

1820-1826 DE LA VINA STREET
FINAL MITIGATED NEGATIVE DECLARATION
RESPONSE TO COMMENTS

SEPTEMBER 15, 2011

INTRODUCTION:

An Initial Study was prepared for the 1820-1826 De La Vina. Street project because the California Environmental Quality Act (CEQA) requires that an environmental assessment of the proposed project be provided. The Environmental Analyst found that, although the proposed project could potentially have significant adverse impacts related to Biology, Cultural Resources and Noise, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to reduce less than significant impacts associated with Air Quality and Cultural Resources.

A Draft Mitigated Negative Declaration (MND) was prepared for the proposed project, and a public review period was held from July 19, 2011 to August 12, 2011. Comment letters were received from the following members of the public during the comment period:

1. Eric Gage, Santa Barbara County Air Pollution Control District (APCD)
2. Dawn Barnier, Interested Party
3. Paula Westbury, Interested Party

On August 11, 2011 the Planning Commission conducted a public hearing to accept testimony regarding the Draft MND. One member of the public provided verbal comments at the hearing.

Responses to the comments received regarding the Draft MND are provided below, and the comment letters received are attached. In some instances, the text of the Final MND has been revised or augmented in response to comments.

The purpose of this document is to respond to specific comments received pertaining to environmental issues in the Draft MND; however, all comments will be forwarded to the Planning Commission for consideration.

COMMENTS AND RESPONSES

Letter No. 1

Eric Gage, APCD

July 14, 2011

- 1-1. **Comment:** APCD had no comments on the MND, but offered suggested permit conditions.

Response: Comment noted, no response required.

Letter No. 2

Dawn Barnier, Interested Party

July 28, 2011

- 2-1. **Comment:** The Traffic Assessment report dated August 22, 2008 is outdated and does not accurately reflect current existing average daily traffic activity.

Response: An updated Traffic Assessment (dated August 18, 2011) was prepared for the project. The Initial Study has been updated to reflect the updated information. The Assessment concludes that there would be no project-specific or cumulative traffic impacts resulting from the project because it would add less than five peak hour trips to impacted intersections in the vicinity. The Institute of Transportation Engineers (ITE) land use used to calculate traffic generation from the site was Assisted Living, which is fully described in Exhibit I of the Initial Study. The proposed facility is completely consistent with the definition of assisted living provided therein, and the traffic rates associated with it account for services such as dining, housekeeping, social and physical activities, medication administration and transportation. Therefore the traffic rates used account for visitors, employees and vendors.

De la Vina Street is a two-lane, one-way street. The General Plan Update Final Certified EIR (2010) identifies traffic on De la Vina as "generally free flow." Vehicle capacity for each lane of travel is 1,600 vehicles per hour. Therefore, the hourly capacity of the street is 3,200 vehicles and the daily capacity is 76,800 vehicles. The most recent City data indicates that there are approximately 8,500 average daily trips for the 1700 block of De la Vina, well below its capacity. Therefore the project's added trips will not create capacity issues on this street.

The nearest impacted intersections to the project site are Mission Street at US 101 Southbound and Mission Street at US 101 Northbound (LOS E and D, respectively). The De la Vina at Mission Street intersection operates at LOS A.

- 2-2. **Comment:** Parking on site will consist of 20 spots. Two parking spots are designated handicapped. 13 employees will utilize the majority of the on site parking. Residents may opt to park their own personal vehicle on the property resulting in additional designated/assigned parking.

Response: Comment noted. Parking is not an issue that is addressed as part of the California Environmental Quality Act. This land use issue will be addressed in the Staff Report for the project.

- 2-3. **Comment:** Driveway entrance will consume 24' with proposed adjacent fire hydrant eliminating 6' of current street parking directly in front of property. Approximately 80' current red zone on north and south sides of De La Vina and Islay.

Response: This comment is referring to the loss of on-street parking resulting from the project. Comment noted. Parking is not an issue that is addressed as part of the California Environmental Quality Act. This land use issue will be addressed in the Staff Report for the project.

- 2-4. **Comment:** No parking is available on the north (east) side of De la Vina Wednesday from 9AM-noon, or on the south (west) side of De la Vina Thursday from 9 AM-noon

Response: Comment noted. This represents an existing condition and does not affect environmental issues. Parking, both on- and off-site, will be addressed in the Staff Report.

- 2-5. **Comment:** 120 meals per day to be prepared. All food, beverages and associated meal preparation (cleaning supplies, paper goods, etc) deliveries will need to be done curbside due to no turn around on property.

Response: Refer to Response 2-6.

- 2-6. **Comment:** All deliveries to facility (linens, special occasion, biohazard removal, durable medical equipment, office supplies, pharmacy, etc) will need to be done curbside due to no turn around on property.

Response: Large commercial deliveries are anticipated to be provided by Jordano's, Mission Linen, The Berry Man, and Federal Drug. These four vendors have the availability to transport using only smaller vans with a maximum 11'6" head clearance (Federal Drug uses a small van exclusively). This would allow each vendor to drive completely on to the site, turn around in the garage, and exit to De la Vina without staging vehicles on De La Vina Street. The remainder of deliveries typically occur through UPS or USPS. Delivery service for food and medical supplies would be once or twice a week by Jordano's The Berry Man and Federal Drug with linen service provided by Mission Linen.

- 2-7. **Comment:** Each shift change will incur 13 employees leaving and 13 employees arriving altering the meaning of on/off peak hours and increasing traffic volume and noise.

Response: The facility would be staffed twenty four hours a day. Shift changes would occur three times daily, at 7am, 3pm and 11pm. The daytime shift is staffed most heavily and would include a maximum of twelve employees at any one time. However, shift changes do not include a complete turnover of staff at any given time. Shift changes are proposed to occur as identified in the applicant's Operational/Staffing Plan (Exhibit J of the Initial Study), and a maximum of eight employees would arrive/depart at any given time.

It is anticipated that traffic to and from the site would increase slightly during the time periods immediately surrounding the shift changes. However, these shift changes are outside of the "peak" hours as they relate to impacted intersections in the project vicinity (A.M. peak is 7-9 A.M. and P.M. peak is 4-6 P.M.). Therefore, the increased trips would not result in significant impacts to area intersections or the street itself. Refer also to Exhibit I of the Initial Study, which explains the traffic generation rates used and typical patterns associated with shift changes at Assisted Living Facilities. As identified in Section 11.a of the Initial Study, the project will result in increased daily trips on De la Vina Street (79 additional average daily trips). However, this will not result in an environmental impact because the City does not have thresholds of significance for traffic volume other than at intersections. As noted above, the project will not add a significant number of trips to any area intersections. Additionally, the Applicant intends to include on-site meals as part of the employee benefits package, so staff will be less likely to leave the site for lunchtime or for breaks.

The addition of 79 average daily trips (ADTs) from the project to De la Vina and surrounding streets represents a very small increase in ambient noise (less than 1 dB(A) CNEL), and would be a less than perceptible increase in average noise levels.

- 2-8. **Comment:** Nature of facility (seniors suffering from Alzheimer's or various forms of dementia) will increase frequency of first responders 24 hours day/7 days a week.

Response: Staff has not found any strict statistical data indicating rates of emergency calls; however, Heritage House (a similar local care facility with 68 rather than 40 beds) generates about one call every one or two weeks. While this may constitute an increase in the frequency of first responders in the immediate neighborhood, it does not represent a significant environmental impact related to either noise or traffic.

The following additional information has been provided by the applicant: It is anticipated that residents of this facility would originate from a 5-10 mile radius, which means they are people already living in the immediate area. These same people would receive home health care or critical care response in their homes if not serviced by a facility such as this. By consolidating their care in a common socialized environment, not only are many issues associated with nutrition, direct care, and accessibility addressed, but the incidence of emergency calls is reduced in total. Falls, incidence of self or elder neglect, or compromised health are often avoided. Emergency response is anticipated, but the majority of emergency calls are generally associated with assessing a non life-threatening condition, therefore ambulances often respond without sirens. The intent of the RCFE program, administered under Title 22 of the Department of

Social Services, was to integrate residential care programs into residential neighborhoods so that residents could continue to live within the fabric of the community they once called home, instead of being forced to live in a skilled nursing facility. This project is located just south of a neighborhood commercial corridor and within close proximity of Cottage Hospital and other associate sub-acute programs. Generally this is considered an optimum location for a residential care program.

- 2-9. **Comment:** Ancillary services and allied health care professionals as well as family/friends visiting will increase already congested De la Vina Street, substantially increasing traffic flow and utilizing already limited street parking.

Response: Activities programming and personal care is provided on site with a full time nurse included on staff. While there may be infrequent visits from home health care for individual residents receiving hospice services, physical therapy or invasive wound treatment, these visits are brief (usually ½ hour or less). Physician house calls are very rare. The greater percentage of health care services are administered on site by staff working by phone, fax and e-mail with licensed health care providers who have oversight of a resident. The community is not envisioned as a sub-acute care or skilled nursing project, in which staffing ratios would be higher, and the array of permissible health care conditions and services would be more acute (requiring greater outside vendor care).

As discussed in Response 2-1, the traffic study accounted for these types of activities as part of the use, as well as resident visitors (family and friends). Therefore the traffic analysis in Section 11.a of the initial Study has addressed this issue.

- 2-10. **Comment:** Proposed facility not compatible with architecture character of neighborhood.

Response: As discussed in Section 1.b of the Initial Study, the project design has been reviewed by the Architectural Board of Review (ABR) on three occasions. The ABR was satisfied with the site planning and proposed architectural style, and found the proposed project to be in compliance with the City Charter and applicable Municipal Code requirements, consistent with the Design Guidelines and compatible with the architectural character of the City and the surrounding neighborhood.

- 2-11. **Comment:** Potential for overlap construction of two projects within 4 blocks due to recent house fire burning structure to the ground (Micheltorena & De la Vina Street).

Response: It is difficult to predict when a project will begin construction, much less to accurately predict what projects will be under construction in a given area simultaneously. If approved, the proposed project would likely begin construction no sooner than January 2012, and construction is anticipated to last for 13 months. Construction impacts (typically related to traffic, noise and air quality) are temporary and generally considered adverse, but less than significant. Even if multiple projects were to be under construction simultaneously in the vicinity of the project site, due to

the size of the proposed project and potential size of area development, impacts would not rise to a level of significance. Building/demolition permits for the referenced structures damaged by fire have already been issued by the City, and work is on-going at this time.

- 2-12. **Comment:** Per June 23, 2011 Initial Study/Environment Checklist MST2009-00536 “activities and transportation to medical services and outdoor activities as part of the regular daily program” (Page 2 Project Operations) will further increasing traffic volume.

Response: Refer to Responses 2-1, 2-9 and 2-13.

- 2-13. **Comment:** Purpose of facility to provide safe, healthy environment and ensure quality of life. Services, events, and activities associated may include: regularly scheduled social events for family/friends impacting street parking w/simultaneous arrival-departure; on site activities/services (beauty salon/barber, arts/crafts, exercise, music/singing, games, personal allied health care needs (OT, PT, SLP). With staff of 12-13, these services will need to be subcontracted and specific to each resident’s needs.

Response: A full time activities director is on site to coordinate the activities program. While there may be appearances by musicians, clergy etc. on a weekly or bi-weekly basis, outside vendors would play no part in routine activities programming. Because residents are struggling with issues related to Alzheimer’s and dementia, most activities are focused on maintaining as much independence as possible in achieving personal care, ambulation, and cognition. In this level of care, vibrant, active and community based activities (similar to those you would find in an independent or assisted program) are generally not found because it can become upsetting to residents. Caregivers are trained as “universal workers” to assist in direct care, activities and meal service. This facilitates a greater familiarity between staff and residents, resulting in less confusion. Staff also has intimate knowledge of a resident’s cognitive and physical condition and can more effectively tailor activities so that they are useful or enjoyable to a resident.

Residents are transferred off site for medical visits and activities by facility van. Trips are scheduled three times a week (generally Monday, Wednesday and Friday). Because of testing preferences, many medical trips are made in the very early morning (7-8 am) or mid afternoon. Because of the frail nature of this population, residents are also taken on chaperoned driving tours or visits to a restaurant or beach once or twice a week. Service however, is very different than a bus servicing active senior residents (like Villa Santa Barbara, Samarkand or similar), which would be coming and going far more often to satisfy the autonomous needs of residents.

There are three primary special events in which a larger family attendance is expected: Mothers Day, Easter and Thanksgiving. Female residents represent 80-90% of the population, so Father’s Day is a much more sparsely attended event. At these events a noon-time meal is served between 12 - 2 p.m. It is estimated that approximately 20-25% of residents have families that would come in for a holiday meal. The remainder

are often picked up by family members and returned during the course of the day, or receive a visit in late afternoon after the family's own holiday meal is complete. Because all special events fall on holidays, traffic impacts will be minimal. The Applicant has researched valet service to provide additional parking on site during these events, and preliminary review indicates that an additional 10-15 cars could be parked on site by using a valet service. Any larger family-based event beyond those previously mentioned, would include valet parking on site.

As discussed in Response 2-1, the traffic study accounted for these types of activities as part of the use. Therefore the traffic analysis in Section 11.a of the Initial Study has addressed this issue. With regard to potential parking impacts associated with the project, parking is not an environmental issue addressed as part of the California Environmental Quality Act. This issue will be addressed in the Staff Report for the project.

- 2-14. **Comment:** Residents provide own personal belongings (furniture, memorabilia, etc.). Increased frequency of move-in/out. Leases not usually associated with these types of facilities.

Response: Residents will live in rooms ranging from 285 to 325 square feet. Therefore, residents' larger belongings would generally be limited to a twin bed, a night stand, dresser, easy chair and a small television. Large, multi-axle moving vans would typically not be used to transfer belongings. Family members typically approach move ins in one of two ways: either they move items in family owned vehicles (like a truck), or they rent a small van to transport. In either case, staging can occur on site. Length of average resident tenancy varies, but is generally expected to be 1-3 years. Resident turnover is not so frequent as to be different from other multi-family units in the area. Impacts to traffic would be less than significant.

Letter No. 3
Paula Westbury, Interested Party
August 8, 2011

- 3-1. **Comment:** Expressed general concern with the project and environmental review.

Response: Comment noted, no response required.

Comments from Planning Commission
August 11, 2011

- 3-1. **Comment:** Commissioner Jordan would like to see better information to support arguments made that the impact is less than significant or potentially significant but mitigable related to transportation (i.e. explain commercial deliveries, vehicle size, frequency, etc.); commented on the acceptability of the identified noise mitigation on the three units closest to the street; and requested additional information on the effectiveness of proposed mitigation for the large oak tree in the front.

Response: Refer to Responses 2-1, 2-6 through 2-9 and 2-13 for additional discussion of traffic and circulation issues.

Identified noise mitigation (mitigation measure N-1) requires that a detailed interior noise analysis be prepared as part of the application for a building permit. This is not an uncommon requirement for new development. Examples of potential noise mitigation are identified in the mitigation measure so that the mitigation is not simply deferred until a future date should standard construction techniques not achieve the required noise attenuation. For clarification, a windows closed condition means that the affected units must have a fresh air supply system (e.g. air conditioning) in order to properly ventilate indoor air should residents choose to keep their windows closed due to noise levels.

Refer to Response 3-3 for discussion of tree mitigation.

- 3-2. **Comment:** Commissioners Bartlett and Lodge would like to see a more current Traffic Study that is applicable to this project and the understanding of the impact made by deliveries and the shuttle van logistics, as well as the impacts to traffic caused by employee shift changes. Commissioner Bartlett is not satisfied with the identified tree mitigation. Commissioner Lodge would also like to see more analysis on parking and trips and is concerned with the impact to the neighborhood.

Response: An updated Traffic Study has been prepared and is incorporated into the Initial Study. Refer to Responses 2-1, 2-6 through 2-9 and 2-13 for additional information on deliveries, shuttle van, shift changes, etc. and their impacts on traffic.

Refer to Response 3-3 for discussion of tree mitigation.

Parking is not an environmental issue under CEQA; refer to Staff Report for additional discussion on parking. Refer to the Plans and Policy section (beginning on page 4) and Section 13 of the Initial Study, as well as the project Staff Report, for additional discussion of impacts to the neighborhood.

- 3-3. **Comment:** Commissioners Jordan and Bartlett were not satisfied with the mitigation on the oak tree as being 3 5-gallon oak trees and would like mitigation that puts effort on not losing the tree and better mitigation. The mitigation for replacement should be equivalent to the current tree diameter.

Response: Identified oak tree mitigation has been amended to include additional measures to protect the existing oak (both during construction and long-term) and larger sized tree replacement should the oak not survive despite the identified protection measures. Refer to Mitigation Measures BIO-1 and BIO-2. The City Arborist has reviewed the proposed mitigations, and believes that if the tree protection measures are followed, the tree should survive and replacement will not be necessary.

An increased number of replacement trees was not proposed due to the limited areas in which replacement trees could be planted. Installing too many trees could be

detrimental to the survival of new trees, as they would compete for soils, space and water.

A 48-inch box tree, which is currently proposed as mitigation, is typically a fairly mature tree with 3-7 years of growth at the nursery. Costs for these trees can be up to several thousand dollars. For comparison purposes, the height of a 5 gallon tree (previously identified as mitigation) is typically 2-5 feet, whereas a 48-inch box tree typically has a height of 10-30 feet. The reason a larger tree size was not identified was because 60-inch and larger trees require more invasive equipment (hydraulic spades, cranes and special trucks) which would have more impact on the neighborhood during installation.

- 3-4. **Comment:** Commissioner Schwartz does not see sufficient mitigation for what is seen as significant impacts to the immediate neighborhood. Would like to see more information about employees, visitors and deliveries and their impact on the street.

Response: Refer to Responses 2-1, 2-6 through 2-9, 2-13 and 2-14.

- Attachments: 1. Letter from APCD
2. Letter from Dawn Barnier
3. Planning Commission Minutes, August 11, 2011

