

915 EAST ANAPAMU STREET
FINAL MITIGATED NEGATIVE DECLARATION
RESPONSE TO COMMENTS

APRIL 5, 2010

INTRODUCTION:

An Initial Study was prepared for the 915 E. Anapamu Street project because the California Environmental Quality Act (CEQA) requires that an environmental assessment of the proposed project be provided. The Environmental Analyst found that, although the proposed project could potentially have significant adverse impacts related to Air Quality, Biological Resources, Geophysical Conditions, Hazards, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to reduce less than significant impacts associated with, Air Quality, Biological Resources, Geophysical Conditions, Hazards and Water Environment.

A Draft Mitigated Negative Declaration (MND) was prepared for the proposed project, and a public review period was held from February 18, 2010 to March 22, 2010. Comment letters were received from the following members of the public during the comment period:

1. Eric Gate, Santa Barbara County Air Pollution Control District
2. Deorah Schwartz, City of Santa Barbara Planning Commission
3. Trish Allen, Suzanne Elledge Planning & Permitting Services, Inc.
4. Charmaine Jacobs, City of Santa Barbara Planning Commission

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

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

Letter No. 1

Eric Gate, Santa Barbara County Air Pollution Control District (APCD)

March 3, 2010

Comment: Remove the Global Climate Change Impact Evaluation from the Mitigated Negative Declaration (MND).

Response:

Comment noted. Your comment will be forwarded to the Architectural Board of Review (ABR).

Comment: APCD recommends the following suggested conditions:

- Standard dust mitigations for all construction and /or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.

Response:

These dust mitigations are included in the MND as mitigation measures.

- Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.

Response:

These requirements are included in the MND as mitigation measures.

- All portable diesel fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.

Response:

Comment noted. This mitigation measure has been added to the MND.

- Applicant may be required to complete and submit an Asbestos Demolition/Renovation Notification (APCD Form ENF-28 which can be downloaded at <http://www.sbcapcd.org/eng/dl/dl08.htm>) for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed notification should be presented or mailed to the Santa Barbara Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition.

Response:

Comment noted. Please see the Required Mitigation AQ-1 in Section 2 of the MND.

- At a minimum, prior to occupancy each building should reduce emissions of green house gases by increasing energy efficiency beyond Title 24 requirements; encouraging the use of transit, bicycling and walking by the occupants; Increasing recycling goals (e.g., separate waste and recycling receptacles); and increasing landscaping (shade trees decrease energy requirements and also provide carbon storage.)

Response:

Comment noted. The project is subject to the City's Energy Ordinance which requires projects to exceed Title 24 requirements when appropriate.

Letter No. 2

Schwartz, Deborah, City of Santa Barbara Planning Commission (via e-mail)

Thursday, March 11, 2010

Comment: This property being adjacent to the Santa Barbara Bowl needs careful evaluation in terms of traffic circulation and parking impacts associated with potentially approving a 13-unit project of rentals (and not commercial day-time use mostly).

Response: A summary of Transportation and Circulation impacts is provided in Section 11 of the MND.

Comment: The 13 potentially significant environmental impacts warrant more extensive evaluation to better determine if identified mitigations can assuredly bring the level of impacts below significant.

Response: Staff has reviewed the potential significant impacts and has determined that the identified mitigation measures in the MND reduce these impacts to less than significant in all cases.

Comment: As a designated high fire area, careful evaluation of the placement of structures along with ingress and egress routes in order to ensure sufficient safe and timely access to and out of the property in case of fires.

Response: Fire and Transportation Staff have reviewed the site layout and the Wildland Fire Plan and have determined that the project meets the fire code requirements for landscaping and ingress/egress. A summary of Hazards is provided in the Hazards Section 6, the Public Services Section 9 and Transportation/Circulation Section 11 of the MND.

Comment: A circa-1900 sandstone wall and steps that ring the Milpas Street side of the property that are eligible for City designation as a Structure of Historic Merit should be designated as such as a condition of project approval. I would strongly recommend that the wall be maintained in its current, historic place but that if the new owners wish to remove the steps (which lead nowhere at present), they must preserve and reuse them as steps in a prominent location on the property.

Response: Comment is noted. The wall is not in danger of being demolished as a result of this project. The Historic Landmarks Commission (HLC) approved a Historic Structures Report that is included in the MND that identifies the sandstone wall as eligible for listing as a structure of merit. In their approval of the Historic Structures Report, HLC did not initiate listing of the wall as a Structure of Merit. The City is

exploring the potential to create a thematic historic district covering much of the City's sandstone retaining walls, gate posts and other such features.

Letter No. 3

Suzanne Elledge Planning & Permitting Services, Inc. – Trish Allen

March 18, 2010

Environmental Setting

Comment: Biological Resources (page 2) The last sentence of the first paragraph, Army Corps of Engineers is misspelled.

Response: Comment noted.

Plans and Policy Discussion

Comment: Conservation Element - Visual Resource Policy 2.0 (page 5) The discussion should make reference to the fact that the project site is not located on a major hillside.

Response: The project site is located within the Hillside Design District. Those portions of the site located near the drainage exceed 20-30% slope, all other portions of the slope are less than 20% slope.

Air Quality – Recommended Mitigation

Comment: AQ-22 Carpool Parking. Provide preferential parking for carpools and vanpools for construction workers.

Response: Comment noted. No substantive environmental issue has been raised. The document has been revised to reflect this comment.

Biological Resources – Existing Conditions and Project Impacts

Comment: The second paragraph (page 15) should qualify the Army Corps of Engineers (ACOE) determination of “Waters of the U.S.” The ACOE has a very low threshold in making this identification. Any drainage that eventually drains into the ocean is determined to be “Waters of the U.S.” As a result of this determination, the project was designed to maintain the channel in its current conditions, completely avoid the three-foot delineation of the channel (as defined by the ACOE), and to maintain a structural setback that ranges from 10 feet to 70 feet from the top of the drainage channel. Further, the drainage channel is not mapped in the Santa Barbara County Flood Control digital plan of any creek or in any City designated flood-prone area. The drainage enters the property via a 36-inch diameter concrete storm drain pipe located beneath Lowena Drive, flows across the subject site, enters another 36-inch diameter concrete storm drain pipe at the southern property boundary, where it enters the City's storm drain system for a distance of approximately 1 ½ miles before it discharges into the Laguna Channel south of Highway 101. The drainage channel appears to be manmade and does not have sufficient hydrology to support native riparian and/or wetland vegetation.

Response: Comment noted. See the Biological Assessment in Appendix F of the MND for further details on the native and non-native habitats present on the property.

Comment: In the last sentence of the second paragraph (page 15) Army Corps of Engineers is misspelled.

Response: Comment noted.

Comment: Rare/Endangered species or their habitats - The first paragraph misrepresents the amount of vegetation proposed to be removed. Much of the vegetation will remain (18 trees); of the removals, only five (5) are oak trees and the remainder are ornamental. The project also includes a significant amount of proposed trees and vegetation.

Response: As discussed in Section 3 Biological Resources of the MND, the project would result in the removal of 20 trees to include five (5) coast live oaks. Grading for the project could impact the root zones of two (2) more coast live oaks. The project is proposing to replace impacted oak trees at a ratio of 1:1 onsite and 4: 1 offsite. Additionally, 36 other trees will be installed onsite.

Comment: BIO-2 Replacement Trees. The last sentence should delete the reference to City parkway and instead refer to City parks. Also, we would like to propose that some of the mitigation trees be installed on the County Bowl property in addition to Skofield Park as they have indicated an interest in receiving trees.

Response: The City Arborist determined that the off-site mitigation trees can be used in the parkways as needed throughout the City as well as Skofield Park. Also, tree planting on adjacent properties would be appropriate if approved by the landowner and the Fire Department. The MND has been revised accordingly.

Geophysical Conditions – Existing Conditions and Project Impacts

Comment: Landslides or Mudslides – The last sentence should be revised to state the following: Also, the applicant would periodically clean out the drainage culvert especially after periods of heavy rainfall and this activity may require a permit from the Army Corps of Engineers.

Response: Comments noted and will be forwarded to the ABR for their review. Please refer to Mitigation G-5 of the Geophysical Conditions Section 5 of the MND.

Letter No. 4

Jacobs, Charmaine, City of Santa Barbara Planning Commission (via e-mail)

Monday, March 8, 2010

Comment: The project proposes 13 new rental units (26 bedrooms) to replace one modest single family residence in a 3 unit per acre zone.

Response: This project is not consistent with the General Plan Land Use Designation of 3 units per acre. This project is however, consistent with the two types of zoning that occur on the lot when applying variable density. General Plan consistency findings are not required because this project does not propose a subdivision. Also, as part of the upcoming General Plan update, this area is proposed to become a medium/high density of 15-25 units per acre. f

Comment: The DMND reports no impacts for the new 26 bedroom project, only 6-7 new peak hour trips. This seems low, is it the standard equation? What would the cumulative traffic impacts for pending project in the area?

Response: The trip generation explained in the MND is based on trip generation rates in the Institute of Transportation Engineers (ITE) Trip Generation, 8th Edition. The existing single family residence would generate an average of 1 AM peak hour trip and 1 PM peak hour trip. The proposed 13 apartment units would generate an average of 7 AM peak hour trips (.51 trips/ unit) and 8 PM peak hour trips (.62 trips/ unit). Therefore, the net trips as a result of the project are 6 AM peak trips and 7 PM peak hour trips.

With regard to cumulative impacts, other approved or pending projects in the near vicinity include two mixed use projects on the 800 block of N. Milpas, two small condo projects on the 800 block of E. Canon Perdido, a small condo project at 420 E. Anapamu St, and a small condo project at 1032 Olive St.

There are no existing impacted intersections in the vicinity of the project. The closest impacted intersections would be Garden St & Gutierrez, Garden St & Hwy 101, Carrillo St & Hwy 101, and Mission St & Hwy 101. Traffic generated by the project in addition to projects within the vicinity would not cause an intersection to exceed the City's cumulative threshold and are not anticipated to result in cumulative impacts.

Comment: Approximately 27% of the property exceeds the 30% slope and is in the City's High Fire Hazard area. Is the site suitable for substantial densification? The project requires 3,350 cubic yards of cut with negligible fill. This results in a substantial change in topography on one acre.

Response: As discussed in Section 1 Visual Aesthetics and Section 5 Geophysical Conditions 27% of the site contains areas of 30% slope as noted in the comment. Additionally, 3,350 cubic yards of cut grading is proposed primarily to create the subterranean parking structure. The amount of excavation that would alter the areas of 30% slopes is 150 cubic yards of cut and 35 cubic yards of fill over an area of approximately 1,250 square feet. All other development areas are less than 30% slope. As discussed in Appendix I, the project will not cause erosion of the hillside with implementation of the proposed landscaping plan and drainage improvements. The project is also not visible from any public viewing locations. The MND therefore, concludes that the project will not exceed any CEQA significance thresholds in the areas of visual and geologic resources.

Comment: In regard to Hazards, the project proposes major densification on one of only two possible narrow exits from the five-thousand seat Santa Barbara Bowl, also in the high fire

Response: Fire and Transportation Staff have reviewed the site layout and the Wildland Fire Plan and have determined that the project meets the fire code requirements for landscaping and ingress/egress. A summary of Hazards is provided in the Hazards Section 6, the Public Services Section 9 and Transportation/Circulation Section 11 of the MND.