

**1900 LASUEN ROAD, EL ENCANTO HOTEL**  
**FINAL MITIGATED NEGATIVE DECLARATION**  
**RESPONSE TO COMMENTS**

**FEBRUARY 5, 2009**

**INTRODUCTION:**

An Initial Study was prepared for the 1900 Lasuen Road, El Encanto Hotel project because the California Environmental Quality Act (CEQA) requires that an environmental assessment of the proposed project be provided. The environmental analysis determined that the proposed project could potentially have significant adverse impacts related to biological resources, cultural resources, noise, and public services; however, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality, cultural resources and water resources issues.

A Draft Mitigated Negative Declaration was prepared for the proposed project, and a public review period was held from December 17, 2008 to January 15, 2009. Comment letters were received from the following members of the public during the comment period:

1. Santa Barbara County Air Pollution Control District
2. Kellam de Forest
3. Marc Chytilo
4. Trevor Martinson
5. Robert and Elizabeth Leslie
6. Mary Louise Days
7. Trish Allen, SEPPS
8. The Riviera Association

On January 8, 2009 the Planning Commission conducted a public hearing to accept testimony regarding the Draft MND. The following individuals provided verbal comments at the hearing:

1. Dawna Boo
2. Marc Chytilo
3. Joanna Von Yurt
4. Farrokh Nazerian
5. Brigitte Forsell
6. Steve Cushman
7. Jean Holmes
8. Greg Parker
9. Trevor Martinson
10. Elizabeth Leslie

Responses to the comments received regarding the Draft Mitigated Negative Declaration are provided below, and the comment letters received are attached.

The purpose of this document is to respond to specific comments received pertaining to environmental issues in the Draft MND. While letters of general support or opposition to the project are acknowledged and included in this document for the record, no formal response is provided. In addition, comments received not related to the environmental issues outlined in the Draft MND, such as land use issues and social or fiscal impacts of the project, are outside the scope and not addressed in this document. However, all comments will be forwarded to the Planning Commission for consideration.

**Letter No. 1**

**Santa Barbara County Air Pollution Control District (APCD)  
January 5, 2009**

- 1-1. **Comment:** Add "Central" to "South Coast Air Basin"  
**Response:** The change has been made to the document.
- 1-2. **Comment:** Clarify levels of attainment for Santa Barbara County.  
**Response:** The change has been made to the document.
- 1-3. **Comment:** "Asbestos Demolition/Renovation Notification" form to be submitted to APCD.  
**Response:** The requirement that an "Asbestos Demolition/Renovation Notification" form is needed has been added as a condition of approval for the project. It should be noted that this is required for all demolitions within the City prior to building permit issuance.
- 1-4. **Comment:** APCD permits are required for individual (or groupings of) boilers or large water heaters.  
**Response:** The requirement that APCD permits are required for individual (or groupings of) boilers or large water heaters has been added as a condition of approval for the project.
- 1-5. **Comment:** APCD permits are required for any electrical generator driven by a diesel engine rated at 50 bhp or greater.  
**Response:** The requirement that APCD permits are needed for any electrical generator driven by a diesel engine rated at 50 bhp or greater has been added as a condition of approval for the project.

**Letter No. 2**  
**Kellam de Forest**  
**January 14, 2009**

2-1. **Comment:** The comments express concerns regarding the importance of the historic landscape and the need for an analysis of the impacts to the cultural landscape.

**Response:** All proposed exterior changes, including architectural and landscape design, for the El Encanto Hotel require review and approval by the Historic Landmarks Commission (HLC); therefore, each component of the Revised Master Plan was reviewed by the HLC (see HLC minutes attached to the Initial Study). In addition, an addendum to the 2002 Historic Structures/Sites Report, dated November 9, 2008, which evaluated the proposed Revised Master Plan, was reviewed and accepted by the HLC on November 12, 2008. This addendum and the previous 2002 report evaluates the historic nature and potential impacts to landscaping on the project site. The Initial Study includes a discussion regarding impacts to historic resources. The primary landscape features, including the pergola, lily pond, rockery, and wishing well, which were identified as historically significant in the 2002 Historic Structures/Sites Report are being preserved. The 2008 Addendum to the Historic Structures Report further identifies several eucalyptus trees bordering the northwest side of the site along Alvarado Place to be contributors to the historic nature of the site. Mitigation measures in the Addendum and in the IS/MND provide for the protection of these trees to the extent feasible and provided the trees do not pose a threat to public safety. The Addendum and IS/MND concludes that the project will not result in significant, unmitigable impacts to these historic resources.

At the November 12, 2008 HLC meeting, Staff commented that the landscape had been studied and was reported in different addendums to the initial Historic Structures/Sites Report prepared by the historical consultant. In response to a request by the public to provide a cultural landscape study, Staff stated that such a study would not result in any significant new information and that the site is not equivalent to the Botanic Garden, which did have such a study completed. Also, on December 10, 2008, the HLC took a straw vote and unanimously voted to not require a cultural landscape study because it would not provide any additional new information to the HLC. Therefore, a cultural landscape study is not required for this site.

2-2. **Comment:** The comments express concerns regarding the need for an Environmental Impact Report (EIR).

**Response:** The Initial Study determined that the proposed project may have a significant effect on the environment; however, with identified mitigation measures agreed to by the applicant, potentially significant impacts in all issue areas would be avoided or reduced to less than significant levels. No additional information was provided during the public comment period that would constitute substantial evidence that the project may have a significant effect. As such, CEQA Guidelines direct the preparation of a Mitigated Negative Declaration rather than an EIR.

**Letter No. 3**  
**Marc Chytilo**  
**January 15, 2009**

- 3-1. **Comment:** Concerns regarding (a) need for an Environmental Impact Report, (b) City thresholds and Master Environmental Assessment, (c) State Clearinghouse and (d) Noticing  
**Response:** (a) Refer to response 2-2 above.

(b) CEQA Guidelines Section 15064.7 encourages, not requires, public agencies to develop and publish thresholds of significance. The City has developed thresholds over the years that are reflected in standard language in Initial Studies prepared by the City. These thresholds are based in Appendix G of the CEQA Guidelines, State and Federal policies and laws, and the City's MEA, General Plan, Zoning Ordinance, and other resource specific policy documents approved by the City Council.

(c) The Draft Initial Study/Mitigated Negative Declaration was not required to be submitted to the State Clearinghouse for review by state agencies because there are no state agencies that are either a Responsible Agency, Trustee Agency, or otherwise have jurisdiction by law with respect to the project. In addition, it is not a project that is identified as being of statewide, regional, or areawide significance under CEQA. Staff contacted the State Office of Historic Preservation (OHP) and received confirmation that it is not a Trustee Agency, only a commenting agency (see Attachment 1 – OHP email). A copy of the Draft Initial Study/Mitigated Negative Declaration was sent to the State Office of Historic Preservation on December 17, 2008. No comments on the document have been received.

As stated in the Initial Study, an Addendum to the Historic Structures/Sites Report dated November 9, 2008 identified a group of five eucalyptus trees, located along Alvarado Place in the northwest portion of the site as historically significant to the hotel setting. The five eucalyptus trees are not considered biologically significant; therefore, the impacts to biological resources would be less than significant. No other biological impacts were identified; therefore, submittal to the Department of Fish and Game is not required.

The project does not meet any of the criteria outlined in CEQA Guidelines Section 15206(b) that define projects of statewide, regional, or areawide significance and, as such, is not required to be submitted to the State Clearinghouse review.

(d) A copy of the public notice was delivered to the County Clerk on December 15, 2008 for posting. Staff has verified that the notice was received at the County Clerk's office (see Attachment 2 - Notice)

- 3-2. **Comment:** Concerns regarding (a) level of detail of analysis, (b) project description, (c) illegible plans, (d) related projects and cumulative impacts, (e) baseline and (f) antiquated MEA

**Response:** (a) and (b) The analysis in environmental documents need not be exhaustive, but should make a good faith effort to adequately provide information for decision makers and the public to meaningfully consider the environmental issues raised by a project.

The project description provides adequate detail necessary to evaluate the project's potential

impacts. The Initial Study/Mitigated Negative Declaration contains a background section to ensure that the proposed project can be distinguished from previous approvals and projects on the site. Additional detail has been added to the project description in the Initial Study/Mitigated Negative Declaration to further clarify issues concerning the nature of the project. These changes to the document are shown as either strike-out or underline. The inclusion of this information does not change the level of impacts for any of the issue areas and does not constitute changed circumstances with regard to the proposed project or surrounding environment.

(c) The posting of the Draft Initial Study/Mitigated Negative Declaration on the City website is a courtesy and not a legal requirement and every effort is made to provide clear plans for review online. Hard copies of the environmental document have been available for public review at the Community Development Department, City Clerk's office, and at the Central Branch of the City Library for the extent of the public review period. Also, a full size set of project plans is always available for public review at the Planning and Zoning counter.

(d) The Draft Initial Study/Mitigated Negative Declaration includes a description of the previously approved 2004 Master Plan and a brief discussion of the subsequent Substantial Conformance Determination approvals. It was determined that the potential impacts associated with the 2004 Master Plan were less than significant and the project qualified for a categorical exemption under Section 15301, Existing Facilities. No potentially significant environmental impacts were identified during the environmental review for the Substantial Conformance Determination approvals associated with the 2004 Master Plan and these determinations qualified for exemptions under Section 15301.

Where the proposed project would add an incremental adverse impact in a specific resource category, potential cumulative impacts from past, present, and reasonably foreseeable future projects on and surrounding the site are considered in the IS/DMND. All previous proposals were reviewed and approved by the Historic Landmarks Commission in regard to architectural design, landscaping and impacts to historic resources. The HLC, in their review of the proposed project, had access to plans of the entire site and a historic structures report that considered impacts of the proposed changes in relation to the whole site and previous changes approved on the site. Additionally, the noise study prepared for the project considered future conditions upon full build out of the entire hotel site. All potential cumulative impacts associated with the project have been found to be less than significant or less than significant after mitigation.

(Please note that contrary to the statement made in the comment letter, no renovation or construction approvals have been granted for the buildings that are to be demolished in the Mission Village area of the site; although a building permit was issued for the demolition of cottages 22, 23 and 24. As stated in the 2002 Historic Structures/Sites Report, these cottages were determined to be non-contributing buildings.)

(e) and (f) The IS/MND does not rely exclusively on the Master Environmental Assessment document for assessment of existing conditions. The baseline considered in the IS/MND includes the existing physical environment and that development allowed and currently being constructed under the approved 2004 permit and subsequent substantial conformance determinations consistent with guidance from CEQA case law (Fairview Neighbors v. County

of Ventura, 1999). This baseline is assessed using project specific technical studies (noise and historic structures), site visits, recent City-wide assessment of particular resource categories, information from nearby projects, previous project files on the property, and background information provided in the City's MEA.

3-3. **Comment:** Concerns regarding (a) significant impacts and (b) mandatory findings of significance

**Response:** (a) The IS/MND concludes that in light of the whole record, the project will not result in any significant, unmitigable impacts. Staff has reviewed all comments and documents received. No information submitted constitute substantial evidence supporting a fair argument that the proposed project may exceed any significance threshold or may have a potentially significant effect on the environment. See also specific resource categories in the IS/MND and the following responses concerning specific resource categories.

(b) The Addendum to the Historic Structures/Sites Report dated November 9, 2008 addresses the potential impacts of the proposed project on historic resources, analyzes the impacts with regard to CEQA standards, and analyzes the proposed project in relation to the entire project site and previously approved project. This report concludes that the project will not result in significant impacts to historic resources.

Each previous approval on the site was evaluated in a letter addendum to the Historic Structures/Sites Report and was accepted by the Historic Landmarks Commission. No impacts to historic resources were identified. Also, each proposed design was reviewed and approved by the Historic Landmarks Commission.

3-4. **Comment:** Concerns regarding visual impacts: (a) existing visual setting, (b) scenic views, (c) cumulative impacts, (d) private views and (e) onsite aesthetics

**Response:** (a) The City's Master Environmental Assessment map states that the project site is not located in an area of visual sensitivity; however, Staff and the HLC are aware of the historic and aesthetic value of the El Encanto Hotel and Riviera neighborhood. The Revised Master Plan has undergone numerous reviews by the HLC and has been evaluated in an addendum to the Historic Structures/Sites Report. The HLC constitutes the City's expert opinion as to a project's conformance with aesthetic design guidelines, community compatibility, visual setting, and historic resources. The Initial Study incorporates the comments and findings of the HLC concerning the project and concludes that the proposed project will not result in any of the following: 1) substantial obstruction or degradation of important public scenic views, including important views from scenic highways; extensive grading and/or removal of substantial amounts of vegetation and trees visible from public areas without adequate landscaping; or substantial loss of important public open space; 2) substantial negative aesthetic effect or incompatibility with surrounding land uses or structures due to project size, massing, scale, density, architecture, signage, or other design features; or 3) substantial light and/or glare that poses a hazard or substantial annoyance to adjacent land uses and sensitive receptors.

(b) The proposed project does not include the removal of much of the perimeter vegetation and retains a significant portion of vegetation on the site. Although a hedge is required to be removed from the Mission Ridge Road right of way near the intersection of Alvarado Place, additional substantial landscaping is proposed on the project site in this area. The proposed project also includes other additional landscaping that has been reviewed by the HLC. No

impacts to scenic views or scenic features were identified as a result of the proposed landscaping.

(c) It was determined that the potential impacts associated with the 2004 Master Plan were less than significant and the project qualified for a categorical exemption under Section 15301, Existing Facilities. The prior removal of any eucalyptus trees from the site has not been determined to be a significant impact. The construction activity has not been determined to be a significant impact. The addition of new buildings and walls that may be visible from offsite will not result in a significant impact. Each component of the Revised Master Plan was reviewed by the HLC. In addition, an addendum to the 2002 Historic Structures/Sites Report, dated November 9, 2008, which evaluated the proposed Revised Master Plan, was reviewed and accepted by the HLC on November 12, 2008. The Initial Study concludes that with identified mitigation measures agreed-to by the applicant, potentially significant impacts would be avoided or reduced to less than significant levels. All other impacts were determined to be less than significant.

(d) Neighboring residents have expressed concerns about the affect of the project on their private views. While it is proper to consider a project's impacts on private views, the question under CEQA is whether a project will adversely affect the environment of persons in general, not whether a project will affect particular persons. The obstruction of a few private views in a project's immediate vicinity is not regarded as a significant environmental impact. It should be noted, however, that the existing cottages located in the northeast corner are below the elevation of Mission Ridge Road and do not appear to block views across the hotel site from residences located uphill to the north. The new Mission Village cottages proposed for this northeast corner would be approximately the same height as the existing cottages and therefore, would not change any existing views. Additionally, other proposed buildings would be located further away from Mission Ridge Road and at a lower elevation due to the slope of the site and therefore, would not block any existing views across the site. The utility distribution facility is proposed in the northwest corner of the site, which is an area that is currently screened by heavy vegetation along Mission Ridge Road. Although existing vegetation is required to be removed from the right of way, the utility distribution facility, a small one-story structure, would be screened by new vegetation and would not block any existing view corridors.

Furthermore, the project design has been extensively reviewed by the City's Historic Landmarks Commission to ensure the attractiveness of the project design and its compatibility with the neighborhood. This design review by a board of appointed community volunteers mitigates the project's aesthetic impacts to level of less than significant, even if some persons are dissatisfied with the outcome.

(e) The proposed project has been reviewed extensively by the Historic Landmarks Commission (HLC). The HLC's review is not limited to historical resources and features; rather it is the design review board that reviews all new proposals within its purview in light of the entirety of the project site and previous approvals. The HLC reviewed and accepted various landscape plans as part of the 2004 Master Plan and current proposal. Also, refer to response 2-2 above for additional response.

Exhibit 21 of the comment letter is a letter from Ken Doud, of Videoscapes. The letter concludes that the proposed project has an impact on visual resources and when combined with

visual impacts from prior approvals, there is a cumulative impact. It states that these impacts include the loss of screening vegetation, the substantial alteration of scenic views along publicly accessible road, and the addition of new buildings and walls visible and potentially visible from off-site and private residences. This letter does not provide any additional information that would constitute substantial evidence of potential significant visual impacts. No significant visual impacts were identified with any prior approvals. In addition, the Historic Landmarks Commission conceptually reviewed the architectural design of the Revised Master Plan in relation to the entirety of the site design and provided positive comments. As stated in the Initial Study, the project impacts on onsite aesthetics impacts would be less than significant.

3-5. **Comment:** Concerns regarding historic resources: (a) HLC review, (b) cultural landscape study and (c) cumulative historic impacts to NW corner,

**Response:** (a) Projects often require a number of concept reviews by the HLC prior to the Commission stating that the project is ready to move forward to the Planning Commission for project consideration. The Initial Study included only the minutes of the meetings where it was concluded that the project was ready to move forward. The inclusion of minutes from previous HLC meetings would not add any additional information that would suggest that there are significant impacts and would not change the conclusions. However, additional HLC minutes are attached to the staff report. At the HLC meeting of July 9, 2008, the utility distribution facility was continued to the PC with comments. The applicant is not required to return to the HLC with the revised plans prior to the Planning Commission hearing; however, the applicant has submitted revised plans that address the comments.

The comment letter confuses two separate applications. The May 14, 2008 HLC comments refer to the demolition application for cottages 22, 23, and 24. The May 28, 2008 minutes refer to the proposed Mission Village design.

On June 11, 2008, during review of the proposal to demolish cottages 22, 23 and 24, the HLC stated that at least six canopy trees shall be included in the final plan. This request has been added as a condition of approval for the Revised Master Plan.

The reference to the December 10, 2008 minutes refer to cottage 12 application, which is not part of the Revised Master Plan application. The inclusion of this information does not change the level of impacts for any of the issue areas.

See also response to Comment 3-4(a) above concerning the nature of HLC review. The IS/MND includes all information needed to assess potential significant impacts associated with aesthetics and historic resources associated with the project.

(b) Refer to response to Comment 2-1 above.

(c) The previous proposal for a surface parking lot in the northwest corner was evaluated in the 2002 Historic Structures/Sites Report. The report concluded that the proposal would have a less than significant impact on historic resources. The current proposal for the northwest corner was evaluated in the Addendum to the 2002 Historic Structures/Sites Report, dated November 9, 2008, and it was determined that it would also have a less than significant impact on historic resources. This Addendum, which is attached to the IS/MND as an exhibit, looked at the proposed project in relation to the entirety of the existing site and previously approved hotel

design and was accepted by the HLC on November 12, 2008. No cumulative impacts to historic resources were identified. Staff notes that the concerns raised concerning historic resources in this comment letter were also raised before the HLC prior to their approval of the historic structures report.

- 3-6. **Comment:** Concerns regarding cumulative tree, fire and public safety impacts  
**Response:** As stated in the Initial Study/ Mitigated Negative Declaration, the eucalyptus trees, located along Alvarado Place in the northwest portion of the site, and identified as historically significant, shall be retained unless a City-approved arborist determines that their preservation is not feasible or recommended due to their existing condition relative to life expectancy, disease, or safety reasons. Prior approvals did not include the removal of any historically significant trees. The 2004 Master Plan included a tree protection plan. Tree protection measures are required for the Revised Master Plan as well. The landscape plans for both the 2002 Master Plan and the current Revised Master Plan have been reviewed and accepted by the Fire Department.

Also, the Fire Department requires that there be a separation between the crowns of the eucalyptus trees, that the trees be trimmed back from the public road so as to not cause a hazard to the road way, that limbs be pruned to provide a ten foot clearance from the eaves of any buildings, and that any dead wood be removed.

- 3-7. **Comment:** Concerns regarding drainage  
**Response:** Final plans are required to be submitted that show that the project meets the requirements of the City's Storm Water Management Plan. As stated in the IS/MND, the applicant has submitted plans and a hydrology report demonstrating that the project will retain onsite all increase in runoff (evaluated in a 25-yr storm) associated with the project. The project is also designed to treat pollution carried in the first inch of rain associated with a 25 yr. storm event. This first inch of rain is often the most polluted. The City has a standard condition of approval regarding uninterrupted water flow that is placed on most, if not all, discretionary projects and will be placed on this project as well. Implementation of the mitigation measures identified in the Initial Study would further reduce less than significant long- and short-term water resources and water quality impacts.

- 3-8. **Comment:** Concerns regarding land use incompatibility: (a) controversy, (b) conflict with land use plans, zoning ordinance, (c) building regulations, (d) CC&Rs, (e) other use limitations and (f) pattern and practice

**Response:** (a) Staff is and has been aware of the concerns of the neighbors for sometime. The initial concern was in regard to potential noise associated with the proposal for the northwest corner. Based on the acoustical study that was prepared for the proposed project, the Initial Study concludes that the project impacts related to long-term operational noise are considered less than significant.

(b) The noise study concludes that long-term operational noise would be less than significant. The Initial Study/ Mitigated Negative Declaration states that there would be no increase in traffic. Additional landscape screening is proposed. No historical structures are proposed to be demolished. Construction noise is considered less than significant after mitigation. No

substantial evidence has been presented that would indicate that the proposal is in conflict with the General Plan or Zoning Ordinance. Modifications to the required setbacks are allowed by the Zoning Ordinance. It should be noted that the neighbor's residences are located approximately 300 feet north of the property line of the project site. The proposed project does not exceed any city thresholds regarding noise.

(c) Modifications are allowed by the Zoning Ordinance and can be approved by the Planning Commission. This is not an environmental issue.

(d) Staff prepares CC&R's for recordation to memorialize certain conditions of approval for discretionary projects. The purpose of the "allowed development" condition is to describe the approval that was granted by the Planning Commission. The CC&R's do not preclude further development on the site.

(e) The hotel does not operate under a conditional use permit. The hotel use is an allowed use in the R-H zone. The 2004 Resolution is available as part of the public record.

(f) A discussion of the land use and planning issues associated with the proposed project is included in the IS/MND, in the staff report for the final MND, and will be discussed at the Planning Commission hearing for the proposed project. The Final IS/MND analyzes and addresses specifically the underlying environmental impacts that the R-H Zoning compatibility requirements address in a general nature. Based on the conclusions of the IS/MND, the project can be found to comply with the R-H Zone compatibility requirements.

3-9. **Comment:** Concerns regarding (a) quality of life impacts and (b) potential light impacts.

**Response:** (a) The IS/MND addresses potential impacts related to noise, traffic, air quality, odors, fumes, lights, and other quality of life concerns. No significant, unmitigable impacts are identified for any of these categories when considered in light of the entire record.

(b). All proposed changes to the commercial exterior lighting would be subject to compliance with the requirements of SBMC Chapter 22.75, the City's Outdoor Lighting and Design Ordinance. The ordinance provides that exterior lighting be shielded and directed to the site such that no undue lighting or glare would affect surrounding residents or roads. Compliance with this ordinance as well as review and approval of the lighting plan by the HLC will ensure that the proposed exterior lighting does not result in a significant impact. Therefore, project impacts on lighting and glare would be less than significant.

On July 9, 2008, the Commission reviewed the utility distribution facility and surface valet parking lot with operations facility below and stated that it did not object to having surface parking in the northwest corner but commented that the parking lot should be lowered and should have a 60 foot long screening wall, with at least five feet in height at the lowest point, to block vehicle headlights. The project plans have been revised to address these comments.

3-10. **Comment:** Concerns regarding noise

**Response:** As stated in the Initial Study, long-term operational noise impacts are considered less than significant. The utilities distribution facility is located underground. As stated in Initial Study, long-term operational noise impacts are well below the City's significance threshold. As discussed in the IS/MND an Acoustical Report was prepared by Newson Brown

Acoustics on November 20, 2008 for the project and is included as an exhibit to the IS/MND. An Acoustical Report, prepared by Acentech dated January 14, 2009, states that the Sound Impact Analysis Report prepared by Newsom Brown Acoustics included in the Initial Study, was lacking sufficient information to perform a full independent analysis. A follow up addendum has been prepared by Newsom Brown Acoustics to address concerns raised by Acentech in their comment letter dated January 14, 2009. City staff have reviewed the original Acoustic report and following addendum prepared by Newsom Brown and concur with its findings that the project would not result in an average noise level exceeding the City's 60 dB(A) Ldn zoning code standard. The City's Noise Element also finds that an ambient noise level does not become clearly significantly adverse until 75 dB(A) Ldn or higher in residential areas. The Newsom Brown analysis assumes a worst case noise scenario that the utility distribution facility will run at full duty continuously during the day and will run at 72% of full duty during the nighttime. City staff concur that this is a worst case scenario and that it is not reasonable to assume that the facility will be running at 100% duty all the time. The Acentech report does not present any information that would indicate that the future ambient noise level as a result of the project and hotel operations would be above the 60 dB(A) Ldn required by the City's zoning code and 75 dB(A) Ldn identified in the Noise Element as clearly representing adverse conditions.

- 3-11. **Comment:** Concerns regarding solid waste  
**Response:** Implementation of a Solid Waste Management Plan would reduce the impact of solid waste generation/ disposal to less than significant levels. The CC&R's for the 2004 Master Plan include a recycling requirement. A similar condition has been added to the current proposal's conditions of approval.
- 3-12. **Comment:** Concerns regarding air quality  
**Response:** As stated in the Initial Study, the project impacts related to long-term air quality and short-term construction air quality are considered less than significant. Dust control measures are required for the project as standard conditions of approval; therefore, dust-related impacts are considered less than significant. The document has been reviewed by the Air Pollution Control District (APCD). See Letter 1 above for response to APCD comments.
- 3-13. **Comment:** Concerns regarding fire hazard  
**Response:** According to the Fire Department, the approved evacuation plan is not required to be updated at this time. Also, the Fire Department requires that there be a separation between the crowns of the eucalyptus trees, that the trees be trimmed back from the public road so as to not cause a hazard to the road way, that limbs be pruned to provide a ten foot clearance from the eaves of any buildings, and that any dead wood be removed.
- 3-14. **Comment:** Concerns regarding transportation and parking  
**Response:** The Institute of Transportation Engineers (ITE) Trip Generation and Parking Generation Manual's hotel parking demand plots, provide information on case studies that correlate the number of parked cars to the number of rooms to determine the average peak demand. ITE's parking manual states that parking data for hotels includes and accounts for on-site amenities such as restaurants and meeting space amenities. Because the project description does not affect the number of rooms, additional studies would not provide a different average peak demand conclusion.

The project will not result in any increase in number of rooms or any increase in square footage of amenities that will be used by members of the public that are not staying at the hotel. As described in the IS/MND, transportation staff have determined that the proposed project will not result in any increase in traffic. As the project is not adding any incremental traffic impact, there are no cumulative traffic impacts of the proposed project.

**Letter No. 4**  
**Trevor Martinson**  
**January 15, 2009**

- 4-1. **Comment:** Concerns regarding existing nonconforming setbacks and the Main Building.  
**Response:** As noted in the letter, many of the existing buildings encroach into the required setbacks. The Planning Commission will consider the modification requests to allow encroachments into the setbacks as part of the proposed project. Modifications are allowed by the Zoning Ordinance and it is not an environmental issue. The Main Building is not part of the proposed project and the comments associated with the Main Building do not address the adequacy of the analysis provided by the Draft MND.
- 4-2. **Comment:** Concerns regarding the modification request to allow the utility distribution facility to encroach into the setbacks and an alternate location for the utility distribution facility.  
**Response:** The Planning Commission will consider the modification requests to allow encroachments into the setbacks as part of the proposed project. Modifications are allowed by the Zoning Ordinance and it is not an environmental issue. The proposed utility distribution facility has not been determined to have a potentially significant or significant impact; therefore, alternative locations have not been evaluated.
- 4-3. **Comment:** Concerns regarding the modification request to allow the Mission Village to encroach into the setbacks and the height of the proposed Mission Village buildings.  
**Response:** The Planning Commission will consider the modification requests to allow encroachments into the setbacks as part of the proposed project. Modifications are allowed by the Zoning Ordinance and it is not an environmental issue. Staff has determined that, for zoning purposes, the Mission Village buildings are two-story buildings and the underground parking structure is a separate building not counted as part of the buildings above. Planning Staff realizes that the Building & Safety Division may make a different determination based on the building code.
- 4-4. **Comment:** Concerns regarding the impacts of the proposed utility distribution facility, surface parking lot and underground operations facility on the northwest corner of the property, that the Secretary of the Interior's Standards 1 through 6 have been ignored by the addendum to the Historic Structures/ Sites Report and that several cumulative and unmitigated impacts have occurred that require an EIR.  
**Response:** The comment does not identify any cumulative and unmitigated impacts. Refer to response 2-2 above.

**Letter No. 5**  
**Robert and Elizabeth Leslie**  
**January 12, 2009**

- 5-1. **Comment:** Concerns regarding noise and substantial heat and toxic fumes from the proposed utility distribution facility.  
**Response:** The Sound Impact Analysis Report concludes that the operational noise levels associated with the Revised Master Plan would be well below the City's acceptable exterior thresholds. Also, the applicant has incorporated into the project several design measures to reduce noise levels generated by the project. Long-term operational noise impacts are considered less than significant. The report also states that the sound pressure level is not increased or amplified as the distance from the sound source is increased. The proposed project is not anticipated to produce substantial heat or toxic fumes. Air Pollution Control District permits are required for individual (or grouping) of boilers or large water heaters.
- 5-2. **Comment:** Concerns regarding aesthetics and loss of historic character in northwest corner.  
**Response:** The design of the proposed project has been reviewed by the Historic Landmarks Commission on many occasions and each element of the proposal has been evaluated in the addendum to the Historic Structures/Sites Report. The Initial Study concludes that impacts to historic resources would be less than significant.

**Letter No. 6**  
**Mary Louise Days**  
**January 15, 2009**

- 6-1. **Comment:** Concerns regarding lack of a description and analysis of the cultural landscape, landscape is not mentioned in the Aesthetics section,  
**Response:** Additional information regarding landscaping has been added to the aesthetics section. The inclusion of this information does not change the level of impacts for any of the issue areas.
- 6-2. **Comment:** Concerns regarding biological resources, arborist qualifications  
**Response:** The MND has been revised to require the arborist to be "City-approved arborist"
- 6-3. **Comment:** Concerns regarding including additional information in the MND regarding landmark status  
**Response:** The additional information has been added to the Initial Study in order to provide additional background information. The inclusion of this information does not change the level of impacts for any of the issue areas.
- 6-4. **Comment:** Concerns regarding the Main Building  
**Response:** The Main Building is not part of the proposed project and the comments associated with the Main Building do not address the adequacy of the analysis provided by the Draft MND.
- 6-5. **Comment:** Concerns regarding the need for an Environmental Impact Report  
**Response:** Refer to response 2-2 above.
- 6-6. **Comment:** Concerns regarding potential cumulative impacts  
**Response:** The 2004 Master Plan project did not result in any significant impacts. The Initial Study/ Mitigated Negative Declaration concludes that the proposed project would not result in any significant impacts.

**Letter No. 7**  
**Trish Allen**  
**January 15, 2009**

- 7-1. **Comment:** Request that the applicant's project description letter be included as an attachment.  
**Response:** The letter has been attached.
- 7-2. **Comment:** Request that additional language be added to the project description  
**Response:** For clarification purposes, similar language has been added to the Initial Study/Mitigated Negative Declaration. The inclusion of this information does not change the level of impacts for any of the issue areas.
- 7-3. **Comment:** Request that additional language be added to aesthetic section  
**Response:** For clarification purposes, similar language has been added to the Initial Study/Mitigated Negative Declaration. The inclusion of this information does not change the level of impacts for any of the issue areas.
- 7-4. **Comment:** Concerns whether the restaurant was considered  
**Response:** A restaurant is located in the Main Building. The Main Building is not included in the Revised Master Plan; therefore, it has not been included in the analysis.
- 7-5. **Comment:** Delete "historic" from section 4.c.  
**Response:** Term historic has been deleted.

**Letter No. 8**  
**Helena Hill, President**  
**The Riviera Association**  
**January 8, 2009**

- 8-1. **Comment:** Stated that their previous concerns regarding noise and traffic have been addressed in the Initial Study; however, they request that the Planning Commission discussions include the fire and safety issues of the eucalyptus trees on Alvarado Place, north of the entrance, and that the development continue to consider neighborhood compatibility that respects the past historical nature of the Riviera.
- Response:** The Initial Study includes a mitigation measure to address these eucalyptus trees, stating that they may be removed if a City-approved arborist determines that their preservation is not feasible or recommended due to their existing condition relative to life expectancy, disease, or safety reasons. Also, the proposed project has been evaluated in the Addendum to the Historic Structures/Sites Report and it was determined that the impacts to the historic resources would be less than significant.

**The following comments were provided by individuals who attended the environmental hearing on January 8, 2009.**

1. Dawna Boo, neighbor, expressed concerns regarding the proposed project that were similar to the concerns addressed in the attached comment letters.  
**Response:** Refer to the responses to the comment letters above.
2. Marc Chytilo, Attorney at Law, expressed concerns that were similar to the comments provided in his letter dated January 15, 2009.  
**Response:** Please refer to the responses provided for Letter No. 3 above.
3. Joanna Von Yurt, neighbor, expressed concerns regarding the proposed project that were similar to the concerns addressed in the attached comment letters.  
**Response:** Refer to the responses to the comment letters above.
4. Farrokh Nazerian, neighbor, expressed concerns regarding the proposed project that were similar to the concerns addressed in the attached comment letters.  
**Response:** Refer to the responses to the comment letters above.
5. Brigitte Forsell, member of the Board of the Riviera Association, read a letter from Helena Hill, President of the Riviera Association, which is attached as Letter 8.  
**Response:** Refer to the responses provided for Letter No. 8 above.
6. Steve Cushman, President of Santa Barbara Chamber of Commerce, expressed support for the proposed project.  
**Response:** No response necessary.
7. Jean Holmes, read a letter from the Allied Neighborhood Association which expressed concerns regarding the proposed project that were similar to the concerns addressed in the attached comment letters.  
**Response:** Refer to the responses to the comment letters above.
8. Greg Parker, neighbor, expressed support for the proposed project and expressed concerns regarding the fire risk of the eucalyptus trees.  
**Response:** Refer to the responses to the comment letters above.
9. Trevor Martinson, expressed concerns that were similar to the comments provided in his letter dated January 15, 2009.  
**Response:** Please refer to the responses provided for Letter No. 4 above.
10. Elizabeth Leslie, neighbor, expressed concerns that were similar to the comments provided in her letter dated January 15, 2009.  
**Response:** Please refer to the responses provided for Letter No. 5 above.

**The following comments regarding the Draft Initial Study/Mitigated Negative Declaration were provided by the Planning Commission.**

1. A Mitigated Negative Declaration would be most appropriate.  
**Response:** No response required.
2. Of concern is that a discussion of the valet parking lot is not found in the noise study or in the draft Mitigated Negative Declaration.  
**Response:** There is an analysis of the valet parking lot in the Sound Impact Analysis Report attached to the Initial Study.
3. The adoption of a Mitigated Negative Declaration would be the last main opportunity for the applicant to make refinements in the project that are responsive to the concerns voiced by the neighbors relating to potentially significant impacts. The applicant should meet with neighbors to reduce controversy over environmental factors, whether or not thresholds are made available.  
**Response:** No response required.
4. There is concern that, if the eucalyptus trees have been deemed historic, it would not be appropriate to have them topped and trimmed. With regard to fire safety, the eucalyptus trees that are located along a major intersection of an evacuation route are of concern. The eucalyptus trees framing the historic entrance are a higher priority than those trailing off further from the street.  
**Response:** A condition of approval has been added to the project that states that the eucalyptus trees shall be retained unless a City-approved arborist determines that their preservation is not feasible or recommended due to their existing condition relative to life expectancy, disease, or safety reasons. Also, if the trees were to remain, they would not be precluded from being trimmed and maintained.

## CONCLUSION

The environmental analysis demonstrates that, with the identified mitigation measures agreed to by the applicant, the project as proposed would not result in significant environmental impacts. The project therefore qualifies for a Mitigated Negative Declaration and no further analysis of alternatives is required as part of the environmental document. However, comments regarding the merits of the project, design alternatives, land use compatibility with surrounding residential uses and other planning issues are forwarded to decision-makers in the context of their consideration of project permits and planning policy consistency.

Attachments: 1. Office of Historic Preservation email  
2. Notice  
3. Public Comments Letters (1 through 8)

**Kennedy, Kathleen**

---

**From:** Kennedy, Kathleen  
**Sent:** Wednesday, January 28, 2009 3:22 PM  
**To:** Kennedy, Kathleen  
**Subject:** FW: CEQA Question

---

**From:** Messinger, Michelle C. [mailto:mmessinger@parks.ca.gov]  
**Sent:** Monday, December 15, 2008 3:48 PM  
**To:** Hetrick, Melissa C  
**Subject:** RE: CEQA Question

Hi Melissa:

The OHP is not a Trustee agency; we are a commenting agency under CEQA.

If you have determined that your project does not have to go to the State Clearinghouse because no other State Agency is involved, or the project is not of state, regional or area wide significance, then the project would only require a 20 day review as set by the CEQA Guidelines.

I hope this is helpful.

Michelle

---

RECEIVED  
JAN 30 2009



CITY OF SANTA BARBARA  
**City of Santa Barbara**  
**California**

2008 DEC 15 AM 11:16

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT  
DRAFT MITIGATED NEGATIVE DECLARATION - MST2007-00140  
AND NOTICE OF PUBLIC ENVIRONMENTAL HEARING**

A Draft Initial Study and Draft Mitigated Negative Declaration have been prepared for the following project, pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

**PROJECT LOCATION:** 1900 Lasuen Road, El Encanto Hotel

**PROJECT DESCRIPTION:** The proposed project is a Revised Master Plan consisting of the following components: 1) a predominantly underground utility distribution facility and a surface valet parking lot with an operations facility below in the northwest corner; 2) Mission Village, consisting of 5 cottages with a valet parking garage below in the northeast corner; 3) Cottages 27 and 28 which were previously approved and eliminated; and 4) a swimming pool with a fitness center below. The proposal also includes revisions to the driveway entry on Alvarado Place and the service area adjacent to the Main Building.

**DRAFT ENVIRONMENTAL DOCUMENT:** A Draft Initial Study and Draft Mitigated Negative Declaration have been prepared for this project and are available for review and comment. The Draft Initial Study examines environmental impacts which may be associated with this project and includes proposed mitigation measures to mitigate potentially significant impacts to a less than significant level.

**DOCUMENT AVAILABILITY:** The Draft Initial Study/Mitigated Negative Declaration is available for review at the Planning Division, 630 Garden Street between the hours of 8:00 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday and at the Public Library at 40 E. Anapamu Street during hours of operation, and online at [www.SantaBarbaraCa.gov/PC](http://www.SantaBarbaraCa.gov/PC).

**PUBLIC COMMENT PERIOD:** The City of Santa Barbara encourages the public to provide written comment on this and other projects. The public review period begins on **Wednesday, December 17, 2008**. Comments on the Draft Initial Study must be submitted by **Thursday, January 15, 2009 at 4:30 p.m.** Please send your comments to: City of Santa Barbara, Planning Division, Attn: **Kathleen Kennedy, Associate Planner**, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to [kkennedy@SantaBarbaraCa.gov](mailto:kkennedy@SantaBarbaraCa.gov).

**ENVIRONMENTAL HEARING:** A hearing to take public comments on the Draft Initial Study will be held before the Planning Commission on **January 8, 2009** at 1:00 p.m.\* in the Council Chambers at City Hall. You are invited to attend this hearing and address your verbal comments to the Planning Commission. If you have any questions, wish to know more about this application, or wish to review the plans, please contact Kathleen Kennedy, Associate Planner at (805) 564-5470 between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at (805) 564-5305. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

# Public Comment Letters (1 through 8)