

ATTACHMENT 7

CORRESPONDENCE RECEIVED

SUMMARY OF PUBLIC COMMENT AND STAFF RESPONSES



City of Santa Barbara
Community Development Department

Memorandum

DATE: January 16, 2014
TO: Planning Commission
FROM: Barbara Shelton, Planning Division
SUBJECT: Agenda Item III.B – Air Quality Design Stds - Public Comment

Telephone contact received from Cynthia Ruano, 211 W. Gutierrez, #13, who had planned to attend the hearing but now cannot.

- She supports the strongest possible ordinance measures to reduce health risk from Highway pollution.
- She notes that trees planted by Caltrans have helped a lot.

From: Mary Rose Bryson [mailto:maryrosebryson@gmail.com]

Sent: Friday, January 10, 2014 10:09 AM

To: Community Development PC Secretary

Subject: Fwd: Comments on Air Quality Design Standards for development near Highway 101

To Whom it May Concern,

I will be attending the hearing on Thursday, January 16th, 2014 at 1:00 p.m. at the City Council Chambers. I have attached four (4) pictures and a newspaper article regarding health issues of people living next to freeways.

My concern is that I live in a 100-year-old house at the end of West Figueroa Street. This ordinance will affect the building footprint of any upgrades I wish to make to my house. My house is located in an R-4 zone, and my neighbors are apartment buildings and R-4 rentals. Now I will not be allowed to upgrade my house.

The pictures I have attached reflect "before" and "after" shots of the end of West Figueroa Street, where the City of Santa Barbara constructed steelhead trout "ladders" in Mission Creek. The City hired MacPherson landscaping to cut down approximately twenty (20) forty-year-old trees (bottlebrush and pecan) as part of this Measure B project to bring back the steelhead trout.

If this ordinance requires homeowners to plant trees or construct some type of filter or screen for the harmful effects of traffic, I think the City of Santa Barbara should re-plant trees too. I also feel it is unfair to penalize homeowners whose homes happened to be next to freeway exits or entrances where Caltrans did not decide to build walls to shield homeowners from noise from pollution.

The newspaper article from the New York Times discusses the uncertainty of the science of calculating the health effects of living next to freeways.

I look forward to speaking to the Planning Commission next week.

Sincerely,

Mary Rose Bryson
410 West Figueroa Street



City of Santa Barbara California

NOTICE OF A PUBLIC HEARING OF THE PLANNING COMMISSION TO PROPERTY OWNERS WITHIN 250 FEET OF HIGHWAY 101 AND INTERESTED PARTIES

THURSDAY, JANUARY 16, 2014, 1:00 P.M.* (See note below)
CITY COUNCIL CHAMBERS, CITY HALL – 735 ANACAPA STREET

AIR QUALITY DESIGN STANDARDS FOR DEVELOPMENT NEAR HIGHWAY 101

The Planning Commission will hold a public hearing on a draft ordinance to establish air quality design criteria for new development of sensitive uses within 250 feet of Highway 101. The intent of the ordinance is to reduce health risks from highway vehicle exhaust for any future development of residences, nursing or retirement homes, schools, or family day care. Project design criteria involve site layouts, vegetative screening, and interior air filtration. The Planning Commission will consider recommendations to City Council regarding ordinance adoption. Public comment is welcome.

You are invited to attend this hearing. Written comments are welcome and will be entered into the public record. Written information should be submitted prior to the meeting at the Planning Division Office, 630 Garden St; by mail attention Planning Commission Secretary, P.O. Box 1990, Santa Barbara, CA 93102-1990; or by email at PCSecretary@SantaBarbaraCA.gov, and received no later than 4:30 P.M. on the Monday before the Planning Commission hearing. Please submit 12 copies of any written materials of more than two pages. Written comments are accepted at and up to the time of the hearing; however, the Planning Commission may not have time to consider materials submitted after the Monday deadline.

This is the only notification you will receive for this draft ordinance. If you have any questions or wish to be placed on a mailing list for future agendas for this item, please contact Barbara Shelton at the Planning Division office at (805) 564-5470, extension 4467, or by email at BShelton@SantaBarbaraCA.gov. Office hours are 8:30 a.m. to 4:30 p.m., Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.

This implementing ordinance is within the scope of the 2011 General Plan Update and its Program Environmental Impact Report. If you challenge the decision-making action or environmental determination in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or Council hearings, or in written correspondence delivered to the City prior to the hearings.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the Planning Division Office at (805) 564-5470, extension 4535. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

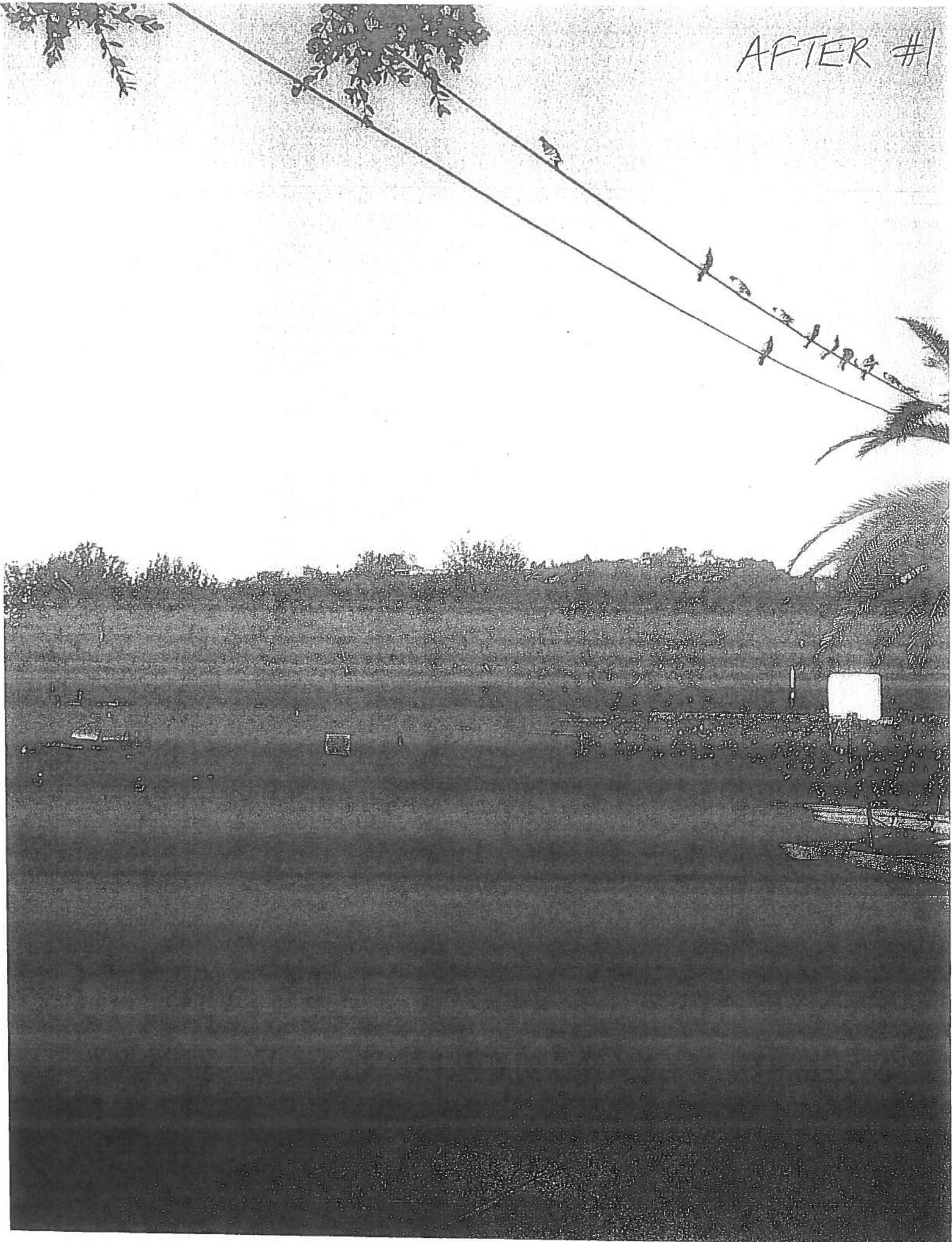
* **NOTE:** On Thursday, January 9, 2014, an Agenda with all items to be heard on Thursday, January 16, 2014, will be available at 630 Garden Street. **AGENDAS, MINUTES and REPORTS:** Copies of all documents relating to agenda items are available for review at 630 Garden St., the Central Library at 40 E. Anapamu Street, and posted online at www.SantaBarbaraCA.gov/PC. Please note that online Staff Reports may not include some exhibits. Agenda items are subject to change. It is recommended that interested parties plan to arrive for the meeting at 1:00 p.m. However, for longer agendas, all parties are encouraged to monitor Channel 18 and when the item prior to the application of interest begins come to the Commission hearing. Continuances will not be granted unless there are exceptional circumstances.

Meetings can be viewed live on City TV-18, or on your computer at www.SantaBarbaraCA.gov/CityTV. A rebroadcast schedule can be found at www.SantaBarbaraCa.gov/CityTVProgramGuide.

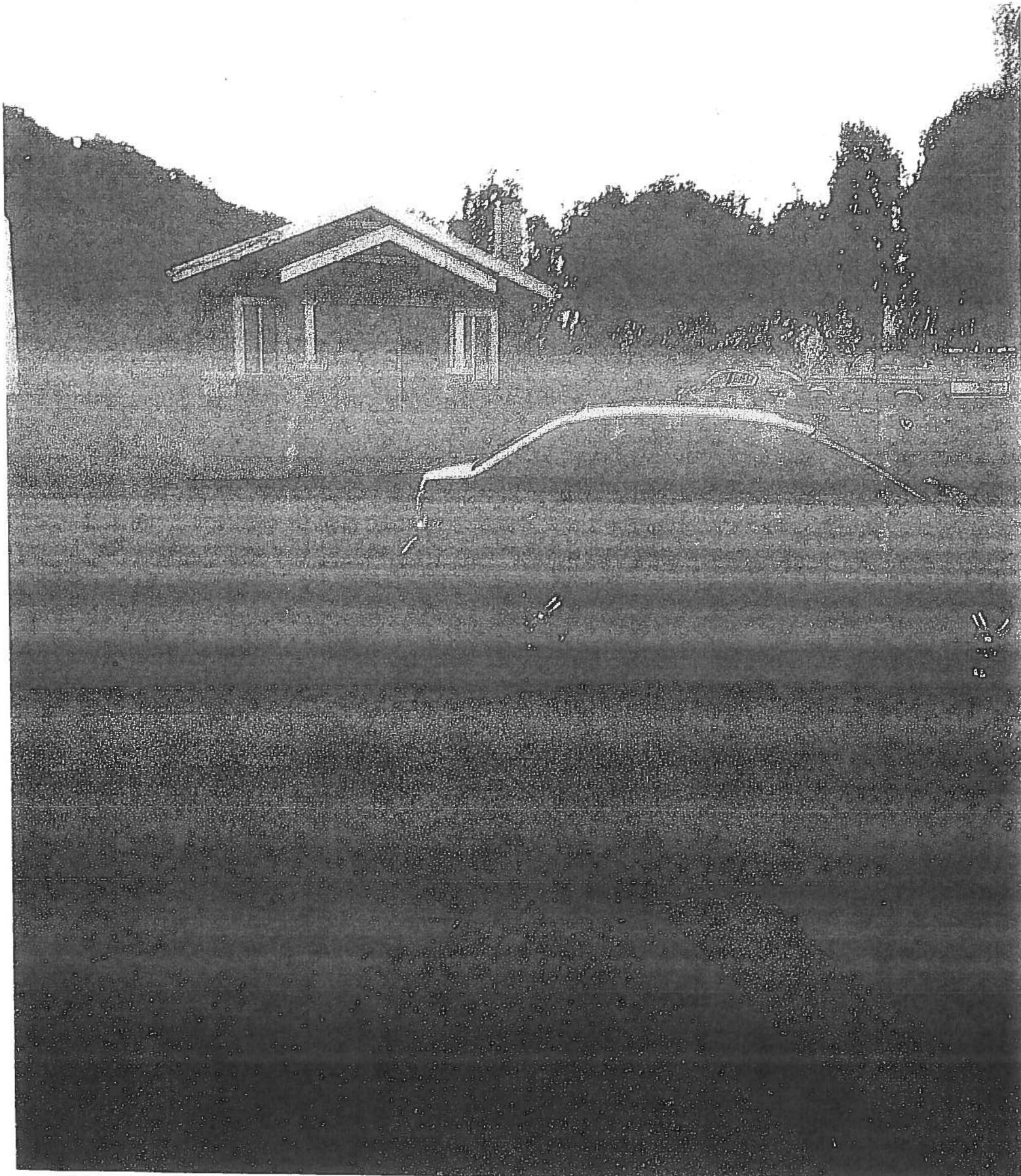
BEFORE #1



AFTER #1



BEFORE #2



AFTER #2



The New York Times

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January 13, 2010

Report Links Vehicle Exhaust to Health Problems

By [MATTHEW L. WALD](#)

Exhaust from cars and trucks exacerbates asthma in children and may cause new cases as well as other respiratory illnesses and heart problems resulting in deaths, an independent institute that focuses on vehicle-related air pollution has concluded.

The report, to be issued on Wednesday by the nonprofit Health Effects Institute, analyzed 700 peer-reviewed studies conducted around the world on varying aspects of motor vehicle emissions and health. It found "evidence of a causal relationship," but not proof of one, between pollution from vehicles and impaired lung function and accelerated hardening of the arteries.

It said there was "strong evidence" that exposure to traffic helped cause variations in heart rate and other heart ailments that result in deaths. But among the many studies that evaluated death from heart problems, some did not separate stress and noise from air pollution as a cause, it said.

The institute, based in Boston, is jointly financed by the Environmental Protection Agency and the auto industry to help assure its independence. Its reports are peer-reviewed but are not published in a scientific journal.

The researchers noted that proving that air pollution from vehicles caused illness was difficult. The pollutants studied often come from sources like industry in addition to cars and trucks, they said, and many of the studies failed to rule out factors like income levels that could contribute to the illnesses studied.

Many people who live near major roads fall into lower-income categories. Vibration and noise rather than air pollution could also cause some health damage, the report said.

Nonetheless, "we see a strong signal that says traffic exposure seems to be causing effects," said Dan Greenbaum, the president of the institute.

The study found that the biggest effects occurred among people who lived within 300 to 500 meters — about two-tenths to three-tenths of a mile — from highways and major roads. That applies to 30 percent to 45 percent of the population of North America, the authors said.

The pollutants studied in the report do not include ozone, the chemical for which the Environmental Protection Agency proposed new regulations last week. Ozone is more prevalent in places distant from highways.

For many categories of health effects, the authors concluded that the studies completed so far suggested that air pollution from vehicles was the cause, without establishing that as fact.

Contacted for comment, the environmental agency said it welcomed the study. The agency added that it was taking steps to cut toxic materials in gasoline and that the federal recovery act included \$300 million for cleaning up diesel engines.

Outside experts briefed on the study had mixed reactions.

"Like the issue of second-hand smoke, it's very difficult to understand the exact mechanisms that make it bad — but it's easy to understand that it is in fact bad," said Rich Kassel, an expert on diesel engines at the Natural Resources Defense Council, an environmental group. "This study underscores that difficulty."

"Despite 40 years of building ever-cleaner vehicles, we still have a vehicle pollution problem in this country," Mr. Kassel said.

Howard J. Feldman, the director of regulatory and scientific affairs at the American Petroleum Institute, noted that the evidence of a causal factor was inconclusive for some ailments.

"The only conclusive thing that was found was with the asthma," Mr. Feldman said. "Nothing else was found to be conclusive, which to me was interesting in itself."

"These are epidemiological studies, which by definition reflect past exposures with past fuels," he added.

As emissions from traffic decline, Mr. Feldman predicted, exposures from other sources will become more important.

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From: Steve Johnson [mailto:steve@stevej.com]
Sent: Monday, January 13, 2014 2:22 PM
To: Community Development PC Secretary
Subject: Planning Commission consideration of AIR QUALITY DESIGN STANDARDS

The City's proposed ordinance to regulate development of properties near Highway 101 is based on false data. City staff is aware of this fact, but has failed to take action to alert the public to the true dangers associated with cancer hazards near highway 101.

The Air Quality Study (Feb 2009) conducted as part of the City's recent General Plan update contains a simple mistake which produced a screening corridor width of 250'. A correct calculation would have yielded a corridor width of just under 1000'.

I am particularly upset by the fact that the value calculated in the Air Quality Study is patently false (as the author of the study has admitted to City staff); yet the City insists on using the study to promote the 250' value for the corridor. This very much reminds me of Ibsen's "A Public Enemy".

Compounding the problem is the City's support for the widening of Highway 101, which will worsen air quality.

The proposed ordinance is a fig leaf which does essentially nothing to deal the cancer hazard identified in the Air Quality Study; support for the widening 101 before the Sate certifies that the cancer hazard has been reduced is a mistake. The City actually has some leverage with the state to lessen the hazard, but is failing to apply it.

Thank you for the opportunity to express my concerns.

Steve Johnson
Email: steve@stevej.com
Voice/Text: 805-699-5364
319 W. Cota St, SB CA 93101

From: Steve Johnson [mailto:steve@stevej.com]
Sent: Tuesday, January 14, 2014 10:50 PM
To: Shelton, Barbara
Subject: FW: Planning Commission consideration of AIR QUALITY DESIGN STANDARDS

Ms. Shelton,

Thank you for providing the explanation (shown below) by James Reyff regarding the discrepancy noted in the Air Quality Report:

"The author of the Air Quality Report, James Reyff, has responded to Mr. Johnson's issue about the report. There was an error in a text notation, not in the modeling. The report text incorrectly referenced traffic volume modeling input as representing 10% of daily traffic volume. The modeling for this study in fact used average hourly traffic volumes over the entire day, which was the correct input because traffic occurs all hours of the day on Highway 101, and the study was modeling for average emission exposure levels."

However, Mr. Reyff's assertion/explanation is demonstrably false. Please consider the following lines from the Air Quality Study (pdf page 13):

The model used representative screening meteorological conditions that include a low wind speed of 1 meter per second, a worst-case wind angle search and a stability class of E. The hourly traffic volume was assumed to be 10% of the average daily volume. Except in outside suburban areas, peak-hour freeway traffic volumes are usually 10% or less. The hourly concentration was converted to an annual concentration using a conversion factor of 0.08 (U.S. EPA 1992).

A key point is the use of the 0.08 factor to obtain an <average> annual concentration. The reference to U.S. EPA 1992 refers to *Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised*. EPA-454/R-92-019. October.

A copy of this document is attached. The conversion factor of 0.08 comes from pdf page 38. The relevant text is:

"To obtain the estimated maximum concentration for a 3-, 8-, 24-hour or annual averaging time, multiply the 1-hour maximum (C_1) by the indicated factor:

Averaging Time

Multiplying Factor

3 hours	
0.9 (± 0.1)	
8 hours	
0.7 (± 0.2)	
24 hours	
0.4 (± 0.2)	
Annual	
0.08 (± 0.02) "	

The EPA document states that an annual average concentration is obtained by applying the 0.08 factor to a **1-hour maximum** concentration. Mr. Reyff chose 10% of the average daily volume as his estimate of the 1-hour maximum concentration, and supported that choice with his comment "*peak-hour freeway traffic volumes are usually 10% or less*".

Further defeating Mr. Reyff's explanation is his use of the 0.08 factor to obtain average annual concentrations.

My assertion is that Mr. Reyff made a simple error, and later concocted a disingenuous rationalization, rather than confirm that an error was made. I am hoping that as a technical specialist, you can review and support my argument. However if necessary, I am willing to pay for an independent professional review of my assertion.

Germane excerpts from the Air Quality Study:

Page 13:

The hourly traffic volume was assumed to be 10% of the average daily volume. Except in outside suburban areas, peak-hour freeway traffic volumes are usually 10% or less.

Page 27:

Hourly traffic was input to the model as 10 percent of the average daily volume.

Hourly concentrations produced by the model were computed to annual concentrations by applying a persistence factor of 0.08.

Table on Page 30:

(see following page)

Summary of DPM Concentrations and Resulting Risks - 70-Year Exposure

2007 Emissions	1-Hour Maximum Conc (ug/m3) at Receptor s*								
Meteorological Conditions	15.25 m 50 ft	30.5 m 100 ft	45.75 m 150 ft	60.96 m 200 ft	76.2 m 250 ft	91.44 m 300 ft	106.7 350 ft	121.9 m 400 ft	152.4 m 500 ft
F at 1 m/s	1.94	1.28	0.92	0.69	0.52	0.40	0.31	0.24	0.14
E at 1 m/s	1.15	0.77	0.58	0.45	0.36	0.29	0.24	0.20	0.14
D at 1 m/s	0.82	0.55	0.41	0.32	0.26	0.22	0.18	0.15	0.11
Meteorological Conditions	Risk (per million)** at Receptor Distance (70-Year Exposure)								
Meteorological Conditions	15.25 m 50 ft	30.5 m 100 ft	45.75 m 150 ft	60.96 m 200 ft	76.2 m 250 ft	91.44 m 300 ft	106.7 350 ft	121.9 m 400 ft	152.4 m 500 ft
F at 1 m/s	49.4	32.6	23.4	17.6	13.3	10.2	7.9	6.1	3.6
E at 1 m/s	29.3	19.6	14.8	11.5	9.2	7.4	6.1	5.1	3.6
D at 1 m/s	20.9	14.0	10.4	8.2	6.6	5.6	4.6	3.8	2.8

* Distances are from the edge of the roadway

** Conversion factor for 1-hr to annual average conc. of 0.08

Steve Johnson
319 W. Cota St
Santa Barbara CA 93101

To: Barbara Shelton, City of Santa Barbara
Date: Jan 16, 2014
Subject: Santa Barbara Air Quality Report

Ms. Shelton,

Thank you for providing the explanation (shown below) by James Reyff regarding the discrepancy noted in the Air Quality Report:

"The author of the Air Quality Report, James Reyff, has responded to Mr. Johnson's issue about the report. There was an error in a text notation, not in the modeling. The report text incorrectly referenced traffic volume modeling input as representing 10% of daily traffic volume. The modeling for this study in fact used average hourly traffic volumes over the entire day, which was the correct input because traffic occurs all hours of the day on Highway 101, and the study was modeling for average emission exposure levels."

However, Mr. Reyff's assertion/explanation is demonstrably false. Please consider the following lines from the Air Quality Study (pdf page 13):

The model used representative screening meteorological conditions that include a low wind speed of 1 meter per second, a worst-case wind angle search and a stability class of E. The hourly traffic volume was assumed to be 10% of the average daily volume. Except in outside suburban areas, peak-hour freeway traffic volumes are usually 10% or less. The hourly concentration was converted to an annual concentration using a conversion factor of 0.08 (U.S. EPA 1992).

A key point is the use of the 0.08 factor to obtain an <average> annual concentration. The reference to U.S. EPA 1992 refers to *Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised*. EPA-454/R-92-019. October.

A copy of this document is attached. The conversion factor of 0.08 comes from pdf page 38. The relevant text is:

"To obtain the estimated maximum concentration for a 3-, 8-, 24-hour or annual averaging time, multiply the 1-hour maximum (χ_1) by the indicated factor:

Averaging Time	Multiplying Factor
3 hours	0.9 (± 0.1)
8 hours	0.7 (± 0.2)
24 hours	0.4 (± 0.2)
Annual	0.08 (± 0.02) "

The EPA document clearly states that an annual average concentration is obtained by applying the 0.08 factor to the **1-hour maximum**.

Mr. Reyff clearly implies that the 1-hour maximum is taken as 10% of the average daily volume.

Use of the 24 hour average is not consistent with use of the 0.08 factor.

My assertion is that Mr. Reyff made a simple error, and later concocted a nonsensical rationalization, rather than confirm that an error was made.

I am hoping that as a technical specialist, you can review and support my argument.

However if necessary, I am willing to pay for an independent professional review of my assertion.

Steve Johnson

Email: steve@stevej.com

Voice/Text: 805-699-5364

319 W. Cota St, SB CA 93101

Steve Johnson
319 W. Cota St
Santa Barbara CA 93101

To: Planning Commission, City of Santa Barbara
Date: Feb 6, 2012
Subject: 1255 Coast Village Road (MST2011-00220)

I am writing to offer information about air quality concerns related to this project. The recent General Plan Update included Policy ER7 – Highway 101 Set-Back. A strict interpretation of ER7 might prevent the Planning Commission from approving this project. I understand waivers are being considered for projects which were in the pipeline prior to the Dec 1, 2011 adoption date of the GP Update. However, such waivers might stigmatize a project with an uncertainty regarding the health risks future residents/tenants/workers might experience.

I am the owner of a project at 517 W. Figueroa St also impacted by Policy ER7. As a consequence, I have done considerable research into the methodology used in the **Air Quality Report**, prepared for the City by Illingworth & Rodkin as part of the GP Update EIR. **My research suggests that the report contains an error which significantly underestimates health risks.**

However, the report also stresses (on page 13) that it is based on “screening” assumptions, and that site-specific studies would produce better assessments of health risks. The final EIR (Section 6 - Air Quality, page 6-20) also recognizes the need for site-specific studies:

“As part of the project review process for proposed projects within the specified distance, a project-specific study would be required to provide a risk assessment and identify any feasible measures to reduce potential impacts. “

I have conducted a site-specific evaluation using the same methodology as that in the Air Quality Report, but improved by use of the following:

- actual wind conditions
(hourly wind observations for all of 2010 obtained from the SBC Air Pollution Control District)
- diurnal truck traffic pattern (based on a 2003 Caltrans study)
- actual geometry (coordinates obtained using Google Earth)

For the 1255 Coast Village Road site, my evaluation shows a 70 year health risk of 18 cases per million, well above the 10 in a million threshold of significance. However, the more reasonable 30 year health risk is just under 9 cases in a million. The reasonable standard for rental units (used by other jurisdictions) is just over 3 cases in a million.

I would be happy to provide detailed support of my evaluation. Thank you for the opportunity to comment.

Steven A Johnson

EPA-454/R-92-019

Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised

DISCLAIMER

This report has been reviewed by the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use.

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

October 1992

*Report is on file at the
City of Santa Barbara Planning Division
Office at 630 Garden Street, S.B.*

PREFACE

This document presents current EPA guidance on the use of screening procedures to estimate the air quality impact of stationary sources. The document is an update and revision of the original Volume 10 of the "Guidelines for Air Quality Maintenance Planning and Analysis", and the later Volume 10 (Revised), and is intended to replace Volume 10R as the standard screening procedures for regulatory modeling of stationary sources.

Many of the short-term procedures, outlined in this document, have been implemented in a computerized version in a model entitled SCREEN2. In previous editions of this document, the SCREEN user's guide was contained within an appendix to the document. As of this edition, the SCREEN2 user's guide and documentation is provided as a separate document entitled "SCREEN2 Model User's Guide," EPA-450/4-82-006. Software copies of SCREEN2 may be downloaded from the Office of Air Quality Planning and Standards (OAQPS) Technical Transfer Network (TTN) Bulletin Board System (BBS) via modem by dialing (919) 541-5742. The TTN BBS now serves as the primary source of air dispersion models, replacing the User's Network for Applied Modeling of Air Pollution (UNAMAP). Copies of SCREEN2 in diskette form may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

ACKNOWLEDGMENTS

Special credit and thanks are due Mr. Thomas E. Pierce, EPA-AREAL, for his assistance with developing the FORTRAN code for the SCREEN model and for his technical suggestions on improving the procedures. Credit is due Mr. Russell F. Lee, who served as EPA Project Officer on the preparation of the original version of the Volume 10 procedures, and who continued to provide valuable technical assistance for this document, and Mr. Laurence J. Budney, author of the current document. The author also acknowledges those who reviewed the document and provided many valuable comments, including the EPA Regional Modeling Contacts, several State meteorologists, and meteorologists with EPA-OAQPS. Credit and thanks are due Mr. Roger W. Brode, for developing the "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Draft for Public Comment" documentation for SCREEN. The project officer for SCREEN2, Dennis G. Atkinson, is responsible for the first revision to this document. Mr. Atkinson is on assignment from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. Final thanks are due James L. Dicke and Joseph A. Tikvat of EPA-OAQPS for their support and insight.

Steve Johnson
319 W. Cota St
Santa Barbara CA 93101

To: Santa Barbara City Council
Date: Feb 8, 2012
Subject: Policy ER7

I am writing to offer information about Air Quality Policy ER7, contained in the General Plan Update adopted on Dec 1, 2011.

I feel the City has acted with excessive caution by imposing a moratorium on development for sites within 250' of the highway. No such moratorium has been adopted by the cities of Los Angeles, San Francisco, Oakland, Sacramento, Buellton, Goleta, Carpinteria, or Ventura. All of those cities allow development within 500' of major freeways. Oakland and Sacramento require either mitigations or a site-specific survey. San Francisco exempts projects of 10 or fewer units, and considers mitigations in other cases (source: rampasthma.org).

I am the owner of a project at 517 W. Figueroa St impacted by Policy ER7.

As a consequence, I have done considerable research into the methodology used in the **Air Quality Report**, prepared for the City by Illingworth & Rodkin as part of the GP Update EIR. **My research suggests that the report contains an error in the estimate of maximum hourly truck traffic, leading to faulty results which significantly underestimate health risks.**

The report used a very simplistic approach to create a "screening" corridor along Highway 101. The intent was to identify a corridor which could be used to identify sites where site-specific studies would be appropriate in order to produce better assessments of health risks. The fault in the analysis underscores the need for site-specific studies, rather than reliance on a simplistic corridor.

The final EIR (Section 6 - Air Quality, page 6-20) also recognizes the need for site-specific studies:

"As part of the project review process for proposed projects within the specified distance, a project-specific study would be required to provide a risk assessment and identify any feasible measures to reduce potential impacts."

Inexpensive site-specific evaluations can be readily produced using the CAL3QHCR methodology of the Air Quality Report, but improved by use of the following:

- actual wind conditions for the City of Santa Barbara
(hourly wind observations for all of 2010, obtained from the SBC Air Pollution Control District)
- diurnal truck traffic pattern (based on 2011 Caltrans Weigh-in-Motion data from station 81)
- actual geometry (coordinates obtained using Google Earth)

I have conducted several site-specific evaluations to consider the impact of prevailing winds. These evaluations show that sites located inland from Highway 101 have significantly higher health risks than that suggested by the Air Quality Study. Again, this underscores the importance of not relying on a simplistic distance for evaluating health risks.

I understand the City might grant waivers to projects which were in the pipeline prior to the Dec 1, 2011 adoption date of the GP Update. However, such waivers might stigmatize a project with an uncertainty regarding the health risks future residents/tenants/workers might experience. I would prefer that my project be permitted to advance based on a site-specific study. However, please note that I do not advocate the very expensive process of site-specific air-quality testing. I advocate the CAL3QHCR modeling approach used by many other jurisdictions

Thank you for the opportunity to comment.

Steven A Johnson

Steve Johnson
steve@stevej.com

28 January 2014

Deborah L. Schwartz, Planning Commissioner
630 Garden St
Santa Barbara CA 93101

Dear Commissioner Schwartz,

I have interrupted my life's work to bring you this important message:

The reason the California Air Resources Board (joined by the Santa Barbara Air Pollution District) recommends that sensitive land uses—residences, schools, day care centers, playgrounds, and medical centers—not be located closer than **500 feet** from a freeway is entirely **different** from the reason Santa Barbara City planners promulgate a **250-foot** buffer between sensitive land uses and Highway 101.

City planners set its buffer at 250 feet to reduce **70-year cancer risk** from exposure solely to **truck diesel exhaust particulates**, whereas the Air Resources Board placed its setback at 500 feet to alleviate **non-cancerous respiratory impairments** (for example, slow lung development, reduced lung function, asthma, bronchitis) primarily **In children** (but also seniors and those with acute or chronic lung or heart problems) from exposure to the **many kinds of air pollution** produced by **all kinds of traffic**.

City planners (lacking the relevant expertise) based their decision on a **single** commissioned report by a **single** person in Petaluma who, without making **any** site-specific measurements, used computer models to generate **hypothetical** estimates of only truck diesel exhaust particulate concentrations and to derive a **hypothetical** 70-year cancer risk, whereas the Air Resources Board relied on numerous health studies which examined **real** adverse health impacts on **real** people in relation to their **real** proximity to traffic: for example, the USC Children's Health Study [news release and executive summary results enclosed] tracked four types of air pollutants in a dozen communities in southern California and regularly measured, from elementary through high school, the lung function of thousands of children living there.

Because both the goal and basis for these two policies are **different**, the consequences of codifying as an ordinance either the City planners' 250-foot buffer with its narrow focus, or the Air Resource Board's 500-foot setback with its broader scope, will be disastrously **different**. If the 250-foot buffer from Highway 101 is established in the City of Santa Barbara, 70-year cancer risk solely from truck diesel particulates might be reduced, but the respiratory health of children (and seniors and those with acute or chronic lung or heart problems) will be **endangered** by traffic-related air pollutants because **250 feet is not far enough away to significantly alleviate non-cancerous lung impairments**, whereas if the 500-foot setback from the freeway is established instead, the increased distance from traffic-related air pollutants will result in substantial benefits to the non-cancerous respiratory health of children (and seniors and those with acute or chronic lung or heart problems) **and** might reduce even more the 70-year cancer risk solely from truck diesel particulates.

To adopt the 250-foot buffer will incur the responsibility for needless human suffering.

Sincerely,



Tracy Fernandez
302 Palisades Dr
Santa Barbara CA 93109

REFERENCES verso.

REFERENCES

For the reason and evidential basis of the Air Resources Board's 500-foot setback, see the first comment [labeled "1." on the first page] in the letter [Agency Letter #A9] from the Santa Barbara Air Pollution Control District to John Ledbetter, Principal Planner, "RE: APCD Review of the Draft EIR for the Plan Santa Barbara General Plan Update," dated May 17, 2010, and signed by **Molly Pearson**, Community Programs Supervisor of the Technology and Environmental Assessment Division [961-8838; mmp@sbcapcd.org], as well as the important attachment to that letter, *Public Health and High Traffic Roadways* [enclosed], referred to in her first comment: page 53 [first comment] and pages 56–57 [the attachment] of *Volume III: Response to Comments* of the proposed final [which became the final] *Program Environmental Impact Report for the 'Plan Santa Barbara' General Plan Update* [dated September 2010].

For the basis of the City's 250-foot buffer, see "Impact AQ-3.1" on page 6-19 of Section 6, Air Quality of *Volume I* of the proposed final [which became the final] *Program Environmental Impact Report for the 'Plan Santa Barbara' General Plan Update* [dated September 2010]: "...potential **cancer risks** near freeways would be substantially reduced...." [p. 6-19, last ¶, my emphasis] based on the *Air Quality Report: City of Santa Barbara* prepared by James A. Reyff of Illingworth & Rodkin, Inc. of Petaluma, dated February 24, 2009, in Appendix E: Air Quality of *Volume II: Appendices B through L* of the proposed final [which became the final] *Program Environmental Impact Report for the 'Plan Santa Barbara' General Plan Update* [dated March 2010], especially pages 11, 13–14, and the report's Attachment 3, pages A3-1–A3-3.

Important quotations from this report are italicized below with clarifications in brackets { } :

"A screening analysis of future DPM {Diesel Particulate Matter; only from trucks (the considerable contribution of the diesel trains that run through the City's freeway corridor is omitted) and only 10 microns in diameter (p. A3-1, 3rd ¶ from the bottom) though 90% of DPM is 2.5 microns in diameter (p. 6, 2nd ¶)} exposure and associated health effects was conducted as part of this report for traffic on the freeway of Santa Barbara. The health impacts associated with the DPM exhaust are expressed in terms of **increased risk of contracting cancer by individuals who reside for extended periods** {70 years!: p. 13, pp. A3-2–A3-3} near the freeway." [p. 12, 3rd ¶, my emphasis; children have shown non-cancerous lung impairment within 4 years of exposure; by the time they are 70 they are no longer children!]

"While CARB {California Air Resources Board} recommends a 500-foot setback between sensitive receptors and freeways, this analysis suggests that the setback could be **300 feet or possibly less**." [p. 14, my emphasis] So why do the City planners promulgate 250 feet? Because they **remember** the following: "The analysis of existing DPM exposures indicates that significant health risks {defined, remember, as 70-year cancer risk} could occur at distances of almost 250 feet from the edge of U.S. 101." [first sentence of p. 13]; but have **forgotten** that "On average, CARB reports that DPM represents about 70% of the potential cancer risk from vehicle travel." [p. 11, 2nd ¶, my emphasis] Most of the other 30% is due to benzene and 1,3 butadiene [p.11, same ¶], but "This analysis did not include the contribution of benzene and 1,3 butadiene to the overall risk from freeway traffic." [p. 13, 2nd ¶]. "For existing conditions, a screening distance of **300 feet** between the edge of the freeway and the siting of new sensitive receptors in Santa Barbara could be used to account for the small {30%} contribution of non-DPM TACs {non-Diesel Particulate Matter Toxic Air Contaminants, among which benzene and 1,3 butadiene pose the greatest cancer risk}. More refined modeling that uses site-specific conditions (traffic and meteorology) would likely find the distances to be less." [p.13, 2nd ¶, my emphasis] Since the computer model that Mr. Reyff used "does not predict emissions" for benzene or 1,3 butadiene [p. 13, same ¶] and no further modeling or measuring has been done by either Mr. Reyff or City planners, the City's **250-foot** buffer is **not** substantiated by the very report they have commissioned!

Public Health and High Traffic Roadways

California Air Resources Board Recommended Policy:

Sensitive land uses such as residences, schools, day care centers, playgrounds, and medical facilities should not be sited within 500 feet of:

- A freeway
- Urban roads with 100,000 or more vehicles/day
- Rural roads with 50,000 or more vehicles/day

(Ref. "Air Quality and Land Use: A Community Health Perspective." California Air Resources Board. April 2005)

Reason for the Policy:

Many studies show that living in proximity to freeways and other high traffic roadways leads to adverse health effects beyond those associated with regional air pollution. A number of studies that focused on children have found slower lung development and significant increases in the incidence of lung disease, such as asthma, bronchitis, and decreased lung function, in children who live or attend school near heavily travelled roadways. In addition to children, seniors, and people with heart and lung conditions are considered particularly sensitive to effects of air pollution. Residence in high-traffic areas has been shown to increase the risk of mortality within a cohort of male veterans.

Health Studies:

The results of health studies suggests that it is important to avoid exposing children and other sensitive populations to the elevated air pollution levels near freeways and other high traffic roads. While particulate pollution is suspected as contributing the most to the adverse health effects, studies have not yet determined which specific pollutants and sources (cf. diesel particulate, re-entrained roadway dust particulate, NO2 vehicle exhaust, diesel trucks vs. gasoline cars, &c.) are responsible. Additional studies are underway. While significant adverse health effects were observed in children who lived within 1,500 feet of a freeway (Gauderman, 2007), the studies indicate a substantial benefit to a 500 foot separation (McConnell, 2006).

Key Findings:

- Reduced lung function in children is associated with traffic density within 1,000 feet and the strongest association is within 300 feet of the roadway. (Brunekreef, 1997)
- Children living within 550 feet of heavy traffic have more medical visits than children who live further away from traffic. (English, 1999)
- Increased asthma hospitalizations are associated with living within 650 feet of heavy traffic. (Lin, 2000)
- Asthma symptoms increase with proximity to roadways and the risk is greatest within 300 feet. (Venn, 2001)
- Asthma and bronchitis symptoms in children are associated with proximity to high traffic in a community with good overall regional air quality. (Kim, 2004)
- Children living within 150 – 200 meters (~450 feet – 600 feet) of heavy traffic have higher rates of asthma than children living further away from traffic. (McConnell, 2006)
- Children living within 500 meters (~1,500 feet) of heavy traffic have significantly slower lung development than children living further away from traffic. (Gauderman, 2007)
- Survival of members of the Washington University-EPRI Veterans Cohort is strongly and robustly associated with county-average levels of traffic related air pollution and mortality relationships are stronger in the counties with higher levels of traffic density. (Lipfert et al, 2009)

Applicability to Santa Barbara County:

The studies covered children in a variety of urban environments living in proximity to roadways covering a wide spectrum of traffic volumes. The adverse health effects were measured at traffic volumes as low as 41,000 vehicles per day (English) and between 80,000 and 150,000 vehicles per day (Brunekreef). Highway 101, through Santa Barbara County, experiences traffic volumes within the range where health effects have been observed. Also, some parts of Highway 101 see over 7000 diesel trucks per day (SBCAG). Furthermore, running parallel to Highway 101 through the southern portion of Santa Barbara County is a rail corridor that contributes significantly to the pollution levels near the highway (cf., rail contributes an additional 10% or 0.07 tons per day to mobile source generated PM10 emissions in Santa Barbara County).

2006 Average Daily Traffic (ADT) Volumes for Highway 101 (SBCAG):

US 101 at Glenn Annie = 65,800 ADT

US 101 at Highway 150 = 68,000 ADT

US 101 at Las Positas = 140,000 ADT

US 101 at Highway 166, Santa Maria = 55,000 ADT

Conclusion:

In order to protect the public health, especially the health of children, from the adverse effects of air pollutants generated by traffic on Highway 101, land use policies should prohibit the construction of new residences, schools, day care centers, playgrounds, and medical facilities within 500 feet of Highway 101. No other roadways in Santa Barbara County currently have estimated traffic volumes at the magnitude for which the proximity studies have identified adverse health effects.

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- Rob McConnell, et al. *"Traffic, Susceptibility, and Childhood Asthma."* Environmental Health Perspectives. Volume 114, Number 5, May 2006.
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- Brunekreef, B. et al. *"Air pollution from truck traffic and lung function in children living near motorways."* Epidemiology. 1997; 8:298-303.
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- "2007 Clean Air Plan."* Santa Barbara County Air Pollution Control District (August 2007).
- "2007 Travel Trends Report for Santa Barbara County."* Santa Barbara County Association of Governments. (December 2007)
- Lipfert, F. et al. *"Air Pollution and Survival within the Washington University-EPRI Veterans Cohort: Risks Based on Modeled Estimates of Ambient Levels of Hazardous and Criteria Air Pollutants."* Journal of the Air & Waste Management Association. Vol. 59 April 2009, pp. 473-487.



California Environmental Protection Agency

NEWS RELEASE

Air Resources Board

Release 04-14

**FOR
IMMEDIATE
RELEASE
June 24, 2004**

CONTACT: Jerry Martin
Gennet Paauwe
(916) 322-2990
www.arb.ca.gov

ARB's 10-Year Children's Health Study Complete

SACRAMENTO - The landmark Children's Health Study, funded by the California Air Resources Board (ARB), is nearing a close having produced numerous new findings on the effects of air pollution on children's health. This 10-year, \$18 million study produced results showing how air pollution reduces children's lung growth and function, impacts respiratory health in asthmatic children, including new asthma cases, and contributes to increased school absences.

ARB Chairman Dr. Alan Lloyd said, "This study has added greatly to our basic understanding of air pollution's effects on our children's health and reinforced the need to continue our efforts to reduce the pollution affecting millions of children."

The study, conducted by researchers from the University of Southern California (USC), was the nation's first large-scale effort to study the effects of long-term exposure to outdoor air pollution in children, one of our most sensitive populations.

The study followed more than 5500 children at 52 schools in twelve Southern California communities from elementary through high school to track how different outdoor air pollution exposures affect respiratory health. The majority of children enrolled in the program as fourth-graders and were followed through high school.

The major findings of the study were:

- Significant lung function deficits are most closely associated with exposure to nitrogen dioxide, atmospheric acidity, PM 2.5 and PM10. This decreased lung development may have permanent adverse effects in adulthood;
- Children living in high ozone communities, who are especially active, are up to three times more likely to develop asthma;
- Children living near roadways with high traffic experienced an increased risk for having been diagnosed with asthma;
- Short-term exposures to elevated ozone levels are associated with a significant increase (up to 1.3 million per year) in school absences from both upper respiratory illness with symptoms such as runny nose and lower respiratory illnesses such as asthma attacks;
- Children who move to cleaner communities with lower levels of PM have improvements in lung function growth rates. This means that even small reductions in air pollution can have immediate benefits to the long-term respiratory health of children living in polluted communities;
- Bronchitic symptoms are associated with exposure to nitrogen dioxide and the organic carbon fraction

- of PM2.5 in asthmatic children;
- The strength of the air pollution effects are generally greater in children who spend more time outdoors; and,
 - Results from the study suggest that boys in general are more susceptible to adverse respiratory symptoms and asthma outcomes than girls. Girls appear to have greater susceptibility for adverse effects on lung function development. There is limited evidence supporting sex differences in responses to ambient air pollutants; however, children of both sexes appear to have adverse respiratory effects of exposure to current levels of air pollution.

Outdoor pollution monitoring tracked levels of ozone, nitrogen oxide, acid vapor and particulate matter over the 10-year study. In addition, limited indoor pollution measurements were taken at schools and in homes. Each spring, the lung function of each child was tested and annual questionnaires collected information about respiratory symptoms and diseases, physical activity, time spent outdoors, and factors such as parental smoking, and mold and pets in the household.

The 12 communities studied were: Atascadero in San Luis Obispo County; Lompoc and Santa Maria in Santa Barbara County; Lake Arrowhead and Upland in San Bernardino County; Lancaster, Long Beach and San Dimas in Los Angeles County; Lake Elsinore, Mira Loma and Riverside in Riverside County; and, Alpine in San Diego County.

A final report of the study is being produced and will be posted to the ARB website for downloading, along with a list of the 72 published scientific papers produced by the USC researchers. The study has been co-sponsored by the U.S. Environmental Protection Agency, South Coast Air Quality Management District and other local air pollution control districts.

To view a copy of the report, [click here](#).

The Air Resources Board is a department of the California Environmental Protection Agency. ARB's mission is to promote and protect public health, welfare, and ecological resources through effective reduction of air pollutants while recognizing and considering effects on the economy. The ARB oversees all air pollution control efforts in California to attain and maintain health based air quality standards.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy cost, see our web site at <http://www.arb.ca.gov>

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predict local pollution concentrations at all CHS participants' homes and all schools. These model-based predictions were supplemented by measurements of NO₂ concentrations during two 2-week periods in 287 homes across the 12 CHS communities.

Multi-level random effects models were used for the statistical analysis of the health outcome data in relation to air pollution and other risk factors. This approach provides a unified and valid way to assess associations at three levels of comparison: over years, between individuals, and between communities.

1.3. Results

Our findings demonstrated an association between breathing polluted air in Southern California and significant chronic deficits in lung function among adolescent children. We observed air pollution effects on lung function level at study entry (youngest cohort, age 10yrs), on 4-year lung function growth (age 10-14 years) in two independent cohorts, on 8-year lung function growth (age 10-18 years) in the original fourth grade cohort, and on the maximum rate of lung function growth during adolescence (over the study period). Air pollution exposure over the 8-year (from fourth grade to twelfth grade) study period was also linked to clinically significant deficits [forced expiratory volume in one second (FEV₁) below 80% predicted] in lung function at age 18 years. We found that there were three to five times more children with clinically significant deficits in lung function living in communities with high outdoor air pollution levels compared to communities with low pollution levels. In a subset of children who moved away from their original study community, we observed consistent associations of changes in lung function growth rates with corresponding changes in ambient air pollution exposure between their former and current communities of residence. The pollutants most closely associated with lung function deficits were NO₂, acids (either inorganic, organic, or a combination of the four acids monitored), PM₁₀, and PM_{2.5}. Several constituents of PM_{2.5}, including EC, nitrate, and ammonium, also showed associations with lung function growth. However, the inter-correlation among PM pollutants, and their high correlations with NO₂ and acid, limited our ability to distinguish the independent effects of any one of these pollutants.

Our findings demonstrated effects of air pollution on both new onset asthma and asthma exacerbations. Prior to the performance of the CHS, the prevailing scientific view was that air pollution made existing asthma worse but that it did not *cause* new cases to develop. Study data showed that new cases of asthma are much more likely to occur in high ozone communities, especially among those children who exercise regularly and at elevated levels. Additionally, our analyses regarding exposure to traffic-related air pollution have found associations between proximity to high traffic density (a marker for pollutant exposure) and increased risks for prevalent asthma among children.

We have demonstrated that air pollution is related to bronchitic symptoms and that asthmatics are more likely to be affected than non-asthmatics. Evaluation of the longitudinal data implicated NO₂ and organic carbon as being responsible for the observed effects.

Our results showed that short-term changes in O₃, but not NO₂ or PM₁₀, were associated with a substantial increase in school absences from both upper and lower respiratory illness. Absences were significantly increased 2 to 3 days after exposure and reached a peak on day 5 after

exposure. Because exposures at the levels observed in this study are common, the increase in school absenteeism from respiratory illnesses associated with relatively modest day-to day changes in O₃ concentration documents an important adverse impact of O₃ on children's health and well-being.

Our data also demonstrate an association between ozone levels and birth weight of children. High ozone levels during the second or third trimester of pregnancy are associated with lower birth weight. Other manuscripts resulting from this study have demonstrated the important health effects associated with maternal smoking, environmental tobacco smoke, genetics, obesity, and dietary factors.

1.4. Conclusions

Our main conclusion is that current levels of air pollution in Southern California are associated with several serious health effects that are costly to children's health and to the state. Lung function was found to be consistently associated with a package of highly correlated pollutants that include particulates, NO₂, and acids, but not ozone. This impact of vehicle-related pollution on children's lung function is likely to have life-long adverse health sequelae. The demonstration of strong evidence linking exposure to new cases of asthma (the most common chronic disease of childhood) to ozone is another striking association. It is also important to note that most of these associations extend to pollution levels below current ambient air standards and may exert significant health effects. Taken as a whole, the results from the Children's Health Study should provide scientific support for aggressive and accelerated efforts to achieve clean air for our children to breathe.

Azam Mirtorabi

29343 Whitley Collins Dr. RPV, CA, 90275
Phone: 310-9807503, Fax: 310-5448727

January 16, 14

To the city of Santa Barbara planning commission:

My name is Azam Mirtorabi. I am the owner of a vacant parcel located at 324 De La Vina Street, in downtown Santa Barbara.

I have received a notice of today's hearing in the mail and that is the one and only notice we have received regarding the land use changes and ER7 change in particular.

I have contacted Julie Rodriguez and Barbara Shelton to receive information. Both Ms. Rodriguez and Ms. Shelton have been overwhelmingly nice and help ready.

I have received more than 2000 pages of EIR reports along with the staff report. The latest documents were sent to me two days ago. I would need to have more time and review more documents. This was not possible because of the short period of time since I was notified.

Hereby, I object to the purposed ordinance and reserve all of my rights, being legal or of other natures. Here are a few points I have to make:

- 1- The EIR reports that are used in making the policy decisions are issued in 2009 and are out dated. The air is much cleaner and the diesel particulate matters are much less in 2014.
- 2- The City council has determined that this was an interim policy in 2012 and recognized that there are a number of regulatory changes underway in the area of diesel particulates and other pollutants, thus the need for such a set back distance is expected to be short-term.
- 3- **Progress Toward Clean Air** is a report by the California Air Pollution Control Association, issued in April of 2013. I respectfully ask you to read it. I refer you to pages 19, which talks about the progress made in keeping Santa Barbara's level of Particulate

matters and Ozone in attainment with the federal and state standards as of 2012. It also talks about plans and programs for even better air quality in Santa Barbara.

When it comes to Air Quality Index (AQI), Santa Barbara has had zero overall AQI unhealthy days reflected in page 25.

- 4- ER 7.2 requires the city to pursue funding and Installation of the sound walls, trees and shrubs along unprotected areas. It seems to me this would be a good solution and I wonder how much will and effort has been used toward this goal to date?
- 5- The language of the policy is vague and up for Interpretation. There are no clear thresholds and clean cut dates. There is no clear trigger point for action. The way that this policy is drafted could put people who want to develop their lands up in the limbo for years. If this has taken 6 years for the city to change its policy, it would take much longer for an individual to push the city for the termination of this policy. After all this policy is meant to be for the interim and short term. Adding the years that it would take to repeal this policy would make it to be a very long-term policy. This would cause irreparable harm to the landowners.
- 6- There has been 991 parcels identified to fall into the 250 set back criteria. Out of 991 parcels, there are 984 parcels that are already improved. Out of the remaining 7 parcels that are vacant, 5 of them are less than 6000 square feet in size, and thus not permitted to have more than one dwelling unit on them anyway. For the other two lots, one is right next to the railroad tracks with limited access. So it seems that the panic is about the immanent improvement of **one lot**. For the remaining 984 improved parcels, the chance of demolition or addition to them should not be that great and certainly not immanent. Wouldn't it be better for the city to care for the occupants of those 984 properties more and concentrate it's efforts toward building the walls per ER7.2? I wonder how much the City of Santa Barbara has spent to date for a policy change that by passage of time would become moot. And we are very close to the foreseen time, if we are not there yet.

7- There is an expressed need for reduction of the number of commuters to downtown district and the need for affordable housing for downtown employees. The Air Resource Board (ABR) recommends that their guidelines to be considered by the decision makers along with housing needs, economic development priorities, and other quality of life issues.

8- The duration of exposure to Particulate Matters for an individual to have an increased risk of cancer is calculated to to be 70 years. This assessment is reflected in CAPCOA Guidance Document, prepared by CAPCOA Planning Managers. The title of this document is: " **Health Risk Assessment for the Proposed Land Use**"

In policy before you, there is no mention of the short-term occupancy and no threshold for determination of the occupancy time limit. If the City's argument for bypassing this Category is lack of measures to control the implementation, the city ought to use good faith planning and seek public help to find a reasonable way for implementation. Some landowners are going to be over looked and irreparably harmed for the reason stated above.

9- The city employees are not environmental and or health risk assessment experts. The city has to spend hundreds of thousands dollars of public money to obtain expert reports to cover itself for possible liability. In future, there would be confusion, waste of time and money, both for the city and the public, In absence of proper language and pre determined clean cut provisions in the policy regarding the reversal of this temporary ordinance.

In conclusion I want to thank each one of you and other people involved for your well-meaning efforts. Thank you for caring about the beautiful city of Santa Barbara.

Sincerely,

Azam Mirtorabi



Azam Mirtorabi
29343 Whitley Collins Dr. RPV, CA, 90275
Phone: 310-9807503, Fax: 310-5448727

February 12, 14

To the city of Santa Barbara planning commission:

My name is Azam Mirtorabi. I am the owner of a vacant parcel located at 324 De La Vina Street, in downtown Santa Barbara. This is my second letter to the honorable commissioners. I have reviewed the staff report submitted to the Planning Commission dated February 6, 2014. I hereby incorporate my previous objection and state my objections to the best of my knowledge and ability as a layperson and not an expert. In the notice for this hearing, there is a place that states:

“If you challenge the decision making action or environmental determination in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice”

This statement by itself is discriminatory in nature and designed to put the general public in disadvantageous position. And here is why:

An average citizen is inherently incapable to compare and evaluate scientific data contained in thousands of pages of documents, gather rebuttal data and information to what is being presented by the City as the factual basis for their actions. An average citizen is not an expert in constitution law; Land laws, civil laws and the regulations that have to do with governing bodies neglect, dereliction, mismanagement and abuse of power.

An average citizen would need a team of lawyers and experts in order to raise all appropriate objections. The City knows fully, that people do not have the resources to hire experts and may not even be aware of their rights or may not have received notice of such meetings.

Therefore City's limitation imposed on the citizens is self-serving, discriminatory, unfair and, signifies an abuse of the power by the City Of Santa Barbara.

Attached hereto as exhibit A, you will find the first 4 pages of the 2009 AIR QUALITY REPORT that is the basis for the proposed ordinance before you. Although the report has a 2009 date of submittal to the City of Santa Barbara, when you turn to page 3, you will find that the PM2.5 and PM10 measurement chart used in this report compares the Particulate Matters level in years 1987 leading up to the year 2005.

We are in the year 2014. We have several federal, State and local agencies at work that have been working hard toward the air quality improvements. We have laws and regulations in place. California has adopted more stringent air quality standards than federal and many other states. A lot has happened since 2005. As a matter of the fact I contacted Mr. Joel Cordes at the SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT. Mr. Cordes is the IT & MONITORING SUPERVISOR OF THE APCD.

Attached as exhibit B, you will find an email from him to me, and a chart that he sent me as an attachment to his email. Mr. Cordes's email is self-explanatory and shows that in 2013, there were only **2 days** that Santa Barbara was not in attainment as to the level of PM10.

As a reminder, my letter dated January 16, 2014 is attached hereto as exhibit: C

In that letter previously submitted to the Planning Commissioners, under line item 6, I demonstrated that the area of concern and imminent treat of development limits to **ONE VACANT LOT**, as the CITY has represented. Now if you couple this with the **TWO DAYS** of excess PM10 level per year, you will soon understand that the CITY'S pretense of concern is hollow. And I say hollow for the following reasons;

- 1- The CITY has not made any efforts to mitigate. I talked to CAL TRANS. They could not recall any communication from the CITY OF SANTA BARBARA regarding the construction of the sound walls along HWY 101 within the Santa Barbara city limit. I asked Ms. Shelton if the CITY has had any communication with CAL TRANS in that regard, since 2009?
Ms. Shelton provided that there were communications in relation of the 101-widening project in which the construction of the sound walls were discussed. I also talked to Mr. Guiliano, who is the project engineer for CAL TRANS. He said that CAL TRANS **has to** build sound walls, if building a new HWY or improving one.
So building the sound walls for the new 101-widening project to the south of Milpas street is **given** and required no efforts by the CITY.
The truth is that the CITY has not made any efforts toward mitigation.
- 2- The CITY has spent a lot of money to receive an AIR QUALITY REPORT, based on outdated data and yet requesting to pay for another report, when there

are reliable data and analysis available through multiple federal and state agencies.

For one, I do not think that a private corporation like URS can better inform us than a governmental entity like the SANTA BARBARA COUNTY AIR POLLUTION DISTRICT.

Another form of mitigation is planting trees and shrubs as it is described in the proposed ER 7 ordinance.

I am not aware of any efforts by the CITY since 2009 to plant trees and Shrubs along HWY 101.

At least 2000 trees could have been or could be planted with the monies spent or proposed to be spending on these reports.

Not adopting a SUNSET clause will cause heavy burden and possible economic loss for the landowners. Especially when it is attached to a new EIR as a pre requisite condition. With that, the process could take years and years. This would be in conflict with the nature of the policy, which meant to be short term.

Again I am quite disappointed that the staff did not address the short-term occupancy situations. It is really rare for a renter to stay at one place for the period of 50 or 70 years. Instead of a blanket denial of such exemption, the CITY could have imposed a limit to the time that a person can live in a property close to the FWY, for example, for a period no more than 10 years. This exemption would have been beneficial and consistent with the other policies spelled out in PLAN SANTA BARBARA.

Yet, I have to do more research, but I have a suspicion that the CITY may have covertly targeted our lot in order to devalue it for the future purchase. I say this because the CITY with the help of URS Corporation has taken the liberty to reroute the MISSION CREEK at our expense and loss of our land.

URS Corporation is the same player who was/is involved with the MISSION CREEK restoration project and development restriction for the lots in close proximity to 101FWY.

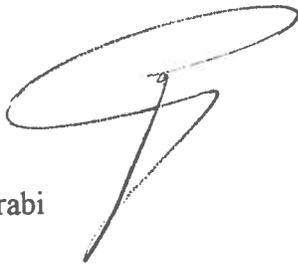
In Conclusion, for what I mentioned above, I object to the adaptation of revised draft ordinance. I hereby, reserve all of my rights, being constitutional, legal or of other natures.

Dear commissioners, before you, there is a proposal to adopt an ordinance that does look good on the surface.

Who doesn't want a better living condition for all people? But in reality this ordinance will not achieve much as mentioned above and before.

I would truly appreciate if you could evaluate the points that I have raised objectively and take appropriate action. Thank You.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop at the top and a long, thin vertical stroke extending downwards.

Azam Mirtorabi

EXHIBIT: A

AIR QUALITY REPORT CITY OF SANTA BARBARA

February 24, 2009

Submitted to:

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

Submitted by:

URS Corporation
130 Robin Hill Road
Goleta, CA 93117

Prepared by:

James A. Reyff

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

505 Petaluma Boulevard South
Petaluma, CA 94952
Telephone: (707) 766-7700 Fax: (707) 766-7790
www.illingworthrodkin.com
illro@illingworthrodkin.com

Introduction

Air quality in Santa Barbara is reasonably good due to relatively low emissions and favorable climate conditions. Emissions from human activities within Santa Barbara, including vehicle emissions, stationary equipment emissions, and off-shore tanker emissions, contribute to air quality problems experienced in the area. The Santa Barbara County Air Pollution Control District (APCD) has regional authority over air quality-related activities in Santa Barbara County. The APCD regulates stationary sources (with respect to federal, State, and local regulations), monitors regional air pollutant levels¹, develops air quality control strategies and conducts public awareness programs. The APCD has also developed local air quality evaluation guidelines and impact significance thresholds for evaluating new projects and plans under the California Environmental Quality Act (CEQA). Air pollution emissions from mobile sources (i.e., cars and trucks) are generally regulated by the State of California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA).

This technical report on air quality in the city of Santa Barbara was prepared for the City Community Development Department as part of a program to update their Master Environmental Assessment (MEA) maps and data. This report provides the analytic basis for update of mapped MEA air quality information. The report will also be used as background information for both long-range planning and associated environmental review as well as for individual project reviews for air quality impacts.

Criteria Air Pollutants

The Federal and California Clean Air Acts have established ambient air quality standards for different pollutants. National ambient air quality standards (NAAQS) were established by the Federal Clean Air Act of 1970 (amended in 1977 and 1990) for six "criteria" pollutants. These criteria pollutants now include carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), particulate matter with a diameter less than 10 microns (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). In 1997, EPA added fine particulate matter or PM_{2.5} as a criteria pollutant. These are considered the most prevalent air pollutants that are known to be hazardous to human health.

California established ambient air quality standards as early as 1969 through the Mulford-Carroll Act. Pollutants regulated under the California Clean Air Act are similar to those regulated under the Federal Clean Air Act. In many cases, California ambient air quality standards (CAAQS) are more stringent than the NAAQS. Federal and State air quality standards are shown in Attachment 1.

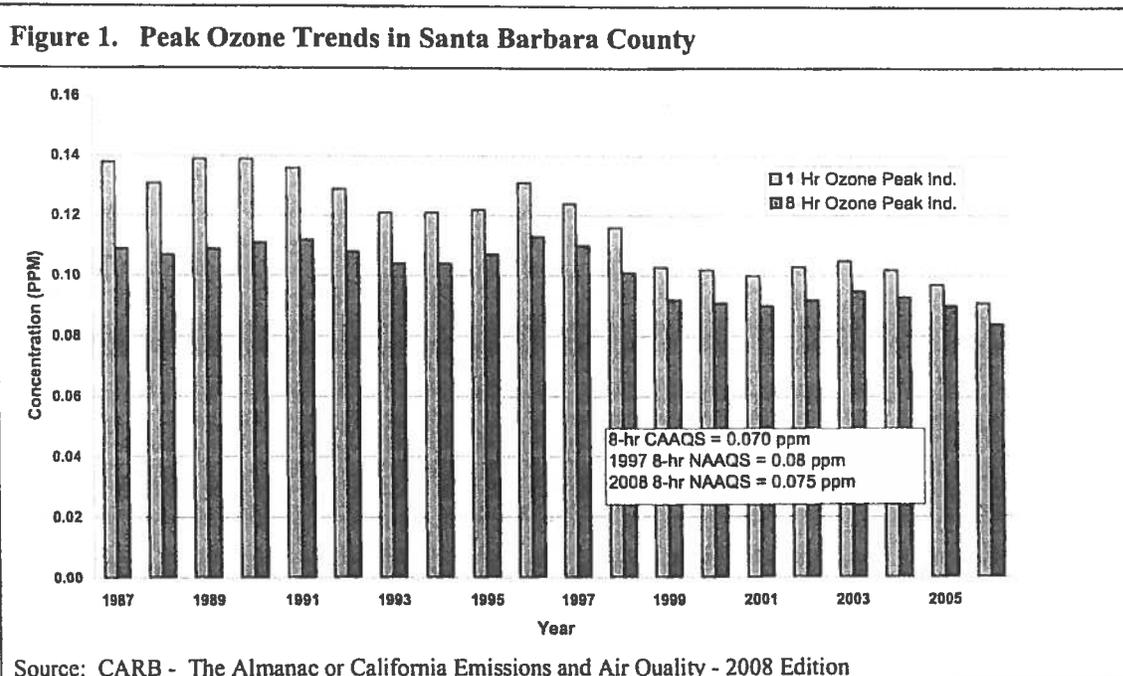
Ozone

Ground-level ozone is the principal component of smog. It is not directly emitted into the atmosphere but is formed by the photochemical reaction of reactive organic gases (ROG) and nitrogen oxides (NO_x, known as ozone precursors) in the presence of sunlight. Ozone is considered a regional air pollutant, rather than a localized or directly emitted pollutant. Ozone levels are highest during late spring through summer when precursor emissions are high and meteorological conditions are favorable for the complex photochemical reactions to occur. Over

¹ The California Air Resources Board operates the one air quality monitoring station in Santa Barbara and previously conducted measurements of toxic air contaminants.

half of the reactive organic gas and nitrogen oxide emissions in urban areas are from motor vehicles. Adverse health effects of ground-level ozone include respiratory impairment and eye irritation. High ozone concentrations are also a potential problem to sensitive crops such as wine grapes.

Santa Barbara County is designated as a federal ozone attainment area for the 8-hour ozone NAAQS. The County had attained the 1-hour federal ozone standard which was revoked in 2004. The County is also considered in attainment for the 1-hour CAAQS for ozone as of June 2007. A new CAAQS 8-hour ozone standard was implemented in May 2006. The County does not meet this new 8-hour ozone standard.

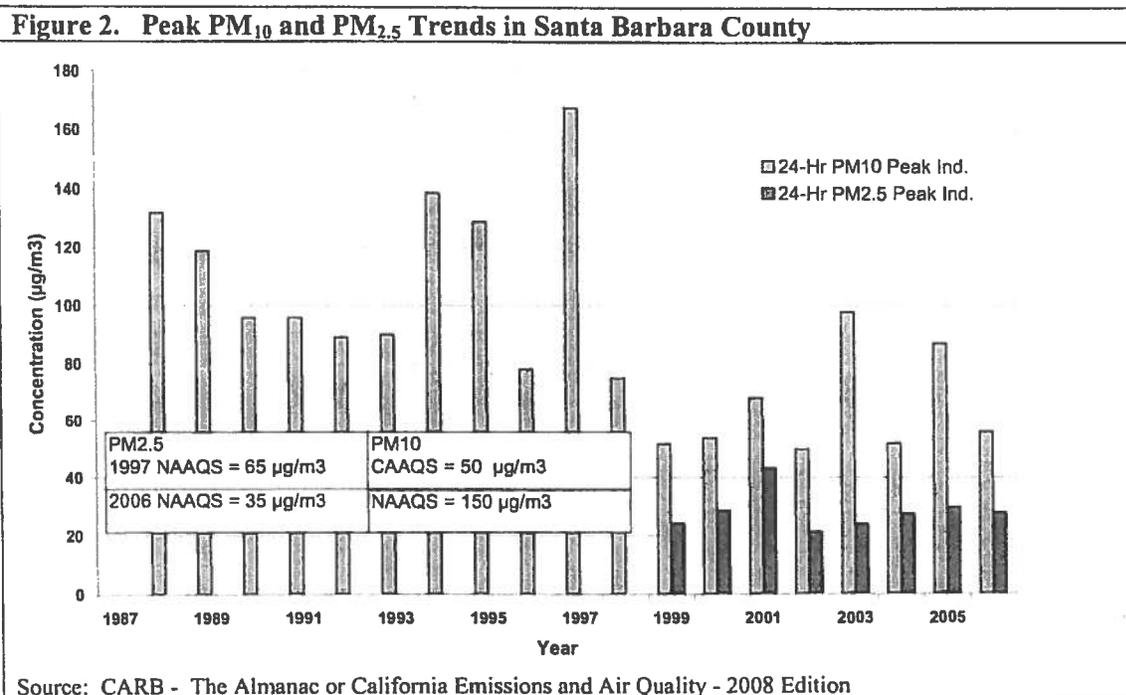


Particulate Matter

Respirable particulate matter, PM₁₀, and fine particulate matter, PM_{2.5}, consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively. PM₁₀ and PM_{2.5} represent fractions of particulate matter that can be inhaled and cause adverse health effects. PM₁₀ and PM_{2.5} are a health concern, particularly at levels above the Federal and State ambient air quality standards. PM_{2.5} (including diesel exhaust particles) is thought to have greater effects on health because minute particles are able to penetrate to the deepest parts of the lungs. Scientific studies have suggested links between fine particulate matter and numerous health problems including asthma, bronchitis, acute and chronic respiratory symptoms such as shortness of breath and painful breathing. Children are more susceptible to the health risks of PM_{2.5} because their immune and respiratory systems are still developing. Very small particles of certain substances (e.g., sulfates and nitrates) can also directly cause lung damage or can contain absorbed gases (e.g., chlorides or ammonium) that may be injurious to health.

Particulate matter in the atmosphere results from many kinds of dust- and fume-producing industrial and agricultural operations, fuel combustion, and atmospheric photochemical reactions. Some sources of particulate matter, such as mining and demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. In addition to health effects, particulates also can damage materials and reduce visibility. Dust comprised of large particles (diameter greater than 10 microns) settles out rapidly and is more easily filtered by human breathing passages. This type of dust is considered more of a soiling nuisance rather than a health hazard.

The Santa Barbara County continues to exceed the state standard for PM₁₀. There is not yet enough data to determine the attainment status for either the NAAQS for PM₁₀ or PM_{2.5}, or the CAAQS PM_{2.5} standard. However, monitoring data indicate that the County is likely to be in attainment for the PM₁₀ and PM_{2.5} NAAQS.



Carbon Monoxide

Carbon monoxide (CO) is a non-reactive pollutant that is highly toxic, invisible, and odorless. It is formed by the incomplete combustion of fuels. The largest source of carbon monoxide emissions is motor vehicles. Wood stoves and fireplaces also contribute to high levels of carbon monoxide. Unlike ozone, carbon monoxide is directly emitted to the atmosphere. The highest carbon monoxide concentrations occur during the nighttime and early mornings in late fall and winter when very stable atmospheric conditions are present. Carbon monoxide levels are strongly influenced by meteorological factors, such as wind speed and atmospheric stability. Adverse health effects of carbon monoxide include the impairment of oxygen transport in the bloodstream, increase of carboxyhemoglobin, aggravation of cardiovascular disease, impairment

EXHIBIT: B



Azam Mitorabi <mitorabi.a@gmail.com>

particulate air quality in Santa Barbara County

2 messages

Joel S. Cordes <CordesJ@sbcapcd.org>
To: "mitorabi.A@gmail.com" <mitorabi.A@gmail.com>

Wed, Feb 12, 2014 at 4:31 PM

This information is being provided per our phone conversation.

In Santa Barbara County, we are in attainment of the Federal PM10 and PM2.5 standards.

For the State PM2.5 standard we are unclassified which means the state has not classified our county as attainment or non-attainment. However, our PM2.5 monitors show that we currently do not exceed the state PM2.5 standard.

We are classified as non-attainment of the State PM10 standard.

I attached a chart which shows the maximum PM10 concentrations per year in Santa Barbara County. The Chart shows data from 2003 through 2012. Data for 2013 is not finalized yet.

Preliminarily, the maximum PM10 concentration in 2013 was 75ug/m3

In 2013 we had 18 days where we had concentrations in excess of the state PM10 standard of 50ug/m3. Thirteen of those days were in Santa Maria and two days were in Santa Barbara. The rest of the days were in Lompoc, El Capitan State Beach and Vandenberg Air force base.

Please let me know if you have any questions or need further information.

Joel Cordes

Santa Barbara Air Pollution Control District

IT/Air Monitoring Supervisor

(805) 961-8816

cordesj@sbcapcd.org

Santa Barbara County
Maximum Daily Particulate Matter Concentrations (PM10)
24-Hr Average ($\mu\text{g}/\text{m}^3$)

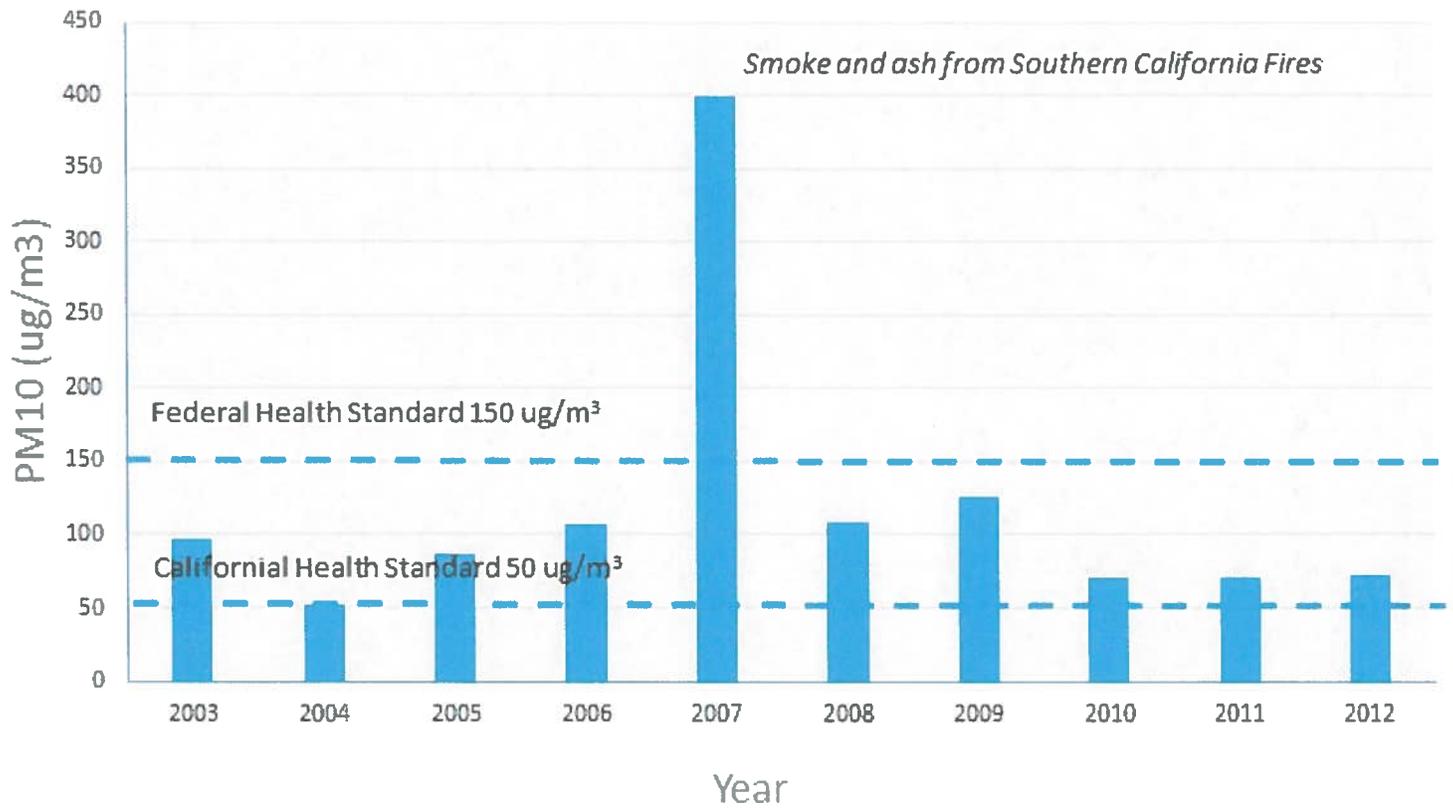


EXHIBIT: C

Azam Mirtorabi

29343 Whitley Collins Dr. RPV, CA, 90275
Phone: 310-9807503, Fax: 310-5448727

January 16, 14

To the city of Santa Barbara planning commission:

My name is Azam Mirtorabi. I am the owner of a vacant parcel located at 324 De La Vina Street, in downtown Santa Barbara.

I have received a notice of today's hearing in the mail and that is the one and only notice we have received regarding the land use changes and ER7 change in particular. I have contacted Julie Rodriguez and Barbara Shelton to receive information. Both Ms. Rodriguez and Ms. Shelton have been overwhelmingly nice and help ready.

I have received more than 2000 pages of EIR reports along with the staff report. The latest documents were sent to me two days ago. I would need to have more time and review more documents. This was not possible because of the short period of time since I was notified.

Hereby, I object to the purposed ordinance and reserve all of my rights, being legal or of other natures. Here are a few points I have to make:

- 1- The EIR reports that are used in making the policy decisions are issued in 2009 and are out dated. The air is much cleaner and the diesel particulate matters are much less in 2014.
- 2- The City council has determined that this was an interim policy in 2012 and recognized that there are a number of regulatory changes underway in the area of diesel particulates and other pollutants, thus the need for such a set back distance is expected to be short-term.
- 3- **Progress Toward Clean Air** is a report by the California Air Pollution Control Association, issued in April of 2013. I respectfully ask you to read it. I refer you to pages 19, which talks about the progress made in keeping Santa Barbara's level of Particulate

matters and Ozone in attainment with the federal and state standards as of 2012. It also talks about plans and programs for even better air quality in Santa Barbara.

When it comes to Air Quality Index (AQI), Santa Barbara has had zero overall AQI unhealthy days reflected in page 25.

- 4- ER 7.2 requires the city to pursue funding and installation of the sound walls, trees and shrubs along unprotected areas. It seems to me this would be a good solution and I wonder how much will and effort has been used toward this goal to date?
- 5- The language of the policy is vague and up for interpretation. There are no clear thresholds and clean cut dates. There is no clear trigger point for action. The way that this policy is drafted could put people who want to develop their lands up in the limbo for years. If this has taken 6 years for the city to change its policy, it would take much longer for an individual to push the city for the termination of this policy. After all this policy is meant to be for the interim and short term. Adding the years that it would take to repeal this policy would make it to be a very long-term policy. This would cause irreparable harm to the landowners.
- 6- There has been 991 parcels identified to fall into the 250 set back criteria. Out of 991 parcels, there are 984 parcels that are already improved. Out of the remaining 7 parcels that are vacant, 5 of them are less than 6000 square feet in size, and thus not permitted to have more than one dwelling unit on them anyway. For the other two lots, one is right next to the railroad tracks with limited access. So it seems that the panic is about the immanent improvement of one lot. For the remaining 984 improved parcels, the chance of demolition or addition to them should not be that great and certainly not immanent. Wouldn't it be better for the city to care for the occupants of those 984 properties more and concentrate it's efforts toward building the walls per ER7.2? I wonder how much the City of Santa Barbara has spent to date for a policy change that by passage of time would become moot. And we are very close to the foreseen time, if we are not there yet.

- 7- There is an expressed need for reduction of the number of commuters to downtown district and the need for affordable housing for downtown employees. The Air Resource Board (ABR) recommends that their guidelines to be considered by the decision makers along with housing needs, economic development priorities, and other quality of life issues.
- 8- The duration of exposure to Particulate Matters for an individual to have an increased risk of cancer is calculated to to be 70 years. This assessment is reflected in CAPCOA Guidance Document, prepared by CAPCOA Planning Managers. The title of this document is: " **Health Risk Assessment for the Proposed Land Use**"
- In policy before you, there is no mention of the short-term occupancy and no threshold for determination of the occupancy time limit. If the City's argument for bypassing this Category is lack of measures to control the implementation, the city ought to use good faith planning and seek public help to find a reasonable way for implementation. Some landowners are going to be over looked and irreparably harmed for the reason stated above.
- 9- The city employees are not environmental and or health risk assessment experts. The city has to spend hundreds of thousands dollars of public money to obtain expert reports to cover itself for possible liability. In future, there would be confusion, waste of time and money, both for the city and the public, In absence of proper language and pre determined clean cut provisions in the policy regarding the reversal of this temporary ordinance.

In conclusion I want to thank each one of you and other people involved for your well-meaning efforts. Thank you for caring about the beautiful city of Santa Barbara.

Sincerely,



Azam Mirtorabi

Planning Commission Jan-Feb 2014
Draft Ordinance – Air Quality Design Measures for Development near Highway 101

SUMMARY OF PUBLIC COMMENTS RECEIVED AND STAFF RESPONSES

CYNTHIA RUANO (Resident of W. Gutierrez; telephone call 01-16-14)

Supports Ordinance: Should establish strongest possible measures to reduce health risks from highway pollution. Trees planted by Caltrans have helped a lot.

PROPERTY OWNER CONCERNS

Property Rights: Several owners expressed concerns that Ordinance would reduce property development rights and affect ability to improve property.

(Mr. Hurst, resident, property trustee, phone call 01-02-14; Billy J. Wafford, owner on W. Los Olivos St., phone call 01-13-14; Mary Rose Bryson, owner and resident W. Figueroa St., email 01-14-14 and PC hearing 01-16-14; Azam Mitorabi, Rancho Palos Verde resident, owner at De la Vina St., letters 01-16-14, 02-13-14, and PC hearing comments 01-16-14)

Staff Response: The proposed implementing Ordinance applies to specified types of new sensitive development, and does not apply to existing development which is not proposing new development.

The Ordinance would provide more detailed project criteria to make it clearer and more predictable for property owners as to how they can develop while protecting health.

Policy ER7 is an already adopted City General Plan policy which prohibits new sensitive land uses within 250 of Highway 101 unless the project's exposure is reduced through design measures. The hearing is to consider the ordinance for implementing the policy, not to reconsider the adopted policy that already received extensive public debate.

Mary Rose Bryson comment: If private property owners are required to put in trees, City should be too, given that the City took out ~20 trees next to the Mission Creek steelhead fish passage project at end of W. Figueroa Street.

Staff Response: Parks Department/Creeks Division is the lead City department on the fish passage project, and is also involved in planting many replacement trees; 200 trees are planned to be planted at the creek bank.

STEVE JOHNSON (Resident at W. Cota St., property owner at W. Figueroa St., email of 01-14-14, letter of 01-16-14, PC hearing comments 01-16-14, letters of 02-06-14 and 02-08-14)

Comment: Error in 2009 City Air Quality Report – the modeling output does not represent 10% of traffic, and the corridor should be wider than 250 feet.

Staff Response: This comment has been raised repeatedly over the years and responded to in the record, most recently in the September and October 2013 Planning Commission and City Council reports on the General Plan Safety Element.

James Reyff, Illingworth & Rodkin, author of the City Air Quality Report, responded as follows: There was an error in the text notation on traffic volume inputs, not in the modeling or results. The modeling for this study in fact used average hourly traffic volumes over the entire day based on the average annual daily traffic volume published by Caltrans. This is the correct

input because traffic occurs all hours of the day on Highway 101, and the study was modeling for average emission exposure levels.

Excess cancer risk is based on a lifetime exposure using an annual concentration of the modeled air contaminant. The modeling predicted the hourly concentration that had to be converted to an annual concentration, as explained in the report. Because the modeling is based on screening meteorological conditions, the model produces a 1-hour concentration that is representative of the hour with the highest concentration due to a combination of meteorological conditions that include worst wind direction, low wind speed, and stable conditions. To convert this hourly concentration to an annual concentration, a persistence factor of 0.08 was used. The persistence factor accounts for variations in meteorological conditions between the worst-hour and annual conditions. This represents a conservative analysis. The corridor should not be wider based on this analysis.

TRACEY FERNANDEZ (Resident on Palisades Drive, phone call 11-15-13; letter 01-28-14)

Comment: The City policy should not be based on modeling using a health risk standard for excess cancer cases. The City 2009 study does not support the 250-foot distance. The original 500 foot guideline recommended by the California Air Resources Board (CARB) and Santa Barbara County APCD was also based on epidemiological studies, including for childhood asthma and emphysema. A greater distance consistent with recommendations of the air resources agencies is warranted.

Staff Response: Clearly, the greater the distance from the highway, the less potential for health risk from highway air pollution. The 2005 CARB guideline recommending 500-foot setback for sensitive land uses was based both on analysis with the cancer health risk standard, and also epidemiological studies about other health risks.

City 2009 air quality study modeled average air quality and traffic conditions and identified average distance for dissipation of air pollutant concentration to a level associated with the health risk standard of 10 excess cancer cases per one million persons. The analysis received peer review from APCD staff and the General Plan EIR consultants.

Diesel particulates are classified by the State as a toxic contaminant, constitute approximately 70% of harmful roadway exhaust particulates, and have been a primary focus of the California Air Resources Board statewide regulatory process over the past several decades. The associated health risk standard for excess cancer cases is used in health risk assessments per State guidelines. It is a reasonable proxy and metric to characterize highway air pollution health risks and provide the basis for a City policy within budgetary constraints.

The CARB analysis used assumptions from more highly urbanized/ industrialized areas of the State, which have greater traffic volumes, a larger mix of heavy truck traffic, and higher pollution concentrations than in Santa Barbara. The City study therefore identified a lesser distance to reach the lower pollution concentration correlating to the health risk standard. Some of the epidemiological studies for other health issues cited in CARB analysis also assumed greater traffic and pollution conditions than typically occur in Santa Barbara.

The 2005 CA Air Resources Board 500-foot guideline also included the following caveat, recognizing that individual jurisdictions may determine different policies: *“These recommendations are advisory. Land use agencies have to balance other considerations,*

including housing and transportation needs, economic development priorities, and other quality of life issues.” (Source: CARB, Air Quality and Land Use Handbook: A Community Health Perspective, 2005, Table 1-1.)

The City of Santa Barbara policy is for a largely built out area with limited development potential. There was a substantial split in public opinion over the policy, with some favoring no policy, and some favoring a 500-foot distance. The Council adopted a policy with 250-foot distance based on the certified Program EIR analysis, public input, and consideration of other issues. The adopted City policy represents greater protection than most jurisdictions within the State, and in an area with less severe air pollution than many jurisdictions.

AZAM MITORABI (Rancho Palos Verdes resident, owner of parcel on De la Vina Street; letters of 01-16-14, 02-13-14; Commission hearing comments 01-16-14; email of 02-10-14)

Comment: What criteria will be used to identify that air quality has improved and the interim policy can be repealed?

Staff Response: The same criteria used in establishing the 250-foot corridor distance: the air quality level associated with the Health Risk Standard of 10 excess cancer cases in 1 million people. It is planned that the City would periodically do another air quality study as part of the General Plan Adaptive Management Program. Alternatively, the California Air Resources Board (CARB) may in future provide other air quality information that could be used as the basis for ordinance repeal.

Comment: Few parcels are affected – only 7 vacant parcels.

Staff Response: The ordinance would not only apply to development on vacant parcels but also on parcels with existing development. There are 745 parcels in whole or part within 250 feet of Highway 101 and without highway sound barriers. Many of these parcels have the potential for additional development subject to the ordinance (residential additions, new units, other sensitive uses).

Comment: Extended exposure of 70 years needed to have increased cancer risk. Should also address short-term uses and occupancy. The City could impose a limit to the time that a person can live in a property close to the freeway, i.e., for a period no more than 10 years.

Staff Response: The City 2009 air quality analysis did use the standard exposure assumption for calculating the distance associated with the excess cancer risk standard. The implementing ordinance applies to permanent types of land uses that involve extensive exposure periods (e.g., residential main buildings for primary living and sleeping areas). The draft ordinance design criteria would apply to Main Buildings that involve extensive exposure, and would not apply to Accessory Structures (e.g., parking, outbuildings) that involve short-term exposures.

The ordinance would not apply to land uses involving only periodic and short-term exposures (e.g., medical facilities typically involve periodic short periods for appointments; park facilities typically involve intermittent, short exposures; hotels and other transient occupancy involve temporary exposures). These types of uses do not meet the criteria for extensive exposure over many years.

The suggested policy for limiting the time a person can live in a property close to the freeway would not appear to be a legally viable approach.

Azam Mitorabi (cont.)

Comment: 2009 City air quality data is outdated. Information in *Progress Toward Clean Air Report, 04-13* by CA Air Pollution Control Officers Assn shows Santa Barbara has clean air.

Staff Response: The air quality report cited provides good overall information about improvements in air quality in the Santa Barbara area. However, overall compliance with district-wide air quality standards is a different issue than persistent higher pollution levels next to freeways and associated greater health risk.

Neither the CA Air Resources Board nor Santa Barbara County Air Pollution Control District have rescinded their recommendations as a result of the improved overall air quality information cited by the commenter, and these agencies continue to recommend that sensitive land uses be limited next to highways and that developments incorporate design measures to lessen air quality health risks.

Policy ER7 specifies that reconsideration of the policy will occur in coming years as a separate matter, and this has been identified to be under the General Plan Adaptive Management Program. Policy ER7 was adopted after due consideration of information and public input. The hearing is for the purpose of considering an implementing ordinance, not for reconsideration of the underlying policy.

Comment: General Plan Implementation Action ER 7.2 directs City to install sound walls and trees along the Highway. Request for copies of City communications to Caltrans since 2009 about constructing Highway 101 sound walls. The City has not made any effort to mitigate.

Staff Response: Two City letters to Caltrans since 2009 were provided to the commenter. They pertain to the currently proposed Caltrans Highway 101 improvement project (High Occupancy Vehicle Lanes) and include comments requesting that Caltrans be consistent with the City adopted Coastal Plan policy to minimize use of sound walls. Caltrans determines the need for sound barriers as part of their projects based on environmental review, public input, and Caltrans departmental policy.

The 2011 General Plan update is a 20-year plan, and proceeding with its many possible future Implementation Actions will occur incrementally through 2030 as they are scheduled and funded. Potential Implementation Measure ER7.2 identifies a City program to pursue funding and installation of walls, trees, and shrubbery barriers along unprotected areas of Highway 101 to help reduce near-highway pollution transmission. This program has not yet been scheduled or funded for implementation.

Comment: CA Air Resources Board noted that their guideline should be considered along with housing needs and other issues. There is the need for housing in downtown Santa Barbara. The City should reverse the temporary policy and ordinance.

Staff Response: The State guideline does include a caveat recognizing that local agencies may need to balance a variety of issues in determining highway setback policies. The State's 500-foot setback guideline for sensitive land uses was considered by the Planning Commission and City Council along with other issues, including housing needs in Santa Barbara. Following analysis and extensive public input, the Policy ER7 with 250-foot distance was adopted, and no density increases were applied to updated General Plan Land Use Map designations for the 250-foot corridors.

Azam Mitorabi (cont.)

How much did the City pay URS & Illingworth firms for the 2009 air quality study; and how much since then? Suspect that City may have covertly targeted our lot in order to devalue it for future purchase. The City with the help of URS Corporation rerouted Mission Creek at our expense and loss of land. URS Corporation involved with both the Mission Creek restoration project and development restriction for the lots in close proximity to 101 freeway.

Staff Response: The 2009 City air quality study cost \$12,450 under contract with URS Corporation, which included \$7,200 for subcontractor Illingworth & Rodkin, Inc. This URS contract included a larger scope of work analyzing other issues, with a total amount of \$154,270 paid, which included \$15,680 to Illingworth & Rodkin, Inc. for analysis on other topics, and \$20,760 to another subcontractor.

Since that time, the City Planning Division has not had further contracts or payments to these two consulting firms, either on air quality issues or other projects. URS is a broad-based technical consulting firm with local area offices, and other City departments, including Public Works, Parks & Recreation, and Airport Departments, have had contracts with URS Corporation on various other projects since 2009.

There is no basis for the suggestion that the City is targeting a lot to devalue it.

Comment: Rather than doing another air quality study, City should use air quality information from air resources agencies and use the City money to plant many trees along the freeway.

Staff Response: Comment noted. If sufficient air quality information becomes available from State or local air pollution control agencies, the City might be able to use the information in lieu of a City-funded study. However, because there are few air monitoring sites, and none at the freeway, some modeling of air quality may be necessary in assessing this issue.

Comment: City's hearing notice states that court challenges may be limited to issues raised at the public hearings. This is discriminatory, unfair, an abuse of City power, and puts the public at a disadvantage, because citizens are not experts in scientific and legal issues.

Staff Response: The notice provision is not a policy of the City's making as suggested by the comment; it is simply public notification that under the laws of the State of California, court challenges on the item may be limited to issues raised during the hearing and approval process. The public hearing process is intended to receive comments from the public about a matter before a decision is made. The court challenge limitation is intended to avoid litigation based on after-the-fact comments that couldn't be considered by the decision-makers.

OTHER EMAIL COMMUNICATIONS REQUESTING DRAFT ORDINANCE AND/OR FUTURE MEETING NOTICES FROM:

John Free, property trustee

Doug Fell, attorney

Andrew Orfilia, SBCAG Transportation

Greg Marak, property owner

Geneze Izuno