



**Santa Barbara County  
Air Pollution Control District**

October 27, 2004

Renee Brooke, Project Planner  
City of Santa Barbara  
Community Development Department  
Planning Division  
630 Garden Street  
Santa Barbara, CA 93101

RE: Veronica Meadows Specific Plan DEIR

Dear Ms. Brooke,

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the air quality-related sections of the Draft EIR for the above referenced project.

In general, we concur with the analysis provided in the DEIR. Please consider the following additional mitigation measure for the Final EIR:

Wood-burning fireplaces are the cause of many public nuisance complaints that the APCD receives during the winter months. We recommend that only gas fireplaces be allowed in the new residences.

1-1

Please call me at 961-8893 or contact me by e-mail [vlj@sbcapcd.org](mailto:vlj@sbcapcd.org), if you have questions.

Sincerely,

Vijaya Jammalamadaka, AICP  
Air Quality Specialist  
Technology and Environmental Assessment Division

cc: TEA Chron File

[||sbcapcd.org/shares/Groups/pca/WP/PCACORR/Veronica Meadows DEIR.doc](http://sbcapcd.org/shares/Groups/pca/WP/PCACORR/Veronica%20Meadows%20DEIR.doc)

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**NOV 01 2004**

**CITY OF SANTA BARBARA  
PLANNING DIVISION**



# County of Santa Barbara Planning and Development

Valentin Alexeeff, Director  
Dianne Meester, Assistant Director

November 5, 2004

Renee Brooke, Associate Planner  
City of Santa Barbara, Planning Division  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RECEIVED  
NOV 08 2004  
DISTRIBUTED TO: ARBARRA  
PLANNING COMMISSION (7) DATE: 11/05/04  
CITY JAN HUBBELL, SR. PLANNER  
PLANNING SCOTT VINCENT, ASST. CITY ATTY.  
CASE PLANNER APPLICANT(S) AGENT  
PC SECRETARY

RE: Draft Environmental Impact Report for Veronica Meadows Specific Plan

Dear Ms. Brooke,

Thank you for the opportunity to provide comments regarding the environmental review for the Veronica Meadows Specific Plan. Please find Planning and Development's comments below.

### CIRCULATION

Planning and Development is concerned that the bridge over Arroyo Burro Creek could impact riparian habitat along the creek, cause creek maintenance problems and erosion, and also cause potential traffic safety hazards on Las Positas Road with construction of a new intersection. In our comment letter on the NOP, P&D recommended that the Draft Environmental Impact Report analyze the potential for extending existing Alan Road as the primary access to the development. The DEIR analyzed this alternative and determined that it would generally meet the project objectives and would avoid significant impacts related to the bridge and new intersection on Las Positas Road including:

- Adverse effect of the bridge over Arroyo Burro Creek on riparian wildlife species due to a gap in riparian vegetation cover (Class I impact);
- The one-way stop controlled intersection at Las Positas Road would cause traffic safety hazards unless certain sight distance and lane striping improvements are implemented (Class II impact).

As stated in the DEIR, this alternative is feasible and would be consistent with the City Circulation Element policies and transportation planning criteria for increasing road connections to improve mobility. However, it was also stated that concerns have consistently been raised by the existing residents on Alan Road, and the City adopted a resolution in 1972 that closed Alan Road to through traffic indefinitely.

However, the DEIR is clear that alternative site access via Alan Road is environmentally superior to constructing the bridge over Arroyo Burro Creek. Considering the sensitive location of the project, and the City Fire Department's determination that only one point of ingress/egress is required for this site for emergency evacuation, P&D recommends that the City select the point of access that is least impacting. Overall, access via Alan Road would provide the best balance between providing residential use on this property and providing the greatest protection of creek resources and surrounding habitat.

### CREEK SETBACK

When appropriately planned and implemented, buffers from creeks and associated sensitive habitat protect water quality, species and their habitat, as well as erosion. P&D supports a 100-foot buffer between the proposed residences and top-of-bank of the Arroyo Burro Creek, or edge of riparian corridor,

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2-2

between the proposed residences and top-of-bank of the Arroyo Burro Creek, or edge of riparian corridor, whichever is greater. Within this setback, P&D would expect to see heavy native restoration within the lower 50 feet of the buffer, followed by open space and restoration in the upper 50 feet. A pedestrian/bike trail is appropriate at a minimum of 25 feet away from top-of-bank. The proposed project creek setback does not meet these criteria. However, three alternative creek setbacks were evaluated in the DEIR.

Based on the alternatives evaluated, P&D recommends the Council approve a creek setback that dedicates the buffer setback to open space and restoration. That no roads, driveways or other paved surfaces be allowed to encroach in these buffers, as in the proposed project. In addition, P&D recommends that the City consider alternatives that provide greater setbacks near bends in the creek to protect these areas from further erosion. Finally, P&D recommends that the pedestrian/bike trail be pulled further into the buffer to ensure a longer life for the trail and to avoid needing to rebuild the trail in the future due to erosion.

2-2

The DEIR recognizes that providing a greater setback, including one that does not allow roads or other paved surfaces within its boundaries, may cause a reduction in the number of lots on the site. In addition, this revised setback would limit possible locations of the Alan Road primary access, recommended by P&D. To accommodate these revisions, proposed lot sizes may need to be reduced and access may need to be reconfigured to allow a more efficient use of the remaining land balanced with resource protection.

**AFFORDABLE HOUSING**

As proposed, all of the units in the project are to be market rate, and it is P&D's understanding that the project is not subject to the recently adopted Inclusionary Housing Program. To help meet the increasing need for affordable housing in this region, however, P&D recommends that at a minimum the City encourage the applicant to voluntarily provide some of the units to the workforce income category, defined as households earning between 120% and 200% of median income, as this income group is currently left out of the market.

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In addition, lot size and housing square footage for the proposed homes are on the larger side, ranging from 1800 s.f. to 4500 s.f. In the interest of balancing resource protection with efficient use of land, P&D recommends a reduction for lot sizes and/or unit sizes or exploring different unit types (such as duplexes) so that some of the units may potentially be more "affordable by design." These modifications would also assist the applicant provide lots/units more efficiently if the Council were to adopt a revised larger creek setback/buffer.

2-4

When land is annexed to the City the County can lose an opportunity to meet the need for affordable housing. This problem has been addressed with previous annexations. For example, the City and the County split the credit for the affordable units being provided in the Mercy Housing project. This solution helps both jurisdictions meet their affordable housing needs. The Veronica Meadows Specific Plan does not include affordable units. If this property were processed through the County the applicant would likely provide 10% low, 15% lower-moderate or 20% upper-moderate units through the County's existing inclusionary housing program or pay fees which would contribute to the construction of affordable units in another south coast location. Consequently, this annexation will result in a lost opportunity to provide some greatly need affordable housing. P&D is interested in discussing the implications this annexation has on the County's efforts to meet the affordable housing allocation with you further.

2-5

Thank you again for involving Planning and Development early and frequently in the review process. We look forward to working cooperatively with City staff and decision-makers on this and other projects. If there is any further information that Planning & Development can supply for this project, please do not hesitate to call Alicia Harrison of my staff at 884-8060.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Plowman", followed by a long horizontal line extending to the right.

**LISA PLOWMAN**  
Deputy Director  
Comprehensive Planning Division

cc: Chron File  
Paul Casey, Community Development Director, City of Santa Barbara  
Bettie Hennon, Planning Director, City of Santa Barbara



# ALTHOUSE AND MEADE, INC.

BIOLOGICAL AND ENVIRONMENTAL SERVICES

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Lynne Dee Althouse, M.S.  
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althouse@tcsn.net

October 18, 2004  
123.1

City of Santa Barbara  
Planning Division  
Attention: **Renee Brooke, Associate Planner**  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RECEIVED

Daniel E. Meade, Ph.D.  
(805) 705-2479 (cell)  
meade@tcsn.net

NOV 05 2004

CITY OF SANTA BARBARA  
PLANNING DIVISION

Re: Draft Environmental Impact Report, Veronica Meadows Specific Plan

Dear Ms. Brooke:

Respectfully, I offer comments in response to the Draft Environmental Impact Report (MST99-00608) for the Veronica Meadows Specific Plan. I will address several topics presented in the biological resources section (3.3) and the alternatives section (4.0), provide a few typographic corrections, and comment on additional items in the biological and visual resources sections.

The EIR found that the bridge across Arroyo Burro Creek would result in a Class I impact (significant and unmitigable). However, the EIR states on page 3-56 that, "the impacts to habitat under the bridge would be temporary" (paragraph one), that, "the permanent loss of the 600 to 800 square feet of willow and giant reed at the eastern abutment is not considered significant . . ." (paragraph 2), and that, "a gap [in vegetation] in an of itself is not necessarily significant to wildlife movement." In contrast to these statements the conclusion that the bridge is a Class I impact appears to be based only on the idea that, "wildlife movement would be hindered by the presence of the concrete abutments and roads at each end of the bridge" (paragraph three). It was thought that, "in light of the narrow riparian corridor at this location and the close proximity of other human disturbances that affect wildlife (i.e., Las Positas Road, Stone Creek Condominiums), the overall impact of the bridge. . ." is significant and unmitigable.

However, in reviewing the species of animals expected on the property (page 3-46, includes animals expected, not just observed), it is very difficult to see how movement of any of these species would be inhibited by the presence of this bridge. The bridge is a clear span of 140 feet. This is a very long span for a bridge at this location on the creek, leaving approximately 52 feet of flat ground on the top of the western bank, 75 feet of sloping bank, and 8 feet of stream bottom for passage. The idea that, "wildlife movement would be hindered by the presence of the concrete abutments and roads at each end of the bridge.", does not make sense. What species would be hindered? None of the amphibians listed, or the reptiles, or any of the mammals would find the bridge abutments a barrier to movement. Aquatic species are confined to the stream bottom. Certainly, none of the birds would be affected by the abutments, or the presence of the bridge. Most of the mammals listed are nocturnal, and when moving or foraging would easily move across the road if they did not pass under the bridge. All of these animals could easily move beneath the long span of this bridge. If they encountered the abutment, all of them would change their path without distress. In sum, I disagree with the classification of the bridge as a

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Class I impact. It is properly classified as a Class II impact (significant, but mitigable). This is because vegetation can be established under the bridge, the bridge span is very long allowing more than adequate passage for animals, and trees removed for construction can be replaced. In addition, the restoration of the creek corridor proposed for the project will provide an enormous improvement in usable habitat for native species.

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Second, the EIR team has chosen to change the designated location of the top of bank (referred to as a correction in Figure 2-3), to include two areas that are erosion features. The top of bank is changed at one other location without explanation. The first area is associated with a bank failure at the large sewer main. The development plan proposes to restore this area to a more natural creek bend contour. It is clear from inspection that the site is a bank failure precipitated by the ditching of the top of bank for the pipeline, and not a natural feature. The EIR states that, "The land between URS' top of bank and the applicant's top of bank at these three locations are functional parts of the creek rather than the uplands." However, the location of bank failure at the sewer line is a dysfunctional part of the creek. It is a vertical slump face that will continue to contribute sediment to the creek if it is not repaired. The EIR did not recognize the relationship between the soil disturbance caused by the original pipeline installation and the bank failure.

3-2

The expansion of the top of bank designation near Lot 7 assumes that this area is also a functional part of the creek. In fact, it is not a part of the aquatic habitat of the creek, has not carried water or been flooded during the last five years of my observations, and acts more as upland habitat than riparian habitat (contrary to the EIR assertion). It was dominated by castor bean, an upland species, for many years. I consider this location an appropriate upland habitat to enhance as a monarch butterfly aggregation site. The fact that the area is well above the creek level allows a cold air drainage configuration amenable to a Monarch butterfly aggregation. The configuration at the site is an artifact of old or ancient site topography, not a functional part of the creek.

3-3

The intent of setbacks is to provide protection for a resource. Moving the designated top of bank to include areas that are not functional parts of the creek does not provide additional and necessary protection. This is especially obvious in places where the bank needs to be restored. The setbacks presented on the applicant's plans were carefully placed to provide conservative protection of the resource, with consideration given to restoration and functionality of the riparian corridor.

The discussion of creek setback alternatives (section 4.10), references the evaluation of the effects of the proposed setback distance on biological resources associated with Arroyo Burro Creek (section 3.3.3). The evaluation in the referenced section concludes that the proposed project is consistent with applicable local plans and policies, and that the proposed creek setbacks are adequate. Six potential impacts were listed and discussed (Table 3-11). The conclusion reached for each of these potential impacts is that widening the buffer zone is not necessary. Mitigation measures more effective than widening the buffer zone are given in Table 3-11, regarding four of the potential impacts. Therefore, it is difficult to perceive the nexus between the analysis in Section 3.3.3 that concludes no increase in the buffer zone is necessary, and the recommendation in Section 4.10 that, "The environmentally superior alternative is the Alternative Creek Setback" (pg. 4-23).

3-4

Additionally, the use of creek buffer areas for storm water treatment (presumably by retention) should not be recommended unless the project geologist, the project engineer, and the project geo-technical engineer agree that infiltration and saturation on the creek banks will not accelerate bank failure.

3-5

The EIR states that the purpose of setbacks is to protect, "water quality in the creek, aquatic habitat and species, and wildlife habitat and species" (pg. 4-17). Additionally, the EIR states that setbacks may provide public benefits including the reduction of bank erosion, public safety, and

3-6

aesthetics. Increasing setbacks further than the distance proposed will do little to improve water quality or aquatic habitat. The proposed storm water management system will improve water quality from the current condition by reducing sediments and providing a bio-filtration system for most of the development. Increasing setbacks will not reduce bank erosion (directing water to the banks for infiltration could actually increase bank erosion). Larger setbacks will increase public safety concerns by increasing bank top vegetation density along a public walkway and bike path. Increasing setbacks will not provide additional aesthetic improvement since the visual screen to Los Positas will be complete with the current plan. The suggestion to increase setback distances is putatively designed to provide more protection for biological resources, yet such improvements appear to be slight or non-existent. The analysis provided in the EIR regarding setbacks concludes that other measures are more effective than increasing setbacks. Intelligent planning that manages resources correctly is a more effective approach, rather than just increasing the size of setbacks.

3-6

The following comments are respectfully submitted to address errors or oversights, and to suggest clarification.

On page 3-43 the statement is made that, "The creek corridor contains dense riparian cover that supports a high diversity and abundance of wildlife species compared to upland habitats at the project site." In fact, the riparian corridor is highly degraded at the site, to the point of being considered depauperate with respect to species diversity. Invasive exotic plants overrun much of the habitat in the creek. The stream is choked with sediment, and the species present (and absent) are indicative of poor water quality. Upland habitats include coastal scrub, chaparral, and oaks, as well as eucalyptus woods, ornamental trees, and large areas of ruderal vegetation. Combined, these upland areas provide higher diversity of plants and animals than the creek corridor.

3-7

Page 3-43, Aquatic habitat. Flows are often not perennial. The only fish observed were mosquito fish, an introduced species that cannot survive the strong winter storm flows that occur in Arroyo Burro Creek. It is likely that area residents or the vector control district periodically introduce these fish.

3-8

Page 3-43, second to the last paragraph. The coastal scrub actually may support more wildlife diversity than the riparian zone. Deer mouse, rabbit, opossum, skunk, bobcat, feral cat, and coyote are all common residents in the scrub habitat. These animals are also seasonal residents, and early morning, evening, and nocturnal visitors in the highly disturbed center of the property. The species diversity of birds that we observed is higher in the scrub and oak woodland on the property than in the riparian zone.

3-9

On page 3-44, the ruderal vegetation description did not include castor bean, which is often the dominant plant in the center of the site. This likely reflects the late season visit by the EIR team, after the castor bean had been subject to annual fire prevention clearance.

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In the last paragraph, line 8-9, castor bean is included as a vine. It is not.

On page 3-45, Aquatic habitats. The description of pools is confused by the interchangeable use of "wide" with "long". Are the pools 20 feet wide by an unspecified distance long, or 20 feet long (upstream/downstream direction) with an unspecified width?

3-11

Also, the summer flow rate in the creek is often near zero, with standing water in pools with no surface flow. A rate of 2 to 5 cfs seems high for the summer.

3-12

The last paragraph on this page, line five, insert the verb "is" after the word "that".

3-13

The statement regarding southwestern pond turtles implies that they occur in the creek (last sentence on page). This does not appear to be the case.

3-14

On page 3-56 and 3-53, the EIR claims that infiltration and groundwater storage that supports riparian bank vegetation would be affected by the proposed drainage system. I have not observed any signs of water seeping from the banks of the creek. It appears that the extensive watershed of Arroyo Burro Creek, not local infiltration from the project site, supports base flow of the creek. My experience has been that during storms, water rapidly runs off the site, forming erosive streams that pour off the bank at various locations. There was no evidence of ponding on the property. I suggest that the proposed detention basin will increase the ground water on site compared to the current condition. Further, I suggest the project geologist should be consulted to provide a more rigorous assessment of infiltration potential and the proposed increase of detention basin size. It is especially important to understand potential problems regarding bank failure that could be created by detention areas along the creek bank. Also, the increase of outlets suggested will impact the riparian bank and the stream bottom. Depending on the storm flow volumes, it may be an environmentally preferred alternative to keep these outfalls to a minimum.

3-15

On page 3-58, discussion of primary impacts, item 2, nighthawks are rare transients in the South Coast, not residents likely to be affected.

3-16

Scientific names for organisms are not used, and no comprehensive plant or animal lists are provided. A complete list of plants and animals observed should be appended to the EIR.

3-17

In general, the EIR accurately presents conditions on the site. I consider the above comments to address relatively minor issues, with the exception of the top of bank revision, setbacks, and the level of impact from the bridge.

Thank you for the opportunity to submit these comments.

Sincerely,



Daniel E. Meade, Ph.D.

**PEAK-LAS POSITAS PARTNERS**  
525 E. Micheltorena St., Suite 101  
Santa Barbara, CA 93103  
Telephone (805) 966-1480 Facsimile (805) 966-3401

November 4, 2004

City of Santa Barbara Planning Commission  
Community Development Department  
630 Garden Street  
Santa Barbara, CA 93102

**RECEIVED**

NOV 05 2004

CITY OF SANTA BARBARA  
PLANNING DIVISION

Attn: Renee Brooke, Case Planner

Re: Las Positas Valley Development (Veronica Meadows Subdivision)  
Annexation of APN 47-010-16, 47-010-11, and  
47-010-53 (4.49 acres of the 86-acre parcel)  
900-1100 Las Positas Road (MST 99-00608)

**Subj: Comments in Response to Draft Environmental Impact Report (September 2004)**

Dear Ms. Brooke and Members of the Commission:

In 1999, I presented to the Planning Department and Commission conceptual plans for the above-referenced project. At that time, we were given specific feedback and direction on conceptual issues. In working with City staff over the next five years, we further developed our designs and arrived at a plan that sets new standards for responsible development near environmentally sensitive areas.

This plan has now been subjected to a full environmental impact report (EIR). In this correspondence we offer comments on the draft (EIR) and suggestions for modifications and additions to the final EIR.

**Comment No. One: Modern Historical Context**

The DEIR does not include the history of recent decades, including the numerous developments and uses of the property, the bridge which historically accessed the property and its easement, previous development proposals considered by the City prior to our purchase, and the history of this applicant's numerous iterations of plans that evolved into the plan subjected to the EIR process.

The DEIR does not recognize and place in proper context that a unique difference between this plan and all previous applications is the addition of 4.5 acres of flat, buildable (albeit unseen along the Las Positas Corridor) land. The acquisition of this land makes possible

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*ML*

the clustering of already below-permitted-zoning-density housing outside of the Arroyo Burro riparian corridor.

#### Prior to Current Ownership

Predecessor property owners and applicants have submitted plans for numerous projects ranging from 26 single family dwellings along the creek to more than 80 senior housing units along the creek. All previous applications presumed a 25 ft. setback from the creek, and access from an extension of Alan Road.

The last known physical improvement on the property was a small golf course, an endeavor that failed before completion. The property fell into disrepair and has suffered ever-increasing degradation for the past three decades. Unseen from any public area, the land became overgrown with invasive, destructive plants, substantially castor and arrundo, and the riparian corridor and creek became a dumping ground. The property also was used as an unofficial motorcycle track, with significant resulting damage.

#### History of Current Ownership

In December of 1998 I was invited to look at the undeveloped property at the end of Alan Road.

What I saw initially was discouraging. The 10-acre parcel along the creek hadn't been tended for at least thirty years and was thick with castor and arrundo; abandoned junk cars and large appliances littered the property, the creek banks were degraded and the creek itself had lots of concrete, asphalt and other debris in it, and trespassers were grading jumps for off-road motorcycle racing. It was, and is, a mess.

I recognized that the adjacent property to the west, an 85-acre parcel, had a relatively flat expanse of land, about 5 acres, that was inaccessible from the rest of that parcel. I thought to myself that if this piece of land could be purchased and added to the 10-acre strip along the creek, there would then be a lovely area to build homes. I also thought the City would laud preservation of an adjacent 35-acre creek-side property that could be acquired with the 10-acre parcel.

I became convinced that a beautiful group of homes, on this 50-acre area, surrounded by the mountains and along the creek, would be a good business opportunity and a great benefit to the community.

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My enthusiasm and vision grew after I first met with the City staff now more than five years ago. They told me that the property had been targeted for annexation for thirty years, that single-family housing had been identified as the appropriate use of the land, and that the acquisition of the flat section of the adjacent property would be a great benefit.

With the caveat that further studies would need to be performed, all of the City representatives I met with were upbeat and supportive of the vision I expressed:

- A sense of community with lovely homes situated in an incredibly beautiful pocket of land benefiting both the homeowner and the City, restored to a park-like environment, and harmonious with the adjacent riparian corridor.

I went forward with the project and over a period of many months, arranged the complicated purchase of the properties from four different owners. I was then and continue now, convinced that building homes on the property is good business and a great event for the community. 4-1

After the purchase, I discovered that most of the significant developers in Santa Barbara had been negotiating to purchase this property, but all of their offers were contingent upon what the City would ultimately approve. I was the only person with the faith to just buy the property without hedging my bet. The point of mentioning this in this letter is to let you know that I committed my business career to this endeavor. It's not just a project in my portfolio; it's my only project and I'm personally and totally involved in bringing it to fruition.

With the enthusiasm, commitment and focus I brought to this project, I and my design team developed a "constraints responsive" development proposal which I presented to the City in 2000, and which was positively received by the ABR and Planning Commission and formal review was initiated in February 2001.

#### **Comment No. Two: The Application Process**

We suggest that the final EIR recognize and state that the proposed project is the environmentally superior alternative, a result of the design changes, community benefits, and balancing of development size against the ability to provide such benefits that has already occurred through the five year project application development and City conceptual review process. 4-2

The DEIR does not recognize or place into proper context the fact that an unprecedented degree of detailed studies and multiple iterations of the current plan were submitted and 4-3

reviewed in advance of formal environmental review. The result was that numerous "alternatives", that would have been studied in a conventional environmental review document, have already been considered and the environmentally superior alternatives implemented in this plan.

This plan has been subjected to and responded to several policies that have been under development, including inclusionary housing and creek setbacks. While the project was reduced in size in anticipation of more rigorous policies, it has not been afforded the benefits of standards that were later relaxed. This resulted in fewer housing units, smaller housing units and greater setbacks from the riparian corridor.

In particular, the appropriate number of units, size of units, relative importance of on site vegetation, road design, specific designation of top of bank, orientation of certain houses to Alan Road, bridge access with no through vehicular access to Alan Road, onsite drainage, setback standards and slope avoidance are all aspects of the project negotiated with the City's four different principal planners who have worked on the project, or determined in formal conceptual review hearings.

4-3

Certain conflicts between City general standards and project designs more appropriate to the site have also been addressed through this extensive interactive process. In particular, this included recommendations by the Public Works Department with respect to sidewalks, curbs, gutters and street width that are not consistent with good design for this site or consistent with the direction given to the applicant by the Planning Commission and Architectural Board of Review.

There is no doubt that the driving forces behind all site planning are the environmental site constraints. In some cases, such as preservation of oak trees and maintaining existing topography, the determinations are largely based upon objective data. In other cases, such as site drainage and creek setbacks, the determinations are weighted more by political/philosophical considerations than empirical data.

We suggest that the final EIR make a clear distinction between which potential impacts and related mitigations are truly based in science and which are suggested due to potential local political or community philosophy.

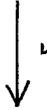
4-4

We suggest that the final EIR also recognize the environmental benefit from the Project's narrower streets, less sidewalks, and more pervious sidewalks and pathways.

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**Comment No. Three: The Bridge**

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The DEIR has classified the proposed bridge as a Class I Impact, apparently based upon the assumption that "wildlife movement would be hindered by the presence of the concrete abutments and roads at each end of the bridge". We take exception to this idea and believe, as discussed in the recent public hearing, that this designation is based more upon perceived local community values rather than science. Please review the detailed letter from Dr. Dan Meade that responds to this point.

4-6

The DEIR does not make reference to history of an old bridge at this location, provide sufficient description of existing conditions at the proposed location, or correctly explain that only one abutment is proposed to be located in the riparian corridor.

4-7

The DEIR does not accurately portray the existing degraded condition of the section of the bank where the easterly abutment is proposed.

4-8

The DEIR does not make reference to alternative bridge locations, previously considered and rejected by City Planning Staff. There are other potential locations where no abutments would be located within the riparian corridor, including the historic alignment, but the City instead determined that the bridge should align with the Las Positas Park entrance.

4-9

The DEIR does not discuss the alternative of one sidewalk on the bridge rather than two, and the narrowing of the structure that could be possible.

4-10

The DEIR does not adequately discuss the benefits that will accrue to the City's circulation element with the bridge. The benefits from increased pedestrian and bicycle use in lieu of automobile use to move from Arroyo Burro Beach, Ehling's Park and through the community are not expressed.

4-11

The DEIR does not adequately discuss the benefits to the City Parks Department from the increase in usable land that is traded for degraded land, and to the cleanup and restoration of City property along the riparian corridor proposed as part of the Project. The DEIR does include a mitigation measure (Bio-5) which limits grading and earthwork within 100 feet of the outer edge of the existing riparian corridor to the period outside of March 1 to July 15, ostensibly to avoid impacts to breeding birds. Another mitigation measure W-3, limits bridge work to July 1-November 1. As discussed at the recent Planning Commission hearing, there may be significant benefits to the neighborhood if the bridge can be completed more quickly, and serve as the access for construction traffic. Consistent with that discussion, we suggest that the mitigation in the Final EIR allow for a longer bridge construction window if weather allows, with the recognition that any potential impact to nesting birds will be in a very limited area of property historically impacted by motorcycle racing and other uses.

4-12

4-13

## Evolution of The Bridge

The bridge element was discussed with the City Staff even prior to purchasing the land six years ago, and has been included in every proposed site plan, including those previously reviewed with the Planning Commission and Architectural Board of Review. The large majority of the Planning Commissioners and ABR have expressed their support of the bridge at every meeting.

A bridge generally in the currently proposed location was the primary access to the property for decades, and was taken down in the 1970s. A public easement for that bridge still exists. At about that time, the Santa Barbara City Council passed a Resolution to assure residents of the Alan Road neighborhood that there would not be through vehicular access from Las Positas to Alan Road in the future. This Resolution has been interpreted by the neighbors to mean that access to our site would be via the historic bridge access way, and *not* from Alan Road.

The bridge is a fundamental component of the project, as affirmed in the previous conceptual project reviews. Equally important, the community benefits are overwhelming, particularly if the City is able to persuade Cal/Trans to allow the traffic signal that we propose. Along with the City-requested traffic signal at the entry, the bridge will provide major community benefits:

- Safe pedestrian and bicycle access to Ehlings Park and the inner City from the Alan Road and Braemar neighborhoods as well as the newly created homes;
- Safe pedestrian and bicycle access to the beach from the neighborhoods east of Las Positas along a pleasant creek-side trail;
- Meeting significant goals of the City Transportation Master Plan for bicycle and pedestrian circulation;
- Slowing of traffic along Las Positas and easing congestion at the Las Positas-Cliff Drive intersection;
- Reducing traffic hazards for vehicles entering and leaving Ehlings Park;
- Minimizing traffic impacts to the Alan Road neighborhood;
- Maintaining the Alan Road neighborhood as a peaceful cul-de-sac enclosed area where their children safely play;
- Permitting a lower density of dwellings than would be economically necessary if all access were routed through Alan Road; and
- Enhancing a more upscale dwelling that can sustain the expense of the creek restoration and public access park land.

environmental review began through exhaustive study during a time of vacillating draft policies.

Although the DEIR has classified the proposed setback with a Class II designation, the alternatives treat what was designated as the environmentally superior setback as if it were a starting point.

The applicant began by setting setbacks consistent with County standards that were in excess of any of the City's actually adopted setbacks. The setbacks were from "edge of bank" determined by City Staff, and shown to the Planning Commission in a detailed site visit. These setbacks were increased at least three times in response to Staff's recommendations, ultimately resulting in the proposed setback. The current proposed setback met the then proposed draft City Creek Development Standards. The DEIR correctly recognizes that the City does not have a standard setback requirement for development, except for along Mission Creek. After a brief discussion of the "high level of interest and controversy" engendered by the City's 2003 draft Creek Development Standards, the document notes that "City Staff has indicated that the development of standards will require more time and further public participation and hearings beyond the hearing timeframe for this project." Again, this project met those stringent draft standards, and the City and applicant have already spent the time and held public hearings through the conceptual design process.

In fact, the City very recently approved a 54' setback from top of bank to structure on a neighboring property (Kennedy Subdivision), far less than the 100 feet to structure which our project provides. The DEIR should recognize the significantly greater setback proposed by this project than City standards, and than development all along the rest of Arroyo Burro Creek.

There is no evidence supporting the presumption that a greater setback will materially improve the protections to the Creek. The DEIR states that proper management of the proposed setback will be a more effective tool.

Our biologist, Dr. Meade, provides a clear technical explanation of the well intentioned, but inaccurate conclusions set forth in the DEIR. Please read his letter.

We suggest that the EIR be modified to acknowledge that the proposed setback was established as the result of conservative application of principles and policies, and was hailed as the environmentally superior alternative.

We suggest that the EIR delete the statement that the alternative setbacks are environmentally superior, and recognize that such alternatives are infeasible as they would

mk

I propose to completely restore a terribly degraded and polluted reach of the creek in excess of 1,400 lineal feet. The bridge will span the creek across 31 of those lineal feet. The biological habitat at the location proposed for the bridge is thoroughly engulfed by the invasive species Arrundo Donax, which is prolific along the lower reaches of the creek.

4-17

The restoration of the creek has been a part of my vision since the inception of the project. Not because it would be required sooner or later, but because (a) it is good for the overall project, and (b) because it's the right thing to do. No other private developer in Santa Barbara has proposed such a major creek restoration. The proposed restoration will serve as a model for creek restoration throughout the community, and provide immense public and environmental benefit which may be the impetus for additional restoration projects and set a new standard for development mitigation.

4-18

Our chief biologist for the project, Dr. Daniel Meade, has reviewed the biological concerns expressed in the DEIR and concludes that many of the observations and conclusions are well intentioned but misplaced. A copy of his letter is attached to this correspondence.

4-19

The use of less than 3,000 s.f. of highly degraded City land at the proposed bridge location should be a relatively minor issue, especially since the City will end up with more than 10,000 s.f. of highly usable additional land. Again, the City land is virtually at the same location as an existing road easement for the old bridge.

4-20

At completion, the project will have a park-like feeling throughout. The riparian corridor will be a model of responsible creek restoration and enhancement, providing an experience for the public that truly will give meaning to the designation of this area as the "lungs of Santa Barbara".

4-21

We suggest that the DEIR be modified to correct misinformation, modify interpretive conclusions and mitigation measures to better reflect revised and upgraded information, provide expanded and more detailed description of mitigating benefits, and increase consistency with scientific findings.

4-22

**Comment No. Four: Creek Setbacks**

The DEIR does not reflect the historic perspective of establishing setback distances. Over several years, an iterative process resulted in our establishing what was called by City Staff "the environmentally superior setback". This was accomplished before formal

4-23

JK

result in further decreases in project development, and mean that the project could not economically support the other public benefits offered. 4-20

**Comment No. Five: The 35-acre Open Space Parcel**

In the recent public hearing, a Planning Commissioner suggested that the EIR consider certain aspects of the 35-acre parcel to the northwest of the project. There are no improvements or work on this land proposed in this project, and as part of the Project we are proposing to give up all development rights on that property.

The idea has been raised that the public trail and creek restoration proposed on the project site could be extended on to this 35-acre parcel.

Any physical changes, albeit improvements, to the existing conditions present on this 35-acre parcel are both physically and economically infeasible. There is a high potential to trigger landslides, there are numerous other private owners on the opposing side of the creek, the governing agencies would impose impossible-to-meet conditions, and the increased liability to the City and other property owners would be unbearably burdensome to the applicant. 4-27

As contrasted with the geology of the land proposed for development, which has been relatively stable for several thousand years, the land on the 35-acre parcel is unstable.

The City, the County or certain granting agencies may have the capacity to embark upon changes to this area, and the applicant is willing to grant easements for any such future work, assuming appropriate indemnification elements are provided.

**Comment No. Six: Slope Stabilization**

The DEIR states that the Project involves grading of slopes in excess of 30 percent, and so is not consistent with Implementation Strategy 2.1. This is not accurate. The Project has been specifically designed to avoid such impacts on slopes greater than 30 percent. 4-28

Describing the slope stabilization as grading may incorrectly imply to laypersons that the intent of the operation is to create new areas for development. The creation of the buttress fills will not change the existing topography.

The DEIR does not clearly state that the primary buttress fill that runs parallel to the long axis of the 10-acre parcel is a necessary safety measure if any homes are constructed, regardless of the project access or number of dwellings constructed. 4-29

The DEIR does not clearly state that potential runoff associated with the buttress fill operation is routinely mitigated by appropriate implementation of standard engineering safeguards. 4-30

### Proposed Geologic Stabilization

The purpose of the stabilization is to minimize the potential hazard of landslides above the homes. The proposed areas for stabilization have been relatively stable for thousands of years, but exhibit some small potential for future movement. The adjacent 35-acre parcel, which is included in this proposal as designated open space, is naturally unstable, but does not pose a threat to the proposed development.

The proposed repair to the slopes is called a "buttress fill", which fundamentally involves digging out soils at the base of the slopes and replacing the soils compacted to a higher density. Our geologist, Dr. David Rogers, who is the acknowledged national expert in these matters, states that this technique is routinely utilized for this purpose.

The process of creating the buttress fill will be performed over a duration of several weeks and the stabilized slopes will have the same appearance subsequent to the repair. The vegetation that will be impacted is largely invasive and exotic species and will be replaced with native species. 4-31

To avoid what could otherwise require some work beyond the property line on the adjacent neighboring parcel, for which a temporary easement from the neighbor is in place, a line of caissons has been designed along the property line in certain locations. The purpose of the caissons is to temporarily shore the uphill side while the buttress fill is constructed. This is a "belt and suspenders" approach.

The DEIR states that the proposed stabilization is normal, standard and routine.

The stabilization will not create any new sites for development, and the project design is such that we are avoiding all development on the hillsides. After repair, the hillsides will look essentially as they do now, but with native vegetation.

### **Comment No. Seven:      Transportation and Traffic**

The DEIR does not reference the numerous and preferable environmental benefits provided by narrowing the Project roadways and decreasing impermeable concrete sidewalks. 4-32

The DEIR does not reference a preferable location for the pedestrian pathway that is proposed to be near the Creek. 4-33

### Transportation

There has been considerable conceptual discussion regarding street design, including conflicting priorities between City departments, many of which conflict with the conceptual direction from the Planning Commission and the ABR. The crux of the discussion relates to meeting general public road standards versus good design for this specific project. Transportation and Planning have indicated that this project is suitable for significant flexibility; Public Works supports minimal flexibility. The current site plan reflects my understanding that I must comply with the more rigorous Staff recommendations, but better design is suggested. 4-34

The project can meet the Public Works recommendations, but good design for this project suggests that the residents and the public would benefit from a more rural or village feel than the urban feeling. Financial considerations do not impact the decisions regarding street and sidewalk types and locations; from my perspective the goal is purely aesthetic in nature.

A pedestrian and bicycle path has been proposed for this project. There seems to be considerable confusion within Staff regarding its location. At one end of the discussion is locating it as far away from the creek as possible and isolating the riparian corridor from public access; at the other end would be locating it so that persons using the path can enjoy the beauty from within the riparian corridor and be able to view the creek. Again, this is not a financial consideration but more a question of what is best for the public. 4-35

We suggest the EIR be modified to evaluate suggestions regarding the beneficial impacts of reduced hard surface road areas and sidewalks. 4-36

### **Comment No. Eight: Visual Simulations.**

The visual simulations provided in the DEIR Appendix C, PHOTO 1B, 2B, 3B, 1C, 2C and 3C appear to be inaccurate in scale of proposed houses to the simulation background, and so do not accurately depict the project. 4-37

### **Comment No. Nine: Balanced Evaluation**

*ML*

Laypersons and neighborhood readers of the DEIR seem to be misled by the overall tone of the document, which feels to them like an omen of prospective damage to the environment. It appears that the EIR shouts out the potential adverse impacts and whispers the well defined beneficial impacts.

Generally, the DEIR expresses a rather guarded tone throughout. The document is filled with descriptions characterized with words such as "might", "could", and "may" that preface potential impacts. This characterization implies or tends to suggest that such impacts will happen. In fact, for the overwhelming majority of these concerns, the project as submitted already includes responses or design elements that "will" ensure that potential adverse impacts are avoided. 4-38

Generally, the DEIR seems to minimize the overwhelming benefits to the community and the environment. The positive elements of the project are dramatically understated.

We suggest that the final EIR should provide a more accurate discussion of the highly positive net environmental benefits of this project.

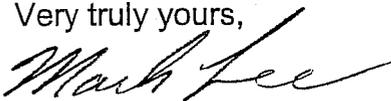
### **Summary**

This project responds to two of the City's highest goals: to provide more urgently needed housing, and to restore our degraded creeks.

In the words of one highly regarded City official, "Santa Barbara needs all kinds of housing." The extraordinary cost of land, the necessity of significant infrastructure and the goal of maintaining low density require that these homes be upscale. They are not mansions, and they are clustered to maximize public open space while respecting the environmental constraints.

It is my vision and goal that this infill housing project shall be a showcase for responsible development near environmentally sensitive areas. I believe that the restored riparian corridor will set a standard by which all other restoration projects can be judged. I expect this to be the most beautiful housing project ever constructed in Santa Barbara. I am confident that the residents and the public will be proud of this addition to our community. 4-39

Very truly yours,



Mark Lee  
Managing Partner





# BREAMAR RANCH HOMEOWNERS ASSOCIATIONS

(515 Breamar Ranch Lane, Santa Barbara, CA 93109)

President  
Patricia Foley  
(682-4495)

Vice President  
Sherman Starr  
(682-1753)

Secretary  
Debbie Babai  
(687-7301)

Treasurer  
Carleton Magoun  
(563-9302)

Other Directors  
Ridge Baccash  
Chris Agnoli  
Jeffrey Ruppert

October 18, 2004

Renee Brooke, Associate Planner  
Planning Division  
City of Santa Barbara  
P. O. Box 1990  
Santa Barbara, California 93102-1990

Dear Ms. Brooke and Members of the Planning Commission,

The Braemar Ranch Homeowners Association (BRHA) has reviewed the Draft Environmental Impact Report for Veronica Meadows. Based upon this report, the BRHA supports this project providing there are no variations by the City or the developer for ingress and egress into the property. This draft report states the access into the project will be through Las Positas Road. Alan Road is to be finished off as a cul-de-sac, providing driveway access only to lots numbered one and two.

5-1

The BRHA Board members, who have read the Draft EIR, disagree with it in regard to the severity of the biological, riparian, and environmental impacts associated with the installation of a bridge. The developer proposes to restore approximately 2,000 feet of Arroyo Burro Creek adjacent to the bridge. We think the proposed creek restoration mitigates the installation of a thirty-one foot wide bridge. Consequently, it is our position the development of this bridge and adjacent creek restoration would be an improvement to the area.

5-2

More importantly, after hearing from many neighbors residing on Alan Road, Vista del Mar Drive, Solana Court and Wade Court, the consensus is that no one is in favor of extending Alan Road for ingress and egress to this project. The negative impacts of having such a road would forever change the ambiance of the Alan Road neighborhood. Negative factors impacting the neighborhood include, but are not limited to: (1) significantly more traffic; (2) more noise and air pollution from vehicles; and (3) the potential effect on the safety of children and pedestrians in the neighborhood.

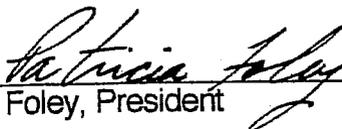
5-3

Furthermore, in the event the city decides, for whatever reasons, to deny bridge access to "Veronica Meadows" from Las Positas Road and extend Alan Road for ingress and egress, the BRHA will support the neighborhood, withdraw its support from this project and maintain a concerted effort in opposing the project in its entirety.

5-4

Sincerely,

Braemar Ranch Homeowners Association

  
Patricia Foley, President



CITIZENS PLANNING ASSOCIATION OF SANTA BARBARA COUNTY, INC.  
 916 Anacapa Street, Santa Barbara, CA 93101  
 phone 805-966-3979 • fax 805-966-3970  
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5 November 2004

RECEIVED

NOV 05 2004

Renee Brooke, Planner &  
 Planning Commissioners  
 City of Santa Barbara  
 P.O. Box 1990  
 Santa Barbara, CA 93102-1990

CITY OF SANTA BARBARA  
 PLANNING DIVISION

**RE: Veronica Meadows Specific Plan DEIR**

Dear Ms. Brooke, Chair Maguire & Planning Commissioners,

The Citizens Planning Association (CPA) is a 44-year old local, community-based, member-supported nonprofit concerned with sound land use planning and environmental protection in our county. Our Land Use Committee has been following this project and has provided comment throughout the public process thus far. We appreciate the opportunity to comment once again, this time on the adequacy and contents of the DEIR.

**STRUCTURAL DEFICIENCIES OF DEIR**

The following deficiencies, inaccuracies and incomplete analyses require that the DEIR be rewritten and re-circulated for public and agency comment, as articulated by CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification<sup>1</sup>:

1. Lack of inclusion of critical elements of the project description:
  - a. While the DEIR document is titled "Draft Environmental Impact Report Veronica Meadows Specific Plan," curiously, the Specific Plan itself is neither included nor incorporated into the DEIR. Because the "project" referenced on the cover and title page of the draft document is the Specific Plan, this plan needs to be included as an appendix to the DEIR. 6-1
  - b. The Tentative Subdivision Map and the Lot Line Adjustment are not included as exhibits within the Project Description section of the DEIR. 6-2
  - c. The proposed amendments to the General Plan Map and the Zoning Map are not depicted or shown on any exhibits within the DEIR. 6-3

<sup>1</sup> See: [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art7.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art7.html)

2. The Specific Plan Project boundaries are not shown on any of the DEIR exhibits. Figure 1-1 inaccurately defines the project site as only those portions of the project area that are proposed for development, not the entire Specific Plan Project Area. The Specific Plan itself references the inclusion of Assessor's Parcel Numbers 047-010-53 and 047-010-011 as two of four properties that comprise the Specific Plan, yet these parcels are left out of nearly all of the discussion within the document. This omission precludes the adequate characterization and assessment of the entire project under consideration by permitting agencies including the City, LAFCO, Army Corps, Regional Water Quality Control Board, California Coastal Commission, Caltrans, and the California Department of Fish and Game. This is a fatal flaw in the document and forms the basis for a redrafting, re-assessment and re-circulation of the DEIR. 6-5
3. The Specific Plan itself is incomplete and misleading and, as such, does not allow for an adequate assessment of the project and its environmental implications and impacts. Specifically, the Specific Plan does not depict or map the Specific Plan area. 6-6
4. The Specific Plan does not contain exhibits or diagrams that comply with Government Code Sections 65451(a)(1) or 65451(b); specifically, how the Specific Plan is consistent with the General Plan Conservation Element policies and implementation strategies regulating grading and development on slopes of greater than 30%. 6-7
5. The DEIR fails to identify significant adverse visual impacts or potential erosion impacts resulting from grading and development on slopes greater than 30%. While the DEIR does, in limited instances, identify an inconsistency with the Circulation Element (DEIR p. 3-39), the DEIR does not reliably reflect this inconsistency throughout the report and mischaracterizes the impacts of grading and development on slopes greater than 30%. Specifically, the stabilization of landslides presently occurring on slopes greater than 30% would require the grading of 61,500 cubic yards of cut and fill. (This amount of grading equates to filling the green space in De la Guerra Plaza to a height of more than 85 feet – a height similar to that of the nearby Balboa Building.) 6-8
6. Feasible mitigation measures exist that are capable of eliminating the above-referenced significant adverse environmental impacts related to hillside scaring, erosion, and Conservation Element inconsistencies. However, such feasible mitigation measures – i.e., the avoidance of grading and development on slopes greater than 30% – have not been identified within the DEIR. 6-9
7. The DEIR does not identify a feasible alternative considerably different from those analyzed within the DEIR that effectively mitigates unavoidable traffic, visual, and biological impacts. Neither does it characterize or quantify the basis for its findings of purported infeasibility of other alternatives. Specifically, the DEIR does not prescribe a less dense (thus less traffic generating) alternative design that precludes grading and development on +30% slopes (thereby mitigating visual and erosion-induced impacts), and does not require the construction or expense of constructing a bridge across Arroyo Burro Creek (thereby avoiding habitat impacts of the bridge). 6-10

When taken together, these seven **structural deficiencies in the DEIR preclude its stated function as a full disclosure document** and preclude its ability to allow the public and their elected officials a sufficient degree of analysis and information to intelligently take into account the environmental consequences of the proposed project. This is particularly important when it comes to making the required findings and overriding considerations if the project is to be approved and permitted by the City and other agencies. (6-1)

**SPECIFIC COMMENTS**

The following comments are in support of the structural deficiencies indicated above.

1. **Project Objectives** (pg.2-1): The project is inconsistent with its own objectives, most notably those related to consistency with the City's General Plan (Conservation Element), and those related to site constraints. These project objectives need to be considered in the specification of project alternatives, as prescribed by CEQA. 6-11
  
2. **Project Site Location and Boundaries** (pg. 2-1, 2-2, and 2-5): The total Specific Plan project acreage described within the DEIR is indicated as 50.52 acres, whereas the Specific Plan itself indicates the project site includes the entirety of four parcels. This inconsistency can be traced to annexing and adjusting only 4.49 acres of the 86.78-acre parcel subject to the lot line adjustment. This approach raises several questions. 6-12
  - How can a lot line adjustment be accomplished within a Specific Plan context if only a portion of a parcel is included within the Specific Plan?
  - If, as is stated on page 4-6 of the alternatives section, the City believes the annexation of some of the parcels "is appropriate to ensure logical and consistent land use planning in the Las Positas Valley," then why is this same logic not applied to the entire 86.78-acre parcel as well?
  
3. **Project Description** (pg. 2-6, 2-7): The 35.71 acre open space parcel is referenced sparingly and in Table 2-4 is referenced as being separate from the Specific Plan area. This is inconsistent with the Specific Plan itself, which references that parcel as being within the Specific Plan area. By omitting this parcel from the project description, the document misleads the reader. The DEIR needs to resolve this issue and indicate the relationship of the parcel to the overall Specific Plan. It appears that this parcel's only function is to allow the project's density to comply with the 50% open space requirement of the proposed E-3 PUD zone designation. 6-13
  
4. **Upzoning of 4.49-acre Parcel:** The applicant has argued to CPA that the parcel being upzoned is just a small part, and that the other part will effectively be downzoned because he is proposing a density less than what the zoning allows there. He stated that, "This is just adjusting a lot line." Not only is this not simply a lot line adjustment, the land that he claims is being downzoned is land that is marginally developable due to site constraints. So while it may be zoned for suburban use, City and County policy would not allow the development of very many houses because of the site constraints. Zoning indicates a *potential*, not an established *right*. It states the density that will be allowed on a parcel *provided that its development complies with policy*. 6-14
  
5. **Project Description** (pg. 2-9): The project description states that all structures have been located outside a 100 ft setback line. However, inspection of the detailed plans for the project indicates that Units 6 and 7 lie within the 100 ft setback line. 6-15
  
6. **Flood Control:** The project description indicates that portions of the Arroyo Burro Creek will be "repaired" by backfilling eroded portions of the creek bank to achieve its pre-1998 condition. The DEIR needs to assess how this grading and filling will contribute to downstream flood hazards in combination with the construction and placement of the bridge abutment within the creek channel. 6-16
  
7. **Creek Restoration:** The project only proposes to restore the lower third of the creek contained within the Specific Plan area. The upper two-thirds of this reach is being left alone (unmitigated). The mitigation space for this is inadequate. This portion of the creek, however, is heavily vegetated with *Arrundo donax*, which is known to move downstream and re-establish itself. The DEIR should include alternatives that allow for optimizing ecological benefits within the entire 6-17

parcel. Also of importance is dispersal of wildlife, and connections with the bioswale. On its upper end, the bioswale should have well-defined transition to native scrub on steeper slopes.

8. **Bioswale:** The applicant has in the past demonstrated no hesitancy to allow uncontrolled sediments to be discharged into the creek. Consider the current use of the property (well entrenched ruts, exposed soils, mounds of uncompacted soil, all allowed to erode with each storm into the obliterated drainage and directly to the creek). Prior to this, the applicant has, in clearing vegetation from the parcel, disturbed the overlying soils another action that also resulted in sediment release into the creek. The proposed project may also release pollution, in the form of sediments, bacteria, pesticides, household and yard chemicals, automotive pollutants, etc. If the bioswale is properly designed, it will not be a conduit for waste to the stream. It is not clear in the DEIR how the landscape features that are planned will limit waste from entering the bioswale.

6-18

9. **Mitigation of potential erosion due to mass grading, slope stabilization and site preparation:** The prohibition of grading and earthwork during the rainy season (November 1 – April 1) is insufficient to mitigate the potential for significant siltation of the creek environment due to rainfall on the highly erosive soils.

6-19

- a. For this reason the impacts of grading need to be classified as Class I significant and unavoidable. The DEIR does not provide any details or assurances other than a non-specific, yet-to-be-prepared Storm Water Pollution and Prevention Plan. A specific mitigation program is essential.
- b. How, specifically, will graded areas (61,500+ cubic yards) in excess of 30% slope with highly erosive, landslide-prone soils be precluded from erosion after grading has been halted, but slopes have not yet been re-vegetated and protected?
- c. What assurances will be in place to curtail erosion from a 10-year storm? A 25-year storm? A 50-year storm?
- d. The City is investing hundreds of thousands of dollars of public monies in creek and estuary restoration downstream of this project. Yet by permitting mass grading without full mitigation, those efforts will be jeopardized without holding this landowner/developer fully accountable for these potentially significant and largely unavoidable impacts. One additional mitigation measure to reduce such impacts would be to require the placement of a bond to cover full creek restoration of downstream habitats should significant on-site erosion adversely affect the creek environment.

6-20

6-21

6-22

10. **Geologic Impacts resulting from mass grading on 20% to 30+% slopes** (pg. 3-32 and elsewhere): The DEIR indicates that "Potentially significant geologic impacts may result from [...] (e)xtensive grading on slopes exceeding 20 percent..." Because the project proposes grading in the range of 61,500+ cubic yards on such slopes, this threshold is exceeded and an unavoidable significant geologic effect could result. This conclusion is not reflected in the DEIR, nor are any mitigation measures proposed to lessen or avoid this impact. The obvious resolution to this inconsistency would be to reduce the amount of grading to be less "extensive," and to relocate development away from steep slopes and landslides. This mitigation has not been suggested nor has an alternative design been proposed.

6-23

11. **Extent of Liability from Disturbing Soil:** The extent of liability resulting from disturbing the base of this unstable hill is largely incalculable for this project and for the Arroyo Burro watershed. The amount of material that could slough from the hill is unknown and potentially massive.

6-24

12. **Development on Rincon Shale:** In some parts of the County, they prohibit development on Rincon Shale. If the City does not have similar policy, it should be seriously considered as it relates to the issue of safety of a development.

6-25

13. **Unstable Geologic Condition and Comparison Case Study:** We urge the City to consider the history of the failure of roads and building sites on Conejo Rd. and south Sierra Vista, comprising development on both sides of upper Sycamore Canyon (the area now known as the "Banana Belt" because it is so slippery). This type of geological condition is unsuitable for development, as proven by the landslides in the "Banana Belt" caused by cutting and filling for roads and home sites. The development of these roads and home sites have aggravated the unstable nature of this geologic formation and have quickened the natural sloughing and erosion of this geologic formation, resulting in the destruction of homes and roads in the area in recent years. If this material is scarred, the area is subjected to rapid erosion and sloughing. What assurances do we have from modern engineering that this same situation will not evolve in the proposed Veronica Meadows project?

6-26

14. **Conservation Element Inconsistency** (pg. 3-39): While the discussion of General Plan (Conservation Element) inconsistency highlights the project's inconsistency with Implementation Strategy 2.1, this discussion is overly limited. The discussion fails to acknowledge that the importation of 16,000 cubic yards of fill, coupled with an additional 61,500 cubic yards of grading on slopes greater than 20 % and in many cases 30% constitutes significant modification of natural topography and vegetation and will result in hillside scarring. No logic or rationale is provided as to why the document presumes that the project is consistent with the goal and Policy 2.0. A project which entails more grading on 30+% slopes than any other project since the late 1970's can hardly be characterized as anything but significant, not only in terms of General Plan consistency, but also in terms of the potential for significant hillside scarring and topographic modification.

6-27

This inconsistency is not reflected in other parts of the document (i.e., Visual Resources, Biological Resources, Alternatives to the Proposed Project), nor are any proposed mitigation strategies or consistency recommendations included as part of the DEIR. Without reconciliation of the inconsistency with the Goal, Policy 2.1 and Implementation Strategy 2.1, the Specific Plan and the proposed subdivision cannot be approved under Section 66474(f) of the Subdivision Map and Section 65454 of California Planning and Zoning Law.

15. **Characterization of the western portion of the site as steep hillsides where no development would occur** (pg. 3-42): The "Setting and Summary of Key Biological Resources" subsection characterizes the western portion of the site as steep hillsides where no development would occur. In actuality, the grading plan and development plan both show development would occur in areas where slopes exceed 30% and the potential exists to cause biological impacts to riparian and coastal sage scrub habitats.

6-28

16. **Inconsistency with Coastal Act Policy 30231** (pg. 3-61): The consistency analysis fails to consider the implications of storm-water induced erosion and sedimentation resulting from mass grading on steep hillsides of greater than 20% slopes.<sup>2</sup> See comments 7, 8, and 9 above.

6-29

<sup>2</sup> *Coastal Act Policy 30251:* The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

17. **Inconsistency with Coastal Act Policy 30236** (pg. 3-61): The consistency analysis does not reflect the proposed backfilling of eroded creek banks. Such backfilling is prohibited by Policy 30236 because it does not qualify for any of the three limitation conditions reflected in the policy. The consistency analysis in this regard is incomplete and misleading. The backfilling proposed is beyond allowed alterations and therefore the project should be judged to be inconsistent with this LCP policy.<sup>3</sup> | 6-30
18. **Inconsistency with Local Coastal Plan Policy 6.8** (pg. 3-62): As noted in comment 7 above, the project has the potential to significantly affect water quality because there are no specific mitigation measures to preclude storm-water induced erosion and siltation from degrading the creek during heavy winter rains, particularly during major storm events. The project is therefore inconsistent with this LCP policy.<sup>4</sup> | 6-31
19. **Inconsistency with Local Coastal Plan Policy 6-11** (pg 3-62): For the same reasons noted in comment 12 above, the project is inconsistent with this LCP policy.<sup>5</sup> | 6-32
20. **Inconsistency with Local Coastal Plan Policy 6-11-A** (pg. 3-62): The consistency analysis provided by the DEIR is incomplete and leads to an erroneous conclusion of consistency. This policy not only precludes the use of pilings within the creek corridor, but also requires a clear span of the stream or creek. The project as proposed does not provide a clear span of the creek because it locates one of the bridge abutments within the creek bank, and is therefore inconsistent with this LCP policy.<sup>6</sup> | 6-33
21. **Visual Resources – Mischaracterization of the Project Area as “relatively horizontal”** (pg. 3-76): Here and elsewhere in the DEIR, the authors focus on the area proposed for physical development and not the entire Specific Plan area. The result is that the reader is led to believe that the project, and particularly those areas proposed for mass grading, is not visible or may be “glimpsed briefly” from Las Positas Road. Moreover, portions of the project site that would be subject to grading and subsequent development of luxury homes would be visible to travelers utilizing Las Positas Road, Elings Park users, and individuals traveling westerly on Jerry Harwin Parkway. These views are not brief or fleeting. | 6-34
22. **Omission of Visual Impact Threshold of Significance** (pg. 3-80): The DEIR fails to reflect inconsistency with the Conservation Element goal of prevention of hillside scarring as a visual impact threshold of significance. This goal is inherent in the first three bullets listed on pg. 3-80. | 6-35

<sup>3</sup> *Coastal Act Policy 30236*: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or; (3) developments where the primary function is the improvement of fish and wildlife habitat.

<sup>4</sup> *LCP Policy 6.8*: The riparian resources, biological productivity, and water quality of the City’s coastal zone creeks shall be maintained, preserved, enhanced, and where feasible, restored.

<sup>5</sup> *LCP Policy 6.11*: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) Necessary water supply projects; (2) Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or; (3) Developments where the primary function is the improvement of fish and wildlife habitat.

<sup>6</sup> *LCP Policy 6.11A*: New highway bridges or other highway improvements should be designed to provide clear spans of the stream or creek and to avoid the use of pilings within the stream or creek corridor. Culverting of the creek channel shall not be permitted.

This perspective is further supported by Conservation Element policy 2.2<sup>7</sup>, by the Single Family Residence Design Guidelines and Zoning Ordinance, which prohibit development on 30+% slopes, and by major hillsides designation within the General Plan. The Residential Design Guidelines specifically recommend that the amount of grading on hillsides be limited to avoid erosion, visual and other impacts. Specifically, those guidelines state: "Preserve slopes greater than 30% by avoiding grading and clearing."<sup>8</sup>

6-35

18. **Mischaracterization of the Project and Omission of Visual Impacts resulting from Mass Grading** (pg. 3-84 – 85): The Draft EIR erroneously states that "development would not occur on hillsides," and goes on to find no significant visual impacts associated with the proposed project. Presuming that grading and site preparation is a part of development, the proposed project would not only visually impact hillsides, it would also place portions of three homes on slopes of 30% or greater. Further, the grading of more than 61,500 cubic yards must be considered a significant alteration of natural landforms, even if the cut will be used as fill on site. While the applicant has argued to us that "buttress fill is just digging a hole in the ground and refilling it and compacting it more densely" and that it is "not increasing any building envelopes," it is still cut and is therefore viewed as grading per City policy.

6-36

The following DEIR deficiencies therefore need clarification:

- a. The project is inconsistent with Coastal Act Policy 30251 because the project does not minimize the alteration of natural landforms.
- b. The project is inconsistent with two of the three stated goals of the Conservation Element, most notably that pertaining to scarring of hillsides and development that would degrade the City's visual resources.
- c. The project is inconsistent with Conservation Element policy 2.0 in that it would significantly modify the natural topography and vegetation.<sup>9</sup>
- d. The impact analysis fails to address the visual impacts of mass grading on erodible soils and the potential for significant adverse visual impacts arising from storm-water erosion of newly graded slopes.
- e. Without mitigation measures to reduce or eliminate these impacts, significant unavoidable visual impacts would remain.

6-37

19. **Omission of Consideration of Potential Erosion Impact:** Potential erosion is likely unavoidable and is an impact not studied in the DEIR, though it should have been.

6-38

20. **Open Space:** The party/parties that will be responsible for maintenance of environmental mitigations and annexed open space (which could experience landslides) must be clear, as must be the maintenance plan.

An additional comment regarding open space is that the interconnection between the upland habitat and creek is important, especially where the bioswale is located, as it serves as a movement corridor for wildlife that need to get back up to the creek and higher slopes above.

6-39

<sup>7</sup> Conservation Element policy 2.2 states that "Development which necessitates grading on hillsides with slopes greater than 30% should not be permitted."

<sup>8</sup> Single Family Residence Design Guidelines, page H-9.

<sup>9</sup> Conservation Element Policy 2.0: Development on hillsides shall not significantly modify the natural topography and vegetation.

21. **Cumulative Impacts:** Other projects in the area (i.e., Hillside House, Elings Park, and the school site) need to be more clearly considered in terms of cumulative impacts (i.e., traffic, environmental), rather than simply being buried in Appendix F of the DEIR. Cumulative traffic impacts were not transparent in the DEIR, but instead were assumptions on the cumulative list. There is no cumulative table in the DEIR, but there should be. What are the trip generation assumptions/numbers? Trip generation numbers for all the area's current and known upcoming projects should be included in the body of the document, not the appendix.

6-40

Also, if Caltrans or the city has any major or even minor improvements planned for Los Positas in the same time as this project is being developed or in the next 10 years they should be disclosed.

6-41

22. **Timing of Project Occupancy with Area Improvements:** The issuance of certificates of occupancy should be prohibited until all related traffic improvements in the area, including those funded in part by this project's mitigation fees, are operational.

6-42

While the DEIR indicates a chart of proposed improvements and their associated costs, it does not indicate the timetable for these improvements. This should be included. We are also curious as to how much of the estimated cost is already secured or allocated by the City, Caltrans and the County for these improvements. How much are they dependent on money to be generated from future projects?

6-43

23. **Omission of Analysis or Criteria for Economic Feasibility:** While the document refers to economic feasibility or infeasibility of alternatives, there is no mention or explanation of the criteria and analysis used to arrive at such conclusions. What rate of return (IRR) calculations were used? What threshold (or breaking point) was used for determination of economic feasibility or infeasibility? It is insufficient and unacceptable that the DEIR simply states whether an alternative is economically feasible or not without providing supporting data using a professionally accepted method of analysis and breakpoints.

6-44

Additionally, the financial analysis of the estimated bridge construction costs should be disclosed.

6-45

24. **Alternatives – General Comment:** The introduction to the Alternatives section references the need to assess a range of potential alternatives that feasibly accomplish most of the basic objectives of the project and could avoid or lessen one or more of the significant effects. However, in its analysis of alternatives, this section focuses solely on one objective (the development of market rate housing) at the expense of other stated objectives, most notably: site development that respects and accommodates site constraints, water quality improvement, and site development consistent with the General Plan.

- a. A “**No Annexation**” alternative resulting in higher density is analyzed, yet this alternative would increase cumulative and project-level traffic impacts.
- b. A “**Pre-Annexation Zoning**” alternative is also analyzed which results in equal or increased impacts when compared to the proposed project.
- c. An “**Alternative Access**” alternative is evaluated which only addresses the impacts of the bridge construction, yet does not explore lower densities that would reduce the project's impacts on other resources and constraints such as traffic, grading and habitat issues.
- d. A “**Secondary Access**” alternative is evaluated, but not found to reduce or eliminate any of the project's significant impacts.
- e. A “**Concrete Sidewalk**” alternative is evaluated which is largely irrelevant to the significant impacts identified by the preceding analysis.

6-46

- f. An “**Avoid Landslides**” alternative is prescribed and rejected as infeasible because of the reduction of units, cost of site improvements, and as not substantially meeting the project objectives. However, no meaningful analysis of these conclusions is provided. This alternative would achieve some of the basic objectives of the project in that it could be found to be consistent with the General Plan because of the avoidance of site constraints, mass grading on steep slopes, and a reduction in the potential for storm-water-induced construction-related impacts. The description of this alternative does not quantify what the reduction in residential units would be, nor the cost of associated site improvements that render the project economically infeasible.
- g. A different “**Landslide Stabilization**” alternative is described that would result in worsened impacts, not mitigation or avoidance.
- h. An “**Alternative Creek Setback Distance**” alternative is described in considerable detail, which is conditionally deemed the environmentally superior alternative. , if the economic impact of the loss of an unspecified number of units does not render the project infeasible. However, this alternative does not specify the number of units that could be constructed under this scenario. Additionally, this analysis does not address the reduction in cumulative traffic impacts in any meaningful way.

6-46

20. **THE MISSING ALTERNATIVE:** The Alternatives section is noticeably lacking the specification of a meaningful, demonstrably feasible alternative which simultaneously reduces significant avoidable and unavoidable impacts related to project generation, habitat impacts, noise impacts, visual impacts and Coastal Plan and General Plan inconsistencies. Such an alternative should be included and should have the following attributes:

- a. Consistency with the General Plan through avoidance of development and/or grading on slopes of greater than 30%. (This responds to the stated project objective of being consistent with the Local Coastal Plan and General Plan).
- b. Location of residences away from site constraints including landslides. (This responds to the stated project objective of respecting and accommodating site constraints).
- c. Reduction in density to mitigate the project’s contribution to cumulative and neighborhood traffic impacts. (This responds to the stated objective of providing adequate public safety services and facilities, and improving public access - most notably minimizing traffic congestion along Las Positas and Alan Road).
- d. Access via Alan Road only so as to avoid the need, impacts and cost of bridging Arroyo Burro Creek. (This responds to the objective to implement a creek corridor restoration plan and the unavoidable habitat impacts).
- e. Provide increased creek setbacks so as to preclude the need to buttress and protect public roads and access-ways that may be threatened by long-term bank erosion along this segment of the creek.
- f. Assess project feasibility in a quantitative manner to provide the factual basis for findings and over-riding considerations if needed.

6-47

Without a discussion of a reduced scale, alternative design/layout option, the DEIR does not serve its intended function as a tool to allow the general public and decision makers to take into account the true environmental impacts, mitigations and trade-offs associated with this project.

The DEIR is deficient because it does not contain an environmentally superior alternative, feasible or not, that is capable of mitigating the unavoidable environmental effects, particularly those related to traffic,

6-48

habitat degradation, visual impacts and grading impacts. Without it, the DEIR is not a full disclosure document and should be rewritten, re-circulated and re-evaluated.

6-48

CONCLUSION

The task at hand is the review of the DEIR for this project. Our goal is to have a professional, good faith legal effort to discover ALL potentially significant impacts to the environment, AND to discuss a broad, practical range of mitigations, offsets, alternatives to reduce or eliminate those impacts. This DEIR is disappointing and falls short, precluding its ability to allow the public and their elected officials a sufficient degree of analysis and information to intelligently take into account the environmental consequences of the proposed project. This is particularly important when it comes to making the required findings and overriding considerations if the project is to be approved and permitted by the City and other agencies.

6-49

The DEIR's deficiencies, inaccuracies and incomplete analyses require that it be rewritten and re-circulated for public and agency comment, as articulated by CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification.

We appreciate your serious consideration of these concerns and we thank you in advance for taking measures to address these concerns.

Sincerely,



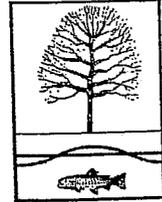
Naomi Kovacs  
Executive Director

CC: Urban Creeks Council  
South Coast Watershed Alliance

*NK,EH,JJ;sd,,cmc,lm k,j sd*

# SANTA BARBARA URBAN CREEKS COUNCIL

P.O. Box 1476, Santa Barbara, CA 93102 (805) 968-3000



November 5, 2004

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NOV 05 2004

CITY OF SANTA BARBARA  
PLANNING DIVISION

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

Attn: Renee Brooke, Associate Planner

*RE: Veronica Meadows Residential Project Draft EIR - MST99-00608*

Dear Ms. Brooke,

The Santa Barbara Urban Creeks Council is a 501(c)3 organization has a long history of advocacy for clean water and healthy creeks across the south coast. While our mission includes protection and enhancement of coastal streams and other important water resources, we also have a long history as a proponent of preserving open space where we see that important environmental resources are threatened by development.

Concerns about loss of open space become greater day by day as more and more land gives way to development and as greater densities throughout the region create increased demands on the precious little open space that remains. For these reasons, we view the change of zoning that would convert the parcels where housing is proposed from agricultural use allowing one dwelling per 20 acres to the dense urban zoning that is proposed to be inconsistent with sound planning for the future.

This very unique landscape, the last remaining of its type in the region, with its connectivity between the steep slopes above and the riparia below, is irreplaceable. This land has tremendous importance to future generations as a natural resource and as sanctuary for human souls as well as habitat for dwindling species.

7-1

The housing proposed for this land will bring impacts to natural systems and loss of open space options. The loss of the last remaining open space resource of this unique type, with proximity to the coast and important connectivity with the wildlife corridor and linkages to natural systems in the Las Positas Valley should be carefully evaluated in the draft Environmental document, and should be uppermost in your mind as you consider this change in density zoning.

7-2

The Urban Creeks Council has been involved as an opponent of this project for some years now. We continue to feel that the project is not right for the setting. Both Spatially and technically, the site is quite limited and constrained, with its steep unstable slopes above, its fragile ecosystem on the terrace, and with a rare riparian presence, which should be afforded the greatest of protections. We feel that this project places far too great a demand on the natural resources and attempts to squeeze too many houses onto too small a piece of property. We also feel that the land is of far greater value to the community as open space. It should not be overdeveloped. We feel that the environmental document does not adequately evaluate the loss of open space that is being proposed. Additionally, and in view that the draft Environmental Impact Report does appear to be incomplete and does contain inconsistencies as noted in letters submitted by both Citizens Planning Association and the South Coast Watershed Alliance, we ask that the document be rewritten. We ask that the rewrite include an alternative project that reflects no change of zoning.

7-3

It is evident that this design does not address all of the environmental constraints that are present. It is not clear what impacts may result from the attempt to stabilize the soils on the steep slopes. What is clear is that fuel management for fire safety that will result from building of the preferred design will disallow vegetation that would mimic natural habitat, both in the creek buffer space and higher up in the coastal sage scrub interface. What would remain would be "landscaping," not habitat with spatial structure that would be consistent with natural riparia or with the native adjacent ground cover and brushy slopes. To accommodate the natural presence of the site, it would be preferable that the separation distance from the top of bank, or from the outer edge of the drip line where native vegetation has been allowed to remain, to any structure, be set at a minimum of 250', in order to allow adequate buffer space outside of a protective fire perimeter that would ensure the safety of homes. This distance might also accommodate well-planned yard space. We ask that a more thorough analysis of the fire interface be provided in the document rewrite.

7-4

An additional concern is the treatment of the drainage that traverses the site, at the most congested point within the project, where the bioswale may be provided within the looped road. The aggregate effect of: (a) slope stabilization (b) a road crossing (c) proximity of back yards (d) yet another road crossing, makes us question the value of this project element as a well planned connection between the upland and the creek. Will it provide access for movement of wildlife? Will it provide foraging habitat for important birds and mammals, invertebrates and other animals? Will it deliver clean water to the creek below, clear of contaminants such as domestic animal waste and pesticides from the back yards? Will it be a well designed, hydrologically functioning drainage with natural features throughout? And is it likely to perform in a manner that will promote biological health and productivity between adjacent ecosystems?

7-5

We also have concerns about impacts associated with the bridge that will provide vehicular access to the site. Please include in the rewrite of the document an analysis of alternatives that would remove the Class one impact that results from this bridge design. Perhaps a longer clear span would lessen impacts. Management of runoff from the bridge is also a concern. Runoff from the bridge should be directed across a bioswale or to other means of treatment prior to entering the creek.

7-6

In conclusion, we want to acknowledge the effort that has been made to mitigate impacts by on site restoration of degraded sections of the creek. We appreciate the inclusion of restorative treatment and revegetation using native plants, and we encourage more restorative treatment for the property that might be possible by looking at the alternatives suggested.

Thank you for considering our views and comments on this important planning work.

Sincerely,



Eddie Harris  
President, S.B. Urban Creeks Council

cc: South Coast Watershed Alliance  
Citizens Planning Association  
Environmental Defense Center

November 5, 2004

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

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CITY OF SANTA BARBARA  
PLANNING DIVISION

Attn: Renee Brooke, Associate Planner

California Trout, Inc.  
Carpinteria Creek Committee  
Citizens Planning Foundation  
Community Environmental Council  
Conception Coast Project  
Environmental Defense Center  
Gaviota Coast Conservancy  
Growing Solutions  
Heal the Ocean  
Santa Barbara Audubon Society  
Santa Barbara ChannelKeeper  
Santa Barbara Sea  
Santa Barbara Surfrider Foundation  
Urban Creeks Council  
Individual Community Members

RE: *Veronica Meadows Residential Project Draft EIR – MST99-00608*

Dear Ms. Brooke,

The South Coast Watershed Alliance (SCWA) is a coalition of community planning, environmental, educational and scientific groups and individuals working to promote sound watershed planning, riparian enhancement and water quality improvements in southern Santa Barbara County. We have reviewed the draft Environmental Impact Report for the above referenced residential project proposed for 900-1100 Las Positas Road between Veronica Springs Road and Cliff Drive and offer the following comments for considering for preparation of the final EIR document.

GENERAL CONSIDERATIONS:

**Planning Efforts:** SCWA has long advocated for comprehensive watershed planning as a way of ensuring long term protection of biological resources and creek and ocean water quality improvement. A comprehensive plan will guide priority open space protection and riparian restoration, and help establish creek and water quality protection policies.

The city is just now beginning a multi-phased watershed planning effort in the Arroyo Burro watershed, general plan updates for Las Positas Valley are currently in process, and the citizen-led Arroyo Burro Watershed Vision process has just been completed. Unfortunately, the proposed Veronica Meadows Project (Project) is being considered without the lens of these planning efforts or the consideration of the community's "vision" for the watershed. It is very disappointing that some of the last remaining connected riparian, oak woodland and coastal sage habitat in the watershed could be lost before we fully understand the significance and value of this site to the overall health of the watershed.

Ideally, in order to make specific land use decisions in the context of larger plans, the City should complete the Arroyo Burro Watershed visioning and planning effort and update its general plan prior to consideration of this Project. At a minimum, the EIR must thoroughly analyze the cumulative land use, planning and environmental impacts of the Project and the City's Watershed Plan and general plan updates. In this way, if the Project conflicts with goals or policies envisioned in the Watershed Plan or amended general plan, these conflicts can be identified and minimized.

8-1

SPECIFIC COMMENTS:

**BIOLOGICAL IMPACTS:**

***New Bridge:*** According to the draft EIR (DEIR), construction of the bridge across Arroyo Burro Creek to provide access to the project site would permanently displace native and non-native riparian habitat, including a large specimen oak and sycamore tree, and result in a Class I significant and unavoidable impact. Mitigation measure BIO-4 to partially offset the permanent habitat loss by restoring an oak/riparian area, particularly for breeding birds and raptors, north of the entrance road will be negated by the proximity of the road and the street lighting associated with the bridge and the location of a residential unit. Due to these human impacts, in addition to Coastal Fire Hazard Zone management that requires defensible space fuels reduction 70-100' out from structures and clearance of vegetation of 10' from streets and driveways, this habitat mitigation will not off-set the habitat loss to the bridge.

A concrete abutment and wing walls to support the bridge would be installed on the creek bank. This is inconsistent with Local Coastal Plan Policy 6-11A, which precludes the use of pilings within the creek corridor and requires a clear span of the creek. Because the proposed bridge spans the water course but not the western creek bank, it would not be considered a clear span of the creek.

In addition to the break in habitat from the removal of riparian plants and interfering with wildlife moving up and down the creek corridor, the unstable banks and soils in this reach of the creek would likely necessitate ongoing fortification of the bridge footings that could eventually lead to more concrete reinforcement in the creek channel. Street lights placed at each end of the bridge would also adversely impact nocturnal wildlife activity in the riparian zone and in the restored oak/riparian areas as identified in mitigation measure BIO-4. Contaminants from vehicles, such as oil, break dust and other automobile fluids, and trash will have an impact to the creek habitat and water quality immediately below the bridge. These impacts were not considered as part of the DEIR.

The Project, as proposed, violates Local Coastal Plan Policy 6-11 and Coastal Act Sections 30240 and 30236 because it involves major modification to a creek channel and ESHA in the form of covering a public creek under a paved bridge. Under the LCP and Coastal Act, substantial alterations of creeks must be limited to projects for water supply, flood control or wildlife enhancement. The proposed bridge serves none of these purposes, yet substantially alters the creek and forms a gap in its continuous corridor as noted in the DEIR. It will shade the creek and prevent substantial growth of riparian plants along the creek, substantially degrading the habitat values of this ESHA. It is feasible to avoid the policy conflicts and significant impacts associated with the bridge by reducing the number of units and accessing them via Alan Road. In fact, the DEIR includes at least one alternative that avoids the bridge at Arroyo Burro Creek. Therefore, the Project should be modified to exclude the bridge in order to comply with the LCP and Coastal Act.

8-2

Measure CR-3 along the pedestrian path. Given that the creek channel along the project site is deeply incised with very steep, actively eroding banks, and that the intent of a setback is to protect and buffer habitat and wildlife from human impacts, the trail, signage and gazebo should not be allowed within the 50' setback in order to protect the biological resources of the riparian corridor. Taking into account the educational value of creek access, an alternative providing several "overlooks" for viewing the creek, wildlife, and bird watching, versus a lineal trail that transects the entire habitat area slated for restoration and protection should be evaluated.

B-6

**Fire Protection Impacts:** The Project site is within the City's designated High Fire Hazard Area. The Coastal Fire Hazard Zone defensible space is now 50-70' and, as noted in the DEIR document, 100' where slopes are greater than 30%. Fuel reduction in these zones call for vegetation clearance within 10' of roads; limitations on shrub height and size; under story clearing; raising and thinning the tree canopies; and tree and shrub spacing of up to 30' apart. Additionally, plants considered "flammable" such as those found in the coastal sage community, will require complete removal.

B-7

This fuels reduction/fire zone management has the potential to degrade the coastal sage scrub, riparian corridor and oak habitats, which contain valuable nesting and foraging for birds and other wildlife that require dense canopy cover and under story vegetation. These habitats qualify as ESHA pursuant to Coastal Act Section 30107.5. Removal of these habitats in part or whole violates Section 30240(a) of the Coastal Act. If habitat removal or modification is planned to mitigate fire impacts, the Act requires the Project be revised to avoid impacts to these habitats. An overlay of the fire management zones for the Project site should be required as part of the final EIR analysis.

#### WATER QUALITY IMPACTS:

**Rainy Season Grading:** The DEIR should prohibit grading during the rainy season (November 1 – April 15) to minimize significant impacts associated with erosion and sedimentation, including discharge of sediment into Arroyo Burro Creek. Under CEQA, all significant impacts must be avoided or mitigated to the maximum extent feasible before a lead agency can make finding to approve a project or alternative. The DEIR notes that construction would take 18 months, however, it also notes that major grading and construction could be timed to avoid the rainy season (Page 3-14). Therefore, it is feasible to time the major grading and construction to avoid the rainy season and to avoid sedimentation impacts to Arroyo Burro. These impacts would be potentially significant if grading occurs during the rainy season.

B-8

The proposed mitigation measure W-3 merely defers the details of a storm water management program to be developed later, after project approval. It does not prohibit grading during the rainy season. Such plans typically allow grading during the winter rainy season as long as measures are in place to try to control sediment laden runoff from construction sites into creeks. These measures, including silt fencing, have proven ineffective at numerous development sites on the south coast. Having City staff approve

**Southern Steelhead:** The DEIR fails to analyze impacts to federally endangered Steelhead or discuss the prospects of this species occurring in Arroyo Burro Creek. Steelhead critical habitat was designated by NOAA Fisheries and included Arroyo Burro Creek. While this designation was rescinded due to an improper economic analysis, NOAA and the Department of Fish and Game consider coastal streams as important habitat for this species. In fact, the City of Santa Barbara is pursuing a project that would remove a barrier to steelhead migration from Arroyo Burro Creek, opening up the project site to steelhead. The Project will adversely affect the creek habitat and habitat of steelhead onsite and downstream from the project in Arroyo Burro Lagoon. The DEIR should address this impact to steelhead and revise the project to maintain habitat for steelhead in the creek and estuary pursuant to LCP Policy 6.8.

B-3

**Raptors:** The Project site is important foraging area for raptors including rare species listed on page 3-51 of the DEIR. The foraging areas that support nesting rare raptors qualify as ESHA pursuant to the Coastal Act Section 30107.5, and must be preserved as ESHA. The EIR must analyze consistency with Section 30240 as it relates to rare raptor foraging grounds, should designate rare raptor foraging habitat as ESHA, and avoid it to comply with Section 30240 of the Coastal Act.

B-4

SCWA also finds that the raptor nesting analysis conducted for the DEIR is inadequate as it was conducted too late in the year to accurately determine the presence of raptor nesting activity. In the California Department of Fish & Game's initial comments on the Project in their Oct. 27, 2003 letter (included in the DEIR) recommended that complete, recent assessments of the flora and fauna be conducted and seasonal variations in use of the project area be addressed, and that species-specific surveys "be conducted at the appropriate time of year and day when species are active or otherwise identifiable".

Several California Species of Special Concern have been documented on the Project site, as noted on page 3-51 of the DEIR, yet the site survey was conducted in May 2004, after many of these species would no longer be present. The loggerhead shrike (*Lanius ludovicianus*), if present, would have withdrawn from the region by early April. The DEIR further notes that that no active or inactive raptor nests were observed at the site during the May and June 2004 surveys. Again, raptor nesting activity would have been completed by this time of year – particularly in 2004 when nesting for most species occurred earlier than normal in this region. Additionally, it is not clear that the survey included nesting activity of other bird species, such as song birds. A more accurate and thorough baseline study should be conducted in order to determine which species will be impacted by the Project.

B-5

**Creek Set-backs & Buffer Zones:** The Project proposes a 100' wide "buffer zone" between the proposed residences (structures) and the applicant's defined top of bank. However, the actual proposed development setback for roads and structures is 50' from applicant's defined top of bank. While the DEIR states that only a 5-foot wide pedestrian trail would be allowed within this 50' setback (at or near top of bank), there is also interruptive signage and a gazebo proposed as part of Cultural Resources Mitigation

B-6

the details of a storm water plan after the public process has ended deprives the public from commenting on the specific details of the proposed storm water mitigation measure and its effectiveness and feasibility. The City should require the applicant to limit grading to the dry season as a feasible way to avoid impacts to Arroyo Burro, and should require the storm water management plan to be reviewed by the public as part of this CEQA process.

8-8

**Creek Bank "Repair":** The Project proposes to backfill and "repair" two eroded portions of creek bank on the western, outside bend of the creek. This will effectively re-establish the pre-1998 top of bank. These locations are where the largest top of bank discrepancy occurs between the applicant's and EIR consultant's definition of top of bank. While SCWA believes that natural stabilization of a creek banks can be beneficial in some cases to prevent habitat loss or loss of structures, this should not be the basis for establishing development setbacks. The DEIR does not analyze the downstream flooding and erosion impacts of grading and backfilling for this proposed creek bank "repair". This type of major creek bank alteration is inconsistent with Coastal Act Policy 30236 because habitat restoration can be accomplished without filling the eroded creek banks. Repair of the creek banks, if for purposes of improving the habitat and water quality, should be analyzed for benefits and impacts in the final EIR.

8-9

**Storm Drain Outlets:** Mitigation measure W-1 increases the number of storm drain outlets to the creek to four. This increases the impacts to the creek because each storm drain requires trenching through the riparian habitat and construction on the creek bank and wetlands. The Project should not increase the impact to the creek habitat. Instead, the Project should include a larger creek setback than proposed and should include greater overland flow of the site runoff to recharge the riparian zone, filter urban water pollutants and disperse and minimize impacts of runoff such as erosion. Storm drains are known sources of water pollution so the City should minimize the number of storm drains entering the creek, not increase the number. Smaller project alternatives generate less runoff and water pollution, and thus are potentially feasible ways to minimize impacts.

8-10

**Post Development Runoff:** While the Project makes some attempt at including permeable surfaces and managing some of the storm water runoff in bioswales, SCWA finds the overall development footprint has too many impervious surfaces, which increases the amount of surface runoff from an urban development to Arroyo Burro Creek. Contaminants from roads, driveways, yards, and parkways and open spaces flow to the creek, potentially impacting the creek water quality.

8-11

Additional impacts to the creek from ongoing road maintenance were not considered in DEIR. Slurry seal and asphalt used on most urban streets is a hydrocarbon-based material with a great potential for impacting the creek water quality. When the City began its street sweeping program, the initial test results of the road debris showed levels of hydrocarbons so great as to require hazardous waste disposal. This was due to the fact that several of the streets in the street sweeping area had been freshly sealed. This ongoing impact must be addressed and mitigated in the final EIR.

8-12

***Pesticides & Fertilizer Impacts:*** Mitigation measure BIO-7 to address the impacts to creek water quality by incorporating the “principles of the City’s Integrated Pest Management (IPM) Plan in order to minimize the use of pesticides and herbicides to the extent feasible” is too vague to ensure effectiveness. Under CEQA, mitigation measures must be effective and enforceable. Additionally, the proposed IPM plan is only for the open spaces and not for individual residences. While “education” to the residents is proposed, the reduction or elimination of pesticides/herbicides is not required. Therefore, this mitigation measure does eliminate the potential impacts of pesticides from the Project. The mitigation measure should be expanded to include all areas of the Project and specify who will implement the required plans and how they will be implemented to reduce significant impacts.

8-13

Additionally, the use of fertilizers, a potential source of nutrient pollution that can impact aquatic organisms and water quality, should be addressed as a significant impact and fully avoided or mitigated with feasible, effective and enforceable measure in the final EIR.

#### ADDITIONAL CONSIDERATIONS

***Riparian Restoration:*** The restoration of riparian habitats along the creek is identified in the DEIR as mitigation to offset the indirect impact of residential development at the project site. Much of the restoration mitigation would occur on the city-owned open space parcel. The No Project Alternative indicates that site would remain in a degraded condition, and in fact, further degrade. This characterization is false.

The City has identified the subject city-owned parcel for restoration potential several years ago as part of their Creek Restoration and Water Quality Protection Program. The restoration of this site has been discussed at the Creek Program Citizen Advisory Committee and with the Arroyo Burro Vision Committee. The City has also been in discussions with the State Coastal Conservancy regarding funding for restoration planning and implementation funds. Because this city-owned site will likely be restored with or without the Veronica Meadows Project, it is not appropriate to consider the city-owned parcel for mitigation as part of the Project. The EIR must discuss this important aspect of the baseline condition related to the city-owned portion of the creek. This should help clarify for City officials and the public that this is a situation where development need not occur to ensure the creek is restored.

8-14

The City should reject mitigation on city lands when those lands may be restored regardless of the project. More importantly, since greater onsite avoidance is feasible, the City’s final EIR for the Project should investigate new alternatives that avoid impacts in the first place, as required under CEQA.

***Consistency with LCP and Coastal Act:*** The Coastal Act requires that projects maintain or improve – and do not degrade – water quality in Santa Barbara’s creeks. The project cannot be approved unless it complies with the LCP and Coastal Act by AVOIDING all

8-15

impacts to water quality. Policy 6.8 of the LCP and Section 30231 of the Coastal Act state that water quality and biological productivity shall be maintained and where feasible restored. The EIR finds, however, that water quality impacts are significant and remain adverse after mitigation is imposed. (Page 3-15). Therefore, the project does not maintain or restore water quality and in fact it harms it in conflict with the LCP and Coastal Act. A smaller alternative that specifically maintains water quality should be evaluated as a way to achieve consistency with the Coastal Act and LCP.

8-16

The combination of trenching/construction of four storm drain corridors and outlets in the creek; inadequate creek setback; bridge construction and long term shading and displacement of habitat; bridge interruption in continuous creek corridor; increased pets and night lighting; and increased pesticide use/impacts and other chemical compounds (e.g., asphalt roads, dripping oil, etc.) contribute to render this project in violation of coastal habitat and water quality policies.

## PROJECT ALTERNATIVES

***Finding of Infeasibility:*** Several of the Alternatives, which would avoid significant impacts, were found to be economically infeasible and not meet the project objectives. These include the Alternative Creek Setback Alternatives and the Avoid Landslides Alternatives. There is no evidence to support such findings. Under CEQA, the City is required to make findings based on evidence that there are no feasible less damaging alternatives (i.e., that avoid or lessen significant impacts). The City must require the applicant to submit a full set of economic information showing that these alternatives are or are not feasible (i.e., is or is not practical to proceed with). Absent evidence for finding alternatives infeasible, the City cannot make findings to approve the project or any alternative that excludes the environmentally superior alternatives.

8-17

***Alternative Creek Setback Distances Alternatives:*** Several of the setback alternatives are environmentally superior and require a more thorough review, both in terms of the reduction of cumulative impacts from the Project and the economic feasibility. Greater creek setbacks would reduce significant impacts, including visual, biological, water quality and traffic. In order to comply with Coast Act section 30240(b), creek setbacks need to be adequate to protect the creek and riparian ESHA from substantial impacts, including indirect impacts, caused by the adjacent development. The proposed Project will substantially impact the creek habitat values, and therefore, to comply with the Coastal Act and CEQA, the largest feasible buffer should be required. The City should analyze the economic feasibility of such alternatives.

8-18

***Alternative Access Alternative:*** This alternative only addresses the impact of the bridge over the creek. The analysis should also include lower housing densities that would lessen the Project's impacts on traffic, grading, habitat and species.

8-19

***Annexation & Pre-Annexation Alternatives:*** The impacts of the Annexation and Draft Pre-Annexation Alternatives are substantially greater than those of the proposed Project

8-20

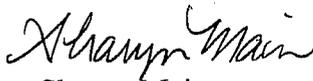
because they include substantially more development (47 units v. 24 units). These alternatives do not fulfill the requirements of CEQA that alternatives must avoid or substantially lessen significant impacts, and they must be excluded from further analysis and consideration for this reason.

8-20

The South Coast Watershed Alliance would like to see the Veronica Springs Project reduced in scale with fewer homes and hard surfaces; a greater development setback from Arroyo Burro Creek; uses and impacts reduced in habitat buffer zones; and the development reconfigured (including removing the bridge) to lessen impacts to Arroyo Burro Creek and the riparian habitat, oak tree stands, slope and coastal scrub, and other site resources. Thank you for consideration of our comments to the draft EIR.

8-21

Sincerely,



Sharyn Main  
SCWA Co-founder



Brian Trautwein  
SCWA Co-founder



Brooke, Renee

From: Carroll, Greg [GCarroll@imgworld.com]  
Sent: Tuesday, October 26, 2004 12:41 PM  
To: Brooke, Renee  
Subject: pleeeez

It is my understanding that irrespective of multiple assurances....that the end of Alan rd. might still be "opened" to accommodate some vapid and poorly supported ... concerns

Please advise as to when addtl meeting's will be held ....it is becoming more and more apparent ...that a small handful of environmentalists hold great sway with the city of Santa Barbara .....

As an owner of property on Alan Rd. I deeply resent that....

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**Brooke, Renee**

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SCOTT VINCENT, ASST. CITY ATTY.  
CASE PLANNER APPLICANT(S) AGENT  
PC SECRETARY

**From:** Cook, Matt [Matt.Cook@merceradvisors.com]  
**Sent:** Wednesday, October 27, 2004 9:26 AM  
**To:** Brooke, Renee  
**Subject:** Alan Road development

Ms. Brooke,

I have rented 548 Alan Road for the last 2 years. The neighborhood is very peaceful and quiet, with little traffic or problems for children to play in the street.

In your planning for the development on Alan Road I would strongly urge you to KEEP the proposed bridge in your plans. This bridge will not affect the limited amount of animals that use the creek as some have erroneously suggested. The mass amount on traffic on this residential street would dramatically increase if this bridge was not included.

That you for your consideration and we trust you will make the best decision for the residents in this neighborhood and Santa Barbara.

Matt

\*\*\*\*\*  
Matthew Cook  
Mercer Advisors  
1801 E. Cabrillo Blvd.  
Santa Barbara, CA 93108  
Toll free (877) 642-5224  
Direct (805) 565-2516  
Fax (805) 565-2721

10-1

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CASE PLANNER APPLICANT(S) AGENT  
PC SECRETARY

Brooke, Renee

From: Fcorwith@aol.com  
Sent: Tuesday, October 26, 2004 9:05 PM  
To: Brooke, Renee  
Subject: Mark Lee development

It has come to my attention that the Planning Board is considering using Alan Road as the primary and possibly sole entrance to the proposed Mark Lee housing development off of Las Positas Road. Last year I attended a Board meeting at which the Board pretty much assured me that primary access to the project would be a road and an Arroyo Burro bridge coming off Las Positas. I would like to say that any access to the project other than from Las Positas makes little or no sense. Alan Road is a quiet neighborhood of modest homes that would certainly lose its character if these 24 large homes were attached to our small community through Alan Road access. Furthermore the additional cars associated with the new homes would only worsen the traffic problem in the area--particularly in the summer when both sides of Alan Road become an overflow parking lot for the beachgoers visiting Hendry's Beach. Finally, probably all the cars associated with the homes in the Mark Lee development would end up feeding sometime during a typical day into the Positas/Cliff Road intersection, which is already one of the worst traffic nightmares in the city of Santa Barbara.

11-1

Please do not allow Alan Road to be the access road for this Mark Lee project.

Thank You

Foster Corwith  
10 Solana Ct.  
Santa Barbara, Ca. 93109

**Brooke, Renee**

**From:** MSCORWITH@aol.com  
**Sent:** Tuesday, October 26, 2004 4:57 PM  
**To:** Brooke, Renee  
**Subject:** Alan Road

I'd like to express my concern at the possibility that Alan Road might be used as the entrance to the new Mark Lee development. I was under the impression that this issue was settled last year and that a bridge would be built as the main entrance.

We are a nice neighborhood of small homes on small plots on land. These new homes will be located on half an acre and will be two stories and several times the size of our homes. This is in no way compatible with our neighborhood.

I fear that this could easily lead people to buy our small homes and the "McMansion" problem currently seen on the Mesa could begin on Alan Road.

I have read the Environmental Report--but I would like to point out that people are also part of the environment. The additional noise and pollution caused by cars from 24 additional families would erode my quality of life.

Please help save our neighborhood.

Margaret Corwith  
10 Solana Court  
Santa Barbara, CA 93109

12-1

Brooke, Renee

From: Barbwwwire@aol.com  
Sent: Tuesday, October 26, 2004 12:43 PM  
To: Brooke, Renee  
Subject: Environmental Report re: Bridge Proposal @ Arroyo Burro Creek/Las Positas

Dear Ms. Brooke,

My name is Barbara Dickson and I live at 536 Alan Road. This morning my neighbor, Betty Shumaker relayed to me that the proposed concrete bridge (crossing Arroyo Burro Creek to Las Positas) for the proposed 30 lot subdivision at the end of our street was now considered detrimental to the environment, therefore should not be part of the plan. She encouraged me to voice my concerns, as this bridge will play a vital role in the future integrity of our neighborhood.

13-1

My husband and I bought this house with the vision that a dead-end street was a safe place to raise our son. Many of my neighbors had, and still have, that same idea as well. This area is unique in character from much of the other neighborhoods in Santa Barbara, from it's richly wooded surrounding hillsides, to the abundant wildlife, to the obscured creek winding it's way through many of our backyards, and yes finally to its close proximity to a popular beach and restaurant. When we first purchased this property, I thought I'd found a hidden secret. We also viewed a cul-de-sac as a bonus to our property values. All of these traits that make our neighborhood so unique will surely suffer if Alan Road is made a thoroughfare. This is a quiet neighborhood, with very little traffic, which is highly desirable to anyone. With Las Positas as our backyard, it hardly seems necessary to have yet another road teeming with traffic in front of us, devaluing our properties and wreaking havoc on our nerves. Las Positas already has its share of traffic problems and wildlife death, so why produce yet another hazardous avenue? This street was obviously never intended to handle a large amount of traffic. It doglegs, and at various corners, oncoming traffic is temporarily obscured. Is the safety of the children, adults and pets in our neighborhood even a concern? Already it has become a parking lot overflow for the beach. As the population of this area increases, it will surely be seen as another route for beach traffic as well. At peak rush hour times, if opened to through traffic, Alan Road will become a shortcut for frustrated drivers--as the bike lane on Las Positas already has.

13-2

Presently, wildlife commonly cross back and forth over Alan Road--mostly at night, but some times during day as well. I've yet to see a dead body on this street. I've yet to see an accident on this street. However, I have seen many dead animals on Las Positas--usually in the morning, and several accidents as well. This leads me to believe that: 1) Crossing a busy street at night fatally hinders free movement of wild life. 2) Busy streets increase the chance of car/pedestrian/bicycle accidents as well. Therefore, crossing quiet streets, as well as quiet bridges appear far less hazardous. If Alan Road is made a thoroughfare, traffic will dramatically increase, which could create parallel situations to Las Positas. Is it reasonable to assume that this could therefore increase the amount of dead wildlife on this street and accidents as well? Another interesting point is that Cliff Drive crosses the Arroyo Burro Creek as it moves toward Arroyo Burro Beach. In the section that it crosses the creek, I can only remember (although I've only lived here 8 years) seeing a few dead animals in that area--if even that--and I drive it daily as it is the only way for Alan Road residents to get to the Mesa and downtown in a reasonable fashion. Yet, the hillsides and wetlands across from Alan Road are teeming with wildlife, so one would assume they cross back and forth fairly unhampered.

13-3

Ultimately, if the environmental impact of the bridge/subdivision is a leading concern, the property should be purchased by the City and saved from development, which surely is most hazardous of all to the surrounding wildlife--free movement and such. If we hope to clean up our creeks and ensure the preservation of our ecosystem, why not put some of the tax money supporting those efforts toward the purchase of the property? It has also been mentioned that a trail running parallel to Arroyo Burro Creek for public use has been proposed. What is the environmental/wildlife impact of that? And the amount of tax money used to develop that project? It seems ridiculous to worry about one bridge hampering free movement of wildlife if the City is considering opening up these spaces to housing development and public use.

13-4

Thank you for your time and attention to this matter. I appreciate the opportunity to share my concerns.

Sincerely,  
Barbara Dickson  
536 Alan Road  
Santa Barbara, CA 93109  
(805) 682-2125

Brooke, Renee

From: Dickson, Ken [ken@cornerstonesb.com]  
Sent: Monday, October 18, 2004 2:23 PM  
To: Brooke, Renee  
Subject: 900-1100 Las Positas Road

City of Santa Barbara  
Planning Division  
Attn: Renee Brooke  
PO Box 1990  
Santa Barbara, CA 93102-1990

To whom it may concern:

With regard to the project at 900-1100 Las Positas Road, as a property owner near the end of Alan Road, my primary concern has always been with any proposed changes that would connect Alan Road to Las Positas Road for vehicular travel.

During evening rush hour, it is common to find traffic backed up to the entrance of Eling's Park from Cliff Drive. During this time period, drivers use the emergency/bike lane along Las Positas Road to bypass the bottleneck. They shoot down the lane and then make a U-turn where Las Positas Road merges onto Cliff Drive in the westbound direction. Any vehicular connection between Las Positas Road and Alan Road would be inviting rush hour drivers to race down the already narrow road in order to bypass the bottleneck. 14-1

I see that no through vehicular access is currently proposed, and as such I would like to voice my support for the project as currently defined with the understanding that this remains the case.

Thank you for your time.

Best regards,

Ken Dickson

Cornerstone Construction  
915 De La Vina Street  
Santa Barbara, CA 93101

T: 805-965-8084  
F: 805-965-6905

www.cornerstonesb.com <<http://www.cornerstonesb.com>>

Brooke, Renee

---

From: Paul Dubuc [pdubuc@earthlink.net]  
Sent: Tuesday, October 26, 2004 12:41 PM  
To: Brooke, Renee  
Subject: Las Positas Bridge

Ms. Brooke

To all local residents the most critical aspect of the development plan is to maintain the cul-de-sac status of Alan Rd. Using Alan Rd. as the access site of the project is totally unacceptable. Please reconsider the earlier draft that proposed bridge access to the project from Las Positas Road.

15-1

Thankyou,  
Paul U. Dubuc  
526 Alan Rd.

Brooke, Renee

From: Escobar Family [eskysb@earthlink.net]  
Sent: Tuesday, October 26, 2004 8:37 PM  
To: Brooke, Renee  
Subject: Environmental Hearing of October 21, 2004

It has been brought to our attention that the promised bridge in connection with the proposed building at the end of Alan Road is now in question. The Environmental Report stated that the bridge would hamper the free movement of wild animals. What does the Environmental Report think that the addition of a 30-lot subdivision will do to the free movement of wild animals?

Please take this message as our strong opposition to this latest change. We thought this had all been settled long ago. How many more changes are to be made?

Alan Road is already a very busy street. We have seen new families move in recently and children are once again walking our Road. Their safety is of utmost concern.

Dan and Ramona Escobar, residents since 1978 470 Alan Road  
Santa Barbara, CA 93109

16-1

Brooke, Renee

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CASE PLANNER APPLICANT(S) AGENT  
PC SECRETARY

From: Gayle1029@aol.com  
Sent: Saturday, October 30, 2004 7:11 AM  
To: Brooke, Renee; CAAGnoli@aol.com; chris@suncoastrealestate.com; kkstarr@verizon.net; magoun1@cox.net; miniehaus@cox.net; ridgebaccash@cox.net; rupej@cox.net; setthetable@hotmail.com; shermstarr@verizon.net; wknapp2@earthlink.net  
Subject: Mark Lee Project "Veronica Meadows"

Braemar Ranch Homeowners Association  
515 Braemar Ranch Lane  
Santa Barbara, California

October 30, 2004

Renee Brooke, Associate Planner  
Planning Division  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, California 93102-1990

Dear Renee Brooke and Members of the Planning Commission,

Due to the information contained in the EIR, the residents of Alan Road are concerned the issue of entrance into the Mark Lee project "Veronica Meadows" has not been decided and that Alan Road will be extended to access this development. The entire Alan Road neighborhood is against any proposal that would use Alan Road as ingress and egress. The neighborhood is adamant that Alan Road be left as a cul-de-sac and that the new neighborhood be entered from a bridge over at Las Positas. 17-1

Sincerely,

Braemar Ranch Homeowners Association

Patricia Foley, President



10/27/04

Hello Rene Brooke,

I'm writing this letter to let you know that I want you to reconsider the original proposal for a bridge to be used as a separate entrance for the housing project that is proposed at the end of Alan Road.

Twenty four new houses in this project would mean 48+ automobiles that need access. This equates to 100+ entrances/exits a day. As a resident who lives on Alan Road I do not think this extra traffic is an acceptable option from a view of safety or noise. We enjoy a small, tight knit community and the extra traffic is an undue burden especially considering that you already have planned for a solution with the bridge in the original plan.

Thanks,

Robbin Forsyth  
2 Solana Court  
SB, CA 93109

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NOV 11 2004

CITY OF SANTA BARBARA  
PLANNING DIVISION

18-

TO RENE BROOKE, ASSOQ PLANNAR  
I'M SENDING THIS NOTE ALONG WITH  
ANOTHER I PREVIOUSLY WROTE, AS I FEEL  
I LEFT OUT AN IMPORTANT POINT. I WAS  
GIVEN NO NOTICE OF YOUR MEETING  
OF OCTOBER 25th. AS A RESIDENT OF  
HAY RD FOR 47 YEARS I WOULD  
APPRECIATE ADVANCE NOTICE OF  
MEETINGS AND DECISIONS THAT  
DIRECTLY AFFECT MY LIFE!!!

NO NOTICE WAS EVER GIVEN, AND IT  
SEEMS VERY SNEAKY. AS IN YOU  
DON'T WANT US TO KNOW ABOUT  
YOUR COMMITTEES LACK OF PROMISE  
KEEPING. NOT FAIR OR HONEST AND  
NOT APPRECIATED, WHY ARE WE THE  
RESIDENTS OF HAY RD NOT NOTIFIED  
WELL IN ADVANCE!!! SO WE CAN TAKE

19-1

CITY OF SANTA BARBARA  
PLANNING DIVISION

OUR LITTLE FREE TIME WE HAVE TO  
MAKE SURE WE'RE NOT SCRAWLED BY  
PEOPLE THAT DON'T LIVE THERE. THAT'S  
ONLY FAIR. GIVE US NOTICE SOMEHOW  
(LETTERS ARE CHARGABLE) AS MY OPINION  
MATTERS AND WILL BE HEARD.  
BUILD THE BRIDGE THAT WAS  
PROMISED. ITS EXTREMELY IMPORTANT.

19-2

SINCERELY  
Scott Hegman  
RESIDENT 47 YEARS

TO RENEW BROCKE ASSOC, PLANNER  
IT IS TRULY FRIGHTENING TO US  
LIVING ALONG ALAN ROAD THAT THERE  
IS TALK TO SCRAP THE PLANNED BRIDGE.  
WE HAVE BEEN PROMISED THE BRIDGE TO  
KEEP ALAN ROAD WHAT IT IS AND ALWAYS  
SHOULD BE. YOU WOULD CHANGE OUR STREET  
FROM A QUIET DEAD END INTO ONE OF  
CONSTANT TRAFFIC AND NOISE, THIS JUST  
IS NOT FAIR OR RIGHT TO OUR NEIGHBOR-  
HOOD, TO JUST DESTROY WHAT WE LIVE.  
I HOPE YOU WILL TAKE INTO FACT HOW  
HARD WE WORK TO LIVE HERE, TO NOT  
FOLLOW THROUGH WHAT HAS BEEN  
PROMISED TO US SINCE OF A DECIDED  
STREET ENDING, WHAT ALSO ARE YOU  
GOING TO CHANGE THAT HAS BEEN  
PROMISED, PLEASE BUILD THE BRIDGE  
FOR OUR NEIGHBORHOODS SAKE,  
PS, THERE IS NO WAY ANIMALS WILL BE  
AFFECTED. THEY HAVE MANY MANY ROUTES,  
THANKS FOR YOUR TIME AND CONSIDERATION.

19-3

SINCERELY

SCOTT HOSNIER  
491 ALAN ROAD  
SANTA BARBARA CA  
93109

**E-Mail Letter**

Walter Knapp  
113 Vista Del Mar Drive  
Santa Barbara, California 93109-1049  
Tel.: 682-1537  
e-mail: [wknapp2@earthlink.net](mailto:wknapp2@earthlink.net)

Renee Brooke  
Planning Commission  
P. O. Box 1990  
Santa Barbara, California 93102-1990  
**e-mail: [rbrooke@ci.santa-barbara.ca.us](mailto:rbrooke@ci.santa-barbara.ca.us)**

October 29, 2004

Re: Planning Commission Meeting, 21 October, 2004; Application of Peak-Las Positas Partners Project

Dear Renee Brooke and City Planning Commissioners:

I personally spoke at the above meeting, but would herewith like to add a few more comments.

First of all, I want to thank all the Commissioners for the tremendous effort they have put into this project. From my own professional experience I know how difficult and time-consuming it is to study a 100 plus page EIR in depth in order to prepare for such a meeting. You certainly deserve Our Thanks!

Now to the Veronica Meadows Project (Mark Lee):

- The overwhelming majority of homeowners in our area (and this includes me) are in support of the Braemar Ranch Homeowners Association stand. We are in support of the Mark Lee project as proposed during the 21 October, 2004 Planning Commission meeting: (1) Two new homes built at an improved cul-de-sac at the end of the existing Alan Road. (2) No vehicular access to the property from Alan Road. (3) Site access from Las Positas Road via a bridge across Arroyo Burro creek. 20-1

- Alan Road vs. Bridge Access

From a strictly financial standpoint it is obviously cheaper to use Alan Road for the property access. This, however, should not be the deciding factor. A City is not a specific project, not the City Staff, nor any specific Commission. It is "We the People"! After many neighborhood meetings we finally convinced Mark Lee of this fact. He gave us his solemn promise that he will not propose an Alan Road access.

We request that our own City will also respect our community wishes. 20-2

As it stands now, on weekends Alan Road, Wade Court, Solana Court, and the lower part of Vista Del Mar Drive serve as overflow parking for Arroyo Burro Beach. Especially on Sundays many cars are parked illegally (cars parked blocking foot traffic on sidewalks, etc.). Providing access from Alan Road for the Veronica Springs Development would aggravate this situation even more. This alone is one of the reasons that our neighborhood absolutely rejects any access from Alan Road.

- Environmental Concerns of Bridge Across Arroyo Burro Creek

If Mark Lee restores the creek banks in this area as outlined in the "Creek Development Standards Draft Report, Feb.12, 2003" the bridge will not be subject to storm water flow damage. With its large span, it will not impede wild life movement. The Cliff Drive bridge, with its support pylons on both sides right against the creek banks, would pose a much greater problem. Wildlife, including coyotes, use this underpass continually to pass from the creek to the Douglas Family Preserve. 20-3

- Arroyo Burro Creek Bank Erosion in the Alan Road Area

The back yards of the east-side Alan Road properties abutt the Arroyo Burro creek. Since the ever increasing development of the area to the north and west during the last 20 years, these properties suffered a tremendous amount of bank erosion. Some of the properties have only a few feet of backyard left. The Campanil Hill development is a typical example of such unplanned and don't-care developments. 20-4

Since the City has never shown any interest in helping these residents (no money available), some of these people took things in their own hands (lining the creek bottom and banks with concrete is one example). All of this, of course, aggravates the problem.

**Note: The Alan Road residents need your help! I would be very willing and happy to discuss this problem with anybody in your department. So far nobody was willing to do such. I personally was told that this is "a reginal issue".**

• **A Reginal Plan for this Area is needed!**

With so many new projects in the pipeline for this area (Hillside House, Elings Park, etc.), the City cannot go on, looking at each project separately in a piece-meal fashion. Three very important issues ought to be considered here. These are:

1. Neighborhood compatibility and density
2. Traffic on Las Positas Road
3. Storm water run-off into Arroyo Burro creek (a huge problem).

The City cannot forever ignore the problems on Alan Road. Lets face it, many of the Alan Road property owners do not have the financial means to pay for proper creek restoration on their property. Furthermore, to be effective, creek restoration in the Alan Road area must take place over the entire length, not piece-meal.

**How to finance this project?**

Since every new development in this corridor contributes to down-stream erosion, it would only be fair to assess every new development with a Creek Restoration Fee (fee depending on the location and size of the development). This money would have to be placed into a special Arroyo Burro Creek Restoration Fund (not to be used for any other project).

Sincerely,

Walter Knapp

cc: Patricia Foley  
President, Braemar Ranch Homeowners Association

20-5

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PC SECRETARY

Santa Barbara Ca  
10-27-04

Dear Renee Brooke,

My name is Nels T Lee and live at 521 Alan Road. I am 90 years old and live alone. My wife passed away four years ago. We raised four children here and loved our location.

I am very fortunate health wise and play golf three or four times a week and bowl in bowling season. We have lived here since 1958.

With the new development at the upper end of Alan Road I think it would be horrible for the Alan Road residents if they don't build a access bridge to Pos Positala road. The residents of the present Alan Road would be exposed to terrific traffic if they had to exit by way of Alan Road to Cliff Drive.

As far as wild life is concerned it would be nice if a few racoons, skunks, rats, etc were eliminated. The hill to the west of us is a nuisance to us, because of the wild animals?

Hoping for your consideration I am  
Nels T. Lee

RECEIVED

OCT 28 2004

CITY OF SANTA BARBARA  
PLANNING DIVISION

To Renee Brooke, Associate Planner and the Planning Committee Chair and members.

I live at 530 Alan Rd. and have been a resident there for 7 years. I am also the co-chair for the Arroyo Burro Vision Project; witch document was recently endorsed by City Council. My comments come from these two perspectives.

My overall view of the Veronica Meadows project is favorable. I support this project as it appears that all major issues have been adequately addressed. I am, however, disappointed in hearing that there will not be a stop light to control pedestrian traffic at the proposed bridge and Las Positas intersection. The safe pedestrian access to Elings Park is of no minor concern. Residents will undoubtedly attempt to cross at this location to enter the park. The combination of vehicular speed and a curve with low visibility increase the potential for a serious accident. As the lecturing CHP Officer Gordon Graham say's: "If it's predictable, it's preventable". As a twenty-three year veteran firefighter I have seen too many preventable and tragic pedestrian/ vehicular accidents. I strongly suggest every effort be made with Cal Trans to install a light at this residential neighborhood intersection.

22-1

After discussing the project with Mark Lee I found it disturbing to learn that he has had a difficult time working with the Parks Department regarding creek restoration. I would like to hear in the future that more effective and productive communication take place between these two.

22-2

I applaud the round-about planned for the Cliff and Las Positas intersection and agree with the planner who suggested a stop sign at Alan Rd. and Cliff drive.

22-3

Last and most importantly I would like to see that the Arroyo Burro Vision Document is consulted and applied to this project. I would like to see proper creek restoration pursued to eventually support a Steelhead population.

22-4

I further support a documented solution addressing the restoration and trailing of the parcel's northern end: 047-010-011.

22-5

I realize that this project is too far along to consider saving the meadow as open space. However, as Eddy Harris from the UCC warned, *there is no more open space like this*. It is time to give open space a priority in this most beautiful watershed which is fast becoming stifled with urbanization.

22-6

Thank you for considering my comments,

*Daniel McCarter*  
Daniel McCarter

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CITY OF SANTA BARBARA  
PLANNING DIVISION

**Brooke, Renee**

---

**From:** Laura Nanna [laura\_nanna@yahoo.com]  
**Sent:** Friday, November 05, 2004 3:38 PM  
**To:** Brooke, Renee  
**Subject:** Bridge over Las Positas Creek

Renee Brooke, Associate Planner

Ms Brooke,

I am commenting on the proposed bridge over Arroyo Burro Creek to connect the proposed housing at the end of Alan Road to Los Positas Road.

I support keeping the bridge in the plan. Eliminating the bridge from the plan would make Alan Road the sole exit for families in the development, and on Vista del Mar, Wade, Solano, and Alan Road. With residents trying to exit and emergency vehicles trying to enter during a natural disaster, this could be dangerous.

23-1

I feel the bridge should be the main access to the new development. A traversable berm for use primarily by emergency vehicles and when necessary residents should separate Alan Road from the development. This would maintain the character of Alan Road as well as provide an additional emergency road to homes on both sides of the berm.

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CASE PLANNER APPLICANT(S) AGENT  
C SECRETARY

495 Alan Rd.  
Santa Barbara, CA 93109

November 1, 2004

Renee Brooke, Assoc. Planner  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Dear Madam:

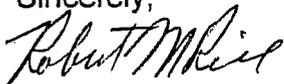
I am writing in reference to the Environmental Hearing of October 21, 2004, relating to the proposed annexation and development of approximately 50 acres adjacent to Los Positas Rd, just north of Alan Rd.

My wife and I own and live at the property at 495 Alan Rd. We have heard that there was an objection to the planned construction of the bridge across Arroyo Burro Creek on the grounds that the bridge would hamper the free movement of wild animals. This claim is ridiculous on its face. A cursory examination of the existing bridge on Cliff Drive, over the creek, shows that there is no harm to the passage of wild life up and down the creek. If anything, there will be an increase in potential nesting areas for swallows on the new bridge structure.

The City has repeatedly promised the residents of our neighbor hood that there would be no extension of Alan Rd. into the proposed development. If the bridge is eliminated, that would either kill the project or violate the earlier promises of the City.

Your Department and the City need to approve the construction of the bridge rather than destroy the quality of human life in my neighbor hood by extending Alan Rd. and greatly increasing the quantity and speed of vehicular traffic on Alan Rd.

Sincerely,



Robert M. Rice, Ph.D.

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24-1

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**Brooke, Renee**

From: S1rice@aol.com  
Sent: Friday, October 29, 2004 11:09 AM  
To: Brooke, Renee  
Subject: Arroyo Burro Creek Bridge

To: Renee Brooke, Associate Planner  
Subject: BRIDGE -ARROYO BURRO CREEK  
From: Sondra Rice  
430 Alan Road  
Santa Barbara, CA  
Date: Oct 29, 2004

Dear Ms. Brooke:

I really think a bridge over Arroyo Burro Creek is the best solution for access to the proposed housing development and Las Positas Road. The thoughts that went through my mind when posed with the suggestion of not having a bridge were:

- 1. Safety—Without the bridge, there will only be one way out—Through Alan Road. With the present proposal, the bridge would be the primary access, but in an emergency, Alan Road could be used. With no bridge, if Alan Road were blocked, there would be no secondary exit. 25-1
- 2. Traffic—There will be an increase of traffic through the quiet residential area of Alan Road, where children play and old people want to be able to cross the street safely. The construction traffic alone would put these folks in jeopardy. 25-2
- 3. Consistency in government: This proposal process has been going on for at least five years. The rules and constraints should not be changed, every time a new person joins the commission. 25-3

Please proceed with the plan to build a bridge across Arroyo Burro Creek to access the proposed 30 lot subdivision across the creek from Elings Park.

Thank you for your attention to this matter.

Sondra L. Rice

**Brooke, Renee**

---

**From:** Andrew Seybold [andy@4mobility.com]  
**Sent:** Friday, October 29, 2004 10:38 AM  
**To:** Brooke, Renee  
**Subject:** Environmental Report on Project at the end of Alan Road

Renee- My wife Linda and I reside at 415 Alan Road and we are opposed to changing the Mark Lee development to permit access to these new homes via Alan Road.

The traffic on Alan Road is already heavy, cars travel too fast up and down the road, endangering children and pets, as well as some of the older residents who walk daily using walking assistance devices.

Exiting Alan Road is also becoming harder as the traffic on Cliff Drive increases. It is not a-typical for there to be four to five cars all waiting to turn left

During the summer and on many warmer week-ends Alan Road, at our end, is filled with cars parked on both sides of street, these cars belong to those who make use of the Hendry's beach when the parking lot is full. During these times the amount of traffic and the parking congestion make it even harder for residents to get in and out of Alan Road.

You are also aware, I am sure, that at certain times of the day traffic on Las Positas Road backs up at the T intersection at Cliff Drive, adding additional traffic for the Mark Lee project would make this situation considerably worse. I realize that there are plans to make this intersection into a round about but I am also aware that this project is years away, in the meantime the additional traffic would make this intersection even worse. Since you can only access Alan Road by turning right you must sit in a long line of traffic waiting to turn left until about a hundred feet from the intersection where the solid white line for the bike lane becomes a broken line permitting its use as a right turn lane.

Finally, I have reviewed the Environmental Impact Report and believe that the bridge at Las Positas, as originally planned, would be the best solution and it is my understanding that it could be constructed in such a way as not to damage the creek. Further Mark Lee is willing to clean up the creek and actually make it a better water way then it is today, a win for his plans and a win for the community.

Alan Road already provides the only ingress and egress for Alan Road, Wade Court, and Vista Del Mar Drive, according to both the City and County of Santa Barbara we live in a high fire danger area. Therefore extending Alan Road to provide access to the Mark Lee project, and the additional traffic it would create could prove to be a real problem if this neighborhood had to be evacuated.

For all of these reasons we are opposed to the recommendation in the Environmental Impact study recommending that access to Mark Lee's development be via Alan Road and not across a new bridge which intersects with Las Positas Road.

Best Regards,

Andrew M. and Linda M. Seybold  
415 Alan Road  
Santa Barbara, CA 93109  
805-898-2460

26-1

26-2

26-3

26 October 2004  
Santa Barbara, California

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OCT 27 2004

CITY OF SANTA BARBARA  
PLANNING DIVISION

Renee Brooke  
Associate Planner  
City of Santa Barbara  
PO Box 1990  
Santa Barbara, Cal. 93102

Dear Ms Brooke,

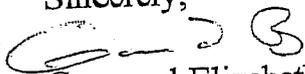
At the meeting of the Planning Commission on Thursday, October 21, 2004, it was announced that you would accept public comment regarding the environmental report pertaining to the Peak-Las Positas Partners project.

In that there was quite a lot of public comment that day regarding the project, it would seem unnecessary to add any more but you were asked to supply a number to the commission regarding public input to the project and at that time said that you had only received five letters. If the question is asked again, at least you will have a different number.

I cannot speak for all the people who live in the area but I can say with certainty that no one who lives on Alan Road wants any more traffic on this small street. We have been going to meetings for many years to say the same thing over and over and it appears that we will have to continue going to meetings to say the same thing. Please do not put any more traffic on this street. We are overwhelmed with traffic and noise now: if you open this road to the project you will do us great harm. We ask that the city consider us in the planning process and allow the bridge to be built across the creek to the project.

It would be a very good thing to have the bridge in before the project starts construction because equipment going up and down this narrow street will be a very unnecessary as well as uncomfortable situation for a long time.

Sincerely,



Gary and Elizabeth Shumaker  
516 Alan Road  
Santa Barbara, California  
93109

27-1

27-2

**Brooke, Renee**

**From:** Gary Shumaker [2SHOES@compuserve.com]  
**Sent:** Monday, October 25, 2004 9:55 AM  
**To:** Brooke, Renee  
**Subject:** Planning - Park/Las Positas

Dear Renee Brooke,

I attended the comission meeting on October 21st to hear the environmental comments regarding the Park-Las Positas Develpment at the end of Alan Road. Of course I am very interested in knowing what will happen in our neighborhood as would anyone who lives on Alan Road. The bridge and whether or not it will be built is a major concern for those of us who live here but I was not clear from what I heard at the meeting as to whether or not the bridge will be built to the property. Who will make the final decision as to the construction of the bridge?

Would you know who makes the final decision or who gives approval for the bridge construcion? There are a lot of people who thought the bridge was to be built but now I am not sure that it will built as we were told it would be.

Sincerely,

Gary W. Shumaker  
shumakergary@hotmail.com

28-1

**Brooke, Renee**

**From:** andrea\_stout@cox.net  
**Sent:** Friday, November 05, 2004 4:22 PM  
**To:** Brooke, Renee  
**Subject:** The bridge/ the property at the end of Alan Rd

We are residents and homeowners of a home on Alan Road. We write to you to express our concern about the property at the end of Alan Road and what we understand to be the possibility of NOT building a bridge across Arroyo Burro Creek intersecting with Las Positas Road. 29-1

We feel that a bridge is vital to the preservation of the character of Alan Road and the safety of its residents. Alan Road, as you know, has numerous curves, usually has numerous vehicles parked on both sides of the road, and has a substantial amount of traffic of its own already. We are concerned that providing site access to the new subdivision via Alan Road and NOT through the proposed bridge would bring traffic to Alan Road which it is NOT designed to safely handle. Los Positas, on the other hand, is designed to handle volumes of traffic and to do so safely. 29-2

Additionally, as you are certainly aware, there are numerous construction projects currently being undertaken on Alan Road. The heavy influx of construction equipment has made it much less safe and pleasant for us to walk along our street. The construction equipment from the new project which will come through Alan Road if the bridge is not built is, we feel, an unfair burden to our community. Alan Road residents are already overburdened by the traffic and vehicles from Hendry's Beach on the weekends, and we urge you not to allow our Road to be burdened any further. 29-3

We believe that the bridge is an important component of the plan and urge you to include it. As we are new to the Alan Road community, we are new to this project and do not have first hand knowledge of what has been agreed upon in the past regarding the bridge. However, we feel strongly that a bridge, regardless of whether or not it has been promised to us, is absolutely essential in this project. 29-4

Thank you for your time and consideration.

Sincerely,

Andrea Stout  
Amanda De Lucia

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Brooke, Renee

From: richardbtanner [richardbtanner@cox.net]  
Sent: Tuesday, November 02, 2004 3:29 PM  
To: Brooke, Renee  
Subject: Alan Road Access

Ms Brooke

At the Environmental Hearing of October 21, 2004 the Planning Commission was informed that a proposed bridge across Arroyo Burro Creek would be detrimental to wild life movement. Instead, it was proposed that Alan Road be extended to provide access to the new 30 lot subdivision.

30-1

This note is to express my support for construction of the bridge. My reasons are as follows:

1. At the meeting the commission's expert admitted that the effect on the wild life movement was a subjective judgment. He also admitted that many cities would consider it an insignificant impact.
2. The increase in traffic on Alan Road due to 30 new homes is a REAL impact affecting real PEOPLE.
3. This issue has been worked and reworked by the developer and the Alan Road residents over several years with a satisfactory resolutuion for both parties. I thought the issue was settled until this eleventh-hour fictitious concern surfaced. It is obviously an attempt by someone to justify the expense of the environmental report.

30-2

30-3

30-4

It is time for the city to start considering the needs and desires of its tax-paying, voting citizens. The safety of people is more important than a nebulous imposition on the movement of wild animals

Richard B.. Tanner  
422 Alan Road

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Brooke, Renee

From: JohoWagner@aol.com  
Sent: Thursday, October 28, 2004 9:47 AM  
To: Brooke, Renee  
Subject: The bridge

Ms Renee Brooke

Very much concerned regarding the development off Las Positas.

I feel the Alan Road cul-de-sac should remain as it is. This was and is still a dedicated closed area. Please leave it that way. Alan Road is a small neighborhood road and has enough traffic as it is. Access to Cliff Drive does not need or can it use safely any more cars pulling onto Cliff Drive.

31-1

The bridge is necessary and vital to the preservation of the character of Alan Road and will not affect the animals.

Josephine Wagner  
18 Solana Court  
Santa Barbara, CA 93109

Brooke, Renee

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From: Teya Walkker [teya@cox.net]  
Sent: Saturday, October 30, 2004 3:36 PM  
To: Brooke, Renee  
Subject: Mike Lee project off of Las Positas Rd.

TO:

City of Santa Barbara, Planning Division,  
Attn: Renee Brooke, Associate Planner

Dear Renee,

I live in the Braemer Park area, on Vista Del Mar Rd. I understand that there are still some questions about the housing project proposed by Mike Lee which may need to be answered.

I have lived in Santa Barbara for 30 years. My daughter was born in Santa Barbara, and I am committed to this community and perpetuating it's quality of life. Our home is the largest investment we have made in our lifetime, and probably the most important one we ever will make. I have carefully watched Mike Lee's proposal for the housing development off of Las Positas for several years, and although I would be "just fine" with leaving this space as open land forever, I am also aware that some development will be happening in our area, and believe that Mike Lee has been generally responsive to the concerns of the neighborhood and the city, and has continued to make attempts to adjust his project to meet our concerns.

However, there is one aspect of this project to which I did, and will continue to, adamantly oppose. It is absolutely unacceptable to open up the end of Alan Road to vehicles. A bike lane and pedestrian walk way and bridge to the beach is fine. If any attempt is made to open up Alan Road to vehicles, you will have a revolt on your hands. Don't even consider it. We moved to this neighborhood for it's peace and quiet, and it's proximity to nature, and particularly because Vista Del Mar and Alan Road are dead end roads. No one comes in here unless they live in, or are visiting, a home in our small area. I, and my neighbors, are determined that the safety and quiet of our neighborhood be preserved. I do not want any more vehicles in our area, and definitely not to get somewhere else.

32-

If you do not think the project being proposed can go ahead without opening Alan Road, then kill the project. I promise you, we will continue to adamantly oppose the opening of Alan Road for this, or any other project.

Sincerely,

Teya K. Walkker  
71 Vista Del Mar Dr.  
Santa Barbara, CA 93109

<teya@cox.net>

*Teya Walkker  
at home in Santa Barbara  
the most beautiful place on earth*

October 15, 2004

City of Santa Barbara  
Community Development Department  
Planning Division  
630 Garden Street  
Santa Barbara, CA 93101  
Attn: Renee Brook

Dear Ms. Brooke:

I am writing in support of the **Veronica Meadows** housing project as proposed by Mark Lee. I have read the majority of the EIR prepared for Veronica Meadows and found it interesting and informative. Mr. Lee's project is a gift to the Arroyo Burro watershed community, where I live, own property and work. In addition, it provides a tremendous contribution to the Santa Barbara community at large.

Not only will Mr. Lee's project provide for sorely needed housing, it will do so in a manner that is highly respectful of our environment, as well as vastly improving and restoring a significantly degraded part of the Las Positas Valley.

The City, through the Creek Restoration Program, has lovingly created the Arroyo Burro Estuary, benefiting the base of Arroyo Burro creek. The health of the estuary will be greatly enhanced by the upstream restoration work proposed by Mr. Lee. The City should not ignore this added opportunity to breathe more life into the Arroyo Burro estuary.

It baffles me as to why the city would not embrace this project as a model of responsible development. I understand that the City bargains to maximize its benefits, however, it seems to me that Mr. Lee has far exceeded his share of benefits to the City. This is a great opportunity for the City to realize many of the recommendations being made for creek restoration.

It appears that major improvements to the creek are addressed by providing detention basins, bioswales, state-of-the-art drainage and filtration systems.

Most of Mr. Lee's land has been dedicated to open space, including significant land that could be developed, and the City is gaining many times as much land as is being displaced by the Bridge. Although I have heard and seen many discussions regarding the bridge, it seems to have been overlooked that Mr. Lee has an historic easement for this purpose. His request to activate the easement via a bridge is reasonable and accommodating. The benefits to the city, particularly with respect to the Circulation Element, far outweigh any perceived disadvantage. Also, very importantly, this approach respects the property rights and quiet enjoyment of the Alan Road residents.

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33-1

33-2

33-3

Finally, this project provides housing; something sorely needed on the South Coast. Although many people have opinions about the type of housing one should provide, Mr. Lee's goal has been to minimize the density, which I recognize makes larger homes necessary to support the high expense of creating and maintaining parkland and creek restoration. Santa Barbara needs all kinds and sizes of houses. If these homes are built, the entire Valley will benefit and the Estuary site will be far better.

33-4

Mr. Lee has gone the extra mile endeavoring to accommodate all the needs of this community and will be doing a great service to the environmental landscape of Las Positas Valley while providing desperately needed housing, creek restoration, responsible land use and construction practices. This is an uncommon opportunity for our community.

I personally feel Mr. Lee's character, values and commitment to this project are a huge benefit to the city. With all due respect, I would strongly recommend the city not look a gift horse in the mouth. It is a beautiful project satisfying a myriad of needs and desires. The alternative to this would be no creek restoration, continued degradation of our watershed and creek resources, and no homes. It is a rare opportunity where a small local businessman is able to satisfy as many diverse needs as Mr. Lee proposes with the Veronica Meadows project.

33-5

Respectfully,



Anita M. Ward  
(805) 563-4039



**COMMENTS PRESENTED TO THE PLANNING COMMISSION  
AT THE OCTOBER 21, 2004 ENVIRONMENTAL HEARING**

---

1. Ridge Baccash, HomeOwners Association, read letter into the record

- a) Does not support Alan Road connection for circulation purposes (e.g., traffic, noise, safety, children)
- b) Supports project as long as there is no proposed connection through Alan Road
- c) Disagrees with level of impact to biological resources due to bridge construction
- d) Refer to letter for additional comments

2. Elaine Bowie, resident

- a) Supports the Braemar Ranch HOA 's comments
- b) Wants additional traffic analysis in the EIR

3. Richard Burros, Vista del Mar resident

- a) Concerned with noise and traffic
- b) Traffic is especially bad between 5:30 and 6:30 on Las Positas Road
- c) Can be difficult to get out of Alan Road onto Cliff Drive (eastbound)

4. De Louis Cramer, resident

- a) Parking in neighborhood is bad due to people visiting Hendry's Beach
- b) Concerned about creek setback including front yards of proposed homes
- c) Homes proposed on Lots 1 and 2 are too large
- d) Trip generation seems low for 24 homes

5. Eric Faulk, Vista del Mar resident

- a) Traffic along Las Positas Road is bad, especially at peak hours-people drive in the bike lane
- b) The new bridge location/access would keep some people from going to the Cliff Drive/Las Positas Road intersection
- c) Does not want access through Alan Road
- d) Many people park on Alan Road and go to Hendry 's Beach
- e) Save open space

6. Patricia Foley

- a) Made reference to Braemar Ranch HOA letter
- b) Does not want access through Alan Road
- c) Traffic problems on Las Positas Road - look at traffic bottleneck in light of other projects

7. Susan Gingold (absent) - read comments on speaker slip

- a) Keep Alan Road as it is
- b) Traffic is unsafe

8. Bruce Glenn

- a) Does not want access through Alan Road
- b) Traffic safety a concern

9. Eddie Harris, Urban Creeks Council, submitting written comments

- a) Loss of open space in this area creates increased pressure on remaining open space.
- b) Concerned with changing zoning from one dwelling/20 acres to a dense urban design
- c) Impacts to natural systems and loss of open space should be carefully evaluated in the EIR.

10. Walter Knapp, Vista del Mar resident

- a) Does not want access through Alan Road
- b) Bridge impacts are not significant — wildlife currently pass through/under the Cliff Drive bridge
- c) Creek restoration can be effective

11. Inge Knapp, resident

- a) Keep promise to not put road through to Alan Road

12. Marcia Reed, Deputy Director, Santa Barbara Chamber of Commerce

- a) Supports the project

13. Anita Ward

- b) Supports the project as proposed - a gift to the Arroyo Burro watershed
- c) Benefits - creek restoration and retaining open space
- d) Read her letter into the record (refer to letter for additional comments)



**Veronica Meadows Residential Specific Plan DEIR**  
**Planning Commission Hearing - October 21, 2004**

**PLANNING COMMISSION COMMENTS**

**Grant House**

- Does not agree with DEIR that the proposed bridge is a Class I impact
- Proposed creek restoration should extend further north, up the creek
  - Maintenance plan is important
  - Explore potential for path along the creek and craft language for future possibility
- Feels CalTrans should participate and help complete the round-about to help mitigate traffic problems in the area
- Look at improving Alan Road/Cliff Drive intersection - possibly a simple four-way traffic control
- Would the proposed bioswale impact Lots 10 and 11?
- Ten-foot bike path needs to be functional for emergency vehicle access to Alan Road
- Focus traffic mitigation fee on projects (improvements) that could make a difference immediately
- Example of traffic mitigation: A developer offered to provide funding in public right of way in Goleta, then he had a way of being paid back. Is there any way to arrange it so the developer fronts the money for traffic improvements and then gets reimbursed?

**Bill Mahan**

- Document is very thorough, beautifully presented
- Short-term noise impact - EIR should look at scheduling of bridge construction for least impact
- Agrees with Commissioner House regarding traffic comments – should focus on addressing this as it is the main issue
- Agrees that bridge impact is not significant - wildlife will still be able to get through with the bridge in place
- Look at additional creek restoration on property to north to further mitigate wildlife impact
- Clearly show parcel lines in relation to creek to assess what is in creek and what is not

**Bendy White**

- Need to consider all other projects in area with respect to changes in the Las Positas Valley
- Need more information on trip generation of proposed Elings Park, Douglas Family Preserve, and Hillside House projects in the document
- Concerned with impacts of development on slopes over 30% - why isn't it a significant impact?
  - Refer to Conservation Element Policy regarding development on slopes over 30%
- Consider additional alternatives to project:
  - "No Annexation" alternative and apply County policies and allowed density
  - "No Bridge" alternative
  - "Low density" alternative (don't include portion currently zoned 1 unit/20 acres) with only a few units by Alan Road
  - Consider alternative without re-zoning 4-acre portion (1 unit/20 acres)

**Jonathan Maguire**

- Not in favor of project that would bring access off of Alan Road
- Agrees with DEIR that bridge is a Class I impact
- A very thorough EIR, beautiful document
- CalTrans has been more cooperative lately, so City needs to push them with respect to traffic signal at bridge/Las Positas Road intersection

- Reconsider statement on page ES-21 regarding no warrant for traffic signal
- Agrees with Commissioner House that traffic mitigation fee should be spent on one project rather than spread it out over several projects