

## **APPENDIX E**

### **RESPONSES TO COMMENTS ON THE DRAFT EIR AND AT THE ENVIRONMENTAL HEARING**

#### **Final Environmental Impact Report, Veronica Meadows Specific Plan City of Santa Barbara**

---

**INTRODUCTION:** Per CEQA Guidelines Section 15088, the City has evaluated comments on environmental issues received from persons and agencies that reviewed the Draft EIR, and has prepared a written response to each comment below. The comment letters are presented in Appendix D.

In some cases, the responses to comments have resulted in changes to the main text or figures in the Final EIR. These changes are noted in the responses to comments, and with underlined sections of the Final EIR.

Three “topical” responses were prepared to address the several major issues raised in the comments letters. These detailed responses with supporting material are presented in Appendix F, and include the following topics:

- Topical Response No. 1. Use of Alan Road as the Access to the Project Site
- Topical Response No. 2. Environmental Impacts of the Proposed Bridge
- Topical Response No. 3. Grading on 30 Percent Slopes

Comments on the merits of, or opposition to, the proposed project will be forwarded to the City decision makers for their consideration. Under CEQA, the responses to comments are focused on environmental issues, analyses, and conclusions in the EIR.

---

#### **Letter No. 1 - Santa Barbara County Air Pollution Control District**

1-1. The comment by the APCD requests that the City consider a mitigation measure to require only gas fired fireplaces in the new residences. The analysis in the Draft EIR concludes that wood burning fireplaces in the new residences would not cause a significant air quality impact. Hence, the City does not consider it necessary to impose this mitigation measure to reduce a significant impact. This comment will be forwarded to the City decision makers for their consideration as a land use, public safety, and general planning issue.

#### **Letter No. 2 - Santa Barbara County Planning & Development, Comprehensive Planning**

2-1. The analysis of the “Alan Road Access Alternative” has been expanded in Section 4.5 of the Final EIR to provide additional clarification of the potential impacts of this alternative compared to the proposed project with access from the bridge over Arroyo Burro Creek. In

addition, a detailed evaluation of this issue is presented in Topical Response No. 1 – Use of Alan Road as the Access to the Project Site (see Appendix F). The City concludes that there are significant environmental impacts associated with the proposed bridge access (i.e., impacts to riparian habitat), and adverse environmental impacts associated with the alternative access from Alan Road (i.e., impacts to neighborhood quality of life). The Final EIR concludes that the Alan Road Access Alternative is environmentally superior to the proposed project based simply on the fact that it would avoid a significant impact to a sensitive environmental resource – impacts of the bridge on the creek and associated riparian habitat. However, this alternative would have adverse (but not significant) effects on neighborhood traffic and noise conditions. The City decision-makers will need to consider and balance amongst these issues when selecting a preferred access alternative after certifying the Final EIR and conducting a public hearing.

- 2-2. The County recommends that the creek setback be 100 feet from the top of bank or the edge of the riparian corridor, whichever is greater. The buffer zone would be used for native habitat restoration and open space, and a pedestrian/bike path would be acceptable at least 25 feet from the top of bank. As noted in the comment, the proposed creek setback is based on the top of bank, and would allow roads and yards in the outer 50 feet. However, as also noted in the comment, Section 4.0 of the EIR contains two creek setback alternatives that generally address the County’s concerns expressed in the comment: (1) a 100-foot wide setback with no development in the buffer zone except for a path; and (2) a 100-foot wide setback with additional buffer zone width in areas where creek erosion may occur in the future. These alternatives match those presented in the County’s comments. The Final EIR provides a detailed comparison of all alternatives, including the creek setback alternatives. The Planning Commission will consider these alternatives during the public hearing on the proposed project.
- 2-3. The County is correct in stating that the proposed project was already in the permit process before the adoption of the City’s Inclusionary Housing Program, and as such, is not subject to the program requirements. The County recommends that the applicant voluntarily provide one or more unit that would be available to households with 120-200% of the median income. The County’s suggestion will be forwarded to the Planning Commission for consideration during the public hearing.
- 2-4. The County comments that many of the proposed residences would be relatively large (over 4,000 square feet). The EIR did not identify significant impacts associated with the number or size of residences. As such, there is no basis under CEQA to evaluate an alternative with smaller residences or all duplexes. However, the alternative section of the EIR (Section 4.0) identified several creek set back alternatives that would result in the loss of lots. If these alternatives are selected by the City decision makers, the applicant may, in turn, consider reconfiguring the number and size of residences to maintain the economic feasibility of the project.
- 2-5. The County’s comment concerns joint City-County efforts to meet affordable housing needs during annexations such as the proposed project. As part of the earlier concept review of the project, the Planning Commission had extensive discussions of housing types and affordability levels suitable for the project site. Due to the substantial environmental constraints at the site

that limit developable area, along with the more rural character of the area and existing nearby development patterns, the Commission noted that higher density clustered affordable housing may not be suitable and compatible for this site in consideration of good land planning principles.

The affordability of project housing may be further discussed by City decision-makers as a policy matter as part of their consideration of the project.

**Letter No. 3 – Althouse and Meade, Inc. (Applicant’s biological consultant)**

- 3-1. The City has considered this, and other comments, concerning the determination in the Draft EIR that the proposed bridge over Arroyo Burro Creek would result in a significant, unmitigable impact (Class I). Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F). Based on a consideration of the comments and additional analyses of this issue, the City has determined that the impact classification in the EIR is appropriate and supported by substantial evidence.
  
- 3-2. The commenter indicates that the adjustment in the EIR to the applicant’s identified top of bank at the site of the exposed sewer line (about 450 feet north of Alan Road) is not justified because of the following reasons: (1) the existing bank failure is due to “ditching of the top of bank for the pipeline,” and is not a natural feature; and (2) the bank failure at this site is a “dysfunctional part of the creek.”

The EIR preparers interviewed the City Public Works staff that was at the site during the January 1995 El Nino storms which caused significant flooding and bank erosion along Arroyo Burro Creek (Manuel Romero, pers. comm.). The staff was present when the bank failed. They observed that the bank was undermined by high velocity flows which eroded the toe of the bank, causing the upper bank to slide into the creek. The bank failure exposed the sewer pipe, which required the City staff to hastily repair the pipe to maintain its integrity and to prevent a discharge that could erode the bank further. The bank did not fail due to overland flow, nor due to high water elevation. Flows in the creek were at least 8 feet below the pipeline. The bank failed at this site due to erosion at the toe of the bank. Hence, the commenter's assertion that the bank failed due to soil weakness surrounding the pipeline is not supported by observations of the failure event.

Bank failures are common along Arroyo Burro Creek from Modoc Road to Cliff Drive due to two primary factors: (1) the trend towards channel incision that has been observed along the creek over the past 30 years which undermines banks, and (2) the young geologic age and unconsolidated nature of the stream terraces along the floodplain which are highly susceptible to erosion. Bank erosion and localized failures are natural processes in a floodplain and along Arroyo Burro Creek. The event that resulted in the bank failure at the project site is not considered unusual or unnatural. The failed bank is one of many natural functions of a floodplain – reducing energy of flood flows, providing sediment for downstream floodplain development and beach replenishment, and creation of new early successional riparian habitats on active stream terraces. The presence of bank failure does not indicate that the floodplain

processes at the project site are “dysfunctional,” only that natural processes can represent land uses constraints that must be addressed in order to avoid significant environmental impacts while pursuing land development objectives.

- 3-3. The commenter asserts that the bank failure near proposed Lot 7 is not a “functional part of the creek,” and as such, there is no justification for expanding the top of bank to the edge of the bank which is readily observed in the field. The commenter further states that the presence of castor bean, an exotic weed, on the slope of the failed bank is evidence that this area functions more as an upland habitat rather than as a riparian habitat.

The EIR preparers have re-examined the bank failure area and believe that the adjustment to the top of bank is justified for the following reasons:

- The bank failure area was created by natural floodplain processes during flood events, and is not an artifact of man-made activities.
- The slumped bank is dominated by a mixture of castor bean, giant reed, and willows. All of these plants are commonly found on creek banks throughout the South Coast. Castor bean is typically found in moist areas, including disturbed rights of way, ditches, and creek corridors. It is not restricted to upland habitats.
- The failed banks have created a depression with a mid-level stream terrace that is situated above the main creek channel and below the uplands area with oak woodlands. This depression has created a micro-climate with higher moisture content than the adjacent uplands due to shade from the giant reed plants and the proximity of the creek. This microclimate was created when the bank failed (due to creek flows) and is maintained by the proximity of the creek and the presence of riparian-related plants on the banks.
- The slumped banks and depression created at this site are considered functional parts of the creek because the vegetation in the depression is continuous with the willows and giant reed on the lower creek banks, creating a dense and unbroken riparian cover from the EIR-identified top of bank to the creek bottom.
- The depression created at this site is considered a functional part of the creek because physical processes at the site such as soil erosion, overbank runoff, deposition of leaf litter, and death of woody plants would be more closely associated with the creek than the adjacent uplands simply due to the effect of gravity.

- 3-4. The commenter questions the basis for the EIR conclusion that the Alternative Creek Setbacks (Section 4.10) are environmentally superior to the proposed project with the 100-foot creek setback when the impacts of the project on creek resources are considered significant, but mitigable (Class II).

An alternative is considered environmentally superior if it reduces impacts to a greater degree than other alternatives, or provides other environment benefits that would offset or outweigh

unavoidable impacts. The EIR identifies several alternative creek setback distances that would increase the buffer zone between Arroyo Burro Creek and the proposed land development, including roads, yards, and residences. Increasing the buffer zone width and managing it for riparian habitat would reduce the following impacts associated with the proposed project (even though these impacts can be mitigated to a less than significant level by the EIR mitigation measures): (1) disturbance of riparian-associated wildlife due to noise, night-time lighting, human activity, pets, and traffic; (2) adverse effects of herbicide use in residential areas on aquatic and riparian resources; (3) adverse effects of stormwater runoff from roads and residential areas on creek water quality; and (4) potential degradation of riparian vegetation due to invasive exotic plants from residential areas. A wider buffer zone provides greater distance and vegetation to “filter” or otherwise screen the creek from the adverse impacts of residential land uses. There is substantial evidence in the scientific literature and natural resource management fields that demonstrate larger and deeper habitat areas are generally more productive, support greater abundance and variety of wildlife, and are more resilient to human disturbances. The larger buffer zones associated with the alternative creek setbacks would also provide a greater assurance that a creek buffer zone would be present indefinitely, even after catastrophic flood events that could erode the creek banks and adjacent buffer zone. Finally, a wider setback can reduce or avoid the need for vegetation management for fire abatement if the riparian buffer zone is located outside the defensible space limits.

- 3-5. Mitigation Measure W-1 (Section 3.1.5) and the Alternative Drainage and Stormwater Treatment (Section 4.11) include the use of infiltration areas along the creek corridor (not retention basins, as stated in the comment) to filter stormwater prior to being discharged to the creek, and to maintain the current floodplain moisture conditions that support riparian vegetation along the creek. The EIR preparers believe that this approach is appropriate for the project site, and can be incorporated into the drainage design without increasing bank failure due to oversaturation of the banks. The final design of the modified drainage system would require analyses and approval of professional engineers that would attest to the safety of the system, per Mitigation Measure W-4, Section 3.1.5).
- 3-6. (a) The commenter states that increasing the creek setback “will do little to improve water quality.” The EIR preparers disagree with this assertion. By its very nature, a creek setback provides soil and vegetation where rainfall and runoff can be filtered through percolation or through interaction with rooted vegetation and leaf litter. Vegetated creek buffer zones can be very effective at capturing and retaining sediment, pesticides, oil/grease, and metals from upgradient areas. A wider buffer zone provides more space for this biofiltering effect, and more residence time for the stormwater to be treated. Section 4.10 of the EIR has been revised to acknowledge these benefits.
- (b) The commenter states that increasing the creek setback “will do little to improve aquatic habitat.” The EIR preparers disagree with this statement. Riparian habitat on and above creek banks, including creek buffer zones, support aquatic habitat in the creek bottom by providing shade trees on the banks, providing replacement shade trees due to natural plant reproduction, and creating moist and shaded areas to support insect populations that are used as food sources

for fish and amphibians in the creek. Section 4.10 of the EIR has been revised to acknowledge these benefits.

(c) The commenter states that increasing the creek setback “will not reduce bank erosion.” The EIR preparers agree; however, a larger setback will allow natural erosion and bank failure to occur with a small loss of buffer zone habitat. In addition, the larger setback would allow catastrophic bank failures to occur without jeopardizing the nearby pedestrian/bike path, utilities, or roads. Section 4.10 of the EIR has been revised to acknowledge this benefit.

(d) The commenter states that increasing the creek setback “will increase public safety concerns by increasing bank top vegetation density along a public walkway and bike path.” The EIR preparers disagree with this conclusion. There is no substantial evidence that a wider riparian corridor with dense vegetation results in a rural or suburban area having higher rates of violent crime. In addition, the path can be located outside the dense vegetation with high visibility and low-intensity night-time lighting to address any security issues. No changes to the EIR are considered necessary in response to this comment.

(e) The commenter states that increasing the creek setback “will not provide additional aesthetic improvement.” The EIR preparers disagree with this conclusion. Providing a wider creek buffer zone with greater density of vegetation would improve the aesthetic setting for residents of the new development (as well as general public using the creek trail) because it would provide visual and noise screening of Las Positas Road. Section 4.10 of the EIR has been revised to acknowledge this benefit.

(f) The commenter states that the EIR concludes that “other measures are more effective [in reducing impacts] than increasing setbacks.” The EIR preparers disagree with this characterization and interpretation of the EIR analyses. Table 3-11 of the EIR clearly states that certain management actions would be more effective in reducing the following impacts than simply increasing the creek setback without any management actions: herbicide/pesticide pollution, invasive weeds from residences, street lights, and human disturbance from pets and pedestrians. The EIR does not state that management measures would be more effective in protecting or enhancing riparian and aquatic habitat, water quality, or wildlife that reside in the creek. Section 3.3.2 of the EIR has been revised to clarify these conclusions.

3-7. The commenter asserts that the riparian corridor along Arroyo Burro Creek at the project site is depauperate in aquatic and wildlife species, when compared to the fauna of the upland habitats (when considered as one unit) – coastal sage scrub, oak woodland, chaparral, ornamental trees, ruderal vegetation, and eucalyptus woodland. This comparison is invalid – the commenter is comparing a combination of six habitats with a single habitat. The EIR preparers disagree with the commenter’s assertion that the riparian habitats at the project site are depauperate, simply because they contain a high percentage of exotic plants. The creek corridor provides more plant productivity, vegetative structure, aquatic habitat, insect life, and shelter than any other single habitat at the project site. The abundance and variety of wildlife in a creek corridor are expected to be relatively high compared to adjacent uplands. No changes to the EIR are considered necessary in response to this comment.

- 3-8. It has been the observation of the EIR preparers that surface flows are present year-round and year to year (excluding the drought years) in Arroyo Burro Creek from Veronica Springs Road to Cliff Drive. In dry years or in the summer, surface flows may be intermittent. However, there are numerous springs in the Bel Air Knolls hills that discharge to the creek even in the summer. The EIR preparers agree that mosquito fish are present in the creek. No changes to the EIR are considered necessary in response to this comment.
- 3-9. Section 3.3.1.2 of the EIR has been revised to indicate that scrub habitats may exhibit seasonally high abundance of birds, as noted in the comment. The commenter states that the scrub habitat has greater wildlife diversity than the riparian habitats along the creek, and lists seven mammals. Six of these mammals also occur in riparian habitats. The EIR preparers do not agree that the scrub habitat at the project site has an overall greater species diversity than the riparian corridor at the project site.
- 3-10. The description of ruderal vegetation in Section 3.3.1.3 of the EIR has been modified to include castor bean as suggested by the commenter. The reference to castor bean exhibiting a vine like growth pattern has been removed from this section.
- 3-11. When discussing pools in the creek, the term “width” refers to the dimension of the pool that is perpendicular to the flow line. When discussing pools in the creek, the term “length or long” refers to the dimension of the pool that is parallel to the flow line. No changes to the EIR are considered necessary in response to this comment.
- 3-12. The EIR preparers observed flows up to 5 cfs during the early summer field investigations. No changes to the EIR are considered necessary in response to this comment.
- 3-13. The typographic error has been corrected in the EIR.
- 3-14. The EIR preparers have no evidence that the southwestern pond turtle is or is not present on lower Arroyo Burro Creek. However, based on field investigations by the EIR preparers along the creek over the past 10 years, suitable habitat occurs throughout the reach from Modoc Road to Cliff Drive. The EIR preparers believe that the turtle may be present in low numbers along the lower creek, which may or may not include the project site. No changes to the EIR are considered necessary in response to this comment.
- 3-15. The EIR preparers respectfully disagree with the comment that proposed detention basin, located in the center of the site, would “increase groundwater at the site.” As described in detail in Section 3.1 of the EIR, the proposed drainage system would restrict flows, reduce areas of infiltration, and increase runoff from the site. The commenter states that base flows in the creek are supported by the upper watershed, not local runoff. The EIR preparers also agree that the creek base flows are derived primarily from the upper watershed. However, the infiltration in the floodplain at the project site is important for supporting riparian vegetation, not simply base flows. Hence, the reduction in infiltration and floodplain storage associated

with the proposed project would adversely affect riparian habitat at the project site. No changes to the EIR are considered necessary in response to this comment.

- 3-16. The fact that the nighthawk is a transient visitor to the site rather than a resident bird does not negate the EIR conclusion that night-time lighting could affect night-foraging species at the project site. No changes to the EIR are considered necessary in response to this comment.
- 3-17. The use of scientific names in the main body of the EIR is not considered necessary because the EIR has been designed for a wide range of readers, including non-technical lay persons. The absence of scientific names in the narrative does not impede an understanding of the resources at the project site and the impacts of the proposed project. A list of wildlife species observed at the project site by different biologists is provided in Appendix F.

#### **Letter No. 4 – Peak-Las Positas Partners (Project Applicant)**

- 4-1. The City appreciates the background information provided in this comment, which may be useful for parties interested in the recent history of the proposed project. This information does not affect the analyses or impact conclusions in the EIR.
- 4-2. Under the CEQA Guidelines, the EIR must identify the environmentally superior alternative, other than the No Project Alternative as information for the City's decision makers to consider. Based on the analysis in Section 4 of the EIR, the proposed project is not the environmentally superior alternative, as asserted in the comment. The environmentally superior alternative identified in Section 4.12 of the Final EIR would have fewer significant impacts (Class I and II) and less-than significant impacts (Class III) with lower magnitudes compared to the proposed project, while still meeting most of the project objectives. The basis of determining the environmentally superior alternative is not community benefits provided by the project, the number of units, or the project changes that occurred during the application and environmental review processes.
- 4-3. The City recognizes that the project proposal has been modified by the applicant throughout the application process in response to staff concerns, including those related to environmental impacts and compliance with applicable codes and ordinances. In certain situations, the staff has indicated to the applicant that variances from City codes, ordinances, and standards may be considered by the City decision makers and Building Department, but only after completion of environmental review and a public hearing. The fact that the applicant has modified the project to address initial staff concerns does not preclude the subsequent environmental review process from raising these concerns again, or from identifying new ones. The environmental review process is based on a more detailed examination of the proposed project, and not on initial staff analysis during the pre-application and application phases.
- 4-4. The EIR is based on factual data that is reasonably available to the preparers, not on personal opinion, political viewpoints, philosophical considerations, or applicant or neighbor opinions. For most EIR issues areas, direct observations and evidence, coupled with widely accepted impact significance thresholds, are used in the impact assessment. However, the determination



of the significance of an impact may involve professional judgment per CEQA Guidelines Section 15064 (b), which further states that "... an ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting..." The use of City environmental policies and prior environmental review practices when considering the significance of an impact is appropriate because the EIR conclusions must represent the views of the City, the CEQA Lead Agency.

- 4-5. The EIR addresses the impacts of the proposed project on the environment. Hence, the EIR notes that the construction of roads and sidewalks would have a direct physical impact on the topography, drainage, and habitat of the project site. The proposed narrower streets and permeable sidewalks may reduce certain impacts, as noted in the EIR. However, these design elements do not entirely offset the impact of land development.
- 4-6. The City has considered this, and other comments, concerning the determination in the Draft EIR that the proposed bridge over Arroyo Burro Creek would result in a significant, unmitigable impact (Class I). Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F). Based on a consideration of the comments and additional analyses of this issue, the City has determined that the impact classification in the EIR is appropriate and supported by substantial evidence.
- 4-7. The EIR preparers have not been able to locate historic information on the type, precise location, origin, and years of occurrence for the former bridge across Arroyo Burro Creek referenced by the commenter. It appears that some type of crossing was present, at least intermittently, at the project site, as inferred from the historic photographs in Appendix F. See Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) for discussion of bridge abutments.
- 4-8. A detailed description of the topography and habitat conditions at the proposed bridge site provided in Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F).

The EIR correctly describes the locations of the bridge abutments in Section 2.3.6. In addition, a detailed description of the eastern abutment, as it relates to the creek top of bank, is provided in Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F).

The EIR preparers do not agree with the assertion that the creek bank at the site of the eastern abutment is degraded. The bank contains a 30-inch diameter oak tree that is many decades old, and a mixture of willow and giant reed. The dense cover provided by the oak, willow, and giant reed shade the aquatic habitats in the creek, protect the bank from erosion, and provide habitat for birds. The bank is very steep and susceptible to erosion; however, this is a natural condition and does not indicate that the creek is degraded.

- 4-9. (a) A new section (Section 4.12) has been added to the EIR, addressing potential alternative bridge locations. None of the alternative bridge locations within the project boundaries would avoid or reduce the significant impact of the proposed bridge on riparian habitat.

(b) As shown in the historic photographs in Appendix F, it appears that the historic bridge was not located in the bridge easement, but instead, was located north of the easement and the project site. Initial staff comments on the bridge location addressed circulation issues. Final City determination regarding the bridge would occur as part of the approval process before City decision-makers following environmental review.

- 4-10. Reducing the bridge width by removing one of the 4-foot wide sidewalks has been incorporated into a new mitigation measure (Mitigation Measure BIO-8, Section 3.3.4) to further reduce the impacts of the proposed bridge on riparian resources of Arroyo Burro Creek.
- 4-11. The EIR discusses the beneficial impacts of the proposed bridge and pedestrian/bike path through the project site on pedestrian and bike circulation in the following sections of the EIR: Section 3.6.2.2; Section 3.7.2.7; and Section 3.7.3. The EIR concludes that providing a new access from Elings Park and Las Positas Road to Arroyo Burro Beach for pedestrians and bicyclists is a beneficial impact (Class IV).
- 4-12. (a) In order to construct the bridge, the applicant would need to acquire an easement across City-owned land (parcel 0417-010-009), which is managed by the City Parks and Recreation Department. The City Council must approve this easement, and any conditions associated with granting the easement. The commenter suggests that the applicant would “trade” land for this easement, possibly more land than would be required for the easement. The EIR preparers believe that the commenter is referencing the “sliver” parcel (no APN number) that extends across Arroyo Burro Creek. The owners the parcel cannot be located. Hence, a quiet title action would be used to split and transfer ownership of the parcel to adjacent landowners – the project applicant and the City of Santa Barbara. This action would be required for the proposed project, but could be initiated anytime with or without the project. The sliver of land is primarily located in the creek channel, and therefore, would not be “usable” land as asserted in the comment. The trading of easements referenced in the comment would not necessarily provide any benefit to the City’s Park and Recreation Department.
- (b) The commenter also states that the EIR does not adequately discuss the benefits to the City’s Parks and Recreation Department from the proposed restoration of the creek on City-owned. Section 3.3.2.3 of the EIR concludes that restoration of the creek corridor, including efforts on City-owned land, would be a beneficial biological impact (Class IV). The City has preliminary plans to restore these lands under the Creeks Division’s creek and water quality program. If the City determines that restoration of City owned land should be approved as part of proposed project, the restoration would have a financial benefit to the City because the City would avoid some of the costs of the planned restoration for this portion of the creek.
- 4-13. Mitigation Measure W-3 would limit the bridge construction to the period July 1 to November 1 in order to ensure that work in the creek occurred during the low flow periods. This measure would reduce the potential for erosion and sedimentation impacts associated with

the installation of the abutments, construction of wood forms that would need to rest on the creek bed, and installation of the bridge deck that would require in-channel wood forms. The City believes that this measure is an important and standard seasonal restriction to protect water quality from major construction work in a watercourse. The City recognizes that construction traffic would travel on Alan Road during the bridge construction period, which would cause a nuisance to Alan Road residences. However, this impact would be temporary and intermittent, and cannot be avoided. The commenter suggests that a longer period of time be made available for bridge construction (e.g., begin work prior to July 1), and that this longer construction period for the bridge would allow the bridge to be completed more quickly. The EIR preparers do not see the logic in this suggestion. Bridge construction is expected to require 2-3 months. It would be completed prior to the winter season whether work begins in May or July. Hence, there is no basis for modifying Mitigation Measure W-3.

4-14. Comment noted. No response is required, nor is any change to the EIR considered necessary.

4-15. (a) Please see the historic photos of the project site in Appendix F. It does not appear that previous creek crossings (bridge or otherwise) occurred in the “sliver parcel” which has been referenced as the historic bridge easement.

(b) The 1972 Resolution (Appendix F) does not address the potential to extend Alan Road to the north for access to new development, including the proposed project or other similar projects considered in the past for this site. The Resolution only addresses through traffic from Las Positas Road to Alan Road. As such, the Resolution does not directly conflict with the Alan Road Access Alternative (Section 4.5). The 1972 Resolution by City Council does not preclude this alternative. The City Council has the option, at any time and after public hearings and findings, to modify or revoke a resolution of a prior Council.

4-16. The EIR preparers have reviewed the list of community benefits ascribed to the bridge access by the commenter. The EIR preparers have comments on the following benefits:

- Pedestrian and bicycle access between Las Positas Road and Elings Park and the beach - Pedestrian and bike access across the creek can also be provided by a much smaller pedestrian bridge; it is not necessary to construct a vehicular bridge to achieve this circulation benefit.
- Meeting transportation goals for bike circulation – The City’s Bicycle Master Plan and SBCAG’s Regional Bikeways Plan identify a Class II bike path along Las Positas Road. Hence, the proposed bike path across the creek and project site would be one of two options to achieve the bike circulation goals of the City and SBCAG. However, as noted above, a pedestrian/bike bridge would be sufficient to create this new circulation element.
- Slowing traffic along Las Positas Road and easing congestion at Las Positas Road/Cliff Drive – the presence of a bridge with its ingress/egress to the project site would not provide congestion relief or traffic calming if a stop-controlled intersection (on the site access road only) is constructed, as required by Caltrans. If the City were to take

ownership of Las Positas Road, the suitability of a traffic signal at the bridge intersection would be studied. At this time, it cannot be assumed that a four-way traffic signal would have the congestion benefits suggested by the commenter.

- Providing an economic reason for proposing low-density, large lot, and upscale housing with a public trail - It is not clear to the EIR preparers why the same type of development could not be constructed without the bridge, as a major infrastructure cost would be avoided.

- 4-17. The EIR preparers do not agree that the bridge site is “thoroughly engulfed by the invasive *Arundo donax*...” The eastern bank of the creek at the bridge site contains a 30-inch diameter oak tree that is many decades old. The center of the bridge site contains a 35-foot high sycamore tree. The western end of the bridge site contains a very large willow clump. The remainder of the bridge site contains a mixture of willow and giant reed. The dense cover provided by the oak, willow, and giant reed shade the aquatic habitats in the creek, protect the bank from erosion, and provide habitat for birds.
- 4-18. Comment noted. No response is required, nor is any change to the EIR considered necessary.
- 4-19. Please see responses to comments on Letter No. 3 above.
- 4-20. Please see response to Comment No. 4-12.
- 4-21. Comment noted. No response is required, nor is any change to the EIR considered necessary.
- 4-22. The EIR has been modified, as necessary, to correct any factual or analytic errors, update information and conclusions based on any new substantive information, as required by CEQA.
- 4-23. The EIR preparers recognize that the applicant has discussed the issue of creek setbacks with City staff during the pre-application process. However, the adequacy of the proposed creek setbacks, and the environmental effects of alternative setbacks, must be addressed in the EIR through a more detailed investigation as part of the EIR process.
- 4-24. The City has not adopted standard creek setbacks. The setback standards proposed in 2003 do not apply to this, or any other project, until such time that the City adopts standards after a public review and adoption process. While the 2003 draft standards provide an informal “benchmark” for applicants and City staff, they do not have any formal application to this project. The City will continue to examine creek setbacks on a case by case basis, using the best available information and professional opinion from experts with consideration of site specific geologic, biological, and hydrological conditions.
- 4-25. Please see response to Comment No. 3-6(f).

4-26. The EIR preparers do not agree that the proposed setback was established based on a “conservative application of principles and policies.” The proposed setback allows for roads, yards, and fences in the outer 50 feet. In certain situations, this type of development in a creek setback has not been allowed by the City in order to protect environmental resources of creeks or wetlands.

Please see response to Comment No. 3-4 concerning the reason why the EIR preparers do not consider the proposed creek setback to be the “environmentally superior alternative.”

4-27. Comment noted. Section 3.12 of the Final EIR has been expanded to describe the issues raised in the comment – that is, no development is planned for the open space parcel which has unfavorable site conditions for trail construction. In addition, the EIR describes the limited opportunities to remove invasive giant reed and restore creek habitats on this parcel.

4-28. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F).

4-29. The EIR preparers do not agree that the proposed caissons and buttress fill associated with landslides above Lots 1-6 are necessary “regardless of project access or the number of dwellings constructed.” These buttress fills could be avoided or greatly reduced in size under the following circumstances:

- No residences constructed on Lots 1 to 6 - this situation may eliminate the need for a buttress fill completely
- Residences constructed at Lots 1 and 2, but not at Lots 4 to 6 – this situation may reduce the extent of the buttress fill

Section 4 of the EIR includes the Avoid Landslides Alternative, in which the proposed caissons and buttress fill are not required.

4-30. Section 2.3.9 states that subdrains would be installed under the buttress fill to convey groundwater. This section has been expanded to indicate that runoff from the buttress fill would be managed to prevent excessive infiltration.

4-31. Comment noted. No response is required, nor is any change to the EIR considered necessary.

4-32. Please see response to Comment No. 4-5.

4-33. Mitigation Measure BIO-7 contains requirement to select a final pedestrian/bike path alignment that minimizes impacts to the wildlife habitat along the creek corridor. This measure has been modified to provide more design criteria to meet this objective, a minimum set back distance from the top of bank for the path of 35 feet, and a process by which City staff can approve the final alignment.

4-34. The proposed project includes a 5-foot wide permeable path adjacent to the road without a curb. The Public Works Department has indicated that this design, using permeable surfacing,

may not be acceptable in this location because it is less durable in sloped areas and may not meet American Disability Act (ADA) requirements.

4-35. Please see response to Comment No. 4-33.

4-36. Please see response to Comment No. 4-5.

4-37. The EIR preparers have re-examined the visual simulations and confirmed that the scale of the simulated structures is correct.

4-38. The purpose of an EIR is to disclose environmental impacts of a project, including both adverse and beneficial impacts. The EIR identifies several beneficial impacts of the project on the environment, but CEQA does not require that an EIR analyze or discuss beneficial impacts of a project related to social, community, or economic issues. The City decision-makers will consider these matters as part of their deliberations on project approval.

The EIR preparers disagree with the comment that the project, as designed, would avoid all adverse impacts. The EIR presents a description of various environmental impacts of the project that cannot be avoided. In most cases, these impacts are not considered significant, or can be mitigated to less than significant levels. However, the design of the project cannot avoid certain potentially significant impacts, such as construction-related noise and long-term traffic impacts, and loss of habitat.

4-39. Comment noted. No response is required, nor is any change to the EIR considered necessary. The comment will be forwarded to City decision-makers for their consideration.

#### **Letter No. 5. Breamar Ranch Homeowners Associations**

5-1. Comment noted. The commenter's description of the proposed project is accurate. No further response is required, nor is any change to the EIR considered necessary.

5-2. The City has considered this, and other comments, concerning the determination in the Draft EIR that the proposed bridge over Arroyo Burro Creek would result in a significant, unmitigable impact (Class I). Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F). Based on a consideration of the comments and additional analyses of this issue, the City had determined that the impact classification in the EIR is appropriate and supported by substantial evidence. The proposed creek restoration would reduce the overall impacts of the project on riparian habitat and water quality along Arroyo Burro Creek, but would not fully offset the habitat and wildlife impacts of the bridge.

5-3. The EIR preparers have provided a more in-depth analysis of the impacts of Alan Road Alternative in Section 4.5 of the EIR, and in Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F). These analyses consider the impacts noted in the comment – additional traffic, noise, and air pollution from vehicles.

5-4. Comment noted. No response is required, nor is any change to the EIR considered necessary.

#### **Letter No. 6. Citizens Planning Association**

6-1. Section 15088.5. of the CEQA Guidelines requires that a lead agency re-circulate a Draft EIR if there is significant new information as follows: “... (1) *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance. (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.*”

*A Draft EIR must also be re-circulated if it is “... so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Re-circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”*

The City and EIR preparers have carefully considered the comments throughout the letter that reference a need to re-circulate the Draft EIR, and have concluded that none of the comments or responses to comment on the EIR would meet the above re-circulation criteria, and recirculation is not required.

6-2. The Specific Plan is comprised of a series of maps, a narrative describing the proposed development, and development standards. The EIR contains various maps of the Specific Plan, which have been reduced in scale and simplified to facilitate understanding of the project by a range of readers. All of the key information from the Specific Plan maps is included in the EIR figures, including parcel boundaries, infrastructure, site layout, architecture, elevations of buildings, road design, bridge design, landscaping concepts, and drainage. Section 2.0 of the EIR contains a detailed description of the proposed project design and construction, which is more detailed than contained in the Specific Plan narrative included in the application to the City. Finally, Section 2.5 of the EIR contains the Specific Plan development standards. In summary, the EIR contains all of the pertinent descriptions and exhibits for the Specific Plan that is appropriate for an environmental impact report. Inclusions of the detailed grading, drainage, and tentative tract map would not provide any new, substantial information, nor would it increase the precision of the impact analysis. Figure 1-1 of the EIR has been revised to more clearly show the Specific Plan boundary.

6-3. Please see response to Comment No. 6-3. Reduced prints of the following maps (Penfield & Smith, June 2003) are provided in Appendix F: Tentative Map (Preliminary Grading and Drainage Plan), Sheet 4 of 9; Development Plan, Sheet 5 of 9; and Real Property Issues, Sheet 6 of 9.

6-4. The proposed changes in the General Plan Designations and Zoning associated with the proposed project are clearly described in EIR Tables 2-2 and 2-3, respectively. Figures 1 and 2 in Appendix F show this same information in a simple graphic format.

6-5. The EIR distinguishes between the “project site” where land development would occur, and the 35-acre open space parcel. Together, they represent the Specific Plan area. To clarify this, Figure 1-1 has been revised to show the entire boundary of the Specific Plan. Figure 2-1 of the EIR has also been revised to show the boundary of the 35-acre open space parcel. Figure 2-2 of the EIR has been revised to more clearly show the entire Specific Plan boundary, including the “project site” and the open space parcel.

The Specific Plan includes only 4.49 acres of parcel 047-010-053, which will be added to parcel 047-010-016. The remainder of parcel 047-010-053 would not be affected, as it is under different ownership located outside the Specific Plan boundary. Sections 2.2.2 and 2.2.3 of the EIR clearly describe the proposed division of parcel 047-010-053.

Section 2.3 of the EIR states that the 35-acre parcel (047-010-011) would remain as open space, with a new General Plan Designation of Major Hillside, Open Space, Stream Buffer, and Pedestrian/Equestrian Trail. The EIR states that no development would occur on this parcel. The EIR does not contain an extensive analysis of the impacts of this parcel because there would be no physical changes to the parcel, nor would there be any reasonably foreseeable development on the parcel. The 35-acre parcel will remain as open space under the proposed project, and existing environmental conditions would not be affected by any discretionary actions by the City. The basis for concluding an absence of environmental impacts is provided in Section 3.12 of the Final EIR. The commenter states that the lack of a detailed description of the impacts of maintaining this open space parcel would hinder the review of the EIR by the following agencies: Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game, Caltrans, and Coastal Commission. Designation of open space on this parcel would not require approvals by these agencies.

6-6. Please see response to Comment No. 6-5.

6-7. Please see response to Comment No. 6-5 regarding the Specific Plan boundaries. They are shown on Figures 1-1 and 2-2.

Section 3 of the EIR contains an analysis of the consistency of the proposed project with applicable City goals and policies from the General Plan. Section 3.2.3 of the EIR specifically addresses consistency with the Conservation Element implementation strategy related to grading on slopes of 30 percent or more. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F) for a further detailed analysis of this issue.

6-8. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F) for a detailed analysis of this issue.

6-9. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F) for a detailed analysis of this issue.

6-10. The commenter states that the EIR does not identify alternatives that “mitigate unavoidable traffic, visual, and biological impacts.”



- The project would not result in any significant unavoidable visual impacts; as such, there is no obligation under CEQA to develop an alternative for this impact.
- The proposed project would result in one significant, unavoidable biological impact – the impacts of the proposed bridge on Arroyo Burro Creek. The EIR contains an alternative (Alan Road Access, Section 4.5) that would avoid this impact.
- The proposed project would not result in any project-specific significant traffic impacts. However, the project would contribute to significant, unavoidable impacts at several intersections when considering future cumulative traffic from other projects. The EIR identifies a mitigation measure that would reduce this impact; however, the impact would likely be unavoidable unless all future cumulative projects contributed sufficient funds to improve the affected intersections. No feasible project alternative would avoid this cumulative impact because the impact is triggered by only a few trips per day. Hence, even a 90 percent reduction in the number of proposed residences would not avoid this cumulative traffic impact.

The commenter states that the EIR does not include an alternative with fewer residential units, particularly units where grading on 30 percent slopes may occur. Section 4.8 of the EIR includes an alternative that avoids landslides, and the associated grading on steep slopes. This alternative would reduce the project density by almost 50 percent, as described in the EIR.

The commenter states that the EIR does not include an alternative that avoids the bridge across Arroyo Burro Creek. Section 4.5 of the EIR contains the Alan Road Access Alternative, in which the proposed bridge would not be constructed.

- 6-11. Please see prior responses to Comment Nos. 6-1 through 6-10. The Planning Commission will make the final determination of whether the proposed project, as modified through the environmental review process, is consistent with applicable City’s General Plan policies. The project must be found consistent with the General Plan in order to be approved. An approved Specific Plan becomes the General Plan and zoning for the affected parcels.

The alternatives analysis in Section 4 of the EIR contains an assessment of the consistency of the alternatives with the project objectives.

- 6-12. The commenter notes that the EIR describes the Specific Plan area as comprised of four parcels, and indicates that the Specific Plan area is about 50 acres. These two statements are correct – the Specific Plan is comprised of four parcels (see Tables 2-2 and 2-3) and the total area is about 50 acres (see Table 2-4). This does not represent an inconsistency.

The commenter asks if the proposed lot line adjustment for parcel 047-010-053 (to divide the parcel and include 4.49 acres into the Specific Plan) is allowable. Yes, this type of lot line adjustment is allowable. Inclusion of the 4.49-acre parcel in the Specific Plan would require Planning Commission’s approval of the Lot Line Adjustment.

The commenter asks why the entire 86.78-acre parcel (047-010-053) would not be included in the Specific Plan. The entire parcel is not included for three reasons: (1) the applicant is only proposing to develop the 4.49-acre parcel; (2) only the 4.49-acre parcel was included in the current application for annexation to the City; (3) the larger parcel is owned by others, and it is not known if the applicant has an option for it; and (4) the owner of the remainder of the 86.78-acre parcel is not proposing any development or annexation proposal.

- 6-13. The EIR clearly indicates that the 35-acre open space parcel is part of the Specific Plan. However, no development is planned for this parcel, which is also geographically and topographically remote from the lands to be developed. Hence, the information on this parcel in the EIR is much less than for the parcels to be developed. Section 3.12 of the Final EIR summarizes the environmental issues, or lack thereof, related to the inclusion of this parcel in the Specific Plan.

The proposed zoning of the parcels to be developed would be SP-8 (Specific Plan), not E-3 PUD, as indicated in the comment. The proposed zoning allows for the proposed density, and does not require the 35-acre open space parcel to meet any open space requirements.

- 6-14. Comment noted. The project proposes requires an amendment to the zoning designation for the property. The EIR evaluates the environmental effects of building under the proposed zoning, including a consideration of site constraints. The proposed density is less than that allowed by current zoning on the property.
- 6-15. The EIR preparers have reviewed the Tentative Map (Preliminary Grading and Drainage Plan), Sheet 4 of 9, and confirmed that the residences on Lots 6 and 7 are located immediately outside the 100-foot creek buffer zone.
- 6-16. Section 3.1.2.2 of the Final EIR has been augmented to include additional information on the impacts of the proposed bank repair along Arroyo Burro Creek on flooding hazards. The proposed bank stabilization would prevent further bank failure and the possibility of creating an obstruction that could lead to flooding if it is designed and constructed with the considerations of geomorphological factors noted in Mitigation Measure W-2. . The bank stabilization would not substantially reduce the channel cross section or create a new flood hazard if it is implemented with the requirements of Mitigation Measure W-2.
- 6-17. Comment noted. Section 3.12 of the Final EIR has been added to further discuss the issues raised in the comment – that is, no development is planned for the open space parcel which has unfavorable site conditions for trail construction. In addition, the EIR describes the limited opportunities to remove giant reed and restore creek habitats on this parcel.
- 6-18. Section 3.1.2.2 provides a detailed description of the potential stormwater pollution associated with residential land development. The EIR evaluates the effectiveness of the proposed bioswale and identifies mitigation measures and design modifications to increase the effectiveness of the proposed bioswale concept. In response to the question at the end of this

comment – the proposed landscaping in the open space areas of the project site has not been designed to screen pollutants from entering the drainage system.

- 6-19. The EIR preparers disagree with the comment. The prohibition of grading during the rainy season is the single most effective measure to reduce erosion and sedimentation impacts.

The EIR preparers do not agree that the impact of erosion and sedimentation during construction is significant and unavoidable. A significant impact can be avoided by prohibiting grading in the rainy season, and by implementing appropriate Best Management Practices during construction (year-round) to prevent off site erosion.

Mitigation Measure W-3 requires that the Storm Water Pollution Prevention Plan, to be prepared by the applicant under state law, include specific BMPs to avoid significant water quality impacts. The SWPPP must be approved by the City Building Department. The SWPPP cannot be prepared until final grading plans are prepared by the applicant, and approved by the Building Department. The state requirements for the SWPPP, and the additional requirements contained in Mitigation Measure W-3, will ensure that no significant water quality impact would occur.

- 6-20. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F). The amount of grading on 30 percent slopes would be very limited, and is not expected to cause erosion. The SWPPP will include standard BMPs to prevent erosion and off-site sedimentation, including installation of silt fencing, sediment retention ponds downgradient of the affected areas, use of erosion control blankets, and use of hydroseeding on recently graded slopes to stabilize the soils. The SWPPP must include provisions to avoid periods of unprotected slopes between the end of grading and the beginning of landscaping.
- 6-21. The SWPPP must include BMPs that are designed for the anticipated runoff during construction, including contingency measures for major events such as a 25-year storm.
- 6-22. The EIR preparers do not agree with the premise of the comment. The EIR analyses indicate that the proposed project, with the EIR mitigation measures in Section 3.1.5, would not cause significant erosion and downstream sedimentation. No impacts would occur at the site of the proposed Arroyo Burro restoration project, to be implemented by the City. As such, a bond for assurances for erosion control during construction is not considered necessary.
- 6-23. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (see Appendix F).
- 6-24. There is no substantial evidence that the proposed project would result in massive soil movement or landslides due to the proposed project. The EIR contains an analysis of the proposed landslide stabilization prepared by qualified geologists and geotechnical engineers, who concluded that the proposed landslide stabilization is appropriate and would be successful if implemented in accordance with good engineering practices.

- 6-25. The Rincon Formation exhibits limited exposure at the project site. Site development would largely avoid any work on this formation. No significant geologic hazard is anticipated due to the presence of this formation.
- 6-26. Please see response to Comment No. 6-24.
- 6-27. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F).
- 6-28. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F). The amount of grading on 30 percent slopes would be very limited.
- 6-29. The EIR concludes that erosion and sedimentation impacts associated with grading of the project site are less than significant. A detailed analysis is provided in Section 3.1.2. The policy consistency analysis is based on the impact assessment.
- 6-30. Coastal Act Policy 30236 does not apply to the proposed bank repair because it does not represent any of the actions listed in the policy - “channelization, dams, or other substantial alterations.” The bank repair is designed to prevent further bank failure by restoring a localized erosional feature. It is not considered a substantial alteration because of the limited area affected.

Section 3.3.2 of the Final EIR has been augmented to include a further assessment of the proposed bank repair on habitats. The analysis concludes that successful implementation of the proposed bank repair requires additional design and implementation considerations that are presented in Mitigation Measures W-2 and BIO-1. Based on current information concerning the bank repair, the impact to riparian habitat would be neutral. The impact would be beneficial impacts if the bank repair resulted in the long-term replacement of the existing non-native plants at the sites with native riparian shrubs and trees, and if the banks exhibited greater stability.

- 6-31. Please see responses to Comment Nos. 6-19 and 6-20.
- 6-32. Please see responses to Comment Nos. 6—30.
- 6-33. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F). The EIR contains an initial analysis of potential consistency or inconsistency with applicable policies as information per CEQA requirements. The determination of policy consistency will be made by the City decision-makers.
- 6-34. Section 3.5 of the EIR includes a complete analysis of the visual impacts of the project site. The analysis concludes that views of the project site from travelers on Las Positas Road would be brief and intermittent. The analysis also includes views from Elings Park, as noted in the comment.

- 6-35. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F). The amount of grading on 30 percent slopes would be very limited and would not create a significant visual impact. The EIR recognizes the temporary visual effects of project grading and development. However, no long-term significant visual impacts would occur because the affected slopes are located at the base of the hills and are not readily visible; the amount of grading on the hillsides is 50 feet or less along the axis of the slope; and the graded slopes would be returned to pre-construction contours.
- 6-36. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F).
- 6-37. The EIR preparers disagree with the commenter’s conclusion that the proposed grading would be inconsistent with various Coastal Act and Conservation Element policies related to natural landforms and visual impacts. Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F). The amount of grading on 30 percent slopes would be very limited. Natural landforms would be preserved in these graded areas, and native vegetation would be restored. No significant visual impacts would occur because the grading on steep slopes would occur at the base of the hills and behind the residences.
- 6-38. The commenter provides no basis for the assertion that erosion impacts would be unavoidable. The potential for construction-related erosion impacts is addressed in detail in Section 3.1.2 of the EIR.
- 6-39. The applicant does not propose to conduct any active management of the 35-acre open space parcel. The applicant has indicated that another party, such as the City or non-profit organization, could assume management of the lands if the applicant is indemnified of any liability due to natural hazards at the site. The proposed project does not include the designation of a management entity, or adoption of a management plan for this parcel. The Planning Commission will consider the need to address the long-term management of this parcel during the public hearing for the project.

The proposed bioswale would provide a route for wildlife movement from the uplands to the creek corridor; however, the presence of nearby residences, people, and pets would reduce its effectiveness compared to current conditions. On the 35-acre open space parcel, there would be no development, and as such, there would be no impediments to wildlife movement from the uplands to the creek.

- 6-40. The cumulative impacts of nearby projects are addressed in Section 5 of the EIR, not in the appendix to the Draft EIR. The latter only contains the cumulative traffic data.

Appendix F of the Final EIR contains a list of the traffic associated with the major cumulative projects included in the traffic analysis, as requested in the comment and at the Planning Commission hearing on the project.

- 6-41. The current Caltrans pavement overlay project along Las Positas Road will be completed prior to construction of this project. Other road improvement projects do not have certain schedules.
- 6-42. The intersection improvements identified in the EIR would be funded by various sources, including Caltrans, the City, and developer mitigation fees. The City does not have control over the timing of the Caltrans improvements. CEQA recognizes this circumstance as a basis for determining infeasibility. Withholding the certificates of occupancy until all intersection projects are approved is an unreasonable condition. The mitigation measure for cumulative traffic impacts would only require that the applicant provide the project's fair share of funding for these improvements in order to acquire the certificates of occupancy. The EIR recognizes that impacts may not be fully mitigated.
- 6-43. The timing of the intersection improvements is uncertain, which is noted in the EIR. The information in the EIR is the most up to date characterization of these projects. As noted in the EIR, two of the four intersection improvements would be funded and implemented by Caltrans. There is a high level of uncertainty in predicting the timing of Caltrans projects.
- 6-44. The alternatives analysis is more general and comparative than the primary evaluation of the project as proposed. The EIR identifies whether alternatives are likely to be feasible based on reasonably available information and analysis about physical, technological, legal, timing, environmental, social, and economic factors. Some alternatives would be expected to reduce the number of units developed on the site, which would generally reduce the economic feasibility compared to the project as proposed. The specific analysis suggested by the commenter is not required to be included in the EIR. The EIR environmental analysis is considered by the decision-makers along with other information presented to the agency on economic, social, and housing factors (e.g., staff report analysis, public and applicant comment) in determining whether changes in the project are feasible to reduce or avoid significant effects and to balance among competing public objectives (Guidelines 15021, 15121, 15131). With respect to housing, it is noted that the Guidelines also specify that the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible mitigation measure that would provide a comparable level of mitigation (Guidelines 15092).
- 6-45. The applicant has indicated that the bridge costs are estimated between 1 and 2 million dollars.
- 6-46. The commenter states that the alternatives in Section 4 do not address the following issues: site constraints, water quality, or General Plan consistency. As noted in the comment, the purpose of the alternatives analysis is to identify alternatives that avoid or lessen significant impacts. Section 4 of the EIR provides a full range of such alternatives. The analysis also addresses site constraints (see the Avoid Landslide Alternative and the Creek Setback Alternatives) and water quality (See Alternative Drainage and Stormwater Treatment). The decision-makers will determine if the alternatives are consistent with the General Plan policies.

The comments on each of the EIR alternatives are noted. A response is only required for the following comments which address environmental issues:

- Alternative Access – the commenter suggested that this alternative include lower housing densities. The EIR preparers disagree, as the alternative is designed to avoid the significant impact of the bridge. The proposed housing density is unrelated to the bridge impacts. In addition, no significant impact has been identified due to the density of housing, in and of itself.
- Avoid Landslides – the commenter states that this alternative does not quantify the reduction in housing. The EIR indicates that up to 11 lots could not be developed under this alternative.
- Creek Setback Alternatives - the commenter states that this alternative does not quantify the reduction in housing units. The EIR does estimate the number of lots that would not be developed under this alternative. The commenter also states that more information about traffic impacts is needed for this alternative. As noted in response to Comment No. 6-10, the reduction in units under this alternative would not avoid the significant cumulative traffic impact.

6-47. The commenter states that the EIR does not identify an alternative that avoids the following significant and unavoidable impacts: habitat, noise, and visual impacts. The EIR clearly states that the proposed project would result in three significant and unavoidable impacts: impacts of the bridge on riparian resources, short-term noise impacts along Alan Road during construction, and cumulative traffic impacts. Only the bridge impact can be avoided by a feasible alternative. There are no feasible alternatives to avoid the short-term noise impacts, or to ensure avoidance of the cumulative traffic impact.

The commenter describes an alternative with various elements from other alternatives. Section 4.12 of the Final EIR has been expanded to include “hybrid alternatives” as suggested.

6-48. The EIR describes the environmentally superior alternative. Under the CEQA Guidelines, it is not necessary for the environmentally superior alternative to avoid all significant impacts, as it may not be feasible to do so.

6-49. Comment noted. Please see response to Comment No. 6-1.

### **Letter No. 7. Urban Creeks Council**

7-1. Comment noted. No response is required, nor is any change to the EIR considered necessary.

7-2. Comment noted. The EIR addresses project impacts to wildlife corridor and natural resources, in general. No response is required, nor is any change to the EIR considered necessary.

- 7-3. Section 3.6.2 of the EIR has been augmented to further address open space impacts.
- 7-4. Section 3.2.3 of the EIR contains a detailed analysis of the impacts of the proposed landslide stabilization. Section 3.3.2 of the EIR has been augmented to address the effects of fuel reduction requirements for fire safety on the proposed native plant landscaping in the upland open space. The effect of the fuel reduction on the creek restoration is already addressed in Section 3.3.2.3 of the EIR.
- 7-5. In Section 3.1.2 of the EIR, the effectiveness of the proposed bioswale in the center of the site is evaluated. The EIR concludes that design modifications would enhance its effectiveness, and two mitigation measures (Nos. W-1 and W-4) are included to require such modifications. The bioswale is not designed as a wildlife corridor and would not provide significant habitat for wildlife.
- 7-6. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F). Section 4 of the EIR includes an alternative without the bridge. Mitigation Measure W-4 (b) requires that runoff from the bridge be directed to a bioswale.

#### **Letter No. 8. South Coast Watershed Alliance**

- 8-1. As noted in the comment, several planning efforts are underway in the Arroyo Burro watershed, and that the information from these planning efforts could contribute to a broader understanding of the natural resources at the project site. However, completion of these studies is not required to complete the environmental review of the project pursuant to CEQA, and to conduct public hearings to consider the project. Mitigation measures in the EIR would address project-specific impacts and project contributions to cumulative impacts in the watershed.
- 8-2. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F).
- 8-3. Section 3.3.1.9 of the EIR has been augmented to include further discussion of the potential occurrence of the endangered southern steelhead along lower Arroyo Burro Creek, and potential impacts of the project. The analysis concludes that the occurrence of steelhead would be highly unlikely, and that the project would not have an adverse effect on steelhead under current or future conditions.
- 8-4. Section 3.3.1.5 of the EIR has been augmented to include further discussion of the nature, extent, and quality of raptor foraging in the open space areas of the project site. Section 3.3.1.8 has been revised to indicate that the foraging areas at the project site are not of sufficient extent or quality to be considered an ESHA under the Coastal Act definition.
- 8-5. Sufficient data on the occurrence of birds at the project site, including raptors, are available from the applicant's studies and the EIR field surveys. Additional information on the occurrence of raptors at the project site is provided in Section 3.3.1.5 of the EIR.



8-6. Mitigation Measure CR-3 has been refined to ensure that the placement of the signage and gazebo to be located along the pedestrian path be situated as far as possible from the creek, and that the location be selected to minimize impacts to riparian resources.

8-7. The effect of the fuel reduction on the creek restoration is already addressed in Section 3.3.2.3 of the EIR. Section 3.3.2 of the EIR has been augmented to further address the effects of fuel reduction requirements on the proposed native plant landscaping in the upland open space. A figure showing the fire hazard zones at the project site is provided in Appendix F.

8-8. Mitigation Measure W-3(a) prohibits grading during the rainy season, November 1 to April 1.

Mitigation Measure W-3 requires that the Storm Water Pollution Prevention Plan, to be prepared by the applicant under state law, include specific BMPs to avoid significant water quality impacts. The SWPPP must be approved by the City Building Department. The SWPPP cannot be prepared until final grading plans are prepared by the applicant, and approved by the Building Department. The state requirements for the SWPPP, and the additional requirements contained in Mitigation Measure W-3, will ensure that no significant water quality impact would occur. The major elements of the SWPPP that are required to avoid significant erosion and sedimentation impacts are discussed in the EIR. There is no need to prepare and circulate the SWPPP for public review at this time.

8-9. The EIR provides an alternative top of bank limit at the site of the bank erosion near the sewer line. The adjusted line can be used by the City decision-makers when considering alternative setback distances.

Coastal Act Policy 30236 does not apply to the proposed bank repair because it does not represent any of the actions listed in the policy - "channelization, dams, or other substantial alterations." The bank repair is designed to prevent further bank failure by restoring a localized erosion feature. It is not considered a substantial alteration because of the limited area affected. The primary objective of the bank repair is to reduce the potential for future erosion, not for habitat restoration purposes.

Section 3.3.2 of the Final EIR has been augmented to include a further assessment of the proposed bank repair on habitats. The analysis concludes that successful implementation of the proposed bank repair requires additional design and implementation considerations that are presented in Mitigation Measures W-2 and BIO-1. Based on current information concerning the bank repair, the impact to riparian habitat would be neutral. The impact would be beneficial impacts if the bank repair resulted in the long-term replacement of the existing non-native plants at the sites with native riparian shrubs and trees, and if the banks exhibited greater stability.

8-10. The EIR preparers disagree with the commenter's conclusions regarding the impact of multiple storm drain outlets. The temporary impacts associated with installation of storm drain on the creek banks can be fully mitigated through bank restoration and revegetation.

The hydrological and biological benefits of multiple drain outlets to the creek (compared to 1 or 2 large outlets) greatly outweigh any temporary impacts.

Mitigation Measure W-1 requires that the drainage system be modified to increase stormwater infiltration on the stream terrace prior to discharge to the creek, as requested in the comment. By increasing infiltration prior to discharge, the size of the storm drain pipes would be reduced.

- 8-11. Comment noted. Section 3.1.2.2 of the EIR evaluates the potential impacts of residential stormwater on creek water quality.
- 8-12. Section 3.1.2.2 of the Final EIR has been augmented to include information on potential stormwater pollutants from asphalt on the road.
- 8-13. Mitigation Measure BIO-7 has been revised to indicate that the open space habitat management and maintenance plan to be implemented by the homeowner's association shall incorporate not only the principles of the City's Integrated Pest Management Plan (as revised and updated), but also the approach and methodologies in the IPM.

Restricting the use of pesticides and herbicides by residents is not considered feasible, as this restriction could not be enforced by the City.

- 8-14. The City's Creek Division is considering restoration of the City-owned parcel adjacent to the Veronica Meadows site. The restoration of this parcel, including Arroyo Burro Creek, is still in the conceptual planning stages, and no formal proposal with funding has been issued by the City. Hence, it would be speculative to assume that the parcel would be restored prior to, or independent of, the restoration of the creek proposed by the applicant.
- 8-15. Comment noted. The EIR evaluates the potential impact of the project on water quality, and determined that the project, with the EIR mitigation measures, would avoid significant water quality impacts. In addition, the EIR analysis indicates that the project would be potentially consistent with Coastal Act and LCP policies related to water quality. As such, no further alternative needs to be evaluated in the EIR to address this comment. The comment's viewpoint will be forwarded to the City decision-makers for their consideration.
- 8-16. The comment states that the EIR concludes (on page 3-15) that the project would result in a significant and unavoidable impact (Class I) on water quality due to stormwater runoff. The EIR clearly states that this impact is considered significant, but mitigable (Class II) on page 3-18. In addition, the analysis in Section 3.1.3 indicates that the proposed project, when fully mitigated, would be potentially consistent with Coastal Act and LCP policies related to water quality.
- 8-17. The EIR identifies the physical/technical feasibility of alternatives, and provides a general comparative discussion of other legal, timing, environmental, social, and/or economic factors that may affect feasibility. The Alternative Creek Setback Alternatives and Avoid Landslide

Alternative were identified as technically feasible. Some alternatives would be expected to reduce the number of units developed on the site, which would generally reduce the economic feasibility compared to the project as proposed. In considering the economic feasibility of the Avoid Landslide Alternative, the discussion has been augmented to recognize that avoidance of some of the extensive and expensive slope stabilization work would offset to some degree the loss of units. Decision-makers will consider the EIR analysis along with other information provided as part of the record (e.g., staff report, public comment, applicant submittals) in determining whether mitigation measures and alternatives are feasible to avoid or reduce significant environmental effects, and in balancing among sometimes competing public objectives.

- 8-18. The EIR analyzes the comparative impacts and discusses feasibility and policy consistency issues for the Creek Setback Alternatives, and identifies a greater setback than proposed by the project as environmentally superior. In accordance with CEQA Guidelines 15021, City decision-makers will give major consideration to preventing and lessening environmental damage as feasible. This section goes on to say: "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and in particular the goal of providing a decent home and satisfying living environment for every Californian."
- 8-19. The commenter suggested that the Alan Road Access Alternative include lower housing densities. The EIR preparers disagree, as the alternative is considered in the EIR to avoid the significant impact of the bridge. The proposed housing density is unrelated to the bridge impacts. In addition, no significant impact has been identified due to the density of housing, in and of itself.

Impacts of the project on project-specific traffic and site grading were found to be less than significant with the EIR mitigation measures. Cumulative impacts on traffic would remain significant even with a smaller project.

- 8-20. Comment noted. The No Annexation and Pre-Annexation Alternatives are included in the EIR to provide information to the Planning Commission, City Council, and LAFCO when considering the annexation request. These alternatives provide a benchmark for comparing the proposed annexation with other options, similar to the No Project Alternative.
- 8-21. Comment noted. The commenter's opinion will be forwarded to the City's decision-makers for consideration.

## **Letter Nos. 9 through 33 – Nearby Residents and Neighbors**

*Note for all the Following Commenters: Concerns expressed in these comments about the effect of using Alan Road as the access to the project site, and the issue of neighborhood compatibility will be forwarded to the City decision makers for their consideration.*

- 9-1. The proposed access to the project site is from a bridge at Las Positas Road. The EIR also includes a comparative evaluation of the environmental impacts of using Alan Road as the sole access to the site. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative. The commenter’s views will be forwarded to the City’s decision-makers for consideration.
- 10-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- 11-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 12-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative. Concerns about neighborhood compatibility will be forwarded to the City decision makers for their consideration.
- 13-1. Comment noted. No response is required, nor is any change to the EIR.
- 13-2. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative, including many of the issues raised in this comment.
- 13-3. Comment noted. No response is required, nor is any change to the EIR.
- 13-4. The purchase of the property by the City is not considered a feasible alternative due to financial limitations. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- 14-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.

- 15-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 16-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 17-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 18-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 19-1. As required by State law and City guidelines, public notices announcing the availability of the Draft EIR and the date of the environmental hearing were mailed on September 22, 2004 to property owners within 450 feet of the project site and to all interested parties who requested notice of future hearings. A Public Notice was also sent to the State Clearinghouse for agency distribution. In addition, a public notice was provided in the Santa Barbara News Press on September 23, 2004 and posted at 630 Garden Street, the Central Library, and City Hall.
- 19-2. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 19-3. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 20-1. Comment noted. No response is required, nor is any change to the EIR.
- 20-2. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 20-3. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- 20-4. Comment noted. The proposed project would not cause any significant downstream flooding or bank erosion problems because the drainage system, as modified by the EIR mitigation measures, would avoid increases in peak runoff and sedimentation from the site.

- 20-5. The EIR addresses both project specific and cumulative impacts on traffic and water resources. The City Creeks Division is embarking on a broad watershed planning effort. The City Planning Division is undertaking an update to the City General Plan and growth management policies.
- 21-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 21-2. Comment noted. No response is required, nor is any change to the EIR.
- 22-1. Based on discussions with Caltrans, it is concluded that until Caltrans relinquishes Las Positas Road to the City, a stop light intersection will not be constructed because the amount of traffic and pedestrian use would not meet Caltrans thresholds for traffic levels warranting stop lights.
- 22-2. Comment noted. No response is required, nor is any change to the EIR.
- 22-3. Comment noted. No response is required, nor is any change to the EIR.
- 22-4. The proposed creek restoration is consistent, in general terms, with the natural resource restoration goals of the Arroyo Burro Visioning process.
- 22-5. Comment noted. No response is required, nor is any change to the EIR.
- 22-6. Comment noted. No response is required, nor is any change to the EIR.
- 23-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 24-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative. Please see Topical Response No. 2 – Environmental Impacts of the Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- 25-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 25-2. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.

- 25-3. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 26-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 26-2. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- 26-3. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 27-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 27-2. In order to construct the bridge, construction traffic will need to utilize Alan Road. This impact would be short-term, but would cause temporary increases in traffic, noise, and vehicular emissions. Once the bridge is complete, the entire project can be constructed using access from Las Positas Road.
- 28-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F). Concerning the environmental impacts of the proposed bridge. The City’s decision-makers will make the decision on whether to keep the bridge as the access to the site, or to consider Alan Road as an alternative.
- 29-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 29-2. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 29-3. In order to construct the bridge, construction traffic will need to utilize Alan Road. This impact would be short-term, but would cause temporary increases in traffic, noise, and vehicular emissions. Once the bridge is complete, the entire project can be constructed using access from Las Positas Road.

- 29-4. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 30-1. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 30-2. Comment noted. No response is required, nor is any change to the EIR.
- 30-3. Please see Topical Response No. 1 – Use of Alan Road as Access to the Project Site (Appendix F) for a detailed description of the environmental and policy issues associated with this alternative.
- 30-4. Comment noted. No response is required, nor is any change to the EIR.
- 31-1. Comment noted. No response is required, nor is any change to the EIR.
- 32-1. Comment noted. No response is required, nor is any change to the EIR.
- 33-1. Comment noted. No response is required, nor is any change to the EIR.
- 33-2. Comment noted. No response is required, nor is any change to the EIR.
- 33-3. Comment noted. No response is required, nor is any change to the EIR.
- 33-4. Comment noted. No response is required, nor is any change to the EIR.
- 33-5. Comment noted. No response is required, nor is any change to the EIR.



## **Responses to Public Comments at the Environmental Hearing, October 21, 2004**

### *1. Ridge Baccash, HomeOwners Association*

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site and Topical Response No. 2. Environmental Impacts of the Proposed Bridge (Appendix F) in response to the comments.

### *2. Elaine Bowie, resident*

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site and Topical Response No. 2. Environmental Impacts of the Proposed Bridge (Appendix F) in response to the comments.

### *3. Richard Barros, Vista del Mar resident*

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comments.

### *4. De Louis Cramer, resident*

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comment on parking and traffic issues.

Comment noted about the size of the houses on Lots 1 and 2. This view will be forwarded to the City decision-makers.

See response to Comment 2-2 concerning creek setbacks.

### *5. Eric Faulk, Vista del Mar resident*

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comment on parking and traffic issues.

See response to Comment No. 7-3 concerning open space.

### *6. Patricia Foley*

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comment on parking and traffic issues.

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

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comment on parking and traffic issues.

8. Bruce Glenn

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comment on parking and traffic issues.

9. Eddie Harris, Urban Creeks Council

See responses to Comment No. 7-1 through 7-6 from Urban Creeks Council that address the issues raised in the verbal comments.

10. Walter Knapp, Vista del Mar resident

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site and Topical Response No. 2. Environmental Impacts of the Proposed Bridge (Appendix F) in response to the comments.

11. Inge Knapp, resident

Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) in response to the comment on traffic impacts.

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

Comment noted. This view will be forwarded to the City decision-makers.

13. Anita Ward

Comments noted. These views will be forwarded to the City decision-makers.

**Responses to Comments by Planning Commissioners at the Environmental Hearing,  
October 21, 2004**

*14. Planning Commissioner Grant House*

- a) Comment noted. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- b-d) Section 3.12 of the Final EIR has been expanded to describe the issues raised in these comments – that is, no development is planned for the open space parcel, which has unfavorable site conditions for trail construction. In addition, the EIR describes the limited opportunities to remove invasive giant reed and restore creek habitats on this parcel. Open space areas within the development and adjacent to the creek would be maintained by the future Homeowners' Association; a long-term plan for maintenance of restored areas would be submitted for Staff approval prior to issuance of building permits.
- e) The City proposes to install a roundabout at Las Positas and Cliff Drive to improve traffic conditions, if and when Highway 225 is relinquished to the City. The City has prepared a Project Study Report (PSR) for the roundabout project and has initiated the relinquishment request process with Caltrans. The roundabout is funded in FY 2005/06 through State Transportation Improvement Program funds. There is a high likelihood that these funds will not be available at that time due to the State budget crisis. It is likely that funding would be postponed for at least one year. The City will complete the project design and contract for construction. Caltrans will likely be involved in design issues, but will have no role if relinquishment of Highway 225 is completed prior to the time of construction.
- f) The Alan Road/Cliff Drive intersection currently operates at LOS A-B during peak AM and PM peak hours, and thus, a four-way traffic control is not necessary. Please see Topical Response No. 1. Use of Alan Road as the Access to the Project Site (Appendix F) for more information.
- g) While detailed plans of the bioswale/retention basin area have not yet been developed, assurances will be made in its final design to minimize effects on lots adjacent to that feature.
- h) Comment noted. The proposed bike path would be paved and designed to meet the Fire Department's weight capacity for fire trucks (currently 60,000 pounds).
- i) Comment noted. In order to meet the nexus and proportionality findings of a mitigation or exaction, the ad hoc traffic fees must be applied to the intersections impacted by the project in amounts that are proportionate to the project impacts on the intersections. The commitment of all of the ad hoc traffic mitigation fees to only one intersection would require the voluntary cooperation of the applicant. The City will discuss the issue of applying the mitigation fees to one location at the time of consideration of project approval.
- j) Comment noted. Required fee mitigation needs to have a nexus to project impact and/or a nexus to establishing policy consistency of the project, and the amount of mitigation needs to have "rough proportionality" to the amount of impact. Establishing a funding process as suggested in the example as a City condition of project approval would require meeting these nexus standards, or alternatively would have to be voluntarily offered by the applicant. The City

does not presently have a fee mitigation program, and setting up an ad hoc process for this project may entail some administration issues. The City is presently looking into establishing a fee mitigation program for the Las Positas Valley.

15. Planning Commissioner Bill Mahan

- a) Comment noted. No response is required, nor is any change to the EIR.
- b) Please see response to Comment 4-13 concerning the schedule and timing of bridge construction.
- c) Please see response to Commissioner House's comment (14.i.) concerning the traffic impact mitigation fee.
- d) Comment noted. Please see Topical Response No. 2 – Environmental Impacts of the Proposed Bridge (Appendix F) concerning the environmental impacts of the proposed bridge.
- e) Section 3.12 has been expanded to describe the limited opportunities to remove invasive giant reed and restore creek habitats north of the project site.
- f) Comment noted. Figures 2-1 and 2-2 have been augmented and Figure 3-28 has been added, to more clearly show how the parcels involved in the project proposal relate to Arroyo Burro Creek.

16. Planning Commissioner Harwood (Bendy) White

- a) As required by CEQA, the EIR (Section 5.0 and various individual impact evaluations) addresses cumulative impacts of the project with other pending projects in the Las Positas Valley, including other residential development such as Hillside House, Elings Park recreation facilities, and Arroyo Burro Estuary Restoration project. The EIR analysis identifies cumulative effects associated with traffic, air quality, water quality, biological habitats, and nighttime lighting. Identified mitigation measures lessen project-specific impacts and address project contributions to cumulative impacts. Appendix F, Item 11 provides additional detail on the sources of traffic for the cumulative impact analysis in the EIR by ATE, including projects considered and evaluation assumptions used.
- b) Please see response to comment above (16.a.), regarding cumulative traffic analysis of other proposed projects in the area.
- c) Please see Topical Response No. 3 – Grading on 30 Percent Slopes (Appendix F). The amount of grading on 30 percent slopes would be very limited.
- d) Comment noted. Section 3.2.3 of the EIR has been augmented to further discuss the project's potential consistency or inconsistency with this policy. The project's consistency with General Plan policies will also be further addressed in the staff report when considering approval of the project, with final determination made by decision-makers.
- e) Comment noted regarding exploring additional alternatives in the EIR. "No Annexation" and "No Bridge" (referred to as the "Alan Road Access Alternative") alternatives are found in Sections 4.3 and 4.5 of the EIR, respectively.

The “No Annexation Alternative” evaluates the potential impacts of developing the site based on the current County zoning of the affected parcels. As discussed in Section 4.3 of the EIR, this alternative, which assumes that no units would be allowed on the 4.49-acre parcel due to its small size, would result in a higher potential density than that requested in the current project proposal, and potentially greater impacts.

Alternatives already included in the EIR (i.e., Avoid Landslide Alternative and Alternative Creek Setbacks Alternatives) result in a project with a lower density, so a “Low Density” alternative has been evaluated.

17. Planning Commissioner Jonathon Maguire

- a-c) Comments noted. No response is required, nor is any change to the EIR.
- d) City staff is currently seeking a written response from Caltrans regarding the installation of a traffic signal at the proposed project site entrance along Las Positas Road.
- e) City staff is currently seeking a written response from Caltrans regarding the installation of a traffic signal at the proposed project site entrance along Las Positas Road.
- f) Please see response to Commissioner House’s comment (14.i.) concerning the traffic impact mitigation fee.