
15. Some Commissioners questioned why the MODA has drastically shrunk since last presented, as well as the areas allocated for potential secondary dwelling units.
16. Suggested that the extended range element be excluded.
17. The project's performance on areas such as water use, energy use, and traffic generation should be compared with the existing buildings on the ground, and both should be analyzed.
18. The collective community education facilities should be included as a resource.
19. In order to incentivize building smaller units, the allowable density for smaller units should be increased.
20. Requested that the historic element be separated from community design in the policy preferences report
21. Moving forward in the completion of the EIR is important. Requested a three month status report specifying what questions each section of the EIR will answer with the goal of expediting the process of the EIR completion.

ACTUAL TIME: 2:43 P.M.

IV. ADMINISTRATIVE AGENDA

A. Committee and Liaison Reports.

Commissioner Jacobs reported that the Parks and Recreation Commission has two new commissioners: Scott Burns and Daniel Hochman. At the last meeting the need to charge body training facilities for the use of public parks when they choose not to exercise in a gym was discussed.

Commissioner Bartlett reported he attended the last Architectural Board of Review meeting. The Valle Verde project Master Plan was well received in terms of the site planning component. The alternate height limit charter amendment was presented by Staff with mixed reception.

- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.

Chair Larson reported on the 411 E. Carrillo Street modifications that were granted.

V. ADJOURNMENT

MOTION: Jostes/Jacobs

To adjourn the meeting.

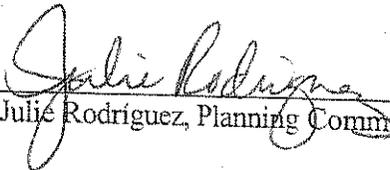
This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Larson adjourned the meeting at 2:45 P.M.

Prepared by Gabriela Feliciano, Commission Secretary

Submitted by,



Julie Rodriguez, Planning Commission Secretary

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*Plan Santa Barbara
Environmental Impact Report
Scoping Comments*

**RECEIVED AFTER
COMMENT PERIOD**

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CALIFORNIA EMERGENCY MANAGEMENT AGENCY
DISASTER ASSISTANCE PROGRAMS BRANCH
3650 SCHRIEVER AVENUE
MATHER, CALIFORNIA 95655
PHONE (916) 845-8101 FAX (916) 845-8381

March 2, 2009

RECEIVED
MAR 05 2009

Barbara Shelton
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

CITY OF SANTA BARBARA
PLANNING DIVISION

RE: Notice of Preparation for a Draft Environmental Impact Report for the City of Santa Barbara's General Plan Update, SCH# 2009011031

Dear Ms. Shelton:

Thank you for the opportunity to comment on your Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the city's general plan update. In preparing the general plan and accompanying DEIR, the city should examine the sections of state planning law that involve potential hazards the city may face. For your information, I have underlined specific sections of state planning law where identification and analysis of hazards are discussed (see Attachment A).

Prior to the release of the draft general plan or within the DEIR, city staff or your consultants should examine each of the requirements in state planning law and determine if there are hazard issues within the community which the general plan should address. A table in the DEIR (or general plan) which identifies these specific issues and where they are addressed in the general plan would be helpful in demonstrating the city has complied with these requirements. If the DEIR determines that state planning law requirements have not been met, it should recommend that these issues be addressed in the general plan as a mitigation measure.

We note that state planning law includes a requirement for consultations with state agencies in regard to information related to hazards. OES would be happy to share all available information at our disposal to facilitate the city's ability to comply with state planning and environmental laws.

If you have any questions about these comments, please contact Andrew Rush at (916) 845-8269 or andrew.rush@OES.ca.gov.

Sincerely,

Dennis Castrillo

Dennis Castrillo
Environmental Officer

cc: State Clearinghouse

Attachment A
Hazards and State Planning Law Requirements

General Plan Consistency

65300.5. In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

Seven Mandated Elements

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity and quality of the rock, sand and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Care Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight on-line railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction, and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
 - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
 - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
 - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
 - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) After the initial revision of the safety element pursuant to paragraph (2), upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.
- (4) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.
- (5) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the office, and the board required by this subdivision.
- (6) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

Consistency with Airport Land Use Plans

65302.3. (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

Review of Safety Element

65302.5. (a) At least 45 days prior to adoption or amendment of the safety element, each county and city shall submit to the Division of Mines and Geology of the Department of Conservation

one copy of a draft of the safety element or amendment and any technical studies used for developing the safety element. The division may review drafts submitted to it to determine whether they incorporate known seismic and other geologic hazard information, and report its findings to the planning agency within 30 days of receipt of the draft of the safety element or amendment pursuant to this subdivision. The legislative body shall consider the division's findings prior to final adoption of the safety element or amendment unless the division's findings are not available within the above prescribed time limits or unless the division has indicated to the city or county that the division will not review the safety element. If the division's findings are not available within those prescribed time limits, the legislative body may take the division's findings into consideration at the time it considers future amendments to the safety element. Each county and city shall provide the division with a copy of its adopted safety element or amendments. The division may review adopted safety elements or amendments and report its findings. All findings made by the division shall be advisory to the planning agency and legislative body.

(1) The draft element of or draft amendment to the safety element of a county or a city's general plan shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either of the following:

(A) The adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas.

(B) The adoption or amendment to the safety element of its general plan for each city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (b) of Section 51177.

(2) A county that contains state responsibility areas and a city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (b) of Section 51177, shall submit for review the safety element of its general plan to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county in accordance with the following dates as specified, unless the local government submitted the element within five years prior to that date:

(A) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 2010.

(B) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2011.

(C) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2012.

(D) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2013.

(E) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2014.

(F) All other local governments: December 31, 2015.

(3) The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element. The State Board of Forestry and Fire Protection and local agency shall review the draft or existing safety element and may

offer written recommendations for changes to the draft or existing safety element regarding both of the following:

(A) Uses of land and policies in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wildland fires.

(B) Methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high hazard severity zones.

(b) Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the board of supervisors or city council determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or local agency, the board of supervisors or city council shall communicate in writing to the State Board of Forestry and Fire Protection or to the local agency, its reasons for not accepting the recommendations.

Open Space Plans

65560. (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

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EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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RECEIVED
MAR 16 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

March 13, 2009

Bettie Weiss, City Planner
Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, California 93101

RE: **Shaping Local Land Use Patterns to Meet the Requirements of AB 32**

Dear City Planner Weiss:

In response to the many questions we receive from local agencies like yours, the Attorney General's Office has compiled the attached document, "Climate Change, the California Environmental Quality Act (CEQA), and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions." To ensure that all local governments have access to the most up-to-date information, we are sending these materials to cities and counties that are in the process of updating their general plans and, in addition, to those jurisdictions that are due for an update.

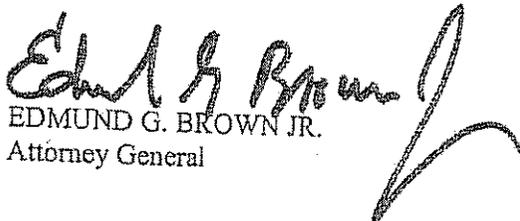
The general planning process presents a powerful opportunity to carefully consider and shape future land use patterns and ensure that development is consistent with AB 32. As the Air Resources Board noted in its recent AB 32 Scoping Plan, "[l]ocal governments are essential partners in achieving California's goals to reduce greenhouse gas emissions."

Attorneys in my office have commented on a significant number of general plan updates over the past two years. They also have met informally with planners and officials from numerous jurisdictions. It is clear to us that local agencies are attempting to address global warming in their general plan updates and accompanying CEQA documents and are taking on the challenging scientific, technical, and policy issues presented.

Bettie Weiss
March 13, 2009
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We hope that the attached Frequently Asked Questions will serve as helpful guidance in your general plan update. We look forward to learning from your work and stand ready to assist should you have questions about the contents of this letter or the attachment. For additional information, please contact Cliff Rechtschaffen, Special Assistant Attorney General, at (510) 622-2260 / Cliff.Rechtschaffen@doj.ca.gov, or Janill Richards, Deputy Attorney General, at (510) 622-2130 / Janill.Richards@doj.ca.gov.

Sincerely,


EDMUND G. BROWN JR.
Attorney General

Attachment (CEQA FAQs, also available at <http://ag.ca.gov/globalwarming/ceqa.php>)

cc: City Council for the City of Santa Barbara, c/o
Marty Blum, Mayor of the City of Santa Barbara
James L. Armstrong, City Administrator
Stephen Wiley, City Attorney

Climate Change, the California Environmental Quality Act, and General Plan Updates: Straightforward Answers to Some Frequently Asked Questions

At any given time in this State, well over one hundred California cities and counties are updating their general plans. These are complex, comprehensive, long-term planning documents that can be years in the making. Their preparation requires local governments to balance diverse and sometimes competing interests and, at the same time, comply with the Planning and Zoning Law and the California Environmental Quality Act (CEQA).

Local governments have decades of experience in applying state planning law and excellent resources to assist them – such as the "General Plan Guidelines" issued by The Governor's Office of Planning and Research (OPR).¹ They are also practiced in assessing whether general plans may have significant localized environmental effects, such as degradation of air quality, reductions in the water supply, or growth inducing impacts. The impact of climate change, however, has only fairly recently shown up on the CEQA radar.

The fact that climate change presents a new challenge under CEQA has not stopped local governments from taking action. A substantial number of cities and counties already are addressing climate change in their general plan updates and accompanying CEQA documents. These agencies understand the substantial environmental and administrative benefits of a programmatic approach to climate change. Addressing the problem at the programmatic level allows local governments to consider the "big picture" and – provided it's done right – allows for the streamlined review of individual projects.²

Guidance addressing CEQA, climate change, and general planning is emerging, for example, in the pending CEQA Guideline amendments,³ comments and settlements by the Attorney General, and in the public discourse, for example, the 2008 series on CEQA and Global Warming organized by the Local Government Commission and sponsored by the Attorney General. In addition, the Attorney General's staff has met informally with officials and planners from numerous jurisdictions to discuss CEQA requirements and to learn from those who are leading the fight against global warming at the local level.

Still, local governments and their planners have questions. In this document, we attempt to answer some of the most frequently asked of those questions. We hope this document will be useful, and we encourage cities and counties to contact us with any additional questions, concerns, or comments.

- Can a lead agency find that a general plan update's climate change-related impacts are too speculative, and therefore avoid determining whether the project's impacts are significant?

No. There is nothing speculative about climate change. It's well understood that (1) greenhouse gas (GHG) emissions increase atmospheric concentrations of GHGs; (2) increased GHG concentrations in the atmosphere exacerbate global warming; (3) a project that adds to the atmospheric load of GHGs adds to the problem.

Making the significance determination plays a critical role in the CEQA process.⁴ Where a project may have a significant effect on the environment, the lead agency must prepare an Environmental Impact Report (EIR).⁵ Moreover, a finding of significance triggers the obligation to consider alternatives and to impose feasible mitigation.⁶ For any project under CEQA, including a general plan update, a lead agency therefore has a fundamental obligation to determine whether the environmental effects of the project, including the project's contribution to global warming, are significant.

- In determining the significance of a general plan's climate change-related effects, must a lead agency estimate GHG emissions?

Yes. As OPR's Technical Advisory states:

Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.⁷

In the context of a general plan update, relevant emissions include those from government operations, as well as from the local community as a whole. Emissions sources include, for example, transportation, industrial facilities and equipment, residential and commercial development, agriculture, and land conversion.

There are a number of resources available to assist local agencies in estimating their current and projected GHG emissions. For example, the California Air Resources Board (ARB) recently issued protocols for estimating emissions from local government operations, and the agency's protocol for estimating community-wide emissions is forthcoming.⁸ OPR's Technical Advisory contains a list of modeling tools to estimate GHG emissions. Other sources of helpful information include the white paper issued by the California Air Pollution Control Officers Association (CAPCOA), "CEQA and Climate Change"⁹ and the Attorney General's website,¹⁰ both of which provide information on currently available models for calculating emissions. In addition, many cities and counties are working with the International Council for Local Environmental Initiatives (ICLEI)¹¹ and tapping into the expertise of this State's many colleges and universities.¹²

- For climate change, what are the relevant "existing environmental conditions"?

The CEQA Guidelines define a significant effect on the environment as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project."¹³

For local or regional air pollutants, existing physical conditions are often described in terms of air quality (how much pollutant is in the ambient air averaged over a given period of time), which is fairly directly tied to current emission levels in the relevant "area affected." The "area affected," in turn, often is defined by natural features that hold or trap the pollutant until it escapes or breaks down. So, for example, for particulate matter, a lead agency may describe existing physical conditions by discussing annual average PM10 levels, and high PM10 levels averaged over a 24-hour period, detected at various points in the air basin in the preceding years.

With GHGs, we're dealing with a global pollutant. The "area affected" is both the atmosphere and every place that is affected by climate change, including not just the area immediately around the project, but the region and the State (and indeed the planet). The existing "physical conditions" that we care about are the current atmospheric concentrations of GHGs and the existing climate that reflects those concentrations.

Unlike more localized, ambient air pollutants which dissipate or break down over a relatively short period of time (hours, days or weeks), GHGs accumulate in the atmosphere, persisting for decades and in some cases millennia. The overwhelming scientific consensus is that in order to avoid disruptive and potentially catastrophic climate change, then it's not enough simply to stabilize our annual GHG emissions. The science tells us that we must immediately and substantially reduce these emissions.

- If a lead agency agrees to comply with AB 32 regulations when they become operative (in 2012), can the agency determine that the GHG-related impacts of its general plan will be less than significant?

No. CEQA is not a mechanism merely to ensure compliance with other laws, and, in addition, it does not allow agencies to defer mitigation to a later date. CEQA requires lead agencies to consider the significant environmental effects of their actions and to mitigate them today, if feasible.

The decisions that we make today do matter. Putting off the problem will only increase the costs of any solution. Moreover, delay may put a solution out of reach at any price. The experts tell us that the later we put off taking real action to reduce our GHG emissions, the less likely we will be able to stabilize atmospheric concentrations at a level that will avoid dangerous climate change.

- **Since climate change is a global phenomenon, how can a lead agency determine whether the GHG emissions associated with its general plan are significant?**

The question for the lead agency is whether the GHG emissions from the project – the general plan update – are considerable when viewed in connection with the GHG emissions from past projects, other current projects, and probable future projects.¹⁴ The effects of GHG emissions from past projects and from current projects to date are reflected in current atmospheric concentrations of GHGs and current climate, and the effects of future emissions of GHGs, whether from current projects or existing projects, can be predicted based on models showing future atmospheric GHG concentrations under different emissions scenarios, and different resulting climate effects.

A single local agency can't, of course, solve the climate problem. But that agency can do its fair share, making sure that the GHG emissions from projects in its jurisdiction and subject to its general plan are on an emissions trajectory that, if adopted on a larger scale, is consistent with avoiding dangerous climate change.

Governor Schwarzenegger's Executive Order S-3-05, which commits California to reducing its GHG emissions to 1990 levels by 2020 and to eighty percent below 1990 levels by 2050, is grounded in the science that tells us what we must do to achieve our long-term climate stabilization objective. The Global Warming Solutions Act of 2006 (AB 32), which codifies the 2020 target and tasks ARB with developing a plan to achieve this target, is a necessary step toward stabilization.¹⁵ Accordingly, the targets set in AB 32 and Executive Order S-3-05 can inform the CEQA analysis.

One reasonable option for the lead agency is to create community-wide GHG emissions targets for the years governed by the general plan. The community-wide targets should align with an emissions trajectory that reflects aggressive GHG mitigation in the near term and California's interim (2020)¹⁶ and long-term (2050) GHG emissions limits set forth in AB 32 and the Executive Order.

To illustrate, we can imagine a hypothetical city that has grown in a manner roughly proportional to the state and is updating its general plan through 2035. The city had emissions of 1,000,000 million metric tons (MMT) in 1990 and 1,150,000 MMT in 2008. The city could set an emission reduction target for 2014 of 1,075,000 MMT, for 2020 of 1,000,000 MMT, and for 2035 of 600,000 MMT, with appropriate emission benchmarks in between. Under these circumstances, the city could in its discretion determine that an alternative that achieves these targets would have less than significant climate change impacts.

- **Is a lead agency required to disclose and analyze the full development allowed under the general plan?**

Yes. The lead agency must disclose and analyze the full extent of the development allowed by the proposed amended general plan,¹⁷ including associated GHG emissions.

This doesn't mean that the lead agency shouldn't discuss the range of development that is likely to occur as a practical matter, noting, for example, the probable effect of market forces. But the lead agency can't rely on the fact that full build out may not occur, or that its timing is uncertain, to avoid its obligation to disclose the impacts of the development that the general plan would permit. Any other approach would seriously underestimate the potential impact of the general plan update and is inconsistent with CEQA's purposes.

• **What types of alternatives should the lead agency consider?**

A city or county should, if feasible, evaluate at least one alternative that would ensure that the community contributes to a lower-carbon future. Such an alternative might include one or more of the following options:

- higher density development that focuses growth within existing urban areas;
- policies and programs to facilitate and increase biking, walking, and public transportation and reduce vehicle miles traveled;
- the creation of "complete neighborhoods" where local services, schools, and parks are within walking distance of residences;
- incentives for mixed-use development;
- in rural communities, creation of regional service centers to reduce vehicle miles traveled;
- energy efficiency and renewable energy financing (see, e.g., AB 811)¹⁸
- policies for preservation of agricultural and forested land serving as carbon sinks;
- requirements and ordinances that mandate energy and water conservation and green building practices; and
- requirements for carbon and nitrogen-efficient agricultural practices.

Each local government must use its own good judgment to select the suite of measures that best serves that community.

• **Can a lead agency rely on policies and measures that simply "encourage" GHG efficiency and emissions reductions?**

No. Mitigation measures must be "fully enforceable."¹⁹ Adequate mitigation does not, for example, merely "encourage" or "support" carpools and transit options, green building practices, and development in urban centers. While a menu of hortatory GHG policies is positive, it does not count as adequate mitigation because there is no certainty that the policies will be implemented.

There are many concrete mitigation measures appropriate for inclusion in a general plan and EIR that can be enforced as conditions of approval or through ordinances. Examples are described in a variety of sources, including the CAPCOA's white paper,²⁰ OPR's Technical Advisory,²¹ and the mitigation list on the Attorney General's website.²² Lead agencies should also consider consulting with other cities and counties that have recently completed general plan updates or are working on Climate Action Plans.²³

- Is a "Climate Action Plan" reasonable mitigation?

Yes. To allow for streamlined review of subsequent individual projects, we recommend that the Climate Action Plan include the following elements: an emissions inventory (to assist in developing appropriate emission targets and mitigation measures); emission targets that apply at reasonable intervals through the life of the plan; enforceable GHG control measures; monitoring and reporting (to ensure that targets are met); and mechanisms to allow for the revision of the plan, if necessary, to stay on target.²⁴

If a city or county intends to rely on a Climate Action Plan as a centerpiece of its mitigation strategy, it should prepare the Climate Action Plan at the same time as its general plan update and EIR. This is consistent with CEQA's mandate that a lead agency must conduct environmental review at the earliest stages in the planning process and that it not defer mitigation. In addition, we strongly urge agencies to incorporate any Climate Action Plans into their general plans to ensure that their provisions are applied to every relevant project.

- Is a lead agency also required to analyze how future climate change may affect development under the general plan?

Yes. CEQA requires a lead agency to consider the effects of bringing people and development into an area that may present hazards. The CEQA Guidelines note the very relevant example that "an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision."²⁵

Lead agencies should disclose any areas governed by the general plan that may be particularly affected by global warming, e.g.: coastal areas that may be subject to increased erosion, sea level rise, or flooding; areas adjacent to forested lands that may be at increased risk from wildfire; or communities that may suffer public health impacts caused or exacerbated by projected extreme heat events and increased temperatures. General plan policies should reflect these risks and minimize the hazards for current and future development.

Endnotes

¹For a discussion of requirements under general planning law, see OPR's General Plan Guidelines (2003). OPR is in the process of updating these Guidelines. For more information, visit OPR's website at <http://www.opr.ca.gov/index.php?a=planning/gpg.html>.

²OPR has noted the environmental and administrative advantages of addressing GHG emissions at the plan level, rather than leaving the analysis to be done project-by-project. See OPR, Preliminary Draft CEQA Guideline Amendments, Introduction at p. 2

(Jan. 8, 2009), available at http://opr.ca.gov/download.php?dl=Workshop_Announcement.pdf.

³ OPR issued its Preliminary Draft CEQA Guidelines Amendments on January 8, 2009. Pursuant to Health and Safety Code, § 21083.05 (SB 97), OPR must prepare its final proposed guidelines by July 1, 2009, and the Resources Agency must certify and adopt those guidelines by January 1, 2010.

⁴ Cal. Code Regs., tit. 14 (hereinafter "CEQA Guidelines"), § 15064, subd. (a).

⁵ CEQA Guidelines, § 15064, subd. (f)(1).

⁶ CEQA Guidelines, § 15021, subd. (a).

⁷ OPR, CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review (June 2008), available at <http://opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>.

⁸ ARB's protocols for estimating the emissions from local government operations are available at <http://www.arb.ca.gov/cc/protocols/localgov/localgov.htm>.

⁹ CAPCOA, CEQA and Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (January 2008) (hereinafter, "CAPCOA white paper"), available at <http://www.capcoa.org/>.

¹⁰ http://ag.ca.gov/globalwarming/ceqa/modeling_tools.php

¹¹ <http://www.iclei-usa.org>

¹² For example, U.C. Davis has made its modeling tool, UPlan, available at <http://ice.ucdavis.edu/doc/uplan>; San Diego School of Law's Energy Policy Initiatives Center has prepared a GHG emissions inventory report for San Diego County <http://www.sandiego.edu/EPIC/news/frontnews.php?id=31>; and Cal Poly, San Luis Obispo City and Regional Planning Department is in the process of preparing a Climate Action Plan for the City of Benicia, see <http://www.beniciacimateactionplan.com/files/about.html>.

¹³ CEQA Guidelines, § 15002, subd. (g).

¹⁴ CEQA Guidelines, § 15064(h)(1).

¹⁵ See ARB, Scoping Plan at pp. 117-120, available at <http://www.arb.ca.gov/cc/scopingplan/document/psp.pdf>. (ARB approved the Proposed Scoping Plan on December 11, 2008.)

¹⁶ In the Scoping Plan, ARB encourages local governments to adopt emissions reduction goals for 2020 "that parallel the State commitment to reduce greenhouse gas emissions by approximately 15 percent from current levels" Scoping Plan at p. 27; see *id.* at Appendix C, p. C-50. For the State, 15 percent below current levels is approximately equivalent to 1990 levels. *Id.* at p. ES-1. Where a city or county has grown roughly at

the same rate as the State, its own 1990 emissions may be an appropriate 2020 benchmark. Moreover, since AB 32's 2020 target represents the State's *maximum* GHG emissions for 2020 (see Health & Safety Code, § 38505, subd. (n)), and since the 2050 target will require substantial changes in our carbon efficiency, local governments may consider whether they can set an even more aggressive target for 2020. See Scoping Plan, Appendix C, p. C-50 [noting that local governments that "meet or exceed" the equivalent of a 15 percent reduction in GHG emissions by 2020 should be recognized].

¹⁷ *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 194 [EIR must consider future development permitted by general plan amendment]; see also CEQA Guidelines, §§ 15126 [impact from all phases of the project], 15358, subd. (a) [direct and indirect impacts].

¹⁸ See the City of Palm Desert's Energy Independence Loan Program at <http://www.ab811.org>.

¹⁹ Pub. Res. Code, § 21081.6, subd. (b); CEQA Guidelines, § 15091, subd. (d); see also *Federation of Hillside and Canyon Assocs.* (2000) 83 Cal.App.4th 1252, 1261 [general plan EIR defective where there was no substantial evidence that mitigation measures would "actually be implemented"].

²⁰ CAPCOA white paper at pp. 79-87 and Appendix B-1.

²¹ OPR Technical Advisory, Attachment 3.

²² See http://aq.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf [mitigation list]; http://aq.ca.gov/globalwarming/pdf/green_building.pdf [list of local green building ordinances].

²³ See http://opr.ca.gov/ceqa/pdfs/City_and_County_Plans_Addressing_Climate_Change.pdf.

²⁴ See Scoping Plan, Appendix C, at p. C-49.

²⁵ CEQA Guidelines, § 15126.2, subd. (a).