



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 14, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Planning Commission Approval Of 900 Calle De Los Amigos Valle Verde Retirement Facility

RECOMMENDATION:

That Council deny the appeal of the Law Office of Marc Chytilo, representing Hidden Oaks Homeowners Association, and the appeal of Weinberg, Rodger & Rosenfeld, representing the Service Employees International Union-United Healthcare Workers West ("UHW") and Friends of Valle Verde ("FVV"); certify the Environmental Impact Report; uphold the Planning Commission approval of the Lot Line Adjustment, the Conditional Use Permit Amendment and the Modifications; and direct Staff to return with an appropriate Resolution of Decision and Findings.

EXECUTIVE SUMMARY:

On April 14, 2011, the Planning Commission approved a Conditional Use Permit Amendment for 40 new independent residential units (37 net new units) and additions to the support facilities on the Valle Verde Retirement facility grounds. The project also included Modifications to reduce the front setback from Torino Road, and front and interior setbacks along the private roads and interior lot lines, and a Lot Line Adjustment between two Valle Verde owned parcels. At the hearing, a number of people spoke in support of the project, and a number of people, including the appellants, spoke in opposition to the project. Issues raised at the hearing and in the subsequent appeal of the project include: concerns about the project's visual, traffic, grading, and parking impacts; change in the character of the neighborhood; and adequacy of environmental review. In response to some of the comments raised at the Planning Commission hearing, the Final Environmental Impact Report was revised to clarify the information presented. This report addresses the issues raised at the Planning Commission hearing and explains the Planning Commission's determination that the project is consistent with all applicable policies and regulations, as well as its findings to approve the project and certify the Final Environmental Impact Report.

DISCUSSION:

Project Description & Background

The Valle Verde Retirement Facility is licensed by the State both as a Residential Care Facility for the Elderly and a Skilled Nursing Facility. Valle Verde operates under a Conditional Use Permit (CUP) that was first approved in 1960, and has been amended a number of times. Since 1965, when the first phase was constructed, the use of the site has included independent living and 24-hour care for seniors. In the past, the Facility has been approved for as many as 254 independent living units and studios, a skilled nursing building with 80 beds, an assisted living building with 44 beds, common dining areas, recreational common rooms, bed and breakfast, and administrative and maintenance buildings. The current number of independent living units is 208 units with the number of independent living units having decreased by units being combined or converted to other uses.

The proposed project is a request for an amended CUP with new development additions and remodeling. The CUP would be amended to encompass an adjacent parcel owned by Valle Verde, known as the Rutherford Parcel. The project would involve the demolition of 2 independent living residential units (defined as units containing kitchens), the demolition of a single family residence on the Rutherford Parcel, and the construction of 40 new independent living residential units for a net increase of 37 new independent living residential units. The existing 11 studio units (defined as units that share a kitchen with up to 3 other studios) would be reduced to 7 units through the demolition of 4 units. If approved as proposed, the new CUP would allow 246 independent living units, and 7 studio units.

Project components involving the support facilities for the residents would include a two-story addition to the Administration building, where a 4-room bed and breakfast and a small banking office would be located. The existing 2-room bed and breakfast, currently located in a former independent living unit would be demolished. The Assisted Living facility would include an addition of four new beds, and the Dining & Multi-Purpose Building would be remodeled along with minor additions totaling 1,300 square feet. The existing 4,348 square foot Maintenance Building would be demolished and a new 5,642 square foot maintenance facility would be constructed approximately 20 feet to the east.

Several of the existing parking areas on the project site would be reconfigured for dedicated residential, visitor and employee parking, and would provide a total of 83 new parking spaces. A parking permit program would be implemented to track the residential and employee parking. After project implementation, a total of 414 parking spaces would be provided on the project site. A new driveway from the Rutherford Parcel would provide access to eight of the ten proposed residential units on that lot, with the remaining two units accessed from within the campus. The project would include the dedication of a 9.8-acre oak woodland area on the western portion of the project site. The project also includes a minor Lot Line Adjustment between two parcels owned by Valle Verde. Additional project information can be found in the Planning Commission Staff Report, dated April 7, 2011, included as Attachment 4.

Planning Commission Approval

The Planning Commission reviewed the project on April 14, 2011 and its minutes are included as Attachment 5. After considering all of the information provided by staff, the applicant, and comments from the public, both in support and opposition to the project, the Commission certified the Proposed Final EIR (4-1), and approved the project (5-0) with changes to the draft conditions of approval (See Attachment 6 – PC Resolution 011-08).

On April 25, 2011 the City Clerks received appeals filed by Mark Chytilo representing Hidden Oaks HOA and the law firm of Weinberg, Rodger & Rosenfeld on behalf of the Service Employees International Union-United Healthcare Workers West (UHW).

Appeal Issues (Response to Mark Chytilo representing Hidden Oaks HOA, Attachment 1):

Note: Additional responses to this letter can be found in Volume II of the EIR, Responses to Comments, in response to comment letter number 132.

1. *The project is inconsistent with City's General Plan, City Charter and Zoning Ordinance... The project is inconsistent with the General Plan Conservation Element, Land Use Element, Zoning Ordinance (Modifications and Setbacks) and City Charter 1507 (land development shall not exceed its public services)*

➤ *The project is inconsistent with the General Plan Conservation Element*

Most of the proposed development is within the footprint of the existing campus. Proposed development on the fringe of the existing development, consisting of eight single story residential units on the Rutherford lot (West Area) occurs in an already disturbed portion of the site, and the closest neighbors (Hidden Oaks development, consisting of two-story houses) would be more than 70 feet away. The four residential units in the Northwest Area are located adjacent to the oak woodland, and the EIR found that this development would not have significant unavoidable impacts on the oak woodland habitat. The project may be found consistent with the policies in the Conservation Element because it would conserve existing oak woodland, would have only minor impacts on natural resources, and because the scale and type of proposed development that is close to neighbor properties is similar to and substantially separated from that development. Policies from the Conservation Element are analyzed under Section 6 of the EIR.

Potential visual impacts were analyzed in the EIR prepared for the project. Visual simulations were prepared and evaluated by an expert and staff. Several components were analyzed to determine visual impacts. Criteria used to determine the significance of the visual impacts included the existence of heavily travelled roadways, prominent viewing areas, and the type of visual resource being impacted. Further responses to the visual impact concerns are found in Volume II of the EIR (response #59, 60, 90 & 91). It should be noted that the project site is at the end of a cul-de-sac, there are no prominent viewing areas, such as a park, and the background views of the Santa Ynez Mountains will still be visible after the completion of the project.

The existing support facilities (e.g. long term care facilities, administration, maintenance buildings, etc.) are located in the center of the Valle Verde campus. All new development at the edge of the campus would be residential use, and would be separated from adjacent residential properties by a distance greater than required by Zoning Ordinance. This design approach is consistent with policies regarding preservation of the residential neighborhood integrity.

- *The project is inconsistent with General Plan Land Use Element language that recommends that senior housing facilities be compatible with their surrounding neighborhoods*

The proposed development increases the size of an existing, approved retirement community. The Valle Verde facility has existed in the neighborhood since 1965, and each project improvement has been approved based on findings of neighborhood compatibility. The proposed development would be an expansion of the existing land use, would be single-story clustered development similar in size, bulk and scale to the existing Valle Verde development and the adjacent Hidden Oak development, and would be substantially separated from the Hidden Oaks development. Existing support facilities, which are not proposed to increase substantially in size, would continue to be located within the core of the developed area on the site, and would continue to be separated from adjacent development by single story residential development. New buildings would be subject to design review that would ensure that they are visually pleasing designs.

Additional parking spaces are being provided on-site, and a parking program is proposed to be implemented, to reduce facility parking on Calle de los Amigos. Special events are currently being held on the site, and the number or attendance of these events are not proposed to change with this proposal.

- *The required Zoning Ordinance Findings regarding a residential care facility's setbacks, site area, and demand for services **cannot** be made*

The appellant believes the eight units on the Rutherford property constitute a new residential care facility, and therefore refers to the findings SBMC §28.94.030.R.2.a. The project is the expansion of an existing residential care facility, and the appropriate findings are contained in SBMC §28.94.040.R.2.b. However, the findings are largely the same, and focus on the demand for resources. The Initial Study determined that the project site would have sufficient public services and utilities to accommodate the proposed new development. It found that fire, police, and library services are adequate, and the relatively small increment in growth associated with proposed development would not cause a deficiency in these service areas. Additionally, Attachment 8 contains an analysis that shows that the existing and proposed development of the Valle Verde retirement facility would demand less water and generate less traffic and than the number of residential units previously approved for development on the site.

The proposed units on the Rutherford parcel are located a sufficient distance from the adjacent properties to provide a buffer, and the proposed development also follows the character of the existing Valle Verde development, in that it is single-story, and proposed to be set back 20 feet from Torino Road. This setback is the same as the

existing setback for the other Valle Verde units on Torino and the setback for the nearest house in the Hidden Oaks development. Therefore, the setbacks and site area are adequate. The Modification for the front setback on Torino is appropriate because it provides a uniformity of development with the existing Valle Verde development. Further details can be found in Attachment 4, the PC Staff Report.

- *The project violates the City Charter §1507, requiring that “land development shall not exceed its public services... [including] traffic and transportation”*

Charter Section 1507 findings are required for rezones and General Plan amendments, not for a Conditional Use Permit such as this project. Regardless, the project does not exceed its public services, including traffic and transportation. Public services are discussed above, and the EIR concluded that the project would not have significant, unavoidable traffic impacts at intersections around the project, including the Las Positas/101 interchange.

2. *Parking is inadequate, and as a result, there is excessive on-street parking.*

The last approval for Valle Verde included 328 parking spaces. Over the four decades since the project was originally approved, some spaces were reconfigured and relocated to provide better emergency access. The result is the site currently provides 331 parking spaces. This number was verified by staff and the applicant counting all of the spaces. Based upon the current parking regulations and the current unit count, a total of 269 parking spaces would be required. Therefore, the project provides more spaces than are required. The parking requirement for the residential care facilities is calculated based on the number of residential units and beds in the skilled care and assisted living uses. Under the Zoning Ordinance, additional parking is not required for the accessory uses on site (dining room, common rooms, etc.).

None of the current permits prohibit parking within the public right-of-way, or specify an allotment of parking spaces for residents, visitors or employees. The proposed conditions of approval specify the number of parking spaces, the allocation of parking spaces for each group, a parking sticker program, designated parking areas for employees, signage directing visitors to find parking on site, not storing vehicles, construction parking and increasing the amount of red curbing. These measures, along with the excess parking spaces, will provide an adequate amount of parking for the facility.

Parking both on-site and within the public right-of-way is one of the larger issues raised in the appeal letters. Staff’s review of the permit history of the project site and the current parking determined that there are storage containers located within some of the on-site parking spaces. This is the only area of noncompliance with the conditions of approval. The containers will be removed, and the proposed conditions of approval specify that the parking spaces shall not be used for any purpose other than parking.

3. *The EIR and CEQA compliance is inadequate*

A more detailed response to this comment can be found in EIR Volume II, Response to Comment. The EIR concluded that there are no Class I impacts.

- *The EIR project description fails to describe key components of the project including the number of employees and special events.*
- *The EIR fails to adequately describe the baseline existing environment regarding biological resources, and parking and traffic.*

The initial study, the EIR, and responses to the comments include a thorough description of the existing conditions at the site, including amount of parking, employees and the location of resources, such as biological resources. The traffic study prepared for the EIR includes a full analysis of the number of employees in total, per shift and the number and timing of shifts. The number of parking spaces was verified by staff and the applicant by walking the entire site and counting the number of spaces.

The revised Final EIR contains additional discussion on special events, which were included in the original analysis, and found to have no significant impacts. The special events were mentioned briefly in the Initial Study's discussion of the project background (EIR Appendix A, Page 2); however, because the special events were already ongoing at the time of the environmental analysis, guests and visitors were included in the baseline for relevant studies, such as traffic and air quality. CEQA requires an analysis of the proposed project's environmental effects, compared against the existing conditions on the site. The revised Final EIR clarifies the special events analysis. The biological resources were analyzed by a qualified biologist and that analysis, along with comments on biological issues, were reviewed by another biologist as part of preparation of the EIR.

- *The project's land use impacts were not adequately analyzed in the EIR.*

The project was analyzed according to CEQA guidelines, and includes a land use analysis in each of the impact areas. In response to comments received during the EIR circulation period, a land use compatibility analysis was provided in Section 11.3, Volume II, of the Proposed Final EIR. This analysis was also included as part of the revisions in Volume I of the EIR.

- *The project fails to require adequate mitigation.*

The proposed development is located on the site in a manner to minimize environmental impacts, and mitigation measures are included to ensure that development will minimize impacts, as well as enhance the existing resources. A mitigation monitor will be on site throughout construction to ensure implementation of mitigations. Further discussion of Oak Woodland protection and archeological resources is found in the next two topic areas.

- *The EIR did not adequately assess the Project's impacts to pre-historical resources...*

A complete discussion on the archeological issue is in Volume II of the EIR, response to comments, and also in response to the appeal by the SEIU - United Healthcare Workers West. A thorough examination of the site and archeological records surrounding the site was conducted by a professional archeologist in accordance with State and local regulations. Because there is no archeological resource identified on site, and a General Plan Amendment is not proposed, consultation with persons listed on the Native American Contact List is not required. However, the draft EIR was made available to the public and staff has responded to questions and concerns received in this process. This issue is discussed further in topic #5, below.

4. *Oak Woodland Protection – The 9.8 Oak Woodland habitat dedication (Condition B.(1)(p) is inadequate to preserve this threatened habitat and achieve long term protection...*

The project includes three main components to ensure the oak woodland habitat is preserved and enhanced. First, the property deed will be restricted consistent with the Department of Fish and Game suggestion in their letter dated October 12, 2010, "...implementing a conservation easement or deed restriction on the land containing the oak woodland." As conditioned (Attachment 6), a deed restriction must be recorded against the property's title along with a map showing the restricted development area. The recorded deed restriction runs with the land. Second, a restoration plan will be implemented, and a mitigation monitor will oversee the implementation. Third, a fuel management plan will be implemented as part of the project's conditions of approval. It will extend to 75 feet from all structural development, except the proposed employee parking lot, which is not considered a structure for fuel management purposes. The fuel management plan provides a more selective vegetation removal compared to the fuel management plan currently being implemented by the property owner. The new plan is consistent with the City's fuel management requirements and provides more protection for the oak woodland.

5. *Archeological Resources*

- *This site is part of a complex of village sites and intensive and continuous occupation associated with Arroyo Burro Creek. The City has violated CEQA, the General Plan and the City Code...*

The Initial Study provided an analysis of the project's archaeological impacts, and found them to be less than significant. Therefore, this issue area was not scoped into the main analysis in the Draft EIR. David Stone, the archeologist who prepared an archeological letter report (2008) and a previous Phase I Archeological Report (2003), reviewed the comments regarding archeological resources submitted by Mr. Frank Arrendondo and both of the appellants, and provided a written response that is included as part of the Volume II, Response to Comments. The appellant's assertion that the site is a complex of village sites is not correct. The City's Master Environmental Assessment (MEA) does identify a portion of the site as being located within the Arroyo Burro Creek watercourse, and requires that archeological investigation is necessary to determine if there any resources, which was why a archeological report was prepared. Additionally,

investigation of the Rutherford Parcel was not necessary, since it is outside the Arroyo Burro watercourse, but the report investigated this area anyway.

For the 2008 letter report, Mr. Stone, not only investigated the area identified in the MEA, but the entire project site where additional development is proposed. The Phase I report he prepared in 2003 encompassed an even larger project area. In summary, the significant resources that were identified in the three letters commenting on the project are located at least one quarter a mile from the project site. One report prepared for the adjacent park found a small resource within the flood plain in the adjacent park, however the report preparer determined it was not significant, and a subsequent study was not able to locate the small resource. Finally, while not required, Staff recommends an additional condition of approval (Attachment 7) that requires archaeological monitoring for the Units 19, 20, 21 & 22, which are in the area of greatest concern to Mr. Arrendondo.

Response to Appellant's Requests

Request 1 – Eliminate Units 6/7 & 12/13 from the Rutherford Parcel

The Planning Commission determined that the development on the Rutherford Lot is appropriate, and that no changes were necessary. No additional issues are raised in these appeals that were not addressed previously. Consistent with Staff's responses above, the development on the Rutherford Lot was found to be consistent with the General Plan, and the proposed development includes a buffer of 65 feet from adjacent residential development, which is almost double the required Ordinance setback of 35 feet

Request 2 – Eliminate Units 16/17, 18, 31, 32, 33, & 34 from the northwest corner of the existing campus

The Planning Commission determined that this portion of development was appropriate. The development in the hillside area and at the edge of the Oak Woodland area would have minimal impacts, and an extensive restoration plan along with a fuel management plan would improve the habitat area.

Request 3 - Increase parking by providing underground parking

Providing underground parking would demonstrably change the scope of the project. Both underground parking and podium parking (at grade parking with offices/habitable space above) could increase grading and visual impacts (more two-story development), and would likely cause more demolition of existing structures within the campus. Either scenario would require a large area within the existing campus to accommodate a parking facility large enough for all of the proposed parking and, in the case of podium parking, change the character of the campus with two story development.

The proposed Valle Verde employee surface parking areas would be centered near the core employee areas would be hidden from public views, and the majority would occupy previously developed areas, with the small new areas having minimal impacts to habitat. The remaining residential parking and visitor parking areas would be created from reconfigured parking areas.

Request 4 - Enhance the parking permit condition

Condition B.12 (Attachment 6) addresses most of these requests (a limit of one car per unit and a requirement that residents and employees to park on site) except for mandating guests to park on site. It contains a parking sticker program whereby Valle Verde management can monitor employee parking. Staff does not support the second request to start the parking program prior to construction, since the new employee parking lots are necessary to implement the parking program.

Request 5 - Revise the condition for the oak woodland

Subsection B of the conditions of approval (Attachment 6) addresses this request. All conditions under this subsection must be recorded against the property, which means the development restriction areas runs with the land. Also, Condition A.5 emphasizes the timing of when the oak woodland restriction should be recorded.

Request 6 – Direct compliance with cultural resource requirements

As discussed in this report, all archeological concerns that were raised were reviewed by the archeologist that prepared the reports for the site. There is no known archeological resource on the site and a condition of approval is included that addresses what actions are necessary in the event that a resource is found.

Weinberg, Rodger & Rosenfeld Appeal on Behalf of the Service Employees International Union-United Healthcare Workers West (UHW) Attachment 2

Note: Except for the addressee and subject line, the April 25, 2011 appeal letter is exactly the same as the comment letter submitted on April 11, 2011 for the Planning Commission hearing. Staff reviewed the letter prior to the April 14 hearing and found no new issues relating to the project. Many issues that were raised mirrored similar concerns submitted by the Law Offices of Marc Chytilo and other interested parties. More in depth responses to this letter can found in Volume II, Responses to Comments (Comment Letter # 60). Below Staff will provide brief responses to each appeal area.

1. *Appellant: The Project Description is Inadequate under CEQA*

The project description adequately described all of the proposed development, and all areas impacted by the proposed development including surrounding intersections. For example, disposal of beauty products are not part of the proposed project description since there is an existing beauty salon, which is part of the baseline. Additionally, this use is subject to current regulations for proper disposal. Plans were developed to a level where the project reviewers understood that adequate area is available for the proposed mitigations. Final plans will be developed to construction detail level prior to Project Design Approval by the Architectural Board of Review.

2. *Environmental impacts of the project not adequately addressed - Biology*

The project was analyzed by two biologists, and mitigations consistent CEQA and other regulations, are provided. The California Department of Fish and Game reviewed the project and did not express any concern on the mitigations. The project would be

located mainly down slope from the oak woodland, and the impacts outlined in the letter, such as runoff from parking areas, would likely not occur due to the topography. The project is required to comply with all current City regulations, such as storm water management, and the Lighting Ordinance. The project would cause a minor loss of habitat at the edge of the oak woodland and, as mitigated, would result in additional habitat being deed restricted from future development, additional native vegetation being planted and a fuel management plan that would be less intrusive than the current fuel management plan.

3. Environmental impacts of the project not adequately addressed – Transportation/Circulation

One new driveway is proposed off of Torino Drive. Torino Drive serves a very small population consisting of the Hidden Oaks subdivision and Valle Verde. The new driveway would serve ten new units, rather than 59 units asserted in the letter. Valle Verde conducts evacuation drills, consistent with State requirements, and the evacuation plan is included in the EIR analysis. The project site is not located within a high fire area. The Painted Cave Fire occurred 20 years ago, and since that time there have been changes in regulations for fuel management and construction techniques within the urban area. The two fires that are referenced in the appeal letter occurred at the northern edge of the City. In fact, Valle Verde served as a receiver site for a retirement facility that was evacuated elsewhere in the City. The successful evacuation of the other facility provided an example of how Valle Verde would evacuate during an emergency.

4. Environmental impacts of the project not adequately addressed – Hazard/Public Service

The project includes a fuel management plan that will be finalized prior to project design approval at ABR. While the appellant states a fire occurred in the Arroyo Burro Creek, which is not substantiated, the likelihood of impacting the neighborhood is low due to response time from the nearest City fire station and that the park is surrounded by urban development.

The risk from the high pressure gas pipeline, located off site, is low due in part to several overlapping local, state and federal regulations. While the pipeline is off site either in the adjacent right-of-way or on private property, any construction in the vicinity is subject to the dig-alert requirements. A more detailed discussion on the gas pipeline is found in Volume II, response to comments (Comment Letter # 65). Part of the data that assisted staff in determining the risk of the pipeline was provided through the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) website.

5. Environmental impacts of the project not adequately addressed – Land Use Impacts/Compatibility

Land Use discussions are found throughout the EIR, consistent with CEQA. In response to previous comments during the Draft EIR review period, the final EIR includes additional discussion on land use impacts in Volume II. Additionally, Volume I

was revised subsequent to the Planning Commission hearing to include a copy of the Land Use discussion under the Plans and Policies section.

6. Environmental impacts of the project not adequately addressed – Cultural Resources

There are no known archaeological resources on site, which is discussed previously in this Council Agenda Report. The proposed project area was evaluated by a qualified archeologist, consistent with CEQA and the City's Master Environmental Assessment Guidelines.

7. Revision and Recirculation of the EIR is required

The EIR was prepared by experts, and provides accurate information for the decision makers to thoroughly evaluate the project and includes mitigations that more than adequately offset any impacts. In response to comments received, staff revised the Final EIR. Pursuant to CEQA Guidelines Section 15088.5(b), recirculation is not required where new information added to the EIR mainly clarifies or amplifies or makes insignificant modifications in an adequate EIR. The primary revisions to the EIR elaborated on the nature of the special events and clarified that these events have been occurring, and will continue to occur. These special events were evaluated in the Draft EIR, and did not result in significant, adverse impact. Other changes made to the EIR were minor clarifications and therefore, a recirculation is not necessary.

CONCLUSIONS AND FINDINGS:

The Planning Commission agreed with the EIR's conclusion that the project would not result in any significant, unavoidable environmental impacts, and certified the Final EIR. Because of additional input from the appellants during and after the Planning Commission hearing, the EIR has been further revised to clarify and elaborate on the analysis that had been previously performed. No new impacts were discovered through the EIR revision process. During the Planning Commission's hearing, the project opponents (current appellants) presented the same arguments against the project that are addressed in this Council Agenda Report. The Planning Commission conditioned the project to address some of the neighbors' concerns, and approved the project, making the findings shown in PC Resolution #009-11 (Attachment 6). Staff recommends that the Council use the Planning Commission's findings as a starting point for making its own findings to deny the appeal, certify the Final EIR, and approve the project. Staff will return to the Council with an appropriate Resolution of Decision and Findings that document Council's actions.

NOTE: The documents, listed below, have been separately delivered to the City Council with a cover memo, dated May 31, 2011, for their review as part of the Council reading file and are available for public review in the City Clerk's Office and the Planning Division offices at 630 Garden Street:

- Project Plans date stamped May 31, 2011
- Final EIR dated May, 2011 Volumes I & II

ATTACHMENT(S):

1. Marc Chytilo Appeal Letter, dated April 25, 2011
2. Weinberg, Rodger, Rosenfeld Appeal Letter, dated April 25, 2011
3. Site Plan
4. April 7, 2011 Planning Commission Staff Report
5. April 14, 2011 Planning Commission Minutes
6. April 14, 2011 Planning Commission Resolution 009-11
7. Draft Archeological Condition
8. Resources Analysis

PREPARED BY: Peter Lawson, Associate Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development Director

APPROVED BY: City Administrator's Office

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

April 25, 2011

Santa Barbara City Council
c/o Santa Barbara City Clerk
735 Anacapa Street
Santa Barbara, California 93101

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CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

RE: Appeal of Planning Commission Decision on April 14, 2011, 900 Calle de los Amigos (MST2005-00742), Valle Verde Retirement Community Project

Mayor Schneider and Members of the City Council:

This office represents Hidden Oaks Homeowners Association which hereby appeals all aspects of the Planning Commission's April 14, 2011 decision certifying the Final Environmental Impact Report (EIR), adopting findings for issuing a Conditional Use Permit (CUP) and approving the Valle Verde Retirement Community Project ("Project").

Overview

The Project involves a significant physical expansion, largely at the outer edges of Valle Verde's lands. The proposed development at the peripheries intrudes into sensitive oak woodlands and steep slopes, and imparts substantial and avoidable impacts to surrounding neighborhoods. This physical expansion could be accommodated in the interior of the lot, as strongly suggested by the Planning Commission. Other comparable retirement communities in the City, notably Samarkand, use underground parking lots to provide on-site parking for residents, guest and staff while preserving open space lands. Although the Planning Commission urged the applicant to consider revising the Project to include underground parking and thereby reduce Project impacts, they did not require it. We ask that the City Council direct the Applicant to revise the Project by including underground parking to avoid new parking lots on steep slopes and liberating space in the Project interior to accommodate the requested new units, thereby avoiding residential construction in and near sensitive oak woodlands.

Under existing conditions, the day-to-day operations of Valle Verde cause significant impacts upon the surrounding neighborhoods, largely from the lack of compliance with and enforcement of an already-existing City permit condition requiring employees and residents to park on-site. Unlike the situation with all other retirement facilities in the City, virtually each neighborhood surrounding the Project has stated objections to the proposed Project. The Planning Commission made minor adjustments to address a few neighborhood concerns, such as painting one curb red and enhancing voluntary on-site employee parking incentives, but past experience has shown these token actions will be inadequate to address existing problems, much less fully mitigate impacts from the expansion.

The Valle Verde property is zoned for single-family residential use and is surrounded by residential uses and open space, with the intensity and nature of development and use proposed allowable only by Conditional Use Permit ("CUP"). Under the existing A-1 and E-3 zoning, 189 units could be developed on Valle Verde's 59.75 acre property. FEIR, p. 6-10. The Project proposes 40 new units, for a total of 254 units, exceeding by 65 units the intensity of development allowed under the existing zoning.

Valle Verde borders Arroyo Burro Creek, Hidden Valley Park, and includes one of only two remaining "pristine" stands of Coastal Live Oak woodland in the entire City. Initial Study, page 7. This stand of over 500 trees has already been impacted by the Applicant's excessive habitat destruction under the guise of wildfire fuel management. These improperly cleared lands, once possessing habitat value that would have limited development, are now proposed for development. No developer should be rewarded for destruction of habitat, regardless of the merit of their services to the City.

Additionally, the proposed development on the Rutherford Parcel will be visible from important public viewing locations including from Torino Drive and the public hiking trail adjacent to Torino Drive. The Project requires an unnecessary modification to site a new residence in the Torino Drive setback.

The Applicant and past City inaction have compromised the integrity of the oak woodland on the site. Although, the 1984 CUP required dedication of a four acre portion of the oak woodland as a condition for approval, the lands were never dedicated. Referring to this 27 year old violation, Steve Amerikaner, the former City attorney who is now the Applicant's attorney, explained to the Planning Commission, "we just dropped the ball." The City has not acted in the interim to correct this error, and as noted above, the Applicant's over-zealous fuel modification have compromised the ecological integrity of a prized oak woodland. Not only must past errors be corrected, but this history demonstrates that enhanced controls are needed to ensure the goal of preserving the oak woodland is achieved. Specifically, we request that a habitat conservation easement be imposed on the 9.8 acre oak woodland, as recommended by the California Department of Fish and Game. FEIR, Vol. II, Letter # 5. Mere dedication of development rights does not ensure preservation of the oak woodland - there must be an affirmative obligation to manage and maintain these lands for oak woodland habitat purposes, with an independent entity possessing the duty to monitor and the right to enforce preservation requirements. As such, the City should impose a condition requiring the Applicant to impose a conservation easement on the 9.8 acres. A habitat conservation easement will include a specific objective for the use of the lands and third party monitoring, and enforcement in the event of non-compliance. That way, we can ensure that this important dedication does not slip through the cracks again and that the oak woodland will be forever preserved for the benefit of Valle Verde residents, the surrounding neighborhood, and the City of Santa Barbara.

Additionally, inadequate and poorly sited on-site parking for employees, residents' guests and event-attending visitors has resulted in parking that overwhelms neighborhood streets. Calle de los Amigos is a relatively narrow curving road with parking on both sides. Valle Verde employees, guests and visitors routinely park this road to capacity in the areas surrounding the Project, congesting the neighborhood and its roadways while imposing substantial hazards and inconvenience upon surrounding neighborhoods.

Appellants support the mission of Valle Verde and recognize both the need for additional senior housing in the Santa Barbara community and Valle Verde's long history of serving those needs. However, we believe the additional 60,000 square feet of building development and 31,000 square feet of pavement and driveways, much of it at the hillside periphery of the site, exceeds appropriate development for the neighborhood and the sensitive site. The Project proposes cutting into the hillside (in several places on slopes greater than 30%), constructing large retaining walls in several locations, removing and impacting over 20 oak trees, one large sycamore and 46 non-native trees.

This is our City's only chance to ensure perpetual preservation of the oak woodland and develop this property in an appropriate way. Underground parking lots have been used at similar facilities in the City and would go a long way to reduce development on the hillside and oak woodland and provide enough parking on-site to minimize the traffic hazards in the neighborhood.

A. Appeal Issues

The issues that serve as the grounds for this appeal are delineated in the two attached letters from our office and are summarized as follows:

- 1. The project is inconsistent with the City's General Plan, City Charter and Zoning Ordinance regarding density, site area and setbacks and should be downsized.**
 - The project is inconsistent with the following General Plan Conservation Elements:
 - Remaining Southern Oak Woodlands shall be preserved when feasible (Biological Resources Policy 4.0)
 - New development shall not obstruct scenic view corridors (Visual Resources Policy 3.0)
 - Mature trees should be integrated into project design rather than removed (Visual Resources Policy 4.1)
 - All feasible options should be exhausted prior to the removal of trees (Visual Resources Policy 4.2)

- Development which necessitates grading on hillsides with slopes greater than 30% should not be permitted (Visual Resources Policy 2.1)
 - Development on hillsides shall not significantly modify the natural topography and vegetation (Visual Resources Policy 2.0)
- The project is inconsistent with the following General Plan Land Use Element language:
- “In implementing [density controls greater than the General Plan recommends, such as public housing for senior citizens], care must be taken that the regulatory measures adopted are not only designed to permit the beneficial variations from standards desired, *but will be effective in preventing inappropriate relationships between neighboring land uses and will provide adequate safeguards against abuse of the privileges.*”
- The following required Zoning Ordinance Findings **cannot** be made:
- New residential care facilities (such as those proposed on the Rutherford lot) “will generate a demand for services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone ...”. (Zoning Ordinance §28.94.030.R.2.a)
 - Setbacks and Site area: “The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.” (Zoning Ordinance § 28.94.020 (3))
 - Setback modification “is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement ...” (Zoning Ordinance § 28.92.110.2)
- The Project violates the City Charter § 1507, requiring that “land development shall not exceed its public services ... [including] traffic and transportation capacity.” The Project adds individual and cumulative trips to the over-capacity Las Positas/101 interchanges, exacerbating an impermissible condition.

2. Parking is inadequate.

- The Project’s proposed parking spaces is insufficient under the Zoning Ordinance;
- Findings of adequate parking required for CUP approval were not made;
- The Project’s proposed parking permit system does not adequately address excessive on-street parking.
- The Project’s development exceeds available public parking capacity in violation of City Charter § 1507.

- The Project does not provide enough parking spaces for each of its residents (as required by the 1984 CUP).

3. The EIR and CEQA compliance is inadequate.

- The EIR project description fails to describe key components of the project including the number of employees and special events information.
- The EIR fails to adequately describe the baseline existing environment regarding biological resources and parking and traffic.
- The EIR fails to require adequate mitigation to avoid or minimize environmental damage regarding aesthetic impacts (woodland views from road and hiking trail), biological resource impacts (oak woodland habitat, wildlife movement corridors, sensitive wildlife species); fire hazard and evacuation impacts; land use impacts (neighborhood compatibility); traffic and parking impacts; and cumulative impacts.
- The Project's land use impacts were not adequately analyzed in the EIR.
- The EIR did not include adequate assessment and evaluation of the feasibility of alternatives.
- The EIR did not include enough information for meaningful public review and comment and the responses to those comments lacked detail and the requisite analysis.
- The EIR did not adequately assess the Project's impacts to historical resources, specifically, the City has not consulted with anyone on the Native American Contact List to evaluate whether the project will impact the sacred sites identified by the Native American Heritage Commission. The 2008 study has not been shown to exist, and test methods were ill-suited to actually identify whether resources may be present on these lands whose surface was previously disturbed by agricultural activities.

4. Oak Woodland Protection

The 9.8 acre Oak Woodland habitat dedication condition (Condition B(1)(p)) is inadequate to preserve this threatened habitat and achieve long term protection. A conservation easement is justified and required.

5. Archaeological Resources

The site is part of a complex of village sites and areas of intensive and continuous occupation associated with Arroyo Burro Creek. The City has violated CEQA, the General Plan and the City Code in not adequately evaluating known sensitive archaeological sites.

Archaeological Resources are protected by the following policies, laws and regulations:

City General Plan Conservation Element:

Goal: Sites of significant archaeological ... resources will be preserved and protected wherever feasible in order that historic and prehistoric resources will be preserved.

Policy and Implementation Strategies:

1.0 Activities and Development which could damage or destroy archaeological, historical, or architectural resources are to be avoided.

1.1 In the environmental review process, any proposed project which is in an area indicated on the map as "sensitive" will receive further study to determine if archaeological resources are in jeopardy. A preliminary site survey (or a similar study as part of an environmental impact report) shall be conducted in any case where archaeological resources could be threatened.

Santa Barbara Municipal Code § 22.12.020:

"All new development in the City of Santa Barbara shall be designed and constructed wherever feasible to avoid destruction of archaeological and paleontological resources consistent with the standards outlined ..."

CEQA § 21083.2(a)

"If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources."

The Initial Study (EIR, Appendix A) for the Project concluded that:

A portion of APN 049-040-053 and -054 are within a Prehistoric Sites and Water Courses Sensitivity Zone. Development proposed in these areas involves the construction of residential units, parking areas and various common area facilities, including an addition to the Administration Building. An intensive field survey of the entire property, including shovel scrapes in areas of less ground surface visibility, was performed by Stone Archaeological Consulting. No prehistoric or historic cultural materials were identified.

On September 18, 2010 Katy Sanchez from the Native American Heritage Commission sent a letter to Planner, Peter Lawson commenting on the Notice of Completion. She stated that a Sacred Lands File Check had been completed on 9/27/10 indicating "potential impact to "Lineguitas" and two known archaeological CA-SBA-42 and CA-SBA-60 sites (Goleta USGS Quadrangle, township 4 north, range 28 west). Ms. Sanchez added that the City should "Contact

the NAHC [enclosed list] of the appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.”

The City has not contacted any of the Native American Contacts on the list. On April 14, 2011, Frank Arredondo (Chumash/Coastanoan and on the NAHC consultation list), sent a lengthy letter to the Planning Commission opposing the project and revealing that the Project is located on “areas known to be once inhabited by prehistoric Chumash.” This Project site could also be a known burial site. Mr. Arredondo also expressed the following concerns:

- The City Planner would not give a copy of the 2008 Archaeological Report referenced in the EIR to Mr. Arredondo. There is no evidence this report even exists.
- The only report filed with the Central Coast Information Report (CCIC) was from 2003 by Stone Archaeological Consulting.
- The 2003 Report is inaccurate: no shovel scrapes had been conducted in the impact area (which have been revised since 2003), the sensitive site is located on the western side of the creek (not the eastern)
- No grading plans have been provided by the applicant – which is a requirement leading to an archaeological study.
- Fill from the walnut orchard may cover subsurface resources. Subsurface resources were not evaluated in the 2003 report.
- The City has not followed their own guidelines delineated in the Master Environmental Assessment “Guidelines for Archaeological Resources and Historic Structures and Sites.”

Further study and consultation is required, and the Project must be revised in light of cultural resources. Avoidance must be evaluated first, then mitigation considered. The City omitted the avoidance step, does not appear to be relying on accurate testing data, and instead adopted an after the fact mitigation condition. Qualified Native Americans, including Mr. Arredondo, are entitled to a full consultation and the information from more robust site surveying prior to the approval of this project.

B. Appellants’ Requests

Based on the issues above and to reduce density, preserve the quality of the neighborhood and oak woodland we request that the Project be revised as follows:

1. On the Rutherford lot, eliminate units 6/7 and 12/13, and the proposed driveway and parking lot, to achieve compliance with General Plan visual resource policies, eliminate the proposed setback modification from Torino Drive, and help reduce the density of development to better conform to the surrounding neighborhoods.
2. Eliminate units 16/17, 18, 31, 32, 33 and 34 and the southern end of the maintenance area parking lot to preserve oak woodland habitat, including hillside development,

and achieve compliance with biological and visual resource policies of the General Plan. Eliminate or modify those elements of the Project necessitating retaining walls as suggested by the Planning Commission.

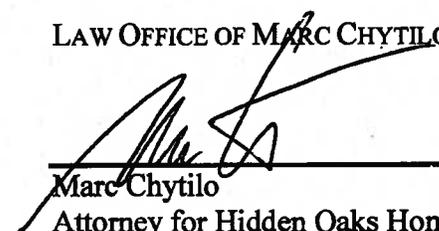
3. Increase on-site parking by constructing an underground parking facility, then revise the site plan to eliminate parking facilities and residences on steep slopes..
4. Enhance the parking permit condition by: 1) incorporating specific restrictions and an enforcement mechanism mandating that all residents, employees and guests park on campus, and limiting the number of vehicles per unit; and 2) requiring demonstrated compliance with the on-site parking requirements as a precondition to obtaining building permits.
5. Revise condition B(1)(p) to require that the 9.8 acre Oak Woodland habitat preserve be protected through a conservation easement to permanently preserve its habitat values and scenic qualities.
6. Direct compliance with cultural resource requirements including enhanced site analysis, consultation with qualified representatives, and ensure Project redesign to avoid cultural resources on site.

We have not completed our review of the Planning Commission action and investigation of issues in this matter, and reserve the right to supplement our appeal prior to the hearing. As this project involves an issue of considerable public controversy, we request that the City Council hear this matter during an evening session. We also request the opportunity to coordinate the date of the hearing with the City Clerk's office.

Thank you for your careful attention to this important project.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO



Marc Chytilo

Attorney for Hidden Oaks Homeowners Association

Enclosures:

- Letter from Ana Citrin, Law Office of Marc Chytilo, to Planning Commission, April 11, 2011
- Letter from Ana Citrin, Law Office of Marc Chytilo, to Peter Lawson, October 17, 2010

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

April 11, 2011

Santa Barbara City Planning Commission
Planning Commission Secretary
P. O. Box 1990
Santa Barbara, California 93102-1990

By hand delivery and by email

RE: 900 Calle de los Amigos, Valle Verde Project; April 14, 2011 Agenda, Item II

Dear Chair Jostes and Honorable Planning Commissioners:

This office represents the Hidden Oaks Homeowners Association in this matter. The Valle Verde Retirement Community Project ("Project") proposes a significant expansion in a retirement facility located in a residential neighborhood that under existing conditions has created significant land use challenges for the surrounding area. The Valle Verde property is zoned for single-family residential use and is surrounded by residential uses and open space, with the intensity and nature of development and use proposed allowable only by Conditional Use Permit ("CUP"). Valle Verde borders Arroyo Burro Creek and Hidden Valley Park, and the open space areas owned by Valle Verde include sensitive habitat and one of only two remaining pristine oak tree stands in the entire City. A portion of this sensitive habitat area, known as the Rutherford Lot, is not part of Valle Verde's existing CUP but is proposed for development by expanded CUP. Proposed development and fuel modification on the Rutherford Lot encroaches into sensitive habitat, and is highly visible from Torino Drive and a public hiking trail adjacent to Torino Drive. Inadequate and poorly sited on-site parking has resulted in the extensive use of public streets for Valle Verde parking, creating various conflicts with neighboring residential uses and compromising the character of the neighborhood. The failure to disclose, analyze, and mitigate parking and circulation related impacts of community activities and special events hosted at Valle Verde in the EIR for the Project renders the EIR, and the conclusions and findings regarding the adequacy of on-site parking wholly unfounded.

To ensure consistency of the proposed conditional use with the requirements of the Zoning Ordinance and General Plan, **substantial revisions to the project description and proposed conditions – beyond what City staff has recommended in the staff report - are required.** These revisions include: **a) eliminating proposed development on and adjacent to sensitive biological habitat; b) eliminating proposed development that impairs the public viewshed; c) reconfiguring and increasing on-site parking; d) incorporating meaningful restrictions and enforceability mechanisms into the proposed parking permit condition; e) phasing construction to minimize construction impacts and ensure the adequacy of on-site parking before constructing new units; f) improving the fuel modification and habitat restoration plans; and g) requiring additional public Architectural Review Board (ARB) review proceedings to review and refine Project architecture and landscaping plans.** (Note, our specific requests are listed at the end of this letter).

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Without the above revisions to the project description and proposed conditions, the Project is legally vulnerable due to conflicts with the Zoning Ordinance and General Plan, and due to legal flaws in the Environmental Impact Report ("EIR"). This office and individual members of the Hidden Oaks Homeowners Association submitted extensive comments on the draft EIR, most of which remain relevant. Because of their continued relevance and due to inadequacies with many of the responses to those comments, we reiterate the points made in those letters without repeating them here. Additionally, there is recently disclosed information that materially affects the EIR's adequacy, most notably **the disclosure that Valle Verde regularly hosts a variety of activities, classes, and special events attended by members of the surrounding community. The EIR failed entirely to disclose this significant operational component of Valle Verde, and impermissibly failed to take the attendees of these activities and events into consideration either in the environmental baseline for the traffic, parking, and land use compatibility analyses, or as part of the project description.**

We respectfully urge the Commission to make the changes to the project description and conditions requested herein, or to require revision and recirculation of the EIR prior to making a decision on the Project.

1. Significant New Information: Community Activities, Classes, Meetings, and Events Hosted at Valle Verde

There is a significant component of Valle Verde's operations that was just recently disclosed to the public, namely that non-residents routinely attend Valle Verde activities, and that Valle Verde hosts outside community groups at their facilities for classes, meetings, activities, and events. This information is significant because the EIR's analysis of traffic, parking and land use compatibility all assumed the non-existence of such an operational component. The staff report makes no attempt to quantify the number of community members that attend Valle Verde activities or the number or frequency of Valle Verde activities that may be attended by members of the outside community. The staff report similarly makes no attempt to describe, quantitatively or qualitatively, the outside community events hosted by Valle Verde. A review of public information provided on the American Baptist Homes of the West website however (detailed below) reveals that these events are diverse and numerous. The fact that this information is just being disclosed at the approval stage is shocking given the significant community concern voiced over Valle Verde's traffic, parking, and land use impacts. Moreover, the fact that this significant information was not analyzed in the EIR renders the EIR wholly inadequate.

With respect to the previously undisclosed activities and events at Valle Verde attended by the outside community, the staff report provides as follows:

Activities at Valle Verde include, but are not limited to art classes, continuing education, seminars and college alumni meetings, *which are attended by both Valle Verde residents and*

members of the surrounding community. Also, on an intermittent basis, Valle Verde provides meeting rooms to community groups, such as local homeowner associations, or other local groups.

(Staff Report, p. 1 (*emphasis added*)). The staff report goes on to describe these community activities and events as follows:

In 1976, an arts and crafts building, a lounge and dining facility were added to the Valle Verde campus, and in 1984 a recreation building, along with additions to the dining complex were constructed. All of these facilities are used predominately by the residents, and activities include painting, college alumni gatherings, and other types of meetings. Each of the activities reflect the interests of the residents, and evolve over time as new residents arrive. *These interests are also shared by the community outside of Valle Verde, and attendees of the activities include a mixture of Valle Verde residents and members of the public. Finally, on an intermittent basis Valle Verde provides its facilities to groups that need an area large enough to meet.* Fees are typically collected only if food service is provided. Use of the facilities by outside groups is self-limiting since the facilities are used on a daily basis by the residents.

(Staff Report, p. 5). This narrative, and the remainder of the staff report, fails to disclose how many community members attend Valle Verde activities, how often facilities are used by outside groups, and how large the groups are that use the facilities. The statement the use of facilities by outside groups is “self-limiting” is meaningless without any quantification of how often the facilities are available and used by outside groups.

The staff report’s discussion of potential parking impacts of community activities and events is so speculative as to be wholly meaningless. Specifically, the staff report provides:

The previous permits approved for Valle Verde do not include a specific prohibition on outside groups using the campus, and a larger facility typically includes some outside activity if the impacts on the neighborhood remain at a minimal level. Currently, the main parking impacts from Valle Verde *appear to be* generated from employee parking not being provided in specific areas that are large enough to accommodate a number of employees, as opposed to community activities. Finally, based upon recently raised neighbor concerns, Valle Verde has provided valet parking service for some events and used the nearby church parking lot for the community event attendees.

(Staff Report, p. 8). The assumption that the main parking impacts from Valle Verde is from employees is not supported with any evidence whatsoever, and to our knowledge there has been no attempt to quantify the number of community members attending Valle Verde activities and events and utilizing on-street parking. The staff report and EIR provide no data on the number of Valle Verde activities that occur on a daily, weekly, and monthly basis, let alone any information regarding the number of non-Valle Verde community members that travel to Valle Verde specifically for those

activities. The 2010 "Social Accountability Report" for American Baptist Homes of the West identifies specific community meetings, classes, and events hosted by Valle Verde, including:

- Registered nurse and licensed vocational nurse training programs for students from Santa Barbara City College
- Meetings of community organizations including:
 - CFIT (Cognitive Fitness and Innovative Therapies)
 - Retired Doctors of Santa Barbara
 - MIT Alumni
 - National Charity League
 - Visiting Nurses
 - Bereavement groups
 - Alzheimer's Association
 - Hospice
 - Homeowners associations
 - Local canine chapters for dog training
 - Center for Innovative Therapies (monthly board meeting)
 - Women's Baptist Circle
 - Aging Services of California Los Padres (regional meetings, four times per year)
- Santa Barbara Jr. Miss Pageant (3-day event)
- Santa Barbara City College continuing education
- Vistas Lifelong Learning program
- Visiting Nurse and Hospice Care (Serenity House) meeting place for staff and families
- Broadway a-la Carte Theater rehearsals

(ABHOW Social Accountability Report 2010, available at <http://www.sitemason.com/files/lhzNM4/SocialAccountabilityReportFY10.pdf>). The frequency of most of these classes, meetings, activities and events is not disclosed in the Report.

While these community classes, meetings, activities, and events are not specifically part of the proposed Project, the Project includes expanding various facilities that are used for these community activities/classes/meetings/events including the Dining/Multi-Purpose building (see FEIR p. 3-19), which would expand Valle Verde's capacity to hold additional and larger community activities and events.

The environmental analysis for the Project is fundamentally flawed without including this component of Valle Verde's operations, both in the existing environmental setting/baseline for impact analysis, and in the project description. One result of this significant omission is that the

Project traffic analysis failed to include trip generation data for these community activities/classes/meetings/events¹. The EIR's reliance on model trip generation rates instead of quantifying the number of people that come to and from Valle Verde is itself problematic, and the responses to comment do not adequately address this issue (discussed further below). Now with the acknowledgement of non-resident use and the admission that special events involving considerable numbers of non-residents occur at Valle Verde, the importance of quantifying actual trips is even more apparent. The Project parking analysis also failed to consider the additional number of parking spaces necessitated by these uses, and the emergency evacuation analysis does not incorporate the effects of having a large community event taking place, where non-resident attendees of that event would not have gone through Valle Verde's evacuation/emergency drills. This significant change in baseline conditions caused by including these non-resident activities/classes/meetings/events necessitates revision and recirculation of the EIR. ((CEQA Guidelines § 15088.5, *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal. App. 4th 99, 143 (correcting inaccurate baseline studies triggered CEQA's requirement for recirculation); see *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 952 ("Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.")). Significantly, non-resident use is omitted from the Project Description. Its inclusion only at the Staff Report phase belies an unstable Project Description that prevents the interested and

¹ Project Traffic Study, FEIR Appendix D, pp. 18-19 (emphasis added):

“After a review of development types and the uses proposed as part of the Project, the trip rate for Continuing Care Retirement Community (CCRC) was chosen as the development type that most represents the changes proposed for the Valle Verde site. The ITE description for CCRCs is “they are land uses that provide multiple elements of senior adult living. CCRCs combine aspects of independent living with increased care, as lifestyle needs change with time. Housing options may include various combinations of senior adult (detached), senior adult (attached), congregate care, assisted living and skilled nursing care aimed at allowing the residents to live in one community as their medical needs change. The communities may also contain special services such as medical, dining, recreational and some limited, supporting retail facilities. **CCRCs are usually self-contained villages.**” The trip rate is based on the number of residential units being provided. Much of the proposed project would result in the expansion of existing uses and/or facilities intended for use by residents or existing staff only. Some of the proposed uses, such as the on-site branch bank office, would be new uses on the site and would reduce the number of off-site trips by new and existing residents by allowing residents to use facilities that are within walking distance rather than having to drive to off-site locations. Therefore, some of the additional trips generated by the proposed project would be offset by the reduced number of off-site trips. Iteris has also reviewed the employment data provided by the project applicant and based on the employee shift times and the FTE staff hours it does not appear that the proposed project will be adding a substantial number of additional staff.”

affected community from understanding the actual scope of the project and impacts on critical infrastructure issues, including parking, circulation and emergency evacuation.

2. A Reduction in the Number of Units Is Required to Achieve Consistency with the City's General Plan and Zoning Ordinance and Enable the Commission to Make Required Findings

Zoned for single-family residential use and additionally subject to the limitations in the City's Slope Density Ordinance, the EIR acknowledges that a maximum of only 189 units could be allowed on the 59.75-acre property without a CUP. (EIR p. 6-10). The EIR refers to the General Plan Land Use Element for the proposition that "densities for senior housing can be greater because the number of people per unit is lower for such housing than for non-restricted housing." (*Id.*) Reading this discussion in the Land Use Element itself however reveals that it includes an important caveat. Specifically, the Land Use Element provides:

Another technique is the variation in density in relation to the size of a unit and the occupancy potentials. The intent of establishing density controls is to limit the intensity of development and activity on the land. In situations where a dwelling unit may yield fewer persons than a normal or average unit, such as in a public housing project for senior citizens, densities in terms of dwelling units per acre may be allowed to increase beyond those limits recommended by the General Plan without causing an inappropriate increase in the intensity of activities.

In implementing these or other techniques, care must be taken that the regulatory measures adopted are not only designed to permit the beneficial variations from standards desired, but will be effective in preventing inappropriate relationships between neighboring land uses and will provide adequate safeguards against abuse of the privileges.

(Land Use Element, p. 44 (*emphasis added*)). Here, the density anticipated under Valle Verde's CUP does not prevent inappropriate relationships between neighborhood land uses or provide adequate safeguards against abuse of the privileges. Accordingly a reduction in density is required, as further detailed below.

a. Findings for State-Licensed Residential Care Facilities for the Elderly Cannot Be Made for the Proposed Density on the Rutherford Parcel

The required CUP findings for senior housing (§28.94.030.R.2) help to ensure that additional density is appropriate for the neighborhood and includes adequate safeguards. For example, the Planning Commission must find that

(2) The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.

The staff report's proposed finding fails to compare the intensity of the proposed development with the "existing use" as required. Rather it compares the proposed use to the peak development of Valle Verde in the 1990's (254 units). (Staff Report, p. 10). The existing use includes 213 or 208 independent living units (see *id.*) and thus pursuant to the above finding the Commission must evaluate whether the proposed use of 253 independent living units, plus the other development and operational components of the Valle Verde Project, increase the demand for resources and public services beyond the existing use or beyond the use demanded by development of the property in accordance with the single-family and slope density zoning.

With respect to the Rutherford Lot, there are two problems with making the above finding. First, since the Rutherford Lot is not currently part of the CUP for Valle Verde, the existing use of that parcel is 1 single-family home, with up to two residential units² allowed under the A-1 zoning and slope density requirements (see FEIR Appendix A, Initial Study, p. 7 (area: 3.50 acres, slope: 20%)). Accordingly, the proposed development on the Rutherford Lot of 10 residential units vastly increases the demand for all resources and services beyond the existing or allowed use, even taking into consideration the assumptions used in the EIR and staff report regarding the reduced demand for resources and services for senior housing as opposed to single-family housing. The second reason the above finding is problematic with respect to the Rutherford Lot is that it is specific to existing residential care facilities. Again, the Rutherford Lot is not currently part of the Valle Verde CUP. Accordingly, the Planning Commission is required to make findings for new residential care facilities (§28.94.030.R.2.a) before the Rutherford Lot may be subjected to the CUP. Specifically, these findings include the following:

- (1) The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.*
- (2) The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.*

² Because the Rutherford Lot includes slopes of 30%, the 2.0 times minimum lot area may in fact be the appropriate standard, reducing the allowed development of the Rutherford Lot to 1.75 units/acre (see Zoning Ordinance § 28.15.080).

(3) The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

The analysis of finding 1, above, is similar to the analysis of finding §28.94.030.R.2.b.2 discussed previously – 10 units far exceeds the demand for resources and services than development of the property in accordance with the underlying zone and therefore the finding cannot be made. Finding 2 also cannot be made for the 10 units proposed on the Rutherford Lot because the number of people (between 10 and 20 residents on the 3.5 acre lot) far exceeds the intensity of use on the neighboring residential parcels in the adjacent Hidden Oaks PUD. To make the findings required pursuant to §28.94.030.R.2.a and §28.94.030.R.2.b the number of units on the Rutherford parcel must be reduced. Specifically, units 6 and 7, 12 and 13 should be eliminated from the project description, and additional units may need to be removed in order to ensure that the demand for resources and services and intensity of use is equivalent to no more than 2 single-family residences. The removal of units 6, 7, 12, and 13 from the project description would reduce the Project's impacts to biological resources, bring the Project into closer conformance with General Plan Conservation Element Biological Resources Policy 4 (see below), reduce the Project's visual impacts from Torino Drive and the adjacent public pedestrian and equestrian trail, and bring the Project into better conformance with General Plan Conservation Element Visual Resources Policy 3 (see below).

b. Findings for CUP Approval Cannot Be Made With Respect to Site Area and Setback Sufficiency

Prior to approving the CUP for Valle Verde, the Commission is required to make the following finding:

The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided

(Zoning Ordinance § 28.94.020 (3)). The Rutherford Lot is not adequate to support the level of development proposed, and setbacks for development on the Rutherford Lot is not sufficient in view of the character of the land. Accordingly significant detrimental impacts surrounding properties is not avoided, in violation of this policy. Most notably, proposed units 6/7 obstruct scenic views of the Santa Ynez mountains, and units 6/7 and the proposed driveway and parking lot intrudes into formerly scenic foreground views of the Rutherford Parcel as seen from Torino Drive and the public pedestrian and equestrian trail adjacent to Torino Drive (see FEIR Figures 5.1-5a and b, 5.1-7a and b, 5.1-8a and b). The EIR relies excessively on vegetative screening which is problematic because vegetation takes time to grow, and further is not permanent. Fire, drought, disease, wind, and other natural forces can destroy vegetation, and further there is no prohibition against the future removal of vegetative screening. The Commission therefore must assume no vegetative screening for an accurate assessment of the Project's potential visual impacts, or a condition imposed to require

maintenance of landscaping for the life of the project. The County BAR practice is simply to eliminate consideration of vegetation as screening of proposed projects in evaluating visual impacts and policy consistency, and this should be the convention employed for Valle Verde unless a permanent condition is imposed. Regardless of screening, the visual impact from blocking of scenic resources by either the development's structures or its screening vegetation remains a significant inconsistency.

Eliminating units 6/7 and the proposed Rutherford driveway and parking lot from the project description would increase the distance between Torino Drive and Rutherford lot development, reducing the detrimental visual impact on surrounding properties. Moreover eliminating units 6/7 would avoid the need for a setback modification, discussed below.

c. Findings for Requested Setback Modifications along Torino Drive Cannot Be Made

Prior to approving a setback modification, the Zoning Ordinance requires that the Planning Commission find that the modification:

is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures as defined in subsection (A) of Section 28.43.020 of this Code.

The Staff Report concludes that this finding can be made for the setback reduction from 35 to 25 feet along Torino Drive for unit 6. The rationale for this is as follows:

The proposed Modification along Torino Drive to reduce the front setback from 35 feet to 25 feet is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. The reduction of the setback would not be out of character with the existing Valle Verde development or the adjacent Hidden Oaks development, because the unit that would be located in the front setback would be single story, similar to the existing Valle Verde development on Torino Drive.

(Staff Report, p. 17). There is no basis however for a finding that this setback is necessary to promote uniformity of improvement. Units 6/7 would form the western terminus of Valle Verde along Torino Drive, and its proposed location is closer to Torino Dr. than Valle Verde structures to the east, and also closer than Hidden Oaks PUD structures to the west. Simply eliminating units 6 and 7 would avoid the need for any setback modification, reduce the density on the Rutherford Lot as discussed in the previous section, and would reduce the Project's impacts to biological resources, bring the Project into closer conformance with General Plan Conservation Element Biological Resources Policy 4 (see below), reduce the Project's visual impacts from Torino Drive and the

adjacent public pedestrian and equestrian trail, and bring the Project into better conformance with General Plan Conservation Element Visual Resources Policy 3 (see below).

d. As Proposed, the Project Is Inconsistent with the General Plan Conservation Element

The general plan is the “constitution for all future developments,” and all land use and development decisions must be consistent with the general plan. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 570). A project is inconsistent with the general plan “if it conflicts with a general plan policy that is fundamental, mandatory and clear.” (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 782). In addition to this state law requirement, the City’s Zoning Ordinance requires that prior to approving the Valle Verde CUP the Commission must find that:

(1) Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan

(Zoning Ordinance §28.94.020).

The Valle Verde Project is inconsistent with various policies in the City’s General Plan Conservation element, including policies that are fundamental, mandatory and clear. Accordingly, the Project as proposed is inconsistent with the General Plan, and the Commission may not make require findings or approve the Project without modifications that resolve the inconsistencies.

Biological Resources Policy 4.0. Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, were feasible.

The western portion of the project site includes a southern oak woodland that contains over 500 trees. Implementation of the proposed project would impact approximately 0.24 acres of the oak woodland due to the development of proposed residences and required long-term fuel management activities. (FEIR p. 6-8). The FEIR finds that the Project is potentially consistent with this policy because mitigation measure BIO-1a requires that new oak woodland habitat be created on the site at a replacement ratio of 2:1, and the project applicant proposed to dedicate or otherwise restrict development rights on the 9.8 acre on-site oak woodland area.³ (*Id.*). However, the discussion of this policy in the EIR and the Responses to Comment (see response to comment #29), ignore the clear

³ While the current proposal includes the dedication of 9.8 acres of oak woodland, it should be noted that the applicant is already required to dedicate 4 acres pursuant to an existing CUP requirement (see Staff Report Exhibit F, CUP resolution 093-84, amended 7/19/84, (“Prior to the issuance of building permits, the applicant shall complete the following: F. The applicant shall dedicate the development rights of the Oaks woodland containing approximately 4.0 acres to the City for the purposes of protecting the Oaks woodland and maintaining the open space in perpetuity.”))

definition of the word *preserve*, which is “to keep safe from harm, injury” (Shorter Oxford English Dictionary (5th Ed., 2002)). In this context, *preserve* means not to remove or injure the existing oak woodland. Replacing and restoring oak woodland may arguably *mitigate* the Project’s impacts on oak woodland, but does not achieve consistency with this clear policy mandate of the Conservation Element. The dedication of 9.8 acres of oak woodland also does not achieve consistency with this policy insofar as 0.24 acres of the woodland will not be preserved. The EIR and staff report do not make any claim that it is *infeasible* to preserve this additional 0.24 acre area of oak woodland, and indeed it can be accomplished by eliminating proposed units 12, 13, 16, 17, 18, 31, 32, 33, and 34 (see FEIR Figure 5.2-1).

Visual Resource Policy 3.0. New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

Proposed development along Torino Drive (on the Rutherford Lot) clearly obstructs a scenic view corridor of the upper foothills and mountains viewed from lower elevations of the City. (See FEIR Figure 5.1-5a and b; Exhibit 1 (photographs of story poles erected for 4/12/11 Planning Commission site visit). The EIR finds potential consistency with this policy based on conclusions in the EIR aesthetic impact analysis that “existing views of the Santa Ynez Mountains and lower foothill areas as seen from viewpoints along Torino Drive would not be substantially affected (photosimulation 5.1-5b) by the proposed project (FEIR p. 6-3). However Visual Resource Policy 3.0 does not use a “shall not substantially affect” standard; it utilizes a “shall not obstruct” standard. The obstruction of mountain views by Project structures as seen from Torino Drive is a clear and unambiguous conflict with this fundamental visual resources policy.

Visual Resources Policy 4.1. Mature trees should be integrated into project design rather than removed.

Visual Resources Policy 4.2. All feasible options should be exhausted prior to the removal of trees.

The Project includes the removal of 15 oak trees and six other large specimen trees. (FEIR p. 6-7). The FEIR finds the Project potentially consistent with these policies, however does not discuss whether there are feasible options to removing some or all of these trees including changes to the project design. The FEIR discusses replacement as mitigation, however similar to Biological Resources Policy 4.0, replacement and restoration does not bring the Project into compliance with policies requiring that the trees not be removed in the first place. Several modifications to the project description could reduce the number of trees that would need to be removed, including eliminating the proposed driveway connecting Torino Drive to the Rutherford Lot. The development of this proposed driveway would require the removal of four oak trees that have six- seven-, seven- and 16-inch diameter trunks. (FEIR p. 9-14). The FEIR concludes that the alternative access via Calle

Sastre would require widening to 20 feet, which would result in the removal of only one oak. While the widening could impact 7 oaks, it would require less oak tree removal which is the focus of Visual Resources Policy 4.2. (*Id.*) Moreover, Calle Sastre could be widened to a lesser degree if, as recommended above, the density of units on the Rutherford Lot is reduced to enable the Commission to make required findings, avoid the requested setback modification from Torino Drive and bring the Project into closer conformance with several applicable policies. (*see California Fire Code Development Standards for driveways (12 feet for driveway serving one residential lot or dwelling; 16 feet for driveway serving two residential lots or dwellings)*)).

Visual Resources Policy 2.1. Development which necessitates grading on hillsides with slopes greater than 30% should not be permitted.

The Project includes development on slopes greater than 30% in several areas including units 16, 17, 18, 31, 33, 34, the driveway accessing units 31-34, and the southern end of the parking lot proposed in the existing maintenance building area. (*See FEIR Figure 6.2-1*). In accordance with this policy, these units and the southern end of the parking lot should not be permitted. The units should not be permitted for the additional reason that they encroach into oak woodland areas that must be preserved pursuant to Biological Resources Policy 4. There are other areas on campus that are better suited to additional parking including the area proposed for units 28, 29 and 30 which could be the location of a centrally-located parking lot or underground parking facility, and/or the area proposed for units 1-4 which similarly could be a centrally-located of a parking lot or underground facility.

3. Additional On-Site Parking and Enhanced Parking Conditions Are Required to Achieve Consistency with the City's Zoning Ordinance and Enable the Commission to Make Required Findings

For a variety of reasons, Valle Verde has not accommodated all of its parked vehicles on-site, rather has used Calle de los Amigos and other public streets to accommodate a large number of cars. While the EIR and staff report attribute this problem to staff convenience issues rather than to an insufficiency of on-site parking or parking for community activities and events, there is no evidence to support this claim. Discussed below, there are provisions of the Zoning Ordinance requiring parking for facilities at Valle Verde *other than* the residential component, and the recent disclosure regarding the community events and activities hosted at Valle Verde further undermines claims by Valle Verde that existing and proposed on-site parking is adequate. To address the insufficiency of on-site parking, the number of units should be reduced as discussed above, and on-site parking should be increased including if necessary by constructing an underground parking facility. Additionally CUP conditions must be strengthened to ensure that Valle Verde residents, staff, guests, and visitors all park on-site, and Project construction should be staged in order to require demonstrated compliance with on-site parking requirements prior to building permit issuance.

a. Proposed Parking Is Insufficient under the Zoning Ordinance Requirements

Off-street parking proposed for the Project is inadequate to meet Zoning Ordinance requirements. Specifically, both the staff report and EIR evaluate the Project's consistency with the Zoning Ordinance's parking requirements under the faulty assumption that Valle Verde includes *only* independent living, assisted living and skilled nursing, resulting in a total of 312 required parking spaces⁴ (see FEIR p. 5.3-25). However, as demonstrated by the description of Valle Verde's facilities in the proposed CUP and elsewhere, Valle Verde includes much more than merely senior living units, including a 6,870 s.f. Administrative Building which includes 4 bed and breakfast units and administrative offices, conference room, and resident bank office, a 13,764 s.f. dining complex which includes a 351 seat multi-purpose/theater/aerobic room, 5,899 s.f. maintenance building which includes staff offices, and additional non-residential uses. When the Zoning Ordinance requirements are applied to these additional facilities, the required number of parking spaces increases as follows:

Valle Verde Facility	Zoning Ordinance Requirement	Parking Spaces Required
246 Independent Living Units 7 Studio Units	1 space/residential unit (§ 28.90.110.G.5, Senior Housing)	253* *assuming Valle Verde is restricted to accepting residents of 62 years of age or older
80 Skilled Nursing Beds 48 Assisted Living Beds* *based on CUP figures; if 52 beds are approved, two additional spaces must be provided.	0.5 space/bed (§28.90.100.J.17: Skilled nursing facilities)	64
4 Bed & Breakfast Units	1 space/sleeping unit (§28.90.100.J.10: Hotels)	4
Administrative offices, conference room and bank office: 5,045 s.f.	1 space/250 s.f. (or fraction thereof) (§28.90.110.I: Office, commercial, and industrial buildings)	44

⁴ This number should be 317, not 312, considering that with the proposed expansion Valle Verde will have 246 independent living units, 7 studio units, an 80 bed skilled nursing facility and a 48 bed assisted living facility (253 units requiring 1 parking space and 128 beds requiring 0.5 parking spaces/bed results in 317 required parking spaces)

Maintenance building including hobby shop, maintenance shop, maintenance staff offices: 5,899 s.f. ⁵		
351 seat multipurpose/theater/aerobic room	1 space/4 seats (§28.90.100.J.10: theaters, auditoriums, similar places of assembly)	88
6,882* s.f. Dining Hall *based on the assumption that ½ of the dining complex is used for food service	1 space/250 s.f. (§28.90.110.I: Office, commercial, and industrial buildings – note, otherwise food service staff are unaccounted for)	28
		= 481* *483 if 52 assisted living beds are approved

Additionally, parking spaces for the social room and other project facilities may also be required under the Zoning Ordinance requirements, particularly because these facilities accommodate the activities, classes, meetings and events that draw community members to the Valle Verde site (see section 1, above). This would increase the number of required parking spaces beyond the 481 spaces indicated above.

The senior housing classification on which the 1 space/unit requirement is derived (§ 28.90.110.G.5, Senior Housing) moreover may not apply even to the residential units onsite because it requires that the housing be “restricted to residential uses by elderly and senior persons, sixty-two (62) years of age or older.” (Zoning Ordinance § 28.90.100.B.2). Valle Verde currently accepts residents 60 years of age or older, and has not consented to increasing this age restriction to 62 as the draft CUP proposes. If Valle Verde will not adhere to the 62 year age limitation, then the parking requirements for general residential use of two spaces per residential unit is required. This would increase the parking required for the residents of the independent living units from 253 to 454 parking spaces (see Zoning Ordinance §§ 28.90.100.G.3.a-c). (See letter submitted on 4/11/11 by Jermaine Chastain for a full breakdown of required parking under this scenario, totaling 750 parking spaces when guests and other Project facilities accounted for).

⁵ In the event that some or all of the Maintenance Building is more appropriately considered an industrial use, a revision to this figure would be required considering that general industrial uses require 1 parking space per 500 s.f. of net floor area or fraction thereof.

b. Findings of Adequate Parking Required for CUP Approval Cannot Be Made

Discussed above, the proposed on-site parking does not comply with the Zoning Ordinance requirements. Moreover, the proposed additional employee and guest parking is not sufficient to enable the Commission to make the finding required for CUP approval that:

Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time

One significant impediment to the Commission making this finding is that the proposed CUP allocates 49 spaces to visitors, but none at all to guests. The 253 – 506 residents of the independent living units and the 128 residents of the assisted living and skilled nursing facilities (381 – 634 total residents) will have guests that drive to and must park at Valle Verde. These personal guests of the residents are an entirely distinct group from visitors of Valle Verde, which we now know include members of the community that attend Valle Verde activities. Moreover, the recently disclosed operational component of Valle Verde – the hosting of outside classes/meetings/activities/events – contribute an unknown and potentially significant number of vehicles that also must be accommodated at Valle Verde. Under these circumstances it is not possible for the Commission to find that adequate off-street parking is provided in a manner and amount so that the demands of the development are adequately met without altering the character of public streets.

The proposed CUP condition for an on-site residential and employee permit parking program (CUP Condition 12) is fundamentally inadequate to resolve Valle Verde's on-street parking problem. One key flaw in the proposed program is that it does not address visitor and guest parking. Discussed above and in section 1, the number of visitors and guests of Valle Verde may be substantial and the record contains no evidence whatsoever that the 49 visitor spots could be sufficient for the guests of residents and visitors of Valle Verde. A second key flaw is that Condition 12 provides that each independent residential living unit will be issued one parking sticker, but does not prohibit residents of the independent living units (and studios) from having more than one car parked in the area. A third, related flaw, is that there is no stated mechanism for limiting on-street parking. The mere fact that a parking sticker will be issued to each residential unit and each staff member does not alone do anything to address the on-street parking program. The stated intent of the program is that all residents and employees shall park on-site, but much more detail is required to ensure that the condition is actually capable of realizing that goal. A detailed enforcement plan is one missing element for example, that must be incorporated into the CUP for Condition 12 to function as intended. Another key flaw in the parking-related conditions is the failure to address special event attendees. The fact that Valle Verde may have recently began bussing some event attendees to Valle Verde from an off-site location is meaningless unless such a provision is expressly required by the CUP.

Substantial improvement to the CUP's parking conditions is necessary to ensure Valle Verde residents, staff, visitors, and guests do not park on area streets. Other retirement communities in Santa Barbara including Samarkand have much more stringent CUP requirements that should be evaluated for potential application at Valle Verde. One way of assuring that on-site parking is adequate and that the CUP conditions are effective at eliminating the use of area streets for Valle Verde parking is to stage the approval of building permits such that Valle Verde must demonstrate compliance with the parking conditions as a prerequisite to obtaining approval for each additional increment of development.

4. CEQA Inadequacies

This office, Planner Christina McGinnis, and Biologist David Magney submitted comments on the draft EIR, as well as individual members of the Hidden Oaks community. Notwithstanding the responses to comment, our comments submitted on the draft EIR remain relevant and we generally restate them here for the record. The following addresses CEQA issues that have arisen since the draft EIR release, including the significance of the new information regarding special events the adequacy of the responses to comment.

a. Failure to Describe Existing and Proposed Special Events, and to Analyze and Mitigate their Impacts

The EIR for the Project is wholly silent on the community activities and events described above, misleading the public and decisionmakers regarding the nature of Valle Verde's operations the number of visitors to Valle Verde. This problem relates to the broader problem that the draft and final EIRs do not adequately disclose the operational components of the existing or proposed facilities. An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published" (CEQA Guidelines § 15125(a)). "If the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete or misleading, the EIR does not comply with CEQA." *Cadiz Land Co. v. County of San Bernardino* (2000), 83 Cal. App. 4th 74, 87. "'Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the development project.'" (*Id.*, quoting *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 729). Pursuant to these standards, the EIR's failure to disclose and describe existing special events that occur at Valle Verde results in an incomplete and misleading environmental setting, and it cannot be found that the EIR adequately investigated and discussed the environmental impacts of the Project. Moreover, the significant revision to the environmental setting required to incorporate these events, alters the baseline conditions such that revision and recirculation of the EIR is required. (*See Save Our Peninsula*, 87 Cal. App. 4th at 143 (correcting inaccurate baseline studies triggered CEQA's requirement for recirculation)).

The failure to disclose that events would be an ongoing component of Valle Verde's operations that may be increased by virtue of the expansion of various campus facilities constitutes a failure to include a complete and accurate project description as required by CEQA. "To fulfill its role of ensuring the lead agency and the public have enough information to ascertain the project's environmentally significant effects, assess ways of mitigating them, and consider project alternatives, an EIR must provide "[a]n accurate, stable and finite project description . . ." (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533 (quoting *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1448)). The Project Description in the Valle Verde EIR is flawed and incomplete for failing to describe the operational components of the Project including special events. How many visitors and guests, as well as employees and residents are anticipated to be onsite on a regular basis is necessary to evaluate the environmental impacts of the Project, most notably in the areas of traffic, parking, and land use compatibility. The traffic study's reliance on published trip generation rates leaves open the question of whether those rates accurately reflect the true traffic generation of the Project. Similarly, the analysis of available and required parking lacks any actual evaluation of the number of people living, working, and visiting Valle Verde that will require parking. Parking and traffic both contribute to the land use compatibility impacts of the project, but the sheer number of people at Valle Verde bears on the analysis of whether the intensity of use of the Project site is consistent with neighboring residential uses.

Due to these serious omissions from both the environmental setting/baseline and the project description, the EIR is fundamentally inadequate and requires recirculation and revision before it may lawfully be certified by the Commission. (See CEQA Guidelines § 15088.5 (a)(4); *Save Our Peninsula*, 87 Cal. App. 4th at 143).

b. Inadequate Responses to Comment

CEQA Guidelines § 15088 requires that that the City evaluate comments received on the draft EIR and provide a written response that "describes the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections)." "In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed *in detail* giving reasons why specific comments and suggestions were not accepted." (CEQA Guidelines § 15088 (c) (*emphasis added*)). "There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." (*Id.*). The evaluation and response to public comments is an essential part of the CEQA process, and failing to comply with CEQA Guidelines § 15088 can be grounds for the issuance of a writ of mandate to set aside an approval decision. (Remy et al., *Guide to CEQA* (11th ed., 2007), p. 371; *Env'tl. Prot. Info. Ctr. v. Johnson* (1985) 170 Cal. App. 3d 604, 627). The responses to comments on the draft EIR for the Valle Verde Project fail to meet these basic standards of adequacy. Some specific examples are as follows:

Response to Comment #13-3:

Comment 13-3 raises the important issue that the draft EIR fails to quantify the number of residents and staff expected to be onsite at any given time and during times of peak parking demand for purposes of evaluating the Project's parking, traffic, and emergency evacuation impacts. The comment clarifies that published trip generation rates rather than actual site usage was used to evaluate the Project's parking, traffic, and emergency evacuation impacts. The critical link however that the comment response fails to address is that the number of residents and staff (and also visitors and guests) must be disclosed to determine whether they match with the trip generation rates used to evaluate project impacts. As the staff report makes clear (discussed in section 1 above and section 3.b below) the draft EIR's failure to fully disclose the number of people living, working, and visiting the site and the operational components of Valle Verde including the special events hosted onsite, render the EIR fundamentally inadequate.

Response to Comments #13-12, 13-13, and 13-14:

Comments 13-12 - 14 raises the significant issue of the City's injection of a new requirement into the visual impact thresholds of significance – specifically the “importance” of the affected public view. The comment response provides several examples of EIRs that emphasized important public viewpoints in the selection of visual simulation locations, however does not address the propriety of introducing the “importance” criteria into the actual thresholds of significance. Torino Drive is a public road, and the EIR and the adjacent pedestrian and equestrian trail is used by members of the public including members of the Hope Ranch Riding & Trails Association (*see* Hope Ranch Riding & Trails Association Map at <http://hrrta.com/hoperanchtrailmap.aspx>). Discounting impacts from this view location is inappropriate and remains unfounded.

Response to Comments #13-19 and 13-20:

Comments 13-19 & 13-20 raise the issue of deferred selection of restoration sites and site selection criteria in the biological resource mitigation measures. The comment response addresses the deferral of basic goals and objectives, and success criteria, but does not address the fundamental issue of whether it is permissible to defer the selection of restoration site criteria. As we maintain in our draft EIR comments, such an approach constitutes impermissible deferral of mitigation without adequate performance standards.

Response to Comment # 13-29:

Discussed at length in the context of Biological Resources Policy 4, the operative word in this policy is “preserve”, as the comment makes clear. The response to comment refers to replacement and restoration, but does not address the comment's concern regarding the Project's failure to preserve oak woodland habitat. In this respect the comment response is unresponsive to the comment and does not support a conclusion that the Project is consistent with this policy.

Response to Comment # 11-4:

The comment states that many spring-flowering rare plants are annual or herbaceous perennial species that are either not detectible or identifiable during the fall or winter (hence rendering the winter surveys inadequate). The comment response (referring to response 11-2) states that the only plants that could be overlooked in winter surveys are annual species. This response does not provide any factual support for this statement, and overlooks the fact that perennial species such as *Sanicula hoffmannii* could sprout following the vegetation clearing that regularly occurs on the Valle Verde campus.

5. Conclusion

For all the reasons stated herein, before the Commission can make legally required findings, the proposed CUP must be modified to reduce the level of development allowed and strengthen the conditions. Specifically, we request that the project description be revised as follows:

- Eliminate units 6/7 and 12/13 to achieve compliance with General Plan visual resource policies, eliminate the proposed setback modification from Torino Drive, and help reduce the density of development on the Rutherford lot to allow the Commission to make findings required for CUP approval.
- Eliminate the proposed driveway and parking lot on the Rutherford lot enable the Commission to make required findings regarding intensity of use and visual compatibility on the Rutherford lot
- Eliminate units 16/17, 18, 31, 32, 33 and 34 to preserve oak woodland habitat and achieve compliance with biological and visual resource policies of the General Plan
- Eliminate the southern end of the maintenance area parking lot to achieve compliance with visual resource policies (grading on 30% slopes), and instead utilizing the areas proposed for units 28, 29, and 30 and/or units 1-4 for parking
- Increase on-site parking by constructing an underground parking facility

We also request that the conditions in the CUP be strengthened in the following ways:

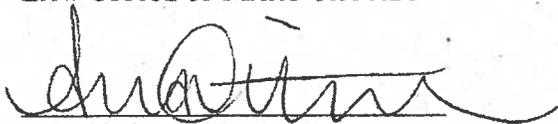
- Enhance the parking permit condition to incorporate specific restrictions and an enforcement mechanism to ensure that it is effective at avoiding on-street parking, including for community members attending Valle Verde activities or special events
- Incorporate a condition making demonstrated compliance with the on-site parking requirements a precondition to obtaining building permits
- Incorporate a condition that additional public ABR hearings will be required prior to the final approval of the landscape plan, including tree plantings proposed as part of the habitat restoration plan

- Incorporate a condition that ABR must consider and may require enhancement of the architecture of existing Valle Verde development prior to final architectural approval
- Enhance the habitat restoration plan to set strict limits on future fuel modification, and require that oak seedlings raised onsite be evaluated for viability prior to planting

We would welcome an opportunity to work with City Staff to help refine the above requests to achieve a Project that is acceptable given the many site constraints present on the Valle Verde property.

Sincerely,

LAW OFFICE OF MARC CHYTILO

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin

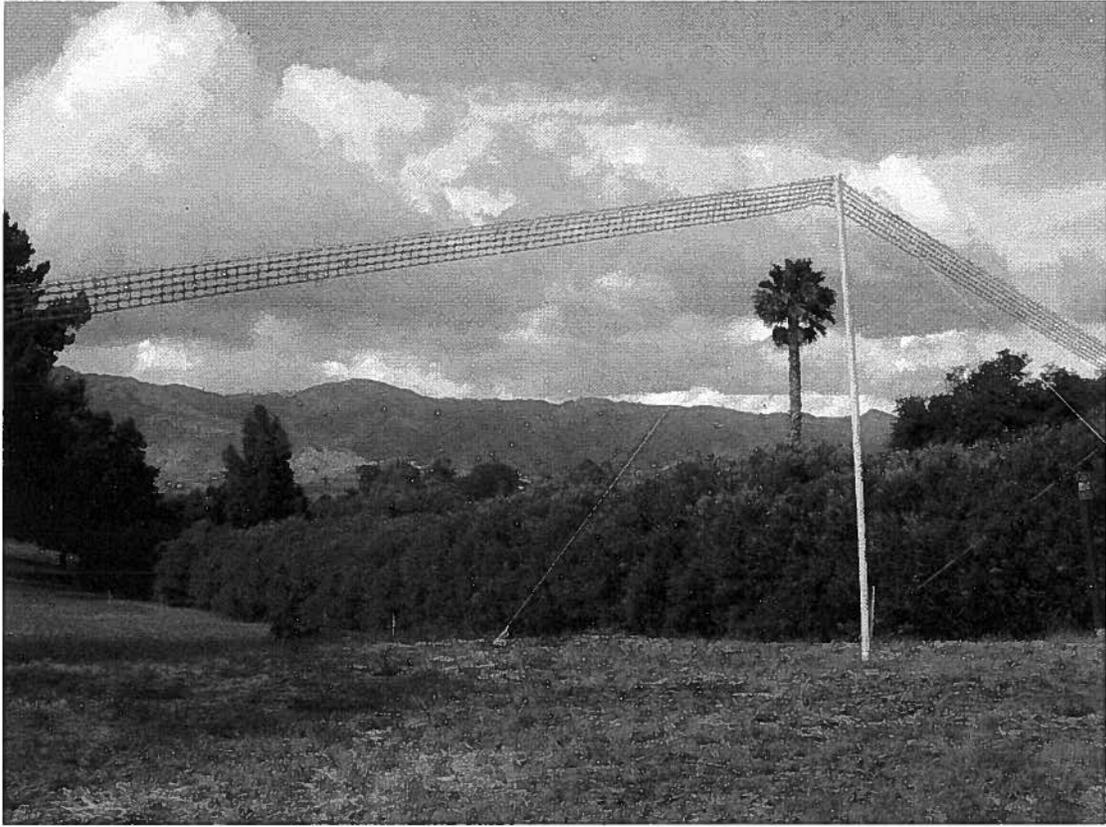
Marc Chytilo

Attorneys for Hidden Oaks Homeowners Association

Exhibit 1: photographs of story poles erected for 4/12/11 Planning Commission site visit



EXHIBIT 1





LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

October 18, 2010

City of Santa Barbara Planning Division
Attn: Peter Lawson, Associate Planner
P. O. Box 1990
Santa Barbara, California 93102-1990

By email to plawson@santabarbaraca.gov

RE: Valle Verde Retirement Community Project Draft EIR Comments

Dear Mr. Lawson:

This office represents the Hidden Oaks Homeowners Association in this matter. We have reviewed the draft EIR ("DEIR") for the Valle Verde Retirement Community Project ("Project") and find that it suffers from numerous material flaws and omissions. A legally adequate EIR "must contain sufficient detail to help insure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." (*Kings County Farm Bureau v. City of Hanford* (1999) 221 Cal. App. 3d 692, 733). The DEIR for the Valle Verde Project is inadequate when assessed pursuant to this basic California Environmental Quality Act ("CEQA") standard. Additionally, several of the flaws evident in the Valle Verde DEIR, namely the failure to identify, analyze and mitigate significant impacts resulting from land use incompatibility, and the failure to utilize consistent thresholds of significance, result from flaws in the City's environmental review process and constitute a pattern and practice of violating CEQA.

The impact analysis and conclusions of no Class 1 impact in the areas of biological resources and parking is undermined by flawed baseline studies, and an entire category of impacts is missing from the DEIR as a result of the City's failure to address land use incompatibility. These and other flaws are so substantial that the City has deprived the public of the required opportunity to provide meaningful comment on the draft EIR. Moreover, correcting these flaws and filling in gaps in the impact disclosure and analysis will introduce significant new information. In light of this, recirculation of a revised draft EIR is required by CEQA to allow the public to meaningfully review and comment on a legally adequate draft EIR. (*See Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184).

The Valle Verde Retirement Community currently includes 213 residential units, 11 studio units, a 45-room 48-bed Assisted Living Facility, 36-room, 80-bed Skilled Nursing Facility, as well as other facilities, on a 59.75 acre site zoned for single family residential use. Valle Verde is allowed to exist in this single-family residential zone district only with a Conditional Use Permit ("CUP"), and by many accounts is currently operating in violation of its existing CUP. The Project will add 33

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net new units to the site, the majority of which are proposed adjacent to established single-family residential neighborhoods and/or sensitive oak woodland habitat. To accommodate this increased development, not only is a CUP Amendment required, but also modifications allowing for reduced distance between buildings, reduced front yard setbacks, reduced interior yard setbacks, and a Lot Line Adjustment ("LLA"). An accurate and thorough DEIR is necessary to ensure that this Project does not have significant unmitigated impacts on the environment, including on surrounding single-family residential uses, visual resources, and sensitive biological habitat.

1. Project Description

An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193)). Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (*San Joaquin Raptor/Wildlife Rescue*, 27 Cal. App. 4th 713, 730). An EIR must describe and analyze "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines § 15378 (a)).

The Project Description in the Valle Verde DEIR is defective because it fails to describe several key components of the Project. First, it fails to identify the number of employees that would be hired, and whether new employees would be full-time or part time.¹ The DEIR vaguely concludes that "[b]ased on the employee shift times and the FTE staff hours it does not appear that the proposed project would add a substantial number of additional staff." (DEIR p. 5.3-13). However actual data is required to substantiate this claim. (*Santiago Water District v. County of Orange* (1981) 118 Cal. App. 3d 818, 831 ("The EIR must contain facts and analysis, not just the bare conclusions of a public agency")). Also, the DEIR fails to identify how many new residents are anticipated after the proposed expansion. While the numbers given for the existing residents demonstrate that on average more than one resident would occupy each residential unit (199 people living in 250 apartment units as of 2009 (DEIR p. 4-8)), the DEIR fails to provide any estimate whatsoever of the range of anticipated new residents. Additionally, the DEIR fails to disclose any information regarding employee shifts, and how many employees would be onsite at any given time, or during times of peak parking demand or peak hour traffic, either under current or post-Project conditions. Without this crucial information regarding the number of people anticipated to reside on-site, and the number of employees onsite at any given time and at peak parking demand and peak hour traffic, not only the Project Description but also the parking, traffic, and emergency evacuation impact analyses are fundamentally defective.

¹ The DEIR fails to specify how many part-time employees currently work at Valle Verde, specifying only that 153 full time equivalent employees worked at Valle Verde in 2009 (DEIR p. 4-8).

2. Environmental Baseline

Baseline studies establish the existing physical conditions by which a lead agency determines whether an impact is significant. (CEQA Guidelines § 15125). The “baseline determination is the first rather than the last step in the environmental review process.” (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal. App. 4th 99, 124-125). An inaccurate environmental baseline taints entire impact analysis. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 952 (“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.”) Additionally, correcting inaccurate baseline studies triggers CEQA’s requirement for recirculation. (CEQA Guidelines § 15088.5, *Save Our Peninsula*, 87 Cal. App. 4th at 143 (EIR recirculation required where water supply baseline inaccurate)).

a. Biological Resources

Baseline studies that determined which plants occur on the Project site were conducted on December 15, 2009, and January 26 and February 26, 2010. (DEIR p. 5.2-2). As explained and documented in the comment letter submitted by biologist David Magney (October 13, 2010), very few plants are flowering or fruiting during these months. According to Mr. Magney’s expert opinion and based on a review of applicable guidelines, “many plants cannot be fully or accurately identified without examining either the flowers or fruit, [and therefore] surveying for them outside their flowering period will result in negative findings.” (Magney Letter, p. 2). Accordingly, Table 5.2-1 which lists the vegetation observed within the Valle Verde expansion project area is not an accurate characterization of special status plants that are known or likely to be present on the site.

Baseline studies with respect to wildlife are also flawed. The DEIR provides that “[d]uring the performance of field surveys for this EIR, no evidence was observed, such as a game trail with animal tracks, scat, or trampled vegetation, which would indicate that this open non-native grassland habitat [on the Rutherford parcel] was used by wildlife as a movement corridor.” (DEIR p. 5.2-8). However, according to accounts of adjacent residents, a large portion of the grassland area on the Rutherford parcel was mowed just prior to the wildlife surveys conducted by Watershed Environmental. Evidence such as trampled vegetation, showing that the grassland area is used as a wildlife movement corridor would not have been apparent, and according to Mr. Magney, “would almost certainly skew the findings of any biological resources survey of the site.” (Magney Letter, p. 3).

Section 3 (c), *infra*, discusses how these flawed baseline studies affects the biological resources impact analysis.

b. Parking and Traffic

The DEIR states that Valle Verde currently has 331 existing parking spaces, however public testimony at the DEIR hearing provided that only 292 parking spaces exist on-site based on actual visual inspection of Valle Verde's parking facilities. Members of the public as well as the Planning Commissioners specifically requested clarification regarding this discrepancy, and if further investigation determines that fewer than 331 spaces exist, the environmental baseline, impact analysis and proposed new parking must be modified accordingly.

The DEIR bases its traffic impact analysis upon trip generation studies performed in 2006. With the ever-increasing mobility of today's more active seniors, the City must conduct more current studies to ensure a robust and accurate traffic impact analysis.

3. Impact Analysis and Mitigation

An EIR must effectuate the fundamental purpose of CEQA: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th at 1112, 1123). The EIR must reflect the analytic route the agency traveled from evidence to action and may not consist of bare conclusions. (*Kings County Farm Bureau*, 221 Cal. App. 3d at 733; *Santiago Water District*, 118 Cal. App. at 831). The EIR's analysis must be sufficiently detailed to foster informed public participation and enable the decision makers to consider the environmental factors necessary to make a reasoned judgment. (*Berkeley Keep Jets Over the Bay Com. v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344, 1355). The environmental analysis in the DEIR fails to fulfill CEQA's informational goal and is therefore inadequate.

"CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible." (CEQA Guidelines § 15021 (a)). Accordingly, an EIR must identify feasible alternatives and mitigation measures that avoid or mitigate the significant environmental impacts. (CEQA Guidelines §§ 15126.4, 15126.6 (b)). Deferring the formulation of mitigation measures until after project approval is inadequate, unless specific performance standards are identified. (CEQA Guidelines § 15126.4(a)(1)(B), *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307-309). The DEIR fails to require adequate mitigation to avoid or minimize environmental damage, and impermissibly defers mitigation for biological and aesthetic impacts without adequate performance standards. For the City to fulfill its duty under CEQA, more robust mitigation measures must be required or project impacts must be avoided with an alternative.

a. Pattern and Practice: Failure to Adopt Thresholds of Significance

CEQA encourages each public agency to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. (CEQA Guidelines

§ 15064.7). By adopting thresholds of significance, a lead agency “promotes consistency, efficiency, and predictability” in the environmental review process. (Office of Planning and Research, *Thresholds of Significance: Criteria for Defining Environmental Significance* (CEQA Technical Advice Series, 1994), p. 4)). The City of Santa Barbara to date has no adopted CEQA thresholds of significance. Rather, thresholds used for individual projects derive in part from the antiquated Master Environmental Assessment (MEA), from the CEQA Guidelines, from Staff memoranda, and other unknown sources in an *ad hoc* manner. The Valle Verde DEIR, like many other City environmental documents, fails to identify the source of the specific thresholds used for individual impact categories. This creates inconsistency and unpredictability in the City’s environmental review of each project, deprives the public of the ability to verify the source of a given threshold, and creates the potential for each environmental document to utilize the threshold that best achieves the desired outcome (*see* Aesthetic Impacts, below for further discussion). This failure to adopt thresholds of significance, undermining the consistency and legitimacy of City environmental documents, constitutes a pattern and practice of violating the requirements of CEQA.

b. Aesthetic Impacts

i. Omitted Impact Analysis

The aesthetic impact analysis focuses almost exclusively on vegetation changes, and fails to meaningfully analyze impacts associated with new built elements of the Project including retaining walls, new buildings, and parking lots. Additionally, the DEIR acknowledges that “[c]ars parked along the east and west sides of Calle de los Amigos are . . . a dominant visual feature” (p. 5.1-3), however it fails to analyze the visual impact associated with increasing the number of parked cars resulting from the proposed expansion. The DEIR also fails to disclose significant aesthetic impacts caused by the removal of oak woodland and coastal sage scrub habitat, and furthermore the mitigation proposed to mitigate the significant biological impacts associated with this vegetation removal (BIO-1) is not only legally inadequate to mitigate the biological impacts (*see* discussion in section 3 (c)(ii), *infra*) but is also legally inadequate to mitigate significant aesthetic impacts because key aspects of the restoration including the location of the restoration areas is deferred to the post-approval stage without any performance standards regarding location and mitigation of aesthetic impacts (DEIR p. 5.2-34). These omissions result in an incomplete impact analysis.

ii. Omission of Applicable Threshold of Significance

To assess the Project’s aesthetic impacts the DEIR utilizes thresholds of significance that differ substantially from the thresholds utilized in other City environmental review documents including the DEIR for the Elings Park Project, another institutional use in the same geographic area, produced by the same consultant just last year. (*Cf.* DEIR p. 5.1-17 and Elings Park DEIR, p. 5.1-25). One threshold included in the Elings Park DEIR that is lacking from the Valle Verde DEIR is that the project would result in a significant aesthetic impact if it would result in a “substantial negative aesthetic effect or incompatibility with surrounding land uses or structures due to project

size, massing, scale, density, architecture, signage, or other design features.” (Elings Park DEIR p. 5.1-25). There is no stated or apparent basis for including this threshold in the Elings Park DEIR and not the Valle Verde DEIR, and the disparity between the density of Valle Verde with the density of the surrounding single family neighborhood makes clear that this threshold must be applied to the Valle Verde Project. When evaluated pursuant to this threshold, the addition of substantially more density onsite results in a significant new aesthetic impact.

iii. Flawed Analysis of Impacts to Public Scenic Vistas

The DEIR’s analysis of impacts resulting from new development visible from the public hiking/pedestrian trail is deeply flawed. The visual simulation provided in Figure 5.1-8a demonstrates a dramatic alteration in the scenic vista caused by the introduction of new dwelling units and a driveway into what was previously grassland. The DEIR admits that the “conversion of foreground views of the small non-native grassland/open area to a developed condition would be an adverse impact, but is not considered significant because views would not be from important public scenic viewpoints”². The City’s pattern and practice of failing to adopt CEQA thresholds also manifests itself in the analysis of this impact. Specifically, the DEIR defines “important public scenic views” differently from the Elings Park DEIR, specifically including a new qualifier “and are viewed by a substantial number of citizens.” (Cf. DEIR p. 5.1-1 and Elings Park DEIR p. 5.1-1). This new qualifying factor for “important public scenic view” is expressly used in the impact analysis to reach a finding of no significant impact as described above, because the DEIR states that “views from the trail are not considered to be an important public scenic view due to very low use”. (DEIR p. 5.1-34). Not only is the use of these inconsistent thresholds and definitions suggestive of ad-hoc rationalization of impact insignificance as opposed to good faith analysis, the DEIR also provides no information whatsoever substantiating its claim that the trail experiences very low use. Moreover, the City may not rely exclusively a given threshold of significance in determining whether an impact is significant, but must consider all substantial evidence supporting a fair argument of a significant impact. (*Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322). With respect to visual impacts from the hiking/pedestrian trail, the DEIR itself provides substantial evidence of the significance of the visual impact, and the only basis for the conclusion of no significant impact is the DEIR’s reliance on the contrived definition of “important public view location” to discount the importance of the trail (*see also* fn. 2). Such an approach is fundamentally contrary to CEQA, and demonstrates that a significant unmitigated impact exists that requires identification, analysis, and the adoption of mitigation measures and/or alternatives. One clear alternative that the revised DEIR should consider is removing the proposed dwelling units and driveway that encroach into the foreground views from the trail.

² The DEIR also explains that the grassland area is a relatively small feature and foreground views of open area located between the project site and the Hidden Oaks neighborhood would remain, however it is the introduction of the new development between the trail and the panoramic views of the mountains, more than the loss of grassland or open area that accounts for the significance of the impact.

The same infirmities that affect the visual impact analysis from the public hiking trail also affect the adequacy of the impact analysis with respect to views from Torino Drive Evaluation Location No. 1. The DEIR provides for example that although the “view is considered to be somewhat unique because mountain views from many public locations in the Hidden Valley neighborhood are obscured or diminished by intervening vegetation and structures. . . . the views from this location are not experienced from a heavily visited public viewpoint as there is a very limited amount of traffic and pedestrian use along this segment of Torino Drive. (DEIR pp. 5.1-20, -21).

These substantial defects in the visual impact analysis demonstrate that significant unmitigated impacts to aesthetics remain, and substantial revision of the EIR, including the development of new mitigation measures and alternatives is required.

c. Biological Resource Impacts

i. Impacts to Special Status Plant Species

Because the baseline with respect to vegetation present in the expansion area is inaccurate, there is no substantial evidence supporting the EIR’s conclusion that no sensitive plants are located within the areas where development and/or fuel modification are proposed (DEIR p. 5.2-12), and accordingly no substantial evidence that the proposed development and/or proposed fuel modification will not have a “substantial effect on protected plant . . . species listed or otherwise identified or protected as endangered, threatened or rare” (Impact Evaluation Significance Threshold B, DEIR p. 5.2-23). Proposed mitigation to address the two perennial sensitive plants that potentially occur on the site (DEIR p. 5.2-31) is inadequate to address impacts to unidentified annual plants that would have been overlooked because of the untimely surveys. New surveys must be conducted at the proper time of year (spring and summer months, *see* Magney Letter, p. 2), and if those surveys demonstrate that protected plants are indeed present in the area proposed for development and/or fuel modification, then mitigation measures and/or alternatives must be developed to avoid or protect populations of those species.

Additionally, MM BIO-4a proposed to mitigate impacts on Santa Barbara honeysuckle and/or Mesa Horkelia is inadequate because it defers mitigation to the creation of a habitat restoration/mitigation plan, that in turn will determine the selection of restoration sites, the site selection criteria, site preparation and planting methods, planting pallet, maintenance schedule, and mitigation goals, objectives, and success criteria. (DEIR pp. 5.2-38, -39). CEQA does not permit the deferral of mitigation measures without performance standards (CEQA Guidelines § 15126.4(a)(1)(B)) and courts have invalidated mitigation measures like MM BIO-4a that defer mitigation goals, objectives, and success criteria (*Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1275 (deferral impermissible when the agency “simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in that report”).

Because unidentified special status plant species may be present in the development and/or fuel modification area, and because the mitigation measure proposed to mitigate impacts to special status plant species fails to mitigate any loss of unidentified species and further represents impermissibly deferred mitigation without performance standards, the DEIR lacks substantial evidence supporting its conclusion that the Project will not have significant unmitigated impacts to special status species.

ii. Impacts to Oak Woodland and Coastal Sage Scrub Habitat

Similar to the above deficiency in MM Bio-4a, MM Bio-1a also defers mitigation to the creation of a habitat restoration plan without adequate performance standards. Specifically the habitat restoration plan, to be prepared following Project approval (at the grading or building permit stage), defers the identification of restoration site selection criteria, where restoration/mitigation will occur, site preparation and planting methods, planting pallet specifics, maintenance schedule, mitigation goals, objectives, and success criteria, and a description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort. (DEIR p. 5.2-34). This approach violates CEQA prohibition on deferring mitigation measures without performance standards (CEQA Guidelines § 15126.4(a)(1)(B); *Defend the Bay*, 119 Cal. App. 4th 1261) and moreover the DEIR lacks substantial evidence supporting its conclusion that the Project will not have significant unmitigated impacts to oak woodland and coastal sage scrub habitat.

iii. Impacts to Wildlife Movement Corridors

Because the baseline with respect to wildlife activity in the expansion area is inaccurate, there is no substantial evidence that the proposed development and/or proposed fuel modification will not cause the “elimination or substantial reduction or disruption of . . . wildlife habitat or migration corridors” (Impact Evaluation Significance Threshold A, DEIR p. 5.2-23). New surveys must be conducted with sufficient time following any vegetation clearing to identify any wildlife movement corridors, and if those surveys demonstrate that wildlife movement corridors are present in the area proposed for development and/or fuel modification, then mitigation measures and/or alternatives must be developed to protect those corridors.

iv. Impacts to Sensitive Status Wildlife

According to the DEIR, 16 sensitive wildlife species have a moderate to high potential to occur in the project area including silvery legless lizards and coast horned lizards, both California Department of Fish and Game (CDFG) Species of Special Concern. The soil type underlying the non-native grassland habitat in the proposed development areas (sandy loam) is suitable for both these species. While the DEIR concludes that impacts to these species would be significant but mitigable (DEIR pp. 5.2-25, -31), proposed mitigation is inadequate to reduce impacts to these species below significance. Specifically, proposed mitigation does not include avoidance of the areas

where these species are likely to occur, but rather monitoring during vegetation removal and grading, and the relocation of any lizards encountered. The DEIR provides no performance standards for judging the success of relocation efforts, or even provide any specifics regarding where encountered reptiles would be relocated to. A paper in the scientific journal *Herpetologica* surveyed the success of repatriation and translocation programs for amphibians and reptiles and concluded that the overall success rate is “considerably lower than for birds and mammals” (birds and mammals programs having an overall project success rate of 44%). (See Exhibit 1 (K. Dodd and R. Seigel, Relocation, Repatriation, and Relocation of Amphibians and Reptiles: Are They Conservation Strategies that Work? *Herpetologica*, 47 (3) 1991, 336-350)). Dodd and Seigel conclude that amphibian and reptile relocation programs “should be considered experimental unless long-term studies document the feasibility of the movement on the same or a related species.” Because of the uncertainty associated with the success of reptile relocation, there is no substantial evidence that MM BIO-3 (3) will actually mitigate potentially significant impacts to silvery legless lizards and coast horned lizards below significance. (*Sunstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 306-308 (because the success of mitigation was uncertain, the agency could not have reasonably determined that significant effects would not occur)).

d. Fire Risk and Emergency Evacuation Impacts

The Project site is located in an area of High and Extreme Fire Hazard (Exhibit 2). The Painted Cave fire which burned from the Painted Cave area down to Hope Ranch in one evening, provided a vivid example of how wildfire can sweep down through this area, leaving residents little time to evacuate. The DEIR’s emergency evacuation analysis is entirely inadequate and the conclusion of no significant impact is not supported by substantial evidence (see DEIR p. 5.3-29). One glaring defect in the evacuation impact analysis is that the DEIR only considers the number of residential units needing to evacuate (however fails to disclose the maximum number of residents and staff that could be onsite at any given time), and does not discuss the impact associated with the large number of street parked vehicles needing to evacuate at the same time. (See DEIR p. 5.3-28). Because these streets have only one traffic lane in each direction, and each are completely lined with parked vehicles that would need to pull out of those parking spaces, on-street parking severely impacts the evacuation capacity of Calle de los Amigos and Torino Drive. Residents of Valle Verde and also neighbors of the Project attempting to turn onto Calle de los Amigos or Torino Drive would face a veritable deadlock caused by the extensive amount of street-parked vehicles vacating the street parking spots all in a short period of time. The traffic impact analysis that precedes the evacuation analysis acknowledges the impact to freeflow travel along these streets caused by on-street parking, stating

the use of on-street parking along the project site frontages reduces the perceived lane width by providing “friction” against freeflow travel along the street. Several comments presented during the EIR Scoping public hearing for the project held in June 2009 indicated that drivers were slowed by vehicles moving into and out of the on-street parking spaces. Without the on-

street parking vehicle speeds would increase, which could increase the severity of possible collisions.

(DEIR p. 5.3-25).

The DEIR states that the area may “experience limited periods of congestion as these roadways are not designed to move the population of entire neighborhoods at a single time” (DEIR p. 5.3-29), however does not consider the effects of numerous plausible scenarios such as a broken down vehicle or accident blocking lanes, emergency access vehicles needing to travel towards Valle Verde on the primary evacuation routes, or one of the primary routes being unavailable due to fire conditions in the immediate area such as a fire or explosion originating from the high pressure gas line adjacent to the facility.

Particularly because many residents are in assisted living facilities, experience limited mobility, and are unable to drive or even run or walk out to safety, the level of detail provided in the DEIR with respect to evacuation of the community is woefully inadequate. The DEIR proposes no mitigation whatsoever to address emergency evacuation impacts, relying exclusively on existing protocol at Valle Verde including regularly scheduled fire drills and the bussing of residents of staff to an undisclosed facility. The DEIR neither discloses how many busses are available for evacuation, how many individuals can be transported at one time, or how Valle Verde would conduct an evacuation if a quick-moving fire and/or lane closures precluded busses from returning to gather more residents. The DEIR also fails to provide any estimates of time required to evacuate the facility, even under a “best case” fire scenario. Adding a considerable number of residents without articulating how the existing population could feasibly be evacuated results in a significant unmitigated impact in the area of emergency evacuation. A revised EIR must analyze all plausible fire hazards and evacuation scenarios and provide a detailed and robust evacuation plan that accommodates all existing and proposed residents and staff. Absent these changes there is no substantial evidence supporting a conclusion that the Project’s emergency evacuation impacts are insignificant.

e. Land Use Impacts

One class of environmental impacts recognized under CEQA are land use impacts. (*See* CEQA Guidelines Appendix G § IX; *see also City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438). The City’s own MEA discuss how land use impacts should be evaluated in City environmental review documents, including a delineation of impacts anticipated as a result of project implementation including change in use type, change in population density, and potential for incompatibility with surrounding uses, etc., and the specification of site specific mitigation measures or alternatives which could serve to lessen potential project impacts. (MEA, p. 49 (Environmental Review Guidelines: Land Use)). Rather than adhere to these guidelines, the DEIR addresses only a subset of land use impacts, namely consistency with plans and policies, and completely omits any analysis or mitigation of the Project’s land use compatibility/neighborhood compatibility.

The City's approach to analyzing the potential land use impacts of this project is problematic in several respects. First, it is contrary to the approach contemplated both by the CEQA Guidelines and by the City's CEQA Land Use Guidelines. (*See* CEQA Guidelines Appendix G § IX, MEA, p. 49 (Environmental Review Guidelines: Land Use)). Second and more importantly, by failing to analyze land use impacts in a comprehensive manner, the DEIR results in an understatement of the Project's incompatibility with surrounding land uses. Because the Project involves the expansion of a substantial retirement community permitted only as a "conditional use" in a residential neighborhood, an evaluation of the Project's land use impacts is imperative, and in particular the compatibility of this conditional use with other surrounding land uses (aka neighborhood compatibility). The surrounding residential neighborhood is not merely affected by aesthetics, traffic, or parking, but rather it is the combination of these effects that determines the Project's compatibility with the surrounding neighborhood. The DEIR's piecemeal approach to analyzing the Project's land use impacts also hinders the identification of mitigation measures that comprehensively address the Project's compatibility with the surrounding neighborhood.

i. Pattern and Practice: Failure to Analyze Land Use Impacts

Not only does the DEIR's failure to include a land use impact discussion including analysis and mitigation for neighborhood incompatibility impacts constitute a serious flaw in the DEIR, it is also a serious flaw in the City's environmental review process in general. All or nearly all of the City's environmental documents improperly lack separate consideration of land use impacts, including neighborhood incompatibility and conflicts with policies, zoning ordinances and regulations. At the DEIR hearing for the Elings Park Project, City Staff stated that it is the City's practice to address land use impacts in the context of other impact areas, and not to include a separate land use section in the environmental document. This omission of a fundamental element of an adequate EIR constitutes a pattern and practice of overlooking, ignoring or avoiding the identification and consideration of these issues in all environmental review documents in systematic violation of CEQA.

ii. Neighborhood Incompatibility

The common theme that has been expressed over and over in scoping comments, comments on the DEIR, and a recent zoning complaint, is that Valle Verde already causes severe, sustained, and unreasonable impacts on the quiet enjoyment of adjoining and surrounding residences and thus are incompatible with the surrounding residential uses. The Project proposes additional growth that will further increase and exacerbate these conflicts with residential land uses, without adequate mitigation. The DEIR's failure to accurately characterize the environmental baseline, discussed herein, results in the understatement of Project impacts in the areas of traffic and parking, and consequently neighborhood compatibility as well. When accurately characterized, the Project's incompatibility with the surrounding neighborhood is a significant impact.

The proximity of proposed Project components to residential neighborhoods adds to the severity of the conflict between residential and Valle Verde uses. The failure to recognize the significant land use conflicts associated with locating parking and other facilities adjacent to residences contributed to the DEIR's failure to meaningfully consider Project alternatives that would reduce the Project's land use impacts. Planner Christina McGinnes submitted a letter dated October 11, 2010 that details the various aspects of the Project that result in neighborhood incompatibility.

iii. Inconsistency with Plans and Policies

CEQA recognizes that a Project has potentially significant environmental effects where it conflicts with applicable plans or policies designed at least in part to protect the environment. (*See* CEQA Guidelines App. G § IX (b); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 930). The Project is inconsistent with a number of applicable policies designed to protect the environment, resulting in potentially significant impacts that are not disclosed or mitigated in the DEIR. Letters submitted by Planner Christina McGinnes dated October 11, 2010 and March 12, 2009 detail many of these conflicts including zoning conflicts, and several additional examples are as follows.

Biological Resource Policy 4.0 in the City's General Plan (Conservation Element) provides that "[r]emaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible." The Project will result in the removal of Southern Oak Woodland habitat by virtue of new development including residential units and parking lots encroaching into existing habitat areas, and from expanded fuel management areas. The DEIR concludes that the Project is 'potentially consistent' with this policy due to mitigation BIO-1a requiring replacement of oak woodland habitat (DEIR p. 6-8), however BIO-1a is flawed as discussed in section 3, *supra*. More importantly, Policy 4.0 requires 'preservation'. Removal and revegetation does not constitute 'preservation' and the DEIR does not include any evidence even suggesting that preserving these habitat areas is *infeasible*. The two Reduced Biological Resource Impacts alternatives identified in the DEIR appear feasible, and the DEIR offers no evidence to the contrary. Additionally a reduced development alternative could feasibly avoid removal of Southern Oak Woodland habitat. As such, the Project is inconsistent with this Conservation Element Policy, resulting in a significant Land Use impact and adding to the significance of the Project's significant biological impacts. Adoption of a feasible alternative to "preserve" this critical habitat is therefore required. (*See* Pub. Res. Code § 21002.1).

City Charter section 1507 is an important provision requiring that land development not exceed available services and resources. Specifically section 1507 provides:

It is hereby declared to be the policy of the City that its land development shall not exceed its public services and physical and natural resources. These include, but are not limited to, water, air quality, wastewater treatment capacity, and traffic and transportation capacity. . . In making land use decisions, the City shall be guided by the policies set forth in this section.

Discussed in the Traffic and Parking section, *infra*, the Project exceeds physical resources including evacuation capacity and parking availability. The DEIR is defective for failing to identify a potential inconsistency with this section of the City Charter, and for analyzing and mitigating the significant land use impacts resulting from the inconsistency.

In sum, neighborhood incompatibility, and inconsistency with plans and policies designed to protect the environment, are significant land use impacts of the Project and must be recognized as such. The DEIR's failure to recognize these impacts precludes the DEIR from devising mitigation measures and alternatives that treat these impacts in a comprehensive manner. The Project's significant land use impacts, discussed above, constitute significant new information requiring recirculation of the DEIR. (*See* CEQA Guidelines § 15088.5 (a) (1)).

f. Traffic and Parking Impacts

i. Traffic

Discussed in the Project Description section, *supra*, the DEIR provides insufficient information regarding the number of employees onsite at any given time, number of new employees, and employee shift times, and number of new residents, to support any conclusions regarding the significance of the Project's traffic impacts. Moreover, the trip distribution assumptions (*see* DEIR p. 5.3-13) are questionable and a full disclosure of the methodology used should be provided.

The EIR specifically fails to address the cumulative effects of Project traffic to the City's Las Positas 101 interchange, and other intersections that area operating beyond capacity. Intersections associated with this interchange are beyond design and operational capacity, operating at LOS D & E (AM and PM respectively) for Southbound 101 on ramp. (Exhibit 3). The City admits adding any additional trips would exceed the traffic threshold, and so has adopted an informal convention to consider only projects adding 5 or more PHT to any such intersection to qualify as a significant impact. In the past 12 months, this convention was used in this project, for the BevMo! project, and for Elings Park's expansion plan's traffic analysis - all finding insignificant impacts, and likely many others. CEQA requires that this project's DEIR examine the cumulative impacts of serial projects, and the incremental and cumulative effect of adding more trips on top of other project's "insignificant" additional trips. The Project's cumulative impacts to this intersection, considered in conjunction with the multitude of other projects that have been approved or in consideration by the City, are clearly significant.

ii. Parking

Discussed in the Environmental Baseline section, *supra*, the baseline with respect to on-site parking is under dispute and if proven incorrect would affect the whole parking impact analysis in the DEIR and require revised analysis, and new mitigation measures and/or alternatives. Moreover, as

discussed above in the context of traffic, the DEIR fails to disclose how many new residents and staff will be added with the proposed expansion, and therefore the DEIR cannot meaningfully assess the adequacy of proposed on-site parking.

On-street parking was a dominant concern expressed at public hearings for this Project, however the DEIR fails to provide adequate analysis or mitigation measures to address this significant impact. The DEIR states that “[o]n-street parking is allowed along both Calle de los Amigos and Torino Drive near the project site and along most of the length of both roads.” (DEIR p. 5.3-24) However while on-street parking is allowed for members of the public in general, the DEIR fails to clarify whether the prior CUP for Valle Verde allowed residents, Staff, and/or visitors of Valle Verde to use on-street parking. In the event that the prior CUP did not specifically disallow on-street parking, it did provide that adequate on-site parking must be provided. A full discussion of Valle Verde’s compliance with its existing CUP must be included in the DEIR to provide the information necessary for the public to assess the adequacy of newly proposed mitigation measures that will be incorporated as conditions in the new CUP.

The currently extensive amount of on-street parking generated by Valle Verde demonstrates there is not currently adequate on-site parking, or even if there are underutilized spaces on-site, residents, visitors and staff of Valle Verde continue to park along Calle de los Amigos and Torino Drive (“parking surveys found that 60 project-related cars were parked along the adjacent streets throughout the day (DEIR p. 5.3-24). The impacts associated with excessive on-street parking include visual impacts, emergency evacuation impacts, and land use incompatibility impacts (discussed in the context of each impact category, *supra*). Additional analysis and mitigation is required to address these impacts flowing from the patent inadequacy of parking facilities on the Valle Verde site, and without this additional analysis the DEIR lacks substantial evidence to support a conclusion that the Project does not have Class I impacts.

1. Proposed Parking Mitigation Measures:

Underground parking facility. Constructing an underground parking facility at a centrally located portion of the Project site could provide sufficient parking spaces at a convenient location to mitigate the existing overflow parking problem experienced on Calle de los Amigos and Torino Drive, while also reducing the need for additional on-site parking lots that encroach into sensitive Oak Woodland areas and abut residential neighborhoods. An underground parking facility would also allow for the preservation of green spaces currently accessible to residents, and may permit the relocation of new residential units to existing parking lots away from the site periphery. Underground parking was employed by the City in the Sandman Inn Project. In this respect an underground parking facility offers the benefits of the Relocate Proposed Units Alternative without the loss of open space in the heart of Valle Verde.

Enforced requirement that employees park on-site. Use of on-street parking by Valle Verde employees is an ongoing problem recognized in the DEIR. A clear prohibition on employee street

parking would help alleviate the significant impacts resulting from excessive on-street parking including aesthetic and emergency evacuation impacts. One potential mechanism for enforcing such a requirement would be requiring all employees to post employee stickers on their vehicles, and for Valle Verde to be required to randomly conduct inspections of parked vehicles along Calle de los Amigos and Torino Drive to determine whether employees are impermissibly utilizing street parking. This condition was imposed by the City upon BevMo! to address on-street employee parking. Together with providing on-site employee parking sufficient for the maximum number of employees on site at one time, this mitigation measure could all but eliminate on-street employee parking impacts.

g. Cumulative Impacts

To be legally adequate the EIR must include a “list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency”. (CEQA Guidelines § 15130 (b)(1)(A)). The City has a duty to use reasonable efforts to discover, disclose, and discuss related projects. (*See San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal. App. 3d 61, 74 (public agency abused its discretion by omitting other closely related projects that could have been easily ascertained)). The cumulative impact analysis in the DEIR is artificially limited to a 1 mile radius that excludes many related projects, without any explanation (*see* DEIR p. 4-11, figure 4.3-1). This limitation truncates the cumulative impact analysis, excluding other projects that together with Valle Verde, could result in cumulative impacts in each impact category. A thorough revision of the cumulative impact discussion is required to account for all projects that when considered in conjunction with Valle Verde could result in significant cumulative impacts.

4. Alternatives

An EIR must describe a range of alternatives to the proposed project, and to its location, that would feasibly attain the project’s basic objectives while avoiding or substantially lessening the project’s significant impacts. (Pub. Res. Code § 21100(b)(4); CEQA Guidelines § 15126.6(a)). A proper analysis of alternatives is essential for the City to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(a); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal.App.3d 433, 443-45). As stated by the California Supreme Court, “[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.” (*Laurel Heights Improvement Assn., Inc. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 404 (“*Laurel Heights I*”)). The DEIR’s discussion of alternatives does not meet these standards.

The DEIR's alternatives analysis is fatally flawed due to the failure to include any assessment and evaluation of the feasibility of alternatives. The City appears to want to obscure this critical element of the environmental review process from the public and provide no information on the feasibility of alternatives, claiming to defer this to the political process. Without explanation of the relevance or significance, the EIR declares: "It is the public agency (Planning Commission), not an EIR, that bears the responsibility for making definitive findings as to whether specific economic, legal, housing, social, technological, or other considerations make infeasible or feasible the 'potentially feasible mitigation measures or alternatives identified in an EIR'" DEIR 9-1. The apparent purpose of this language is to attempt to give decisionmakers broad latitude to impose other, non-environmental factors in the final environmental analysis. A core problem with this approach is that it deprives the public of the opportunity to review and comment on the feasibility of alternatives during the DEIR process when formal agency responses are required. Justifications regarding the infeasibility of alternatives arising for the first time at the approval hearing, will not allow the public to verify the accuracy of those justifications, and provide meaningful comment to decisionmakers. The City is required to make a good-faith attempt at *full disclosure* in the DEIR, and does not do so by concealing information regarding the feasibility of alternatives to the approval stage. (See CEQA Guidelines § 15151). This has been another City pattern and practice violating CEQA that divorces the public from the CEQA process.

The DEIR's failure to analyze the reduced development alternative is also a serious flaw in the alternatives analysis, indicating that the DEIR failed to analyze a reasonable range of alternatives. The DEIR's explanation for failing to include this standard Project alternative, that it is not required because all the Project's significant impacts are adequately mitigated, is wholly unsupported by substantial evidence as discussed throughout these comments. Significant unmitigated impacts remain in the areas of aesthetics, biological resources, emergency evacuation, land use, and parking, such that the consideration of a reduced development alternative *is* required.

5. Public Trust Issues

The City has obligations under the public trust doctrine that would be violated by approving the project as proposed. (See generally *Center for Biological Diversity v. FPL Group, Inc.* (2008) 166 Cal. App. 4th 588). Further, those obligations and the Project's impacts to Public Trust resources must be articulated in the DEIR as applicable authority and guiding principles. (See *Pocket Protectors*, 124 Cal.App.4th at 930). Specifically, the City has an obligation to protect state wildlife under the public trust doctrine. The DEIR relies on legally inadequate mitigation measures to address Project's impacts to biological resources, including state trust wildlife. Additionally, the Project proposes development on habitat for State protected wildlife species. (See DEIR p. 5.3-22). The City would breach its trust responsibilities were it to approve a project that caused harm to state wildlife and sanctioned the take of rare, sensitive or endangered plant or animal populations. (*Center for Biological Diversity*, 166 Cal. App. 4th 588). Without mitigation that is demonstrated effective in protecting special status species for example, the City cannot ensure that its public trust responsibilities are being fulfilled. Based on the information relied on in these comments, it has not.

The Project's inconsistency with resources protected by the public trust doctrine is an independent potential significant project impact that was not identified and considered in the DEIR. (*Cf Pocket Protectors* 124 Cal.App.4th at 930). These CEQA defects must be cured through recirculation of a revised DEIR that addresses the public trust doctrine as another source of authority controlling the City's consideration of this project.

6. Recirculation of the EIR Is Required

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after the draft EIR has been made available to the public but before certification. (CEQA Guidelines § 15088.5 (a)). Some examples of significant new information requiring recirculation listed in this section of the Guidelines, include a disclosure that

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project proponents decline to adopt it.
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

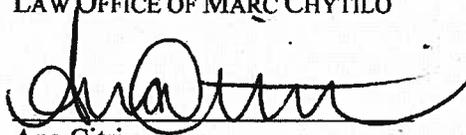
The draft EIR for the Valle Verde Project will require recirculation for numerous reasons, and each example provided in the Guidelines of disclosures that would require recirculation apply here. Significant new impacts that were omitted from the DEIR include significant aesthetic impacts concealed with the use of constrained significance thresholds and land use impacts associated both with neighborhood incompatibility and inconsistency with applicable plans and policies. Additional baseline studies in areas including parking and biological resources will involve disclosures that will significantly increase the severity of the Project's significant environmental impacts. Constructing an underground parking facility is a significantly different mitigation measure that would clearly lessen the Project's significant environmental impacts, has been raised in public comment at both the scoping and draft EIR phases, and yet has not been incorporated into the EIR. Finally, the overall draft is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded. Each of these triggers for recirculation, and others, are discussed in more detail in the following sections.

7. Conclusion

For the reasons stated herein, the DEIR is inadequate and requires substantial revision and recirculation for public review.

Sincerely,

LAW OFFICE OF MARC CHYTILO



Ana Citrin

Attorneys for Hidden Oaks Homeowners Association

Exhibits:

- Exhibit 1: K. Dodd and R. Seigel, Relocation, Repatriation, and Relocation of Amphibians and Reptiles: Are They Conservation Strategies that Work? *Herpetologica*, 47 (3) 1991, 336-350
- Exhibit 2: City of Santa Barbara Fire Department Wildfire Plan, January 2004, Figures 4 and 5
- Exhibit 3: Transportation Existing Conditions Report, Plan Santa Barbara (August 2008)

CC: Julie Rodriguez, Planning Commission Secretary

EXHIBIT 1

RELOCATIONS, REPATRIATIONS, AND TRANSLOCATIONS OF AMPHIBIANS AND REPTILES: TAKING A BROADER VIEW

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THE review of "relocation, repatriation and translocation" (RRT's) of amphibians and reptiles by Dodd and Seigel (1991) provides a summary of the literature on the use of these techniques for conservation purposes. Their recommendations are generally sound, and apply not only to these conservation practices, but equally well to any of the myriad possible techniques used to help insure the preservation of a species. However, I believe that the evidence they use for support is weak, that their dissatisfaction with past efforts is only partially justified, and thus their conclusions extreme. Basically, the question that they attempt to answer is: given that conservation dollars are always limited, are RRT's cost effective and appropriate procedures for amphibian and reptile conservation programs? They find that these techniques have been successful in only a few cases, and thus they propose a rigid set of criteria to be addressed before any future attempts are begun. My comments on their work

focus on two main points: whether amphibians and reptiles are generally poor candidates for RRT's, and how success should be determined.

REPTILES AND AMPHIBIANS AS RRT CANDIDATES

As Griffith et al. (1989) did for a much larger number of studies of birds and mammals, Dodd and Seigel reviewed RRT programs for 25 species of amphibians and reptiles and found that of the 11 projects that could be defined as successful or unsuccessful by their standards, five (45%) were successful. This is slightly higher than the success rate reported for 198 RRT's reviewed by Griffith et al. Even so, the use of this type of analysis is exceedingly crude, because it assumes that snakes, lizards, turtles, crocodylians, salamanders, and anurans have comparable potential for successful RRT. Certainly there is wide variation within each order as well as between them, and anyone considering an

RRT for a particular species should be mainly interested in experiences from similar species. For example, Griffith et al. (1989) found that RRT success varied dramatically between taxa in different trophic levels, and also that life-cycle stage when relocated was important. Dodd and Seigel also treat as similar those RRT programs that differ greatly in operating budgets, number of animals released, and origin of released animals (wild-caught or captive raised). Griffith et al. (1989) found all of these factors relevant to the success rate of RRT's for birds and mammals.

Because Dodd and Seigel did not control for important variables, their 25-study analysis is clearly a case of comparing apples to oranges. However, doing the comparison properly would be difficult, because the sample size is so small. Some additional studies to add to the list for anyone interested in attempting such an analysis are listed in Comly et al. (1991) [especially the 13 described by Cook (1989), but see also Humphrey et al. (1985), Stout et al. (1989a), Tom (1988), and additional references below].

Dodd and Seigel were unable to find any examples of successful RRT's for any species of snakes, turtles, anurans, or salamanders, despite the fact that the literature is replete with them [see Wilson and Porras (1983) for one recent relevant review]. Some of the examples that I cite below are "translocations" under the definition given by Dodd and Seigel, but because they involve species not recently native to the release area, they may also be called "invasions". I anticipate the objection that the deliberate or accidental release of a species that is later considered an invader is somehow different from the release of a species for conservation purposes. However, the distinction is important only in terms of human intentions and values (Price, 1989), and the theoretical and empirical studies on biological invasions are directly relevant to RRT's (Griffith et al., 1989; Konstant and Mittermeier, 1982; Pimm et al., 1988; Roughgarden, 1986a). Both involve the establishment of a species through the release of a small number of individuals into an area inhab-

ited by few or no conspecifics. Attempts to identify the general life history and genetic characteristics of species that are either successful colonizers or extinction-prone have found little empirical support; for each generalization there are numerous exceptions (Burke and Humphrey, 1987; Ehrlich, 1986; Newsome and Noble, 1986). For example, elephants exhibit most of the traits commonly attributed to poor invaders and extinction-prone species, yet are pests in some areas. The main trait clearly shown to be useful in identifying extinction-prone species is initial rarity (Pimm et al., 1988; see references in Burke and Humphrey, 1987), which similarly characterizes both deliberate and accidental RRT's. Furthermore, conservationists may learn from a study of relevant invasions, because most invasions involve few individuals, released with a minimum of care in a strange environment, and as such are excellent examples of what can be done on a tight budget.

For snakes, the now 10 yr-old repatriation of *Nerodia sipedon* into a national park in New York (Cook, 1989) and *Boiga irregularis* in Guam (Savidge, 1987) are two examples of highly successful RRT's. The current discontinuous range of *Elaphe longissima longissima* is a result of multiple RRT's by the Romans some 2000 yr ago for rodent control in their temples (Mehrtens, 1987). For turtles, in California alone *Chelydra serpentina*, *Apalone spinifera*, and *Trachemys scripta* have populations clearly established by RRT's (Mooney et al., 1986). Similarly, *Trachemys scripta* has been firmly established through relocations to a variety of sites throughout the eastern United States (Conant, 1975). The tortoise *Geochelone pardalis* has been translocated into two nature reserves in South Africa, the first pre-1930 and the second pre-1966, and both populations are "flourishing" (Brooke et al., 1986). *Geochelone elephantopus hoodensis* has apparently been successfully repatriated now 15 yr after the initial release (Anonymous, 1986). For anurans *Rana catesbeiana* in the American southwest (Schwalbe and Rosen, 1988), *Xenopus laevis* in California (Mooney et al., 1986),

Dendrobates auratus in Hawaii (McKeown, 1978), the repatriation of *Bufo calamita* into a British reserve (Raw and Pilkington, 1988), and the remarkable success of *Bufo marinus* (e.g., Eastal and Floyd, 1986) in numerous countries and habitats throughout the world are but a few of the many examples of successful RRT's. Examples of salamanders include *Ambystoma tigrinum* in the American southwest (Collins, 1981), *Necturus maculosus* in New England and apparently *Desmognathus quadramaculatus* into parts of Georgia (Conant, 1975). Finally, to add to Dodd and Seigel's list of successful lizard and crocodilian RRT's: *Chamaeleo jacksonii* and *Iguana iguana* in Hawaii (McKeown, 1978), *Anolis* sp. in numerous Caribbean Islands (Roughgarden, 1986b) and Florida (Wilson and Porras, 1983), *Anolis grahami* released in Bermuda to control mosquitos (Simmonds et al., 1976), *Hemidactylus turcicus* and *H. frenatus* into many tropical, sub-tropical, and even some temperate habitats all over the world, and *Catman crocodilus* in Florida (Ellis, 1980) are just a few of the possible examples.

Finally on this topic, I agree with Griffith et al. (1989) that researchers and conservationists interested in understanding why some species under some conditions may be promising candidates for RRT, and others not, should investigate the literature on biological invasions, which has had several recent and thorough reviews (e.g., Castri et al., 1990; Drake et al., 1989; MacDonald et al., 1986; Mooney and Drake, 1986; Wilson and Porras, 1983). This body of literature reviews the data on successful and unsuccessful invasions by a number of species from a variety of taxa, and has a body of theory relevant to conservation issues (i.e., Ritcher-Dyn and Goel, 1972).

WHAT SHOULD WE CALL "SUCCESS"?

A second major thrust of Dodd and Seigel's essay is that some workers, particularly Burke (1989), have been premature in calling their efforts a "success". For their analysis of 25 RRT's reported in the literature, they defined a project as a success

only if "evidence is presented that a self-sustaining population has been established", and that "the population is at least stable". It is not clear how they applied these criteria in the cases that they reviewed. For example, at what point can one call a population "self-sustaining", and how does one determine stability? They suggest that mere successful reproduction is insufficient. However, no population, "natural" or otherwise, can be defined as indefinitely, invariably stable, and the longer a population is monitored, the less stable it appears to be (Pimm and Redfern, 1988). Later, they suggest that a monitoring program of 10-15 yr for anurans and >20 yr for tortoises would be appropriate for determination of success. Again, it is not clear if they applied these criteria to the studies that they reviewed. Obviously, few RRT studies of this duration have been completed.

I welcome Dodd and Seigel's definitions of success for RRT's, and I encourage other interested workers to air their views on how to define success (e.g., Phillips, 1990). For example, rather than simply declaring a particular RRT a success, I stated that "the usefulness of relocation for tortoise conservation is unclear" (Burke, 1989: p. 295) and, later, that I had shown that "it is possible to relocate and reintroduce gopher tortoises *fairly* successfully" (Burke, 1989: p. 295, italics added here). These results were further presented in quantitative terms. Generally, I called the project "fairly successful" because the same 31 individual tortoises stayed at the release site (from which tortoises were extirpated before it became a county park) for 2 yr after release, they reproduced both years, and their offspring survived and grew. In addition, the release site was public land with a legal commitment to manage for maintenance of natural habitat in perpetuity, predator-control programs were in place, and the tortoise population exceeded the size that population simulation models suggested to be the minimum necessary for survival for at least 200 yr with a >90% probability under these conditions (Cox et al., 1987). This tortoise population

continues to thrive, now 5 yr after release. I plan to write the 20 yr evaluation in due time.

Other than deliberate attempts to mislead readers, authors are not responsible for misinterpretations of their work, and I am unaware of any evidence that my results have encouraged the use of RRT's for gopher tortoise or any other amphibian or reptile. On the contrary, the appropriate regulatory agency, the Florida Game and Fresh Water Fish Commission, recently proposed making Florida tortoise RRT's obsolete with the consideration of an incidental take law which would allow the destruction of tortoises and habitat in exchange for fees. Few developers will go to the expense of a tortoise RRT unless legally required to do so.

ERRORS

Dodd and Seigel's essay has four additional problems that bear correction; the first three are relatively minor, but the fourth is more serious. First, Dodd and Seigel recommend that populations released as RRT's should mimic the demographic characteristics of "natural" populations. This is a point of some contention, and other views have been presented by Berry (1986) and Landers (1981). Based on the limited data available, these authors suggested that RRT's may be more successful if various manipulations, such as releasing female tortoises first or releasing fewer adult males, are used. My work (1989) addressed this in part, but this issue is not resolved and is likely to have different solutions for different species and release program combinations.

Next, they misquoted Burke (1989) as "claiming relocation had no effect on existing social structure of resident tortoises . . . despite data to the contrary on related species (Berry, 1986)." Both points are incorrect. There were no tortoises resident on the release site before that project, and I have never released tortoises into an area where there were resident tortoises. Apparently they misunderstood my research and results on the impact of social structure of the *released* population. Also, Berry

(1986) did not present data on this specific point, but instead she postulated, from existing data on social behavior and movements, *possible* impacts on RRT success.

Later, they criticize the studies of Burke (1989), Fucigna and Nickerson (1989), Godley (1989) and Stout et al. (1989b) as being of too short a duration to justify claims of "long-term relocation success". I agree, but also point out that none of these studies claimed long-term success.

The fourth issue is that of population genetics and minimum viable population (MVP) analysis for RRT's. Dodd and Seigel focus on one small aspect of MVP analysis, that of population genetics, and point out that it has rarely been discussed in the RRT literature for amphibians or reptiles (but see Burke, 1989). I suggest that over the time frame relevant to most of these types of conservation efforts, population genetics is instead more important to another concern not addressed by Dodd and Seigel: the risk of mixing distinct gene pools through careless RRT's, as pointed out and documented by Greig (1979) and Templeton et al. (1986). Not only could such mixing threaten the survival of locally adapted populations, but current and future evolutionary studies on the species could be rendered impossible or misleading by careless RRT's. This reason alone is sufficient to recommend strongly that genetic studies be undertaken prior to RRT's (see, for example, Lamb et al., 1989), and that RRT's be carefully documented in the literature. It is also important to recognize that if a population is on lands scheduled for extensive alteration, any individuals that are not moved, but are killed instead, may represent genetic material lost forever.

Simberloff (1988), Shaffer (1987), and Lande (1988a) pointed out that MVP analysis (and its modern descendant, population viability analysis: Gilpin and Soulé, 1986) is based on more than population genetics, as genetic concerns are only likely to be important to a small population of a normally outbreeding species going through an extended, multi-generational bottleneck. They predict that under the

100–200 yr time frame considered by most conservation efforts, demographic and environmental effects will be more important, and thus most MVP and PV analyses do not take genetics into account (e.g., Burke et al., 1991; Cox, 1989; Cox et al., 1987; Grier, 1980; Lande, 1988*b*; Shaffer, 1983); thus the use of any sort of 50/500 rule is superseded. Population simulation for realistic and useful MVP analysis or PVA requires advanced computer programming skills and detailed knowledge of both the species' biology and the important environmental factors that impact populations. Current development of new PVA's, involving analysis of metapopulations subdivided into many subpopulations, promises to be particularly applicable to small, RRT-established populations. While a MVP analysis or PVA can be a useful component of a species recovery plan, it is not a trivial endeavor (Burke et al., 1991). Few have been completed for amphibians or reptiles (but see Cox, 1989; Cox et al., 1987; Soulé, 1989).

RECOMMENDATIONS

Dodd and Seigel's recommendations for future RRT's are generally sound, and I shall only comment on a few of them. Readers interested in reviewing these points in greater detail should see Price (1989). I agree that for no species of amphibian or reptile do we have a thorough knowledge of conditions that maximize chances for a successful RRT. I also agree that each RRT should have an experimental design allowing appropriate statistical tests of manipulations hypothesized to increase success. For species likely to be subject to many RRT's, a coordinated research program should be established to allow standardization of basic technique with replication and testing of suggested improvements. For example, the Florida Game and Fresh Water Fish Commission has permitted over 75 relocations (Dodd and Seigel, 1991), but it required only that applicants adhere to a general protocol, and did not recommend investigation of potential improvements. Funding for such programs should be available from the de-

velopment forces that make them necessary.

Dodd and Seigel appropriately call for longer monitoring of RRT's, to insure that initial indications of success are borne out. They point out that this involves a substantial commitment of resources that in many cases may not be feasible. For example, when the proposal for tortoise relocation described in Burke (1989) was reviewed, the funding agency refused to fund more than 2 yr of follow-up, because current legal restrictions did not require more. This does not lessen the importance of long-term monitoring, only its likelihood. However, I would not draw the conclusion that further turtle RRT's should not be considered until 20 yr has passed to allow judgement on the success of those already done, for two reasons. First, extinctions of RRT populations must be considered against the baseline extinction rates of similarly sized unaltered populations. Thus, if 10% of the RRT's of a particular species fail, this may not be because of the RRT itself, but may be a rate characteristic of subpopulations of the species in general (Diamond, 1984; Karr, 1990). Secondly, conservation biology is correctly described as a "crisis science" (Soulé, 1985), and as such may not always be subject to the same statistical standards as most other scientific fields. In some cases, it may be necessary to accept higher than normal risk of Type 1 errors and to make decisions based on preliminary trends in data that may not reach the $P = 0.05$ level of significance, but are strongly suggestive of the value of a technique.

Dodd and Seigel also review criteria for choosing release sites, and thus generalize the example and discussion presented in Burke (1989). For example, there may be numerous appropriate sites for gopher tortoise re-introductions in Florida, areas from which tortoises have been extirpated, but are now relatively safe, and have low probability of natural recolonization (Burke, 1989). In a perfect world, potential RRT organizers would have sufficient time to study the biology of the species concerned, investigate a variety of potential release

sites, and choose the best candidates. Inability to do this should be fit into the cost/benefit analysis for the RRT project; for example, if no good release sites are available, obviously an RRT is inappropriate.

CONCLUSION

Discussions of RRT's are important and useful, because RRT's may form an expensive part of the conservation program for a vulnerable species. For example, discussion between relevant agencies is underway on plans for a reintroduction of the endangered tortoise *Gopherus flavo-marginatus* from Mexico into Big Bend National Park Texas (Morafka, personal communication), and for the captive-bred offspring of the world's rarest tortoise (*Geochelone yniphora*) to be used for both an introduction into entirely new habitat and to bolster extant populations (Burke, 1990). Several re-introductions are also being planned for *Sphenodon guntheri* (Daugherty, personal communication). The principal question remains as to whether RRT's are a cost effective method of improving a species' chances of survival. I suggest that generalization based on comparisons of results from a broad mixture of species and RRT techniques is not an appropriate way to resolve this question. Instead, relevant literature for the species under consideration should be reviewed, and the potential for success of an RRT should be considered in a cost/benefit or risk analysis (Price, 1989; Soulé, 1989). No one claims that RRT's are a panacea, but they should be considered an option in any recovery program.

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Associate Editor: David Cundall

EXHIBIT 2

HAZARD ASSESSMENT MAP

Figure 4

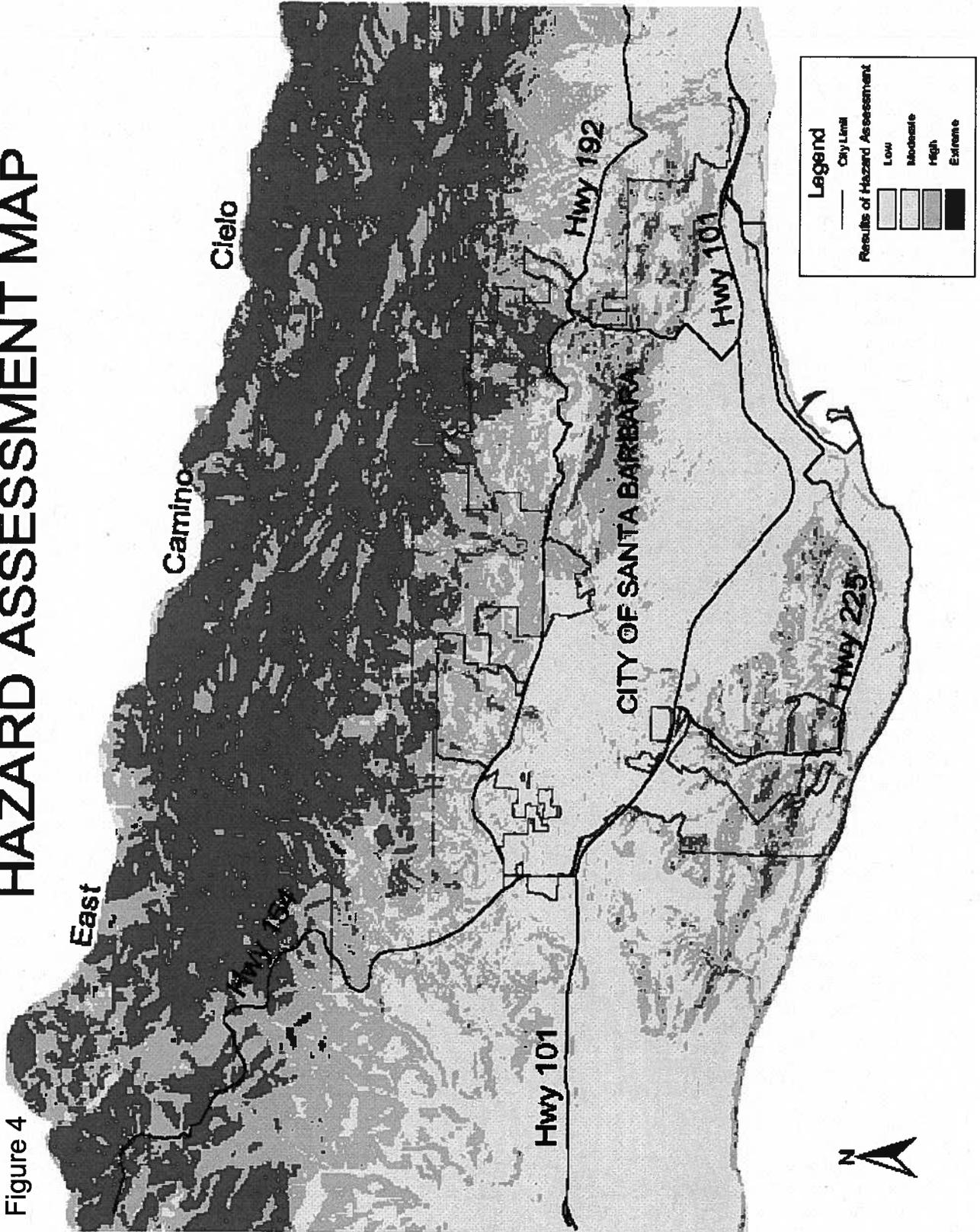


Figure 5

HIGH FIRE HAZARD AND NON-HIGH FIRE HAZARD AREA

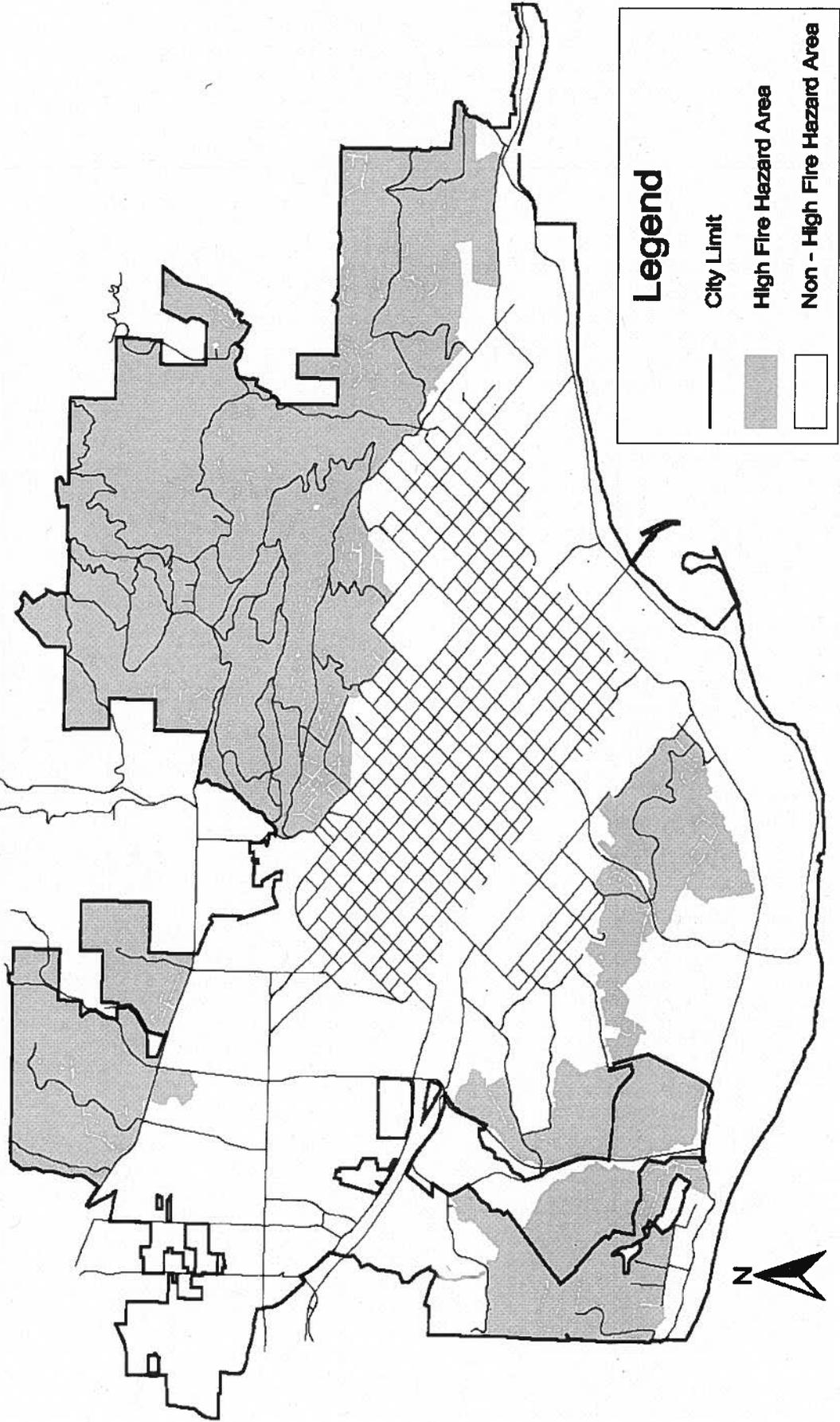


EXHIBIT 3

Figure 3-4: Year 2008 Weekday Existing Conditions, Plan Santa Barbara Study Intersection Levels of Service

Intersection	Peak Hour	Existing Conditions	
		Delay or V/C	LOS
1 Olive Mill Road & Coast Village Road [b]	AM	13	B
	PM	18	C
2 Hot Springs Road & Coast Village Road [b]	AM	20	C
	PM	25	C
3 Cabrillo Boulevard & U.S. Highway 101 SB Ramp [b]	AM	20	C
	PM	15	B
4 Milpas Street & U.S. Highway 101 SB On Ramp [a]	AM	0.367	A
	PM	0.526	A
5 Milpas Street & U.S. Highway 101 SB Off Ramp [a]	AM	0.683	B
	PM	0.771	C
6 Milpas Street Roundabout [c]	AM	15	B
	PM	14	B
7 Milpas Street & Quinientos Street [a]	AM	0.592	A
	PM	0.715	C
8 Milpas Street & Gutierrez Street [a]	AM	0.520	A
	PM	0.582	A
9 Milpas Street & Haley Street [a]	AM	0.479	A
	PM	0.641	B
10 Cabrillo Boulevard & Garden Street [a]	AM	0.298	A
	PM	0.370	A
11 Yanonali Street & Garden Street [a]	AM	0.431	A
	PM	0.491	A
12 U.S. Highway 101 SB Ramps & Garden Street [a]	AM	0.640	B
	PM	0.929	E
13 U.S. Highway 101 NB Ramps & Garden Street [a]	AM	0.575	A
	PM	0.748	C
14 Gutierrez Street & Garden Street [a]	AM	0.675	B
	PM	0.808	D
15 Cabrillo Boulevard & State Street [a]	AM	0.303	A
	PM	0.420	A
16 Gutierrez Street & State Street [a]	AM	0.288	A
	PM	0.383	A
17 Cabrillo Boulevard & Castillo Street [a]	AM	0.357	A
	PM	0.598	A
18 Montecito Street & Castillo Street [a]	AM	0.691	B
	PM	0.763	C
19 Haley Street & Castillo Street [a]	AM	0.552	A
	PM	0.784	C
20 Haley Street & Bath Street [a]	AM	0.538	A
	PM	0.697	B
21 Carrillo Street & Anacapa Street [a]	AM	0.474	A
	PM	0.618	B
22 Carrillo Street & Chapala Street [a]	AM	0.445	A
	PM	0.635	B
23 Carrillo Street & De la Vina Street [a]	AM	0.551	A
	PM	0.636	B
24 Carrillo Street & Bath Street [a]	AM	0.551	A
	PM	0.540	A
25 Carrillo Street & Castillo Street [a]	AM	0.664	B
	PM	0.666	B
26 Carrillo Street & U.S. Highway 101 NB Ramp [a]	AM	0.773	C
	PM	0.842	D
27 Carrillo Street & U.S. Highway 101 SB Ramp [a]	AM	1.023	F
	PM	0.962	E

Intersection	Peak Hour	Existing Conditions	
		Delay or V/C	LOS
28 Carrillo Street & San Andres Street [a]	AM	0.682	B
	PM	0.755	C
29 Micheltorena Street & San Andres Street [a]	AM	0.608	B
	PM	0.613	B
30 Mission Street & Modoc Road [b]	AM	27	D
	PM	29	D
31 Mission Street & U.S. Highway 101 SB Ramps [a]	AM	0.938	E
	PM	0.969	E
32 Mission Street & U.S. Highway 101 NB Ramps [a]	AM	0.858	D
	PM	0.812	D
33 Mission Street & Castillo Street [a]	AM	0.512	A
	PM	0.554	A
34 Mission Street & Bath Street [a]	AM	0.556	A
	PM	0.606	B
35 Mission Street & De la Vina Street [a]	AM	0.524	A
	PM	0.558	A
36 Mission Street & State Street [a]	AM	0.719	C
	PM	0.697	B
37 Meigs Road & Cliff Drive [a]	AM	0.621	B
	PM	0.688	B
38 Las Positas Road & Cliff Drive [b]	AM	30	D
	PM	23	C
39 Las Positas Road & Modoc Road [a]	AM	0.671	B
	PM	0.730	C
40 Las Positas Road & U.S. Highway 101 SB Ramps [a]	AM	0.812	D
	PM	0.947	E
41 U.S. Highway 101 NB Ramp & Calle Real [a]	AM	0.798	C
	PM	0.683	B
42 Alamar Avenue & State Street [a]	AM	0.495	A
	PM	0.563	A
43 De la Vina Street & State Street [a]	AM	0.465	A
	PM	0.535	A
44 Las Positas Road & State Street [a]	AM	0.637	B
	PM	0.772	C
45 Hitchcock Way & State Street [a]	AM	0.477	A
	PM	0.671	B
46 Hope Avenue & State Street [a]	AM	0.511	A
	PM	0.661	B
47 La Cumbre Road & State Street [a]	AM	0.600	A
	PM	0.853	D
48 Hope Avenue & U.S. Highway 101 NB Ramp/Calle Real [a]	AM	0.589	A
	PM	0.765	C
49 La Cumbre Road & U.S. Highway 101 SB Ramps [a]	AM	0.605	B
	PM	0.668	B
50 La Cumbre Road & Calle Real [a]	AM	0.539	A
	PM	0.663	B
51 SR 154 & Calle Real [a]	AM	0.531	A
	PM	0.730	C
52 SR 154 & U.S. Highway 101 SB On Ramp [a]	AM	0.417	A
	PM	0.400	A

[a] Intersection is controlled by signal and uses ICU methodology
 [b] Intersection is controlled by stop signs and uses HCM unsignalized methodology
 [c] Intersection is controlled by roundabout and uses HCM roundabout methodology

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* Also admitted in Arizona
 ** Admitted in Hawaii
 *** Also admitted in Nevada
 **** Also admitted in Illinois
 ***** Also admitted in Missouri
 ***** Also admitted in New York

April 25, 2011

VIA HAND DELIVERY TO THE CITY CLERK'S OFFICE

Santa Barbara City Council
 c/o Santa Barbara City Clerk's Office, City Hall
 De la Guerra Plaza
 735 Anacapa Street
 Santa Barbara, CA 93101

Re: Appeal of Planning Commission's Certification of the Final EIR for the Valle Verde Retirement Community Project (900 Calle de los Amigos) and of its Subsequent Approval of the Project on April 14, 2011

Dear Mayor and Members of the City Council:

On behalf of Service Employees International Union-United Healthcare Workers West ("UHW") and Friends of Valle Verde ("FVV"), we herewith appeal both above-referenced actions taken by the Planning Commission on April 14, 2011. If allowed to stand, the certification of the Final EIR (EIR) for the proposed Valle Verde Retirement Community Project ("Project") could have major unpredictable consequences which have not been adequately disclosed, analyzed, or mitigated by the EIR. If allowed to stand, the project's approval would lack legitimacy until the present challenge to the EIR is settled.

Although UHW and FVV recognize the importance of expanding retirement community facilities to meet the needs of our growing elderly population, there are serious deficiencies in the EIR and its responses to public and expert comments. As a labor organization that represents workers in retirement communities throughout the state, UHW takes the long view that such expansion must be approached in each instance in a way that is environmentally sound and respectful of valid concerns voiced by the larger community in order to pave the way for acceptance and cooperation, rather than backlash, when such projects are proposed in the future. As a coalition of labor, environmentalists, and community members, FVV advocates a careful approach to development that builds community.

We urge members of the City Council to grant the appeal and order revision and recirculation of the EIR in light of the substantial evidence provided by many commenters including UHW and FVV identifying potentially significant environmental impacts that will be caused by the construction and operation of this Project.

In preparing our comments and this appeal, our office reviewed the EIR, comments, and responses, and consulted planning and biology experts. Based on our research and review of the EIR, it is our opinion that the Project is likely to have significant environmental impacts on biological resources, cultural resources, environmental hazards, public services, transportation and circulation, and land use, which the EIR has failed to either adequately disclose, analyze, or mitigate.

Some of the environmental impacts could potentially be mitigated, but because the EIR deemphasized likely impacts, feasible mitigation has not been identified. Even where mitigation measures are proposed, they are often inadequate, unrealistic or the EIR defers definition to a future, uncertain date and individuals. Mitigation measures that are deferred or ill-defined do not meet the requirements of CEQA.

Any approval of the EIR without addressing the EIR's deficiencies subjects the City to legal challenge under CEQA. We urge members of the City Council to reassess the impact analysis as provided herein and recirculate the EIR once the flaws are corrected and all feasible mitigation measures evaluated.

PROJECT HISTORY AND CURRENT PROPOSAL

The Valle Verde Retirement Community ("VVRC"), located in the Hidden Valley neighborhood in the southwestern portion of the City of Santa Barbara, is approximately 59.75 acres in size, comprised of five legal parcels. It is bordered by residential areas to the south and west; the La Cumbre Country Club to the north; and Hidden Valley Park, Arroyo Burro Creek and residential uses to the east. Current residential facilities include 213 apartments; 11 studio units; a 45-room, 48-bed assisted living facility; a 36-room, 80 bed skilled nursing facility; and a six-bed hospice facility. VVRC also includes an administration building, dining/multi-purpose building, maintenance building, salon/staff lounge, recreation building; gazebo structures, and a two-unit/four room bed & breakfast for visitors. VVRC has been allowed to exist in the midst of a single-family residential zone based on a conditional use permit ("CUP").

The proposed project would add 33 net new residential units, the majority proposed adjacent to established single-family residential neighborhoods and/or sensitive oak woodland habitat. It would also result in additions, remodels or demolition and reconstruction of the assisted living facility, administration building, dining/multi-purpose building, maintenance facility, and parking areas. This increased development would require a CUP amendment, a lot line adjustment; and several zoning ordinance modifications to reduce required street and yard setbacks and building separation distance.

As a preliminary matter, VVRC's track record on expansion and oak woodland preservation casts a shadow over VVRC's request for environmental approval of the current proposed expansion.

VVRC was originally constructed under a 1960 CUP allowing development of 182 independent care units and a 15-bed skilled nursing facility. Among other requirements, the CUP specified that a maximum of 350 residents *including resident staff* could be located on the project site.

Though other CUPs and variances have been approved throughout the years, it remained a condition of use in the current 1984 CUP to limit residency to 350. According to the EIR, VVRC is currently far out of compliance with this limit, housing 356 residents plus 153 full-time equivalent (meaning a greater number when part-time are counted as individuals) staff.¹

Moreover, the 1984 Expansion CUP EIR stated in its project description that the “proposed expansion would be the *final phase of development* of existing Valle Verde lands, that has been taking place over the past 17 years.”² Yet VVRC now proposes significant additional development. Approval of these incremental but substantial expansions over the years has created a creeping effect where a large and inconsistent land use now shakily co-exists within an area originally designated as single family homes and natural woodland habitat.³

As a condition of approval for the 1984 Conditional Use Permit, the City required that four (4) acres of on-site oak woodland area be dedicated to the City. However, the dedication was never implemented. Though the current EIR proposes to dedicate or otherwise restrict development rights on this original four-acre area, plus an additional 5.8-acre area, it begs the question why the original dedication, an express *condition of approval* for the 1984 CUP, was never implemented.⁴

LEGAL FRAMEWORK

CEQA requires that an agency prepare and certify an EIR analyzing the potential environmental impacts of any project it proposes to approve that “may have a significant effect on the environment.” (Pub. Res. Code § 21100.) The EIR is the very heart of CEQA.⁵ “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the Act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”⁶

CEQA has two basic purposes, neither of which the EIR satisfies. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project.⁷ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’”⁸ The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”⁹

¹ See Valle Verde Residents and Staffing, EIR §4.2.3

² See Letter # 10, pp. 55-56.

³ See Valle Verde Development History, EIR §4.2.2

⁴ See EIR §3.3.10

⁵ *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

⁶ *Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

⁷ 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).

⁸ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

⁹ *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.¹⁰ The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.”¹¹ Public agencies must deny approval of a project with significant adverse effects when feasible alternatives and mitigation measures can substantially lessen such effects.¹² CEQA section 21002 requires agencies to adopt feasible mitigation measures in order to substantially lessen or avoid otherwise significant adverse environmental impacts of a proposed project.¹³ To effectuate this requirement, EIRs must set forth mitigation measures that decision-makers can adopt at the findings stage of the process.¹⁴ For each significant effect, the EIR must identify specific mitigation measures. Where several potential mitigation measures are available, each should be discussed separately and the reasons for choosing one over the other should be stated.¹⁵ Mitigation measures should be capable of “avoiding the impact altogether,” “minimizing impacts,” “rectifying the impact,” or “reducing the impact.”¹⁶ An EIR must respond to specific suggestions for mitigating a significant impact unless the suggested mitigation is “facially infeasible.”¹⁷ The response need not be exhaustive, but it should evince good faith and a reasoned analysis.¹⁸

Decision-makers must fulfill the state’s policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects.”¹⁹ Each public agency is required to “mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.”²⁰

The remainder of this appeal provides an analysis of the Draft and Final EIR’s failure to meet these basic requirements of CEQA for the Valle Verde project, its failure to adequately respond to public and expert comments, and its failure to propose adequate mitigation. It is our opinion that the Planning Commission is legally required to revise the Final EIR to address these issues and recirculate the document for public review.

¹⁰ CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets, supra*, 91 Cal. App. 4th, at p. 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.

¹¹ CEQA Guidelines § 15002(a)(2)

¹² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.

¹³ *See also*, Pub.Res.Code § 21081(a); CEQA Guidelines § 15370.

¹⁴ CEQA Guidelines § 15126(c).

¹⁵ CEQA Guidelines § 15126(c).

¹⁶ CEQA Guidelines § 15370.

¹⁷ *Los Angeles Unified School Dist. V. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029 (“ Under the CEQA statute and guidelines a mitigation measure is ‘feasible’ if it is ‘capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (citations).”)

¹⁸ *Ibid.*

¹⁹ Pub. Res. Code § 21002.

²⁰ Pub. Res. Code § 21002.1(b)

I. THE PROJECT DESCRIPTION IS INADEQUATE UNDER CEQA.

An accurate and complete project description is the foundation of an EIR and is necessary for an intelligent evaluation of the potential environmental impacts of a project. As explained in the discussion following Section 15124 of the CEQA Guidelines,²¹ an EIR must describe the proposed project “in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers.” The state court of appeal has declared that “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally adequate EIR.”²² In contrast, “[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” The court further concluded that “[o]nly through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (*i.e.*, the ‘no project’ alternative) and weigh other alternatives in the balance.”²³ As the leading treatise on California environmental law has noted:

The adequacy of an EIR’s project description is closely linked to the adequacy of the EIR’s analysis of the project’s environmental effects. If the description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake.²⁴

Here, the EIR fails to provide an adequate and complete project description, and therefore fails to meet the requirements of CEQA. In particular, the proposed project fails to adequately address landscape design for replacement trees; construction schedule, equipment, and workforce; staffing, visitor and even resident schedules that would affect parking and traffic issues; use of major hubs such as Modoc/Las Positas/101 interchange; details on commercial use and expansion; baseline biological analysis, and adequate safety information regarding the high pressure gas line and the high fire designation of the area along Arroyo Burro Creek.

We will discuss each of these issues in more detail below; however, as an example, without knowledge of the number and type of construction equipment (including horsepower, loading factor, hours of operation per day, etc.) and the number of construction workers employed during each of these stages, it is impossible to accurately determine emissions of fugitive dust and criteria pollutant emissions from construction equipment and vehicle exhaust.

Without detailed description of staffing, resident, and visitor use, routing, and hours of use, it is not possible to evaluate parking, traffic, occupancy, and evacuation routes. The fact that staff are described in terms of “full-time-equivalents” does not provide an accurate account of the actual number of staff who need to travel to and from the development, and on what routes and at what hours, where they park, or who lives on site.

²¹ California Code of Regulations, Title 14, Secs. 15000 *et seq.* (“CEQA Guidelines”).

²² *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 192.

²³ *Id.*, at 197–98; *see also*, CEQA § 15124; *City of Santee v. County of San Diego* (1989) 263 Cal. Rptr. 340.

²⁴ Kostka and Zischke, “Practice Under the California Environmental Quality Act,” p. 474 (8/99 update).

The EIR completely fails to take into account special waste, toxicity and hazard issues such as disposal of medical waste or a salon on-site. Increasing the number of residents at a facility that provides medical services will no doubt cause an increase in medical waste. Offering salon services comes with toxic dyes and other products that must be safely disposed of. There is no mention of potential increased disposal of diapers for incontinence, unused medicines or other medical and hazardous waste. This in turn creates an increased burden on city services, and could contaminate ground water or adjacent pristine environments if improperly disposed of.

Because of the absence of biological surveys conducted during seasons appropriate to the determination of species presence, biological baselines are essentially non-existent.

Without this information about the Project, the public and decision-makers will not be able to balance the Project's benefits against its environmental cost and evaluate feasible alternatives and mitigation measures. An adequate project description, including the information listed above, must be the basis for any revised environmental document. Based on the huge voids in the Project Description, the EIR does not adequately inform the Planning Commission about the Project in order to make a reasonably informed determination of the Project's potential impacts.

II. THE ENVIRONMENTAL IMPACTS OF THE PROJECT ARE NOT ADEQUATELY DISCLOSED, ADDRESSED OR MITIGATED.

In addition to providing an accurate project description, an EIR must disclose all potentially significant adverse environmental impacts of a project.²⁵ CEQA requires that an EIR not only identify the impacts, but also provide "information about how adverse the impacts will be."²⁶ The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding.²⁷ In the absence of adequate disclosure, the public agency cannot fulfill its obligations under CEQA. "[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers and the public with the information about the project that is required by CEQA."²⁸

Here, the disclosures regarding environmental impacts are wholly inadequate. Moreover, the responses to public and expert comment, and the proposed mitigations warrant re-analysis, revision, and recirculation of the EIR, as follows:

²⁵ Pub. Res. Code § 21100(b)(1). CEQA Guidelines section 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354.

²⁶ *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.

²⁷ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.

²⁸ *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.

A. Biological Resources

Biological Impacts

The EIR claims there are no significant and unavoidable impacts, but there are four significant impacts that can be mitigated.²⁹ Those potential significant impacts include: (1) removal or disturbance of .24 acres of oak woodland and .12 acres of coastal sage scrub; (2) removal of 15 coast live oak trees and one Monterey pine, as well as significant impact to other coast live oaks, redwoods, Monterey pine and western sycamore by encroachment of more than 20% of the critical root zone; (3) impact on active bird nests, silvery legless lizards and coast horned lizards; and (4) impact on Santa Barbara honeysuckle and mesa horkelia, which are considered “sensitive” plant species. No other significant impacts to biological resources or conditions were identified. The EIR also concludes that all significant and potentially significant biological impacts will be reduced to less than significant with mitigation. The conclusions reached in the EIR are based on incomplete analysis, inadequate baselines, unsupported assumptions, and unproven and deferred mitigation.

As a preliminary matter, encroachment by the Project on one of the last two remaining pristine oak woodlands in Santa Barbara renders mitigation in this realm inadequate. Viable alternatives to construction adjacent to the Oak Woodland region seem to have been rejected out of hand. Frankly, the EIR seems to have addressed these significant biological impacts piecemeal. This alone creates an inadequate assessment. Native plants and animals, and migratory birds, are dependent on habitat. Evaluating and mitigating impact to the oak woodland, birds, reptiles, plant species and grasslands separately creates an incomplete and inadequate picture of an ecosystem that must be protected as a whole. The woodland, for instance, is treated as if ornamental and not the rare intact, relatively undisturbed habitat from understory to canopy that it is. Neither is there any analysis of the permanently reduced food supply for predatory birds who nest in the “Rutherford parcel” due to loss of foraging area.

Human habitation adjacent to many species and encroachment by structures that reduce the size of an ecosystem threaten to eliminate the conditions necessary for species survival. Shade, sun, condensation, water runoff, seepage, noise, light, parking lot run-off of oil or gas, movement and other less tangible effects come with this insidious type of encroachment, all of which endanger this ecosystem that comprises one of the last two remaining oak woodland stands to exist in Santa Barbara and is designated as sensitive by the California Department of Fish and Game, as is the coastal sage scrub habitat. The EIR fails to analyze the ecosystem holistically, and thus provides no assurance that the smaller and smaller remaining native habitats and the species dependent on them will indeed survive. This inadequate treatment of biologically sensitive lands, plants and wildlife not only threatens compliance with CEQA, but the City toys with breach of its duty to adequately protect sensitive, rare or endangered species under the public trust doctrine.³⁰

²⁹ See EIR table 2.3-1

³⁰ *Center for Biological Diversity v. FPL Group, Inc.* (2008) 166 Cal. App. 4th 588; *Pocket Protectors*, 124 Cal.App.4th at 930.)

Species of Concern

The EIR claims to have completed botanical surveys³¹ consistent with Botanical Survey Guidelines of the California Native Plant Society (CNPS 2001)³² and US Fish and Wildlife Service's Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2001).³³

This representation is not true. The CNPS Botanical Survey Guidelines state at paragraph 4.a. that botanical surveys should be "conducted in the field at the proper times of year when special status and locally significant plants are both evident and identifiable." Similarly, the USFWS botanical survey guidelines state that the field investigator should "conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phonological stage of all target species."³⁴

Here, surveys were conducted in December, January and February—the winter months alone. Winter is not the flowering or fruiting period for most plants, and thus it is highly likely that findings were inaccurate. CNPS's Inventory of Rare and Endangered Plants in California provided in Letter #11 from biologist D. Magney shows that October through February are in fact the months with the smallest number of taxa in bloom in Santa Barbara. California Department of Fish and Game Guidelines for assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (revised May 8, 2000)³⁵ also states field surveys should be conducted in the field "at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering." Because the surveys were conducted at a time unlikely to accurately show sensitive plants, meaning that other unnamed sensitive plant species may indeed be present, the survey does not provide reliable data and must be re-done.

Similarly, though the Project potentially affects habitat for several species of bird, including migratory birds, wildlife surveys were also conducted in winter months. California Department of Fish and Game considers migratory bird breeding season to generally occur between March 1 and September 1.³⁶ In order to evaluate potential danger to birds, nests and bird habitat, surveys should be conducted during breeding months. Because the surveys were conducted at a time unlikely to realistically reveal sensitive wildlife, the survey does not provide reliable data and must be re-done.

Furthermore, the assumption that the steepness of the Arroyo Burro Creek embankment made it unlikely that certain species were present on the parcel is also unsupported. A recognized vertebrate specialist at the Santa Barbara Natural History Museum maintains that a high, steep

³¹ See EIR §5.2.1

³² Attached to Letter #11 at Vol. II pp. 79-81

³³ Attached to Letter #11 at Vol. II pp. 82-83

³⁴ USFWS Botanical Survey guidelines can be found at <http://www.fws.gov/>.

³⁵ Attached to Letter #11 at Vol. II pp. 77-78

³⁶ See DFG Letter #1

creekside bank that is natural and not made of concrete is not a deterrent to a wildlife corridor for animals. As such, the presence of animals accessing the Oak Grove through the Rutherford parcel needs to be reassessed. The EIR also offers unsupported assertions that wildlife species likely to move through the project would be “common species that are frequently found in urbanized areas.” Until the site tampering that occurred shortly before the survey, Oak Grove to Arroyo Burro Creek corridor has historically been a vibrant wildlife corridor; this assertion rings untrue.

Incorrect Baselines

Because inventories were conducted at inappropriate times to assess habitat and population, the baseline for sensitive plants, animals and their habitat were never established. In addition, the baseline at the Rutherford parcel was disturbed prior to field survey.³⁷ Based on testimony of neighbors, the parcel was mowed just prior to the assessment.³⁸

Carrying out the surveys at a time unlikely to provide necessary data and disturbance of the area under assessment renders worthless the EIRs subsequent conclusions: It invalidates the EIR’s claim that, during the field surveys, “no evidence was observed, such as a game trail with animal tracks, scat, or trampled vegetation, which would indicate that this open non-native grassland habitat was used by wildlife as a movement corridor.”³⁹ It means that Table 5.2-1 listing observed vegetation provides an inaccurate account of special status plants known or likely to be present on the site. It also means the EIR’s conclusion that no sensitive plants are located within the areas designated for development and/or fuel modification and thus there is no substantial evidence of significant impact on endangered threatened or rare plant species, is unreliable.⁴⁰ Nor can the EIR’s conclusion that the project will not cause the elimination or substantial disruption of ... wildlife habitat or migration corridors” be trusted.⁴¹

Before approval of an EIR can be considered, population and habitat surveys of flora and fauna must be conducted correctly. The correction of baseline studies necessitates not only revision of the EIR but recirculation under CEQA.⁴² Here too, the claim that surveys were conducted in line with agency requirements, when they clearly were not, causes concern.

Inadequate and Deferred Mitigation

CEQA requires the decisionmakers and the public to be informed of what it is they are adopting, but the EIR is evasive. Public agencies must deny approval of a project with significant adverse effects when feasible alternatives and mitigation measures can substantially lessen such effects.⁴³

³⁷ See photographs and other information posted on Save Hidden Valley’s website, <http://savehiddenvalley.org/>

³⁸ See Letter #13, p. 97; see also Letter #42, p. 278.

³⁹ EIR p. 5.2-8

⁴⁰ EIR p.5.2-12; 5.2-23

⁴¹ EIR p. 5.2-23

⁴² See CEQA Guidelines §15088.5, *Save Our Peninsula Cmte. V. Monterey Cnty. Bd. Of Sups.* (2001) 87 Cal. App. 4th 99, 143

⁴³ *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.

CEQA section 21002 requires agencies to adopt feasible mitigation measures in order to substantially lessen or avoid otherwise significant adverse environmental impacts of a proposed project.⁴⁴ To effectuate this requirement, EIRs must set forth specific mitigation measures that decision-makers can adopt at the findings stage of the process.⁴⁵ Mitigation measures that are optional or are deferred to a date after approval do not meet the requirements under CEQA. Indeed, courts will not countenance mitigation measures that defer goals, objects and criteria for success.⁴⁶

Compounding the problem that baseline biological data are not accurate, the EIR proposes to address mitigation of impact to biological resources including but not limited to special status plant species and oak woodland and coastal sage scrub habitat through creation of habitat restoration plans. Deferral of mitigation to a habitat restoration plan, without adequately identifying who will conduct the plan, how restoration sites will be determined, planting methods, and other necessary details, constitutes deferred mitigation.⁴⁷

Those details that are provided for the habitat restoration plans are similarly inadequate. For instance, the replanting of oak and coastal sage scrub is to be performed on the site “in non-native and/or disturbed habitat”; oak saplings are to be planted in “areas between the new structures on the west side of the property and the oak woodland”; and, “should removal of any sensitive plant be unavoidable,” replacement shall be implemented at a yet-to-be determined site.⁴⁸ These “mitigation” measures and others do not insure that plants species, habitat and wildlife will actually be able to survive in new-found habitats. Absent specific performance standards, deferral of mitigation measures until after project approval is inadequate.⁴⁹

Aside from possible nests, the only sensitive wildlife the EIR deemed to potentially be substantially impacted by the Project are the silvery legless lizards and coast horned lizards. Yet, the mitigation plan for the silvery legless lizards and coast horned lizards is not viable. The EIR proposes an unnamed biologist will “direct the equipment operator to slowly remove vegetation and the top 12 inches of topsoil while the biologist scans the soil for lizards. Any and all reptiles founds shall be relocated to appropriate microhabitats in adjacent, undisturbed habitat out of harm’s way.”⁵⁰ Unless dirt removal will be done by hand, rather than with heavy machinery, this appears to be a pie-in-the-sky scenario for protection.

In addition, there is no showing that the wildlife native to this habitat can just be “relocated” and survive in a different “microhabitat.” Since replacement habitat is not identified, it is impossible to determine the viability of introducing a species into a new habitat. Native species live where they live because the total conditions of a particular ecosystem coalesce to allow their survival.

⁴⁴ See also, Pub.Res.Code § 21081(a); CEQA Guidelines § 15370.

⁴⁵ CEQA Guidelines § 15126(c).

⁴⁶ *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1275.

⁴⁷ See Letter #13 for further detail.

⁴⁸ See table 2.3-1

⁴⁹ CEQA Guidelines §15126.4(a)(1)(B), *Sundstrom v. County of Mendocino* (1988) 2020 Cal.App.3d 296, 307-309.

⁵⁰ See table 2.3-1

There has been no showing that these sensitive species can just be relocated and survive. Again, potential relocation sites need to be identified in advance so that the public has time to verify adequacy of site and provide input, or proposed relocation is not a meaningful mitigation measure.

Because the EIR fails to identify and disclose all significant impacts, fails to create accurate baselines to adequately analyze impacts and potential mitigation, fails to realistically assess impacts and potential mitigation, fails to consider the feasibility of more environmentally sound alternatives, and relies on deferred mitigation, the EIR's assessment of biological impacts fails.

B. Transportation/Circulation

The EIR concludes that the only potential significant impact on transportation and circulation would occur because of increased vehicle trips. The assessment that safety hazards, emergency access, parking and pedestrian/bike concerns would not be significantly impacted is unsupported by fact.

Traffic Sighting

Concerns raised in comment letters regarding corner sight distance at the proposed Torino Drive driveway and other entrances to the site were dismissed in part with the statement that "driveways to the Valle Verde complex are in effect residential driveways as they serve a residential facility."⁵¹ This statement appears intended to equate a driveway to a single family home with an entrance to a 59-acre residential facility; it does not adequately address the concern raised.

The EIR also seems to have evaluated parking density on adjacent streets where residents complain of crowded street parking after staff hours. According to the EIR, parking studies were conducted on Calle de los Amigos at 4:00 p.m., whereas most employees apparently leave work at 3 p.m.⁵² Again, this creates an inadequate baseline, incorrect data, and fails to address community concerns and provide a stepping off point from which to determine impact and feasibility of mitigation.

Traffic Speed

The EIR's evaluation of speed and level of traffic seems to be at odds with concerns raised in comment letters. Neighbors raised concerns of the "high level of traffic" and "excessive speed" along the Calle de los Amigos access road creating a "risky situation" in simply exiting a driveway, as well as creating safety concerns for children, bicyclists, and the numerous elderly pedestrians. The Response simply states that the EIR provided a comprehensive evaluation of traffic impacts and that that speed is an "existing condition."⁵³ Such a response is inadequate to

⁵¹ See Response 6-3.

⁵² See 5.3-25 and comment letter #52 at Vol. II pp. 333-334

⁵³ See Response 7-3, 9-2.

address legitimate concerns regarding traffic density, flow, speed and potential traffic dangers that render mitigation measures necessary.

Traffic Congestion

The EIR analysis was not actually based on trip rates from this site: “Because of the mix of uses currently on the site and the difficulty in identifying which trips are generated by each individual use, it was not possible to develop a specific trip rate that would replicate each individual use on the site. Therefore, an aggregate rate developed from several similar projects was used.” The EIR then surveyed VVRC employees to “confirm distribution patterns” of the project-generated vehicle traffic. These survey results were “very close to” trip distribution assumptions.⁵⁴ However, the employee survey does not include resident trips and visitor trips generated by special events open to the public and thus underestimates actual project-generated increases. The EIR claims that special events are minimal, yet a portion of American Baptist Homes of the West’s tax-exempt status is predicated on public events held at VVRC.

Evacuation

The EIR claims there is a less than significant level of impact on emergency access. This statement is unsupported by evidence. The EIR does not adequately address evacuation in the event of a fire, gas line explosion, or other event necessitating evacuation. Because the region has suffered two fires including the Painted Cave Fire in the last two years necessitating evacuation, the EIR needs to provide more detailed evacuation analysis. Yet the Response simply states that the EIR concluded that the Project “would not result in significant evacuation-related impacts.”⁵⁵ This conclusion is inadequate in light of the two recent fires, its location in a high fire hazard area, the high pressure gas pipeline adjacent to the project, the elderly, dense population, narrow streets with dense parking, and limited escape routes.

The EIR’s emergency evacuation analysis in case of fire addresses neither the number of individuals nor the impact of densely parked streets on egress through Calle de los Amigos and Tornio Drive.⁵⁶ Neither does it seem to take into account potential blockage of routes caused by vehicle collision during panic, parked vehicles, and closure of roads attributable to fire, as occurred during the Painted Cave Fire. The EIR’s conclusion that the proposed project will not result in significant evacuation-related impacts is contrary to fact. The EIR seems to rely on the Santa Barbara County Fire Department’s “no comment” letter. But the “no comment” letter does not constitute approval of the fire plan. In fact, it appears that the fire map relied on by the EIR is not the same fire map on file with the fire department, or perhaps there are two such maps, as the fire map attached to Letter #13 appears to show more severe fire danger.⁵⁷

Completely absent is analysis of evacuation should a San Bruno-type pipeline failure occur.

⁵⁴ See EIR 5.3-12; 9-18.11-46

⁵⁵ See Response 7-4

⁵⁶ See EIR p. 5.3-28

⁵⁷ Attached to Letter #13 at pp. 123-124

The EIR's conclusions that transportation/circulation is not significantly impacted other than increased vehicle trips is without support. The EIR needs to reassess the impact of the proposed project on emergency egress, in light of the location adjacent to a high pressure pipeline and location within a high fire hazard zone. The EIR needs to reassess impact on traffic (including during construction phase, by number of actual employees, and including visitors for special events), parking (at actual peak times) and sighting (especially at dangerous corners) in light of numerous facts raised in public comment contrary to assertions in the EIR. Realistic mitigation measures must then be assessed for feasibility. For some unknown reason, these very real transportation concerns seem to have been undervalued and thus inadequately addressed by the EIR.

C. Hazard/Public Services

The EIR claims the only potentially significant hazard is increased fire hazard in areas with flammable brush, grass and trees, but that this can be mitigated to insignificance. The EIR proposes to mitigate fire hazard by providing a landscape plan to the fire department prior to submission to the environmental analyst for review.⁵⁸ Risk of accidental explosion or release of hazardous substances, creation of health hazard or potential health hazard, and exposure to existing health hazard are deemed less than significant. The designation that hazard from explosion is less than significant is unsupported by fact, in light of the siting adjacent to a high power gas pipeline. Moreover, mitigation for fire danger is inadequate.

High Fire Hazard Area

The Project is located in a High Fire Hazard Area, adjacent to the Arroyo Burro Creek, as designated by Santa Barbara County Building Code Ordinance 4683. Within the past two years, two fires have erupted in the Arroyo Burro Creek area, including the Painted Cave Fire, which burned clear down to Hope Ranch, necessitating evacuation. The EIR's conclusion of no significant impact is not supported by substantial evidence.⁵⁹

Obviously, were fire to threaten the VVRC, it could have catastrophic consequences for the residents, visitors, staff and adjacent communities. Because the elderly population may suffer from mobility problems, because the region is a dry wood and brush area, because of the limited egress, fire danger would most certainly become more significant with the proposed project, yet this was not adequately addressed in the EIR or in responses to comments. The increased danger would affect not only VVRC, but also surrounding communities limited to the same few roads of escape. As Citizens pointed out in Letter No. 12, during the Painted Cave fire, Modoc was impassable.

High Pressure Gas Pipeline

Apparently in response to comments that the adjacent high pressure gas pipeline was not even mentioned in the draft EIR, the final EIR added a single sentence stating: "A high pressure gas

⁵⁸ See EIR p. 2-12 and Appendix A at p. 29

⁵⁹ See EIR p. 5.3-29

pipeline is located south of and adjacent to Torino Drive in the vicinity of the Rutherford parcel portion of the project site.”⁶⁰ The EIR does not provide any information that would enable public officials or the public to evaluate the risks involved in increasing population near the pipeline such as the age of the pipeline, its construction, the leak history of the pipe, the geography, whether the pipeline has automatic shut-off valves, the status of inspections, whether a robotic device called a “smart pig” can be and is used to evaluate corrosion, and other precautions adopted by the pipeline’s owner.

The EIR later dismissed concerns about the pipeline because pipeline explosions are relatively rare:

Recent events in the City of San Bruno have demonstrated that an accident involving a high pressure natural gas pipeline can have a catastrophic effect. However, the likelihood of such an event occurring is extremely low. Such a high consequence but low probability event is not considered to have a significant impact on the proposed project because the project would not increase the potential for an accident to occur and would not substantially increase the effects of an accident should one occur during the lifetime of the proposed project.⁶¹

This response is inadequate and untrue. The EIR offers no evidentiary support or any analysis for the statement that the likelihood of such an event is extremely low. The news media have been rife with recent stories highlighting the increasing likelihood of fatal explosions because many utilities have “resisted implementing recommended safety measures.”⁶² Similarly, the assertion that the project would not substantially increase the effects of an accident should one occur is nonsensical. Should such an accident occur, the increased danger to the residents, visitors and staff at Valle Verde and in surrounding communities would be exacerbated by the increased numbers of people and vehicles trying to evacuate. The fact of a large elderly population which would likely include people with mobility limitations or who were unable to react swiftly in a time of danger would increase danger to themselves and those around them.

In light of recent events at San Bruno, declaring this hazard insignificant without further analysis undermines the entire purpose of CEQA, which is to analyze and, where feasible, mitigate environmental impacts *before* a project is built. The City has only to look to recent events in Japan to realize that planners must consider not merely the most predictable consequences of project approval, but also unlikely yet catastrophic events that may happen with little warning and severe consequences. Certainly prior to March 27, the likelihood of an earthquake, tsunami and resultant damage to the Fukushima Daiichi nuclear power plant were considered unlikely. The City cannot so easily claim that expansion of a facility for elderly citizens with very limited access in the hills of Santa Barbara adjacent to a high pressure gasline and wood and grassland area does not substantially increase the effects should such an accident occur. This potentially

⁶⁰ See EIR §4.1

⁶¹ See EIR § 8.1.2

⁶² See “Recent major natural gas explosions could have been prevented,” Homeland Security News Wire (Apr. 4, 2011), attached as Exhibit A to this comment letter.

catastrophic environmental hazard must be better analyzed, accurate information must be provided, and mitigation measures must be addressed before project approval.

Because the EIR underestimated the significance of both fire and explosion hazards, it also underestimated the significance of impact on public services for fire, paramedic, and other emergency vehicles. The EIR should reassess actual impact of the Project in light of actual fire danger, proximity to a high power gas pipeline, limited access, and the elderly population. Once the actual significance of impact is reassessed, feasible mitigation must be re-evaluated.

D. Land Use Impacts/Compatibility

Numerous comments have already addressed the noticeable problem in this EIR that land use impacts such as compatibility with the surrounding area appear to be inadequately assessed. The EIR acknowledges that the VVRC has been operating since its inception pursuant to a conditional use permit, and that in order to construct the proposed project several waivers of zoning ordinances must be approved. Yet land use considerations appear to be addressed, if at all, under other impact areas rather than identified and addressed separately, as required by CEQA and the City.

Letter #13, points out several inconsistencies: with Zoning Ordinances (setbacks and density); Biological Resource Policy 4.0 in the City's General Plan ("Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible."); City Charter section 1507 (land development shall not exceed available services and resources). Other comments have pointed out the inconsistency of an ever-growing mixed use facility spreading through a single-family residential neighborhood abutting parkland and sensitive open space as well as grading of hillsides with slopes greater than 30% in conflict with the Visual Resources Policy 2.1.

A project that conflicts with applicable plans or policies designed in whole or part to protect the environment has a potentially significant environmental impact under CEQA, yet these inconsistencies have been inadequately addressed by the EIR and its responses to comments.⁶³

E. Cultural Resources

Prior to European contact, Santa Barbara was occupied by the Chumash. Evidence points to occupation by these Native Americans for the past 9,000 years or possibly more. Archaeological evidence of Chumash civilization has been found in numerous locations in Santa Barbara, including burial sites with human remains.

In accordance with CEQA and City environmental review guidelines (City of Santa Barbara Master Environmental Assessment ("MEA"), *Guidelines for Archaeological Resources and Historic Sites and Structures*) a proposed project would have a significant impact on cultural resources if it would cause a substantial adverse change to an important archaeological resources or disturb any human remains. Further, a significant effect on the environment may occur when

⁶³ CEQA Guidelines App. G§IX(b); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 930.

an important or unique archaeological resource is physically demolished, destroyed, relocated, or altered.

Under the MEA *Guidelines*, archaeological resources must be evaluated qualitatively by archaeologists. First, existing conditions on a site must be assessed to identify whether important or unique archaeological resources exist. If important archaeological resources exist on the site, project changes must be evaluated to determine whether they would substantially affect these important resources. As with other significant impacts, an EIR must analyze significant impacts to archaeological resources.

Here, the City appears to have cut corners in approving the Project which will affect previously undeveloped land, the type of land on which it is most likely that archaeological resources may be found which have been relatively unaffected by the long history of development.

The comment letter of Frank Arredondo submitted to the Planning Commission on April 14, 2011, highlights serious deficiencies in the EIR and City's process dealing with potential impacts on archaeological resources. Mr. Arredondo (Ksen~Sku~Mu) is an active member of the Coastal Band of the Chumash Nation, a former director of its board, and he is listed on the Most Likely Descendant (MLD) list for the Chumash Territory and the Native American Contact list with the Native American Heritage Commission.

Mr. Arredondo's letter notes that the Project is located in areas known to be once inhabited by prehistoric Chumash and several village sites and settlements have been found in areas nearby. Burial grounds have been found at similar sites. This information triggers, at minimum, a duty on the part of the City to investigate whether the Project may affect subsurface burial sites.

According to the FEIR:

Archaeological Resources: A portion of APN 049-040-053 and -054 are within a Prehistoric Sites and Water Courses Sensitivity Zone. Development proposed in these areas involves the construction of residential units, parking areas and various common area facilities, including an addition to the Administration Building. An intensive field survey of the entire property, including shovel scrapes in areas of less ground surface visibility, was performed by Stone Archaeological Consulting. No prehistoric or historic cultural materials were identified.

As detailed by Mr. Arredondo, the City's inquiry was inadequate. Although the FEIR stated that an intensive field survey was conducted on December 20, 2008, the City failed to provide a copy of the 2008 survey upon request and no such survey could be found in the City's administrative file. The City referred Mr. Arredondo to the Central Coast Information Center (CCIC). CCIC maintains the California Archaeological Inventory for San Luis Obispo and Santa Barbara Counties and is situated at the Department of Anthropology, University of California, Santa Barbara. However, the 2008 report was not in CCIC's files either. All Mr. Arredondo was able to review was a 2003 report that was in the City's project file as well as in the records of CCIC.

The City's failure to provide a document for public review upon request undermined and invalidated the CEQA process by preventing informed public comment on the findings of the 2008 study upon which the EIR relied.

Mr. Arredondo examined the 2003 archeological report and found it wanting for several reasons. The 2003 study was prepared before the development proposal took its current shape and did not survey the same building footprints in the current project. No phase 1 archeological resources report (or report confirming the nonexistence of archeological resources) was prepared for the southern parcel of the Project where new building footprints were proposed when project plans were revised in 2007.

The shovel scrapes conducted for the 2003 report took place in an area that is now defined as open space. The most that the 2003 report could conclude from these shovel scrapes was that no prehistoric or historic cultural materials were found in what is now projected to be open space, but not whether the same conclusion would apply to the areas where construction will now take place.

Mr. Arredondo's letter details the runaround he received when he attempted to obtain access to whatever more recent archaeological reports the City had in its possession. Local agencies, such as the City, are required to cooperate with the state Native American Heritage Commission (NAHC) and must furnish appropriate sections of their EIRs to the Commission.⁶⁴ Ironically, the FEIR includes a comment from NAHC, identifying Mr. Arredondo as an interested Native American who wished to be contacted when development projects took place within areas of identified and documented archaeological sites. This Project is located in the boundaries of CA-SBa-1530 and on the City's MEA *Cultural Resources Sensitivity Map* and identifies a portion of APN 049-040-053 and 054 within a Prehistoric Sites and Water Course Sensitivity Zone, and should have qualified for consultation with Mr. Arredondo as NAHC advised. Further, under the MEA *Guidelines*, "copies of archaeological report are available for review to Local Native Americans who have concerns about the physical remains of their heritage." Although Mr. Arredondo has credentials that establish he is an appropriate person to receive access to sensitive archaeological documents regarding this Project, the City did not cooperate, effectively and inappropriately evading review by any representative of the Chumash Nation.

The City's failure to permit Mr. Arredondo to review the archaeological reports upon which the City relied was ill-considered. The result is an EIR that cannot be certified without violation of the MEA *Guidelines* as well as CEQA.

III. Revision and Recirculation of the EIR Is Required

The substantial deficiencies in the EIR and responses to comments explained above, in addition to others submitted by concerned experts and public, warrant re-analysis and revision of the EIR. Once revision occurs, the Planning Commission should recirculate the EIR.

⁶⁴ See Pub.Res.Code § 5097.95.

The agency in charge is required to recirculate an EIR when significant new information is added to the EIR after the draft EIR has been provided to the public but before certification.⁶⁵ Examples of significant new information requiring recirculation

- 1) A new significant environmental impact would result from the project or from a new proposed mitigation measure;
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to insignificant;
- 3) A feasible project alternative or mitigation measure considerably different from those previously analyzed would clearly lessen the significant environmental impacts of the project, but the project proponents declines to adopt it;
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that public review and comment were essentially meaningless.

The Project will have numerous highly significant impacts that are not adequately disclosed, analyzed, or mitigated in the EIR. Based on the severity of the EIR's errors and omissions, the EIR should be supplemented to address the issues identified above and re-circulated to allow for public review.⁶⁶ Without these revisions, the EIR is inadequate under CEQA and should not be relied upon by the Planning Commission for approval of the Project.

IV. Conclusion

As illustrated above, inadequacies in the EIR are substantial; left unchanged, this Project could create significant adverse environmental impacts to the City of Santa Barbara, and its human, plant and animal inhabitants. The residents and the City of Santa Barbara will have little opportunity for recourse if this appeal is denied. As such, UHW and FVV respectfully request the City Council grant the appeal and require revision and recirculation of the EIR to address our concerns and those raised by other experts and community members.

Thank you for considering our appeal.

Sincerely,



Theodore Franklin

127734/618146

⁶⁵ CEQA Guidelines § 15088.5 (a)).

⁶⁶ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal App. 4th 1184.

THIS DOCUMENT HAS A COLORED SECURITY BACKGROUND. DO NOT CASH IF THE WORD "VOID" IS VISIBLE. THIS PAPER HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE AND IS ALTERATION PROTECTED.

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General Fund
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Oakland, CA 94612
510-251-1250

Union Bank
Labor Management Deposits-North
400 California St., SF, CA 94104

11-49-7/1210

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4/19/2011

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SANTA BARBARA CITY CLERK
CITY HALL, DE LA GUERRA PLAZA
735 ANACAPA STREET
SANTA BARBARA, CA 93101

Debra Brown
Rebecca Malley

⑈00185208⑈ ⑆121000497⑆ 3450007438⑈

**CITY OF SANTA BARBARA
CALIFORNIA**

DIVISION: CITY CLERK'S OFFICE **A 79660**

Date April 25, 20 11

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for Appeal of Planning Commission Decision

re 900 Calle de las Amigas

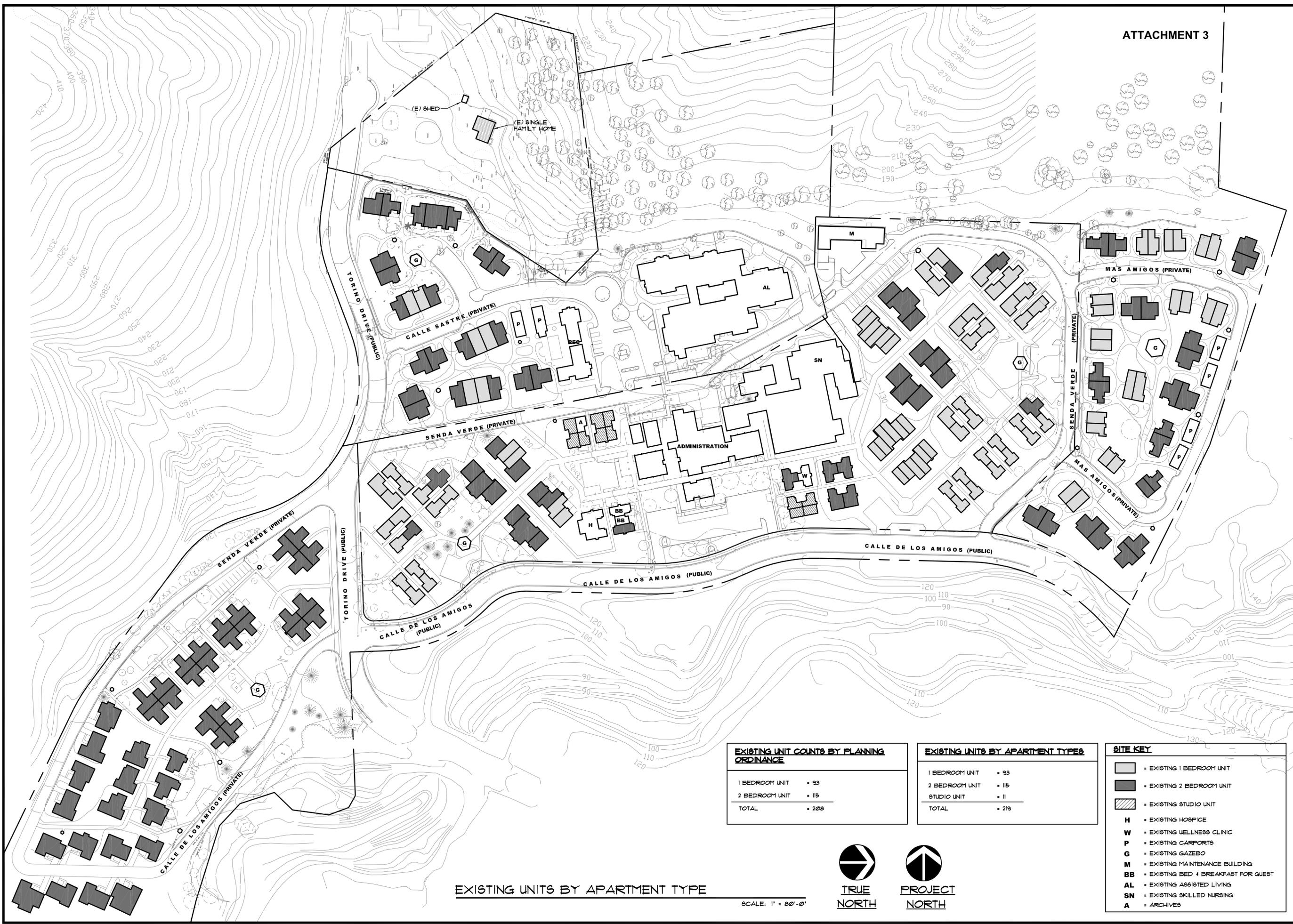
\$ 430⁰⁰/

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By Brenda Alcazar

Title Deputy City Clerk



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Interior Design

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Valle Verde Retirement Community
900 Calle De Los Amigos
Santa Barbara, CA
EXISTING UNITS BY APARTMENT TYPE

EXISTING UNIT COUNTS BY PLANNING ORDINANCE

1 BEDROOM UNIT	= 93
2 BEDROOM UNIT	= 115
TOTAL	= 208

EXISTING UNITS BY APARTMENT TYPES

1 BEDROOM UNIT	= 93
2 BEDROOM UNIT	= 115
STUDIO UNIT	= 11
TOTAL	= 219

SITE KEY

- [Light Gray Box] = EXISTING 1 BEDROOM UNIT
- [Dark Gray Box] = EXISTING 2 BEDROOM UNIT
- [Hatched Box] = EXISTING STUDIO UNIT
- H** = EXISTING HOOPICE
- W** = EXISTING WELLNESS CLINIC
- P** = EXISTING CARPORTS
- G** = EXISTING GAZEBO
- M** = EXISTING MAINTENANCE BUILDING
- BB** = EXISTING BED 4 BREAKFAST FOR GUEST
- AL** = EXISTING ASSISTED LIVING
- SN** = EXISTING SKILLED NURSING
- A** = ARCHIVES

EXISTING UNITS BY APARTMENT TYPE

SCALE: 1" = 20'-0"



Revisions
Project# 03061
Project Manager K. Nolan
Date Drawn
Scale AS NOTED
Print Date



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: April 7, 2010
AGENDA DATE: April 14, 2011
PROJECT ADDRESS: 900 Calle de los Amigos (MST2005-00742)
 Valle Verde Retirement Community
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *AKD for DYK*
 Peter Lawson, Associate Planner

I. INTRODUCTION

The Valle Verde Retirement facility is licensed by the State both as a Residential Care Facility for the Elderly and a Skilled Nursing Facility. Since 1965, when the first phase was constructed, the use of the site has included independent living and 24-hour care for seniors. The approved development consists of up to 254 independent living units (defined as each independent unit with kitchens or studios sharing a common kitchen), a skilled nursing building with 80 beds, an assisted living building, common dining areas, recreational common rooms, bed and breakfast, and administrative and maintenance buildings. All of the development was approved through four permits. Other uses and services include but are not limited to: recreational activities, a beauty salon, a wellness clinic, a library and crafts areas. Activities at Valle Verde include, but are not limited to art classes, continuing education, seminars and college alumni meetings, which are attended by both Valle Verde residents and members of the surrounding community. Also, on an intermittent basis, Valle Verde provides meeting rooms to community groups, such as local homeowner associations, or other local groups.

The proposed Conditional Use Permit Amendment will not only include the development described below in Section II, Project Description, but will also incorporate all of the existing development and uses in this permit. The existing development is defined as all of the development that currently exists on the site. The attached conditions of approval include a project description that is the sum total of all of the existing development and the proposed development in this amendment.

II. PROJECT DESCRIPTION

The proposed project would be for an amended Conditional Use Permit (CUP) for additions and remodeling to the facilities at the Valle Verde Retirement Community facility. The CUP would also expand to encompass an adjacent parcel, known as the Rutherford Lot. The project would involve the demolition of 3 independent living residential units (defined as each unit containing a kitchen), and the construction of 40 new independent living residential units for a net increase of 37 new independent residential units. The existing 11 studio units (defined as a shared kitchen among the units per

building) would be reduced to 7 units with the demolition of 4 units. When combined with the existing on-site residential development, the project would result in 246 independent living units (each with kitchens) and 7 studios (shared kitchens) for a total of 253 units.¹

Project components involving the support facilities for the residents would include a two-story addition to the Administration building, where a 4-room bed and breakfast and a small banking office would be located. The existing 2-room bed and breakfast, currently located in a former independent living unit would be demolished. The Assisted Living facility would include an addition for four new beds, and the Dining & Multi-Purpose Building would be remodeled along with minor additions totaling 1,300 square feet. The existing 4,348 square foot Maintenance Building would be demolished and a 5,642 square foot new maintenance facility would be constructed. A total of 15,172 square feet of support facility additions would be constructed among four buildings.

Several of the existing parking areas on the project site would be reconfigured for dedicated residential, visitor and employee parking, and would provide a total of 83 new parking spaces. A parking permit program would be implemented to track the residential and employee parking. After project implementation, a total of 414 parking spaces would be provided on the project site. A new driveway from the Rutherford Lot would provide access to eight of the proposed residential units proposed on that lot. The project would include a development restriction of a 9.8-acre oak woodland area on the western portion of the project site. The project also includes a minor Lot Line Adjustment between two parcels owned by Valle Verde. See Attachment E for description of existing square footage, demolition, additions and total new square footage.

III. REQUIRED APPLICATIONS

The discretionary applications (see Attachment D for a detailed description of Modifications) required for this project are:

1. Modifications to allow less than the required front setback for proposed Unit 6 along Torino Drive, and for proposed development along Valle Verde's private roads (SBMC § 28.92.110.2);
 - Unit number 6 would be located within the required 30 feet setback from Torino Drive, a public road.
 - All other reduction of front setbacks would be from Valle Verde private streets.
2. Modifications to allow less than the required distance between buildings for some of the proposed development (SBMC § 28.92.110.2)
3. Modifications to allow less than the required interior yard setback for some of the proposed development (SBMC § 28.92.110.2).
4. An Amended Conditional Use Permit to allow additional dwelling units and additions to support buildings for a retirement community (SBMC §28.94.030.R); and

¹ The baseline number of existing independent living units has decreased since preparation of the EIR. A Substantial Conformance Determination was approved in 2000 that allowed units to be combined, but did not specify a time limit to complete the project. Thus, units were combined during the environmental review process which reduced the unit count.

5. Approval of a Lot Line Adjustment to allow an exchange of land between APNs 049-440-015 and -016, which would result in a decrease of APN 049-440-015 from 3.6 acres to 3.4 acres and a corresponding increase of APN 049-440-016 from 11.5 to 11.7 acres (SBMC §27.40).

IV. RECOMMENDATION

With approval of the Modifications, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission certify the Environmental Impact Report and approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.

Vicinity Map



V. SITE INFORMATION

A. SITE INFORMATION

Applicant: Cameron Carey, Tynan Group, Inc	Property Owner: American Baptist Homes of the West
Parcel Number: 049-040-050, -053, -054, 049-440-015, -016	Lot Area: 59.75 acres
General Plan: Residential, 1 Unit/Acre, 5 Units/Acre	Zoning: A-1, E-1, and E-3
Existing Use: Retirement Community Facility (skilled nursing & independent living)	Topography: 3% - 32%
Adjacent Land Uses: North - La Cumbre Country Club South - Residential	East - Hidden Valley Park, Arroyo Burro Creek, Residential West - Vacant, Residential

VI. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance		Existing		Proposed	
	A-1	E-1	A-1	E-1	A-1	E-1
Setbacks						
-Front	- 35'	- 30'	- 200'	- 20' - 25'	- 7' - 20'	- 12' - 30'
-Interior	- 15'	- 10'	- 130'	- 5' - 10'	- 13'	- 12' - 14'
-Rear	N/A	N/A	N/A	N/A	N/A	N/A
Building Height	30'	30'	20'	20'	- 15-20'	- 15 - 26'
Parking	Independent Living - 1/unit Skilled Nursing - 0.5/unit		331 total		414	
Lot Coverage:						
-Building	N/A		271,910 s.f.	10.45%	330,789 s.f.	12.70%
-Paving/Driveway	N/A		487,094 s.f.	18.71%	518,508 s.f.	19.93%
-Landscaping	N/A		829,129 s.f.	31.86%	808,841 s.f.	31.08%
-Open Space	N/A		1,014,514 s.f.	38.98%	944,572 s.f.	36.28%

Note: Because the site is developed with multiple buildings, all numbers are an average. There are two anomalies: 1) The existing A-1 area is developed with a single-family residence in the middle of a 3 acre parcel, there is no other development. 2) The administration building is proposed to be two stories and a height of 25 feet. All other development would average between 15 and 17 feet.

The retirement facility is allowed with the residential zone districts with the approval of a Conditional Uses Permit. The proposed project would meet the requirements of the A-1 & E-1 Zone, with the exception of Modifications for a front setback along Torino Drive, interior setback for three units and building separations.

VII. ISSUES

A. PERMIT HISTORY

One of the overarching issues associated with the Valle Verde project is the lack of clarity in the permits issued for each phase of development (Exhibit F). Valle Verde was constructed within a former walnut orchard in mid-1960. Permits at that time were very general, and there were very few conditions for each permit. The first permit was based upon a prescribed number of residents and staff, and not the number of units. Subsequent permits assisted staff in determining the number of units originally permitted. The first phase of development included a mix of independent living units and a skilled nursing care facility.

Through the ensuing years, some of the independent units were converted to other uses, such as storage facilities for records or a wellness clinic. In the past decade, several one-bedroom living units were combined to create two bedroom units through a Substantial Conformance Determination; however, not all of the approved conversions have been completed. The definition of a studio has also changed over time. The first permits described living units as one-bedroom, two-bedroom or studios, implying that all would have kitchens. The current configuration of the studio units is one bedroom, one-bath efficiency units where the units share a common kitchen area. In some cases a few of the studios were combined, creating larger studios, which would result in some buildings containing three units.

Additionally, the layout and use of the common buildings has evolved over time. A few rooms in the assisted living area were converted to: dining area expansion, offices or storage units, thereby reducing the number of beds below the maximum allowed under the permit. Activities for the residents have evolved over the years. In the past, the residents left the campus to attend events; however, with the addition of common facilities, more events now occur on the campus, which include both the residents and the community.

In 1976, an arts and crafts building, a lounge and dining facility were added to the Valle Verde campus, and in 1984 a recreation building, along with additions to the dining complex were constructed. All of these facilities are used predominately by the residents, and activities include painting, college alumni gatherings, and other types of meetings. Each of the activities reflect the interests of the residents, and evolve over time as new residents arrive. These interests are also shared by the community outside of Valle Verde, and attendees of the activities include a mixture of Valle Verde residents and members of the public. Finally, on an intermittent basis Valle Verde provides its facilities to groups that need an area large enough to meet. Fees are typically collected only if food service is provided. Use of the facilities by outside groups is self-limiting since the facilities are used on a daily basis by the residents.

What is certain is that the number of independent units constructed on the campus has declined, as have the number of beds in the assisted living and skilled nursing facilities. The goal of the amended CUP is to clearly quantify both the existing and proposed number of living units, skilled nursing beds, assisted living beds, number of parking spaces and community activities. Additionally, conditions are included in the amended CUP that assist in defining the responsibilities of Valle Verde to minimize impacts on the neighborhood.

B. DESIGN REVIEW

This project was reviewed by the ABR on three separate occasions (meeting minutes are attached as (Exhibit G). On January 26, 2009, the ABR stated that the project is headed in the right direction. The Board appreciated the increased setback of the development from the common lot line with Hidden Oaks, beyond the requirement of the Ordinance. The Board supported the Modifications between the buildings and the Modification to reduce the setback from Torino Drive for unit number 6 (located on the Rutherford Lot). The ABR also felt that the location of unit number 6 would provide more room for the wildlife corridor between Hidden Oaks and the proposed development. The Board wanted the reconfigured parking lot in front of the Administration Building to comply with the Zoning Ordinance for finger planting. The Board reserved the right to review more closely the architectural design during the next review phase.

C. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element

The proposed project is located within the Hidden Valley neighborhood, which is bounded by the 101 Freeway on the north, Hope Ranch and Arroyo Burro Creek on the south and west and Veronica Springs on the east. The Land Use Element describes this area as mostly built out with single-family residences and duplexes. The description acknowledges the two retirement facilities, Vista del Monte and Valle Verde, in this neighborhood, but makes no further comment.

Open Space Element

The Open Space Element neither designates nor discusses this site as open space or open land. The Major Hillside Designation boundary is located south-west of the project site and does not extend onto the project site. Hidden Valley Park is located along the northeastern boundary of the project site. This 15-acre park is partially developed with a lawn, barbeque facilities and children's play area, and partially left in it's natural state of creek side habitat. Valle Verde dedicated land for this park in 1965 as part of the first phase approvals of the development. The project would be consistent with this Element because there would be minimal development within the vicinity of the park and the project would include a development restriction of open space along the steeper slopes of the project site.

Conservation Element

The proposed project would be consistent with the Conservation Element. As discussed under the environmental review section, an archeological survey was conducted of the site and no resources were discovered. Also discussed in the environmental review section, the additional development would not greatly affect visual resources. The project would include preserving open space² comprised of an oak forest on the steeper slopes of the site, consistent with the policies of this element.

² The open space includes both open space that was previously required to be dedicated under a previous permit but was not recorded, and the development restricted open space proposed as part of the current project

Noise Element

The project would be consistent with the goals and policies of the Noise Element. The area of greatest concern to the neighborhood is the Rutherford Lot. The proposed development of that lot is residential and located further from the interior lot line than required by the Zoning Ordinance. Because the site is proposed to be developed as part of a retirement community, there will not be typical early morning noise of traffic leaving the site. Construction operations would be limited to certain days of the week and daytime hours consistent the EIR mitigations, which are included with the conditions of approval.

Seismic-Safety Element

A soil report prepared for the proposed project, examined the areas of development on the Rutherford Lot, the service building and the residential units near the adjacent golf course. The report determined that the site is adequate for the proposed existing development. The majority of the development would not be located on steep slopes. The areas where development would occur on slopes greater than 20% are typically disturbed with development or were graded in the past. The Rutherford Lot includes fill material contributed partly by the development of the existing residence on this lot and the extension of Torino Drive. Per Building Code requirements, this material would either be removed or re-compacted as recommended by the soils report. Finally, as part of the building permit process the project will demonstrate compliance with the provisions of the Storm Water Management Plan requirements, which requires both treatment and control of runoff from additional impervious surfaces.

Valle Verde is not located within a mapped high fire hazard area. The brush and other natural vegetation on site are defined generally in the fire code as a hazard. Valle Verde currently manages the on site brush by clearing 100 feet or more from structures. As part of the project, a fuel management program was prepared, and is similar to the type of program prepared for a high fire hazard area, which includes clearance based upon zones measured from the edge of structures.

A high-pressure distribution gas line is located on a lot adjacent to Valle Verde and within the Torino Drive right-of-way. No development is proposed near this line. Any utility development within the right-of-way would require compliance with current State and local regulations, such as contacting DigAlert.

D. PARKING

Existing Development

A consistent concern raised by the neighbors is the lack of parking on site, and the impact to the adjacent street, Calle de los Amigos. Since the close-of-the-comment period for the EIR, the applicant provided an existing parking plan, which staff verified by counting all of the parking spaces with the applicant during a site visit. Staff has verified that 331 parking spaces are currently provided on the site; and those spaces do not include the eight parking spaces provided for Valle Verde service vehicles and electric carts.

The amount of parking on site exceeds the 269 parking spaces required by Ordinance. The amount of parking required by the permits is less clear. The 1974 CUP did not specify the number of parking spaces. However, when adding up all of the parking spaces required by the approved permits (328 parking spaces), it appears that the current number of parking spaces meets or exceeds the total estimated number of parking spaces required for each of the phases. It should be noted that 254 independent units were constructed on site under all of the permits, but that number now stands at 208 units³. The reduction in units resulted from some single bedroom units being combined, and units being converted to record and archive storage, a hospice, a bed and breakfast and other uses. For some of these uses, such as hospice, the parking demand is lower, or no parking is necessary.

Based upon staff's site visit to verify the number of parking spaces, as well as previous site visits, all during the weekdays, it is apparent that the parking layout does not promote employee parking on site. During each of the site visits, staff found that, while there were a number of vacant parking spaces throughout the campus, there was no specific employee parking area. None of the previous Valle Verde permits specified the designation of employee parking, only that an aggregate number of residents, staff, and visitor parking spaces shall be provided. The result is the employee seeking a parking space where they are comfortable to park their vehicle based on factors such as distance from their destination. Many of the employees work in the center of the campus. The on-street parking on Calle de los Amigos is unrestricted and somewhat near the center of campus. In many cases, the employee will park on the street, which is not prohibited by the previous permits.

Finally, another issue raised by the neighbors is the use of the site by outside organizations for public events. Documentation provided to staff by the neighbors, which was acknowledged by the Valle Verde director, states that organizations use Valle Verde facilities to hold meetings. The previous permits approved for Valle Verde do not include a specific prohibition on outside groups using the campus, and a larger facility typically includes some outside activity if the impacts on the neighborhood remain at a minimal level. Currently, the main parking impacts from Valle Verde appear to be generated from employee parking not being provided in specific areas that are large enough to accommodate a number of employees, as opposed to community activities. Finally, based upon recently raised neighbor concerns, Valle Verde has provided valet parking service for some events and used the nearby church parking lot for the community event attendees.

Proposed Development

Concerns were raised that not enough parking is being provided for the proposed project and that they need to address the existing parking concerns. The project, as proposed, would add independent living units, skilled nursing beds, and increases to the square footage of the support facilities. Parking is provided for all of these additional uses, including the five additional employees, which is not required by the Zoning Ordinance.

³ Since the start of environmental review, the number of units was further reduced from the 213 units stated in the EIR. This reduction was allowed under a previously approved substantial conformity determination.

In addition to the proposed new development of the site, the project also includes reconfiguring the existing parking areas to provide specific employee and visitor parking lots. The employee lots would be centered around the areas where the employees check in, and also where the majority of the employees work, which is the skilled nursing facility and the dining areas. Visitor parking areas would be provided in small clusters throughout the entire campus, including on the Rutherford Lot. These visitor spaces would also allow room for the campus service vehicles to park while working on, around, or in one of the independent living units. The parking reconfiguration should provide a noticeable decrease on street parking.

This amended CUP also includes a requirement that a parking sticker program shall be implemented, and defines how the common buildings are used. Each independent unit shall be assigned one parking space and a parking sticker would be provided. Additionally, every employee that drives to the campus shall also be assigned a parking sticker. Valle Verde would maintain the program. With the parking sticker program and reconfigured parking areas, visitors to community activities would be able to park on site the majority of the time.

Community-based events that would not be fully accommodated on the project site would include memorial events for residents, emergency evacuation and elections. Both Calle de los Amigos and Torino Drive are both a total of 60 feet wide, designed to accommodate parking on both sides of the street, and have adequate travel lanes consistent with current street design standards. Historically Valle Verde is a designated polling place, which provides a service to not only the residents, but also the immediate neighborhood. Because elections average twice a year and with the increase in vote by mail, the inconvenience to the neighborhood would be minor. In regard to the emergency evacuations, local retirement facilities provide mutual shelter during emergencies, which are few and far between. One example is the residents of Wood Glen Hall were evacuated to Valle Verde for a few days during the Jesusita Fire.

E. NEIGHBORHOOD COMPATIBILITY & LAND USE

Valle Verde and the Hidden Oaks development comprise the neighborhood for purpose of compatibility determination. There are two access roads into this neighborhood, Calle de los Amigos and Torino Drive and each cross Arroyo Burro Creek. These two roads terminate in this neighborhood. Hope Ranch and La Cumbre Country Club, located the west and south of the neighborhood, is not accessed from these roads, but from Las Palmas Drive and Modoc Road, respectively.

Valle Verde began construction on the first phase off the campus approximately the same time the Plaza Marina Tract, located between Modoc and the eastern bank of Arroyo Burro Creek, was being built. Up until the mid 1980's there was no other residential development adjacent to Valle Verde common lot lines. La Cumbre Country Club borders the site to the north. Arroyo Burro Creek along with the park is located to the east and creates a buffer of more than 100 feet from the nearest residential development. To the west and north were open lands with agricultural remnants. In mid-1980, the Hidden Oaks PUD was constructed to the west of the project site and is comprised of two story, approximate 2,500 square foot homes, with three-car garages.

The development pattern of the Valle Verde campus has resulted in all of the residential units located around the edge of the property and the support facilities located within the interior. This layout has created an additional buffer for non-residential development from the adjacent residential development. The proposed development would continue to follow this pattern, with the new residential units located among the existing units, as well as located along the southern edge of the existing development. Further, the hospice building would be demolished and would be moved off site and the bed and breakfast units would be relocated to above the administration building. This would further consolidate the nonresidential uses to the interior of the site.

The proposed development on the Rutherford Lot has generated the majority of the comments. Ten units are proposed for the Rutherford Lot, and eight of the units would access Torino Drive through a new driveway. Neighboring property owners do not support the amount of development, the proximity of the development to their properties, view impacts to their property, and the new access to Torino Drive.

The Rutherford Lot is zoned A-1, one acre per dwelling unit. A Conditional Use Permit (CUP) could allow the additional units. However, as discussed in the CUP findings, the development would have to be equal to or less than the intensity of a single-family residence development or equal to or less than the intensity of the existing development. The peak development of Valle Verde was 254 units in the 1990's. Since that time, a number of units were combined or converted to other uses. Additionally, a 2002 Substantial Conformance Determination allowed up to 30 units to be combined, which could reduce the count by another 15 units. At the beginning of the environmental review for the current proposal, 213 independent living units were on site. Since that time additional units were combined, further reducing the number of units to 208. The additional 40 units would not exceed the intensity of the previously approved development.

The closest portion of the proposed development on Rutherford to the Hidden Oaks common lot line is the guest parking area, and it is 60 feet from the lot line, which is greater than the interior setback ordinance requirement of 35 feet. Additionally, the orientation of the guest parking area and most of the proposed units is toward Torino Drive and the existing Valle Verde development to the east rather than towards the Hidden Oaks development. Additionally, the finished floor elevation of the proposed development is lower than the adjacent development to the west by five feet or more and would not exceed one story. Since the development would be similar to the existing Valle Verde development and smaller in square footage and height than the Hidden Oaks development, and is residential in character, it is compatible with the neighborhood.

F. ENVIRONMENTAL REVIEW

As part of the scoping process for the Environmental Impact Report (EIR), an Initial Study was prepared, which determined the project impacts that rose to a level of significance that required further study in an EIR. While the scope of the EIR was limited to three impact areas, the initial study identified other project specific impacts that could be reduced to a less than significant

level through mitigation measures. Those mitigation measures are included in the conditions of approval.

A Draft EIR was prepared and circulated beginning on Monday, August 30, 2010, closing on October 18, 2010. The Draft EIR focused on three issues: Aesthetics, Biology and Transportation (traffic trips). All impacts were found to be significant, mitigable; less than significant; or not significant. No Class I impacts (significant, unmitigable impacts) were identified. All comments on the Draft EIR received during the comment period were evaluated and no issues were raised that resulted in amendments in the Draft EIR. The following is a brief discussion of each issue area analyzed in the EIR:

Aesthetics

Impacts to public views were evaluated for the Rutherford Lot. The proposed project would place ten units independent living units on this lot currently that is currently developed with a single-family residence. Photo simulations of the proposed development were provided, which viewed the site from different public viewing points. The analysis concluded that given the low number of potential viewers on Torino Drive, and the scale of the single story development, impacts were less than significant. The project must return to ABR for further review, which would include consideration the architecture of the adjacent development.

Biology

Biological impacts were the principle reason that the EIR was prepared. A fair argument was raised by a biologist regarding the boundary of the oak woodland habitat on the Rutherford Lot. The EIR evaluated all of the biological information submitted for the project, including the original biological report, and no Class I impacts were identified. The majority of the development would be located among the existing campus development. The development on the Rutherford Lot would occupy most of the former walnut orchard area and the rest of the development would be located at least 10 to 20 feet from the edge of the oak woodland. The project includes recordation of a development exclusion area for the majority of the oak woodland habitat, which also incorporates an exclusion area that was required under a previous permit, but was never recorded. Impacts on an existing oak woodland would be reduced to less than significant level.

Transportation (traffic trips)

For purposes of traffic analysis, the proposed project would add 33 net new senior independent residential units and additional skilled nursing beds. Five additional employees would staff the skilled nursing and dining facilities. Because of the type of housing being provided and the low number of new employees, no Class I impacts were identified.

The traffic study evaluated eleven intersections within the vicinity of the project site, including Los Positas Road/101 intersections. The preliminary analysis concluded that, due to the low traffic generation characteristics of the proposed project, the project would not have the potential to result in significant project-specific or cumulative impacts to seven (including Las Positas/101) of the intersections. Therefore, no further analysis of those seven intersections was required. The detailed analysis of the four remaining intersections identified in the traffic study

concluded that the project would not result in significant (Class I or Class II) impacts to those intersections

A number of concerns were raised during the public comment period that a one-mile radius around the project determined which intersections would be studied. The one-mile radius actually determined projects under development, recently approved or currently in the planning process for purposes of analyzing cumulative traffic impacts. This radius included projects such as the Sandman Inn, Hillside House and Elings Park, as well as smaller projects. The one-mile radius was only a starting point to identify cumulative development projects. Eleven of the fourteen projects are located beyond a one-mile radius of the project site but were determined to have the potential to send traffic trips to the intersections potentially affected by the Valle Verde project.

In addition to traffic impacts, other transportation related issues were examined which included sight distance from driveways and parking lots, emergency evacuation plans, short-term construction parking and facility parking. While the sight distances from all ingress and egress points were found to be adequate, a recommended mitigation to provide five feet of red curb on either side of the driveways was included. Valle Verde conducts emergency evacuation drills at least twice a year, consistent with State licensing agreements. Recommended mitigations address short-term impacts from construction and standard conditions of approval would address all other construction related impacts. The overall improvements to the parking facility for Valle Verde would not result in significant environmental impacts.

G. MODIFICATION – FRONT SETBACK

The proposed project includes a Modification to the front setback along Torino Drive. One unit proposed on the Rutherford Lot would be located in the front setback. The required setback is 35 feet and as proposed, the closest portion of the building would be 20 feet from the right-of-way. The Modification can be supported since the setback is similar to other existing development in the area. The proposed development would be single story, also similar to the existing development.

The proposed project also includes reducing front setbacks from the private streets located within the Valle Verde campus. On the Rutherford parcel, three units would be located within 7 feet of the new private road (Mesa Verde), instead of the required 35 feet. Mesa Verde is considered a road since it serves more than four residences. This reduction would be appropriate since this private road functions more as a driveway than a road, it is not a through road, there would be no development on the opposite side of road and the road would be located further from the adjacent Hidden Oaks development. The remaining front setback reductions would occur within the existing Valle Verde development and would follow the development pattern that was established over the four decades.

H. MODIFICATION – BUILDING SEPARATIONS

The project includes Modifications to the required building separation of 20 feet between main buildings. The separation between buildings varies based upon the configuration of the unit, with some portions of the buildings being approximately 10 feet apart, and others further apart.

On the Rutherford Lot, there are two units that are less than 20 feet apart. The scale of the proposed development is similar to the existing development, with the majority of the existing independent units being separated by less than 20 feet. Therefore, these Modifications would be appropriate.

I. MODIFICATION – INTERIOR SETBACK

The project site is comprised of five parcels. The existing private roads serving Valle Verde development follow most of the parcel lines. Under the proposed project, part of the proposed development would be located adjacent to the lot lines located along the sloped area of the parcel. Three units would be located with the required fifteen-foot interior setback. The encroachments would range from one to three feet. All Modifications to interior setbacks would reduce the setback from adjacent parcels owned by Valle Verde and therefore would be appropriate.

J. LOT LINE ADJUSTMENT

The proposed lot line adjustment would be between the Rutherford Lot (3.5 acres) and the adjacent, developed, Valle Verde owned parcel (10.77 acres). Based on the existing configuration of the lot lines, units 16 and 17 would straddle the lot line and unit 18 would be located immediately adjacent to the lot line. The reduction of the Rutherford Lot by 8,709 square feet would be minor, and would accommodate three units in the interior of the campus without requiring a Modification request. The Rutherford Lot would continue to comply with the Municipal Code requirement of 1 acre and the slope density requirement of 1.5 acres. The Lot Line Adjustment would not affect the required lot frontage of the parcels.

K. AMENDED CONDITIONAL USE PERMIT

The proposed project is requesting an amended Conditional Use Permit. The amendment would not only include the additional development being proposed, but would address issues with the current development. The amended CUP will incorporate all previous permits into one permit to provide more clarity.

The proposed parking configuration would alleviate a number of neighborhood concerns regarding impacts to surrounding public streets for both the existing and proposed development. The common buildings would be remodeled, and include small additions, but would continue to be buffered from neighboring residential parcels by the on site residential units. The proposed new residential units would comply with all current building codes to reduce demand on City resources and the existing units are being upgraded to comply with ADA requirements and more efficient utilities.

As discussed in this staff report, the primary neighbor concern is the development of the Rutherford Lot. Neighbors are concerned with the proximity of proposed development to their residences. The project includes components to buffer the new development from the adjacent residential development, such as orientation of the development toward the existing campus, using low level lighting, screening the private outdoor patios closest to the neighbors, greater than required setbacks, and limiting the development to one story.

VIII. FINDINGS

The Planning Commission finds the following:

A. FINAL ENVIRONMENTAL IMPACT REPORT (EIR) CERTIFICATION

Consistent with the California Environmental Quality Act Section 15090, Certification of the Final EIR, prior to approving a project the lead agency shall certify that:

1. The Final Environmental Impact Report for the Valle Verde project was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the Final Environmental Impact Report, along with public comment and responses to comments, and determined that the document constitutes a complete, accurate, and good faith effort toward full disclosure of the project's impacts and is an adequate environmental analysis of the project.
2. The Final Environmental Impact Report, dated February 2011, prepared for the Valle Verde project has been completed in compliance with CEQA.
3. The Final Environmental Impact Report for the Valle Verde Project reflects City of Santa Barbara Planning Commission's independent judgment and analysis.
4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based, is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.
5. A mitigation monitoring and reporting program (MMRP) is hereby adopted. Mitigation measures have been made enforceable through incorporation into the project description or are included as conditions of project approval.

Class II Impacts (Potentially Significant and Mitigated). Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record including the Final EIR.

- a. **Visual Aesthetics.** Removal of existing mature trees and additional development would affect the site's visual appearance. This impact would be reduced to a less than significant level by replacing each mature tree removed with an appropriate replacement tree, as determined by the City's Architectural Board of Review.
- b. **Biological.** Short-term impacts to wildlife could occur as a result of the project construction. Mitigations include survey for nests prior to construction, construction fencing, and designated equipment parking, which would reduce impacts to a less than significant level. Long-term impacts to the Oak Woodland habitat from the new development and

associated fuel management requirements could also occur. The project includes a revised fuel management program, an oak woodland restoration plan and standard conditions for lighting that manage lighting and direct it toward the ground, which would reduce impacts to a less than significant level.

- c. **Geophysical Conditions.** Components of the project are proposed to be located on steeper slopes and could be impacted by slope stability. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Soils Engineering Report for grading the site, directing drainage, as well as compliance with building code requirements that would minimize potential hazards associated with slope stability.
- d. **Hazards.** The project is not located within a high fire hazard area. However, there is heavy vegetation and non-native grasses within close proximity of the proposed development. Implementation of the revised fuel management program would reduce impacts to less than significant levels by reducing the fuel load and using a fire resistant construction techniques.
- e. **Noise.** Construction noise has the potential to impact adjacent residents. Mitigation measures to address construction hours, construction equipment sound, and noise barriers have been included and would reduce impacts to a less than significant level.
- f. **Public Services.** Construction and demolition activities required to implement the proposed project would generate a substantial amount of solid waste. This impact would be reduced to a less than significant level with the implementation of a waste management plan that would recycle the majority of the waste.

Class III Impacts (Less than Significant). The proposed project would result in a less than significant impact in the following environmental issue areas, as identified in the Final EIR. As applicable, Mitigation measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record including the Final EIR.

- a. **Air Quality.** Long-term impacts were considered less than significant. Short-term project-related grading and construction activities would result in fugitive dust and emissions from construction equipment that would be well below the established threshold of significance. Standard dust and emissions control measures to further reduce potential impacts are included as recommended mitigation measures and in the Conditions of Approval. Therefore, the project is anticipated to have a less than significant short-term air quality impact.

- b. **Cultural Resources.** The project involves ground-disturbing activities, which means there is a remote possibility of encountering unknown buried archeological deposits. The project site was surveyed to detect the presence of prehistoric and historic cultural materials. The survey did not detect the presence of any resources. Standard mitigation requiring contractor notification if resources are excavated would further reduce potential impacts.
- c. **Population and Housing.** The proposed project would provide 40 new dwelling units, resulting in a net gain of 33 dwelling units in the City and would have no significant housing- or population-related impacts.
- d. **Recreation.** The Valle Verde campus includes various on-site passive and active recreation opportunities for residents. Increases in park and recreation demand associated with the proposed project would be less than significant.
- e. **Transportation/Circulation.** Short-term construction related impacts could occur during construction. Recommended mitigations and standard conditions of approval for construction traffic and construction parking would further reduce impacts. The project would result in approximately five new employees and new senior housing. No long-term significant traffic impacts would result from the project. A recommended mitigation to prevent parking within five feet of all driveways would further reduce impacts.
- f. **Water Environment.** Through the recommended mitigations, which would be incorporated into the conditions of approval, less than significant short-term construction-related water quality impact would be further reduced to a less than significant level. All new development would be required to comply with the provisions of the Storm Water Management Program, which mandate that post construction runoff is equal to pre-construction runoff and runoff is treated prior to leaving the site, thus long term impacts would be less than significant.

Findings for the Fish & Game Code

An Environmental Impact Report has been prepared by the lead agency (City of Santa Barbara), which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The proposed project has the potential for adverse effects on trees and mature vegetation and associated wildlife during project construction. Mitigation measures have been applied such that any less than significant impacts would be further reduced. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

B. MODIFICATION FRONT SETBACK (SBMC §28.92.110.2)

The proposed Modification along Torino Drive to reduce the front setback from 35 feet to 25 feet is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. The reduction of the setback would not be out of character with the existing Valle Verde development or the adjacent Hidden Oaks development, because the unit that would be located in the front setback would be single story, similar to the existing Valle Verde development on Torino Drive.

The proposed Modification from the private streets with Valle Verde can also be found consistent the purpose and intent of the Zoning Ordinance. The proposed development along the private streets would follow a similar development pattern established over the four phases of the site development.

C. MODIFICATION DISTANCE BETWEEN BUILDINGS (SBMC §28.92.110.2)

The Modification to reduce the distance between buildings requirements is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. The existing development of the site includes reduced distances between buildings. The typical existing development is comprised of single story duplexes and triplexes, which does not create a crowded feel. The proposed Modifications between the buildings would be similar in nature. Typically, some of the buildings are at an angle to other buildings and only part of the building is closer than required to the other buildings.

D. MODIFICATION INTERIOR YARD SETBACK (SBMC §28.92.110.2)

The Modification to reduce the interior setback is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. Two units on the Rutherford parcel would encroach within one to two feet of the interior setback and place the development closer to the existing Valle Verde development. A third unit, located on the hillside above Sende Verde, would be placed three feet into the required setback. This location is appropriate since the unit would be located further from the Oak Woodland habitat and only affects Valle Verde interior lots.

E. LOT LINE ADJUSTMENT MODIFICATION (SBMC §27.40.040)

The parcels resulting from the lot line adjustment conform to the General Plan, and zoning ordinance and building code, and specifically satisfy all lot area, street frontage and setback requirements as described in Section VI of the staff report.

F. CONDITIONAL USE PERMIT

In keeping therewith, the Planning Commission may permit, by issuance of a conditional use permit, any of the uses specifically enumerated in Section 28.94.030 upon a finding that:

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the

Comprehensive General Plan; *The improvements and updated conditions of approval for the amended CUP will clarify the uses of the campus and improve the parking on site, thereby reducing parking on the public street. The project is consistent with the General Plan Elements, because it will not cause a significant traffic impact, the buildings will be a similar design to the existing development, and will provide an updated facility consistent with both local building code and state code for licensed retirement facilities.*

2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved; *The project site is located in an area that is somewhat buffered from the majority of the neighboring properties. Hope Ranch is adjacent to the site on two sides, Hidden Valley Park is on the eastern side and a dedicated open space is on the southern side. Hidden Oaks subdivision, a Planned Urban Development (PUD) is located immediately west of the Rutherford Lot, where ten of the proposed units will be located. Of the ten parcels, eight would have direct access onto Torino Drive. This public street was constructed in the mid-1980's and has a low traffic volume, since it only serves Hidden Oaks. The proposed units would be set further back from the common lot line than required by Ordinance and the clustering would be similar to the Hidden Oaks development.*
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. *The development of the Rutherford Lot includes one unit encroaching closer to the front setback line through a Modification request. However, the location of this development would be consistent with the front setbacks of the existing Valle Verde development of the project site and would not be adjacent to existing off-site neighborhood development.*
4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. *The applicant is providing additional parking for the proposed development. The project includes a reconfiguration of the existing parking lots and designating specific parking lots for employees, residents, and visitors. A parking program is proposed to be implemented to track the number of residents and visitors to ensure that vehicles are parked on site and not on the surrounding streets.*
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private,

public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title. *The proposed development is all single story, similar to the existing development, except for the addition to the administration building. The additions to the administration building would include a second story element for the four bed and breakfast units; however this second floor element would be in the center of the campus away from the public roads or off-site development. Open space is being dedicated as part of the project and along with a previously required, but unrecorded dedicated open space, a total of 9.8 acres of oak woodland would be provided. Finally, the project was reviewed on several occasions by the Architectural Board of Review and the Board found the project was moving in the right direction.*

Compliance with any additional specific requirements for a conditional use permit:

Section 28.94.030.R.2 states that for existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this Ordinance requesting an alteration or modification, in addition to the findings required under Section 28.94.020 (stated above), the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

6. The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official. *The proposed project was reviewed as part of the application process. The project will be required to apply for a building permit and representatives of the Fire Department and the Building Department will review the project for consistency with the applicable codes. The review will encompass all aspects of the project, including emergency access, ingress and egress of the parking areas and location of parking spaces.*
7. The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use. *The project would be consistent with both scenarios of this finding. Water usage for the proposed residential uses on the site would be less than what would be necessary to supply two single-family residences⁴, each located on one and one half acres⁵. Because the use of the site is senior housing, peak hour traffic trips would be less than a typical residential development and all parking can be accommodated on site in the attached garages and surface parking lot.*

⁴ Water usage for two single family residences each on a parcel greater than one acre is 2,88 acre feet/year and for 10 senior units is 1.2 acre feet/year.

⁵ Because of slope density and the A-1 Zone District with a minimum one acre parcel size, the 3 acre site would result in two parcels at 1.5 acre.

9. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use. *The portion of the proposed development located closest to the adjacent residential use will be similar in use and intensity because it will be residential use. There will be a greater separation between the residential units and the adjacent properties than required by Ordinance. All of the core support buildings (i.e. dining areas, wellness clinics, recreational facilities, etc.) will remain in the current location and would not expand any further toward the adjacent residential properties.*

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated April 5, 2011
- D. Modification Table
- E. Existing & Proposed Development Table
- F. Current Conditional Use Permits
- G. ABR Minutes dated January 26, 2009
- H. Draft Final Environmental Impact Report (provided under a separate cover)

PLANNING COMMISSION CONDITIONS OF APPROVAL

900 CALLE DE LOS AMIGOS
AMENDED CONDITIONAL USE PERMIT, MODIFICATIONS, & LOT LINE ADJUSTMENT
APRIL 14, 2011

In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Fish and Game fee immediately upon approval of the land use applications. Delays in payment will result in delays in filing the required Notice of Determination.
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee at the time of submittal for either a Building or Public Works permits.
4. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
5. Record any required documents (see Recorded Conditions Agreement section).
6. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development approved by the Planning Commission on April 14, 2011, as shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara, is limited to the following:

An amendment to the Conditional Use Permit for the Valle Verde project to allow the following land uses:

- a. 246 Independent Living Units (separate living units with individual kitchens and no more than two bedrooms).
- b. 7 Studio Units (multiple attached living units of no more than one bedroom each sharing a common kitchen)
- c. A 2-story, 6,870 S.F. Administration Building which includes within the footprint:
 - (1) 1st story - Administrative offices, conference room and a resident bank office. (5,045 S.F.)
 - (2) 2nd story - 4 Bed and Breakfast units each with full bath & wet bar (1,825 S.F.)
- d. A 4,923 s.f. Poolside Lounge, which includes a library, a lounge, resident resale room (La Tienda room) with annex, a storage area, a laundry area and bathrooms with shower facilities.
- e. A 13,764 s.f. Dining complex, which includes a 351 seat multi-purpose/theater/aerobic room, a lobby area, a 12 seat chapel, a kitchen, bathrooms, a dining hall that includes a 32 seat formal dining alcove, a 679 s.f. outdoor patio dining area, a 110 seat main dining area, and a wellness center.
- f. A 2,658 s.f. Beauty Salon building, which also includes a staff room lounge, an outdoor staff area (with designated smoking area), a conference room (Santa Barbara Room), and a store for the residents (Country Store).
- g. A 2,646 s.f. social room, which includes a card/conference room, a business office with help desk, 8 seat deli & lounge area, and bathrooms.
- h. A 28,558 s.f. 80 bed Skilled Nursing building.
- i. A 33,401 s.f. 48 bed Assisted Living building, which also includes a 44 seat dining area with kitchen, a lounge, an art room, a fitness room and staff office area.
- j. A 2-story 5,899 s.f. Maintenance Building:
 - (1) 1st Story – Hobby shop, maintenance shop, landscape storage, and remodel storage. (4,099 s.f.)
 - (2) 2nd Story – Maintenance staff offices, meeting room and file storage. (1,800 s.f.)
- k. A 252 s.f. Laundry room with a storage room and bathroom.
- l. A 8,079 s.f. open air plaza including café seating & bbq trellis
- m. Five gazebos totaling 3,175 s.f. with a restroom, storage & janitor/laundry area. Four gazebos have indoor seating with exterior open air seating.
- n. A 588 s.f. storage area

- o. 414 Parking spaces.
- p. Dedication of 9.8 acres of Oak Woodland habitat to remain undeveloped.
- q. New access driveway onto Torino Road.
- r. A Lot Line Adjustment which would result in APN 049-440-015 being 3.4 acres and APN 049-440-016 being 11.7 acres.

Note: The square footage of items e. (Dining Complex), h. (Skilled Nursing) & i. (Assisted Living) are accurate within a factor of 10% + or -. In the event more substantial renovations occur in any of these buildings in the future, a more thorough evaluation of the building square footage shall be provided. This approved development includes the total of all the development requested under the Conditional Use Amendment, along with all of the existing Valle Verde development.

The uses allowed in this amendment to the conditional use permit are expressed as maximum limits. The amended conditional use permit supersedes all prior conditional use permits for the Valle Verde project.

2. **Development Rights Restrictions - Oak Woodland.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans in order that those portions of the Real Property remain in their natural state. This area shall encompass one area of the oak woodland habitat totaling 9.8-acres. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the site plan. The only exception to activity in this restricted area is fuel management as prescribed under the approved fire clearance plan and restoration of the area as described in a habitat restoration plan. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is

removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

6. **Oak Tree Protection.** The existing Oak trees shown on the Tree Protection Plan & Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008). See Condition D.2.d. for further detail on tree protect and also the copy of the Spiewak report, which shall be attached to the recorded conditions as an exhibit.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
8. **Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
9. **Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structures shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect and in compliance with the underlying residential zone district.
10. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the south-eastern area, which drains directly into Arroyo Burro Creek.
11. **On Site Employee Amenities** – On site employee amenities shall be maintained for the life of the project which include break room areas, outdoor seating areas and smoking areas.
12. **On Site Residential & Employee Permit Parking Program.** Valle Verde shall create a residential and employee permit program with the purpose that all residents and employees shall park on site. Valle Verde shall maintain the program with the name of the resident or employee, the make and model of the car, and license

number. Records shall be maintained by Valle Verde staff and be provided to City staff as needed to ensure compliance with this condition. The program shall include the following components:

- a. All residents of the independent living units and studios shall participate in the Permit Parking Program. Each independent residential living unit and studio unit shall be issued one (1) parking sticker.
 - b. In the event a resident moves out of an independent living unit or a studio, the automobile shall be removed off site to a designated storage area or other appropriate location that is not in the public right-of-way and the permit forfeited.
 - c. Designated residential parking spaces shall be clearly marked on wheel stops or other such signage.
 - d. All employees shall be issued one (1) parking sticker. All employees shall park on-site, and Valle Verde staff in charge of maintaining the parking program shall ensure that employees are using the on site parking spaces.
 - e. Designated employee parking lots shall be provided as shown on the approved site plan and each employee parking lot shall include appropriate signage, approved by City Public Works Transportation staff.
13. **Common Area Maintenance.** All common/shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.
14. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted. No storage of equipment, such as storage containers or construction material, shall occur, unless allowed during construction or remodeling of buildings. Visitors to Valle Verde shall be encouraged to park on site prior to parking in the public right-of-way. As part of scheduling facilities for use by outside groups, Valle Verde shall encourage carpooling or other alternative transportation. 414 Parking spaces shall be divided among the residents, visitors and employees in the following manner:
- a. Residents – 251 spaces (note: includes a combination of single car attached garages and surface parking lots)
 - b. Employees – 114 spaces
 - c. Visitors – 49 spaces

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Landscape Plans:**

- a. The project shall adhere to the Fire Department Landscape Guidelines and Fuel Management Standards identified for properties within the project area. The Landscape plan shall be reviewed and approved by the Fire Department prior to submittal to the Environmental Analyst or ABR for review. (HAZ 1.)
 - b. Prior to issuance of grading or building permits, final landscaping plans for the development shall be submitted for review and approval of the Environmental Analyst, Creeks Division and Architectural Board of Review (ABR), and shall include the following: (AES 1)
 - (1) Planting of only native species in development areas adjacent to native riparian, oak woodland, and coastal sage scrub areas. Drought tolerant, water wise landscaping should be used throughout the site. No highly invasive non-native species listed by the California Native Plant Society are to be used onsite.
 - (2) Replacement of all skyline and specimen trees proposed for removal or significantly impacted onsite at a minimum of a 1:1 ratio, preferably with native species. Should any of the large sycamore trees onsite be impacted by the project, they should be replaced at a 3:1 ratio per the specifications of the Tree Assessment and Protection Plan.
2. **Habitat Restoration Plan.** Prior to issuance of grading or building permits, an oak woodland and coastal sage scrub restoration plan prepared by a qualified biologist shall be submitted for review and approval by the City's Environmental Analyst. At minimum, the restoration plan shall contain the following elements:(BIO-1a.)
- a. The plan shall include all recommendations related to restoration and tree replacement contained in the Biological Assessment and Tree Assessment and Protection Plan prepared for the project.
 - b. Removed/disturbed oak woodland and coastal sage scrub habitat shall be provided/restored at a minimum 2:1 replacement ratio. To the extent possible, this mitigation shall be performed on the project site in existing non-native and/or disturbed habitat such as areas where fuel management activities have occurred but will no longer be required, and nonnative annual grassland habitat. The habitat restoration plan shall at a minimum create 0.48 of an acre of oak woodland and 0.24 of an acre of coastal sage scrub habitat. The oak woodland and coastal sage scrub habitat restoration/mitigation may be implemented in conjunction with proposed oak tree replacement mitigation (BIO-2a).
 - c. At minimum, the oak woodland and coastal sage scrub habitat restoration/mitigation plan shall describe the following plan elements:
 - (1) Restoration site selection criteria.

- (2) Where restoration/mitigation will occur.
 - (3) The existing conditions in the restoration/mitigation area(s).
 - (4) Site preparation and planting methods.
 - (5) A planting pallet using locally obtained native coast live oak trees and coastal sage scrub plant materials.
 - (6) A maintenance schedule.
 - (7) Mitigation goals, objectives, and success criteria.
 - (8) A description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort.
- d. The coastal sage scrub habitat restoration/mitigation performance standard shall be a minimum of 80 percent native herb and shrub cover. The oak woodland habitat restoration/mitigation performance standard shall be a minimum of 45 percent canopy cover for native trees. Both the coastal sage scrub and oak woodland areas shall have no more than 15 percent non-native weeds (excluding non-native annual grasses) and the required performance standards shall be achieved within five (5) years after initial planting.
- e. Monitoring of the restoration areas shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program.
- f. All plantings shall be maintained for the life of the project.
- g. All cleared, graded, or disturbed areas on the project site shall be planted or protected and maintained for erosion control purposes as soon as feasible following initial disturbance.
- h. All disturbed soil around the margins of the development proposed on the western side of the campus adjacent to the existing oak woodland shall be hydroseeded with a native coastal sage scrub seed mix using native species found in adjacent habitats. Seed shall be collected from locally-occurring plants (either on-site or within the south coast of Santa Barbara County).
- i. Areas adjacent to the oak woodland on the western side of the property that are currently subject to fuel modification but would no longer require management after the approval of the proposed project (approximately 1.5 acres), shall be cleared of existing invasive, nonnative species (oleander, ice plant, ivy, etc.) and replanted with native, locally-occurring ground cover, brush and trees found in the oak woodland and coastal sage scrub habitats.

- j. Planting shall be undertaken immediately after completion of construction.
 - k. Cages around the saplings shall be installed during planting to prevent wildlife from damaging the young trees. Weeds shall be controlled and a 2-3 inch layer of mulch shall be placed around the trees, but not against the stems. Newly planted saplings shall be irrigated with drip or other water source for the first two years, until the saplings are established.
 - l. All trees removed during construction shall have their trunks and large limbs cut into three to four-foot long sections and scattered around adjacent natural habitat to function as microhabitat for small animals.
 - m. To restore oak woodland habitat functions as quickly as possible, it is recommended that at least 80 percent of the of removed native trees replacement (80 percent of 150 removed oak replacement trees = 120 trees) be performed using 15-gallon or 24-inch box trees at a 3:1 mitigation ratio (12 removed trees would require 36 15-gallon and/or 24-inch box trees); and that 20 percent of the removed native trees replacement be performed replaced using one to five gallon trees planted at a 10:1 mitigation ratio (3 impacted trees would require 30 on- to five-gallon replacement trees).(20 percent of 150 replacement trees = 30 trees).
3. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the arborist's report, Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008), shall be implemented. See Condition D.2.d. for further detail.
 4. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the visitor parking area on the Rutherford Lot from Torino Road and adjacent properties to the south.
 5. **Preliminary Hydraulic Report.** All recommended measures in the Preliminary Hydraulic Report prepared by MAC Design Associates, dated November 20, 2008, shall be followed and shown on final project plans. (W-1)
 6. **Project Directory.** A project directory (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Design Review Approval.
 7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. Public Works Department.
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.h - k for both Private and Public street Improvements shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the Agreement to Construct and Install Improvements (Not a Subdivision).
 - b. **Dedication.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - (1) A minimum 20-foot wide easement within the center of the proposed private road to be known as "Mesa Verde" for storm drainage, City of Santa Barbara sanitary sewer main and City of Santa Barbara water main purposes as shown on the approved site plan / utility plan.
 - c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
 - d. **Drainage and Water Quality.** In addition to complying with Condition C.5, the project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (and Regional Water Quality Control Board). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (W-2)
 - e. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a demolition permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division

Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site. (W-3)

At minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies:

- Paving and Grinding
 - Sandbag Barriers
 - Spill Prevention/Control
 - Solid Waste Management
 - Storm Drain Inlet Protection
 - Stabilize Site Entrances and Exits
 - Illicit Connections and Illegal Discharges
 - Water Conservation
 - Stockpile Management
 - Liquid Wastes
 - Street Sweeping and Vacuuming
 - Concrete Waste Management
 - Sanitary/Septic Waste Management
 - Vehicle and Equipment Maintenance
 - Vehicle and Equipment Cleaning
 - Vehicle and Equipment Fueling
- f. **Minimization of Storm Water Pollutants of Concern.** The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The approved facilities shall be maintained in working order for the life of the project and should incorporate passive design (bioswales, buffers, etc) to the extent feasible. (W-4)
- g. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and

creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report to City annually. (W-5)

- h. **Calle de los Amigos (public) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Calle de los Amigos (public portion). As determined by the Public Works Department, the improvements shall include the following to City standards: Construct one (N) commercial style driveway; construct one (N) residential style driveway; and three (N) Type B curb drain outlets. Any work in the public rights-of-way requires a Public Works permit.
- i. **Calle de los Amigos (private) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Calle de los Amigos (private portion). As determined by the Public Works Department, the improvements shall include the following to City standards: Construct one (N) commercial style driveway; construct one (N) residential style driveway; construct one (N) Type B Curb drain outlet; saw-cut (E) curb and gutter and construct (N) infiltration trenches per plan at driveway approaches and parking area.
- j. **Torino Drive (public) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Torino Drive. As determined by the Public Works Department, the improvements shall include the following to City standards: Supply and install one (N) stop sign and paint Stop legend on street per the 2006 MUTCD. Any work in the public rights-of-way requires a Public Works permit.
- k. **Senda Verde (private) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on the private road known as Senda Verde. As determined by the Public Works Department, the improvements shall include the following to City standards: Construct 2 (N) commercial style driveways and one (N) residential style driveway; construct 3 x 3-inch Type B curb drain outlets (or 4-inch if 8-inch curb); construct +/-100 LF (N) sidewalk; construct +/-400 LF (N) curb & gutter; saw-cut +/- 130 LF (E) curb & gutter & install new infiltration trenches per plan at driveway approaches and parking area; and relocate (E) private street light. Install and connect one (N) irrigation water meter at the end of the (E) water main on Senda Verde in order to

flush the mainline. The new Irrigation Meter requires a Public Works Permit/ Work Order.

1. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* or *Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
 - m. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips for all trucks three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (TRF-2a)
 - n. **Construction Parking. Construction.** Parking and vehicle/ equipment/ materials storage shall be provided as follows (T-2b):
 - (1) During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
 - (2) On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited.
 - o. **Disabled Accessibility.** Project circulation shall maintained for disabled accessibility or equivalent facilitation in accordance with American Disabilities Act requirements (T-3a).
 - p. **Private Road Improvements.** The proposed private road identified as "Mesa Verde" shall be constructed to the same standards as public roads, as outlined in the Greenbook, the 1975 Interim Design and Improvement Standards, the DRAFT Engineering Design Guidelines, and as approved by the Public Works Director. New driveway approaches, curb & gutter, sidewalk, curb drain outlets and other road improvements shall be included on construction plans for the new road.
 - q. **Stop Sign.** A "STOP" sign shall be installed at (N) private road "Mesa Verde" and shown on the approved plans.
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded

Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

- b. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
- (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.
 - (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- c. **Geotechnical Review.** The final project plans reviewed and approved by the City Building Division prior to issuance of any grading or building permits shall show that the project is constructed in accordance with California Building Code requirements and the recommendations contained in the Geotechnical Report prepared by Fugro West, Inc., dated October 2006, updated on February 18, 2008 regarding site preparation, grading, paving, foundation design, retaining walls, and construction plans. (GEO-1.)
- d. **Native and Specimen Tree Replacement and Protection.** The project applicant shall implement the Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008), and the mitigation measures provided by the Initial Study prepared for the Valle Verde project.

The following tree replacement/protection measures shall be implemented:
(BIO-2a.)

- (1) A minimum oak tree replacement ratio of 10:1 shall be required to mitigate the loss of the 15 coast live oaks. A minimum survivorship ratio of 8:1 after three years post-planting shall be achieved. Acorns collected from on-site oak trees shall be used. One hundred fifty oak saplings, one gallon in size shall be planted in areas between the new structures on the west side of the property (project north) and the oak woodland. Additional trees shall be planted if damage occurs to existing trees during construction related activities. Mitigation trees and required protection/maintenance requirements shall be installed prior to issuance of project permits.
- (2) The following measures shall be noted on the grading plan submitted to the building department prior to issuance of grading permit and implemented prior and during construction-related activities to ensure the protection of trees:
 - (a) Tree protection fencing and barriers shall be installed as indicated on the fencing plan.
 - (b) Fences shall be chain link or orange plastic, four to six feet high and positioned at the Critical Root Zone (CRZ) as specified in the tree inventory table and illustrated on the site maps of the Tree Assessment and Protection Plan.
 - (c) CRZs shall have a radius measured from the center of the trunk to the outside edge of the CRZ, wherever possible. If work is approved within the CRZ, the fence shall be placed at the outside edge of the work zone.
 - (d) Fencing shall remain upright and intact throughout the duration of the project.
 - (e) Construction related activities shall be prohibited within the Tree Protection Zones (TPZ), including the use of heavy equipment, storage of materials, or accumulation of soil for later use.
 - (f) Demolition and excavation within TPZs of all native and non-native trees shall be done by hand where reasonable. Reasonableness shall be determined by the Project Environmental Coordinator, Supervising General Contractor and the Project Arborist.
 - (g) Special attention shall be given to construction related activity around sycamore No. 104 and all oak trees to

minimize impacts. Three 24-inch boxed sycamores shall be planted to mitigate impacts to sycamore #104.

- (h) Any roots encountered within the CRZs of trees, even if outside the TPZs shall be cleanly cut back to an undisturbed section of the root zone. In areas where roots are cut, the soil profile shall be irrigated to reduce drying of newly exposed soil and subsequent damage to remaining roots in that profile. The Project Arborist shall determine the quantity, area and frequency of irrigation to the disturbed area.
 - (i) A permethrin-based pesticide (Astro) shall be applied to the lower six feet of oak tree trunks stressed from root cutting in the early Spring and late Summer (through September), to reduce the risk of attack by fatal oak bark beetles. It may need to be repeated for several years at the discretion of the City Arborist.
 - (j) Tree removal should, to the extent feasible, be scheduled between August 16 and January 31 to avoid bird nesting season or survey and construct only if nesting birds are absent (see mitigation measure Bio3a-2).
 - (k) All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in substantial accordance with the Tree Assessment and Protection Plan dated November 12, 2008.
 - (l) All required mitigation trees, and each of the impacted but not significantly impacted trees shall be monitored once a year following the completion of construction activities for a period of five years. Should any of these trees die during the monitoring period, they shall be replaced at the specified tree replacement mitigation ratio.
- e. **Sensitive Species Surveys and Monitoring.** Prior to issuance of any grading or building permits, the applicant shall submit a draft contract with a qualified biologist for the review and approval of the Environmental Analyst. The following monitoring and survey activities shall be implemented: (BIO-3a)
- (1) A qualified biologist shall supervise the installation of the construction fencing around all work areas and access roads. Fencing shall be maintained through the duration of project construction.
 - (2) Tree removal/relocation/trimming activities shall not occur during nesting season (February 1 – August 15). If these activities must occur during this time, a qualified biologist shall conduct a survey of

the trees no more than one week prior to the activity to identify active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young birds have fledged the nest.

- (3) A city approved biologist familiar with the habits of legless lizards and coast horned lizards shall monitor initial vegetation removal efforts (grubbing), grading and other surface-disturbing activities for silvery legless lizards and coast horned lizards. The biologist shall direct the equipment operator to slowly remove vegetation and the top 12 inches of topsoil while the biologist scans the soil for lizards. Any and all reptiles found shall be relocated to appropriate microhabitats in adjacent, undisturbed habitat out of harm's way. The monitoring biologist shall complete a California Natural Diversity Database Field Survey form should any sensitive reptiles be found and shall fax a copy to the City, and the California Department of Fish and Game California Natural Diversity Database per the instructions on the field survey form.

f. **Sensitive Plan Survey and Restoration Requirements.** Prior to issuance of grading or building permits, a survey plan prepared by a qualified biologist shall be submitted for review and approval by the City's Environmental Analyst. The survey plan shall also describe restoration efforts that will be implemented if it is determined that the proposed project would result in significant impacts to Santa Barbara honeysuckle and/or mesa horkelia. At minimum, the plan shall contain the following elements. (BIO-4a.)

- (1) Prior to the issuance of a grading permit, a botanical survey shall be performed to confirm the presence or absence of Santa Barbara honeysuckle and mesa horkelia on the western side of the project site.
- (2) The grading limits and the outer limits of the proposed fuel modification zone shall be staked by a licensed surveyor prior to performance of the botanical surveys. The surveys shall be performed by a qualified biologist/botanist and shall be performed within one month of any scheduled ground and/or vegetation disturbance.
- (3) Should the surveys required by mitigation measure BIO-4a.1 find any sensitive plants within the area where disturbance will occur, a mitigation plan shall be prepared by a qualified biologist/botanist. The mitigation plan shall describe what measures shall be used to avoid impacts to any sensitive plants found in the survey area.

Should the removal of any sensitive plant be unavoidable, replacement shall be performed at a minimum 10:1 ratio for each plant that is removed. This sensitive plant replacement mitigation may be implemented in conjunction with the proposed oak woodland and coastal sage scrub habitat restoration/mitigation plan (BIO-2a).

- (4) At minimum, the habitat restoration/mitigation plan shall describe the plan elements:
 - (a) Restoration site selection criteria.
 - (b) Where restoration/mitigation will occur.
 - (c) The existing conditions in the restoration/mitigation area(s).
 - (d) Site preparation and planting methods.
 - (e) A planting pallet using locally obtained plant materials.
 - (f) A maintenance schedule.
 - (g) Mitigation goals, objectives, and success criteria.
 - (h) A description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort.
- (5) The sensitive plant mitigation performance standard shall be a minimum 80 percent survival of all mitigation plantings, with no more than 15 percent non-native weeds (excluding non-native annual grasses) to be achieved within 5 years after initial planting.
- (6) Monitoring of the restoration area shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program.

- g. **Unanticipated Archaeological Resources Contractor Notification.** The following information should be printed on the grading plans submitted to the building department prior to issuance of a grading permit (CR-1):

Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an

archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization

- h. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- i. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.3 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person who compiled the mailing list shall be submitted to the Planning Division.
- j. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.1 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- k. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review

board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

- l. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Environmental Impact Report for the project.
- m. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
- n. **Visitor Parking.** 49 guest parking spaces shall be provided throughout the site in addition to the resident and employee parking required by the Zoning Ordinance. The size and location shall be based upon the Planning Commission approved site plan.
- o. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____		_____
Property Owner		Date
_____		_____
Contractor	Date	License No.
_____		_____
Architect	Date	License No.
_____		_____
Engineer	Date	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

- 1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and

Planning Divisions, the Property Owner, (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.

2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractors and PEC's telephone numbers, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
3. **Neighborhood Notification Prior to Construction.** Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st *
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and

residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays. (N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
6. **Sound Barriers.** As determined necessary by the Project Environmental Coordinator, the project shall employ sound control devices and techniques such as noise shields and blankets during the construction period to reduce the level of noise to surrounding residents. (N-4)
7. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
8. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
9. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be

retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

11. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:

a. **Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)

b. **Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)

c. **Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)

d. **Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)

e. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:

(1) Seeding and watering until grass cover is grown;

- (2) Spreading soil binders;
 - (3) Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - (4) Other methods approved in advance by the Air Pollution Control District. (AQ-5)
- f. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
 - g. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
 - h. **Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
12. **Exhaust Emissions –** The following vehicle emissions controls/maintenance shall be followed through out construction:
- a. **Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used. (AQ-9)
 - b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
 - c. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
 - d. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)
 - e. **Engine timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)

- f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
 - g. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
 - h. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
 - i. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-17)
 - j. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-18)
 - k. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-19)
 - l. **Energy Use.** Minimize the use of energy by designing and constructing structures using sustainable development principles including green building designs and materials. (AQ-20)
 - m. **Carpool Parking.** Provide preferential parking for carpools and vanpools.(AQ-21)
13. **Demolition -** The following conditions shall be carried out through the demolition phase:
- a. **Demolition and Debris Removal.** Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout. Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
 - b. **Post Demolition.** Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition. (AQ-23)
 - c. **Demolition Activities.** Prohibit demolition activities when wind speeds exceed 25 mph. (AQ-24)
 - d. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met. (PS-1)

- F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees, if any, shall be completed.
 3. **Red Curb Painting.** Prior to the occupancy of any proposed residential unit, curbs adjacent to the Valle Verde driveways on Calle de los Amigos and Torino Drive should be painted red to prohibit parking within five feet of the driveways. (TRF-1a.)
 4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
 5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring consistent with condition D.2.g.6, which states:

Monitoring of the restoration area shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program

G. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in all previously approved Planning Commission Resolutions and Substantial Conformance Determinations.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
4. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,839.25 for projects with Environmental Impact Reports. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
5. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
6. **Site Maintenance.** The existing site/structures shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
7. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing

contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

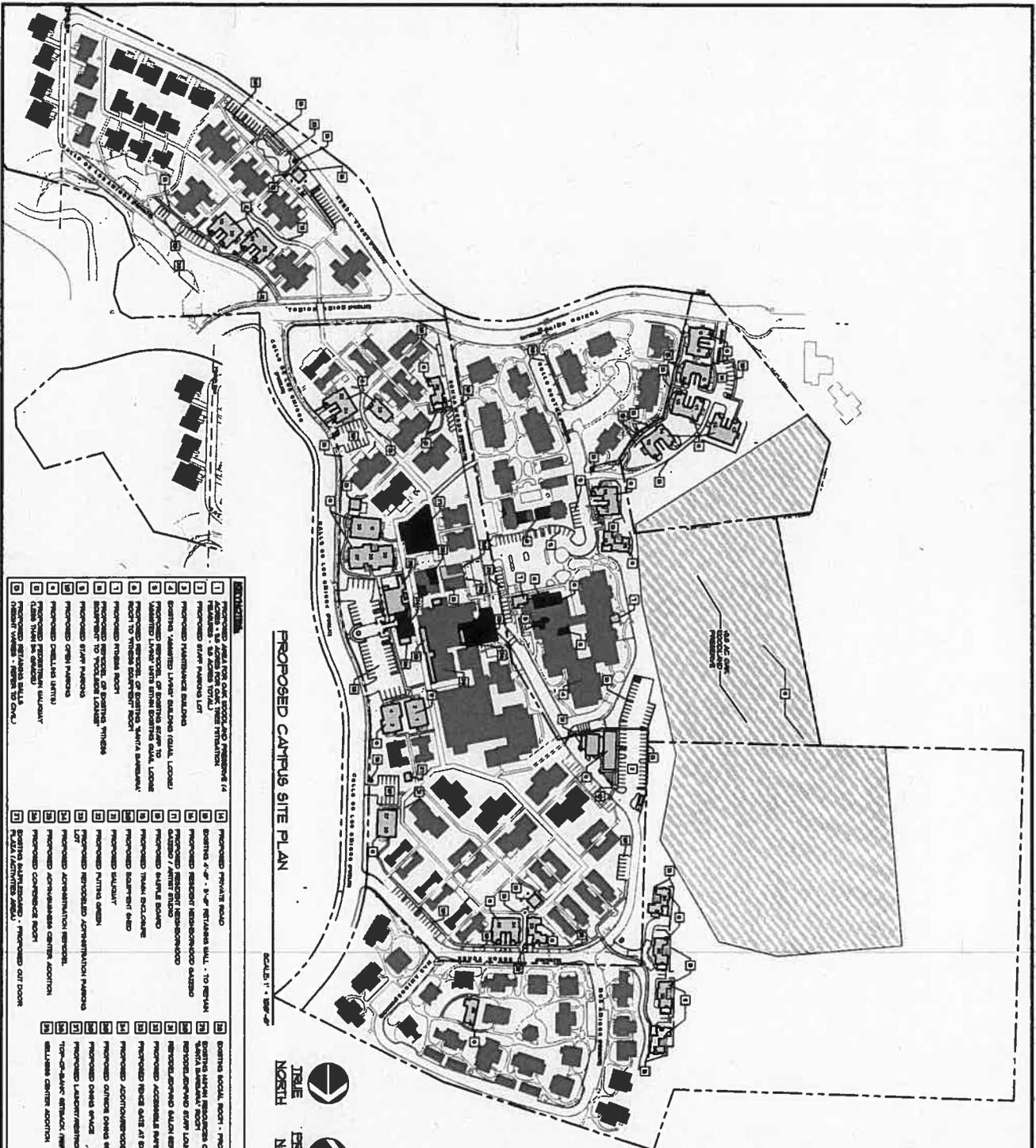
1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The Planning Commission's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.



PROPOSED CAMPUS SITE PLAN

SCALE: 1" = 50'-0"



0 50' 100' 200'
SCALE: 1" = 100'-0"

- | | | | |
|----|-------------------------------|----|-------------------------------|
| 1 | PROPOSED 2-1/2' WIDE SIDEWALK | 17 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 2 | PROPOSED 2-1/2' WIDE SIDEWALK | 18 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 3 | PROPOSED 2-1/2' WIDE SIDEWALK | 19 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 4 | PROPOSED 2-1/2' WIDE SIDEWALK | 20 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 5 | PROPOSED 2-1/2' WIDE SIDEWALK | 21 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 6 | PROPOSED 2-1/2' WIDE SIDEWALK | 22 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 7 | PROPOSED 2-1/2' WIDE SIDEWALK | 23 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 8 | PROPOSED 2-1/2' WIDE SIDEWALK | 24 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 9 | PROPOSED 2-1/2' WIDE SIDEWALK | 25 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 10 | PROPOSED 2-1/2' WIDE SIDEWALK | 26 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 11 | PROPOSED 2-1/2' WIDE SIDEWALK | 27 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 12 | PROPOSED 2-1/2' WIDE SIDEWALK | 28 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 13 | PROPOSED 2-1/2' WIDE SIDEWALK | 29 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 14 | PROPOSED 2-1/2' WIDE SIDEWALK | 30 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 15 | PROPOSED 2-1/2' WIDE SIDEWALK | 31 | PROPOSED 2-1/2' WIDE SIDEWALK |
| 16 | PROPOSED 2-1/2' WIDE SIDEWALK | 32 | PROPOSED 2-1/2' WIDE SIDEWALK |

SITE KEY	
[Symbol]	• BOSTON BUILDINGS
[Symbol]	• AREA OF PROJECT
[Symbol]	• AREA OF NEW CONSTRUCTION
[Symbol]	• PROPOSED PARKING
[Symbol]	• PROPOSED SIDEWALK

Project No.	
Date	
Scale	
Sheet No.	

Valle Verde Retirement Community
 300 Calle De Los Amigos
 Santa Barbara, CA
PROPOSED CAMPUS SITE PLAN

• O N design LLC •
 • 829 De La Vega • Suite 200 • Santa Barbara • California • 93101 •
 • phone (805) 564-3354 • fax (805) 962-3004 •

03 555181111
 Architecture
 Planning
 Interior Design
 Keith Nelson
 O-25851



VALLE VERDE

OWNED AND MANAGED BY ABHOW



MASTER PLAN

OVERVIEW

INCLUDING:

SITE HISTORY

NEIGHBORHOOD FEEDBACK & PROJECT CHANGES

PARKING STATISTICS

GREEN BUILDING

April 5, 2011

Valle Verde is a community of the American Baptist Homes of the West (ABHOW), a trusted nonprofit provider of quality retirement housing and health care services. As an expression of its Judeo-Christian mission, ABHOW seeks to enhance the well-being and security of seniors through the provision of housing, healthcare, and supportive services. We serve people of many religions and ethnicities.

ABHOW operates 11 continuing care retirement communities (CCRCs) and 18 affordable housing communities. CCRCs provide residents with the continuity of a flexible, independent lifestyle while offering the security of healthcare. The ABHOW Foundation helps these communities by providing financial support to residents who require assistance.

EXHIBIT C

Overview

Valle Verde is pleased to submit the following summary of its Master Plan and the changes that have occurred since 2006 based on neighbor and Planning Commissioner requests. Included in this overview are the following sections: Collaborative Changes, Campus Statistics, History, Today's Campus, Proposed Project, Resident & Neighbor Involvement, Parking, Emergency Evacuations, and Green Building.

Seven years ago, Valle Verde Retirement Community began planning to meet a portion of the growing need for senior housing while also renovating our aging campus.

Our Master Plan objectives include:

- **Enhance campus facilities** and amenities *without* raising resident fees.
- Meet a portion of Santa Barbara's need for **senior housing**.
- Maintain the **balance** of outdoor spaces for pedestrian activities and landscaping.
- Maintain **single story** homes to best serve the physical needs of the residents.
- Continue to be **good neighbors** by maintaining neighborhood compatibility.
- Provide useable and sufficient on-site **staff parking**.
- Stay within **Valle Verde's current CUP** limit of 254 independent living homes.
- Continue to expand our **Green Initiative** as we work towards a sustainable campus.

In establishing the Master Plan, a committee of 15 people, including Valle Verde residents, staff, and community Advisory Board members analyzed future development and services needed for Valle Verde's existing and future seniors. The *Master Planning Task Force* began its work in March of 2004 and has met regularly to discuss campus visioning.

Collaborative Changes

Over the last six years, Valle Verde has also been working with Hidden Oaks and Hidden Valley neighbors, City staff, ABR, and the Planning Commission to move its Master Plan through the environmental review and permitting process. During that time, the project has been changed through a collaborative process with all parties.

These changes include:

- Redesigning site plans so that 26 of the proposed 40 homes are incorporated as **infill**
- Limiting development to **previously disturbed areas**
- Moving the proposed **employee parking lot** to the central campus
- Reducing **grading** by 62% overall
- Increasing **setbacks** from nearest neighbor's fence from 15' to 126'
- Redesigning site plans so that EIR analysis concludes **no Class I Significant Impacts**
- Numerous **Rutherford parcel redesigns** (see page 9)

Campus Statistics

The Valle Verde Retirement Community is a Continuing Care Retirement Community (CCRC) located at 900 Calle De Los Amigos. It is a non-profit, owned and operated by American Baptist Homes of the West. Valle Verde provides seniors with residential options of independent living, assisted living, dementia care, and skilled nursing and is licensed by the Department of Social Services as a Community Care facility.

Valle Verde has 3 levels of housing:

<i>Independent Living</i>	
Studios [11 - no kitchens]	
1-Bedroom Apartments	93
2-Bedroom Apartments	115
<i>Assisted Living</i>	
	44 beds
<i>Skilled Nursing</i>	
	80 beds

Valle Verde's campus is made up of five independent legal parcels totaling approximately **60 acres** of land. The campus zoning is primarily E-3, but smaller portions include E-1 and A-1 designations.

History

The following timeline shows the changes to Valle Verde's campus since 1902. The photos are from UCSB and Pacific Aerial archives with yellow property lines added to show Valle Verde property boundary changes.



1902 - 1959

- The Rutherford family operates a walnut orchard on the property

1958

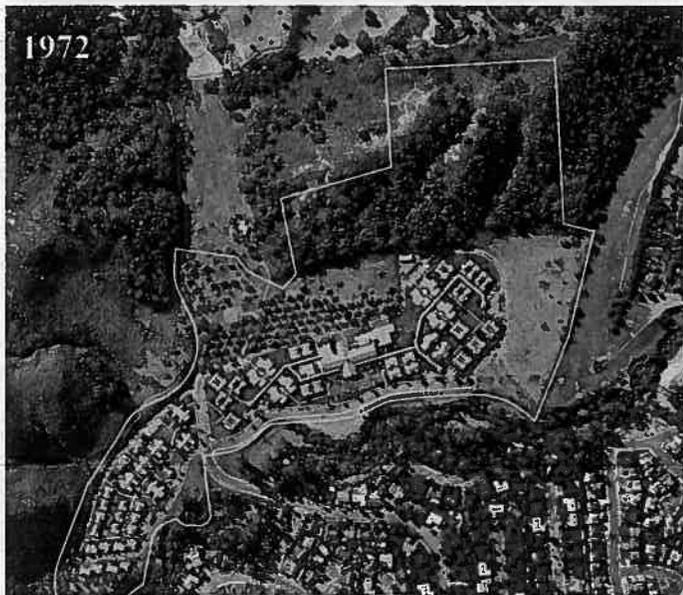
- Property purchased for senior homes

1960

- March 3 & 17, 1960: Planning Commission grants Conditional Use Permit (CUP) to annex to the City 45-acres of Valle Verde property and develop 182 independent living apartments with a separate 15-bed convalescent hospital.
- May 24, 1960: City Council approval
- Overall density = 350 residents and staff (last use of population numbers associated with CUPs)
- Portions of the property, including Arroyo Burro creek, were deeded to the City of Santa Barbara for use as Hidden Valley Park

1961

- October 1961: Planning Commission reevaluates project and City Council endorses recommendation of revised plot plan



1965 - 1966

- Valle Verde constructed

1967

- Valle Verde purchases additional acreage

1971

- Planning Commission and City Council approve addition of 34 new nursing care beds, a dining room, and day room to the campus.
- Permit includes rezone from E-3 and A-1 (One-Family Residential) to E-3-S-H (One Family Residential with a Senior Housing Overlay).

1974

- City's CUP Ordinance changed to allow senior retirement homes in single-family zones.

History



1980

- December 18, 1980: Planning Commission reviews CUP for 44 additional independent living units. Regarding General Plan Consistency, the Staff Report says Valle Verde is consistent.
- Valle Verde has an 8-year waiting list.
- Valle Verde constructs bridge over Arroyo Burro Creek and connects Calle De Los Amigos

1981

- January 22, 1981: Planning Commission approves 44-unit addition to Valle Verde

1983

- City authorizes 5 new skilled nursing beds

1984

- APN 49-440-016 (then known as 49-040-020) was annexed into the City
- Planning Commission certifies Environmental Impact Report and Valle Verde expansion
- Valle Verde adds 28 independent living apartments, a 45-unit personal care facility with 48 beds, a 14-room nursing care facility with 28 beds, a recreation building, a laundry/kiosk, 2 five-car carports and additions to the existing central kitchen & dining building

1986

- City approves annexation of the Rutherford property as a condition of project approval for Hidden Oaks Estates

1987

- Valle Verde purchases Rutherford parcel

1989 - 1996

- Hidden Oaks Estates built

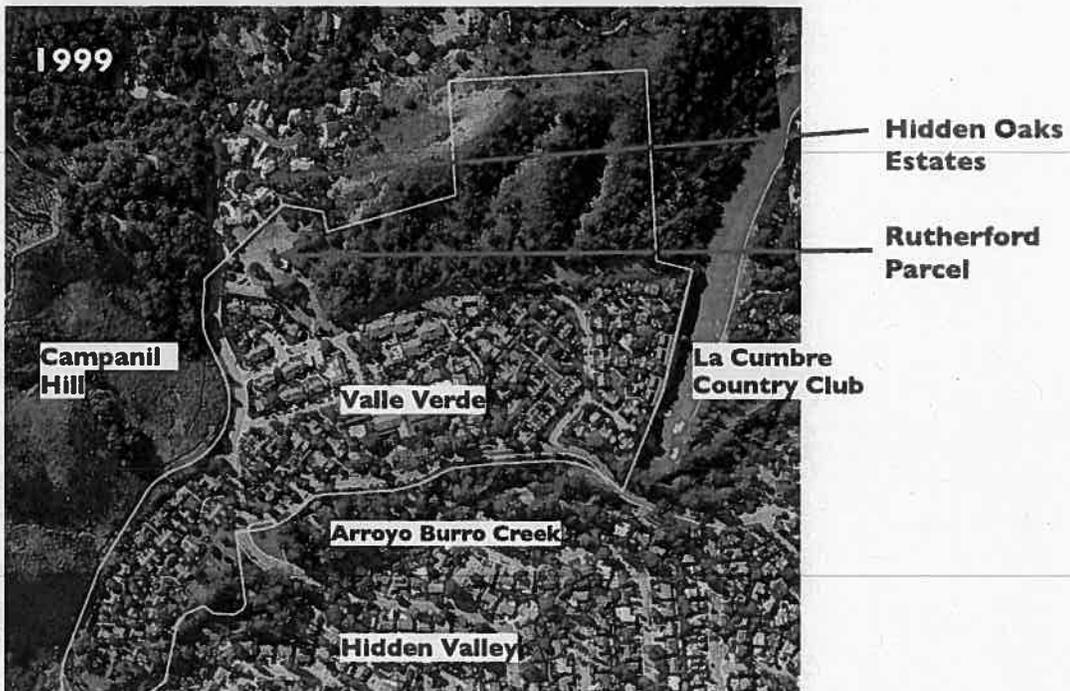
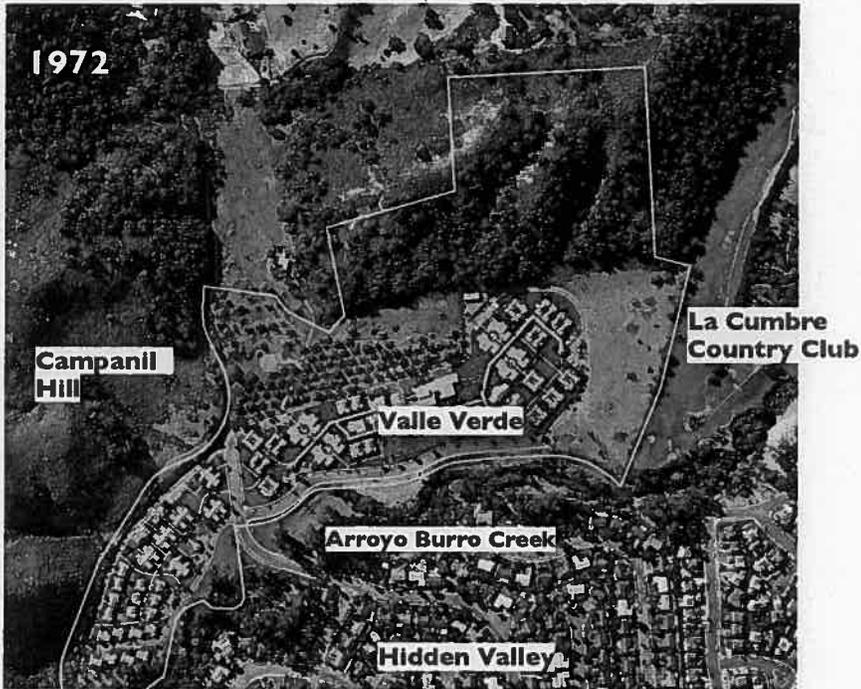
History



2003

- Valle Verde adds dementia care services within existing Assisted Living facility

1972 - 1999: A Visual Overview



Today's Campus

City Authorized Uses

Year	Independent Living Apartments	Assisted Living	Skilled Nursing
1960	182		15 beds
1971			+ 34 beds
1981	+ 44		
1983			+ 5 beds
1984	+ 28	+ 48 beds (45 rooms)	+ 28 beds (14 rooms)
Total Authorized	254	48 beds (45 rooms)	82 beds

* In 1960, the Santa Barbara City Council found Valle Verde Retirement Community to be in harmony with the adjacent Hidden Valley neighborhood. In 1971, 1981, and 1984, the Planning Commission found that Valle Verde additions were compatible with the surrounding neighborhoods.

Senior Needs Influence Today's Campus

Over the past 20 years, due to longer life expectancies, the demand for larger homes suitable for couples has increased. In 2004, the City approved a mini-master plan to alter certain independent living units on the campus. Some have enabled expansions of single units while others have involved tenant improvements to combine two independent living units into one independent living unit. Via such additions and/or combinations, Valle Verde has reduced its overall campus density from 254-permitted independent living units.

Current Campus Counts

	Independent Living	Assisted Living	Skilled Nursing
Actual (2011)	208	44 beds	80 beds
City Authorized Totals	254	48 beds	82 beds

* Campus population counts have not been updated as a Condition of Approval since 1961. Some numbers were studied in various Environmental Impact Reports, but overall population limits have not been used by the City as a regulatory device since 1961.

Proposed Project

New Senior Homes Proposed Within Existing Conditional Use Permit

The proposed Valle Verde Master Plan consists of 40 new senior homes, mainly 2-bedroom duplexes each consisting of 1,267 net sq. ft. on average (1,340 gross). These will be built in 24 buildings (19 new, 5 replacement) on multiple parcels within the existing Valle Verde campus. This would bring the total independent senior apartments on campus to 246.

With input received from meetings with neighbors and four ABR and PC concept hearings, the site plan and unit mix has been altered since 2006:

- Setbacks have been increased from 15' to 126' to the nearest Hidden Oaks Estates neighbor fence.
- Seven proposed residential units have been relocated from the Rutherford parcel adjacent to Hidden Oaks Estates.
- Site layout has been reconfigured to reduce pinch points and increase interior building setbacks.
- Finish grades have been reduced to further enhance views from the Hidden Oaks Estates neighbors.
- Retaining wall heights have been limited to no more than 8' and all two and three tiered walls eliminated.
- Overall site grading has been reduced by 62% from the original proposal.
- Development envelopes have been concentrated on areas that have been previously disturbed.
- Proposed staff parking lot has been moved, requiring the rebuilding of the maintenance building.

As outlined in our objectives, the new senior homes will fund the upgrades (including energy efficiency upgrades) to campus common areas. These include renovations to existing gazebos, a redeveloped theater/multipurpose room, a new residential cafe, an expanded residents' dining room, expanded resident salon services, residents' business center, redesigned resident fitness center, redeveloped maintenance building, and new staff parking lots.

Existing & Proposed Campus Counts

Status	Independent Living	Assisted Living	Skilled Nursing	Residents	Staff (peak shift change)	Parking
Existing	208	44 beds	80 beds	381	109	331
Proposed	40 new, (2) removed	4 beds		60	5	209 new, (126) removed
Total	246	48 beds	80 beds	441	114	414

Resident & Neighbor Involvement

Community Input Changes Site Plans

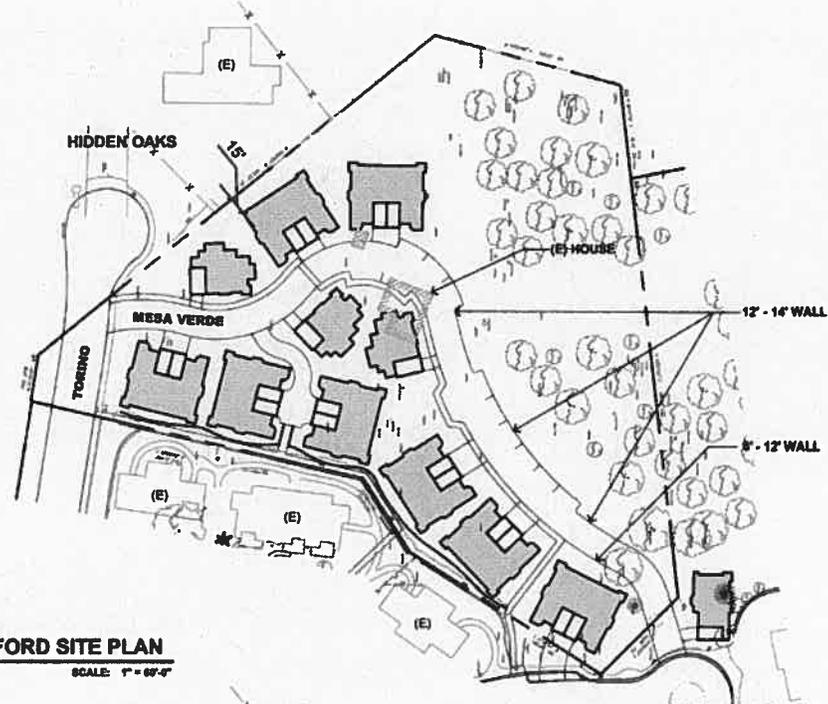
Since 2004, Valle Verde has worked with residents and staff to create the Master Plan and keep residents involved in the permitting process. Valle Verde staff have also made it a priority to reach out and work with campus neighbors. Over the years this has included the following:

Groups	Meetings	Mailings
Valle Verde Residents & Community Board Members	57	22
Neighbors	20	8
Public Officials	15	2
Community Organizations	14	1
Total	106	33

Based on feedback from the meetings and mailings, the project has been redesigned numerous times. A sampling of the changes is listed below with more detail on the following page.

Neighbor Comments	Project Changes
Rutherford Parcel <ol style="list-style-type: none"> Increase setbacks to mirror neighbor's 40' setbacks Reduce # of homes Lower rooflines for better view corridors Relocate homes west of road Eliminate road connecting to Torino Drive 	Rutherford Parcel <ol style="list-style-type: none"> Increased setback to nearest neighbor to 126' (3x neighbor setbacks) Reduced from 20 to 13 homes Lowered roof height by 2'2" Homes relocated to central campus Eliminated proposed road in favor of driveway & added cart path for staff use
Eliminate on-street staff parking	Included on-site employee parking lots (114 employee parking spaces; 414 total parking spaces)
Increase oak woodland preserve	Increased oak woodland from 4 to 9.8 acres

Rutherford Parcel Site Plan: 2006 to 2008



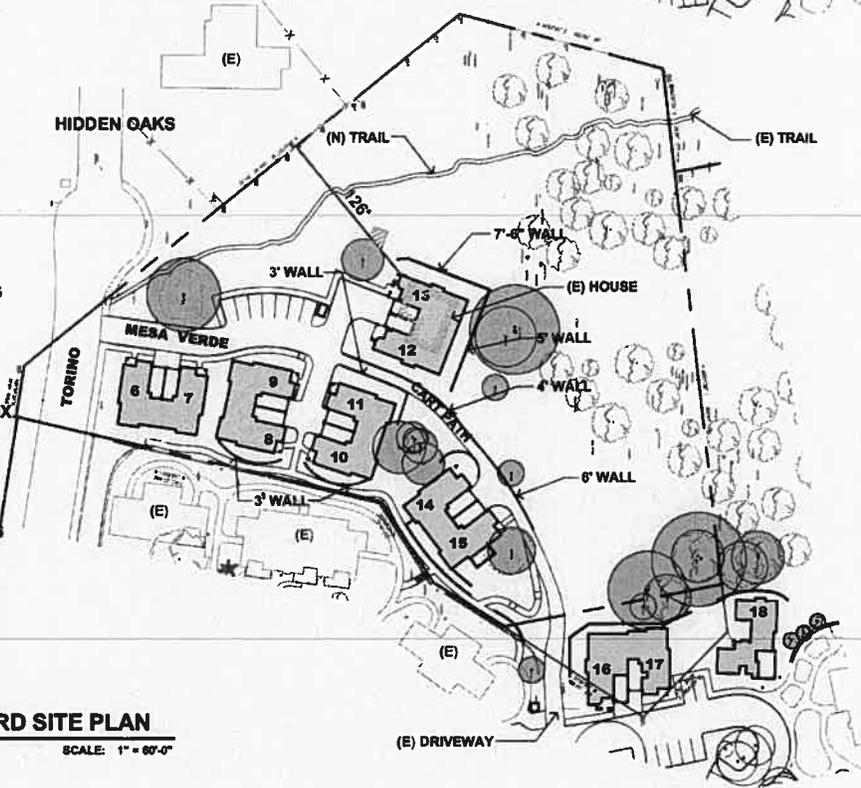
RUTHERFORD 20 UNITS

- 8' - 14' RETAINING WALLS
- GRADING: 22,500 CUT / 12,500 FILL
- ROAD PAVING ± 18,724 S.F.

PRE APPLICATION - RUTHERFORD SITE PLAN

JULY 2006

SCALE: 1" = 60'-0"



RUTHERFORD 13 UNITS (REDUCED BY 35%)

- 11 MATURE OAKS PRESERVED
- INCREASED DISTANCE TO HIDDEN OAKS FENCE FROM 15' TO 128'
- ELIMINATED 2 & 3 TIERED RETAINING WALLS
- AVERAGE HEIGHT OF NEW WALLS BETWEEN 3'-6' HIGH
- RETAINING WALLS REDUCED APPROX 10,000 S.F.
- GRADING REDUCED BY 24,200 CU. YDS. (89% REDUCTION)
- MINIMIZED GRADING ON 30% SLOPES
- PROPOSED LOT LINE ADJUSTMENT
- TOTAL HABITABLE UNIT S.F. REDUCED BY 11,600 S.F.
- 7 UNITS REMOVED (SINCE PRE-APP)

DART III REVISED - RUTHERFORD SITE PLAN

DECEMBER 2008

SCALE: 1" = 60'-0"

Existing Parking & Employees

New On-site Employee Parking

Associated Transportation Engineers conducted an on-site parking demand study at Valle Verde and found the following existing conditions:

Existing Parking Conditions

Existing Stalls*	Peak Demand (7am - 3pm, residents & staff)	% Occupied
331	219	66%

*Count includes 12 existing resident garages

While Valle Verde currently has enough parking for residents, staff, and visitors, the spaces are spread throughout its 60-acre campus. Due to this layout, on a regular basis approximately 60 Valle Verde staff park along Calle De Los Amigos during the day. Even though parking on a public street is legal, Valle Verde would like to ensure the use of on-site parking for employees as a neighborhood benefit. Valle Verde is proposing 414 parking spaces, even though City requirements for employee, resident, and visitor parking are 312 spaces total (as stated in the EIR).

Proposed Parking Types	Proposed Parking Spaces
Employee (accommodates peak shift change & 5 new employees)	114
Employee/Visitor	49
Resident	251
Total	414



To ensure parking compliance:

- Employee time clocks will be placed near the new lots.
- Parking permit stickers for both residents and staff will be issued to ensure compliance.
- Employee-only parking will be signed.

The campus has a volunteer, incentive-based alternative transportation program that encourages carpooling, bus riding, commuter bus use, bicycling, and walking to work. **When surveyed, 28% of employees were found to use various forms of alternative transportation**, which reduces neighborhood traffic.

Valle Verde is staffed in multiple shift patterns, with three predominant shifts. Employee counts on average run:

7:00 am - 3:00 pm	33 - 109 employees (includes crossovers for shift changes)
3:00 pm - 11:00 pm	17 - 95 employees
11:00 pm - 7:00 am	17 - 35 employees

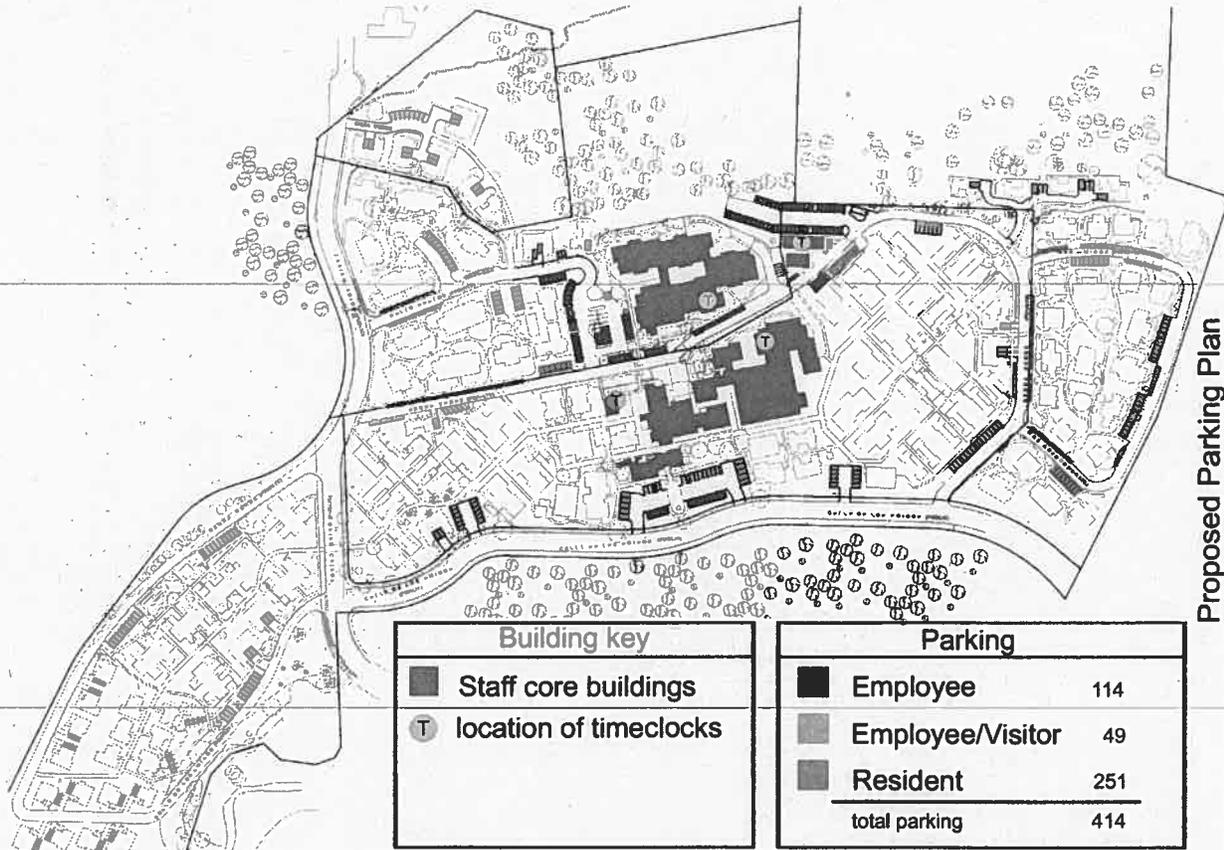
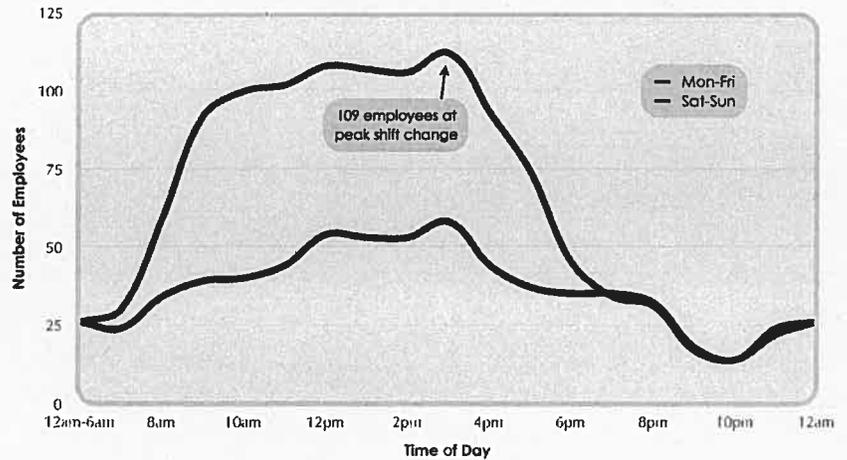
Proposed Parking Plan

The largest number of employees occurs at the shift change during the 2 o'clock hour. At this time, there are 109 employees on campus.

Proposed Parking Plan

With the proposed employee parking lots and additional spaces (see below), there will be enough employee parking to meet the existing shift change over, accommodate the proposed 5 new employees, provide spaces for existing and new residents, and have additional spaces for employees and visitors.

Valle Verde Employee Counts by Hour



Emergency Evacuations & Green Building

EMERGENCY EVACUATIONS

A Tried and Tested Approach

California law requires Valle Verde conduct fire drills monthly and disaster drills semiannually. Valle Verde meets this requirement and has an extensive emergency evacuation plan. At least twice a year, residents and staff drill for the emergency evacuation plan. Valle Verde's evacuation plan is outlined below.

Status: Evacuation Warning

- Under an evacuation "warning," independent living residents evacuate to local family and friends via private vehicles. Area relatives are also encouraged to pick up relatives at this time if feasible.
- Under direction of the City of Santa Barbara's Emergency Operations Center (EOC), the rest of the campus shelters in place.

Status: Evacuation Order

- If instructed by the EOC to evacuate, the remaining independent living residents evacuate to the nearest Red Cross evacuation site via private vehicle. Carpooling is encouraged and coordinated by Valle Verde.
- Under direction of the EOC, Assisted Living residents are transported in Valle Verde buses along with their care staff to a facility with a mutual aid agreement.
- Skilled Nursing residents are transported via Valle Verde and E-Z lift vehicles with their care staff to licensed, mutual aid facilities.
- Valle Verde facility staff evacuate with the residents, but a team of administrators and maintenance staff remain until the campus is certified and locked down.

Practical Experience: During the Painted Cave fire, Valle Verde used the above evacuation plan to safely evacuate residents and staff.

GREEN BUILDING

Valle Verde's Green Initiative Continues to Expand

As a community, Valle Verde has already embraced green building principles on its campus.

- Valle Verde currently has a 58,000 watt **photovoltaic solar energy generation** system.
- Landscaping is watered with **reclaimed water**.
- Campus **recycling programs** have won 4 awards from CalRecycle Waste Reduction Awards.
- Food waste from the dining room is composted with the City's **Foodscraps** program.
- Apartments undergoing remodeling are outfitted with **energy efficient windows, low VOC paints, and efficient compact fluorescent lighting**.
- Administration offices are green certified by the **Green Business Program** of Santa Barbara County.

Green Building & Conclusion

Valle Verde's construction methods will include tree/waterway protection, erosion control measures, site dust control, proper disposal of construction waste and hazardous materials. The green elements to the project design include native/drought tolerant landscaping, reclaimed water for irrigation, tankless hot water systems, energy efficient building layouts, ENERGY STAR appliances, programmable thermostats, dual glazed windows, minimal garage sizes, front porches, dimmer switches, compact fluorescent light fixtures, storm water treatment, low VOC paints and carpets, operable skylights, and whole house fans.

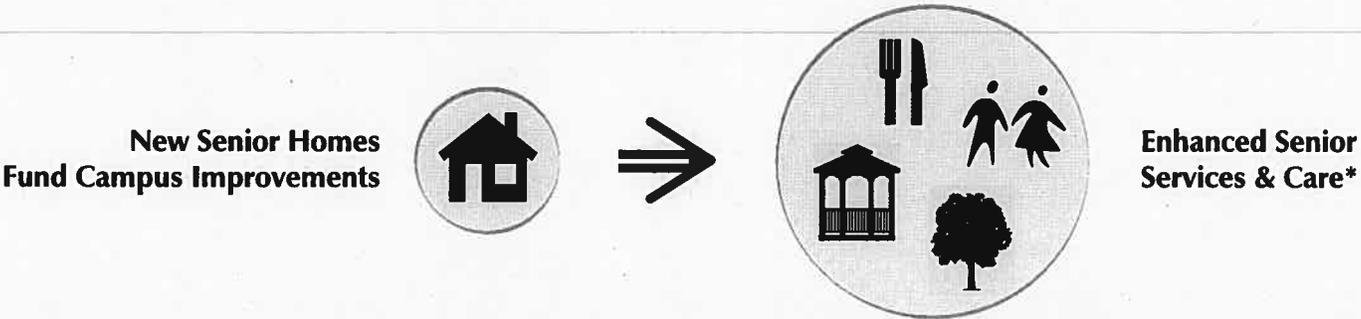
As reflected in the EIR, Valle Verde's Master Plan meets the City's sustainable development standards.

Additionally, Valle Verde has partnered with UCSB's **Bren School of Environmental Science & Management** to create a carbon neutral plan for the campus. The plan will assess the existing campus' Green Initiative performance and formulate new programs to achieve carbon neutrality by 2020.

Conclusion

The Valle Verde Master Plan is a much different project than the proposal conceptually reviewed by the Planning Commission in 2006. Over the past five years, with the assistance of the Architectural Board of Review, Planning Commission, and neighbors, the project has made substantive improvements in design to a point where the project poses **no significant environmental impacts** as stated in the Environmental Impact Report. The Master Plan accomplishes this result while staying within the already approved total of 254 independent living units.

The proposed homes will provide the Valle Verde campus the funding needed to upgrade its aging campus and provide needed senior housing to meet the ever rising demand.



**Existing resident rates will not be increased to pay for improvements to Valle Verde's aging campus.*

Today, the Valle Verde community asks you to approve its Master Plan. Please take into consideration the five years of project review and extensive, collaborative revisions that make this project a benefit both for existing and future seniors and the surrounding neighborhood.

Modification Requests

Unit (s) Number	Assessor Parcel Number	Front Modification	Interior Yard	Building Separation
1, 2, 3 & 4	049-040-053			Ord. requirement – 20 Feet
6	049-440-015 - Rutherford	35' to approximately 20' Torino Road (Public Road)		Variable reduction from 20' between units 1 & 2 (duplex) and units 3 & 4 (duplex)
6 & 7	049-440-015 - Rutherford	35' to approximately 7' Mesa Verde (Private Road)		Variable reduction from 20' between units 6 & 7 (duplex) & units 9 & 8 (duplex)
9	049-440-015 - Rutherford	35' to approximately 7' Mesa Verde (Private Road)		
10.	049-440-015 - Rutherford		15' to approximately 14'	
14	049-440-015 - Rutherford		15' to approximately 12'	Variable reduction from 20'
16 & 17 (duplex)	049-440-016	30' to approximately 12' Calle Sastre (Private Street)		
18	049-440-016	30' to approximately 13' Calle Sastre (Private Street)		
20, 21 & 22	049-040-054			Variable reduction from 20' between unit 20 and units 21 & 22
22	049-040-054			Variable reduction from 20' between unit 22 & existing building
26	049-040-050	20 to approximately 11 feet Sende Verde (Private street)		Variable reduction from 20' between unit 26 & existing building

		Modification Requests	
28	049-040-053		Variable reduction from 20' between unit 28 & existing building
31	049-040-050	15' to 11'	
35,36, & 37 -	049-040-053		Variable reduction from 20' between units 35,36, & 37 (triplex) and units 5 & 38 (duplex)
5 & 38 - Existing Building	049-040-053		Variable reduction from 20'
39			Variable reduction from 20' between unit 39 & existing building
40			Variable reduction from 20' between unit 40 & existing building

PROJECT STATISTICS

	Existing	Demolished	Additions	Total
Support Facility Components Includes: Dining Hall, Fitness/Pool Area & parts of Assisted Living Building	37,540 s.f.	4,460 s.f. - Maintenance 416 s.f. - <u>Gazebos</u> 4,876 s.f.	1,728 s.f. - Gazebos 599 s.f. - Salon 5,899 s.f. - Maintenance 4,855 s.f. - Administrative 743 s.f. - Multipurpose 73 s.f. - Recreation 298 s.f. - Wellness 725 s.f. - <u>Dining</u> 14,920 s.f.	47,584 s.f.
Assisted Living (located within a building that includes a few support facility components)	25,394 s.f. (gross)	N/A	946 s.f.	26,340 s.f.
Skilled Nursing	27,244 s.f. (net)			No change
Hospice	2,390 s.f.	2,390 s.f.	0	0
Residential Component	1 - SFR (Rutherford) 208 independent living units 11 -studio units (shared kitchen/4 units) Total - 219 units 169,743 s.f.	1 - SFR (Rutherford) 2 independent units 4 - Studio units Total - 7 units 7,105 s.f.	40 independent units 53,615 s.f.	246 independent units 7 studio units Total - 253 units 216,253 s.f.
Parking	331 spaces	129	212	414 spaces

RESOLUTION

WHEREAS, the City Planning Commission of Santa Barbara, at regular meetings held March 3 and March 17, 1960, considered the application of Gustave A. Gabelman and J. R. LaMont, for the Baptist Homes, Inc., and Stephen and Verde Rutherford, owners, for a conditional use permit under provisions of Section 25.00 of City Zoning Ordinance No. 2585, in order to construct and operate a non-sectarian residence home for senior citizens on approximately 50 acres of land lying in unincorporated territory westerly of and adjacent to present city boundaries along Arroyo Burro Creek on the east, Santa Barbara Estates, Inc. on the south, Hope Ranch on the west, and La Cumbre Estates Corp. on the north, said conditional use to be contingent upon and subject to annexation of this property to the City of Santa Barbara, a petition for which action is currently pending for city approval; and

WHEREAS, this Commission has recommended to City Council that favorable consideration be given to annexing the subject property to the City of Santa Barbara, with A-1 and E-3 zoning classifications to be applied in event of such annexation; and

WHEREAS, if annexed to the City of Santa Barbara and developed to a high quality of development, it is believed that such use of the property may become a desirable element of the community and, if so developed, may provide a use of the land which will not be inharmonious with the development of adjacent properties for single family residences; and

WHEREAS, it is observed that the proposed Baptist Homes development is intended to house approximately 325 residents, with a staff of 50 or 60 persons, who would not live on the property, and that this compares favorably with the potential population of 430 persons who could be accommodated on these 36 acres of land if developed for single family purposes at E-3 zoning density, or approximately four families per acre; and

WHEREAS, this Commission recognizes that this application for a conditional use permit and the accompanying application for annexation of the property to the City of Santa Barbara are mutually interdependent, the approval of each being contingent upon approval of the other, and this Commission believes that development of this property in the manner proposed can be an asset to the community if developed with suitable controls;

NOW THEREFORE BE IT RESOLVED that the City Planning Commission of Santa Barbara hereby approves and recommends to City Council the approval of the application as described and for the reasons and with the qualifications as outlined hereinabove, this approval to be based on adherence to the following conditions:

1. Development to be in close compliance with plans submitted at this time, with any minor deviations therefrom to be approved by the Architectural Board of Review and by the Planning Director prior to issuance of building or other permits, to avoid unnecessary and time consuming referrals to this Commission and to City Council.

2. This approval shall be valid for an initial period of one year from date of final approval by City Council, during which time the initial building permit applications shall be submitted; and subsequent applications for building permits shall be authorized on the basis of these tentative plans now approved, without the necessity for referral back to this Commission.

3. Density of development shall be not greater than presently contemplated, with accommodations for a maximum of 350 residents, including resident staff; height of buildings shall not exceed two stories; and parking spaces provided on the site shall be adequate to meet all requirements of the residents, staff and visitors, and in no case less than 90 spaces, exclusive of all areas dedicated to the city for public use.

4. Approval of the Architectural Board of Review and the Planning Director shall be secured on final landscaping plans for this development, such landscaping to be provided and maintained at high standards acceptable to the city.

5. Streets shown on those plans, comprising a major north-south street and an east-west street, shall be located, developed and improved to the satisfaction of the Public Works Director and shall fit in with and become a part of the overall city street system approved by the Public Works Director and the Planning Director for this general area, the two streets in question to be constructed to city standards of a 60 ft. right-of-way with minimum 40 ft. paved width and with provision of on-site and participation in off-site improvements as are deemed necessary to the

opinion of the Public Works Director to integrate this proposed development into the city public street system. Sidewalks shall be constructed to city standards on at least one side of each of the proposed city streets.

6. Land in and adjacent to the creek channel along the easterly boundary line of this property and immediately adjoining the easterly right-of-way line of the proposed north-south street shall be dedicated to the City of Santa Barbara for public park purposes and shall be cleared of underbrush and otherwise improved from its present state so as to be acceptable to the City Park Superintendent, in a manner generally similar to the improvement of the easterly portion of these park lands by the developers of Hidden Valley Subdivision. Improvement of the creek channel, including street improvements at creek crossings shall meet with approval of both the City Public Works Director and the County Flood Control District.

CITY PLANNING COMMISSION
SANTA BARBARA, CALIFORNIA

Resolution #36 -4/21/60

File

BOARD OF LAND USE CONTROLS
CITY OF SANTA BARBARA

RESOLUTION NO. 358

SUBJECT: Application of Valle Verde Baptist Homes for a variance from the provisions of Section 28.15.030 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 49-040-12 located at 900 Calle de los Amigos in an C-3 One-Family Residence zone, in order to permit an addition of sixteen (16) resident rooms, lounge, dining room and an arts and crafts room to an existing nursing home.

WHEREAS, the Board of Land Use Controls has held the required public hearing on the above application; and the applicant was present ; and

WHEREAS, 7 persons appeared to speak in favor of the application and 0 persons appeared to speak in opposition thereto, and the following exhibits were presented for the record:

- Application
- Staff Report
- Site plan and elevations
- 14 letters in favor
- Negative Declaration by the Environmental Hearing Board
- Fire Department Report

; and

WHEREAS, the matter having been fully considered by this Board, the Board of Land Use Controls finds as follows:

See Attachment.

9/59440 5/76

NOW, THEREFORE, IT IS RESOLVED that the Board of Land Use Controls hereby approves the subject request, subject to the following conditions:

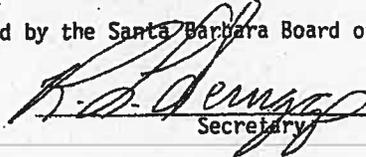
1. That use of the additional residence rooms be restricted to residents of Valle Verde;
2. That the three (3) considerations listed in the Negative Declaration become requirements of the variance approval.

Passed and adopted this 6th day of May, 1976, by the Board of Land Use Controls of the City of Santa Barbara, by the following vote:

AYES: 3	Abstained: 1
NOES: 0	Absent: 3

BOARD OF LAND USE CONTROLS,
SANTA BARBARA, CALIFORNIA

I hereby certify that the above Resolution was adopted by the Santa Barbara Board of Land Use Controls at its meeting of the above date:


Secretary

NOTE: This action of the City Board of Land Use Controls shall become effective ten days from date of mailing of this resolution copy, unless appealed to City Council within that time, and shall remain in effect thereafter unless the conditions have not been met, or unless the variance is unused, abandoned or discontinued for a period of six months. If you have an existing zoning violation on the property, it must be corrected within 40 days from the date of this action.

(the above shall not apply to rezonings).

Date: May 11, 1976

ATTACHMENT - Resolution No. 358

1. There are exceptional circumstances applicable to the property involved which do not apply generally to other property in the same zone or vicinity as the Master Plan previously approved for the project included the structures in this request, that zoning changes have been made which make the project nonconforming, and that a similar variance was approved in 1971 but it expired before it could be used.
2. The granting of this variance will not be materially detrimental to the public welfare or to other property in such zone or vicinity.
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity.
4. The granting of this variance will not adversely affect the Comprehensive General Plan.

CITY OF SANTA BARBARA
BOARD OF LAND USE CONTROLS
April 16, 1976

APPLICANT: VALLE VERDE BAPTIST HOMES
TYPE OF REQUEST: VARIANCE
PARCEL NUMBER: 49-040-12
ADDRESS: 900 Calle De Los Amigos
ZONE: E-3 One Family Residence
LOT SIZE: 57 Acres
EXISTING USE: Retirement Community
PROPOSED USE: Retirement Community
NATURE OF REQUEST: A variance to permit an addition of sixteen (16) resident rooms, lounge, dining room and an arts and crafts room to an existing nursing home.

DISCUSSION: The Valle Verde Baptist Home was approved in 1960 and the project constructed in subsequent years. In 1971 a change in zone from E-3 and A-1 One Family Residence zone to E-3-S-H One Family Residence zone with a Senior Housing Overlay was approved by the Planning Commission and City Council, however the zoning action was not completed as apparently all the conditions of the zoning were not satisfied. At this same time a variance was approved to add 16 resident rooms, lounge, dining room and day room. City Council also approved the construction of the nursing care facilities. Because of various reasons stated in the applicant's letter the work was not commenced and the variance expired. It is desired to complete this portion of the project but the variance must be approved.

STAFF COMMENTS: Fire Department has no objections to the request, but notes that all plans must be submitted through their office for review of requirements of California Administrative Code Title 19 after review by the State Fire Marshal.

Staff has no objections to the request as the proposed addition is located between existing buildings and is screened from public view, and the addition is in substantial conformance with the overall development plan previously approved.

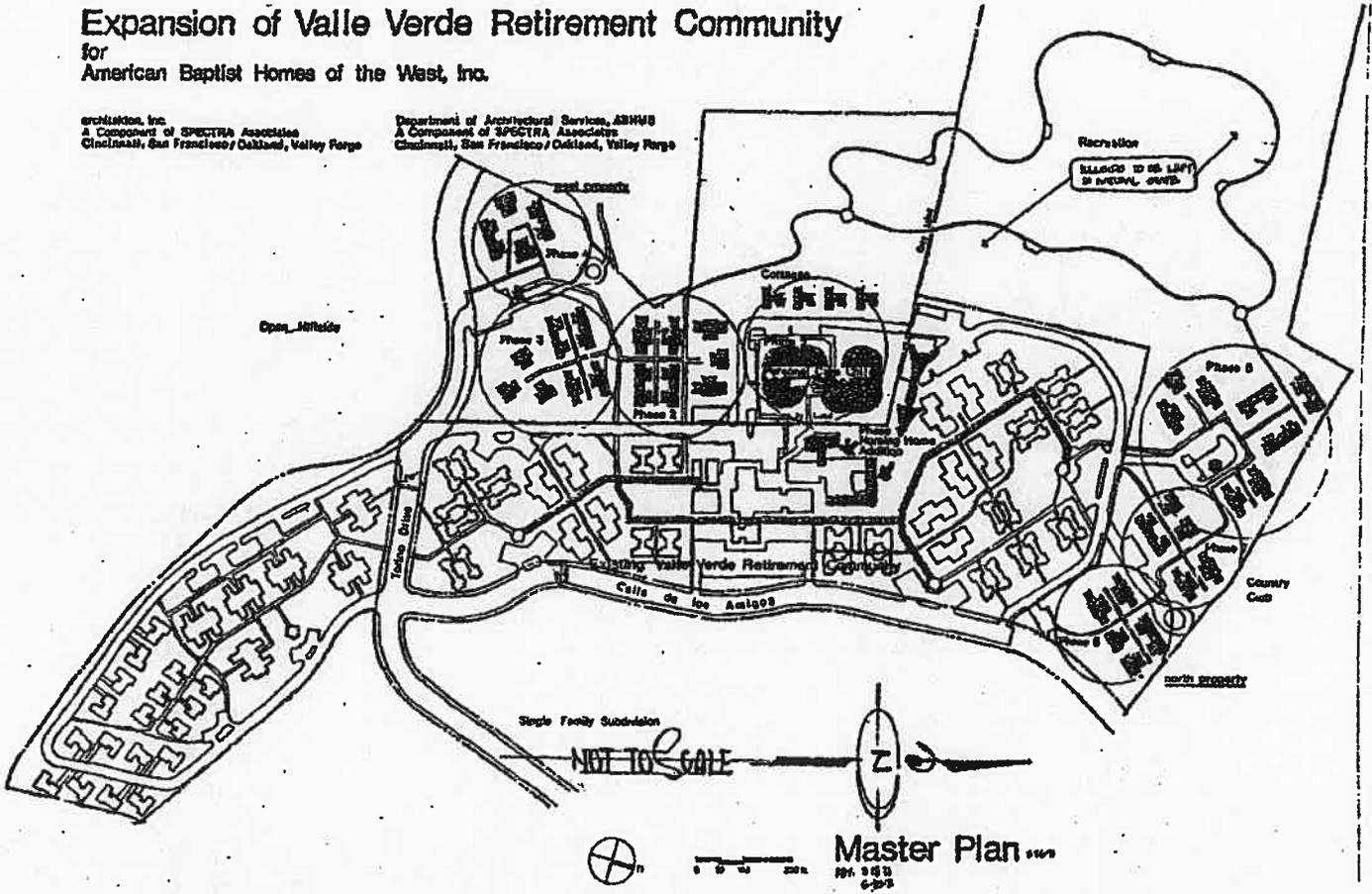
Although the Environmental Hearing Board has not heard this item the application is on file and it will be recommended for a negative declaration. One possible adverse effect of this project on the area will be the traffic, noise and other effects of the actual construction phase and the applicant should be required to reduce these adverse effects to a minimum.

ATTACHMENTS: Applicant's letter
Site plan with location map

Expansion of Valle Verde Retirement Community
for
American Baptist Homes of the West, Inc.

architects, inc.
A Component of SPECTRA Associates
Cincinnati, San Francisco/Oakland, Valley Forge

Department of Architectural Services, ABHWB
A Component of SPECTRA Associates
Cincinnati, San Francisco/Oakland, Valley Forge



NOTICE IS HEREBY GIVEN that the Board of Land Use Controls of Santa Barbara has set a hearing for the application of Valle Verde Baptist Homes for a variance from the provisions of Section 28.15.030 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 49-040-12 located at 900 Calle De Los Amigos in a E-3 One Family Residence zone, in order to permit an addition of sixteen (16) resident rooms, lounge, dining room and an arts and crafts room to an existing nursing home.

The above notice is sent to you because your property is within 450 feet of the property in this request. If you have any question in regard to the above, please call 963-0611, Ext. 361.

Date: April 16, 1976

Time: The Board of Land Use Controls meeting will commence at 1:00 p.m.

Place: Council Chambers
City Hall

The Board of Land Use Controls will hear the agenda items in the order that they appear on the agenda.

Santa Barbara City Fire Department

April 6, 1976

OUT OR
OK

To: Zoning Office

From: R. R. Peterson, Fire Chief

Subject: Variance Request for Sixteen (16) Resident Rooms,
Lounge, Dining Room, and Arts and Craft Room to
be Added to Valle Verde - 900 Calle De Los Amigos

This department has no objections to the proposed request
for a variance.

We will, however, want all plans to be submitted through
this office for review for requirements of California
Administrative Code Title 19 after review by the State Fire
Marshal.

Yours truly,



R. R. Peterson, Fire Chief

RRP:glc

cc D. Warburton-Division of Land Use Controls
F. Bonde -Division of Land Use Controls



Samar kand

Retirement Community 2663 Tallant Road
 Samar kand Hospital (Skilled Nursing Facility) 2566 Treasure Drive
 Santa Barbara, California 93105
 Phone (805) 687-0701

April 2, 1976

M's Joanne Miller
 Planning Commission
 City Hall
 Santa Barbara

Dear M's Miller:

Recently it has come to the attention of the Commission On Aging that Valle Verde retirement community is desirous of adding beds at their skilled nursing facility. Realizing that there are always delays and problems in putting such a project together, it was moved, seconded and carried in our April 1, 1976 meeting that we send a letter to the Planning Commission with our wholehearted approval and endorsement of this project.

It is hoped that your Commission will respond favorably to this request in order to meet this vital need.

Since I am personally involved in similar activity with retired people, there is no question in my mind at all that these additional beds are needed in order to meet the requirements for the number of people they have on grounds.

Sincerely yours,


 Harry J. Ekstam
 Administrator

cc Ray Schneider
 Valle Verde

RESOLUTION NO. 3

SUBJECT: Application of the American Baptist Homes of the West, Inc., for a conditional use permit under provisions of Section 28.94 and Section 28.94.030.30 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 49-040-12, located at 900 Calle de los Amigos in an E-3 one family residence zone in order to permit forty-four (44) additional dwelling units to an existing retirement home.

WHEREAS, the City Planning Commission has held the required public hearing on the above application; and the applicant was present.

WHEREAS, 0 persons appeared to speak in favor of the application and 0 persons appeared to speak in opposition thereto, and the following exhibits were presented for the record:

- Application
- Environmental Impact Report
- Site Plan
- Letter from City Administrator

; and

WHEREAS, the matter having been fully considered by this Commission, the Planning Commission finds as follows:

1. Such use is deemed essential or desirable for the public convenience and welfare and is in harmony with the General Plan.
2. Such use will not be materially detrimental to the public peace, health, safety, or general welfare and will not materially affect property values in the neighborhood involved.
3. This commission approves the location and site development plans, drawings of buildings and landscaping of the proposed use.
4. The proposed use is one permitted in the zone for which it is proposed; upon the granting of a conditional use permit.

NOW, THEREFORE IT IS RESOLVED that the City Planning Commission hereby approves the subject request, subject to the following conditions:

A. Bridge

1. The existing equestrian trail shall be incorporated into the bridge design.
2. The following shall be incorporated into the plans:

a. Concrete box culvert adequate in size and with proper orientation in the (OVER) Passed and adopted this 22nd day of January, 1981, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6	Abstained: 0
NOES: 0	Absent: 1

CITY PLANNING COMMISSION
SANTA BARBARA, CALIFORNIA

I hereby certify that the above Resolution was adopted by the Santa Barbara City Planning Commission at its meeting of the above date.

William M. Hethercole
Secretary

NOTE: This action of the City Planning Commission shall become effective 10 days from date of mailing of this resolution copy, unless appealed to City Council within that time, and shall remain in effect thereafter unless the conditions have not been met, or unless the Conditional Use Permit is unused, abandoned or discontinued for a period of 6 months.

Date Mailed: 1/27/81 (the above shall not apply to rezonings)

Date: 1/27/81

81

CONDITIONS CONTINUED

creek bed to allow passage of the 100-year flood flow.

- b. Gabion wing walls and end walls extending from the box culvert both up and down stream to prevent bank erosion where the stream passage will be constricted through the culvert. Also, large boulders shall be placed in the creek bed immediately downstream of the culvert to dissipate stream energy and prevent channel scouring and erosion.
- c. All cut and fill slopes will be revegetated by hydromulch techniques with an appropriate seed mix including native and drought resistant plants, subject to the review and approval of the ABR. No fertilizer or eucalyptus seed is to be used.
3. Cuttings of River Willow (*Salix Spp*) shall be planted at the toe of the cut and fill slopes along the creek. One gallon size containers of Rhus, Ceanothus and Sycamore shall also be planted along these slopes.
4. Prior to the issuance of Occupancy Permit a performance bond to insure revegetation of slopes promptly, and to see to replacement for a period of up to two years, subject to the review of the Chief of Building & Zoning, be provided.

B. Expansion/ Conditional Use Permit

1. Prior to submittal for building permits, domestic water service to the subject site shall be assured subject to the review and approval of the Public Works Department.
2. The Conditional Use Permit shall expire two years from the date of Planning Commission approval unless bridge construction has begun.
3. The applicant shall work with the Architectural Board of Review on the following:
 - a. The exterior lighting shall be of low intensity in order to avoid impacting the neighborhood.
 - b. The landscaping along La Cumbre Country Club shall be adequate to visually screen the project from the club.
 - c. Sidewalks shall be provided around all parking areas and streets.
 - d. Covered carports (19 spaces total) shall be provided in two locations.
 - e. Hydroseed mix including native and drought resistant plants for all cut and fill slopes.
4. Parking spaces shall be assigned to each resident with a car. Guest spaces shall be so indicated.
5. No recreational vehicles, boats or trailers shall be stored on the subject site.
6. The applicant shall agree to pay a cash contribution towards a special La Cumbre Road/Las Positas Road freeway overpass improvement fund. The amount shall be based upon the project's projected Average Daily Trip (ADT) level as determined by the City Engineer. The actual amount per ADT shall be set by Resolution #79-084 of the City Council.
7. The applicant shall make every effort to see the bridge is in place before the project begins.
8. The occupancy of this new addition shall have no more than 32 cars.

6. Prior to the issuance of Occupancy Permit a performance bond to insure revegetation of slopes promptly, and to see to replacement for a period of up to two years, subject to the review of the Chief of Building & Zoning, be provided.
 7. Prior to submittal for building permits, domestic water service to the subject site shall be assured subject to the review and approval of the Public Works Department.
 8. The applicant shall work with the Architectural Board of Review on the following:
 - a. The exterior lighting shall be of low intensity in order to avoid impacting the neighborhood.
 - b. The landscaping along La Cumbre Country Club shall be adequate to visually screen the project from the club.
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 12. The applicant shall make every effort to see the bridge is in place before the project begins.
 13. The occupancy of this new addition shall have no more than 32 cars.
- B. Other Conditions:
1. Survey the property (set monuments) and record a Parcel Map.
 2. Record an easement for access along Senda Verda to both entrances/exits of the new project.
 3. Both 1) and 2) are to be completed within three months.

EXHIBIT "A"

S0°37'W
775.79'

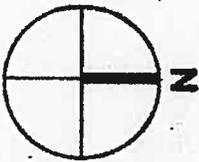
UNDEVELOPED

N89°52'50"E
1100.00'

PARCEL AREA: ACRES

S89°45'E
756.13'

S18°45'W
144.70'



20' 62' 5' 20' N0°06'E 499.18'

EXISTING VALLE VERDE

44 UNIT ADDITION

CALLE DE LOS AMIGOS

S44°50'E
209.85'

N73°32'W
491.37'

N65°05'W
414.75'

VALLE VERDE
44 UNIT ADDITION

Δ=36°00'
R=37.80'
L=23.75'

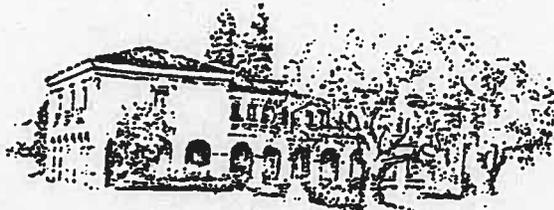
Δ=53°01'50"
R=430.00'
L=247.89'

EXHIBIT "A"

CITY OF SANTA BARBARA

RECEIVED

COMMUNITY DEVELOPMENT DEPT.
Redevelopment • Environmental Review
Planning • Zoning • Building • Housing



1235 CHAPALA STREET
P.O. DRAWER P-P
SANTA BARBARA, CA 93102
(805) 963-1663

July 10, 1984

American Baptist Homes of the West
400 Roland Way
Oakland, CA 94621

Re: Valle Verde, 900 Calle de los Amigos

Dear Sirs:

On July 5, 1984, the Planning Commission of the City of Santa Barbara reviewed application of Ralph Belknap, Agent for American Baptist Homes of the West for a Conditional Use Permit under provisions of Section 28.94 and Section 28.94.030.19 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 49-040-20, located at 900 Calle de Los Amigos in an E-3 One-Family Residence Zone in order to permit: 1) a 28-unit apartment complex; 2) a 45-unit personal-care building having 48 beds; 3) a 14-room nursing care building having 28 beds; 4) a recreation building; 5) a laundry/kiosk and five, two- (2) car carports and, 6) Additions to the existing central kitchen & dining building, and approved said application with findings and subject to conditions as stated in Resolution No. 093-84.

Please amend your copy to include incorporation of Resolution No. 093-84 as amended July 19, 1984 (attached).

Sincerely,

Susan McKenzie
Susan McKenzie
Planning Commission Secretary

GRANT TO READ
2-5 CAR GARAGES

- cc: 1) Ralph Belknap, 400 Roland Way, Oakland, CA 94621
2) Ray Schneider, Administrator, 900 Calle de los Amigos, Santa Barbara, CA 93101
3) Bob Grant, Grant Pedersen, Philips Architects, 1435 Anacapa Street Santa Barbara, CA. 93101

SANTA BARBARA CITY PLANNING COMMISSION

RESOLUTION '093-84

AMENDED 7/19/84

SUBJECT:

Application of Ralph Belknap, Agent for American Baptist Homes of the West for a Conditional Use Permit under provisions of Section 28.94 and Section 28.94.030.19 of Title 28 of the Municipal Code of the City of Santa Barbara, the Zoning Ordinance, as applied to City Parcel 49-040-20, located at 900 Calle de Los Amigos in an E-3 One-Family Residence-Zone in order to permit: 1) a 28-unit apartment complex; 2) a 45-unit personal-care building having 48 beds; 3) a 14-room nursing care building having 28 beds and a classroom; 4) a recreation building, including a store, operated for use of residents; 5) a laundry/kiosk and five, two- (2) car carports and, 6) Additions to the existing central kitchen & dining building.

WHEREAS, the City Planning Commission has held the required public hearing on the above application; and the applicant was present;

WHEREAS, 0 persons appeared to speak in favor of the application and 0 persons appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report, July 5, 1984
2. Color rendering Site Plan
3. Letter, from American Baptist Homes, Ralph Belknap, to Mike Hopkins, June 26, 1984.
4. Site Plan
5. Floor Plan
6. Elevation Plan
7. Irrigation Plan
8. Planting Plan
9. Annexation Site Plan
10. Floor Plan
11. Vicinity Map
12. Valle Verde Annexation Plans (see Resolution No. 092-84)
13. Draft Environmental Impact Report Valle Verde Annexation
14. Final Environmental Impact Report Valle Verde Annexation
15. Environmental Impact Report, Calle de los Amigos Road Extension

;and

WHEREAS, the matter having been fully considered by this Commission, the Planning Commission finds as follows:

1. That the Planning Commission has read and considered the EIR for this project.
2. That a statement of overriding consideration be made relative to the significant unavoidable long-term and cumulative impact on the water supply. Because of the project's location over Storage Unit III of the Santa Barbara basin, this annexation will provide the City with water rights and extraction capabilities in an area not previously available to the City. In addition, the project proposed as a result of the annexation will be providing badly-needed elderly housing for the City of Santa Barbara.
3. Changes in and alterations to the project have been required which mitigate or avoid the significant environmental effects identified in the Final EIR.
4. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive Plan;
5. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;

6. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.
7. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.
8. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible to the character of the area.
9. Compliance with any additional specific requirements for a conditional use permit. The Planning Commission may impose such other conditions and restrictions upon the proposed use consistent with the Comprehensive General Plan and may require security to assure satisfactory performance of all conditions and restrictions.
10. Public services such as roads, sewer and water are available in amounts adequate to service the retirement home.
11. The intensity of use and impact upon all public services and facilities is compatible with any neighboring residential use.

NOW, THEREFORE IT IS RESOLVED that the City Planning Commission hereby approves the subject request, subject to the following conditions:

- I. Approval of this project is contingent upon approval of this annexation by LAFCO and City Council. Upon such annexation, the conditions for this permit shall apply.
- II. The following is subject to the review and approval of the Architectural Board of Review:
 - A. No more than seven (7) Oak trees shall be removed unless it is determined by an arborist contracted by the owner and confirmed by the City Arborist that such removal is necessary due to the health of the tree or to protect the safety of future residents.
 - B. All Oak trees removed shall be replaced on a three-for-one basis with minimum 15-gallon-size trees.
 - C. The landscape, building and grading plans shall include the following Oak tree protection measures from the EIR:
 1. All excavation within the driplines of Oak trees shall be done by hand tools.

2. Any roots encountered shall be cleanly cut and sealed with asphaltic tree seal compound.
3. After initial hand excavation, enclose each Oak tree within the construction area with a five-foot-high chain-link fence at the dripline. The fences shall remain to protect the trees during construction.
4. No storage of heavy equipment or materials or parking shall take place under the trees.
5. No utility lines, planting or irrigation shall be installed within any Oak tree dripline.
6. No chemical herbicides shall be applied within 100 feet of any Oak tree dripline.
7. All root pruning and pruning of Oak tree crowns shall be done in accordance with Appendix C of the Final EIR. An Oak tree specialist may be retained by the applicant. Such specialist may modify the above conditions consistent with the intent of preserving and protecting the Oak trees subject to review of the City Arborist.

- D. Exterior lighting, where provided, shall be of low intensity in order to provide aesthetically-pleasing lighting which promotes safety, but does not impose on adjacent properties and uses.
- E. The applicant shall provide street trees along the extension of Torino Drive subject to the requirements of the Parks Department.
- F. Future landscaping shall utilize indigenous, drought-tolerant plants, where possible, to reduce water demand.
- G. Drip irrigation systems and cisterns shall be used to reduce water demand, including, but not limited to, eave run-off cisterns.

III. Prior to the issuance of building permits, the applicant shall complete the following:

- A. The applicant shall record an agreement on the property which includes the following provisions subject to the review and approval of the City Attorney's Office.
 1. Storage of recreational vehicles, boats or trailers, shall be stored on the real property only in designated areas of the property, with planting area around storage area approved by the Architectural Board of Review.
 2. Owner waives the right to protest the formation of any and all street lighting, traffic, underground utility and other public improvement districts.
 3. The applicant shall provide for the uninterrupted flow of water through the property, in swales and natural drainage courses on the property or any access roads, as appropriate. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life or health or damage to adjoining property.

4. The use of chemical herbicides shall be prohibited within 100 feet of any Oak tree dripline.
 5. The applicant shall agree to pay a cash contribution toward a special La Cumbre/Las Positas Road Freeway Overpass Improvement Fund. The amount shall be based upon the projected ADT level as determined by the City Engineer. The actual amount per ADT shall be set by Resolution #79-084 of the City Council. Said fees shall be paid prior to the issuance of building or grading permits.
- B. Construct Public improvements on Torino Drive as required by Public Works Department. Such public improvements shall include, but not be limited to curbs, gutters, sidewalks, asphalt concrete pavement on aggregate base, street lights with underground wiring, sewer system, water system and adequate positive storm drainage. Public improvements may also be required to include a vehicle turn around. Improvement plans prepared by a registered civil engineer, thereof, shall be submitted by the owner and approved by the City Engineer. Improvement plans shall include appropriate directional and regulatory traffic control signs.
 - C. A geologic, soils, drainage and erosion report shall be prepared by an engineering geologist and soils engineer in order to reduce project-related impacts, including those created by off-site landslides. All recommendations made shall be included in the building and grading plans.
 - III D. Construct or bond for construction the water well and treatment facility. Dedicate the water rights under the real property and the proposed on-site well and treatment facility to the City in exchange for City water service. Such dedication agreement shall be reviewed by the City Attorney and the Public Works Department. Said agreement shall include provisions which allow the applicant to recover some of the costs from future projects which use the proposed water well and treatment facility. Such recovery time shall not exceed a period of twenty (20) years.
 - E. A preliminary construction conference shall be scheduled and completed by the applicant. The conference shall include representatives from the Public Works Department, Building and Planning Division, the applicant and the contractor in order to resolve any areas of concern prior to construction.
 - F. The applicant shall dedicate the development rights of the Oak woodland containing approximately 4.0 acres to the City for purposes of protecting the Oak woodland and maintaining the open space in perpetuity.
 - G. Dedicate: A), a 60-foot right-of-way, and B) a vehicle turn-around for the purpose of extending Torino Drive.
 - H. In cooperation with neighboring property owners and the Parks Department, grant or offer to dedicate an easement for a hiking and riding trail, subject to approval of the Parks Department.
- IV. The following shall be shown on the improvement plans submitted to the Division of Land Use Controls with the applications for building permits.
- A. The applicant shall meet with the Crime Analyst to determine how lighting, locking mechanisms, egress and fencing can be designed or included so as to reduce the potential number of calls for police service from project residents.

- B. All structures shall be constructed to Uniform Building Code standards for Seismic Zone 4 and all structures shall be set back a minimum of fifty (50) feet from the Lavigia Fault Zone.
- C. The following shall be specifically included in the grading plans in addition to any requirements for building plans:
 - 1. On-site grading shall be performed in such a manner as to prevent ponding of water during or after construction and to prevent the flow of surface water on cut or fill slopes.
 - 2. Interceptor ditches shall be constructed above the tops of cut and fill slopes to collect runoff when it is not otherwise controlled.
 - 3. Graded slopes on-site shall be immediately revegetated and maintained. In addition, lined gutters should be provided along the tops of slopes to minimize surface erosion.
 - 4. Additional drainage facilities may be recommended by the Soils Engineer, depending upon field conditions.
- D. All Oak tree protection measures indicated in condition II.C. shall be indicated on the grading, building and landscaping plans.
- E. The location of all street trees shall be shown in accordance with Parks Department approval.
- F. All easements, culverts, catch basins and other proposed improvements shall be shown.

~~G.---Dedicate-A)-a-60-foot-right-of-way,-and-B)-a-vehicle
---turn-around-for-the-purpose-of-extending-Terino-Drive,-subject
---to-approval-of-the-Public-Works-Department.~~

~~H.---in-cooperation-with-neighboring-property-owners-and-the-Parks
Department,-grant-or-offer-to-dedicate-an-easement-for-a-hiking
and-riding-trail,-subject-to-approval-of-the-Parks-Department.~~

- V. The following shall be completed prior to the issuance of the Certificate of Occupancy:
 - A. All improvements discussed in Conditions III.B and III.D shall be completed.

Passed and adopted this 5 day of July, 1984, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAINED: 2 ABSENT: 0

CITY PLANNING COMMISSION
SANTA BARBARA, CALIFORNIA

I hereby certify that the above Resolution was adopted by the Santa Barbara City Planning Commission at its meeting of the above date.


Secretary
July 19, 1984
Date

NOTE: THIS ACTION OF THE CITY PLANNING COMMISSION SHALL BECOME EFFECTIVE TEN DAYS (10) FROM THE DATE OF HEARING, UNLESS APPEALED TO CITY COUNCIL WITHIN THAT TIME.

CONCEPT REVIEW - CONTINUED ITEM**3. 900 CALLE DE LOS AMIGOS****A-1 Zone**

Assessor's Parcel Number: 049-040-050
 Application Number: MST2005-00742
 Owner: American Baptist Homes of the West
 Applicant: Tynan Group
 Agent: Cameron Carey
 Architect: Keith Nolan

(This is a revised proposal for residential and non-residential additions to the Valle Verde Retirement Community. The proposal includes the construction of 40 new senior independent living units across the existing campus, for a total of 251 residential units. The non-residential component includes 13,945 square feet of demolition, 14,902 square feet of new construction, resulting in a 957 net square feet addition, and 10,461 square feet to be remodeled. The proposal would result in the addition of 58,436 square feet of structures, bringing the total on site development to 317,741 square feet. 83 new parking spaces are proposed for a total of 414 parking spaces. 11,520 cubic yards of cut, 13,300 cubic yards of fill, and 1,780 cubic yards of imported soils is proposed on the 59.75 acre site. The project requires Planning Commission approval for an amendment to the existing Conditional Use Permit, Lot Line Adjustment and Modifications for building separation and yard encroachments.)

(Third Concept Review. Comments only; Project requires Environmental Assessment and Planning Commission review for an amendment to the existing Conditional Use Permit, Lot Line Adjustment and Modifications for building separation and setback encroachments.)

(4:45)

Present: Ron Schaffer, Executive Director, Valle Verde Retirement Community; Justin Van Mullem, Architect; Keith Nolan, Architect; Cameron Carey, Agent; and Peter Lawson, Associate Planner.

Public comment opened at 5:14 p.m.

The Board acknowledged staff's announcement that approximately 56 letters, emails, and petitions of support and two opposition letters or emails were received.

The following members of the public spoke *in support* of the proposed project:

Karin & Bob Hughes, Dan George, Larry Wilson, Susan Richards, Susan Johnson, Charlie Johnson, Ragner Thorensen, Louise Carey, Ernie Campbell, Rita Templer, Robert Buegler, Henry Jones, Alice Scott, Art Christman, Art Montgomery, Dr. George Scott, Bill Spangler, Jane Rieffel, Steve Cushman (President of SB Chamber of Commerce), and Rev./Dr. Michelle Woodhouse and Jane Zonke.

The following members of the public spoke *in opposition* to the proposed project regarding lighting and parking issues, safe entrance and egress, the requested no access on Torino Road, modifications within 15 feet of the sidewalk, parking density, emergency access, private views, wild life trail, and landscaping height and pinch-point concerns for vehicular safety of Unit #6 and #7:

Heike Killian (Hidden Oaks Association), Ruth Georgi, and Jermaine Chastain.

Public comment closed at 5:55 p.m.

Straw vote: How many Board members are in favor of the modification for front yard encroachment of Unit 6? 7/0 (unanimous). The Chair clarified that the Board would like to closely look at this area in terms of landscaping, etc.

Motion: Continued indefinitely to the Planning Commission and return to Full Board with comments:

- 1) The Board supports the site plan.
- 2) The Board finds no negative aesthetic impacts to the requested modifications for building separation, and the setback encroachment for unit #6 and adds that it provides benefits for wild life habitat.
- 3) The Board is not in favor of the current layout of the administrative parking due to insufficient landscaping between the parking and the street. Applicant is to comply with the parking standards requirements (SBMC §28.90.050) regarding the ratio of parking stalls per landscape planting finger.

ARCHITECTURE:

- 1) The architecture of the units is moving in the right direction.
- 2) The Board looks for further refinement of columns and massing of the proposed units.
- 3) The Board reserves the right to review the architecture more completely when the proposed project returns.
- 4) Return with plans and elevations of the carports.

LANDSCAPING:

- 1) The Board appreciates the use of native species. The applicant is encouraged to further study the landscaping to reduce the plant variety and to group similar water-use plants.
- 2) Return with proposed plants to help visually screen the parking.
- 3) The Board appreciates the increased amount of setback between the Hidden Oak neighborhood to Rutherford property units, and looks forward to proposed landscaping solutions on the plans to screen the new units in that area.

Action: Gross/Aurell, 7/0/0. Motion carried. (Blakeley/Sherry absent).

**** THE BOARD RECESSED AT 6:31 P.M. AND RECONVENED AT 6:59 P.M. ****

CONCEPT REVIEW - CONTINUED ITEM**3. 900 CALLE DE LOS AMIGOS****A-1 Zone**

Assessor's Parcel Number: 049-040-050
Application Number: MST2005-00742
Owner: American Baptist Homes of the West
Applicant: Tynan Group
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(This is a revised proposal for residential and non-residential additions to the Valle Verde Retirement Community. The proposal includes the construction of 40 new senior independent living units across the existing campus, for a total of 251 residential units. The non-residential component includes 13,945 square feet of demolition, 14,902 square feet of new construction, resulting in a 957 net square feet addition, and 10,461 square feet to be remodeled. The proposal would result in the addition of 58,436 square feet of structures, bringing the total on site development to 317,741 square feet. 83 new parking spaces are proposed for a total of 414 parking spaces. 11,520 cubic yards of cut, 13,300 cubic yards of fill, and 1,780 cubic yards of imported soils is proposed on the 59.75 acre site. The project requires Planning Commission approval for an amendment to the existing Conditional Use Permit, Lot Line Adjustment and Modifications for building separation and yard encroachments.)

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Present: Ron Schaffer, Executive Director, Valle Verde Retirement Community; Justin Van Mullem, Architect; Keith Nolan, Architect; Cameron Carey, Agent; and Peter Lawson, Associate Planner.

Public comment opened at 5:14 p.m.

The Board acknowledged staff's announcement that approximately 56 letters, emails, and petitions of support and two opposition letters or emails were received.

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Heike Killian (Hidden Oaks Association), Ruth Georgi, and Jermaine Chastain.

Public comment closed at 5:55 p.m.

Straw vote: How many Board members are in favor of the modification for front yard encroachment of Unit 6? 7/0 (unanimous). The Chair clarified that the Board would like to closely look at this area in terms of landscaping, etc.

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- 3) The Board appreciates the increased amount of setback between the Hidden Oak neighborhood to Rutherford property units, and looks forward to proposed landscaping solutions on the plans to screen the new units in that area.

Action: Gross/Aurell, 7/0/0. Motion carried. (Blakeley/Sherry absent).

**** THE BOARD RECESSED AT 6:31 P.M. AND RECONVENED AT 6:59 P.M. ****



City of Santa Barbara California

Exhibit H: Draft Final Environmental Impact Report, dated February 2011 can be found at

http://www.santabarbaraca.gov/Resident/Environmental_Documents/900_Calle_de_Los_Amigos/



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

APRIL 14, 2011

CALL TO ORDER:

Chair Jostes called the meeting to order at 1:01 P.M.

I. ROLL CALL

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Mike Jordan, and Deborah L. Schwartz.

Absent: Commissioners Jacobs and Larson.

STAFF PRESENT:

Danny Kato, Senior Planner
Steve Wiley, City Attorney
Steve Foley, Supervising Transportation Planner
Michael Berman, Project Planner/Environmental Analyst
Victoria Johnson, Project Engineer
Peter Lawson, Associate Planner
Stacey Wilson, Associate Transportation Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Announcements and appeals.

1. Danny Kato, Senior Planner, announced that the 2915 De la Vina Street appeal was heard by City Council on Tuesday, April 12, 2011 and was denied on a 5/2 vote.
2. Julie Rodriguez, Planning Commission Secretary, announced that the April 21, 2011 Planning Commission meeting will be held in the David Gephard Public Meeting Room at 630 Garden Street and not in Council Chambers.

B. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:03 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:03 P.M.

EX PARTE COMMUNICATION:

Commissioner Bartlett disclosed an ex parte communication with the Applicant regarding parking.

APPLICATION OF TYNAN GROUP AGENTS FOR AMERICAN BAPTIST HOMES OF THE WEST, 900 CALLE DE LOS AMIGOS, (APN/ZONE DISTRICTS: VALLE VERDE CAMPUS 049-040-054/E-3; 049-440-016/A-1 & A-1; 049-040-050/A-1&E-3; 049-040-053/E-3; RUTHERFORD PARCEL - 049-440-015/A-1), GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE, 1 UNIT/ACRE (MST2005-00742)

The proposed project would be for an amended Conditional Use Permit (CUP) for additions and remodeling to the facilities at the Valle Verde Retirement Community facility. The CUP would also expand to encompass an adjacent parcel, known as the Rutherford Parcel, which is currently owned by Valle Verde. The project would involve the demolition of 2 independent living residential units (defined as each unit containing a kitchen), a single family residence, and the construction of 40 new independent living residential units for a net increase of 37 new independent living residential units. The existing 11 studio units (defined as one shared kitchen per four studios) would be reduced to 7 units through the demolition of 4 units.

Project components involving the support facilities for the residents would include a two-story addition to the Administration building, where a 4-room bed and breakfast and a small banking office would be located. The existing bed and breakfast, currently located in a former independent living unit would be demolished. The Assisted Living facility would include an addition for four new beds, and the Dining & Multi-Purpose Building would be remodeled along with minor additions totaling 1,300 square feet. The existing 4,348 square foot Maintenance Building would be demolished and a new 5,642 square foot maintenance facility would be constructed within the same location.

Several of the existing parking areas on the project site would be reconfigured for dedicated residential, visitor and employee parking, and would provide a total of 83 new parking spaces. A parking permit program would be implemented to track the residential and employee parking. After project implementation, a total of 414 parking spaces would be provided on the project site. A new driveway from the Rutherford Parcel would provide access to eight of the ten proposed residential units on that lot, with the remaining two units accessed from within the campus. The project would include the dedication of a 9.8-acre oak woodland area on the western portion of the project site. The project also includes a minor Lot Line Adjustment between two parcels owned by Valle Verde.

The discretionary applications required for this project are:

1. Modifications to allow less than the required front setback for proposed Unit 6 along Torino Drive and for proposed development along Valle Verde private roads (SBMC § 28.92.110.2);
2. Modifications to allow less than the required distance between buildings for some of the proposed development (SBMC § 28.92.110.2);
3. Modifications to allow less than the required interior yard setback for some of the proposed development (SBMC § 28.92.110.2);
4. A Conditional Use Permit Amendment to allow expansion of the Valle Verde retirement community (SBMC §28.94.030.R); and
5. A Lot Line Adjustment to allow an exchange of land between APNs 049-440-015 and -016, which would result in a decrease of APN 049-440-015 from 3.6 acres to 3.4 acres and a corresponding increase of APN 049-440-016 from 11.5 to 11.7 acres (SBMC §27.40).

Environmental Review: A Final Environmental Impact Report (FEIR) has been prepared along with responses to comments received during the comment period and, prior to an action on the project, the Planning Commission will consider certification of the EIR, and must make findings pursuant to the California Environmental Quality Act Guidelines Section 15091. A copy of the FEIR and response to comments can be found online at http://www.santabarbaraca.gov/Resident/Environmental_Documents/ listed under 900 Calle de los Amigos and is also available at the Planning Counter at 630 Garden Street.

Case Planner: Peter Lawson, Associate Planner

Email: PLawson@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4565

Peter Lawson, Associate Planner, gave the Staff presentation. Additional Staff providing responses to questions from the Commission included Michael Berman, Project Planner/Environmental Analyst; Anne Marx, Fire Inspector; Steve Foley, Supervising Transportation Planner; Stacey Wilson, Associate Transportation Planner; Victoria Johnson, Project Engineer; along with Rob Olson, Transportation Engineering Manager, ITERIS.

Ron Schaffer, Executive Director, Valle Verde Retirement Community; gave the applicant presentation. Cameron Carey, Agent, and Justin Van Mullem, Architect, provided responses to questions from the Commission.

Chair Jostes opened the public hearing at 2:23 P.M.

The following people spoke in support of the project:

1. Hugh and Helen Smart
2. Susan Dempsey
3. Louise Carey
4. Jim Dow
5. Gail Harling
6. Sue Melcor, Vistas Lifelong Learning

7. Charlie Schneider, Vistas Lifelong Learning
8. Peter Kruse, Vistas Lifelong Learning
9. Larry Wilson
10. Jay Blatter
11. Donald O'Dowd
12. Arthur Christman, Jr., speaking for Jane Rieffel
13. Robert Buegler
14. Jan O'Dowd
15. Dorothy Burkhart
16. Bob Miller
17. Judy Richards
18. George Scott
19. Gerson Kumin
20. Michael Seligman
21. Roy Donkin
22. Norman Boyan
23. Dan George, Valle Verde Advisory Board Member
24. Henry Jones
25. Art Montgomery
26. Rhonda Spiegel, Executive Director, Alzheimers Association
27. Charlie Johnson, Valle Verde Advisory Board Member
28. Laurie Yttri

The following people spoke in opposition to the project or with concerns:

1. Marc Chytilo, Attorney for Hidden Oaks Home Owners Association: concerns about neighborhood compatibility.
2. Heike Kilian, Hidden Oaks Home Owners Association: concerns about parking inadequacy.
3. Ruth Georgi, Hidden Oaks neighbor: concerns about protection of Oak Woodland, and other issues.
4. Jermaine Chastain, Hidden Oaks neighbor: non-resident use of Valle Verde. Also submitted a petition with 118 signatures.
5. Steve Gaither, Hidden Oaks neighbor; concern for Chumash burial sites at Valle Verde.
6. Beth Ford, Hidden Oaks Home Owners Association: request for residential and special events cap/ concerned about parking inadequacy and traffic.
7. David Lane: desire to keep open space.
8. Kristina Seiberg: traffic and safety concerns.
9. John Caulfield: concerns about safety. Also stated project is not consistent with the California State findings for a CUP.
10. Stevie Peters, Hidden Oaks neighbor: requests additional conditions to CUP.
11. Sherry Hall, Union Representative/Organizer Nursing Homes SEIU Healthcare Workers & Friends of Valle Verde: EIR deficient/ biological studies inadequate.

Chair Jostes called for a recess at 3:25 P.M. and resumed the public comment at 3:42 P.M.

With no one else wishing to speak, the public hearing was closed at 4:23 P.M.

The following people submitted speaker slips, but were unable to remain the duration of the meeting:

1. Steve Cushman, Santa Barbara Regional Chamber of Commerce
2. Eddie Harris, Santa Barbara Urban Creeks Council
3. Jeff Avella, Friends of Valle Verde
4. Karina Israelachvili, Save Hidden Valley
5. Jamie Freymuth
6. Hans Kistn
7. Jim Vanturino, Hidden Oaks Homeowners Association
8. Steven Weiner, Tri Counties Building & Construction Industry Council
9. Marilyn Valenzuela, Tri Counties Central Labor Council
10. Betty Weiner

MOTION: Schwartz/Bartlett

Assigned Resolution No. 009-11

Certify the Environmental Impact Report, making the findings as outlined on Page 14, Section 8.A in the Staff Report.

This motion carried by the following vote:

Ayes: 4 Noes: 1 (Jostes) Abstain: 0 Absent: 2 (Jacobs, Larson)

MOTION: Schwartz/Bartlett

Assigned Resolution No. 009-11

Approved the project, making the findings for Modifications, Conditional Use Permit Amendment, and Lot Line Adjustment as outlined in Section 8.B-F of the Staff Report, subject to the Conditions of Approval in Exhibit A ,as revised, with the following additional revisions: 1) Revise condition B.14, Areas Available for Parking, to include additional onsite parking signage; 2) Revise condition D.q.(1) to include construction staging, and to describe the Commission's intent that construction parking, storage and staging shall be located out of the right-of-way to minimize traffic, parking, noise and other impacts to the neighborhood, as acceptable to Parking & Transportation Staff; 3) Add a condition to include a requirement that the final design of the below-grade detention basin on the Rutherford parcel be designed in consultation with a qualified arborist, with the goal of minimizing impacts to the health of the existing oak trees.. 4) Add to Section A.5. "including, but not limited to the Oak Grove development rights restriction". 5). Explore ways to reduce retaining wall height by units 12 and 13 and the southerly portion above the maintenance building with the Architectural Board of Review. 6) Parking & Transportation Staff review increasing the length of red curbs around the driveway entrances in an effort to improve circulation of traffic on Calle de los Amigos, particularly around curb near Administration building, and explore no-parking zones on one side of Calle de Los Amigos particularly at the curves.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Larson)

Chair Jostes announced the ten calendar day appeal period.

VII. ADJOURNMENT

Chair Jostes adjourned the meeting at 5:54 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 009-11

900 CALLE DE LOS AMIGOS

AMENDED CONDITIONAL USE PERMIT, MODIFICATIONS, & LOT LINE ADJUSTMENT

APRIL 14, 2011

APPLICATION OF TYNAN GROUP AGENTS FOR AMERICAN BAPTIST HOMES OF THE WEST, 900 CALLE DE LOS AMIGOS, (APN/ZONE DISTRICTS: VALLE VERDE CAMPUS 049-040-054/E-3; 049-440-016/A-1 & A-1; 049-040-050/A-1&E-3; 049-040-053/E-3; RUTHERFORD PARCEL - 049-440-015/A-1), GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE, 1 UNIT/ACRE (MST2005-00742)

The proposed project would be for an amended Conditional Use Permit (CUP) for additions and remodeling to the facilities at the Valle Verde Retirement Community facility. The CUP would also expand to encompass an adjacent parcel, known as the Rutherford Parcel, which is currently owned by Valle Verde. The project would involve the demolition of 2 independent living residential units (defined as each unit containing a kitchen), and a single family residence, and the construction of 40 new independent living residential units for a net increase of 37 new independent living residential units. The existing 11 studio units (defined as one shared kitchen per four studios) would be reduced to 7 units through the demolition of 4 units.

Project components involving the support facilities for the residents would include a two-story addition to the Administration building, where a 4-room bed and breakfast and a small banking office would be located. The existing bed and breakfast, currently located in a former independent living unit would be demolished. The Assisted Living facility would include an addition for four new beds, and the Dining & Multi-Purpose Building would be remodeled along with minor additions totaling 1,300 square feet. The existing 4,348 square foot Maintenance Building would be demolished and a new 5,642 square foot maintenance facility would be constructed within the same location.

Several of the existing parking areas on the project site would be reconfigured for dedicated residential, visitor and employee parking, and would provide a total of 83 new parking spaces. A parking permit program would be implemented to track the residential and employee parking. After project implementation, a total of 414 parking spaces would be provided on the project site. A new driveway from the Rutherford Parcel would provide access to eight of the ten proposed residential units on that lot, with the remaining two units accessed from within the campus. The project would include the dedication of a 9.8-acre oak woodland area on the western portion of the project site. The project also includes a minor Lot Line Adjustment between two parcels owned by Valle Verde.

The discretionary applications required for this project are:

1. Modifications to allow less than the required front setback for proposed Unit 6 along Torino Drive and for proposed development along Valle Verde private roads (SBMC § 28.92.110.2);
2. Modifications to allow less than the required distance between buildings for some of the proposed development (SBMC § 28.92.110.2);
3. Modifications to allow less than the required interior yard setback for some of the proposed development (SBMC § 28.92.110.2);

4. A Conditional Use Permit Amendment to allow expansion of the Valle Verde retirement community (SBMC §28.94.030.R); and
5. A Lot Line Adjustment to allow an exchange of land between APNs 049-440-015 and -016, which would result in a decrease of APN 049-440-015 from 3.6 acres to 3.4 acres and a corresponding increase of APN 049-440-016 from 11.5 to 11.7 acres (SBMC §27.40).

Environmental Review: A Final Environmental Impact Report (FEIR) has been prepared along with responses to comments received during the comment period and, prior to an action on the project, the Planning Commission will consider certification of the EIR, and must make findings pursuant to the California Environmental Quality Act Guidelines Section 15091. A copy of the FEIR and response to comments can be found online at http://www.santabarbaraca.gov/Resident/Environmental_Documents/ listed under 900 Calle de los Amigos and is also available at the Planning Counter at 630 Garden Street.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 29 people appeared to speak in favor of the application, and 11 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 7, 2011. If item is continued list each Staff report separately with attachments.
2. Site Plans
3. A copy of Staff's Power Point presentation with a copy of Valle Verde Community events.
4. Correspondence received in support of the project:
 - a. M.L. Dugan (*writing illegible*), Santa Barbara, CA
 - b. Dan McKinnon, Santa Barbara, CA
 - c. Edwina Mindheim, Santa Barbara, CA
 - d. Marian D. Buegles, Santa Barbara, CA
 - e. Leonard A. Price, MD, Santa Barbara, CA
 - f. Henry Levy, Jr., Santa Barbara, CA
 - g. John & Sally Mandle, Santa Barbara, CA
 - h. Dr. and Mrs. Robert G. Logan, Santa Barbara, CA
 - i. Frank and Parmele Williams, Santa Barbara, CA
 - j. Bill and Kathlyn Paxton, Santa Barbara, CA
 - k. Art and Peggy Montgomery and Betsy Rose, via email
 - l. Janet L. O'Dowd, Santa Barbara, CA
 - m. Robert J. Buegler, Santa Barbara, CA
 - n. Roger David Cole, Santa Barbara, CA
 - o. Guenter and June Ahlers, via email

- p. Bob and Karin Hughes, Santa Barbara, CA
- q. Jane C. Rieffel, Santa Barbara, CA
- r. Virginia Robinson, Santa Barbara, CA
- s. Ellen Brown, Santa Barbara, CA
- t. Anna M. Freidell, Santa Barbara, CA
- u. William A. Kelsey, Santa Barbara, CA
- v. Jean Vroman, Santa Barbara, CA
- w. Joan and Thomas Mitchell, Santa Ynez, CA
- x. James and Phyllis Axtell, Santa Barbara, CA
- y. Marion Fortunato, Santa Barbara, CA
- z. Phyllis and Elliot Prager, Santa Barbara, CA
- aa. Dempsay, via email
- bb. Henry Jones, via email
- cc. Donald O'Dowd, via email
- dd. Bob Miller, President, Valle Verde Resident Council, via email
- ee. Julia Springer, Summerland, CA
- ff. Norman J. Boyan, via email
- gg. Janet W. Davis, Santa Barbara, CA
- hh. Dr. and Mrs. David Bohn, via email
- ii. Judy Richards, via email
- jj. Paul D. King, Santa Barbara, CA
- kk. Arthur C. Christman, Jr., Santa Barbara, CA
- ll. Lorilee Torrey and the Torrey Family, via email
- mm. Ruth Priest, Santa Barbara, CA
- nn. William Spangler, Santa Barbara, CA
- oo. Margaret E. Olds, via email
- pp. Patricia C. Dow, via email
- qq. Louise Carey, via email
- rr. Steve Amerikaner, Santa Barbara, CA
- ss. Laurie Yttri, via email
- tt. Alexa Steadman, via email

Correspondence received in opposition to, or with concerns about, the project:

- a. Jermaine Chastain, via email
- b. Heike Killian, via email
- c. Judy Orias, Santa Barbara, CA
- d. Janice Z. Baker, via email
- e. Beatrice T. Oshika, via email
- f. Robert Boghosian and Beth Gates Warren, via email
- g. Steve Seim, via email'
- h. Jim Venturino, via email
- i. Tom and Sherie Burgher, via email
- j. John Horton, via email
- k. William Sabella, President, De los Amigos Owners Association, via email
- l. Marc Chytilo, Attorney for Hidden Oaks Homeowner's Association, via email
- m. Sharon A. Seidenstein, Attorney for UHW/Friends of Valle Verde, via email
- n. Pete Georgi, President, Hidden Oaks Homeowner's Association, via email
- o. Stevie Peters, via email
- p. Tim Reinauer, via email
- q. Ruth Georgi, via email
- r. Wilmer Haas, via email
- s. Eddie Harris, President, Santa Barbara Urban Creeks Council, via email
- t. Catherine McCammon, President, Allied Neighborhoods Association, via email
- u. Frank Arredondo, Chumash MLD, via email
- v. John Caulfield, Santa Barbara, CA
- w. Sherry Hall, Friends of Valle Verde, Santa Barbara, CA
- x. "Save Hidden Valley" petition with 117 signatures of neighboring residents
- y. "Friends of Valle Verde Save the Oaks" petition with 159 signatures

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. Final Environmental Impact Report (EIR) Certification

Consistent with the California Environmental Quality Act Section 15090, Certification of the Final EIR, prior to approving a project the lead agency shall certify that:

1. The Final Environmental Impact Report for the Valle Verde project was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed

and considered the information contained in the Final Environmental Impact Report, along with public comment and responses to comments, and determined that the document constitutes a complete, accurate, and good faith effort toward full disclosure of the project's impacts and is an adequate environmental analysis of the project.

2. The Final Environmental Impact Report, dated February 2011, prepared for the Valle Verde project has been completed in compliance with CEQA.
3. The Final Environmental Impact Report for the Valle Verde Project reflects City of Santa Barbara Planning Commission's independent judgment and analysis.
4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based, is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA, which is also the Lead Agency.
5. A mitigation monitoring and reporting program (MMRP) is hereby adopted. Mitigation measures have been made enforceable through incorporation into the project description or are included as conditions of project approval.

Class II Impacts (Potentially Significant and Mitigated). Project elements incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts to less than significant levels. These findings are supported by substantial evidence in the record including the Final EIR.

- a. **Visual Aesthetics.** Removal of existing mature trees and additional development would affect the site's visual appearance. This impact would be reduced to a less than significant level by replacing each mature tree removed with an appropriate replacement tree, as determined by the City's Architectural Board of Review.
- b. **Biological.** Short-term impacts to wildlife could occur as a result of the project construction. Mitigations include survey for nests prior to construction, construction fencing, and designated equipment parking, which would reduce impacts to a less than significant level. Long-term impacts to the Oak Woodland habitat from the new development and associated fuel management requirements could also occur. The project includes a revised fuel management program, an oak woodland restoration plan and standard conditions for lighting that manage lighting and direct it toward the ground, which would reduce impacts to a less than significant level.
- c. **Geophysical Conditions.** Components of the project are proposed to be located on steeper slopes and could be impacted by slope stability. This impact would be reduced to a less than significant level with the implementation of the recommendations in the Soils Engineering Report for grading the site, directing drainage, as well as compliance with building code requirements that would minimize potential hazards associated with slope stability.
- d. **Hazards.** The project is not located within a high fire hazard area. However, there is heavy vegetation and non-native grasses within close proximity of the proposed development. Implementation of the revised fuel management program would

reduce impacts to less than significant levels by reducing the fuel load and using a fire resistant construction techniques.

- e. **Noise.** Construction noise has the potential to impact adjacent residents. Mitigation measures to address construction hours, construction equipment sound, and noise barriers have been included and would reduce impacts to a less than significant level.
- f. **Public Services.** Construction and demolition activities required to implement the proposed project would generate a substantial amount of solid waste. This impact would be reduced to a less than significant level with the implementation of a waste management plan that would recycle the majority of the waste.

Class III Impacts (Less than Significant). The proposed project would result in a less than significant impact in the following environmental issue areas, as identified in the Final EIR. As applicable, Mitigation measures are incorporated as conditions of project approval to further reduce the level of impact, consistent with City policies. These findings are supported by substantial evidence in the record including the Final EIR.

- a. **Air Quality.** Long-term impacts were considered less than significant. Short-term project-related grading and construction activities would result in fugitive dust and emissions from construction equipment that would be well below the established threshold of significance. Standard dust and emissions control measures to further reduce potential impacts are included as recommended mitigation measures and in the Conditions of Approval. Therefore, the project is anticipated to have a less than significant short-term air quality impact.
- b. **Cultural Resources.** The project involves ground-disturbing activities, which means there is a remote possibility of encountering unknown buried archeological deposits. The project site was surveyed to detect the presence of prehistoric and historic cultural materials. The survey did not detect the presence of any resources. Standard mitigation requiring contractor notification if resources are excavated would further reduce potential impacts.
- c. **Population and Housing.** The proposed project would provide 40 new dwelling units, resulting in a net gain of 33 dwelling units in the City and would have no significant housing- or population-related impacts.
- d. **Recreation.** The Valle Verde campus includes various on-site passive and active recreation opportunities for residents. Increases in park and recreation demand associated with the proposed project would be less than significant.
- e. **Transportation/Circulation.** Short-term construction related impacts could occur during construction. Recommended mitigations and standard conditions of approval for construction traffic and construction parking would further reduce impacts. The project would result in approximately five new employees and new senior housing. No long-term significant traffic impacts would result from the project. A recommended mitigation to prevent parking within five feet of all driveways would further reduce impacts.

- f. **Water Environment.** Through the recommended mitigations, which would be incorporated into the conditions of approval, less than significant short-term construction-related water quality impact would be further reduced to a less than significant level. All new development would be required to comply with the provisions of the Storm Water Management Program, which mandate that post construction runoff is equal to pre-construction runoff and runoff is treated prior to leaving the site, thus long term impacts would be less than significant.

Findings for the Fish & Game Code

An Environmental Impact Report has been prepared by the lead agency (City of Santa Barbara), which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources. For this purpose, wildlife is defined as "all wild animals, bird, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." The proposed project has the potential for adverse effects on trees and mature vegetation and associated wildlife during project construction. Mitigation measures have been applied such that any less than significant impacts would be further reduced. The project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

This motion to certify the Environmental Impact Report was passed and adopted on the 14th day of April, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 1 (Jostes) ABSTAIN: 0 ABSENT: 2 (Jacobs, Larson)

B. Modification Front Setback (SBMC §28.92.110.2)

The proposed Modification along Torino Drive to reduce the front setback from 35 feet to 20 feet is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. The reduction of the setback would not be out of character with the existing Valle Verde development or the adjacent Hidden Oaks development, because the unit that would be located in the front setback would be single story, similar to the existing Valle Verde development on Torino Drive.

The proposed Modification from the private streets with Valle Verde can also be found consistent the purpose and intent of the Zoning Ordinance. The proposed development along the private streets would follow a similar development pattern established over the four phases of the site development.

C. Modification Distance Between Buildings (SBMC §28.92.110.2)

The Modification to reduce the distance between buildings requirements is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. The existing development of the site includes reduced distances between buildings. The typical existing development is comprised of single story duplexes and triplexes, which does not create a crowded feel. The proposed Modifications between the buildings would be similar in nature. Typically, some of the buildings are at an angle to other buildings and only part of the building is closer than required to the other buildings.

D. Modification Interior Yard Setback (SBMC §28.92.110.2)

The Modification to reduce the interior setback is consistent with the purpose and intent of the Zoning Ordinance and is necessary to promote uniformity of improvement. Two units on the Rutherford parcel would encroach within one to two feet of the interior setback and place the development closer to the existing Valle Verde development. A third unit, located on the hillside above Sende Verde, would be placed three feet into the required setback. This location is appropriate since the unit would be located further from the Oak Woodland habitat and only affects Valle Verde interior lots.

E. Lot Line Adjustment Modification (SBMC §27.40.040)

The parcels resulting from the lot line adjustment conform to the General Plan, and zoning ordinance and building code, and specifically satisfy all lot area, street frontage and setback requirements as described in Section VI of the staff report.

F. Conditional Use Permit

In keeping therewith, the Planning Commission may permit, by issuance of a conditional use permit, any of the uses specifically enumerated in Section 28.94.030 upon a finding that:

1. Any such use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan; *The improvements and updated conditions of approval for the amended CUP will clarify the uses of the campus and improve the parking on site, thereby reducing parking on the public street. The project is consistent with the General Plan Elements, because it will not cause a significant traffic impact, the buildings will be a similar design to the existing development, and will provide an updated facility consistent with both local building code and state code for licensed retirement facilities.*
2. Such uses will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved; *The project site is located in an area that is somewhat buffered from the majority of the neighboring properties. Hope Ranch is adjacent to the site on two sides, Hidden Valley Park is on the eastern side and a dedicated open space is on the southern side. Hidden Oaks subdivision, a Planned Urban Development (PUD) is located immediately west of the Rutherford Lot, where ten of the proposed units will be located. Of the ten units, eight would have direct access onto Torino Drive. This public street was constructed in the mid-1980's and has a low traffic volume, since it only serves Hidden Oaks. The proposed units would be set further back from the common lot line than required by Ordinance and the clustering would be similar to the Hidden Oaks development.*
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. *The development of the Rutherford Lot includes one unit encroaching closer to the front setback line through a Modification request. However, the location of this development would be consistent with the front setbacks of the existing Valle Verde development of the project site and would not be adjacent to existing off-site neighborhood development.*

4. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. *The applicant is providing additional parking for the proposed development. The project includes a reconfiguration of the existing parking lots and designating specific parking lots for employees, residents, and visitors. A parking program is proposed to be implemented to track the number of residents and staff to ensure that vehicles are parked on site and not on the surrounding streets.*
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The Planning Commission shall have the authority to approve the design of open space. Design shall mean size, shape, location and usability for proposed private, public, or quasi-public purposes and development. Approval of such open spaces may be expressly conditioned upon an offer of conveyance by the owner to the City of Santa Barbara of the development rights, the right to prohibit the construction of additional buildings, or other property rights, necessary to achieve the purpose set forth in this title. *The proposed development is all single story, similar to the existing development, except for the addition to the administration building. The additions to the administration building would include a second story element for the four bed and breakfast units; however this second floor element would be in the center of the campus away from the public roads or off-site development. Open space is being dedicated as part of the project and along with a previously required, but unrecorded dedicated open space, a total of 9.8 acres of oak woodland would be provided. Finally, the project was reviewed on several occasions by the Architectural Board of Review and the Board found the project was moving in the right direction.*

Compliance with any additional specific requirements for a conditional use permit:

Section 28.94.030.R.2 states that for existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this Ordinance requesting an alteration or modification, in addition to the findings required under Section 28.94.020 (stated above), the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

6. The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official. *The proposed project was reviewed as part of the application process. The project will be required to apply for a building permit and representatives of the Fire Department and the Building Department will review the project for consistency with the applicable codes. The review will encompass all aspects of the project, including emergency access, ingress and egress of the parking areas and location of parking spaces.*
7. The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use. *The project would be consistent with both*

scenarios of this finding. Water usage for the proposed residential uses on the site would be less than what would be necessary to supply two single-family residences, each located on one and one half acres. Because the use of the site is senior housing, peak hour traffic trips would be less than a typical residential development and all parking can be accommodated on site in the attached garages and surface parking lot.

8. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use. *The portion of the proposed development located closest to the adjacent residential use will be similar in use and intensity because it will be residential use. There will be a greater separation between the residential units and the adjacent properties than required by Ordinance. All of the core support buildings (i.e. dining areas, wellness clinics, recreational facilities, etc.) will remain in the current location and would not expand any further toward the adjacent residential properties.*

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Fish and Game fee immediately upon approval of the land use applications. Delays in payment will result in delays in filing the required Notice of Determination.
2. Obtain all required design review approvals.
3. Pay Land Development Team Recovery Fee at the time of submittal for either a Building or Public Works permits.
4. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."
5. Record any required documents (see Recorded Conditions Agreement section), including an approvable application for a Lot Line Adjustment, including, but not limited to the Oak Grove development rights restriction.
6. Permits.
 - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
 - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development approved by the Planning Commission on April 14, 2011, as shown on the plans signed by the chairman of the Planning

Commission on said date and on file at the City of Santa Barbara, is limited to the following:

An amendment to the Conditional Use Permit for the Valle Verde project to allow the following land uses:

- a. 246 Independent Living Units (separate living units with individual kitchens and no more than two bedrooms).
- b. 7 Studio Units (multiple attached living units of no more than one bedroom each sharing a common kitchen)
- c. A 2-story, 6,870 S.F. Administration Building which includes within the footprint:
 - (1) 1st story - Administrative offices, conference room and a resident bank office. (5,045 S.F.)
 - (2) 2nd story - 4 Bed and Breakfast units each with full bath & wet bar (1,825 S.F.)
- d. A 4,923 s.f. Poolside Lounge, which includes a library, a lounge, resident resale room (La Tienda room) with annex, a storage area, a laundry area and bathrooms with shower facilities.
- e. A 13,764 s.f. Dining complex, which includes a 351 seat multi-purpose/theater/aerobic room, a lobby area, a 12 seat chapel, a kitchen, bathrooms, a dining hall that includes a 32 seat formal dining alcove, a 679 s.f. outdoor patio dining area, a 110 seat main dining area, and a wellness center.
- f. A 2,658 s.f. Beauty Salon building, which also includes a staff room lounge, an outdoor staff area (with designated smoking area), a conference room (Santa Barbara Room), and a store for the residents (Country Store).
- g. A 2,646 s.f. social room, which includes a card/conference room, a business office with help desk, 8 seat deli & lounge area, and bathrooms.
- h. A 28,558 s.f. 80 bed Skilled Nursing building.
- i. A 33,401 s.f. 48 bed Assisted Living building, which also includes a 44 seat dining area with kitchen, a lounge, an art room, a fitness room and staff office area.
- j. A 2-story 5,899 s.f. Maintenance Building:
 - (1) 1st Story – Hobby shop, maintenance shop, landscape storage, and remodel storage. (4,099 s.f.)
 - (2) 2nd Story – Maintenance staff offices, meeting room and file storage. (1,800 s.f.)
- k. A 252 s.f. Laundry room with a storage room and bathroom.
- l. A 8,079 s.f. open air plaza including café seating & bbq trellis

- m. Five gazebos totaling 3,175 s.f. with a restroom, storage & janitor/laundry area. Four gazebos have indoor seating with exterior open air seating.
- n. A 588 s.f. storage area
- o. 414 Parking spaces.
- p. Dedication of 9.8 acres of Oak Woodland habitat to remain undeveloped.
- q. New access driveway onto Torino Road.
- r. A Lot Line Adjustment which would result in APN 049-440-015 being 3.4 acres and APN 049-440-016 being 11.7 acres.

Note: The square footage of items e. (Dining Complex), h. (Skilled Nursing) & i. (Assisted Living) are accurate within a factor of 10% + or -. In the event more substantial renovations occur in any of these buildings in the future, a more thorough evaluation of the building square footage shall be provided. This approved development includes the total of all the development requested under the Conditional Use Amendment, along with all of the existing Valle Verde development.

The uses allowed in this amendment to the conditional use permit are expressed as maximum limits. The amended conditional use permit supersedes all prior conditional use permits for the Valle Verde project.

2. **Development Rights Restrictions - Oak Woodland.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved plans in order that those portions of the Real Property remain in their natural state. This area shall encompass one area of the oak woodland habitat totaling 9.8-acres. The Owner shall not make use of the restricted area including, but not limited to, grading, irrigation, structures, ornamental landscaping, or utility service lines. The restricted areas shall be shown on the site plan. The only exception to activity in this restricted area is fuel management as prescribed under the approved fire clearance plan and restoration of the area as described in a habitat restoration plan. The Owner shall continue to be responsible for maintenance of the restricted area, and compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
3. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

6. **Oak Tree Protection.** The existing Oak trees shown on the Tree Protection Plan & Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008). See Condition D.2.d. for further detail on tree protect and also the copy of the Spiewak report, which shall be attached to the recorded conditions as an exhibit.
7. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
8. **Senior Housing Restrictions.** The Real Property may only be used for residential uses by elderly or senior persons who are sixty-two (62) years of age or older (herein sometimes referred to as "senior housing").
9. **Required Redesign if Senior Housing Not Used.** In the event that the Real Property, or any portion thereof, is not or cannot be used solely for senior housing, the structures shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect and in compliance with the underlying residential zone district.
10. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the south-eastern area, which drains directly into Arroyo Burro Creek.
11. **On Site Employee Amenities** – On site employee amenities shall be maintained for the life of the project which include break room areas, outdoor seating areas and smoking areas.
12. **On Site Residential & Employee Permit Parking Program.** Valle Verde shall create a residential and employee permit program with the purpose that all residents and employees shall park on site. Valle Verde shall maintain the program with the name of the resident or employee, the make and model of the car, and license number. Records shall be maintained by Valle Verde staff and be provided to City staff as needed to ensure compliance with this condition. The program shall include the following components:
 - a. All residents of the independent living units and studios shall participate in the Permit Parking Program. Each independent residential living unit and studio unit shall be issued one (1) parking sticker.

- b. In the event a resident moves out of an independent living unit or a studio, the automobile shall be removed off site to a designated storage area or other appropriate location that is not in the public right-of-way and the permit forfeited.
 - c. Designated residential parking spaces shall be clearly marked on wheel stops or other such signage.
 - d. All employees shall be issued one (1) parking sticker. All employees shall park on-site, and Valle Verde staff in charge of maintaining the parking program shall ensure that employees are using the on site parking spaces.
 - e. Designated employee parking lots shall be provided as shown on the approved site plan and each employee parking lot shall include appropriate signage, approved by City Public Works Transportation staff.
 13. **Common Area Maintenance.** All common/shared areas/facilities/improvements shall be kept open, available and maintained in the manner in which it was designed and permitted.
 14. **Areas Available for Parking.** All parking areas and access thereto shall be kept open and available in the manner in which it was designed and permitted. No storage of equipment, such as storage containers or construction material, shall occur, unless allowed during construction or remodeling of buildings. Visitors to Valle Verde shall be encouraged to park on site prior to parking in the public right-of-way. As part of scheduling facilities for use by outside groups, Valle Verde shall encourage carpooling or other alternative transportation. 414 Parking spaces shall be divided among the residents, visitors and employees in the following manner:
 - a. Residents – 251 spaces (note: includes a combination of single car attached garages and surface parking lots)
 - b. Employees – 114 spaces
 - c. Visitors – 49 spacesOn-site parking signage, directing residents, visitors and staff to park on-site, rather than on Calle de los Amigos shall be provided.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
 1. **Landscape Plans:**
 - a. The project shall adhere to the Fire Department Landscape Guidelines and Fuel Management Standards identified for properties within the project area. The Landscape plan shall be reviewed and approved by the Fire Department prior to submittal to the Environmental Analyst or ABR for review. (HAZ 1.)

- b. Prior to issuance of grading or building permits, final landscaping plans for the development shall be submitted for review and approval of the Environmental Analyst, Creeks Division and Architectural Board of Review (ABR), and shall include the following: (AES 1)
 - (1) Planting of only native species in development areas adjacent to native riparian, oak woodland, and coastal sage scrub areas. Drought tolerant, water wise landscaping should be used throughout the site. No highly invasive non-native species listed by the California Native Plant Society are to be used onsite.
 - (2) Replacement of all skyline and specimen trees proposed for removal or significantly impacted onsite at a minimum of a 1:1 ratio, preferably with native species. Should any of the large sycamore trees onsite be impacted by the project, they should be replaced at a 3:1 ratio per the specifications of the Tree Assessment and Protection Plan.
2. **Habitat Restoration Plan.** Prior to issuance of grading or building permits, an oak woodland and coastal sage scrub restoration plan prepared by a qualified biologist shall be submitted for review and approval by the City's Environmental Analyst. At minimum, the restoration plan shall contain the following elements:(BIO-1a.)
 - a. The plan shall include all recommendations related to restoration and tree replacement contained in the Biological Assessment and Tree Assessment and Protection Plan prepared for the project.
 - b. Removed/disturbed oak woodland and coastal sage scrub habitat shall be provided/restored at a minimum 2:1 replacement ratio. To the extent possible, this mitigation shall be performed on the project site in existing non-native and/or disturbed habitat such as areas where fuel management activities have occurred but will no longer be required, and nonnative annual grassland habitat. The habitat restoration plan shall at a minimum create 0.48 of an acre of oak woodland and 0.24 of an acre of coastal sage scrub habitat. The oak woodland and coastal sage scrub habitat restoration/mitigation may be implemented in conjunction with proposed oak tree replacement mitigation (BIO-2a).
 - c. At minimum, the oak woodland and coastal sage scrub habitat restoration/mitigation plan shall describe the following plan elements:
 - (1) Restoration site selection criteria.
 - (2) Where restoration/mitigation will occur.
 - (3) The existing conditions in the restoration/mitigation area(s).
 - (4) Site preparation and planting methods.
 - (5) A planting pallet using locally obtained native coast live oak trees and coastal sage scrub plant materials.
 - (6) A maintenance schedule.
 - (7) Mitigation goals, objectives, and success criteria.

- (8) A description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort.
- d. The coastal sage scrub habitat restoration/mitigation performance standard shall be a minimum of 80 percent native herb and shrub cover. The oak woodland habitat restoration/mitigation performance standard shall be a minimum of 45 percent canopy cover for native trees. Both the coastal sage scrub and oak woodland areas shall have no more than 15 percent non-native weeds (excluding non-native annual grasses) and the required performance standards shall be achieved within five (5) years after initial planting.
- e. Monitoring of the restoration areas shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program.
- f. All plantings shall be maintained for the life of the project.
- g. All cleared, graded, or disturbed areas on the project site shall be planted or protected and maintained for erosion control purposes as soon as feasible following initial disturbance.
- h. All disturbed soil around the margins of the development proposed on the western side of the campus adjacent to the existing oak woodland shall be hydroseeded with a native coastal sage scrub seed mix using native species found in adjacent habitats. Seed shall be collected from locally-occurring plants (either on-site or within the south coast of Santa Barbara County).
- i. Areas adjacent to the oak woodland on the western side of the property that are currently subject to fuel modification but would no longer require management after the approval of the proposed project (approximately 1.5 acres), shall be cleared of existing invasive, nonnative species (oleander, ice plant, ivy, etc.) and replanted with native, locally-occurring ground cover, brush and trees found in the oak woodland and coastal sage scrub habitats.
- j. Planting shall be undertaken immediately after completion of construction.
- k. Cages around the saplings shall be installed during planting to prevent wildlife from damaging the young trees. Weeds shall be controlled and a 2-3 inch layer of mulch shall be placed around the trees, but not against the stems. Newly planted saplings shall be irrigated with drip or other water source for the first two years, until the saplings are established.
- l. All trees removed during construction shall have their trunks and large limbs cut into three to four-foot long sections and scattered around adjacent natural habitat to function as microhabitat for small animals.

- m. To restore oak woodland habitat functions as quickly as possible, it is recommended that at least 80 percent of the of removed native trees replacement (80 percent of 150 removed oak replacement trees = 120 trees) be performed using 15-gallon or 24-inch box trees at a 3:1 mitigation ratio (12 removed trees would require 36 15-gallon and/or 24-inch box trees); and that 20 percent of the removed native trees replacement be performed replaced using one to five gallon trees planted at a 10:1 mitigation ratio (3 impacted trees would require 30 on- to five-gallon replacement trees).(20 percent of 150 replacement trees = 30 trees).
3. **Arborist's Report / Tree Protection Plan.** Include a note on the plans that the recommendations/conditions contained in the arborist's report, Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008), shall be implemented. See Condition D.2.d. for further detail.
4. **Landscape Screening.** Landscaping with low water use plants and/or a solid screen wall or fence shall be provided to buffer the visitor parking area on the Rutherford Lot from Torino Road and adjacent properties to the south.
5. **Final Hydrology Report.** All recommended measures in a final Hydrology Report prepared by MAC Design Associates shall be submitted. The preliminary report on file is dated November 20, 2008. The final report shall be followed and recommendations shall be shown on final project plans. (W-1)
6. **Project Directory.** Project directories (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. The directories shall clearly depict the location of visitor and staff parking and encourage visitors to park on site. The directories shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Design Review Approval. Project Directories shall be placed at all entrances to the campus, which include the intersections of Calle Sende and Calle de los Amigos, Torino Drive and Calle Verde; Torino Drive and Calle Sastre; Torino Drive and Mesa Verde.
7. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
8. **Retaining Wall Heights.** The applicant shall explore further reduction of the retaining wall heights adjacent to units 12 and 13, and the southerly portion adjacent to the maintenance building in the employee parking lot.

- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition D.1.h - k for both Private and Public street Improvements shall be submitted to the Public Works Department for review and approval. Upon acceptance of completed public improvement plans, a Building permit may be issued if the Owner has bonded for public improvements and executed the Agreement to Construct and Install Improvements (Not a Subdivision).
 - b. **Dedication.** Easements, as shown on the approved site plan and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - (1) Owner shall offer to the City of Santa Barbara a minimum 20-foot wide easement for the purposes of construction, maintenance, ingress & egress for City of Santa Barbara public sanitary sewer in and City of Santa Barbara public water main purposes as shown on the approved site plan / utility plan.
 - (2) Owner shall offer an Easement in Gross to the City of Santa Barbara for the purposes of water meter reading and maintenance of water meters.
 - c. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
 - d. **Drainage and Water Quality.** In addition to complying with Condition C.5, the project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (and Regional Water Quality Control Board). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (W-2). See the Final Hydrology Report for details.
 - e. **Erosion Control/Water Quality Protection Plan.** Prior to the issuance of a demolition permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed,

implemented and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site. (W-3)

At minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation and/or maintenance of each of the following water resource protection strategies:

- Paving and Grinding
- Sandbag Barriers
- Spill Prevention/Control
- Solid Waste Management
- Storm Drain Inlet Protection
- Stabilize Site Entrances and Exits
- Illicit Connections and Illegal Discharges
- Water Conservation
- Stockpile Management
- Liquid Wastes
- Street Sweeping and Vacuuming
- Concrete Waste Management
- Sanitary/Septic Waste Management
- Vehicle and Equipment Maintenance
- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling

- f. **Minimization of Storm Water Pollutants of Concern.** The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The approved facilities shall be maintained in working order for the life of the project and should incorporate passive design (bioswales, buffers, etc) to the extent feasible. (W-4)
- g. **Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm

drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report to City annually. (W-5)

- h. **New public sewer and public water mains.** The Owner shall submit separate C-1 public improvement plans prepared by a civil engineer licensed in the state of California for the construction of the proposed public sewer main and the proposed public water main, in accordance with current engineering design standards and as outlined in the DRAFT Engineering Design Guidelines. Any extensions to the private water and sewer system also require separate C-1 improvement plans submitted to the Public Works Department. C-1 plans require a separate Public Works permit.

In addition, the Owner shall apply at the Public Works counter to abandon the existing 6-inch water main that traverses the subject property between the southeasterly ends of Calle De Los Amigos (private portion of road) and Senda Verde (private road), or submit separate C-1 public improvement plans to loop the system.

- i. **Calle de los Amigos (public) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Calle de los Amigos (public portion). As determined by the Public Works Department, the improvements shall include the following to City standards: Construct ~~one~~ three (N) commercial style driveways; a minimum of three (N) Type B curb drain outlets, saw-cut +/- 70 LF curb & gutter, construct +/- 70 LF (N) curb and gutter, & construct (N) sidewalk on-site. *Connection to the City's Recycled Water System is required per SBMC 14.23 for irrigation meters.* Plans shall be prepared by a civil engineer licensed in the state of California. Any work in the public rights-of-way requires a Public Works permit.
- j. **Calle de los Amigos (private) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Calle de los Amigos (private portion). As determined by the Public Works Department, the improvements shall include the following to City standards: Construct ~~one~~ three (N) commercial style driveways; construct a minimum of three (N) Type B Curb drain outlets; saw-cut +/- 180 LF (E) curb and gutter, construct +/- 180 LF curb only, and construct +/- 100 LF ribbon gutter infiltration trenches. All improvements in the Right of Way requires a Public Works permit.
- k. **Torino Drive (public) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Torino Drive. As determined by the Public Works Department, the improvements shall include the following to City standards: Supply and install ~~one~~ two (N) stop signs and paint Stop legends on street per the 2006 MUTCD, saw-cut +/- 20 LF (E) curb & construct one (N) commercial driveway approach to the new residential structures, (N) sidewalk on-site per plan, +/- 10 LF of sidewalk in the Public

Rights-of-Way extending from sidewalk on private property. Any work in the public rights-of-way requires a Public Works permit.

- l. **Senda Verde (*private*) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on the private road known as Senda Verde. As determined by the Public Works Department, the improvements shall include the following to City standards: Construct seven (N) commercial style driveway approaches; construct a minimum of 3 x 3-inch Type B curb drain outlets (*or 4-inch if 8-inch curb*); construct one (N) drop inlet, construct +/-100 LF (N) sidewalk in R/W & additional sidewalk on-site per plan; construct +/- 400 460 LF (N) curb & gutter; saw-cut +/- ~~130~~ 253 LF (E) curb & gutter, construct +/- 150 LF_ curb only, & install +/- 150 LF new infiltration trenches per plan at driveway approaches and parking area; and relocate (E) private street light. Install and connect one (N) irrigation water meter at the end of the (E) water main on Senda Verde in order to flush the mainline, or submit separate C-1 plans to the Public Works Department to loop the system. The new Irrigation Meter or new plans for looping the system requires a separate Public Works Permit/ Work Order. All improvements in the Rights-of-Way requires a Public Works permit.
- m. **Calle Sastre (*private*) Road Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on the private road known as Calle Sastre. As determined by the Public Works Department. The improvements shall include the following to City standards: Saw-cut +/- 100 LF (E) curb and gutter, and construct +/- 100 LF of (N) curb only, construct +/- 240 LF (N) curb and gutter, construct +/- 995 LF (N) ribbon gutter infiltration trenches, +/- 360 LF (N) sidewalk, construct three (N) commercial driveway approaches. All improvements in the Right of Way requires a Public Works permit.
- n. **Encroachment Permits.** An Encroachment permit is required for connection of the (N) private storm drain to the City's public storm drain system.
- o. **Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* or *Declarations of Lot Line Adjustment* to the Public Works Department. A surveyor licensed in the state of California shall prepare the legal description and required exhibits to attach to the subject Agreement or Declaration for the subject properties, which shall be recorded in the Office of the County Recorder.
- p. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips for all trucks three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (TRF-2a)

- q. **Construction Parking, Storage and Staging.** Construction staging, parking, and vehicle/ equipment/ materials storage shall be provided as follows (T-2b). The intent of these conditions is to minimize traffic, parking, noise and other impacts to the neighborhood:
 - (1) During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
 - (2) On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited.
 - (3) Construction staging shall not take place within the public right-of-way.
 - r. **Disabled Accessibility.** Project circulation shall be maintained for disabled accessibility or equivalent facilitation in accordance with American Disabilities Act requirements (T-3a).
 - s. **Private Road/Driveway Maintenance Agreement.** -The Owner shall submit a copy of the draft Agreement for Maintenance fo the proposed private road/driveway(s). Said agreement is subject to the review and approval of the Community Development Director and the City Attorney.
 - t. **Stop Sign.** Two new "STOP" signs shall be installed on Torino Drive and shown on the approved plans.
 - u. **Red Curbs.** Parking and Transportation Staff shall study increasing the length red curbs on each side of the driveways on Calle de los Amigos, with the goal of improving visibility from cars exiting the site and with particular attention to the area adjacent to the Administration building, and explore no-parking zones on one side of Calle de Los Amigos particularly at the curves.
2. **Community Development Department.**
- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
 - b. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - (1) The frequency and/or schedule of the monitoring of the mitigation measures.
 - (2) A method for monitoring the mitigation measures.

- (3) A list of reporting procedures, including the responsible party, and frequency.
 - (4) A list of other monitors to be hired, if applicable, and their qualifications.
 - (5) Submittal of weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
 - (6) Submittal of a Final Mitigation Monitoring Report.
 - (7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- c. **Geotechnical Review.** The final project plans reviewed and approved by the City Building Division prior to issuance of any grading or building permits shall show that the project is constructed in accordance with California Building Code requirements and the recommendations contained in the Geotechnical Report prepared by Fugro West, Inc., dated October 2006, updated on February 18, 2008 regarding site preparation, grading, paving, foundation design, retaining walls, and construction plans. (GEO-1.)
- d. **Native and Specimen Tree Replacement and Protection.** The project applicant shall implement the Valle Verde Retirement Community Tree Assessment and Protection Plan (Spiewak, 2008), and the mitigation measures provided by the Initial Study prepared for the Valle Verde project. The following tree replacement/protection measures shall be implemented: (BIO-2a.)
- (1) A minimum oak tree replacement ratio of 10:1 shall be required to mitigate the loss of the 15 coast live oaks. A minimum survivorship ratio of 8:1 after three years post-planting shall be achieved. Acorns collected from on-site oak trees shall be used. One hundred fifty oak saplings, one gallon in size shall be planted in areas between the new structures on the west side of the property (project north) and the oak woodland. Additional trees shall be planted if damage occurs to existing trees during construction related activities. Mitigation trees and required protection/maintenance requirements shall be installed prior to issuance of project permits.
 - (2) The location of the below-grade detention basin on the Rutherford parcel shall be determined in consultation with a qualified arborist, with the goal of minimizing impacts to the health of the existing Oak trees.
 - (3) The following measures shall be noted on the grading plan submitted to the building department prior to issuance of grading permit and implemented prior and during construction-related activities to ensure the protection of trees:

- (a) Tree protection fencing and barriers shall be installed as indicated on the fencing plan.
- (b) Fences shall be chain link or orange plastic, four to six feet high and positioned at the Critical Root Zone (CRZ) as specified in the tree inventory table and illustrated on the site maps of the Tree Assessment and Protection Plan.
- (c) CRZs shall have a radius measured from the center of the trunk to the outside edge of the CRZ, wherever possible. If work is approved within the CRZ, the fence shall be placed at the outside edge of the work zone.
- (d) Fencing shall remain upright and intact throughout the duration of the project.
- (e) Construction related activities shall be prohibited within the Tree Protection Zones (TPZ), including the use of heavy equipment, storage of materials, or accumulation of soil for later use.
- (f) Demolition and excavation within TPZs of all native and non-native trees shall be done by hand where reasonable. Reasonableness shall be determined by the Project Environmental Coordinator, Supervising General Contractor and the Project Arborist.
- (g) Special attention shall be given to construction related activity around sycamore No. 104 and all oak trees to minimize impacts. Three 24-inch boxed sycamores shall be planted to mitigate impacts to sycamore #104.
- (h) Any roots encountered within the CRZs of trees, even if outside the TPZs shall be cleanly cut back to an undisturbed section of the root zone. In areas where roots are cut, the soil profile shall be irrigated to reduce drying of newly exposed soil and subsequent damage to remaining roots in that profile. The Project Arborist shall determine the quantity, area and frequency of irrigation to the disturbed area.
- (i) A permethrin-based pesticide (Astro) shall be applied to the lower six feet of oak tree trunks stressed from root cutting in the early Spring and late Summer (through September), to reduce the risk of attack by fatal oak bark beetles. It may need to be repeated for several years at the discretion of the City Arborist.
- (j) Tree removal should, to the extent feasible, be scheduled between August 16 and January 31 to avoid bird nesting season or survey and construct only if nesting birds are absent (see mitigation measure Bio3a-2).

- (k) All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in substantial accordance with the Tree Assessment and Protection Plan dated November 12, 2008.
 - (l) All required mitigation trees, and each of the impacted but not significantly impacted trees shall be monitored once a year following the completion of construction activities for a period of five years. Should any of these trees die during the monitoring period, they shall be replaced at the specified tree replacement mitigation ratio.
- e. **Sensitive Species Surveys and Monitoring.** Prior to issuance of any grading or building permits, the applicant shall submit a draft contract with a qualified biologist for the review and approval of the Environmental Analyst. The following monitoring and survey activities shall be implemented: (BIO-3a)
- (1) A qualified biologist shall supervise the installation of the construction fencing around all work areas and access roads. Fencing shall be maintained through the duration of project construction.
 - (2) Tree removal/relocation/trimming activities shall not occur during nesting season (February 1 – August 15). If these activities must occur during this time, a qualified biologist shall conduct a survey of the trees no more than one week prior to the activity to identify active nests and nest holes. The biologist shall map the location of all active and inactive nests and nest holes in trees. A 300-foot radius no-disturbance buffer shall be established around trees containing active nests and this buffer shall be maintained until the biologist has verified that young birds have fledged the nest.
 - (3) A city approved biologist familiar with the habits of legless lizards and coast horned lizards shall monitor initial vegetation removal efforts (grubbing), grading and other surface-disturbing activities for silvery legless lizards and coast horned lizards. The biologist shall direct the equipment operator to slowly remove vegetation and the top 12 inches of topsoil while the biologist scans the soil for lizards. Any and all reptiles found shall be relocated to appropriate microhabitats in adjacent, undisturbed habitat out of harm's way. The monitoring biologist shall complete a California Natural Diversity Database Field Survey form should any sensitive reptiles be found and shall fax a copy to the City, and the California Department of Fish and Game California Natural Diversity Database per the instructions on the field survey form.

- f. **Sensitive Plan Survey and Restoration Requirements.** Prior to issuance of grading or building permits, a survey plan prepared by a qualified biologist shall be submitted for review and approval by the City's Environmental Analyst. The survey plan shall also describe restoration efforts that will be implemented if it is determined that the proposed project would result in significant impacts to Santa Barbara honeysuckle and/or mesa horkelia. At minimum, the plan shall contain the following elements. (BIO-4a.)
- (1) Prior to the issuance of a grading permit, a botanical survey shall be performed to confirm the presence or absence of Santa Barbara honeysuckle and mesa horkelia on the western side of the project site.
 - (2) The grading limits and the outer limits of the proposed fuel modification zone shall be staked by a licensed surveyor prior to performance of the botanical surveys. The surveys shall be performed by a qualified biologist/botanist and shall be performed within one month of any scheduled ground and/or vegetation disturbance.
 - (3) Should the surveys required by mitigation measure BIO-4a.1 find any sensitive plants within the area where disturbance will occur, a mitigation plan shall be prepared by a qualified biologist/botanist. The mitigation plan shall describe what measures shall be used to avoid impacts to any sensitive plants found in the survey area. Should the removal of any sensitive plant be unavoidable, replacement shall be performed at a minimum 10:1 ratio for each plant that is removed. This sensitive plant replacement mitigation may be implemented in conjunction with the proposed oak woodland and coastal sage scrub habitat restoration/mitigation plan (BIO-2a).
 - (4) At minimum, the habitat restoration/mitigation plan shall describe the plan elements:
 - (a) Restoration site selection criteria.
 - (b) Where restoration/mitigation will occur.
 - (c) The existing conditions in the restoration/mitigation area(s).
 - (d) Site preparation and planting methods.
 - (e) A planting pallet using locally obtained plant materials.
 - (f) A maintenance schedule.
 - (g) Mitigation goals, objectives, and success criteria.
 - (h) A description of the monitoring methods and reporting that will be used to document and measure the progress of the restoration/mitigation effort.

- (5) The sensitive plant mitigation performance standard shall be a minimum 80 percent survival of all mitigation plantings, with no more than 15 percent non-native weeds (excluding non-native annual grasses) to be achieved within 5 years after initial planting.
- (6) Monitoring of the restoration area shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program.

- g. **Unanticipated Archaeological Resources Contractor Notification.** The following information should be printed on the grading plans submitted to the building department prior to issuance of a grading permit (CR-1):

Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization

- h. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.

- i. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition E.3 “Neighborhood Notification Prior to Construction” below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person who compiled the mailing list shall be submitted to the Planning Division.
- j. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition E.1 “Pre-Construction Conference” prior to disturbing any part of the project site for any reason.
- k. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
- l. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Environmental Impact Report for the project.
- m. **Emergency Evacuation Plan.** Provide an emergency evacuation plan subject to approval by the Fire Department.
- n. **Visitor Parking.** 49 guest parking spaces shall be provided throughout the site in addition to the resident and employee parking required by the Zoning Ordinance. The size and location shall be based upon the Planning Commission approved site plan.
- o. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, (Archaeologist, Architect, Arborist, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors), Contractor and each Subcontractor.
2. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractors and Project Environmental Coordinator's (PEC) name, contractors and PEC's telephone numbers, construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
3. **Neighborhood Notification Prior to Construction.** Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)
4. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st *
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays. (N-2)

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
6. **Sound Barriers.** As determined necessary by the Project Environmental Coordinator, the project shall employ sound control devices and techniques such as noise shields and blankets during the construction period to reduce the level of noise to surrounding residents. (N-4)
7. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.
8. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.
9. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and biweekly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological

features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

11. **Construction Dust Control** – Throughout grading and other ground disturbance, the following conditions shall be followed:

- a. **Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
- b. **Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-2)

- c. **Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)

- d. **Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)
 - e. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
 - (1) Seeding and watering until grass cover is grown;
 - (2) Spreading soil binders;
 - (3) Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - (4) Other methods approved in advance by the Air Pollution Control District. (AQ-5)
 - f. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
 - g. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)
 - h. **Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
12. **Exhaust Emissions –** The following vehicle emissions controls/maintenance shall be followed through out construction:
- a. **Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used. (AQ-9)
 - b. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
 - c. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
 - d. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)

- e. **Engine timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
 - f. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
 - g. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
 - h. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
 - i. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-17)
 - j. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-18)
 - k. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-19)
 - l. **Energy Use.** Minimize the use of energy by designing and constructing structures using sustainable development principles including green building designs and materials. (AQ-20)
 - m. **Carpool Parking.** Provide preferential parking for carpools and vanpools.(AQ-21)
13. **Demolition** - The following conditions shall be carried out through the demolition phase:
- a. **Demolition and Debris Removal.** Apply water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout. Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
 - b. **Post Demolition.** Apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition. (AQ-23)
 - c. **Demolition Activities.** Prohibit demolition activities when wind speeds exceed 25 mph. (AQ-24)
 - d. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met. (PS-1)

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees, if any, shall be completed.
3. **Red Curb Painting.** Prior to the occupancy of any proposed residential unit, curbs adjacent to the Valle Verde driveways on Calle de los Amigos and Torino Drive should be painted red to prohibit parking within five feet of the driveways. (TRF-1a.)
4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring consistent with condition D.2.g.6, which states:

Monitoring of the restoration area shall occur for a minimum of five (5) years. Monitoring reports shall be submitted annually and at the completion of the five year period. If the final report indicates that the restoration project has in part or in whole been unsuccessful based on the performance standards specified in the restoration plan, the applicant shall submit within 90 days a revised or supplemental restoration program

G. **General Conditions.**

1. **Prior Conditions.** These conditions shall supersede the conditions identified in all previously approved Planning Commission Resolutions and Substantial Conformance Determinations.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further

environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

4. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,839.25 for projects with Environmental Impact Reports. Without the appropriate fee, the Notice of Determination (which the City is required to file within five days of project approval) cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
5. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.
6. **Site Maintenance.** The existing site/structures shall be maintained and secured. Any landscaping shall be watered and maintained until demolition occurs.
7. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission action approving the Conditional Use Permit and Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF LOT LINE ADJUSTMENT TIME LIMITS:

The Planning Commission's action approving the Lot Line Adjustment shall expire 24 months from the date of approval. The applicant may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.40.100.

NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (S.B.M.C. § 28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 14th day of April, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jacobs, Larson)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

Draft Archeological Condition

- a. Archaeological Monitoring Contract. Submit a contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground-disturbing activities associated with the specific area of the project that involves Units 19, 20, 21, & 22, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the provisions identified in condition F.2.d "Requirement for Archaeological Resources" below:

Note: Condition F.2.d is already in the approved conditions of approval for Valle Verde and is listed below:

Requirement for Archaeological Resources. The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

VALLE VERDE RESOURCE IMPACT ANALYSIS

	<u>Proposed Project</u>	<u>189 Single Family Homes</u>
<i>Water Usage</i>	<i>77.8 afy*</i>	<i>79.38 afy**</i>
<i>Traffic Trips***</i>		
<i>Average Daily</i>	<i>691.26 trips</i>	<i>1808.75 trips</i>
<i>AM Peak</i>	<i>4.28 trips</i>	<i>141.75 trips</i>
<i>PM Peak</i>	<i>71.34 trips</i>	<i>190.89 trips</i>
<i>Parking</i>	<i>312 spaces****</i>	<i>378 spaces*****</i>

* *Final EIR, Appendix A, Valle Verde Initial Study, page 36*

** *Calculated from 2009 City of Santa Barbara Water Demand Factor Table*

*** *Calculated by Tynan Group from ITE trip generation rates, see applicant letter 4/14/11*

**** *Final EIR, page 5.3-25*

***** *Based on Santa Barbara Zoning Code requirements*

Note additional resource analysis (e.g. police, fire, etc.) is discussed on page 35 and 36 of the initial study, which is included as an attachment to the Environmental Impact Report.

CORRESPONDENCE

City Council
Santa Barbara, CA

Dear Members of the City Council:

May 14, 2011

We would like to express our strong support for the Valle Verde Retirement Community Master Plan, which was approved recently by the Planning Commission. Unfortunately the Commission's decision was appealed, and the Plan will be before you for a hopefully final and positive decision shortly.

We all know that there is a great need for more senior housing in the Santa Barbara area. Valle Verde is unique in the quality of life that it provides for seniors, enabling them to live a happy, active, and often still independent and productive life. It indeed is a valuable resource to the Santa Barbara community; but the demands for its services exceed its capacity. It is shortsighted to limit the modest expansion proposed in the Valle Verde Master Plan.

The Valle Verde Campus is a delightful place enjoyed not only by its residents, but also by many in the neighboring community who take advantage of the pleasant walkways among greenery and flowers. This environment adds immensely to the quality of life for all. The Master Plan is designed carefully to maintain this environment and in some ways to improve it. For instance, much of the on-street parking by staff, which has prevailed since the early days of the community nearly half a century ago, will be moved to on-Campus parking facilities.

Since the early Conceptual Review in 2006, Valle Verde has gone a long way to make changes in response to objections from neighbors in the Hidden Oaks community. In our view these changes already have diminished the benefit that the residents of Santa Barbara will derive from the implementation of the Master Plan. Any further reductions of the scope of the project would further reduce the benefits for many to accommodate the unfounded objection of a few.

Permit us to reaffirm our strong and enthusiastic support of the Valle Verde Master Plan. It is late already; but all is not yet lost and it is time now for you to make a positive decision.

Respectfully yours,

Guenter Ahlers
Professor of Physics
805-893-3795 (voice)
guenter@physics.ucsb.edu
<http://www.nls.physics.ucsb.edu>

June Ahlers
Volunteer,
SB Chamber of Commerce Visitors'
Center,
Docent, SB Courthouse
juneahlers@cox.net

1051B Senda Verde
Santa Barbara CA 93105
805-687-2820

Rodriguez, Cyndi

From: bspangler2@cox.net
Sent: Tuesday, May 31, 2011 9:42 PM
To: Rodriguez, Cyndi
Subject: Valle Verde project

Mr, Bill Spangler
1111 Senda Verde
Santa Barbara, CA 93105

June 1, 2011

City Council
735 Anacapa
Santa Barbara, CA 93101

Dear City Council Members:

I live at the Valle Verde Retirement Community and am writing to urge you to give final approval for construction of the planned changes to Valle Verde. Many changes have been made during the planning process at the Planning Commission's request to include changes requested by neighbors and the city. A lot of money collected by the Valle Verde owners has been spent during this process which has not produced any brick and mortar work so far. All of this money has come out of the pockets of the residents like myself at the end of the day.

The Planning Commission has determined to their satisfaction that there are now no serious defects in the design. I strongly agree with this decision. People opposing the project will of course continue to raise objections. Such is the nature of trying to build something in a nice place like Santa Barbara, but there should be limits to unreasonable delays in getting final approval on a project. I believe we are now in the unreasonable delay phase of the project. And we have spent more than enough residents' money to date.

Please move ahead with approval of the Valle Verde development project. The over 400 residents want it as far as I know. The project will be good for Santa Barbara by providing more needed quality housing for seniors and immediately providing local jobs for the construction industry.

Thank you,

Bill Spangler

Rodriguez, Cyndi

From: Janddodowd@aol.com
Sent: Tuesday, May 31, 2011 12:04 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Master Plan/Support for Approval
To: Santa Barbara City Council

Ladies and Gentlemen:

I am writing in strong support of the Valle Verde Master Plan which has been under consideration for years. It is time to move forward with this plan to expand and improve this attractive and vital retirement community.

My husband and I moved to Valle Verde six years ago and have never regretted our decision. We have enjoyed the freedom from the daily chores of home ownership, the abundance of activities available and, most of all, the interaction with a remarkable group of fellow residents. My hope now is that Valle Verde will be allowed to add new units and update the current homes to serve the growing need for senior housing. The Master Plan will not only serve the seniors who move to Valle Verde but will also benefit the young families who will move into the vacated homes as they become available.

I commend the Planning Commission and the Architectural Board of Review for their careful examination of the Master Plan and for the suggestions that have helped improve many aspects of the original plan. There has also been a great deal of input from Valle Verde residents and staff and neighbors which has contributed to the Plan which has been unanimously approved by the Planning Commission. All of that thought and effort should now be put into action without further delay or changes

Respectfully,

Janet L. O'Dowd
801-A Senda Verde
Santa Barbara, CA 9310
569-2510

6/2/2011

Rodriguez, Cyndi

From: Larry Wilson [landc.wilson@cox.net]
Sent: Wednesday, June 01, 2011 2:46 PM
To: Rodriguez, Cyndi
Cc: Toby Ayars; Alexa Steadman; Ron Schaefer
Subject: Valle Verde Master Plan - Please Approve
Attention: Santa Barbara City Council Members

I am writing to express my strong support for the Valle Verde Master Plan project that will be considered by the City Council on June 14th.

I am not a resident of Valle Verde but have served as member of the Valle Verde Advisory Board for over 8 years. As such I have been able to closely observe the project from its initial conception to the present. Throughout the process I have been impressed by the care that Valle Verde management has taken to fully consider the desires and concerns of its residents, the local neighbors (including residents of Hidden Oaks Estates) as well as feedback received from the Planning Commission and the Architectural Board of Review. In my judgment, Valle Verde management has listened carefully and has responded with constructive and meaningful site design changes that have been highly responsive to feedback received regardless of the source. A few examples include: 1) an expanded setback buffer from Hidden Oaks Estates, 2) Off street parking for all employees, 3) a 9.8 acre oak woodland preserve. My discussions with both residents and many of the neighbors (including some residents from Hidden Oaks Estates) affirms my personal observations. Clearly a few residents from Hidden Oaks Estates are unhappy with the Valle Verde proposal and it is my belief that no amount of accommodation will suffice short of a complete termination of the project.

In conclusion:

- I believe that Valle Verde has been responsive and responsible throughout the process. After attending the recent Planning Commission hearing on this project it was my sense that virtually all members of the Commission also share this view. In fact, I believe that Valle Verde has been a most responsible member of the greater Santa Barbara community. A few examples of this responsibility include: Meals on Wheels, Serenity House (Hospice), the Santa Barbara Symphony, support to the Alzheimer Assoc, hosting occasional educational and other community events and providing significant tangible contributions to the Hidden Valley area such as the deeding of property for the Hidden Valley Park. Such actions directly benefit the City of Santa Barbara and its citizens well beyond the boundaries of the Valle Verde community.
- It is now time to finalize this project. There is a recognized shortage of Senior Housing in Santa Barbara. This project is a step in the right direction in addressing this shortage. *I strongly recommend that City Council unconditionally affirm the recommendation of the Planning Commission.*

Sincerely,
Larry Wilson
Valle Verde Advisory Board

6/2/2011

June 2, 2011

To: City Council
735 Anacapa Street
Santa Barbara, CA 93101

Fr: William A. Kelsey
1025-C Senta Verde
Santa Barbara, CA 93105
(805) 682-1611

Dear Council Members:

I am very supportive of the Valle Verde's Master Plan as it is being presented to you. The plan takes into account resident and neighbor comments as well as those of City staff, Architecture Board of Review hearings, and Planning Commission reviews. Please do not make additions or changes to these expansion plans.

The residents of Valle Verde think it is very important to keep the single-story campus architecture, which gives us a park like home with a large protected oak woodland. Senior housing is important to the surrounding community and it is important that the campus be upgraded and expanded to meet senior housing needs now and in the future.

Sincerely,

William A. Kelsey

Rodriguez, Cyndi

From: JMY8S@aol.com
Sent: Thursday, June 02, 2011 8:04 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Master Plan

To: Santa Barbara City Council members:

I am a resident of the Valle Verde Continuing Care Retirement Community. I support the Master Plan.

Valle Verde has revised its Master Plan to meet all requests from neighbors and municipal bodies. The plan has been approved by the Planning Commission and Architectural Board of Review. Senior housing is listed as a community benefit in both the City's General Plan and General Plan update.

In general it can be said that facilities for the care of seniors will be required at a much greater rate than in the past, for at least one reason: there will be more and more of them. Family members as care-givers will have more and more demands placed upon them, as they (the care-givers) will have less and less capability to provide them. Valle Verde, as well as other senior care providers, need to expand to meet the obvious demand as it grows. It seems reasonable to ask of the City Council members if there will be a place for their senior relatives - or perhaps themselves - as time goes by.

Please cast your vote to approve Valle Verde's Master Plan.

Best regards,

John M. (Jack) Yates
jmy8s@aol.com
1120 Calle de los Amigos
Santa Barbara, CA 93105
805 682 8169

Rodriguez, Cyndi

From: Simon Fox [simon@adventuresincaring.org]
Sent: Sunday, June 05, 2011 2:32 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Retirement Community's Master Plan

Dear Mayor and City Council Members,

I am writing in support of Valle Verde's plan to build more senior housing in Santa Barbara. As Executive Director of the Adventures in Caring Foundation I have seen a lot of senior living communities and long term care facilities. I can tell you from first-hand experience that Valle Verde is wonderful a campus for seniors. Our volunteers visit the patients in its health center all year round, and we have had a strong partnership with Valle Verde, for 25 years. The staff and residents of Valle Verde really care, and in my view it is the perfect place for more senior homes in our community. In fact, if not there, where?

I hope you will vote in favor of the Valle Verde plan.

Sincerely,

Simon Fox
Executive Director



Adventures in Caring Foundation
1528 Chapala Street, Suite 202
Santa Barbara, CA 93101
Tel: 805.962.4500 ext 2
Fax: 805.962.2926
Web: www.AdventuresInCaring.org

Rodriguez, Cyndi

From: Janddodowd@aol.com
Sent: Sunday, June 05, 2011 2:10 PM
To: Rodriguez, Cyndi
Subject: Valle Verde Master Plan: Please approve
To: Santa Barbara City Council

Dear Sir or Madam:

I urge members of the City Council to adopt without changes the Valle Verde Master Plan as approved by the Planning Commission. This plan has been under review for the past five years and has been modified repeatedly to meet the concerns of city agencies and neighbors. All the significant reservations have been addressed and it is time to begin the project.

I have been a resident of Santa Barbara for 20 years and six of those years I have lived at Valle Verde. Many of my friends and acquaintances have been interested in the possibility of moving to a retirement community in Santa Barbara. They observe that the opportunities in Santa Barbara are limited. We have only five Continuing Care Retirement Communities (CCRC) and Valle Verde is probably the only one with space to expand. Given the cost of land it is hardly conceivable that another CCRC will be built in or near the city. In other cities the standard design of a CCRC is a high rise structure. That is unlikely to be acceptable in Santa Barbara. The need for more CCRC options in the future is certain. I urge you to endorse the Valle Verde Plan and let it proceed without further changes.

It may be worth noting that most of the residents at Valle Verde have previously owned homes in Santa Barbara. As empty nesters move to Valle Verde they free up desirable homes in the city making homes available in a city with a very constrained housing stock. The new units will permit this process to occur at a slightly greater level.

Valle Verde residents have played vital roles in the life of Santa Barbara as working professionals, as volunteers and as generous contributors to many city institutions. We look forward to having a few more people in our new housing who will participate in this warm relation between this small community and the city in which we live.

Please approve the Valle Verde Master Plan as it now stands without further changes and permit the building program to move forward.

Sincerely,

Donald D. O'Dowd
801-A Senda Verde
Santa Barbara, CA 93105

6/6/2011

Rodriguez, Cyndi

From: Russ Tyler [ruschar@cox.net]
Sent: Sunday, June 05, 2011 1:56 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Master Plan

To the Santa Barbara City Council: This e-mail is sent in support of the Valle Verde Master Plan and to urge the denial of the appeal with no changes. The plan has been well researched and is presented with many compromises. It has been unanimously approved by your Planning Commission and is well supported by many neighbors and institutions.

I was Director of Clinical Services of the S.B. County Department of Public Health from 1975 to 1980 and was Director of the S. B. Department of Veterans Services Out Patient Clinic from 1980 to 1995. My experience in these positions and my previous eighteen years in private practice make me painfully aware of the need for retirement communities like Valle Verde for the oncoming expansion of the baby boomer demographic of senior citizens.

Again, please deny the present appeal and approve the Valle Verde Master Plan with no further changes.

Sincerely, Russell D. Tyler, M.D., FACP, FACPE

Rodriguez, Cyndi

From: Kathlyn Paxton [kathlynpaxton@gmail.com]
Sent: Monday, June 06, 2011 1:25 PM
To: Rodriguez, Cyndi
Subject: Rutherford Development, Valle Verde

Dear City Council,

In preparation for the Council meeting on June 14th regarding the Valle Verde Master Plan, my husband Bill and I would like to express our strong support. We are currently living in our own home but are on the waiting list for a residence at Valle Verde. As the leading edge of the baby boomers, we are conscious of the growing scarcity of options for senior living. Although demand is certainly not enough to persuade a favorable vote, in our view, the plan has been thoroughly thought out and reviewed by the county over many months and has received Planning Commission approval.

We appreciate the opportunity to be heard.

Sincerely,

Bill and Kathlyn Paxton
1042 Via Los Padres
Santa Barbara, CA 93111

Rodriguez, Cyndi

From: pdking@cox.net
Sent: Monday, June 06, 2011 1:33 PM
To: Rodriguez, Cyndi
Subject: Valle Verde Project Appeal

June 4, 2011

Dear Council members:

We are writing you regarding the Appeal To Deny Approval of the Valle Verde Master Plan Project. We urge you to deny this Appeal and approve the project of this very worthwhile upgrade to the Valle Verde community. We are relatively new residents of Santa Barbara, one of us moving here from Canada and the other from San Luis Obispo. Like others in our community, we feel it was one of the best moves in our life.

Valle Verde is an outstanding retirement community and this Master Plan will bring to completion the upgrading of this community consistent with its outstanding ambience. We have not been here through the long history of changes and modifications this project has seen over the last eight to ten years, but now it is time to move on without burdening the project with additional delaying changes or conditions. Valle Verde has completely satisfied the Planning Commission's many requests as evidenced by their unanimous approval.

You represent the final step in the approval process and we urgently request your denial of the appeal and approval of the project.. This will expand the serious availability of senior housing in Santa Barbara, giving others the opportunity to enjoy coming here as much as we have.

Respectfully yours,

Paul D. and Verna M. King

1102D Calle de los Amigos
Santa Barbara CA

Rodriguez, Cyndi

From: Lorilee Torrey [LBT@atlassmarketing.com]
Sent: Monday, June 06, 2011 1:23 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Master Plan

I am writing on behalf of the entire Torrey Family, residents of Santa Barbara since 1949, to express our support for The Valle Verde Retirement Community's Master Plan:

- this project is NEEDED and we support it!
- senior housing is a community benefit and priority for Santa Barbara
- the current Master Plan up for approval has many significant changes which are deserving of Planning Commission approval - this isn't the same project that was conceptually reviewed in 2006
- Valle Verde has been in the neighborhood since 1966 and it's a compatible, successful and much needed part of Santa Barbara
- NOW is the time to certify the Environmental Impact Report - independent review found NO significant impacts!
- NOW is the time to approve Valle Verde's Master Plan

The Torrey Family sincerely hopes that for the benefit of the entire community, and seniors in particular, that you approve Valle Verde Master Plan.

Respectfully,

Lorilee Torrey - The Torrey Family

lorilee torrey
atlass marketing & media
3905 state street, suite 7
santa barbara, ca 93105
ph 805.681.2500
fx 805.681.2566
cell 805.403.1311
www.atlassmarketing.com
LBT@atlassmarketing.com



MARKETING & MEDIA

Rodriguez, Cyndi

From: hlevyjr@cox.net
Sent: Monday, June 06, 2011 3:56 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Master Plan, City Council Hearing, June 14, 2011

To the members of the Santa Barbara City Council.

As a 15 year resident of Valle Verde, I am writing to urge your approval of the Valle Verde Master Plan, and to re-certify the Environmental Impact Report. I believe that senior housing is an important benefit to its residents and to the City of Santa Barbara, and that Valle Verde, which has been in operation here since 1966, has demonstrated its ability to provide the best. With its single story housing and beautiful landscaping, It is certainly harmonious with the neighborhood. The new structures included in the Master Plan will simply enlarge this desirable ambiance.

I am a lifelong (94 years) resident of Santa Barbara, and love it dearly. I urge you most sincerely to give your approval.

Henry Levy, Jr.

828-B Calle de los Amigos
Santa Barbara, CA 93105
June 5, 2011

City Council
735 Anacapa
Santa Barbara, CA 93101

Re: Valle Verde Master Plan Project
App. No. MST2005-00742

Dear Council Members:

My wife and I have been residents of Valle Verde, in Independent Living, since March of 2006, shortly after the filing of the original Master Plan project with Santa Barbara. For over five years, we have enjoyed living in an environmentally friendly community, which is an asset to Santa Barbara through its award winning Green Building Initiatives. Valle Verde has won 5 green awards – city, county, and national. Our green planning incorporates native and drought tolerant landscaping, water conservation and recycling, solar energy production, and alternative energy efficient transportation. This green planning will continue with our project plans that will leave 67.4% of the campus as Green and Open Space. We will also be contributing to expanding the adjacent oak woodlands to 9.8 acres with planting of new oak trees that have been growing on-site for four years.

During these intervening 5 years since the application was filed, Valle Verde has responded to concerns of both the City and our neighbors by making changes to the plan of: building sites; setbacks; grading and retention walls; parking; proposed architecture; and, woodland preservation. Valle Verde has met or exceeded requirements for setback, density, grading, preservation of open space, and impact on the environment. With the project's unanimous approval by the Planning Commission, and the Commission's certification of the environmental impact report, the time has come to move ahead without further changes.

The new senior homes are a community benefit to Santa Barbara's General Plan Update. Valle Verde will continue to be an asset to its community and to Santa Barbara by serving seniors, providing health care, and maintaining a beautiful campus.

Please deny the appeals and vote to approve this project.

Sincerely,



Robert J. Buegler

Copy to: Toby Ayars at tayars@cox.net

828-B Calle de los Amigos
Santa Barbara, CA 93105
June 5, 2011

City Council
735 Anacapa
Santa Barbara, CA 93101

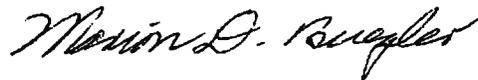
Re: Valle Verde Master Plan Project

Dear Council Members:

We moved to Valle Verde, Independent Living, 5 years ago – originally from New England, and having lived in the Southwest, and most recently the Midwest. We had a choice of different retirement communities, but came to Valle Verde because of its unique neighborhood character. This has not changed, and will not change in the revised Master Plan, already approved by the unanimous vote of the Planning Commission. Valle Verde is still a compatible neighborhood community, vital to Senior Living in Santa Barbara.

Please deny the appeals, and approve Valle Verde's Master Plan project.

Sincerely,



Marion D. Buegler (Mrs. Robert J.)

Copy to: Toby Ayars at tayars@cox.net

Julia M Springer

June 7, 2011

Santa Barbara City Planning Commission
c/o PCSecretary@SantaBarbaraCA.gov

Dear Commissioners,

I am writing to encourage the Planning Commission to certify the Final EIR for the Valle Verde Project as well as approve the project application along with the modifications, lot line adjustment and Conditional Use Permit required as part of the project.

The EIR addressed aesthetics, biology and transportation and circulation and found no significant unavoidable environmental impacts. The Valle Verde project is sustainable development, will not have a significant, cumulative impact on the environment and is a much needed expansion in the senior housing/care base of the community. In addition, Valle Verde has agreed to set back buffers and parking requirements that exceed usual requirements. The campus itself blends into the surrounding neighborhood and does not detract from the semi-rural atmosphere and, in my opinion, adds value both to the immediate neighborhood and the broader community.

The project plan has been amended and updated since it was first proposed in 2006 to meet CEQA requirements and address the concerns of neighboring home owners and now is the time for approval. It is understandable that there are neighborhood concerns but it seems to me that these have been addressed thoroughly by the EIR and the mitigations will do much to alleviate those concerns.

On a personal note, my mother lived her final twenty years at Valle Verde and my husband and I are hoping to move to Valle Verde in a few years. I was then, and have continued to be, impressed with all facets of the Valle Verde community – from the quality of care afforded the residents to the physical upkeep of the grounds and facilities. It is a quality community, one that should be encouraged to expand its capabilities to fill an ever growing need in our community for senior housing and life care.

Best regards,

Julia Springer

P.O. Box 904
Summerland, CA 93067-0904
(805) 695-0804
jmssb@cox.net

Rodriguez, Cyndi

From: Toby Ayars [tayars@cox.net]
Sent: Tuesday, June 07, 2011 2:54 PM
To: Rodriguez, Cyndi
Subject: FW: Valle Verde June 14 Hearing

Hi Cyndi,

The following is for the June 14 City Council Hearing in regards to the Valle Verde Master Plan. Charles Schneider tried to send it to you but it bounced back and asked me to forward to you. It looks as if he used a "q" instead of a "g" in your last name.

Best,
Toby

Toby Ayars
Ayars & Associates
805.845.5682
805.403.1309
tayars@cox.net

From: CHARLES SCHNEIDER [mailto:chasnjanie@verizon.net]
Sent: Tuesday, June 07, 2011 2:08 PM
To: cmrodriquez@santabarbaraca.gov
Subject: Valle Verde June 14 Hearing

To whom it may concern, my name is Charlie Schneider, a 13 year resident of the City of Santa Barbara. I wish to support the Valle Verde Master Plan. I am a past President of Vistas Lifelong Learning, a non profit adult education organization of over 250 members who hold discussion seminars in Santa Barbara. We are most appreciative of how Valle Verde has supported us to bring low cost interesting seminars to the Santa Barbara community. Their Master Plan should be approved without further delay. Thank you.

Charlie Schneider
55 Alston Place

Devereux

CALIFORNIA

6/7/2011

Santa Barbara City Council
735 Anacapa,
Santa Barbara, CA 93101

Dear Honorable Santa Barbara City Council Members,

I am writing today to voice my support for the Valle Verde master Plan and to encourage your approval of the plan at the Santa Barbara City Council meeting on June 14th.

Some key points for consideration in your decision:

-Senior housing is a community benefit priority for the City of Santa Barbara. Not having enough appropriate senior housing impacts our entire community.

- Valle Verde has revised its Master Plan to meet requests from neighbors, Planning Commissioners, and Architectural Board of Review members. This isn't the same project that was conceptually reviewed in 2006. Numerous changes were made during Planning Commission and Architectural Board of Review hearings. Valle Verde's project is good for the community and fits well within the character of the existing neighborhood which it has existed in since 1966. It is a compatible and successful part of Santa Barbara.

-Setbacks: Numerous site design changes have resulted in a **setback buffer of 126'** from Hidden Oaks Estates - more than 3x their requirements and more than 6x Valle Verde's existing campus setbacks.

-Off-street parking: Valle Verde's Master Plan has **new employee parking lots** to move all employee parking on-site. There are 414 parking spaces in the project, so that all employees, residents, and visitors can park on-site.

-Appearance & Open Space: The proposed senior homes have a **similar look and feel** as the existing campus - single-story, low profile, and surrounded by landscaping. Valle Verde is proposing an **oak-woodland preserve of 9.8 acres**. This will be dedicated open space with new oak trees that have been grown on-site for the last 4 years.

-Conditional Use Permit: Valle Verde has had a **conditional use permit since 1960**. Planning Commissions have found it compatible in 1960, 1971, 1981, and 1984. Valle Verde remains compatible and provides a community benefit to Santa Barbara.

-Now is the time to re-certify the Environmental Impact Report - independent review found NO SIGNIFICANT IMPACTS.

Please give consideration to approving Valle Verde's Master Plan.

Thank you for your time and consideration.
Sincerely,

Amy Marie Evans
Executive Director
Devereux California

Santa Barbara City Council
735 Anacapa Street, Santa Barbara
CMrodriguez@santabarbaraca.gov

June 7, 2011

Dear Council members,

My name is Charlie Johnson. I'm a Retired Fire Captain from Santa Barbara County Fire Department and have been on the Valle Verde Advisory Board since 2004. I was asked to become a Board member because of my knowledge and experience with Fire and Life Safety and Disaster Preparedness Training.

I'm writing this letter to express my **strong support** for the Valle Verde Master Plan, the Plan that will be before your Board on June 14, 2011 as a Project Appeal. I encourage you to support the findings of Planning Commission and the Environmental Impact Report which found "**No Significant Impacts**". This Master Plan has had a tremendous amount of critical review by a myriad of experts and through all of the review process it's been Valle Verde that has shown its willingness to listen and respond in positive ways to the wishes and desires of the various interested parties and City Staff. The Project (Master Plan) before you is not the same project it was in its inception, it's infinitely better, because Valle Verde went the extra mile and did more than was asked in its efforts to be a good neighbor. The Project Appeal before you is the result of a small group of very vocal homeowners that do not want this project to move forward ever. It does not matter what concessions Valle Verde could make, it will never be enough, they quite simply are self centered and locked into their own little world with no ability to see a greater good for our community. Now is the time to **re-certify the Environmental Impact Report and approve Valle Verde's Master Plan** for the betterment of all, not just a few.

Why do I so strongly support the Valle Verde Master Plan!

- It very much needed and is a community benefit; it's even listed as a Community Benefit in the City's General Plan.
- The design details of the Master Plan are incredibly functional, esthetically pleasing and incorporate the latest in green building technologies.
- Valle Verde's design team went the extra mile to design on-campus parking for residents, staff, and guest. They kept the same feel in terms of height, scale, and architectural style of the buildings.
- This Master Plan adds value to the City of Santa Barbara, it serves seniors, it provides health care, and during the recent wildfires it served as a safe refuge for evacuees from another Adult Living Community.

In closing I'd like to remind the Council members that each and every resident at **Valle Verde is also a "neighbor"** to the community as a whole. Their voices should be heard loud and clear they want this Master Plan, they want it now! The vocal minority from Hidden Oaks will never be satisfied, they've challenged you, the planning commission, and the folks that did the Environmental Review, it's time to do the right thing for the greater good of all of Santa Barbara, re-certify the EIR and Approve the Master Plan.

Respectfully,
Charlie Johnson, Advisory Board Member

Rodriguez, Cyndi

From: Barbara Greene [bbgreene@impulse.net]
Sent: Wednesday, June 08, 2011 3:04 PM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Denial of Appeal to the Planning Commission's Approval of the Valle Verde Master Plan

June 8, 2011

Dear City Council Members:

We love our wonderful city! We have lived in Santa Barbara since 1963 and hope to die here.

We urge you to support unanimously the Planning Commission's approval of Valle Verde's Master Plan on your June 14 agenda, and deny the appeal of a few disgruntled neighbors. This plan has been scrutinized and tweaked over many many years of working with the ABR, the Planning Commission, City staff and others, and has undergone an unbelievable number of changes and concessions. Now it is deemed perfect!

Valle Verde is a unique retirement community. It is well run, well maintained, a very friendly place, a happy place. Valle Verde's residents are good citizens. Residents support Santa Barbara, giving thousands of volunteer hours to the city's many non-profits each year. Residents support the local economy. More residents will be even better!

The approved construction is compatible with existing facilities and the Hidden Valley neighborhoods, and addresses needed improvements like employee parking. Almost 10 acres of open space will be given to Santa Barbara in perpetuity. Valle Verde plays a vital role in making Santa Barbara such a desirable place for seniors to live.

We ask you to deny the appeal before you and approve the Valle Verde Master Plan without any changes.

Thank you.

Sincerely,

Charles and Barbara Greene
728 B Mas Amigos
Santa Barbara, CA 93105
805 682-7023

Rodriguez, Cyndi

From: Henry Jones [sb.jones@cox.net]
Sent: Wednesday, June 08, 2011 4:17 PM
To: Rodriguez, Cyndi
Subject: Valle Verde Retirement Community Master Plan, Mtg, 6-14-2011

To: The Santa Barbara City Council
From: Henry Jones, Valle Verde Resident
Subject: Valle Verde Retirement Community Master Plan
Date: June 8, 2011

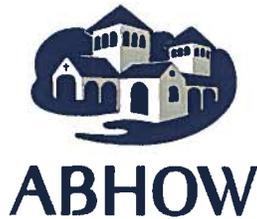
I support this project because of the improvements it will bring to my retirement community. It is also a significant expansion of needed senior housing in Santa Barbara.

Six years of continuous and coordinated work with the Planning Commission and the Architectural Board of Review have produced a plan of new construction far superior to the original concept in areas of building design and locations, sight-lines, grading modifications, a large, on-site parking area moving all staff cars off Calle de los Amigos, landscaping upgrades and oak woodland enlargement. The Environmental Impact Report found "No Significant Impacts".

Please don't make any more changes; they could only confuse the good work done now!

Certainly this is a Master Plan fully deserving approval by City Council.

Henry Jones



RECEIVED

2011 JUN -8 AM 10: 23

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

May 9, 2011

The Honorable Helene Schneider
Mayor
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93101

Re: Your Agenda of June 14, 2011, Valle Verde Retirement Community Appeals

Dear Mayor Schneider:

The undersigned is President and CEO of American Baptist Homes of the West ("ABHOW"), a California nonprofit public benefit corporation. ABHOW is the owner of Valle Verde Retirement Community in Santa Barbara, California.

I am writing to provide information that is pertinent to the City Council's consideration of the appeal filed by the Service Employees Internal Union-United Healthcare Workers West ("Union") and the so-called "Friends of Valle Verde."

Valle Verde Retirement Community is one of eight continuing care retirement communities ("CCRCs") owned by ABHOW in California. In addition, ABHOW owns or manages three other CCRCs in other states along with 26 Affordable Housing Communities. In each of the cities and towns we serve, we take great care to comply with local ordinances, policies and permitting procedures. We have brought that same approach to our five-year effort to secure permits for our proposed expansion of our Santa Barbara community.

The Union that has filed this appeal appeared in these permitting proceedings for the first time just six months ago. At that time, it submitted a comment letter on the Draft Environmental Impact Report. A second letter was submitted to the Planning Commission prior to its April 14 hearing, and a third letter was submitted as part of the appeal you will be hearing. All three of the letters purport to raise environmental issues and, in our opinion, all of the Union's claims and arguments have been thoroughly refuted in the Final EIR and the Planning Commission staff report.

At the same time, the letters conspicuously fail to disclose their true purpose: to drive up the costs of securing permits for our Santa Barbara expansion in order to put financial pressure on us in connection with a labor dispute involving two other CCRCs in Oakland, California, a dispute which is now in its second year. The Union has no stake whatsoever in the Valle Verde project or the proposed expansion of the Valle Verde campus. There are no unionized employees at Valle Verde.

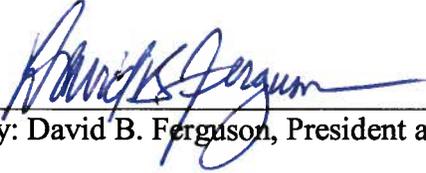
The SEIU has no legal or contractual interests in the operation of Valle Verde or the employees who staff Valle Verde. We regret that these labor tactics are being injected into a land use and environmental decision.

We respectfully urge the Santa Barbara City Council to reject the Union's unfounded arguments and to uphold the decisions of the Planning Commission.

Thank you for your consideration.

Yours very truly,

AMERICAN BAPTIST HOMES OF THE WEST



By: David B. Ferguson, President and CEO

cc. Steven Amerikaner, Esq.
Edward Steinfeldt
Randall Stamper, Esq.

Rodriguez, Cyndi

From: davecole1@cox.net
Sent: Thursday, June 09, 2011 8:00 AM
To: Rodriguez, Cyndi
Cc: tayars@cox.net
Subject: Valle Verde Master Plan hearing

June 9, 2011

City Council
735 Anacapa
Santa Barbara
CA 93101

I write in support of the Valle Verde Retirement Community's Master Plan. The time has come to move this master plan forward without further modification, and without further delay. Opponents of the master plan have had ample opportunity to express themselves, and they have been heard, and Valle Verde has responded generously. The independent Environmental Impact Report found no significant negative impacts. In fact, there are several positive impacts for the city, and the public ought not to be kept waiting any longer.

Santa Barbara has set the need for increased senior housing as a high priority in its agenda, and the master plan will address that need by increasing availability. Moreover, the quality of the current facilities will be substantially enhanced as a component of the project. Valle Verde has enjoyed a warm and healthy relationship with the city ever since it was founded 45 years ago, and it has been a substantial asset for Santa Barbara throughout that period, but it needs enhancement in order to keep up with the progress of senior health care providers that is ongoing, nationally.

The Council's staff has done its job admirably. The Planning Commission is unanimous in its approval of the master plan, as it now stands. I urge you to deny the appeal being made against the Planning Commission's judgment, and to approve the plan in its present form.

Thank you for your consideration.

Roger David Cole
723B Mas Amigos
Santa Barbara, CA
93105
(805) 563-4823