

**DRAFT MITIGATED NEGATIVE DECLARATION
COMMENTS AND RESPONSES
226 AND 232 EUCALYPTUS HILL DRIVE
MST2004-00349**

Aesthetics

Comment

The proposed 24" drainage line would be visible to neighbors as it heads down the steep slope on the property.

Response

The proposed project would leave a 45 to 150 feet wide swath of existing Eucalyptus trees, that average 52 feet in height, along the southern property boundary. The existing trees would screen the proposed drainage line from views to the south. The project would also include planting approximately 70 Oak trees that would, when they have grown, provide additional screening of the of-site views of the drainage line. Also, the area the drainage line traverses has approximately 21% grade that is not too steep to accommodate the proposed landscaping that would include ground cover over the drainage line excavation further concealing the drainage line. Therefore the proposed drainage line would not likely be visible from off-site.

Biological Resources

Comment

The State of California Department of Fish and Game commented that all migratory non-game native bird species are protected under the Federal Migratory Bird Treaty Act. Taking of birds and their active nests are prohibited. Proposed project activities including tree and vegetation removal should occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season, a qualified biologist should conduct weekly bird surveys beginning 30 days prior to the disturbance of suitable nesting habit to identify protected nesting native birds in the habitat to be removed and other such habitats within 300 feet of the construction work area. The surveys should be conducted on a weekly basis with the last survey conducted no more than three days before construction is initiated. If an active nest is located, construction (vegetation clearing and tree removal) within 500 feet of a raptor nest and 300 feet of any other nesting bird should be postponed until the nest is vacated and juveniles have fledged.

Concern was expressed from adjacent property owner regarding the loss of the tree and nesting habitats for birds.

Response

A Condition of Approval would be applied to this project which would require that construction occur outside the bird nesting season (February 1 – August 15), or that a clearance survey for nesting birds and avoidance of the area be provided if nesting bird species are identified in the project area. The following condition of approval would be applied to the project in order to address concerns related to nesting bird impacts:

Nesting Native Birds. Construction activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the owner shall conduct a minimum of four weekly bird surveys, using a qualified biologist with experience in conducting breeding bird surveys, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees to be removed and within 300 feet of the construction work area. The surveys shall begin 30 days prior to the disturbance of suitable nesting habitat and conducted on a weekly basis with the last survey conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation clearing and tree removal shall be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. This shall be confirmed by the qualified biologist. Nesting areas to be avoided during construction shall be marked and protected with flagging and stakes or construction fencing at least 300 feet or 500 feet (if applicable) from the nest.

Comment

The easement for sewer and drainage runs through the southern portion of the site that may include Oak Woodland. The potential impact from this action was not evaluated in the draft MND and biological surveys along the easement are recommended.

Response

Biologists from Condor Environmental Planning Services, Inc., revisited the site on May 31, 2007, and confirmed their original conclusion that the project site does not support oak woodland. The southern portion of the property is dominated by a tall forest of Eucalyptus trees. Several coast live oak seedlings, less than one inch in diameter and less than six feet in height were observed beneath the canopy of the Eucalyptus trees. The project proposes to remove four coast live oak trees in the southern portion of the project site and will be required to mitigate their removal with the planting of 70 young oak saplings. Oak woodland does not occur on the property, therefore impacts on oak woodland would not result and further mitigation is not required.

Comment

Plant surveys conducted in the technical report attached to the draft Mitigated Negative Declaration were not conducted during the proper time of the year when rare species are both evident and identifiable. These surveys would usually occur when the plants are flowering.

Response

A Condor Environmental Biologist resurveyed the site on May 31, 2007, which is within the flowering period for most sensitive flowering plants expected to occur on the project site. The biologist specifically looked for rare plants that are reported from the Santa Barbara quad in the California Natural Diversity Database. The survey indicates that no sensitive plants were observed and that the project site does not include suitable habitat for these sensitive species. Since none of these species were identified on the site, project impacts on these species are not anticipated and mitigation is not required.

Comment

A thorough description of the environment was not provided in the draft MND. Therefore the project does not provide an adequate impact analysis or provide adequate mitigation.

Response

The Biological survey includes a more detailed description of the affected environment that is summarized in the draft MND on page 12. The draft MND indicates that according to the City Master Environmental Assessment there could be oak woodland on the site. This information is general data for the entire City that was collected some time ago. The recent biological survey for the property attached to the draft MND and the follow up survey on May 31, 2007 provides more recent and accurate data that is applicable to the required analysis. The two surveys provide sufficient data on the existing flora and fauna on the site to provide a CEQA level analysis and the analysis indicates that the project would not have any impacts not already identified in the Initial Study.

Cultural Resources

Comment

The Native American Heritage Commission recommends that the appropriate Information Center be contacted for a records search to determine if previous surveys have been conducted, any known resources have been recorded in the area, the probability for finding archaeological resources is low or otherwise, and if a survey is required to identify archaeological resources. If an archaeological resource survey is required a report documenting the findings would be required. The Native American Heritage Commission should be contacted to a Sacred Lands File check.

Lack of surface evidence of archaeological resources does not preclude their subsurface existence. Provisions must be made for accidentally discovered archaeological resources.

Response

The city of Santa Barbara uses mapping from the Master Environmental Assessment to determine if there is a potential for archaeological resources to be present on a project site. As indicated on Page 15 of the draft MND the project is not within any archaeologically sensitive zone. Since the sensitivity mapping was prepared using

available archaeological data and consultation with professional archaeologists the potential for archaeological resources to occur in the project area is very low. A City standard Condition of Approval that would be imposed on this project would require monitoring of the initial ground disturbance on the site to ensure that any archaeological resource accidentally found during construction would be protected. The condition of approval states:

Unanticipated Archaeological Resources Contractor Notification. Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

Geophysical Conditions

Comment

Detention ponds proposed on earthquake prone and steeply sloping conditions are dangerous and do not follow sound engineering practice.

Response

As stated on page 15 of the draft MND, the City's Master Environmental Assessment (MEA) map indicates that the project site is located in an area that has low seismic hazard damage to all structures. The map shows no fault crossing the project site, but does identify a fault trending towards the site from the west. According to the geologic report prepared for the project, the closest active fault is the Mission Ridge Arroyo Parida-Santa

Ana Fault, located approximately one mile away and the potential for fault rupture hazard is considered low. The site is subject to ground shaking due to an earthquake. The probability of an earthquake during a major storm event when the retention basins are full is quite low. Additionally, the project site is minimally susceptible to liquefaction in the event of a strong earthquake. Therefore, impacts related to fault rupture and liquefaction associated with ground shaking are not expected to occur. The retention basins would be designed to withstand anticipated ground shaking. Therefore, the potential for earthquake induced flooding of downstream properties is low.

Transportation

Comment

The State of California Public Utilities Commission recommends that the proposed project be planned with the safety of the rail corridor in mind. Pedestrian circulation patterns/destinations with respect to railroad right-of-way should be considered. The Commission is concerned with increase traffic at the at-grade highway-railroad crossings located at Milpas Street, Calle Cesar Chavez, and Los Patos Way.

Response

Pedestrian circulation patterns associated with the proposed project are not expected to result in increased activity at the identified highway-railroad crossings because they are a considerable distance from the project site. As indicated on Page 26 of the draft MND, the project would generate an estimated 30 average daily vehicular trips per day including 3 afternoon peak hour trips per day. The project site is located a considerable distance away from the railroad crossings. By the time project traffic has been distributed on the street system less than five peak hour trips would be expected at any intersection in the city including railroad intersections. Therefore, the project would not result in a substantial or significant increase in traffic at the railroad crossings identified.

Water Environment

Comment

Grading of the project site coupled with heavy rainfall could potentially destabilize the hillside resulting in damage to the surrounding neighborhood properties. Increased runoff from proposed homes and swimming pools will increase drainage to Woodland Drive homes below and other adjacent properties. Soil erosion would be increased due to the proposed homes and removal of the Eucalyptus trees. Provide additional analysis from a licensed Civil Engineer to certify a properly prepared drainage plan. The seriousness of drainage issues has been understated. Consider redirecting runoff by using the natural water course ravine and swale as a drainage solution. Woodland Drive cannot accommodate additional stormwater flows.

The 24 inch drainage pipe and swale is a poor engineering solution to handle the runoff from the proposed project, and should be abandoned and an acceptable manner to drain the project site should be developed. The use of the proposed 24 inch diameter storm drain pipe is not an appropriate drainage solution for the project. The proposed 24 inch

pipe with a 90 degree bend on a steep slope is not a desirable condition. The magnitude of stormwater flows has the potential to breach Alston Road and flood residential properties in area.

Response

As indicated on page 28 of the draft MND, the project proposes two stormwater retention areas designed to retain the increased runoff for a 25-year storm event. Additionally, a 24 inch storm drain is proposed which would direct the flow from the project site across the property located at 860 Woodland Drive and into the public right-of-way. The Preliminary Stormwater Study was prepared specifically to identify increases in stormwater runoff resulting from the proposed development and to show adequacy and feasibility of the preliminary drainage design for the purpose of mitigating that increase. In the final design, the basin's outlet pipe will be sized to meter the outflow to the pre-development runoff rate as required by the City. The difference between the post-development and pre-development runoff would be detained on-site in the retention basins. The City's Building and Safety Division has reviewed the Preliminary Stormwater Study and project's drainage design and has found it to meet the City's standards.

The proposed drainage facilities are expected to improve the existing conditions. The project would establish landscaping or cover disturbed soils with structures or hardscape ensuring that operational erosion does not increase substantially. Mitigation measures that require any increase in runoff to be retained on site as well as the installation of appropriate erosion/sedimentation control devices during construction will be imposed on the project to ensure adequate drainage facilities that do not cause substantial erosion.

A detailed Erosion Control Plan will be required by the City of Santa Barbara to ensure that appropriate erosion/sediment control devices between the construction zone and adjacent areas are installed prior to grading or construction activities. The applicant will be required to submit and obtain Building Division and Public Works Department approval of a detailed erosion control plan prepared by a licensed or certified professional. The plan shall include Best Management Practices approved by the City and Regional Water Quality Control Board. Permanent sedimentation and erosion control measures will also be addressed in the Grading and Drainage Plan and Landscape Plan of the final construction documents. Therefore the project would not result in significant impacts associated with stormwater runoff and soil erosion and further mitigation is not required.

As part of the Preliminary Stormwater Study prepared by Triad/Holmes Associates, a site visit was conducted to assess and verify the topographic features of the site. Also, observed as part of the field investigation was the potential stormwater drainage path from the southerly boundary of the site to the discharge location at Woodland Drive. The project's post-development runoff rate, from a 100-year design storm was estimated to be 7.6 cubic feet per second (cfs). Based on the steepness of Woodland Drive (over 10%) and a depth of flow in the gutter of four inches, the capacity of the street would be approximately 20 cfs. Therefore, Woodland Drive could handle stormwater runoff from both the project site and existing homes on Woodland Drive.

The 24 inch drain pipe is considered a reasonable and acceptable drainage solution by both the project's registered civil engineer and City Building and Safety staff. The final grading and drainage plan would detail the storm drain pipe to ensure proper construction and calculation would be required to substantiate that the size of the drain pipe is adequate.

Although the Preliminary Stormwater Study did not specifically recommend a 24 inch storm drain pipe, it did not exclude one. The preliminary nature of the report was to show the magnitude of the stormwater runoff and the detention volume required so that a reasonable conclusion could be reached regarding the project's ability to adequately address stormwater runoff.

Concern was expressed about the proposed 24 inch pipe and the thrust forces associated with it. Thrust forces would not be a concern for the 24 inch drainage pipe proposed by the project. Thrust forces are typically only a concern in pressurized pipes such as water systems, and not for a gravity flow pipe such as storm drain and sewer systems. In a gravity flow system, the pipe material itself will withstand any minor momentum forces exerted by the flow and accordingly its analysis is not necessary.

The final design of the storm drain would be expected to include provisions for a cleanout/drop inlet structure at the 90 degree bend. Although not necessary for stability, the installation of a structure would add strength and provide lateral support to the storm drain pipe at that location.

Regarding the "magnitude of water flow," while it is true that the capacity of a 24 inch diameter pipe flow is quite large, the runoff from the developed project site is not expected to require a 24 inch storm drain pipe. The proposed 24 inch pipe was not sized as a part of the study and is shown on the Preliminary Grading and Drainage Plan simply as a means to convey stormwater to the public right-of-way in a non-erosive manner. The pipe could be substantially smaller and still be able to handle the required flow volumes associated with the project. However, it should be noted that larger systems tend to be easier to maintain and have a reduced chance of becoming clogged and operate more properly. Prior to the issuance of building permits, the applicant will be required to submit a final grading and drainage plan prepared by a licensed civil engineer. The final grading and drainage plan will be required to provide calculations that support the final sizing of the drainage facilities.

The project proposes to redirect the drainage to curb inlets in Alston Road via the property located at 860 Woodland Drive instead of through the previous receiving downstream properties, thus reducing drainage impacts previously experienced by downhill neighbors. Additionally, check dams are proposed downhill of the detention basin to assist in intercepting drainage from the development. The southeast corner of the site will remain undisturbed and runoff from that portion of the site will continue to be tributary to the portion of Alston Road sloping to the east. Stormwater runoff resulting from the proposed project and breaching Alston Road and flooding adjacent properties is not expected to occur.

Comment

Consider the natural watercourse ravine as an alternative drainage solution.

Response

Using the natural watercourse ravine and swale to redirect stormwater runoff would be problematic. This alternative solution would require that the swale intercept drainage from all the properties uphill and between the project site and the ravine. The swale would have to be sized to not only transmit stormwater from the proposed project site, but also for all stormwater runoff that would cross the path of the proposed swale. Additionally, discharging directly into the natural ravine would pose environmental and regulatory issues including additional disruption of vegetation and grading requirements. Further, obtaining easements from the affected property owners to allow construction of a swale through their properties is not assured.

Comment

The Preliminary Stormwater Study analysis has understated project impacts. The study uses water storage nomenclature that is inaccurate and unacceptable as it is stated in terms of *rate of flow*, rather than *quantity of storage capacity*

Response

The Preliminary Stormwater Study used design storm criteria developed by the County of Santa Barbara and accepted by the City of Santa Barbara. In addition, the study was prepared by a registered civil engineer. By stamping and signing the report the engineer has accepted responsibility that the report was properly prepared in accordance with Civil Engineering practices.

With respect to the comment that the water storage nomenclature is inaccurate and unacceptable as it is stated in terms of *rate of flow*, rather than *quantity of storage capacity*, in the Preliminary Stormwater Study the *rate of flow* is used as a method of sizing the required detention volume, as explained on page 6 of the report (Retention of Volume Calculation). The sizing of the detention volume followed a method accepted by the City. As previously indicated, City staff has reviewed the Preliminary Stormwater Study prepared for the project and has found it acceptable. The project will be required to retain any increased runoff on site. Final project plans for grading, drainage, stormwater facilities and project development will be reviewed and approved by the Building and Safety Division and Public Works Department to ensure compliance with City regulations. The City will require that sufficient engineered design and adequate measures be implemented to avoid construction related and long-term drainage and water quality impacts.

Alternatives

Comment

The review of the project did not include a discussion of alternatives. The existing lot configuration should be compared to the proposed configuration and should consider runoff potential, loss of habitat, expansive soils and slope, fire and safety access and grading and debris removal.

Response

Mitigated Negative Declarations are not required to evaluate alternatives. This is because all of the project impacts either do not rise to the level that they are significant or they do rise above the level of significance and have been reduced to below that level with the application of mitigation measures.

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