



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 17, 2008

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Annexation Of 900-1100 Las Positas Road And Adoption Of The Veronica Meadows Specific Plan And Associated Approvals; And Appeal Of The Planning Commission Certification Of The Environmental Impact Report For The Veronica Meadows Specific Plan

RECOMMENDATION: That Council:

- A. Deny the appeal of Wittwer & Parkin, LLP, attorney for Citizens Planning Association and Santa Barbara Urban Creeks Council, and uphold the Planning Commission certification of the Environmental Impact Report for the Veronica Meadows Specific Plan;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Environmental Impact Report, Adopting the Mitigation Monitoring And Reporting Program, And Adopting Findings Of Fact And A Statement Of Overriding Consideration For The Veronica Meadows Project (Veronica Meadows Specific Plan) (MST99-00608);
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Initiating the Annexation of the Veronica Meadows Specific Plan Area to the City of Santa Barbara, An Application Of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Tax Exchange Agreement With The County Of Santa Barbara Pertaining To An Application Of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A General Plan Amendment And A Local Coastal Plan Amendment For An Application Of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- F. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Lot Line Adjustment For An Application of Peak Las Positas Partners,

900-1100 Block of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);

- G. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Coastal Development Permit For An Application of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- H. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Public Street Waiver And Tentative Subdivision Map For An Application of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- I. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Making Certain Findings Under Santa Barbara City Charter Section 520 For An Application of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608); and
- J. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Rezoning Certain Property And Adopting A Zoning Code Amendment For The Veronica Meadows Specific Plan Area.

EXECUTIVE SUMMARY:

On December 12 and 19, 2006, the City Council certified the Veronica Meadows Specific Plan Final EIR ("2005 Final EIR") and approved the Project, including a 25-unit residential subdivision).¹ In 2007, the approval of environmental review was litigated in Santa Barbara Superior Court. The judge's ruling in the case directed the City to nullify the City Council December 2006 approvals. The City Council rescinded the certification and project approvals in February 2008. Since that time, the City has been processing the project application in a manner consistent with the court's order.

The Project involves the annexation of approximately 50.5 acres to the City of Santa Barbara and adoption of a Specific Plan to guide future development of the real properties being annexed. The affected properties are located within the City's Sphere of Influence, in the unincorporated area of Las Positas Valley.

The applicant has proposed to develop the site with 25 residential units, two of which would be affordable to upper middle-income homebuyers. The Project includes a new public bridge over Arroyo Burro Creek to connect Las Positas Road to the proposed subdivision, extensive creek stabilization and restoration work, geologic stabilization and the completion of Alan Road with a cul-de-sac.

¹ This Project has an extensive history that is covered more completely in the staff reports for the December 1, 2005 Planning Commission hearing (previously submitted to the Council for review as part of the Council reading file) and the May 15, 2008 Planning Commission hearing (Attachment 2).

An Environmental Impact Report (EIR) has been prepared for the Project to analyze environmental impacts resulting from the Project. The Planning Commission certified the 2008 Final EIR for the Project on May 15, 2008. This certification has been appealed to the City Council.

Existing City General Plan policies in the Land Use Element, as well as policies within the City's Draft Annexation Policy Update, encourage annexation of unincorporated islands and peninsulas of land contiguous to the City and within the City's Sphere of Influence at the earliest convenience. It is Staff's position that the proposed annexation would be consistent with these policies, and staff believes that the annexation of the subject parcels is appropriate to ensure logical and consistent land use planning, efficient public services, and orderly development in the Las Positas Valley. The proposed General Plan designations and residential development are consistent with the pattern of development of the existing neighborhood and the uses envisioned for this area in the Draft Las Positas Valley and Northside Pre-Annexation Study, and the proposed overall density is appropriate for the site. Adoption of a specific plan to guide future development of the area is preferred to conventional zoning standards due to the property's unique site constraints and opportunities. Staff can support the proposed Project.

The proposed development is appropriately sited on the property and the new bridge would provide a major enhancement to the bicycle and pedestrian network in the Las Positas Valley. The proposed Project is consistent with the City's General Plan and Local Coastal Plan. Although the proposed creek stabilization and restoration work would not fully address the biological impacts created by the bridge, it would greatly improve the stability of the creek and the overall health of the riparian corridor.

DISCUSSION:

Project Description

The Veronica Meadows Specific Plan (hereinafter referred to as "the Project") involves the annexation of approximately 50.5 acres of land, located between Campanil Hill and Las Positas Road, from an unincorporated portion of Santa Barbara County to the City, and a residential subdivision. Upon annexation, the lots would receive General Plan, Coastal Plan and zoning designations. Approximately 35.7 acres would have a General Plan designation of Major Hillside, Open Space, Stream/Buffer and Pedestrian/Equestrian Trail. Approximately 14.8 acres would have a General Plan designation of Residential, two units per acre, Stream/Buffer and Pedestrian/Equestrian Trail. Specific Plan 9 (Veronica Meadows Specific Plan) would be the site's zoning designation.

The proposed residential development includes 25 units, three of which would be located at the terminus of Alan Road (proposed cul-de-sac), three of which would be located immediately north of the cul-de-sac homes off a private road, and 19 homes in the main development loop. Two of the homes (Lots 4 and 5) would be affordable to middle-income

homebuyers at 170% of the Area Median Income. This translates to a restricted sale price of \$375,400 for each of the two affordable two-bedroom homes under applicable City affordable housing policies and the current Area Median Income.

The residential lots would range in size from approximately 5,200 to 9,600 square feet. The remaining lots would be comprised of common open space areas and public roads. Generally, the Project would include two-story single-family homes, with a maximum of 2,500 to 3,800 square feet of living area each. A duplex-style structure is proposed to serve as the affordable units, with each unit approximately 1,000 square feet in size.

A comprehensive creek stabilization and restoration plan for approximately 1,800 linear feet of Arroyo Burro Creek adjacent to the development site is also proposed as part of the Project, and includes restoration work on the adjacent City-owned parcel.

Site access to all but three lots would be provided via a public bridge over Arroyo Burro Creek that would intersect with Las Positas Road and connect to the new public street serving the development; the remaining three homes would be accessed from the end of Alan Road. A public pedestrian path is proposed along the western edge of the creek to provide pedestrian and bicycle access from Alan Road to Las Positas Road.

This project is identified in the Final Revised EIR as the Current (2008) Project Design.

Environmental Review

As required under the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to evaluate physical environmental effects resulting from the Project and proposed Specific Plan. Prior to taking any action to approve the Project or the annexation, the City Council must certify the Final EIR and make findings necessary pursuant to the California Environmental Quality Act Guidelines Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

In December 2005, the Planning Commission certified the Final EIR for the Project (referred to herein as the 2005 Final EIR). In December 2006, the City Council certified the 2005 Final EIR and approved the proposed Project. This action was litigated in Santa Barbara Superior Court, and the Court invalidated the City approvals and EIR certification and directed that the City revise the EIR before reconsidering the proposed Project. Following the court order in early 2008, these prior approvals were rescinded by the City Council in February 2008.

The City circulated a Draft Revised EIR – Selected Chapters for public review from March 14, 2008 through April 28, 2008. The Revised EIR included revisions made to the 2005 EIR in order to document changes to the Project and additional information received since the 2005 Final EIR was released. Specifically, the Revised EIR included changes to the Executive Summary, Mitigation Measures, Introduction, Biological Resources Chapter and

the Alternatives Chapter of the 2005 Final EIR. The Revised EIR focused on 1) changes to the Biological Resources Chapter, 2) clarifications to the Alan Road Access Alternative, and 3) a new alternative termed the Current (2008) Project Design, to address the project design as approved by the City Council in December 2006. The conclusions of the Revised EIR are the same as the 2005 Final EIR; there are three significant and unavoidable impacts resulting from the proposed Project (Habitat Impacts of New Bridge, Contribution to Cumulative Traffic Impact on Local Intersections and Construction Truck Noise on Alan Road).

The 2008 Final EIR, which is referenced as Attachment 1 to this report, was certified by the Planning Commission on May 15, 2008. The 2008 Final EIR is comprised of the 2005 Final EIR and the Final Revised EIR – Selected Chapters.

Appeal of Planning Commission Certification of Final EIR

Since Planning Commission certification of the Final EIR, staff has become aware of an error in the EIR that should be corrected as part of any City Council certification of the document. The existing County zoning for APN 047-010-016 is 8-R-1 (70% of parcel) and RR-20 (30% of parcel). The EIR identifies the entire parcel as having a zoning of 8-R-1. The result is that the theoretical build out of the parcel would be 40 units, rather than the 56 units identified in Table 4-2 of the EIR (Section 4.3 No Annexation Alternative). This does not change any of the conclusions of the EIR.

On May 23, 2008, the Planning Commission's certification of the 2008 Final EIR was appealed by Wittwer & Parkin, LLC on behalf of Citizens Planning Association and Santa Barbara Urban Creeks Council (refer to Attachment 4, Appeal Letter). The EIR certification was appealed on the basis that 1) the Planning Commission did not make a recommendation on the Project itself as part of the EIR certification, 2) the Planning Commission did not consider any feasibility analysis in certifying the EIR, 3) the Revised EIR recast the feasibility of the Alan Road Access Alternative, not to mention that planned traffic improvements at the Cliff Drive/Las Positas Road intersection are not taken into account, 4) the EIR does not consider a range of alternatives including a reduced Project alternative, 5) the EIR does not address the irretrievable commitment of resources pertaining to the City's water supply, and 6) the Responses to Comments in the Revised EIR are inadequate (with 9 subcategories identified).

Staff Responses to Appeal Issues

Many of the issues raised in the appeal letter were raised during the comment period for the Draft Revised EIR, and staff directs the Council to Appendices L and M of that document for the complete range of responses to comments received. In response to the specific appeal issues raised, staff has the following responses:

1. The Planning Commission has never made a decision on the Project itself. In December 2005, the Planning Commission certified the 2005 Final EIR, but did not make a decision on the Project because they were deadlocked (3-3 vote). Instead, the Commission referred the Project to the City Council for decision. Therefore, there is no Planning Commission approval that needs to be rescinded or that precludes them from considering the Final EIR. It is the City's understanding that the Court decision essentially brought the matter back to a point in time just prior to the City Council's December 12, 2006 consideration of the Project and EIR. The revisions to the EIR were brought to the Planning Commission for certification because the City CEQA Guidelines direct the Planning Commission to review and certify EIRs. Typically, if the Planning Commission is not the decision-making body on the project (as in this case), their certification would be forwarded on to the decision-making body, and the decision-making body must state that it has reviewed and considered the information contained in the EIR (and make any other findings required by CEQA and/or State and local laws) prior to the approval of the project. Therefore, City staff maintains that the Commission's certification of the 2008 Final EIR was appropriate. With the appeal of the Planning Commission's certification, the certification decision is now before the City Council.

2. Economic feasibility is not required to be analyzed in an EIR for that EIR to be considered adequate. Therefore, the Planning Commission did not require any economic feasibility studies in order to certify the 2008 Final EIR. The Revised EIR notes whether each identified alternative is "potentially" feasible, and focuses on feasibility from an environmental and technological perspective. The Final Revised EIR notes that the final determination of feasibility is made by the decision-makers, based on economic, environmental, legal, social, and technological factors. The decision-makers, in supporting findings of feasibility or infeasibility, may use information outside the EIR, as long as that information appears somewhere in the administrative record. Because economic feasibility analysis is not required for an EIR, the Planning Commission's certification of the 2008 Final EIR is appropriate.

3. The 2005 Final EIR identified the Alan Road Access Alternative as "feasible". The Revised EIR identifies the Alan Road Access Alternative as "potentially feasible from a physical and technical standpoint". Staff does not consider this to be a recast of the alternative's feasibility, but rather as a clarification of the basis for the feasibility determination. Please refer to Response 9-47 (page M-22) in the Final Revised EIR for additional discussion of the issue.

As for the issue of traffic improvements at the Cliff Drive/Las Positas intersection, the EIR did not consider these improvements as mitigation for the significant traffic impact to this intersection associated with the Alan Road Access Alternative because said improvements have not been designed and cost estimates have not been prepared; therefore, funding has yet to be programmed for the improvements. Additionally, the improvements are not anticipated to be completed until June 2012. Any project-related or cumulative traffic impacts at this intersection would persist until the improvements are completed. As such,

the Final Revised EIR determined that the Alan Road Access Alternative would result in a significant and unavoidable traffic impact at the Cliff Drive/Las Positas Road intersection.

4. A range of reasonable alternatives was included in the EIR as Alternatives to the proposed Project, as required by CEQA. Reduced density alternatives were discussed by the Planning Commission in 2003 and again in 2005, but were not included in the EIR primarily because they did not meet project objectives and/or because they did not provide the project benefits desired by decision-makers. Two of the alternatives discussed in the EIR would result in a reduced density project (Avoid Landslides Alternative and Alternative Creek Setbacks Alternative). Additionally, in October 2006, the City Council considered a reduced density project (15 units) that took sole access via Alan Road. That project was not supported by the City Council. Therefore, the 2008 Final EIR covers a reasonable range of alternative and it is not necessary to continue iterating and modifying alternatives.

5. The EIR addresses water supply through citations to the Initial Study for the Project. Water and wastewater treatment systems were deemed adequate to serve the Project. As noted in the Final Revised EIR Response to Comments, project-specific EIRs and Initial Studies review project impacts based on reasonably foreseeable future projects, not full City and area build-out. As noted in the Initial Study, the Long-Term Water Supply Program sets a threshold for review of water supply, which has not yet been reached. This results in the appropriate conclusion that there is sufficient water supply for this and reasonably foreseeable future projects.

6. Appellant asserts that the Response to Comments portion of the Revised EIR (Appendix M) is inadequate. Staff directs the City Council to the Comments received and the associated Responses to determine whether or not this assertion is true. The appellant points out particular instances of this, which staff has responded to below, but staff does not believe it is necessary to defend each response within this report.

a. The appellant claims that the Revised EIR misrepresents the ruling of the Superior Court. The lead paragraph of the Executive Summary states "In the Court decision, it was clarified that there were no major deficiencies in the EIR itself, but that the environmental findings adopted by the City were not adequate." Further review of the Court's Statement of Decision shows this to be true. The City Council is directed to the full Statement of Decision (Attachment 3) to make an independent determination as to whether or not the Revised EIR misrepresents the Court ruling.

b. The EIR considers the Lot Line Adjustment as part of the "Project" because the applicant has included it in the application and Project description. In fact, the City Council is being asked to take action on that part of the application as part of the action on the Project. The appellant is likely referring to the fact that the applicant has simultaneously submitted an application to the County of Santa Barbara to process said lot line adjustment. Staff's understanding is that this separate application has been made due to some timing issues on the part of the applicant. It has no bearing on the decision being

requested today. If the lot line adjustment records through the County before it can record through the City (understanding that the City's approval requires LAFCO approval before it can proceed), then the City's approval of the lot line adjustment becomes null and void. It does not impact environmental review of the Project.

c. The appellant claims that the Project violates Section 520 of the City Charter. This is not an environmental issue nor is it related to the adequacy of the EIR. However, for a discussion of the issue as it relates to Project approval, please refer to the Issues Section of the staff report.

d. The appellant claims that the Project is inconsistent with Public Resources Section 30240, which protects environmentally sensitive habitats. Please refer to the Issues Section of the staff report for a discussion of consistency with this Coastal Policy.

e. The quote identified is taken from the Biological Resources Section of the Revised EIR, subsection 3.3.2.6 Effect of Bridge on Riparian Habitats and Wildlife, and refers to the EIR's determination that the bridge results in a significant, unavoidable biological impact. The purpose of the statement is to explain that the determination of the bridge as a significant and unavoidable impact has been controversial throughout the process, with public comments on the impact conclusion reaching different conclusions, including differing opinions from other biologists and some Planning Commissioners. The City Council can certify the EIR's adequacy while still coming to a different conclusion than the EIR, as long as the conclusion is supported by evidence and is explained in appropriate environmental findings. Having noted this ability to make findings contrary to the conclusions of the EIR, staff supports the EIR conclusion that the bridge and its associated impacts, results in a significant unavoidable impact.

f. This statement is similar to comments 9-29 and 9-32 through 9-35 in the Final Revised EIR. Estimates of development potential through the County were estimated at 20-25 lots, possibly more, based on existing County land use and zoning designations, taking into consideration the site constraints. The County Planning and Development Department did express a position in favor of sole access via Alan Road. The alternatives analysis in the EIR is adequate because it includes a discussion of the Alan Road Access Alternative, which would be quite similar to the result of development in the County without the use of the bridge for access.

g. Phase 2 construction impacts to the residents of Alan Road are not quantified in the EIR because Phase 2 construction includes construction of individual homes, which would be highly variable. Under the Project, all Phase 2 traffic (with the exception of traffic required to build homes on the three cul-de-sac lots) would be routed via the Project bridge from Las Positas. Alternatives analysis must include sufficient information about the alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project, but is not required to analyze the alternative at the same level of detail as the Project.

h. The Alan Road Access Alternative considers potential alternatives to bike and pedestrian access via the Project bridge; however, the options considered all required a pedestrian/bike bridge to connect Alan Road to Las Positas Road. The appellant is correct that alternative bicycle and pedestrian access was not analyzed. This is because any access that does not utilize some type of bridge to the subject property would be outside the control of the applicant, and therefore not feasible within the realm of the proposed Project.

i. Contrary to the appellant's statement, the Revised EIR notes that a 15-unit project with sole access via Alan Road would result in a significant traffic impact during the p.m. peak hour (although there would be a less than significant impact during the a.m. peak hour). To reiterate, determination of feasibility is ultimately made by project decision makers. The 15-unit project with access via Alan Road was not supported by the City Council when presented in October 2006. The EIR preparers and Planning Commission believe that the range of alternatives presented in the Final EIR is adequate.

Issues

For a complete discussion of the following issues, please refer to the December 12, 2006 Council Agenda Report (previously distributed and available in the Council reading file): annexation, the Specific Plan, development constraints/building envelopes, vehicle bridge, creek stabilization and restoration, grading and development on steep slopes, drainage and water quality, traffic, visual resources, open space, public road design. This report focuses on the issues raised by the Superior Court ruling that required the City Council to rescind certification of the 2005 Final EIR and project approval, and on issues brought up by the public and decision makers since February 2008.

Alan Road Access Alternative

The December 2007 Superior Court decision states that the City cannot adopt a statement of overriding considerations and approve a project with significant impacts if there are feasible alternatives or mitigation measures that avoid those impacts. The 2005 Final EIR stated that the Alan Road Access Alternative was a feasible alternative, and it would avoid the significant (Class 1) biological impact associated with the bridge. Unfortunately, the Council findings for project approval did not specifically state that the Alan Road Access Alternative was infeasible, but rather explained why access via the bridge was preferable.

The Revised EIR clarifies the discussion of the Alan Road Access Alternative and its potential feasibility. Essentially, the revisions in the EIR highlight the fact that this alternative is "potentially" feasible, and that the City Council is the appropriate decision-making body that makes the final determination of feasibility. The City Council must make findings to support that final determination, and can use information outside the EIR to support a finding of feasibility or infeasibility. CEQA defines feasible as "capable of being

accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

The Revised EIR also clarifies that the Alan Road Access Alternative would result in a Class I project-specific (as compared to a future cumulative) traffic impact due to unknown funding for the necessary improvements at the Cliff Drive/Las Positas Road intersection, and that it would increase the duration of the Class 1 construction truck noise impact.

Based on prior Council direction, draft findings as to the infeasibility of the Alan Road Access Alternative have been included in the Resolution certifying the 2008 Final EIR for the Project. In summary, when considered in the larger overall context, the Alan Road Access Alternative may be determined infeasible because it would have greater unavoidable traffic and noise impacts and would not meet the Project objectives (related to traffic, vehicle circulation, and pedestrian and bicycle routes for coastal and recreational access opportunities) as well as the Project.

Other Alternatives

With the exception of the No Project Alternative and the Alan Road Access Alternative, no other Alternative reduced the significant impact of the bridge. As described in the Court judgment, the findings of economic infeasibility for the Avoid Landslides Alternative are supported by evidence in the record, and the environmentally superior alternative (Creek Setback Alternative) does not reduce any significant (Class I) impacts (would only reduce Class II impacts). Therefore the City is not obligated to adopt that alternative.

Many of the commenters on the Draft Revised EIR requested inclusion of a reduced density alternative. Other, reduced density alternatives were considered and discussed throughout Project review, but were not included in the EIR analysis of alternatives primarily because they did not meet the basic Project objectives or because they would not support the imposition of the required mitigation measures. Additionally, several of the alternatives that are included in the EIR would result in fewer units than the Project.

It should also be noted that the City Council did consider a project with reduced density (15 units) taking full access via Alan Road on October 3, 2006, and directed the applicant to return to the project design that utilized a vehicular bridge from Las Positas Road for access.

Charter Section 520 (Disposition of Real Property or a Public Utility)

Charter Section 520 applies where park property is “sold, leased or otherwise transferred, encumbered or disposed of”. None of those events will occur here. Further, Charter Section 520 specifically authorizes “concessions, permits or leases compatible with and accessory to” park purposes. The Project requires an encroachment permit to construct the public bridge and access road on a City Parcel. The improvements (bridge and road)

can be found compatible with the park use of the City Parcel because both will facilitate public access to the City Parcel from nearby residential neighborhoods to the west, including the Alan Road neighborhood, the Braemar Ranch neighborhood, and Arroyo Burro Beach. In the absence of the road and bridge, people wishing to access the City Parcel from these areas would be required to travel along Las Positas Road, a thoroughfare on which motor vehicles travel at high speeds, and for which there are no sidewalks. The road and bridge will provide a safer, quieter, and more appropriate means of public access to the City Parcel. Further, the construction of a road and bridge is accessory to the purposes for which the City Parcel is devoted by the City. The road and bridge will occupy just 0.05 acres of the 5.89 acre City Parcel (less than 1% of the surface area of the City Parcel), and will be located at one end of the City Parcel, thus enabling users of the City Parcel to utilize all of the remainder of the City Parcel for park purposes.

Charter Section 1507 (General Plan and Zoning Ordinance Amendments Limitations)

The City's land development shall not exceed its public services and physical and natural resources. With respect to Section 1507 of the City Charter, build-out of the Veronica Meadows Specific Plan will result in significant and unavoidable cumulative traffic impacts. All Project-specific traffic impacts will be less than significant. Short-term impacts on air quality due to construction will be significant, but mitigable. Long term air quality impacts due to the land development would be less than significant. Short-term noise impacts from construction activities would be significant and immitigable; however, no long term significant noise impacts would occur. Development of the Project will not adversely affect the City's water or wastewater resources.

The City Council must weigh and balance the benefits of the Project against the unavoidable traffic impacts in order to approve the Project. Staff believes that the Project benefits (creek restoration and pedestrian access improvements) outweigh the significant traffic impacts sufficiently to make the adverse affects acceptable.

Consistency with the Coastal Act and Local Coastal Plan

A. Coastal Act §§ 30212 and 30252 / Local Coastal Plan Policies 2.4 and 2.6. The proposed public pedestrian and bicycle paths would provide an enhancement to the bicycle and pedestrian network and coastal access in the Las Positas Valley, consistent with the policies stated in these statutes. With the proposed bridge, the paths would provide a connection between the Westside, Bel Air and Hidden Valley neighborhoods, and visitors to Elings Park would have safe and convenient access to Arroyo Burro Beach, rather than walking or riding along Las Positas Road.

B. Coastal Act §§ 30231, 30236, and 30240 / Local Coastal Plan Policies 6.8, 6.10, and 6.11. That portion of the Project site located in the coastal zone is highly disturbed due to previous uses of the site (development and operation of a water bottling company

and more-recent unregulated recreational uses) and adjacent residential and road developments to the south and east. The residential portion of the Project will not include the permanent removal of native riparian or oak woodland habitats in the coastal zone. Additionally, non-native eucalyptus and pepper trees proposed for removal are not known to be significant aggregate sites for monarch butterflies or significant nesting locations for endangered or threatened raptor species. The Project would, however, include removal of small areas of willow and oak woodland habitats along portions of Arroyo Burro Creek in the coastal zone for bank stabilization and restoration purposes. The extensive creek restoration and stabilization measures required for the reach of Arroyo Burro Creek along the length of the Project site (approximately 1800 linear feet) will increase channel stability, increase flood protection, reduce erosion, improve water quality, and restore ecological value to the creek. The bank stabilization is designed to minimize, to the extent feasible, the use of rip rap and other hard structures through use of brush layering and natural cobbles and gravel. Removal of non-native vegetation and planting of native riparian vegetation are also planned along the creek corridor. Mitigation measures required for the Project include replanting of lost native oak trees at a minimum of a 10:1 ratio onsite. Native riparian habitats disturbed as a result of the bank stabilization would also be replaced at over a 3:1 ratio. In total, the proposed creek corridor restoration would result in the creation and enhancement of about 4.1 acres of riparian habitats on the Project site and 2.7 acres of riparian habitat on the adjacent City parcel.

Permanent bio-filtration features proposed throughout the Project and the Best Management Practices that will be implemented during construction activities will help treat runoff from the site before it enters the creek. Although portions of the proposed roadways would be located within 100 feet from the top of bank of the creek, the overall plan will greatly improve the stability of the creek channel and riparian habitat and provide a more stable buffer area between the development and the creek.

Related to §30240, the bridge, which is located outside the Coastal Zone, could be viewed as potentially restricting wildlife movement and increasing habitat fragmentation of the lower Arroyo Burro watershed as discussed in the Final Revised EIR (May 2008). However, given the distance of the bridge from the coastal zone, the currently degraded state of this portion of the watershed, and existing development and other restrictions to wildlife in the coastal zone portion of the watershed, staff does not believe that the indirect impacts from the bridge would result in a significant disruption of habitat values in the coastal zone. The Project may therefore be found consistent with this Coastal Act policy.

C. Coastal Act § 30251. The proposed development will not block views of the ocean or the mountains from public viewing locations, as the site is situated at a lower elevation in the Las Positas Valley. When viewed in the larger context of the Valley, the Project will blend in with the surrounding residential development on the ridgeline above and to the north and south of the Project site. The original topographic contours of the hillside will be re-established and the area replanted with native vegetation after the geologic stabilization

is complete and, therefore, the Project will not significantly modify the natural topography of the site, consistent with this policy.

BUDGET/FINANCIAL INFORMATION:

Property Tax

State law governing annexations requires that the City and the County negotiate a property tax exchange agreement. The tax exchange agreement determines what portion of the property tax paid on the property will be allocated to the City. A Resolution reflecting the tax exchange agreement negotiated by Staff is before the Council for action as part of the annexation.

Annexation Buy-in Fees

Chapter 4.04 of the Municipal Code (Annexation and Charges) requires owners of annexed property to pay an annexation "buy-in" fee for potential units to be developed on the property. The annexation fee amount is set by City Council Resolution based on the value of municipal improvements and the acreage of land in the City. Resolution 99-133 establishes the "buy-in" fee at \$3,189 per new dwelling unit. Based on the proposed development of 25 units, the Project's buy-in fee would be \$79,725.00.

SUSTAINABILITY IMPACT:

The proposed Project includes development on a parcel that is currently undeveloped. There are inherent sustainability impacts associated with any new development; however, the manner in which the proposed Project would be developed would minimize these impacts while providing for additional housing within the City. The Project also includes some circulation and creek improvements that would be a significant environmental benefit. The following is a summary of the major Project elements related to sustainability:

- Enhanced pedestrian and bicycle facilities, thus allowing for increased non-automobile circulation and encouraging reduced vehicle trips in order to access the beach from Elings Park and the Westside (and vice-versa).
- Water quality improvements: A bioswale/greenbelt located at the center of the development to retain and filter runoff prior to recharging the ground water supply or entering the creek, and implementation of best management practices for storm water pollution control to reduce and control runoff.
- Includes provisions to allow for reclaimed water use when it becomes available to the site, thus reducing potable water consumption.
- Includes restoration of a severely degraded creek (both privately and publicly owned): removal of non-native species from the creek, stabilization of eroding banks (reduces bank failure, sediment flow and downcutting) and establishment of

native vegetation. These measures would improve the overall health of the creek (water quality, habitat, and wildlife) along the 1,400 linear feet of restoration, and would provide residual benefits downstream.

- Clustering of development allows for permanent dedication of a 35-acre hillside parcel as open space, dedication of approximately 4.86 acres of land to the City as creekside open space and 3.58 acres of dedicated open space managed by the Project's homeowner's association.
- Development would be subject to the City's recently-adopted Energy Ordinance and would meet or exceed California's Title-24 requirements.
- Mitigation measures included in the Final EIR address hazardous materials and pollution reduction (i.e. compliance with the City's Integrated Pest Management plan, limited use of pesticides, poisons and herbicides)

NOTE: The following information has been provided to Councilmembers under separate cover and is available for review in the City Clerk's office:

- Veronica Meadows Specific Plan 2008 Final EIR (2005 Final EIR and 2008 Final Revised EIR)
- Project Plans (Tentative Map, Preliminary Grading and Drainage Plan, Public Improvements and Utilities Plans, Slope Analysis, Conceptual Site Plan and Arroyo Burro Restoration Project Plans)

- ATTACHMENTS:**
1. Planning Commission Staff Report – May 15, 2008 hearing (excluding Exhibits)
 2. Court Judgment
 3. Appeal Letter
 4. Project Description, Project Objectives, Required Approvals and Record of Proceedings
 5. Summary of Impacts, Mitigation Measures and Proposed CEQA Findings

In addition, a copy of the complete administrative record from the Superior Court litigation was made available to Council in the Council reading file. This record is all of the documents submitted to the Council in connection with their December 2006 review of the Project.

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: May 7, 2008
AGENDA DATE: May 15, 2008
PROJECT ADDRESS: 900-1100 Las Positas Road (MST99-00608)
 Veronica Meadows
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Allison De Busk, Project Planner *AD*

I. SUBJECT

Environmental hearing to certify the Veronica Meadows Specific Plan Final Environmental Impact Report (EIR). No action on the project itself will be taken at this hearing. The City Council is tentatively scheduled to consider the project and certify the Final EIR at a hearing on May 20, 2008.

II. PROJECT DESCRIPTION

The project associated with the subject environmental document is an annexation of approximately 50.5 acres from the County, and a subsequent 25-unit single-family residential subdivision on 14.8 of those acres. The remaining 35.7 acres would be dedicated open space. Proposed residential lot sizes would range from approximately 5,000 to 9,600 square feet, with maximum home sizes ranging from 2,500 to 3,800 square feet of habitable space.

Site access to all but three lots would be provided via a proposed concrete bridge over Arroyo Burro Creek that would intersect with Las Positas Road. A public loop road on the west side of the creek would serve 19 of the homes, and a private drive off of the public road would provide access to three home sites. The remaining three homes would be accessed from the end of Alan Road. A public pedestrian path is proposed along the western edge of the creek to provide access from the end of Alan Road to Las Positas Road.

A comprehensive creek stabilization and restoration plan for approximately 1,800 linear feet of Arroyo Burro Creek is also proposed as part of the project. A 100-foot buffer between the proposed residences and the top of bank of Arroyo Burro Creek is proposed. A small portion of the proposed public road and private driveway would encroach into the 100-foot buffer.

Cast-in-ground concrete caissons are proposed on-site to stabilize the hillside to the west. Geologic stabilization of the hill would result in approximately 61,500 cubic yards (cy) of cut and 61,500 cy of fill. Total estimated grading for the project improvements (building pads, roads, etc.) would be about 15,539 cy of cut and 11,232 cy of fill (does not include soil recompaction); grading for the creek stabilization/restoration work would involve approximately 14,000 cy of cut.

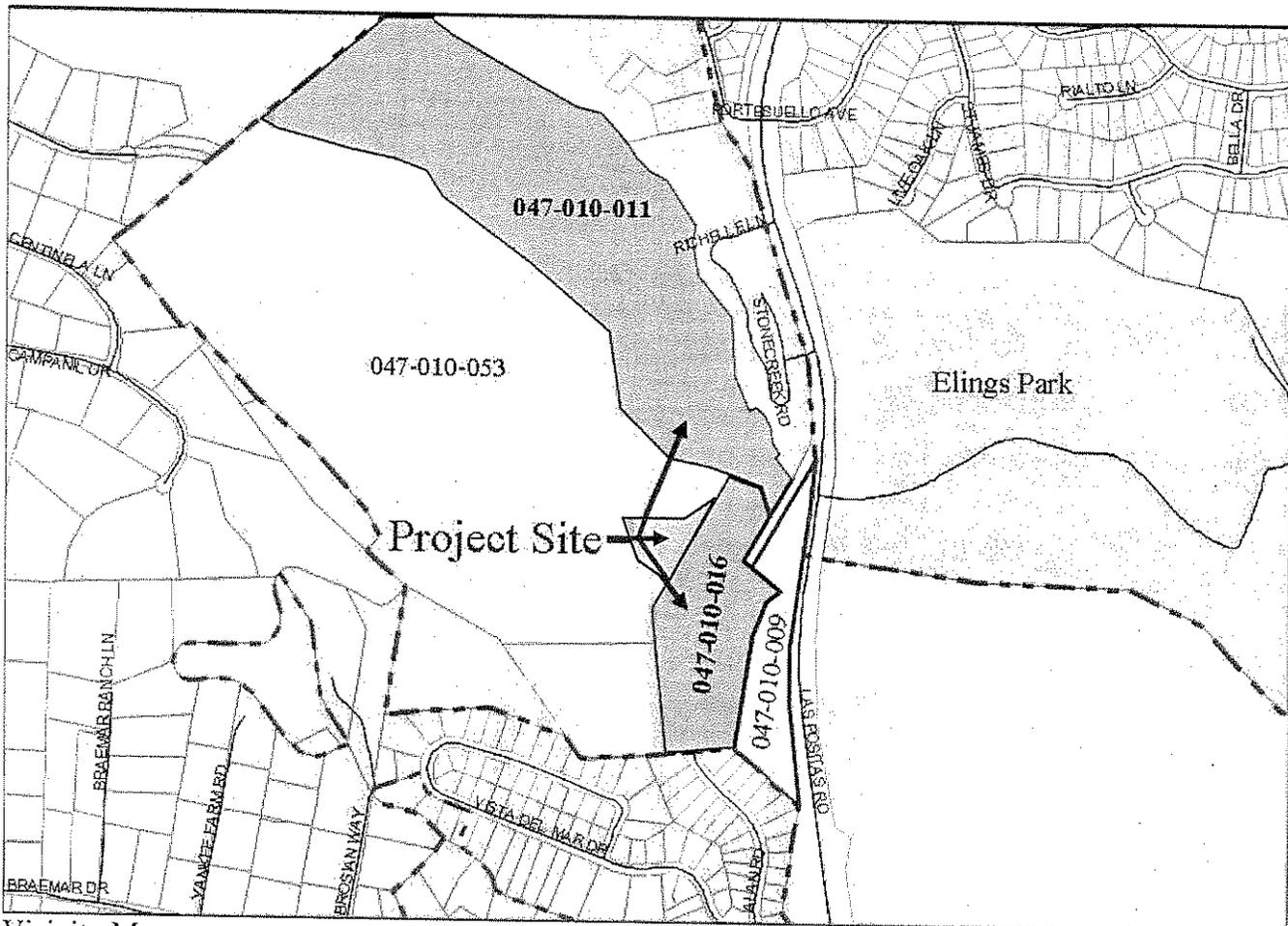
III. REQUIRED APPLICATIONS

The City Council is the body that will make a decision on the proposed project. The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2003-00026) to allow the proposed subdivision and development of the portion of the project within the appealable and non-appealable jurisdictions of the City's Coastal Zone (SBMC 28.44);
2. A Lot Line Adjustment to attach a 4.49-acre portion of APN 047-010-053 to APN 047-010-016 (SBMC 27.40 and Gov. Code §66412);
3. A Public Street Waiver to allow lots 4, 5 and 6 to be served by a private driveway (SBMC §22.60.300);
4. A Tentative Subdivision Map to allow the division of one parcel into 30 lots. Twenty-five lots would be developed with single-family homes, four would be for open space, one would be for the public road and one would be for the private drive (SBMC 27.07);
5. A request to Santa Barbara County Local Agency Formation Commission (LAFCO) for annexation of the subject parcels to the City of Santa Barbara;
6. A General Plan Amendment, upon annexation, to add the subject parcels to the City's General Plan Map. APNs 047-010-016, 047-010-053 (the 4.49-acre portion), and 047-010-026 would be designated Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail; APN 047-010-011 would be designated Major Hillside, Open Space, Buffer/Stream and Pedestrian/Equestrian Trail;
7. A Local Coastal Plan Amendment, upon annexation, to add the portion of APN 047-010-016 that is located within the Coastal Zone boundary to the City's Local Coastal Plan Map, with Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail designations;
8. Zoning Map and Ordinance Amendments, upon annexation, to adopt Specific Plan Number Nine (SP-9), and zone APNs 047-010-011, 047-010-016, 047-010-053, and 047-061-026 Specific Plan Number Nine (SP-9) and Coastal Zone Overlay, where applicable, and add the parcels to the Hillside Design District; and
9. Approvals related to bridge construction and creek restoration on City-owned lands adjacent to the project site.

IV. RECOMMENDATION

Staff recommends that the Planning Commission certify the EIR, making the findings outlined in Section VIII of this report.



Vicinity Map

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Peak Las Positas Partners	Property Owners:	Peak Las Positas Partners and Bollag
Parcel Numbers:	047-010-011 047-010-016 047-010-053 (a portion) 047-061-026	Lot Area:	35.71 acres 10.24 acres 4.41 acres (a portion of 86.7-acre site) 0.04 acre
Adjacent Land Uses:			
North – Residential		East – Arroyo Burro Creek, Open Space and Las Positas Road	
South – Residential		West – Residential	

VI. APPLICATION/PROJECT REVIEW PROCESS

This project has an extensive history that is covered more completely in the staff report for the December 1, 2005 Planning Commission hearing (copies available upon request). The following is a brief summary of the most relevant issues pertaining to the annexation proposal and related development project since the writing of that report. For a summary of the project's environmental review history, please refer to Section VII below.

On December 1, 2005, the Planning Commission certified the Final EIR and referred the project to the City Council for a decision due to a deadlock (3-3).

On March 8 and March 21, 2006, the City Council reviewed the project (23-unit subdivision). On March 21, 2006, the City Council directed the applicant to reduce the number of residential units, provide all vehicular access via Alan Road, and provide a pedestrian/bicycle bridge across Arroyo Burro Creek.

To address the Council's direction, the applicant prepared a conceptual site plan (15 residential units with all vehicular access via Alan Road and a pedestrian bridge across Arroyo Burro Creek) and creek stabilization and restoration plan, and Staff updated the Veronica Meadows Specific Plan (SP-9) accordingly.

The ABR reviewed the revised project on May 1, 2006 and had the following comments:

- The overall site layout, estimated home size and conceptual home design were acceptable given the direction from Council.
- The previous proposal was a better solution in terms of access and the benefits to the City as a whole (circulation, creek restoration, open space, etc.).

The Creeks Advisory Committee reviewed the revised project on April 26, 2006 and had the following comments:

- The creek setback for all development should be 100 feet, not 50 feet.
- Drainage should be decentralized and allowed to flow overland and percolate into the creek.
- Public access should be provided.
- Creeks Advisory Committee should have the opportunity to review the project in the future.

The Park and Recreation Commissions and Creeks Advisory Committee held a joint meeting on July 10, 2006 to review the revised project. They had the following comments, in addition to the Creeks Advisory Committee comments identified above:

- Campanil Hill drainage should be daylighted.
- The pedestrian bridge should be located at the northern end of the site.
- All landscaping should be native and non-invasive.

- Chemical fertilizers should be prohibited for landscaping purposes following restoration.
- Independent review of the Creek Restoration Plan should be required now and later in the process.

The Planning Commission reviewed the revised project on August 24, 2006 and had the following summary comments:

- Vehicular access from Las Positas is preferred.
- Appropriate density is dependent on house sizes.
- Pedestrian bridge should be at the northern end of the property.
- Creek setback is appropriate; would be willing to consider smaller setbacks under certain circumstances.
- Prefer drainage as open and natural as possible.
- Have a desire to reduce the overall project footprint.

On October 3, 2006, the City Council reviewed the revised proposal. At that meeting, the City Council continued the item, on a 5-2 vote, with the direction for staff to work with the applicant and return to Council with a project design and density similar to the prior 23-unit project, including the following: 1) drainage that is daylighted, as well as other flood control systems; 2) a traffic signal at Las Positas Road; 3) a bridge for vehicular and pedestrian access; 4) emergency access at Alan Road; 5) peer reviews and long term maintenance of creek restoration; and 6) an affordable housing component of 2 to 4 units.

On December 12, 2006, the applicant returned to the City Council with a newly revised project that included two development alternatives: 1) a 23-unit development; and 2) a 25-unit alternative that included two affordable housing units. Both alternatives included daylighting the Campanil Hill drainage (in addition to other required flood control systems), a traffic signal at Las Positas Road, a bridge across the creek for pedestrian and vehicular access, an area left clear of vegetation for possible future access in the event of an emergency, peer review of the creek restoration plan, and the applicant would be responsible for long-term creek maintenance. The City Council voted (5-2) to approve the 25-unit project (with the Tentative Map to be brought back to the Council at a later date) without the emergency access road.

On December 19, 2006, the City Council adopted (second reading) the Ordinance initiating the annexation and adopting proposed zoning, General Plan Map and Coastal Plan Map amendments.

This decision was litigated in Santa Barbara Superior Court, which invalidated the City approvals and EIR certification and directed that the City revise the EIR before reconsidering the proposed project. Following the court order in early 2008, these approvals were rescinded by the City Council in February 2008. It should be noted, however, that in the decision, the Court noted that there was no challenge to the sufficiency of the EIR and that there was no argument that the EIR was inadequate as an informational document. Instead, the court determined that the environmental findings adopted by the City Council to support project

approval were not adequate because the Council did not find that certain mitigation measures or project alternatives were infeasible.

On March 14, 2008, the City released a Draft Revised EIR – Selected Chapters, with a public comment period that ended on April 28, 2008.

On April 17, 2008, the Planning Commission held an environmental hearing on the Draft Revised EIR.

VII. ENVIRONMENTAL IMPACT REPORT

An EIR is intended by CEQA to be an informational document that is considered in conjunction with other planning documents and project analysis as part of the overall permitting process. The CEQA environmental review process has two overall purposes: first, to disclose environmental impacts so that the public and decision-makers consider the environmental consequences of a project before it is approved, and second, to avoid or reduce significant environmental effects to the extent feasible. Feasibility is defined in CEQA and the CEQA Guidelines as meaning "*capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.*" Mitigation measures applied to a project to reduce environmental impacts must also meet the constitutional tests of nexus and reasonable proportionality to project impacts. The EIR and staff analysis provide an identification of feasible mitigation measures and alternatives, with decision-makers determining final feasibility.

An EIR analysis is not required to be exhaustive, and is based on reasonably available information. Conclusions about the significance of environmental impacts use City guidelines and practices, and need to be based on substantial evidence within the entire record. Substantial evidence is defined in CEQA and the CEQA Guidelines to mean enough relevant information and reasonable inferences from this information to support a conclusion, even though other conclusions might also be reached. "*Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*" Because the analysis involves predicting future effects, an EIR necessarily only provides a best estimate of environmental impacts based on numerous assumptions. Where there are disagreements among experts over the significance of impacts, it is not required that an EIR resolve these differences but only summarize them. As noted in the CEQA Guidelines Section 15151, "*...the courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*"

Environmental Review History

The City prepared an Initial Study in 2003, which identified potentially significant impacts of the project that required further evaluation in an EIR. A Notice of Preparation (NOP) of an EIR was issued for 30-day agency and public review, and an environmental scoping hearing was held by the Planning Commission on October 16, 2003 to assist in refining the EIR scope of analysis. The City contracted with an environmental consulting firm, URS Corporation, to prepare the EIR. A Draft EIR was released by the City for public review and comment between September 22, 2004 and November 8, 2004, and an environmental hearing was held by the Planning Commission on October 21, 2004 to

receive public comment. Substantial public comment was received on the Draft EIR, including from the project applicant, neighboring residents, property owners, and community interest groups.

A Final EIR was prepared and released in January 2005. The Planning Commission held public hearings on the EIR and project on April 14 and July 21, 2005, at which time the project was continued. On December 1, 2005, the Planning Commission certified the Final EIR. On December 12, 2006, the City Council certified the Final EIR and approved the project.

This decision was litigated in Santa Barbara Superior Court in 2007, and by Court mandate, in February 2008, the City Council rescinded project approval and certification of the EIR. As discussed previously, the court, in its decision, did not find the EIR deficient or inadequate as an informational document. Instead, the court determined that the environmental findings adopted by the City Council to support project approval were not adequate.

In accordance with Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines, the City prepared a Draft Revised EIR, with revisions limited to certain EIR Chapters in order to address direction given by the judge in association with the litigation discussed above. On March 14, 2008, the Draft Revised EIR – Selected Chapters was released for public review. On April 17, 2008, the Planning Commission held an environmental hearing to take public comment on the draft Revised EIR. The public review period for the Draft Revised EIR closed on April 28, 2008. All comments received during the public comment period for the Draft Revised EIR (18 letters and seven speakers at the public comment hearing), along with responses to those comments, are included in the Final Revised EIR, which is a part of the proposed Final EIR (FEIR).

The proposed Final EIR (FEIR) is before the Planning Commission for certification. The FEIR includes the entirety of the 2005 EIR as well as the 2008 revisions (Revised EIR), and has been prepared with consideration of comments received on the Draft EIR and Draft Revised EIR. Comments received during the initial EIR review period, and written responses thereto, are included in Appendices D and E, respectively. As appropriate, changes to the text of the EIR were also made. Comments received during the Revised EIR review period, and written responses thereto, are included in Appendices L and M, respectively. As appropriate, changes to the text of the Revised EIR were also made.

Summary of Impacts

The FEIR identified environmental impacts of the proposed project using four classifications: Significant and Unmitigable (or Unavoidable) Impacts, Significant but Mitigable Impacts, Less than Significant Impacts, and Beneficial Impacts.

A. Significant, Unavoidable Impacts (Class I)

The FEIR determined that the proposed project would result in significant unavoidable impacts to biological resources, traffic (cumulative), and short-term noise impacts due to project construction. No feasible mitigation measures or alternatives have been identified to fully avoid all of these impacts while still meeting the overall project objectives. Therefore, in order to approve the project as proposed, the City Council would need to make a Statement of Overriding Considerations through consideration of the following, per CEQA Guidelines §15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

A brief discussion of the project's significant, unavoidable impacts and available mitigation measures is provided below. Mitigation measures would be included as proposed conditions of approval. For more details related to the EIR analysis and mitigation measures, please refer to the FEIR and the Certification section of this report (Section VIII).

Habitat Impacts of New Bridge. The construction of the bridge over Arroyo Burro Creek would permanently remove native and non-native riparian habitat at the location of the abutments, would require removal of a large oak tree, and may result in temporary damage to the roots of a large sycamore tree. The project would also likely result in the permanent loss of 600 to 800 square feet of willow and giant reed habitats on the creek banks underneath the bridge. The updated restoration plans include restoration of riparian habitats and reshaping and lowering of the creek banks to increase the distance between the bottom of the bridge and the ground. It is still likely possible that the limited light and height restraints under the bridge would limit revegetation of this area. Additionally, the bridge would reduce the creek wildlife corridor from its already restricted width of 430 feet to approximately 140 feet (span of the bridge) or less depending on the reshaping of the creek banks. In light of the narrow riparian corridor at this location, the permanent alteration of habitat underneath the bridge, and the close proximity of other human disturbances that affect wildlife, the overall impact of the bridge on riparian habitat and associated wildlife is considered significant and unmitigable. However, the EIR recommends mitigation measures that would reduce the magnitude of this impact, including narrowing the width of the bridge, minimizing the area of habitat disturbance during construction, and implementation of creek and habitat restoration following construction. It is recognized that the conclusion that these biological impacts can not be mitigated to a level below significance is controversial and evidence may also support a differing conclusion that the impact can be mitigated to a less than significant level. However, based on a thorough review of this issue, and acknowledging a difference among experts, the City continues to accept the more conservative conclusion that the effect of the bridge on the wildlife corridor in Arroyo Burro Creek should remain a significant and unmitigable (Class I) impact.

Contribution to Cumulative Traffic Impact on Local Intersections. The proposed project would add 5 to 21 AM and/or PM peak hour vehicle trips at four local intersection which, under future cumulative conditions, would be operating below acceptable levels (>0.77 V/C). The additional trips from this project, while small in magnitude, would contribute enough trips

to result in a significant cumulative impact on the operation of these four intersections, based on the City's significance thresholds. A feasible mitigation measure requiring a fair share contribution of funds for capacity improvements at these intersections has been identified in the EIR, but it would not fully mitigate the potentially significant cumulative impact.

Construction Truck Noise on Alan Road. Construction traffic and haul trucks would use Alan Road to access the site during the initial phase of the project, while the bridge over Arroyo Burro Creek is being constructed. Noise from haul trucks using Alan Road would increase the ambient noise levels in outdoor and indoor living areas of residences along the road, which would impact residents during construction. The number of truck trips per day is estimated to be 30 to 40 round trips. Partial mitigation measures include a maximum 15 miles per hour speed limit for large vehicles and construction timing limitations. However, even with the implementation of the mitigation measures, the temporary impact of construction truck noise would not be reduced to a less than significant level.

B. Significant, but Mitigable Impacts (Class II)

The proposed project would also result in various significant, but mitigable impacts, which are summarized in the table below. Mitigation measures to avoid these impacts, or to reduce them to less than significant levels, are also presented below, and are described in more detail in the FEIR. Staff will recommend to the City Council that these identified mitigation measures be included as conditions of project approval.

Significant, but Mitigable Impacts (LT = long-term, ST = short-term)	Mitigation Measure
Air Quality Construction dust (ST)	Required dust mitigation (site watering, covered stockpiles, covered trucks, clean roads)
Biological Resources Loss of habitat and oak trees (LT) Disturbance and possible displacement of wildlife from the creek corridor (ST, LT)	Habitat restoration plan and oak tree replacement Restrictions on timing and extent of ground disturbance Limitations on lighting, activities, and development near creek
Cultural Resources Adverse effect of development on historic properties of the site	Retain cluster of oak trees, incorporate gazebo and interpretive signage, use historic street names
Drainage, Flooding, and Water Quality Potential hydraulic impacts and infiltration and bank seepage reduced along Arroyo Burro Creek (LT) Adverse effects on Arroyo Burro Creek water quality (ST, LT) Increased bank erosion and instability along Arroyo Burro Creek (ST)	Additional drain outlets to creek, equally distributed Storm Water Pollution and Prevention Plan Convey runoff water through detention basins and bioswales Creek corridor restoration plan
Geologic Hazards	

Significant, but Mitigable Impacts (LT = long-term, ST = short-term)	Mitigation Measure
Liquefiable and expansive soil conditions (LT)	Geotechnical investigation; appropriate design and construction techniques
Landslide hazards (LT)	Geotechnical investigation and additional borings
High groundwater conditions (LT)	Geotechnical investigation and additional borings
Public Health and Safety	
Potential exposure to pesticides (LT)	Pesticide management plan
Potential public exposure to radon gas (LT)	Conduct study; EPA-approved construction methods
Traffic and Circulation	
Sight distances (LT)	Prune or modify trees north of project entrance
Entrance road width (LT)	Modify width for adequate clearance
One-way stop controlled intersection (LT)	Modifications to Las Positas Road; turn lanes
Degradation of pavement conditions (ST)	Document road conditions and repair, if needed

C. Less Than Significant Impacts (Class III)

Various adverse, but less than significant, impacts would also occur due to the proposed project. These impacts are summarized in Table ES-1 of the Final EIR. They include impacts to air quality, drainage, geological hazards, noise, traffic, public services, visual resources, public health and safety, and cultural resources. Mitigation measures have been recommended, and would be included as conditions of approval, to further reduce these less than significant impacts.

D. Beneficial Impacts (Class IV)

The project would also result in beneficial impacts, including enhancing pedestrian and bicycle facilities in the Las Positas Valley, thereby enhancing coastal access and recreation, and implementation of an ambitious creek and riparian habitat restoration plan that would create or enhance approximately 6.8 acres of riparian habitat.

Reponses to Comments Received on the Draft Revised EIR

The City received 18 comment letters during the Draft Revised EIR public review period and comments were also made by the Planning Commission and the public at the Draft Revised EIR hearing held on April 17, 2008. Many of the comments related to the following issues:

- Need for inclusion of a reduced density alternative;
- Economic feasibility of alternatives;
- Inconsistencies in alternatives analysis, especially related to "feasibility";
- Benefits of creek restoration; and
- Relationship to City services.

For a complete list of the comments received and all of the responses thereto, please refer to Appendices L and M in the proposed Final Revised EIR.

As noted in the list above, many of the comments received relate to the Alternatives Chapter of the EIR. Several comments were made about the range of alternatives included in the EIR. The alternatives selected and included in the original EIR, and carried through in the Revised EIR, represent a reasonable range of alternatives, as required by CEQA. Additional alternatives were discussed throughout the process but rejected for various reasons. The six-unit residential estate option with access via Alan Road, was specifically discussed in the Planning Commission Staff Report dated January 27, 2005 and at the April 14, 2005 Planning Commission Hearing (Exhibits C and D, respectively). There was no consensus from the Planning Commission to include a residential estate-type alternative in the EIR. The Revised EIR does note that the City Council considered a 15-unit project with access from Alan Road in October 2006, but directed the applicant essentially to return to the project considered in the EIR (24 units with access via the bridge from Las Positas Road).

Several comments were also made regarding the "feasibility" of alternatives, specifically economic feasibility. No economic feasibility study has been prepared to date, nor has staff specifically requested one. Please refer to the Response To Comments document (Appendix M of the proposed Final Revised EIR) for additional information.

EIR Certification and CEQA Findings

CEQA and the State CEQA Guidelines require that the Final EIR be certified by the Lead Agency (City) prior to actions approving the project. The City CEQA Guidelines provide for certification of EIRs by the Planning Commission, with this action appealable to City Council. In this case, based on the decision by the Judge relative to the lawsuit filed, the EIR must be certified by the City Council. Although the Judge's decision did not reference the need for the Planning Commission to certify the EIR, staff believes that it is important to follow the City's CEQA Guidelines. Therefore, the Planning Commission is being asked to certify the EIR, and the City Council will, in effect, need to re-certify the EIR when they take action on the project.

Required findings for EIR certification are that the Commission has reviewed and considered the EIR, public comments and responses, and that the EIR has been completed in compliance with CEQA and reflects the Commission's independent judgment. A finding is also made that identifies the City Planning Division office as the location and custodian for the record of proceedings on which the environmental process and project decision were made.

When the EIR identifies significant impacts, CEQA also provides that specified findings be made prior to approval of a project. For potentially significant but mitigable (Class II) impacts, findings are made that identify the impact and mitigation measures that would be applied to the project to reduce impacts to less than significant levels. In most cases, mitigation measures are applied as conditions of project permit approval. For significant and unavoidable (Class I) impacts, findings are made that there are no mitigation measures or alternatives to the project that can feasibly reduce project impacts to less than significant levels. For significant and unavoidable impacts, a Statement of Overriding Considerations is also required to be adopted before the project is approved. This is a finding identifying benefits of the project that override the significant environmental impacts and thereby make the environmental impacts acceptable for that particular project. In order for the City Council to approve the proposed project, they must make a Statement of Overriding Considerations.

VIII. CERTIFICATION

CERTIFICATION OF THE PROPOSED FINAL ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Planning Commission certifies that:

1. The proposed Final Environmental Impact Report for the Veronica Meadows Specific Plan - comprised of the Draft EIR, the Revised Draft EIR, comments on the Draft EIR and Revised Draft EIR, responses to oral testimony, written comments, e-mail messages, and phone messages on the Draft EIR and Revised Draft EIR, and minor changes to the Draft EIR and Revised Draft EIR - was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the proposed 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 proposed Final Environmental Impact Report for the Veronica Meadows Specific Plan has been completed in compliance with the California Environmental Quality Act and Guidelines.
3. The proposed Final Environmental Impact Report for the Veronica Meadows Specific Plan reflects the 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. The Final EIR for the Veronica Meadows Specific Plan will be presented to the City Council before the Council decides whether to approve the Veronica Meadows Project, and at that time the Council will review and consider the information contained in the 2008 Revised Final EIR before it decides whether or not to approve the Veronica Meadows Project.

Exhibits:

- A. Final Revised EIR (available at the Community Development Department at 630 Garden Street, the Main Library at the corner of Anapamu and Anacapa Streets, and online at: www.santabarbaraca.gov/Resident/Environmental_Documents/Veronica_Meadows_Draft_Revised/)
- B. Original EIR (2005) (previously distributed to the Commission, and available at the Community Development Department at 630 Garden Street, and online at: www.santabarbaraca.gov/Resident/Environmental_Documents/Veronica_Meadows/)
- C. Planning Commission Staff Report dated January 27, 2005
- D. Planning Commission Minutes, April 14, 2005

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FILED
SANTA BARBARA
SUPERIOR COURT

DEC 06 2007

GARY M. BLAIR, EXEC. OFFICER
By *[Signature]*
ROBERT A. VILLEGAS, CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

CITIZENS PLANNING ASSOCIATION

Vs

CITY OF SANTA BARBARA

Case No. 1243174

STATEMENT OF DECISION

This matter came on for hearing on my Civil Law and Motion calendar. Counsel requested a Statement of Decision. Although I do not think one is either required or necessary because counsel believed it was important I told them I would do it.

November 13, 2007 - CEQA petition for writ of mandamus.

Ruling: Granted. The Court will issue a writ of mandate directing that the City Council rescind certification of the EIR and all approvals associated with the Project, and remand the matter to them for further consideration in conformance with CEQA.

Analysis

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Evidentiary Objections

By Real party in interest to the declaration of Edward C. Harris. The Court will deny the objections to the Harris declaration and will consider the declarations of Allison DeBusk, Russell Barker and Robin L. Lewis in response. However, the "supplemental declaration" of Mr. Harris filed on November 8, 2007 is struck. It was filed after the Response and the Court considers that too late.

Statute of Limitations

The court finds that the petition is not barred by the statute of limitations, even without consideration of the extra-record evidence submitted by the parties, but particularly in light of such evidence.

The City created the problem by issuing 2 substantially identical NODs, only days apart. Real parties cannot be held to complain that a petition timely filed with respect to the second is barred by the statute of limitations, and that only the first NOD "counted" for statute of limitations purposes. If city intended only the first NOD to be the "real" one, and the only NOD to trigger the statute of limitations, it had only to refrain from issuing a second almost identical one. The confusion it created by issuing two NODs, and by forwarding only the latter to petitioners' representative in response for a request for "the" NOD on the project, is more than sufficient to render the petition timely filed.

Exhaustion of Administrative Remedies

The court finds that the petition is not barred by the failure to exhaust administrative remedies. Real Parties characterize the petition as a challenge to the Planning Commission's certification of the EIR, which they contend must be appealed to the City Council. Since this was not done, Real Parties contend that petitioners failed to exhaust their administrative remedies, and that the petition is therefore barred. However, the petition challenges the actions of the City Council in approving the project, and making the

1 findings it made in support of the approval. The Planning Commission may have certified
2 the EIR, but it was the City Council which was the decision-making body on the project.
3 The Court agrees with Petitioners that they were not required to appeal the certification of
4 the EIR, as a procedural prerequisite to maintaining this action.

5 6 Merits of the Petition

7 The City cannot adopt a statement of overriding considerations and approve a project
8 with significant impacts. It must first adopt feasible alternatives and mitigation measures.
9 City of Marina v. Board of Trustees of the California State University (2006) 39 Cal.4th
10 341. If significant impacts still remain after adoption of mitigations and alternatives, only
11 then may the project be approved with a stating of overriding considerations, which must
12 in turn be supported by substantial evidence in the record of the agency proceedings.
13 Woodward Park Homeowners' Assn v. City of Fresno (2007) 149 Cal.App.4th 892.

14 The City's findings must be supported by substantial evidence. A finding that an
15 alternative is infeasible must describe the specific reasons for its rejection. Guideline
16 15091(c). Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336.
17 Real Parties preference against an alternative doesn't make it infeasible. Uphold Our
18 Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587.

19 20 The Alan Road Access Alternative

21 The EIR stated that the Alan Road Alternative was feasible. Accordingly, Real Parties'
22 assertion that the City Council can simply make a statement of overriding considerations is
23 contrary to law. The Alan Road access alternative would not require a bridge, and avoids
24 the significant and unavoidable impacts to the creek caused by the project. The EIR
25 concludes it is feasible. Alternatives and mitigation sections are the core of an EIR. The
26 agency cannot proceed with a project that will have significant unmitigated effects on the
27 environment, based simply on a weighing of those effects against project benefits, unless
28 measures necessary to mitigate those effects are truly infeasible. However, that "weighing"

1 is what the City did here. Its findings included that the Alan Road access alternative would
2 avoid the significant, unavoidable biological impact of the bridge, but would forego the
3 benefit of providing new pedestrian and bicycle coastal access from Las Positas Road and
4 Ellings Park, and that the benefit outweighed the impact to biological resources. Use of an
5 erroneous standard constitutes a failure to proceed in a manner required by law.

6 7 Creek Setback

8 This Court rejects the Petitioner's analysis of the creek setback. Petitioners contend the
9 City should have adopted an alternative with 100-foot setback from the creek. The
10 contention is not supported by the record, and the rejection was proper and based on
11 substantial evidence. The EIR found the proposed houses would not create any Class I
12 environmental impacts, and would only create significant but mitigatable (Class II)
13 impacts, and that appropriate mitigation measures were imposed. The setback alternative
14 would only reduce Class II impacts, which facts are fatal to Petitioners' claims, since
15 CEQA does not prohibit the City from approving a project with Class II impacts, even if
16 there is an available alternative that would further reduce or eliminate those impacts. PRC
17 §§ 21002, 21002.1(c); Guideline §§ 15043, 15092(b).

18 There was extensive expert testimony from Mitchell Swanson that alternative creek
19 setbacks would not significantly improve the environmental impacts of the project, and
20 were not needed to mitigate the project's impacts. (5 AR 2430-2436). He opined the
21 proposed setback was adequate to protect, creek, wildlife, and water quality. His opinion
22 constitutes substantial evidence to support the City's findings.

23
24 The EIR concluded the alternatives were technically feasible, but that economic
25 infeasibility was unknown. The City concluded that the economic impact could
26 substantially reduce applicant's financial ability to implement the creek corridor
27 restoration measures. (1 AR 15). Petitioners overlook that each alternative also includes
28 the bridge, which is the sole element of the project which causes Class I impacts. They will

1 not reduce the Class I impacts, because the bridge would remain. The City was therefore
2 under no obligation to adopt them.

3 4 Avoid Landslides Alternative

5 This Court rejects the Petitioner's analysis of the avoid landslides alternative.

6
7 Petitioners argue substantial evidence does not support the City's conclusion that
8 this alternative was infeasible. The EIR concluded the alternative may be potentially
9 infeasible because the reduction in residential units would be substantial and could make
10 the project economically infeasible. Since landslide stabilization would not be required,
11 however, the development costs would be reduced, rendering it possibly feasible. This
12 alternative does not eliminate the bridge, which is the reason there are Class I impacts on
13 the project. Even if this alternative were selected, the impacts would remain.

14 Further, the finding of economic infeasibility, while unnecessary to rejection, is
15 credible and based on substantial evidence. There were periodic discussions of lower
16 density development with estate-sized homes. Planning staff concluded there would not be
17 a market for them immediately adjacent to a middle-class neighborhood with smaller and
18 older homes and lots. They also opined that lower density would not provide sufficient
19 funds to do creek restoration as part of the project. At the 12/12 hearing, staff stated that
20 lower density alternatives had been considered, but that they mostly did not meet project
21 objectives—in terms of creek restoration. Therefore, staff opinion provided substantial
22 evidence to support findings that the alternative was not economically feasible.

23 Request for Judicial Notice

24
25 The Court will take Judicial Notice of Resolution 94-064, which adopted City Guidelines
26 for implementation of CEQA.
27
28

1 December 4, 2007 - Hearing regarding proper remedy re CEQA writ.

2 Ruling: The Court will retain the ruling as made in previous tentative

3 Analysis: Real parties also caution the court against making any order that would require
4 the City to approve the Alan Road access alternative, but also curiously state that the only
5 mandate necessary or justified is an order directed specifically at the Alan Road
6 Alternative finding. Let there be no mistake: The court has not entered any order which
7 would require the City to approve the Alan Road access alternative. Indeed, the court has
8 not entered any order which would require the City to approve *any* project. The court's
9 only concern is that the mandates of CEQA are complied with. It has therefore rescinded
10 the approvals for the project as proposed, and sent the matter back to the City for
11 proceedings (if any) in compliance with CEQA.

12 Contrary to real parties' claim, although disclosure and consideration of environmental
13 information is an important aspect of CEQA, it is much more than a disclosure statute.
14 CEQA contains powerful substantive mandates which *require* public agencies to adopt
15 feasible alternatives or mitigation measures for projects that may otherwise cause
16 significant and unavoidable (Class I) environmental effects. It *prohibits* approval of
17 projects as proposed if there are feasible alternatives or feasible mitigation measures
18 available that would avoid or mitigate the Class I environmental effects of such projects.
19 *PRC* § 21002. If such feasible alternatives or mitigation measures exist, CEQA *prohibits* the
20 public agency from adopting a Statement of Overriding Considerations, and *prohibits* the
21 public agency from approving the project as proposed by a weighing of the benefits of the
22 project as approved against the significant and unavoidable impacts.

23 Unfortunately, that is precisely what happened here. The EIR found that there were
24 feasible alternative which would avoid the Class I impacts of the project as proposed by
25 real parties. As a result, the City acted contrary to CEQA when it approved the Veronica
26 Meadows project as proposed, despite the existence of significant and unavoidable (Class I)
27 environmental impacts. The City acted contrary to CEQA when it approved any project
28 other than one including feasible alternatives or feasible mitigation measures. Because

1 feasible alternatives and/or mitigation measures existed, it violated CEQA for the City to
2 adopt any Statement of Overriding Considerations for any project which did not include
3 feasible alternatives or mitigation measures.

4 Real parties appear to argue that the project can be saved, if only the City can go back
5 and better articulate its reasons—presumably in the Statement of Overriding
6 Considerations. What real parties appear not to grasp is that, because feasible alternatives
7 have already been found to exist, there can be no Statement of Overriding Considerations.
8 A Statement of Overriding Considerations can only be adopted when no feasible
9 alternatives or mitigation measures exist.

10 The parties also spend considerable effort disputing whether the court can order that
11 certification of the EIR be rescinded. Real parties argue that that it cannot, largely based
12 on an argument that the EIR was certified by the Planning Commission, and not by the
13 City Council, and that the certification decision is beyond any attack since no appeal from
14 that decision was taken. Petitioners argue that because the Planning Commission was not
15 the decision-making body with respect to the project, its certification "decision" was
16 nothing more than an advisory opinion, which the City Council could consider, but that
17 certification could only be accomplished by the City Council as the decision-making body.

18 The court agrees with petitioners that the certification must be by the decision making
19 body, that in this case the decision-making body was the City Council, and that challenge to
20 the EIR was not precluded by failure to appeal the planning commission's certification
21 decision. Part of the "certification" itself is that the decision-making body reviewed and
22 considered the information prior to approving the project (Guideline 15090(a)). If the City
23 Council is the decision-making body for the project, it is difficult to see how the Planning
24 Commission could pre-certify that the City Council had reviewed and considered the
25 information prior to approving the project. Further, Guideline 1520Z(b) requires that any
26 public hearing for approval of a project should include the environmental review as a
27 subject for the hearing (Guideline 15202(b)). See also *Bakersfield Citizens for Local Control*
28 *v. City of Bakersfield* (2004) 124 Cal.App.4th 1184. The Court is familiar with *Tahoe Vista*

1 *Concerned Citizens v. County of Placer* which appears not to apply, because in that case the
2 planning commission was the decision-making body—it decided to issue the CUP.

3 Therefore, it appropriately certified the EIR.

4 No challenge to the sufficiency of the EIR was made in this proceeding, and the action
5 was decided based upon findings made in the existing EIR. No argument has been made
6 that the EIR was inadequate as an informational document. However, given these
7 authorities, and given that the court has no authority or desire to restrict the actions of the
8 City in terms of what future project (if any) or alternatives it may approve, except to
9 require that they conform to the mandates of CEQA, the court does not think it has any
10 option but to rescind certification of the EIR, so as to allow the City the fullest possible
11 discretion to proceed in whatever manner it sees fit. In rescinding the certification, the
12 court is not prohibiting the City from proceeding with the existing EIR, but is giving it the
13 discretion to reopen environmental review if it deems it necessary.

14 Whether or not certification is rescinded would not be determinative of whether
15 further environmental review may be required or may occur in any event. On this record
16 the project as proposed could not be approved, and real parties appear resistant to
17 acceptance of the feasible alternatives set forth in the EIR. To the extent that further
18 alternatives can be devised which were not discussed in the current EIR, and are both
19 feasible and avoid or mitigate the proposed project's significant and unavoidable Class I
20 impacts, CEQA would require additional formal environmental review. To the extent the
21 EIR remains intact, that could be accomplished by addendum to the existing EIR, or by
22 supplemental EIR, as appropriate.

23 Judgment

24 Mr. Parkin shall prepare the Writ/Order/Judgment and it shall be submitted to Mr.
25 Amerikaner and Mr. Wiley for signature in accordance with the local rules of Court. If the
26 signature cannot be obtained, counsel shall follow the protocol set out in the local rules.
27 (See Local Rules, Rule 1414.)
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Dated: December 5, 2007



Thomas P. Anderle
Judge

Jonathan Wittwer
* William P. Parkin

WITTWER & PARKIN, LLP

147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4056
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

PARALEGAL
Miriam Celia Gordon

RECEIVED

May 23, 2008

MAY 23 2008

4:10pm smk

CITY CLERK'S OFFICE
SANTA BARBARA, CA

VIA HAND DELIVERY

City Clerk
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

RE: Appeal of Certification of the Revised EIR for the Veronica Meadows Project

Dear Clerk:

This office represents the Citizens Planning Association and Santa Barbara Urban Creeks Council in the above matter, and by this letter we are filing an appeal to the City Council of the Planning Commission's certification of the Revised Environmental Impact Report ("EIR") for the Veronica Meadows project on behalf of our clients. We are of the opinion that this appeal is unnecessary. Indeed, the Revised EIR states that the Council will certify the EIR. However, the applicant has argued to the Superior Court (unsuccessfully) that my clients were required to appeal the previous EIR certification for Veronica Meadows to the Council, and the response to comments refuses to answer the question of whether the City deems an appeal necessary in this instance. Regardless, it is clear that the Council must certify the Revised EIR regardless of an appeal, and that any person may raise any issue associated with environmental review before the Council. Accordingly, if the City deems this appeal unnecessary, as we believe it should, we request a full refund of the appeal fee enclosed herewith. Finally, this project lies within the Coastal Zone. While an appeal fee is enclosed, please do not cash the check until it is determined that an appeal fee is indeed appropriate. We believe a fee is not appropriated under the circumstances.

The issues on appeal include, but are not limited to, the following:

- 1) The Planning Commission did not make a recommendation on the Project to the Council as required by City Charter § 806, and the City Municipal Code. The City has taken the erroneous position that the Planning Commission's previous recommendation on the Project is still effective. There are two problems with this assertion. First, the Court directed that "all" approval be rescinded by the City. Second, the Planning Commission cannot certify an EIR.

City Clerk

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after approval of a Project. The Planning Commission must consider the Revised EIR prior to Project recommendation. Therefore, the Commission's certification violates CEQA, and the Commission must also make a recommendation based on the Revised EIR.

2) The Planning Commission did not consider any feasibility analysis in certifying the Revised EIR or in its prior recommendation of the Project. The Planning Commission was required to consider feasibility as part of its recommendation, including economic feasibility.

3) The alternatives analysis has been improperly recast in the Revised EIR by eliminating the feasibility determination of the preexisting EIR for the Alan Road alternative. The EIR also fails to account for traffic improvements that are already planned that would reduce significant impacts to the Cliff/Las Positas intersection to a level of insignificance. The EIR assumes that these improvements will not exist by the time the Project is completely built and occupied or shortly thereafter.

4) The Revised EIR does not consider a range of feasible alternatives, including a reduced project alternative which is clearly feasible based on the record in this matter.

5) The Revised EIR fails to address the irretrievable commitment of resources pursuant to 14 CCR § 15162.2(c) pertaining to the City's water supply.

6) The Response to Comments in the Final Revised EIR are inadequate or refuse to answer the questions directly raised, or misrepresents the facts in this matter. The comments on the Draft Revised EIR are incorporated by reference herein, which include, but are not limited to, the following:

a) The Revised EIR misrepresents the ruling of the Superior Court in overturning the Council's 2006 approval of the Project.

b) The EIR fails to identify the County of Santa Barbara as a responsible agency that will approve the lot line adjustment. Instead, the EIR assumes that the City will approve the lot line adjustment.

c) The Project violates Section 520 of the City Charter. Regardless of whether the road is a public road or not, it is inconsistent with the Charter and is clearly not for park purposes. The City has stated that it was granting an easement to the applicant for the bridge and roadway. Now the City is simply arguing form over substance by calling it a "public road." But, the road is merely for the purpose of serving development. It is not compatible or accessory to the park's purposes as the City alleges.

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d) The Project is potentially inconsistent with Public Resources Code Section 30240, which protects environmentally sensitive habitats. Yet, the Revised EIR offers no solution for this inconsistency. The Final Revised EIR concludes that this is a decision for the Planning Commission (which never made a recommendation based on the Revised EIR) and the Council. But, the EIR must analyze potential inconsistencies.

e) The Revised EIR states "Ultimately the decision makers in the City, the Council, may reach a different conclusion, as long as it is supported by evidence and is explained in appropriate environmental findings." However, the City Council must certify the EIR's adequacy. It cannot contradict the conclusions of the EIR.

f) The Revised EIR never performs an adequate analysis of what could really be built on the site under the existing County zoning, and erroneously concludes that a bridge would be constructed over Arroyo Burro Creek when the County has recommended against building such a bridge.

g) The Revised EIR fails to quantify the impact of Phase 2 construction on the Alan Road residents if the Alan Road Access Alternative was adopted.

h) The Revised EIR fails to analyze alternative bicycle and pedestrian access without development of the bridge over Arroyo Burro Creek.

i) The Revised EIR admits that a 15-unit project with access via Alan Road would reduce any significant effect on traffic at Cliff Drive/Las Positas Road. Accordingly, a lower density alternative must be addressed in the Revised EIR since this would be a feasible manner in which to reduce impacts.

The Revised EIR is deficient, inadequate and/or misrepresent the environmental consequences as outlined in each of these comments.

Finally, because this appeal is unnecessary pursuant to the California Environmental Quality Act and the Santa Barbara Superior Court's prior rulings in *Citizens Planning Association, et al. v. City of Santa Barbara, et al.*, our clients are entitled to raise any and all issues prior to the City Council's approval of the Project, and reserve the right to bring up additional issues as they come to light during this hurried administrative process.

City Clerk
Re: Appeal of Planning Commission Decision
May 23, 2008
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Thank you for your consideration.

Very truly yours,
WITTWER & PARKIN, LLP



William P. Parkin

cc: Clients

Project Description, Project Objectives, Required Approvals and Record of Proceedings

A. PROJECT DESCRIPTION

This summary of the Project description is taken from the text of the Draft and Final Original and Revised EIRs for the Veronica Meadows Specific Plan. An alternative to the project that retains most of the elements of the Proposed Project but also includes some of the elements of various project alternatives has been developed. That alternative is referred to as the Current 2008 Project Design in the 2008 Draft Revised EIR and 2008 Final Revised EIR, section 4.13. This discussion retains the original Project description to avoid confusion.

The project site is located within the unincorporated area of the Las Positas Valley, between Arroyo Burro Creek (on the eastern boundary of site) and Campanil Hill (to the west). The current City/County jurisdictional boundary runs along the southern property line of the project area. The southern portion of the property is located in the Coastal Zone. The site is currently undeveloped, and access is taken from the end of Alan Road. Existing single-family development along Alan Road is located immediately south of the project site, and the Stone Creek Condominiums are to the north.

The project would involve annexation of approximately 50.5 acres from an unincorporated portion of Santa Barbara County. Approximately 35.7 acres would be dedicated open space and 14.8 acres would be developed for residential uses and public open space. Twenty four (24) residential lots would be created with two-story, single-family houses. The sizes of the houses would range from 1,800 to 4,500 square feet.

Site access to all but two lots would be provided via a concrete bridge over Arroyo Burro Creek that would intersect with Las Positas Road. This bridge would be constructed over a City-owned open space parcel along the creek. A two-way stop-controlled intersection would be constructed on Las Positas Road across from the entrance to Elings Park; a stop sign would not be placed on Las Positas Road. Access to the southern two lots on the property would occur from Alan Road.

The project includes a 100-foot buffer between the proposed residences and the top-of-bank of Arroyo Burro Creek, and a 50-foot buffer zone adjacent to the west side of the creek. A public pedestrian path is proposed within the 50-foot creek buffer area. It would provide access from Las Positas Road (and Elings Park) to Alan Road. Bicycle access would also be provided through the site using interior roads and a small length of a paved bike path.

The project also includes habitat restoration along both banks of Arroyo Burro Creek at, and adjacent to, the property. Much of the restoration would occur on a City-owned open space parcel, and would require City approval. Development of several lots would require stabilization of landslides on the hillsides above the lots.

The project also involves annexation of a 5.89-acre City-owned parcel, a portion of which would be used for the bridge to the project site, subject to City Council approval.

(Original Final EIR for the Veronica Meadows Specific Plan, dated January 2005 (2005 Final EIR), pp. ES-1 to ES-2, 1-1 to 1-2, 2-1 to 2-26; Draft Revised EIR—Selected Chapters for the Veronica Meadows Specific Plan, dated March 2008 (2008 Draft Revised EIR), pp. ES-1 to ES-2, 1-1 to 1-2, 4-29 to 4-32; Final Revised EIR—Selected Chapters for the Veronica Meadows Specific Plan, dated May 2008 (2008 Final Revised EIR), pp. ES-1 to ES-2, 1-1 to 1-2, 4-29 to 4-32.)

B. PROJECT OBJECTIVES

The overall goal of the Veronica Meadows Specific Plan is to develop the vacant lands at the project site in accordance with the City of Santa Barbara General Plan, using the Specific Plan process to achieve the following multiple objectives:

- Annex unincorporated parcels to the City of Santa Barbara, thereby improving land use planning and public services in this portion of the Las Positas Valley
- Develop market-rate housing to meet ongoing housing demands in the City
- Develop the project site in a manner that respects and accommodates site constraints and is compatible with the natural setting and existing development of the surrounding area
- Ensure that development provides adequately for public safety, services, and facilities
- Implement a creek corridor restoration plan to improve habitat and water quality along Arroyo Burro Creek consistent with City creek policies and programs
- Provide adequate vehicle circulation and traffic control
- Improve public access in the Las Positas Valley and establish beneficial pedestrian and bike routes that enhance coastal and recreation access

Section 65450 of the Government Code provides that a planning agency may “prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan.” Section 65451 dictates what must be included in a specific plan. In essence, a Specific Plan acts as a bridge between the broader comprehensive policies of the General Plan and the more detailed Development Plan. In this instance, the Specific Plan was developed to be consistent with the City of Santa Barbara General Plan because the subject properties would be annexed to the City.

(2008 Final Revised EIR, p. 4-2; 2008 Draft Revised EIR, p. 4-2; 2005 Draft EIR, p. 2-1.)

C. REQUIRED APPROVALS

The project requires a large number of discretionary approvals by the City of Santa Barbara as well as other State and Federal agencies. The required discretionary approvals, permits, and actions by the City and other agencies are listed below.

1. Approvals and Actions by Planning Commission

- Certification of the Final EIR.

2. Approvals by the City Council

- Certification of the Final EIR.
- A request to Santa Barbara County Local Agency Formation Commission (LAFCO) for annexation of the subject parcels to the City of Santa Barbara;
- A General Plan Amendment, upon annexation, to add the subject parcels to the City's General Plan Map. APNs 047-010-016, 047-010-053 (the 4.49-acre portion), and 047-010-026 would have a General Plan designation of Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail; APN 047-010-011 would be designated Major Hillside, Open Space, Buffer/Stream and Pedestrian/Equestrian Trail;
- A Local Coastal Plan Amendment, upon annexation, to add the portion of APN 047-010-016 that is located within the Coastal Zone boundary to the City's Local Coastal Plan Map, with a designation of Residential, Two Dwelling Units per Acre, Buffer/Stream and Pedestrian/Equestrian Trail;
- Zoning Map and Ordinance Amendments, upon annexation, to adopt Specific Plan Number Nine (SP-9), and zone APNs 047-010-011, 047-010-016, 047-010-053, and 047-061-026 Specific Plan Number Nine (SP-9) and Coastal Zone Overlay, where applicable;
- Hillside Design District Map Amendment, upon annexation, to add the subject parcels to the Hillside Design District (Santa Barbara Municipal Code, § 28.68.110).
- A Lot Line Adjustment to attach a 4.49-acre portion of APN 047-010-053 to APN 047-010-016 (SBMC 27.40 and Gov. Code §66412);
- A Coastal Development Permit (CDP2003-00026) to allow the proposed subdivision and development of the portion of the project within the appealable and non-appealable jurisdictions of the City's Coastal Zone (SBMC 28.44);
- A Public Street Waiver to allow lots 4, 5 and 6 to be served by a private road (SBMC §22.60.300);

- A Tentative Subdivision Map to allow the division of one parcel into 30 lots. Twenty-five lots would be developed with single-family homes, four would be for open space and one would be for the private road (SBMC 27.07); and
- Approvals related to bridge construction and creek restoration on City-owned lands adjacent to the project site.

3. Actions of the Single Family Design Board (SFDB)

- Design Review by the Single Family Design Board (Santa Barbara Municipal Code, § 22.69). This approval includes compliance with the Neighborhood Protection Ordinance to allow grading as proposed and to allow the proposed extent of buildings in the Hillside Design District (Santa Barbara Municipal Code, § 22.68.70)

4. Permits or Actions by Other Agencies

- LAFCO approval of the annexation to the City of Santa Barbara, and detachment from special districts.
- Approval of revised public easement locations for City water and sewer lines.
- Army Corps of Engineers Nationwide Permit for activities within waters of the U.S. (33 CFR 330).
- California Coastal Commission approval of amendments to the City's Local Coastal Program.
- Central Coast Regional Water Quality Control Board Section 401 Water Quality Certification.
- Santa Barbara County Flood Control District Letter of Map Revision (LOMR).
- California Department of Fish and Game Streambed Alteration Agreement (Section 1601 of the California Fish and Game Code).
- California Department of Transportation Encroachment Permit.
- City of Santa Barbara Building and Public Works Permits.

D. Record of the Proceedings

The record of proceedings for the Planning Commission and City Council's decisions on the Project includes, but is not limited to, the following documents:

- (1) The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- (2) All applications for approvals and development entitlements related to the Project and submitted to the City;

- (3) The Draft EIR for the Project and technical appendices;
- (4) The Draft Revised EIR for the Project and technical appendices;
- (5) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR or the Draft Revised EIR;
- (6) The 2005 Final EIR and 2008 Final Revised EIR for the Project, including comments received on the Draft EIR and the Draft Revised EIR, responses to those comments, and the two EIR Addenda;
- (7) The Mitigation Monitoring and Reporting Program for the Project;
- (8) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- (9) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR, Draft Revised EIR, or Original and Final Revised EIRs;
- (10) The City of Santa Barbara General Plan, Local Coastal Plan, Municipal Code, Veronica Meadows Specific Plan, and any other relevant City of Santa Barbara planning documents;
- (11) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on the Final EIR on June 17, 2008;
- (12) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project; and
- (13) Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The official custodian of the record is the City of Santa Barbara, Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA 93101.

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the City Council was aware in approving the Project. Other documents influenced the

expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10).

VERONICA MEADOWS SPECIFIC PLAN

SUMMARY OF IMPACTS, MITIGATION MEASURES, AND PROPOSED CEQA FINDINGS

I. Introduction

The proposed CEQA findings presented to the City Council are based on the 2005 Final EIR (and its two addenda) and the 2008 Final Revised EIR (collectively referred to herein as the "2008 Final EIR"). Given the length and complexity of these environmental documents, staff thought it would be helpful to the City Council and the public to summarize the principal conclusions and recommended findings found in those documents.

II. Significant Effects and Mitigation Measures

The proposed findings with respect to the Project's significant effects and mitigation measures are set forth below. The tables below do not attempt to describe the full analysis of each environmental impact contained in the 2008 Final EIR. Instead, the tables provide a summary description of each impact, describe the applicable mitigation measures identified in the 2008 Final EIR and proposed for adoption by the City Council, and state the proposed findings on the significance of each impact after imposition of the adopted mitigation measure(s). A full explanation of these environmental findings and conclusions can be found in the 2008 Final EIR, and the following proposed findings hereby incorporate by reference the discussion and analysis in those documents supporting the 2008 Final EIR's determinations regarding mitigation measures and the Projects' impacts and mitigation measures designed to address those impacts.

In considering specific recommendations from commenters on the EIR, the City has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively reduce the severity of environmental effects. The City is also cognizant, however, that the mitigation measures recommended in the 2008 Final EIR represent the professional judgment and long experience of the City's expert staff and environmental consultants. Thus, in considering commenters' suggested changes or additions to the mitigation measures as set forth in the Draft EIR and/or Draft Revised EIR, the City, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others: (i) whether the suggestion relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that can already be mitigated to less than significant levels by proposed mitigation measures in the EIR; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the

mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and (vi) whether the proposed language is consistent with the project objectives.

As is often evident from the responses given to specific suggestions, City staff and consultants spent large amounts of time carefully considering and weighing proposed mitigation language, and in many instances adopted much of what a commenter suggested. In some instances, the City developed alternative language addressing the same issue that was of concern to a commenter. In no instance, however, did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

III. Effects Found Not to Be Significant or Found to Be Beneficial

Environmental impacts of the proposed Veronica Meadows Specific Plan are classified in the categories shown below.

Class I – Significant and Unavoidable Impact. An impact that cannot be avoided or reduced below the level of significance given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved.

Class II – Significant but Mitigable Impact. An impact that is potentially significant, but that can be reduced to below the significance level given reasonably available and feasible mitigation measures. Such an impact requires CEQA Findings to be made if the project is approved.

Class III – Less than Significant Impact. An impact that may be adverse, but does not exceed the significance level and does not require mitigation measures under CEQA. Mitigation measures that could further lessen the minor adverse impacts, however, may be recommended, if available and feasible.

Class IV – Beneficial Impact. An effect that would reduce an existing environmental problem or hazard.

The Project, as proposed, would result in the following Class III Impacts (less than significant) in the environmental issue areas set out below. In some instances, despite the fact that the impacts are identified as Class III, measures are incorporated as conditions of Project approval to further reduce the level of impact, consistent with City policies. These proposed findings are supported by substantial evidence in the record, including the 2008 Final EIR.

1. Air Quality: Construction Equipment Emissions (Temporary Construction-Related, Project-Specific and Cumulative impacts). Construction equipment emissions, including diesel toxics, would not be significant in quantity or hazard, and would be

further reduced to the extent feasible by implementation of the mitigation measure AQ-2 (Standard Air Pollution Control District (APCD) mitigation for construction equipment) applied as a condition of project approval. AQ-2 provides as follows and is hereby recommended as a condition of the project:

AQ-2 The following measures would reduce NOx emissions from construction equipment and haul trucks. They are based on the standard mitigation measures of the APCD.

a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated “clean” diesel engines) should be utilized wherever feasible.

b) The engine size of construction equipment shall be the minimum practical size.

c) 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.

d) Construction equipment shall be maintained in tune per the manufacturer’s specifications.

e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g) Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available and if determine to be reasonable and feasible by the City Public Works Department.

h) Construction worker trips should be minimized by encouraging carpooling and by providing for lunch onsite.

(2008 Final Revised EIR, Table ES-1, p. ES-26, and MMRP, p. ES-50; 2008 Draft Revised EIR, Table ES-1, p. ES-26, and MMRP, p. ES-50; 2005 Draft EIR, Table ES-1, pp. 25-33 and §§ 3.10.2.2, 3.10.4, pp. 3-134, 3-136.)

2. Drainage, Erosion, and Water Quality: Hydraulics and Flooding (Long-Term, Project-Specific and Cumulative Impacts). The proposed bridge over Arroyo Burro Creek would be partially located in the Flood Zone and would create a permanent structure over the channel; however, the 2008 Final EIR analysis concludes that the bridge span and height would be sufficient to avoid impinging on flows less than the

100-year event, and no in-channel structures are required. No significant impacts would result to the hydraulics of the creek, nor would the bridge increase flood hazards; therefore no mitigation measures are required.

(2008 Final Revised EIR, Table ES-1, p. ES-27; 2008 Draft Revised EIR, Table ES-1, p. ES-27; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.1.2.2.)

3. Visual Resources: Public Scenic Views (Long-Term, Project-Specific and Cumulative Impacts). Development of the project would create some visual contrast with the surrounding landscape from public viewing locations at Elings Park; however, the project would blend with the surrounding suburban development, and the remainder of the site would be preserved in open space. Most views of the site from Las Positas Road would be obscured by vegetation. The project would not substantially degrade views or change the visual character of the area. The less than significant project effects on public scenic views would be further reduced by mitigation measure VS-1 (Single Family Design Board approval of color and texture scheme to minimize contrast with the surrounding landscape) applied as a condition of project approval. VS-1 provides as follows and is recommended as a condition of the project:

VS-1. The applicant shall submit final architectural plans and color/material boards to the Single Family Design Board (SFDB) for review and approval. The color and texture scheme shall be designed to minimize visual contrast with the surrounding landscape.

Visual Compatibility (Long-Term, Project-Specific Impacts). New two-story homes constructed as part of the project would have a less than significant visual effect, and would be further reduced with mitigation measure VS-2 (Single Family Design Board approval of architectural plans to minimize the contrast of height and mass with adjacent Alan Road homes) applied as a condition of project approval. VS-2 provides as follows and is recommended as a condition of the project:

VS-2. The final architectural plans for residences at Lots 1 and 2 shall be designed to minimize the contrast of height and mass between the proposed two-story homes and the adjacent one-story homes along Alan Road. These plans shall be submitted to the Single Family Design Board (SFDB) for review and approval.

Lighting (Long-Term, Project-Specific and Cumulative Impacts). Streetlights and residential and landscape lighting would have a less than significant and would not obscure a significant view or affect a nighttime public viewing location. Exterior lighting would be minimized further by implementation of City exterior lighting ordinance provisions, approval by Architectural Board of Review, and mitigation measure VS-3 (Lighting design with low intensity and glare shielded and directed downward, with appropriate placement of dark-colored poles) applied as a condition of project approval. VS-3 provides as follows and is recommended as a condition of the project:

VS-3. To prevent nighttime glare, any exterior lighting installed on the project site shall be of low intensity, low glare design, and be hooded to direct light downward and prevent spill over onto adjacent parcels. All light fixtures shall be shielded so that neither the lamp nor the related reflective interior surface is visible from any of the observation points. All light poles, fixtures, and hoods shall be dark colored (nonreflective). Security and street lighting shall be shielded so as not to create glare when viewed from the observation points. The light poles and fixtures shall not be obtrusive to travelers along Las Positas Road, the Alan Road neighborhood, or the public open space areas.

(2008 Final Revised EIR, Table ES-1, pp. ES-27 to ES-28, and MMRP, pp. ES-47 to ES-48; 2008 Draft Revised EIR, Table ES-1, pp. ES-27 to ES-28, and MMRP, pp. ES-47 to ES-48; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.5.2.3.)

4. Cultural Resources: Archaeological Resources (Construction and Long-Term, Project-Specific and Cumulative Impacts). Earthwork and development of the site have a low probability of disturbance to unknown subsurface archaeological resources, and this less than significant impact would be further minimized by mitigation measure CR-1 (Standard discovery procedures and mitigation requirements) applied as a condition of project approval. CR-1 provides as follows and is recommended as a condition of the project:

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, preparation and implementation of a Phase III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, etc. 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. 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 to determine the disposition of the remains.

(2008 Final Revised EIR, Table ES-1, p. ES-28 and MMRP, pp. ES-47 to ES-48; 2008 Draft Revised EIR, Table ES-1, p. ES-28 and MMRP, pp. ES-47 to ES-48; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.4.2.2.)

5. Public Health and Safety: Fire Hazard (Long-Term, Project-Specific and Cumulative Impact). The project location is within a High Fire Hazard Area and thus would be subject to all City Fire Code requirements, including provisions for structural materials, hydrant flows and spacing, emergency equipment access and evacuation, on-site, fire-suppression, maintenance of defensible space and landscape design and maintenance to ensure less than significant fire hazard effects. (2008 Final Revised EIR, Table ES-1, p. ES-29; 2008 Draft Revised EIR, Table ES-1, p. ES-29; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.8.4.)

6. Geologic Hazards: Seismic Faulting (Long-Term, Project-Specific Impact). Development of the site under SP-9 has some limited potential for surface faulting on one part of the site. This less than significant impact would be further reduced by mitigation measure G-1 (Fault location study during landslide stabilization work to ensure setback is maintained) applied as a condition of project approval. G-1 provides as follows and is recommended as a condition of the project:

G-1. The stabilization of landslide above Lot 12 will involve the excavation of a deep shear key. This excavation shall be expanded to assess the presence or absence of the nearby Lavigia Fault in accordance with City requirements. The excavation shall be inspected by a Certified Engineering Geologist to identify possible features associated with the nearby Lavigia Fault. If evidence of faulting is detected, the likelihood of faulting affecting the structures at Lots 11 and 12 shall be evaluated and appropriate measures shall be included into the design to accommodate possible future movements, if necessary, in accordance with City requirements.

(2008 Final Revised EIR, Table ES-1, p. ES-29 and MMRP, p. ES-45; 2008 Draft Revised EIR, Table ES-1, p. ES-29 and MMRP, p. ES-45; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.2.2.2.)

Groundshaking Hazard (Long-Term, Project-Specific Impact). Development of the site would have a less than significant potential for impact from seismic groundshaking because residences would be required to meet current state and City building codes addressing this issue, and requirements for technical and design work to address this issue would be applied as a condition of project approval. (2008 Final Revised EIR,

Table ES-1, p. ES-29; 2008 Draft Revised EIR, Table ES-1, p. ES-29; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.2.2.2.)

7. Noise: Construction Noise (Temporary Construction-Related, Project-Specific Impact). After completion of Phase I grading, construction noise would increase ambient noise levels in the adjacent residential neighborhoods and portions of Elings Park, which may result in periodic distraction and nuisance during peak noise levels. This impact is considered less than significant because the noise would be temporary and intermittent and must be consistent with Municipal Code (Section 9.16.015) restrictions: however, it could be further reduced by mitigation measure N-1 (limitations on major construction activity involving heavy equipment at certain locations) and mitigation measure N-3 (limitation of days and hours for noise-generating construction activities, use of engine mufflers and other noise-shielding devices, location of staging areas and material/equipment storage as far as practicable from the Alan Road and Stone Creek residential areas, limitations on vehicle speeds, use of horns, whistles, and music systems, neighbor notification of construction schedule and contact information, and worker protection) applied as conditions of project approval. N-1 and N-3 provide as follows and are recommended as conditions of the project:

N-1. Clearing and grubbing, earthwork, drilling, concrete placement, and other major construction activities involving heavy equipment shall be restricted to 8 a.m. to 5 p.m. at the following locations: bridge site, landslide stabilization site above Lot 12, and landslide stabilization site above Lot 1.

N-3. The following measures should be incorporated into the project contract specifications to minimize general construction noise impacts:

a) Construction operations shall be limited to the hours 7 a.m. to 7 p.m. Monday through Friday or at any time on Saturday, Sunday or on holidays, consistent with the City of Santa Barbara Municipal Code. Holidays are defined as those days that are observed by the City of Santa Barbara as official holidays, and include New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the following Friday, and Christmas Day. Further restrictions on construction operations are provided in Mitigation Measure N-1.

b) All noise-producing project equipment and vehicles using internal combustion engines (including haul trucks) shall be professionally fitted with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features. These devices shall be professionally maintained in good operating condition so as to meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.

c) Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from Alan Road and the Stone Creek Condominiums.

d) The speed limit at the construction site during prior to completion of paved roads shall be 15 MPH.

e) The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.

f) No project-related music system shall be audible at any adjacent receptor.

g) Within 20 days of commencement of construction, the project applicant shall provide a notice of construction schedule to property owners, residents, and neighborhood organizations within 500 feet of the site boundary and post information on the site in a location visible to the public, including the hours of operation and contact person with a telephone number who can address questions and problems that may arise during construction.

h) All project workers exposed to noise levels above 80 dBA shall be provided with personal protective equipment for hearing protection (i.e., earplugs and/or earmuffs); areas where noise levels are routinely expected to exceed 80 dBA shall be clearly posted with signs stating "Hearing Protection Required in this Area."

i) Survey work, construction within residential units with completed walls, and landscaping (manual labor only) may occur at the project site on Saturday. No construction work can occur on Saturday if involves the use of haul trucks or construction equipment (e.g., loaders, backhoes, generators, etc).

j) Construction staging areas where vehicles may idle or other noise-generating activities take place shall be located as far from adjacent residential areas as feasible.

(2008 Final Revised EIR, Table ES-1, pp. ES-30 to ES-31 and MMRP, pp. ES-50 to ES-51; 2008 Draft Revised EIR, Table ES-1, pp. ES-30 to ES-31 and MMRP, pp. ES-50 to ES-51; 2005 Draft EIR, Table ES-1, pp. 25-33 and § 3.9.3.2.)

8. Traffic: Construction Traffic (Temporary Construction-Related, Project-Specific Impact). Temporary construction-related traffic would occur on Alan Road during initial construction of the project. This would constitute a change to existing conditions, but would be a less than significant effect, and would be further reduced by

mitigation measure TR-1 (Traffic Control Plan to assure traffic safety on Alan Road) applied as a condition of project approval. While the project would add traffic to the study area intersections, most of them re operating at LOS C or better, and therefore, the contribution of the project to the AM and PM peak hour traffic is less than significant. TR-1 provides as follows and is recommended as a condition of the project:

TR-1. The following measures are recommended to minimize truck conflicts on Alan Road with passenger vehicles, bicycles, pedestrians, and parked vehicles during Phase 1 of the construction:

- The project applicant shall prepare and implement a Traffic Control Plan that shall specify measures to ensure traffic safety on Alan Road. The plan shall include instructions and guidelines on signage, notification of residents, ingress/egress procedures for large trucks, contact person with phone number, possible need for traffic control attendant, and measures to avoid passage of two trucks on the narrow road.
- No trucks shall park or queue on Alan Road at any time.
- The truck speed limit along Alan Road shall be 15 MPH.
- Truck drivers shall be disciplined for non-compliance with safety regulations. All trucks shall be clearly marked with a number visible to residents on both sides of the road and from the rear in the event non-compliance needs to be reported.

(2008 Final Revised EIR, Table ES-1, pp. ES-31 to ES-32 and MMRP, p. ES-53; 2008 Draft Revised EIR, Table ES-1, pp. ES-31 to ES-32 and MMRP, p. ES-53; 2005 Draft EIR, Table ES-1, pp. 25-33 and §§ 3.7.2.3, 3.9.2.10.)

Pavement Impacts from Construction Traffic. Construction truck traffic along Las Positas Road, Cliff Drive, and Alan Road could degrade pavement conditions. Construction truck traffic would occur along Las Positas Road, Cliff Drive, and Alan Road. The pavement condition on portions of these roadways varies considerably. There are areas where cracking has occurred and/or the pavement has deteriorated to the base material (potholes). The number of trucks that would be generated during the construction period may further degrade pavement conditions. The impact to pavement is expected to be adverse, but less than significant (Class III). However, Mitigation Measure TR-5 would be implemented to ensure that any pavement damage is repaired.

TR-5. The Project applicant shall video document the pavement conditions on Alan Road, Cliff Drive, and Las Positas Drive before and after the construction Project to determine the level of impact caused by the Project. This documentation shall be provided to the City of Santa Barbara, Transportation Department. If the Project traffic has caused

damage to the roadway surface, the Project applicant shall repair or resurface the affected reaches.

(2008 Final Revised EIR, Table ES-1, p. ES-23, MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23, MMRP, p. ES-54; 2005 Draft EIR, § 3.7.2.10, p. 3-106.)

9. Public Services: Solid Waste (Long-Term, Project-Specific and Cumulative Impact). The proposed project would generate new solid waste, but not enough to be considered a significant impact on limited landfill disposal capacity. This impact would be further reduced by mitigation measure PS-1 (Solid waste management plan for reuse, source reduction and recycling during project construction and occupation) applied as a condition of project approval. PS-1 provides as follows and is recommended as a condition of the project:

PS-1. A solid waste management plan identifying measures for reuse, source reduction, and recycling shall be developed for construction and operation of the proposed project, and submitted to the City's Environmental Analyst and the County's Solid Waste Division for review and approval prior to building permit issuance.

(2008 Final Revised EIR, Table ES-1, p. ES-33 and MMRP, p. ES-52; 2008 Draft Revised EIR, Table ES-1, p. ES-33 and MMRP, p. ES-52; 2005 Draft EIR, Table ES-1, pp. 25-33, 3-138 and § 3.11.1.)

10. Population and Housing: The proposed project would not require the extension or expansion of infrastructures that could induce or serve growth beyond the project. Future development of 25 residential units would not result in substantial growth or concentration of population. Development in the area is limited due to topographical and geologic constraints. (2005 Draft EIR, § 3.11.2, pp. 3-138 to 3-139.)

The 2008 Final EIR found the following Class IV Impacts to be beneficial:

1. Traffic: The proposed pedestrian facilities would allow for pedestrian and bicycle connections between Elings Park and Alan Road (and beyond to Arroyo Burro County Beach Park). (2008 Final Revised EIR, Table ES-1, p. ES-33; 2008 Draft Revised EIR, Table ES-1, p. ES-33; 2005 Draft EIR, Table ES-1, p. 34 and §§ 3.7.2.7 and 3.7.2.8.)

2. Land Use and Recreation: Construction of the public path on the project site would create a route for pedestrians to walk from Elings Park to Arroyo Beach. In addition, bicycle access would be provided through the project site for riders along the Class II bike lane on Las Positas to access Arroyo Burro. These new access routes to the coast would represent beneficial impacts on local coastal recreation. (2008 Final Revised EIR, Table ES-1, p. ES-33; 2008 Draft Revised EIR, Table ES-1, p. ES-33; 2005 Draft EIR, Table ES-1, p. 34 and § 3.6.2.2.)

3. Biological Resources: The applicant has proposed an ambitious plan to restore and enhance riparian habitat along Arroyo Burro as part of the project. The major components of the plan are to remove the noxious weeds from the area, stabilize eroding banks, and establish a variety of native plants. If successful, the proposed Project would result in the creation and enhancement of about 4.1 acres of riparian habitats on the project site, and 2.7 acres of riparian habitat on the adjacent City parcel. (2008 Final Revised EIR, Table ES-1, p. ES-33; 2008 Draft Revised EIR, Table ES-1, p. ES-33; 2005 Draft EIR, Table ES-1, p. 34 and § 3.3.2.3.)

Based on the discussion in the 2008 Final EIR, and other supporting information in the record, the City Council finds that the Project would have no impact associated with the specific issues identified above.

III. Less Than Significant Impacts With Mitigation Incorporated

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The 2008 Final EIR determined that the Project has potentially significant (Class II) environmental impacts in the areas discussed below. The 2008 Final EIR identified feasible mitigation measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the 2008 Final EIR, the Project impacts will be less than significant with identified feasible mitigation measures and design standards incorporated into the Project.

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
BIOLOGICAL RESOURCES			
<p>Habitat Impacts Due to Land Development</p> <p>The proposed Project would result in the permanent loss of about 6.8 acres of mostly non-native habitat due to the construction of residential lots. The primary habitat affected is non-native grassland/ruderal vegetation. This habitat, which dominates the central portion of the Project site, has a very low wildlife function and value. About 0.16 acres of oak woodland, and 0.19 acre of riparian habitat would be removed. (The Project also involves the</p>	<p>BIO-1. The proposed native habitat restoration plans shall be modified as follows to ensure the successful long-term establishment of new and enhanced native habitats at the Project site, including the creek corridor restoration, upland habitat restoration in Lots 26, 27, and 31, based on current design, and creek bank repair and restoration sites. A comprehensive habitat restoration plan for these Project elements shall be submitted to the Community Development and the Parks & Recreation Department (Creeks Division) for review and approval prior to incorporation into the final grading and landscaping plans to be submitted to the Building Department for final review and approval. The comprehensive habitat restoration plan shall include the following elements (among others):</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure BIO-1. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The estimated habitat impact acres are shown in Table 3-10 of the Final Revised EIR. These data indicate that of the 14.8 acres at the project site, about 6.8 acres would be permanently removed.</p> <p>The remainder of the habitat acreage would be converted to higher value native habitats (central and hillside open spaces) or be enhanced with additional native plants and the removal of noxious species (creek corridor restoration). Approximately eight acres of existing native and non-native habitats at the project site would be enhanced as a result of the proposed project.</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>restoration/enhancement of 6.8 acres of riparian habitat on and off the Project site, and restoration of 3.8 acres of upland habitat.) (2008 Final Revised EIR, Table ES-1, pp. ES-11 to ES-12, MMRP, pp. ES-41 to ES-42, and § 3.3.2.2, pp. 3-55 to 3-57; 2008 Draft Revised EIR, Table ES-1, pp. ES-11 to ES-12, MMRP, pp. ES-41 to ES-42, and § 3.3.2.2, pp. 3-55 to 3-57; 2005 Draft EIR, § 3.3.2.2, pp. 3-55 to 3-57.)</p>	<ul style="list-style-type: none"> ▪ Precise restoration objectives for each habitat type and location ▪ Detailed schedule of tasks and milestones for site preparation, planting, and maintenance ▪ Plans that show grading and soil preparation, and any areas that will require slope stabilization or temporary erosion control ▪ Description of specific habitat types to be restored, including species list and relative abundance in each habitat type, as well as planting densities and propagation methodologies ▪ Plans that show the boundaries of each habitat type to be restored, with precise acreages and plant densities ▪ Description of source of plant materials, with a commitment to utilize plant material from the South Coast region, and preferably from the Las Positas Valley ▪ Performance criteria that include survivorship, percent native plant cover, percent noxious weed cover, and percent naturalized species cover ▪ Plans and explanations that show how the non-native landscaping at the Project site associated with the individual lots will interface with the native plant restoration in the upland and riparian open space areas ▪ A description of a watering approach to ensure successful plant establishment and long-term productivity, including methods to provide supplemental water ▪ A description of the weed management approach, emphasizing site preparation and watering methods that do not encourage weed growth and use of herbicides that is consistent with the City's adopted Integrated 		<p>The predominant habitat that would be permanently removed due to the construction of residential lots is non-native grassland/ruderal vegetation. This habitat, which dominates the central portion of the project site, has a very low wildlife function and value. About 0.19 acres of oak woodland, and 0.12 acre of riparian habitat would be removed. The permanent loss of native and non-native habitats at the project site is considered a significant but mitigable impact (Class II) for the following reasons:</p> <ul style="list-style-type: none"> ▪ The amount of native habitat to be removed is very low (about 0.31 acre) compared to the entire site (14.8 acres). Most of the habitat impacts would occur to low value, non-native habitats. ▪ The applicant has proposed to restore the open space areas with native vegetation, which would result in the creation and enhancement of about eight acres of native upland and riparian habitats on the project site. This action would improve habitat conditions at the project site, even with the presence of residences. The increased acreage and biological value of these restored habitats would more than offset the loss of the 0.31 acres of native habitats. <p>The permanent habitat impact has been classified as significant, but mitigable (instead of less than significant) because the proposed restoration plans for the upland open space areas, the detention basin and bioswale in the central open space, and the creek corridor are very conceptual and difficult to interpret. There are many ambiguities about the proposed restoration approach, limits, and species to be used, and there are many inconsistencies between the conceptual</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>Pest Management (IPM) plan</p> <ul style="list-style-type: none"> ▪ A long-term rodent management plan that avoids or greatly reduces the use of pesticides or poisons ▪ Plans and a description of the how the habitat restoration plans will incorporate fire hazard requirements for defensible space near structures and fire-safe vegetation, while still achieving habitat restoration goals ▪ Plans and a description of how to establish and maintain riparian habitats in the creek corridor open space with ongoing public uses along the pedestrian path ▪ Plans and calculations for any proposed bank stabilization shall include an evaluation of hydraulic and geomorphologic factors along the creek, such as flow velocities, sediment carrying capacity, bank failure modes, and shear stress factors as described in Mitigation Measure W-2. <p>The plan may include non-native ornamental trees in selected portions of the hillside and central open space areas for aesthetic reasons, provided the number of these locations is low and the non-native trees would not displace native plants over time.</p> <p>The plan shall also include a maintenance and monitoring program to be implemented by the homeowners association with a description of the authority and mechanism to secure sufficient funding to ensure long-term success. The program must be a minimum of 5 years or until performance criteria are achieved and there must be an ongoing program to ensure that the invasive giant reed or other highly invasive</p>		<p>restoration plans by Rachael Tierney Consulting (2004) and the landscaping plans. Hence, the proposed restoration plans for upland and riparian habitat areas at the project site must be refined and improved to ensure that the intended native habitat restoration is successful. The proposed habitat restoration is very comprehensive and ambitious. Successful implementation of the restoration program would greatly enhance habitat conditions in the lower Arroyo Burro watershed. Recommendations for improving the restoration program are provided in Mitigation Measure BIO-1.</p> <p>(2008 Final Revised EIR, Table ES-1, pp. ES-11 to ES-12, MMRP, pp. ES-41 to ES-42, and §§ 3.3.2.2, 3.3.4, pp. 3-55 to 3-57, 3-71 to 3-72; 2008 Draft Revised EIR, Table ES-1, pp. ES-11 to ES-12, MMRP, pp. ES-41 to ES-42, and §§ 3.3.2.2, 3.3.4, pp. 3-55 to 3-57, 3-71 to 3-72; 2005 Draft EIR, § 3.3.2.2, pp. 3-55-3-57.)</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>species are kept under control consistent with performance criteria perpetually.</p> <p>The plan would apply to portions of the City-owned parcel on the east side of Arroyo Burro Creek. Hence, the restoration approach and plan for this element of the Project shall be approved by the City Parks and Recreation Department. The applicant shall maintain the restoration areas on City property for a minimum of 5 years or until the performance criteria have been achieved, at which time the City will assume responsibility for maintenance. (2008 Draft Revised EIR, § 3.3.4, pp. 3-71 to 3-72; 2005 Draft EIR, § 3.3.4, pp. 3-67 to 3-69.)</p>		
<p>Loss of Oak Trees The proposed Project would remove up to seven coast live oak trees at the Project site. (2008 Final Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-43, and § 3.3.2.5, p. 3-59; 2008 Draft Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-43, and § 3.3.2.5, p. 3-59; 2005 Draft EIR, § 3.3.2.5, pp. 3-58 to 3-59.)</p>	<p>BIO-2. Oak trees to be removed shall be replaced at a 10:1 ratio at the Project site. The replacement trees shall range in size from one gallon to 15-gallon trees. Planting locations shall be appropriate for oak trees, as determined by the arborist or restoration ecologist, and included in the habitat restoration plans. The number of oak trees to be removed shall be confirmed on the final plans. The plans shall include an oak and riparian tree protection drawings and specifications that require the following:</p> <ul style="list-style-type: none"> ▪ Prior to grading, temporary protective fencing (4 feet high) shall be installed three feet outside the dripline of all oak and riparian trees to be preserved. Fencing shall be maintained during the entire construction period. ▪ Heavy equipment shall not be used or parked within three (3) feet of oak tree driplines, except where 	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure BIO-2. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The proposed project would remove up to seven coast live oak trees at the project site. The loss of these trees is considered a significant, but mitigable impact (Class II) because the number of trees to be removed would be small relative to the total number of oak trees on the property, the trees to be removed are not specimen sized trees (with the exception of the oak tree at the project site entrance), and the trees can be feasibly replaced (at a 10:1 ratio) as part of the habitat restoration plan for the project. Mitigation Measure BIO-2 addresses mitigation for oak tree loss, and protection of oak trees to remain at the site. (2008 Final Revised EIR, Table ES-1, pp. ES-13, ES-43, §§ 3.3.2.5, 3.3.4, pp. 3-59, 3-72; 2008 Draft Revised EIR, Table ES-1, pp. ES-13, ES-43, §§ 3.3.2.5, 3.3.4,</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>approved by a qualified arborist, and after protective fencing has been installed.</p> <ul style="list-style-type: none"> ▪ Soil, rocks, or construction material shall not be stored or placed within the dripline of oak trees. (2008 Final Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-43, and § 3.3.4, p. 3-72; 2008 Draft Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-43, and § 3.3.4, p. 3-72; 2005 Draft EIR, § 3.3.4, p. 3-69.) 		<p>pp. 3-59, 3-72; 2005 Draft EIR, § 3.3.2.5, pp. 3-58 to 3-59.)</p>
<p>Impacts to Wildlife During Construction Construction activities at the Project site would result in increase noise, traffic, dust, and human activity. These disturbances would displace wildlife from the areas under construction, and possibly displace or discourage wildlife from the Arroyo Burro corridor during periods of noisy construction activity near the creek. (2008 Final Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-44, and § 3.3.2.9, p. 3-63; 2008 Draft Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-44, and § 3.3.2.9, p. 3-63; 2005 Draft EIR, § 3.3.2.9, p. 3-61.)</p>	<p>BIO-5. Phase I grading and earthwork within 100 feet of the outer edge of the existing riparian corridor (as mapped in the EIR) shall not occur during the period 1 March through 15 July in order to avoid disturbance to breeding birds. Prior to removal of any oak, eucalyptus, or native riparian tree, a qualified biologist shall carefully examine the tree to determine that no active bird nests are present. If a nest is located, tree removal shall be delayed until all chicks have fledged.</p> <p>BIO-6. The limits of disturbance in areas with native or naturalized vegetation shall be minimized to the extent feasible. Limits of clearing and grubbing, grading, and vehicular access shall be marked at the site with orange exclusion fencing.</p> <p>(2008 Final Revised EIR, § 3.3.4, p. 3-73; 2008 Draft Revised EIR, § 3.3.4, p. 3-73; 2005 Draft EIR, § 3.3.4, p. 3-69 to 3-70.)</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measures BIO-5 and BIO-6. The implementation of these mitigation measures will reduce this impact to a less-than-significant level.</p> <p>Explanation: Construction activities at the project site would result in increase noise, traffic, dust, and human activity. These disturbances would displace wildlife from the areas under construction, and possibly displace or discourage wildlife from the Arroyo Burro Creek corridor during periods of noisy construction activity near the creek. Construction activity in or near the riparian areas during the breeding season could disturb breeding birds pairs and cause them to abandon the area. Birds in the scrub covered hills adjacent to the construction area may be temporarily flushed out of the project site during construction depending on the amount and frequency of noise. Other wildlife such as lizards and rodents would be similarly displaced. Mortality of some common rodents and reptiles may occur during grading.</p> <p>The impact of construction on wildlife at the project site is considered significant, but mitigable (Class II) because the most substantial impact (disturbance of breeding riparian birds and raptors) can be avoided by scheduling major</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>construction activities outside the breeding bird season (Mitigation Measure BIO-5) and minimizing habitat disturbance during construction (Mitigation Measure BIO-6).</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-44, and §§ 3.3.2.9, 3.3.4, pp. 3-63, 3-73; 2008 Draft Revised EIR, Table ES-1, p. ES-13, MMRP, p. ES-44, and §§ 3.3.2.9, 3.3.4, pp. 3-63, 3-73; 2005 Draft EIR, § 3.3.2.9, p. 3-61.)</p>
<p>Effect of Development and Human Uses on Creek Resources</p> <p>The proposed development would adversely affect wildlife in the Arroyo Burro riparian corridor due to noise, human activity, nighttime lighting, stormwater pollution, colonization by weedy species, herbicide/pesticide use in the creek corridor, and human and pet entry into the creek. The proposed creek setback and buffer zone would substantially reduce these impacts, but not to a less than significant level without additional measures. (2008 Final Revised EIR, Table ES-1, pp. ES-14 to ES-15, MMRP, pp. ES-44 to ES-45, and § 3.3.2.9, p. 3-63; 2008 Draft Revised EIR, Table ES-1, pp. ES-14 to ES-15, MMRP, pp. ES-44 to ES-45, and § 3.3.2.9, p. 3-63; 2005 Draft EIR, § 3.3.2.10, pp. 3-61 to</p>	<p>BIO-7. The following measures shall be implemented to reduce impacts of residential development on riparian resources in the creek:</p> <ul style="list-style-type: none"> ▪ The lowest output lighting permissible on all roadways and common areas of the development shall be used. All street and common lighting shall be shielded so that stray light effects are minimized, and to avoid direct illumination of the riparian corridor, except as needed for public safety. Decorative night lights shall not be directed into trees within the riparian restoration area. ▪ The pedestrian path in the creek open space corridor shall be sited to provide views and an aesthetic enjoyment of the creek environment. However, the alignment of the path shall not substantially interfere with the primary objective of providing wildlife habitat and native plant cover along the creek corridor. The path shall also include interpretative signs informing the public of the sensitive resources in the creek, and asking the public to refrain from entering the creek channel, or letting pets enter the channel. The final design for the creek open 	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure BIO-7. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: As noted earlier, the most important biological resource at the project site is Arroyo Burro Creek. The proposed project has been designed to avoid direct impacts to the creek corridor, except at the bridge crossing. Other than the bridge, the primary impact to the creek resources would be indirect disturbance from the adjacent development. These impacts include the following:</p> <ol style="list-style-type: none"> 1. Noise from vehicles and residents that may disturb wildlife in the riparian habitats of the creek, and possibly discourage or reduce foraging, breeding, and travel. 2. Nighttime lighting from street lights and residences that could adversely affect nocturnal species which rely on darkness to hunt or evade predators would be especially affected, including owls, nighthawks, and small mammals. On the other hand, certain species of aerial-foraging bats may be aided by night-lighting as these light sources are foci of activity for many flying insects. 3. Physical disturbances to the

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
3-63.)	<p>space shall also include a consideration of low-profile fencing at the top of the creek bank or in sensitive habitat areas.</p> <ul style="list-style-type: none"> ▪ The proposed gazebo to be located along the pedestrian path shall be situated as far as possible from the creek (a minimum of 50 feet), and the location shall be selected to minimize impacts to riparian resources. ▪ The proposed homeowners association shall prepare and implement (with long-term funding assurances) a habitat maintenance and management plan for the four open space areas at the Project site: Lot 27 (hillside open space), Lot 25 (central open space with tributary drainage channel), and Lots 26 and 28 (creek corridor with pedestrian path). The plan shall incorporate the principles, methods, and approach of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated in the future) in order to minimize the use of pesticides and herbicides for landscape maintenance to the extent feasible. The plan shall include measures to monitor and remove the amount and extent of non-native invasive plants, particularly ensuring ongoing control of the aggressive giant reed; maintain the riparian plantings in good health; and contingency plans for replacement planting. It shall also include measures to monitor and manage public access to prevent unanticipated impacts to riparian and aquatic habitats in the creek from public uses. Violations shall be strictly enforced and citable, using the City's Administration Program or other appropriate methods. 		<p>riparian habitat from people and pets that wander into the creek corridor from the pedestrian path. These disturbances can displace wildlife, degrade habitat, destroy nests, and in the case of pets, result in direct mortality of wildlife.</p> <p>4. Degradation of water quality in the creek from stormwater pollution which can adversely affect aquatic insects and fish in the creek.</p> <p>5. Degradation of water quality in the creek from pesticide/herbicide use in the creek corridor open space which can adversely affect aquatic insects and fish in the creek.</p> <p>6. Colonization of the creek corridor by ornamentals and exotic plant species associated with the adjacent development, displacing native plants.</p> <p>The magnitude of these impacts can be lessened by establishing a suitable buffer zone between the development (i.e., the source of the disturbance) and the resources in the creek. The determination of whether these impacts are considered significant involves a consideration of many factors, including the width of the buffer zone, management actions in the buffer zone, and the nature of the adjacent aquatic and riparian resources.</p> <p>The applicant has proposed two creek setbacks from the top of the west bank of Arroyo Burro Creek, as shown on Figure 3-13 of the Final EIR: (1) a 50-foot wide buffer zone in which no roads or structures would be located, but a 5-foot pedestrian path would be present to provide public access to the open space and to traverse the project site from Las Positas Road to Alan Road; and (2) a 100-foot wide setback line which demarcates the limit of</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>(2008 Final Revised EIR, § 3.3.4, pp. 3-73 to 3-74; 2008 Draft Revised EIR, § 3.3.4, pp. 3-73 to 3-74; 2005 Draft EIR, § 3.3.4, p. 3-70.)</p>		<p>structures; roads, driveways, and sidewalks would be present in the 50 to 100 foot zone.</p> <p>The analysis summarized in Table 3-11 of the 2008 Final EIR indicates that the proposed setback distances of 50 and 100 feet are generally adequate to provide protection to creek resources; however, additional measures are needed to enhance the proposed setbacks. The proposed setback distances and the proposed creek corridor buffer zone are considered adequate to avoid the potentially significant impacts listed in the 2008 Final EIR Section 3.3.2.1, provided Mitigation Measures W-1 and BIO-7 are implemented. Hence, indirect impacts to creek resources due to the proposed residential development are considered significant, but mitigable (Class II).</p> <p>The proposed project includes restoration of about four acres of riparian habitat along the creek corridor (which will be dedicated public open space) and about 2.7 acres of riparian habitat on City owned property. The restoration of riparian habitats along the creek would offset the indirect impacts of residential development at the project site when combined with the proposed creek setbacks of 50 and 100 feet and Mitigation Measures W-1 and BIO-7 (designed to protect creek resources). Indirect impacts to the aquatic and riparian resources of Arroyo Burro Creek, with the proposed creek setback, are considered significant, but mitigable (Class II) only if the EIR mitigation measures related to water quality and biological resources are implemented, and the proposed creek restoration is fully implemented and successful.</p> <p>(2008 Final Revised EIR, Table</p>

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			ES-1, pp. ES-14 to ES-15, MMRP, pp. ES-44 to ES-45, and §§ 3.3.2.9, 3.4, pp. 3-73 to 3-74, 3-633; 2008 Draft Revised EIR, Table ES-1, pp. ES-14 to ES-15, MMRP, pp. ES-44 to ES-45, and §§ 3.3.2.9, 3.4, pp. 3-73 to 3-74, 3-633; 2005 Draft EIR, §§ 3.3.2.10, 3.3.4, pp. 3-61 to 3-63, 3-70.)
<p>Effect of Proposed Drainage on Riparian and Aquatic Habitats</p> <p>Redirecting the runoff from the site to the two discrete storm drain outlets would reduce infiltration and bank seepage along Arroyo Burro at the Project site which supports riparian bank vegetation and aquatic habitats. (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, p. ES-37, and § 3.3.2.7, pp. to 3-62 to 3-63; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, p. ES-37, and § 3.3.2.7, pp. to 3-62 to 3-63; 2005 Draft EIR, § 3.3.2.7, p. 3-60.)</p>	See Mitigation Measure W-1 below.	Less Than Significant	<p>Proposed Finding: This impact can be minimized through Mitigation Measure W-1. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The proposed drainage plan with two discharge points to the creek would substantially modify the current drainage and discharge conditions along the creek. Redirecting the flows to the two discrete storm drain outlets would reduce infiltration and bank seepage along Arroyo Burro Creek at the project site. The reduction in on-site infiltration and groundwater storage that supports riparian bank vegetation or that discharges to the creek is considered a potentially significant, but mitigable impact (Class II). It can be avoided by modifying the site drainage system to provide more infiltration and a greater number of outlets to the creek as specified in Mitigation Measure W-1. (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, p. ES-37, and § 3.3.2.7, pp. to 3-62 to 3-63; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, p. ES-37, and § 3.3.2.7, pp. to 3-62 to 3-63; 2005 Draft EIR, § 3.3.2.7, p. 3-60.)</p>
Drainage, Erosion and Water Quality			
<p>Effect of Site Drainage on Creek Hydraulics</p> <p>Site development would increase the amount of impermeable surfaces and therefore, the</p>	W-1. The proposed drainage system shall be modified to provide at least four or more drain outlets to the creek to reduce the magnitude of the discharge at each location compared to the proposed drainage outlets. The new outlets shall be equally	Less Than Significant	<p>Proposed Finding: This impact can be minimized through Mitigation Measure W-1. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The proposed project would increase the</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>amount of runoff. The proposed drainage system would discharge site runoff at only two outlets to Arroyo Burro. These modifications of the local drainage would adversely affect the hydrologic and hydraulic conditions of Arroyo Burro Creek which could result in both on-site and downstream impacts. The adverse hydraulic impacts are the loss of infiltration and associated bank storage and seepage, and the need to install and maintain large storm drain outlets on Arroyo Burro Creek. (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37; 2005 Draft EIR, § 3.1.2.2, pp. 3-9 to 3-11.)</p>	<p>distributed along Arroyo Burro Creek to the extent feasible. In addition, the proposed drainage system shall be modified to provide infiltration areas that are distributed along the stream terraces of Arroyo Burro Creek in such a manner as to facilitate infiltration through the banks to support riparian vegetation and contribute to base flows. A preliminary design of the drainage system shall be reviewed and approved by the Community Development Department and Public the Works Department before completing final design for submittal to the Building Department. Examples of design elements to be considered under this mitigation are presented as the Alternative Drainage and Stormwater Treatment Plan (EIR Section 4.11). (A portion of this mitigation measure has been incorporated into the 2008 project design, which now includes 5 drain outlets to the creek.) (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37; 2005 Draft EIR, § 3.1.5, p. 3-22.)</p>		<p>amount of impervious surfaces at the project site, which in turn would increase the amount of surface runoff to Arroyo Burro Creek. The proposed drainage plan for the project has been designed to ensure that the volume of runoff during all storm events from the developed site would be the same as from the current, undeveloped site. (The applicant proposes to meet this objective by creating a detention area in the center of the site. The detention area would hold and slowly release runoff from the primary tributary west of the site, and from the center of the developed site. By temporarily storing runoff, the discharge from the site to Arroyo Burro Creek (with the additional runoff from impervious areas), would be the same as before the project.)</p> <p>Under the proposed drainage system, runoff from the site would be discharged to Arroyo Burro Creek at two locations. The concentration of flows at these locations could cause several adverse impacts. The concentration of flows at two outlets to the creek could cause localized erosion at the base of the outlets, which would require channel bank and bed protection (e.g., rock rip rap). This outlet protection would need to be designed to withstand high velocity flows and debris in Arroyo Burro Creek. The continual maintenance of the outlet protection could require additional armoring in the future, which could cause adverse localized hydraulic effects to the creek. The collection of site drainage and discharge at two locations would substantially modify the current drainage and discharge conditions. Under current conditions, runoff from four watersheds discharges to the creek at various locations along the creek. Redirecting the flows to the two discrete storm</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>drain outlets would reduce infiltration and bank seepage along Arroyo Burro Creek at the project site. The current runoff conditions ameliorate peak downstream flows and generate lower, more prolonged base flows. These data indicate that the four major watersheds at the project site will be combined into two watersheds, and that diffused discharge to the creek over a 1,575 foot long reach would be replaced with two discharge points on the creek. In summary, the hydrologic and hydraulic conditions of Arroyo Burro Creek would be adversely affected by two major modifications of site runoff conditions: increased impermeable surfaces due to site development which necessitate temporary runoff storage, and concentration of runoff into two discrete discharge points. The adverse hydraulic impacts are the loss of infiltration and associated bank storage and seepage, and the need to install and maintain large storm drain outlets on Arroyo Burro Creek. These impacts are considered significant, but mitigable (Class II).</p> <p>They can be effectively mitigated to a less than significant level by modifying the site drainage system to provide more infiltration and by providing additional storm drain outlets to the creek with lower discharge volumes than proposed (see Mitigation Measure W-1). (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37; 2005 Draft EIR, § 3.1.2.2, pp. 3-9 to 3-11.)</p>
Effect of Riparian Corridor Restoration and Bank Repair on Bank Conditions Removal of the giant reed on steep banks	W-2. The applicant shall prepare detailed plans on the methods to remove giant reed and other exotics from the banks of Arroyo Burro Creek as part of the proposed creek corridor	Less Than Significant	Proposed Finding: This impact can be minimized through Mitigation Measures W-2 and BIO-1. The implementation of these mitigation measures will reduce this impact to a less-than-significant level.

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<p>of Arroyo Burro Creek (as part of the creek corridor restoration plan) and repair of two eroded bank areas could cause an inadvertent increase in bank erosion along the creek at the Project site. If the new plants are not successfully established, or if they do not have the same ability to stabilize slopes, there is a potential for an increase in bank erosion along the creek. In addition, the proposed bank repair does not include a consideration of stabilizing the toe of the slope where the original bank failures occurred. Hence, there is a potential for the bank repair, as currently proposed, to destabilize these slopes and increase bank erosion along the creek. (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37 to ES-38; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37 to ES-38; 2005 Draft EIR, § 3.1.2.2, pp. 3-11 to 3-12.)</p>	<p>restoration effort, as well as for the stabilization and restoration of the two areas of bank erosion. The plans shall include analyses and calculations that demonstrate how the removal and replacement of the undesirable plants can be accomplished without destabilizing the creek banks and increasing bank erosion. The plans for both exotic removal and bank repair shall include considerations of hydraulic and geomorphologic factors along the creek, such as flow velocities, sediment carrying capacity, bank failure modes, and shear stress factors. They shall describe and show bank stabilization methods and materials, as well as any anticipated long-term weeding and bank maintenance. The plans for bank repair shall evaluate whether maintaining the existing vegetation on the eroded banks would be more stable than the proposed filling of the eroded areas. Only bio-technical bank stabilization shall be used in these efforts—that is, methods and materials that are based on using plants for long-term bank protection. The plans for bank repair shall also include an evaluation of the need to stabilize the base of the creek banks, where the original bank failure occurred, in order to achieve long-term stabilization. All creek bank stabilization associated with the Project shall not reduce channel capacity or create new flood hazards. The creek restoration and bank repair plans shall be reviewed and approved by the Community Development Department, Parks & Recreation Department (Creeks Division), and the Public Works Department</p>		<p>Explanation: The applicant would implement a riparian restoration plan within the 50-foot creek setback zone and along the creek banks at and near the project site. Habitat restoration would include the removal of invasive exotic plants from this area, including giant reed; planting with native trees, vines, shrubs and ground cover; and drip irrigating the new plantings. There are extensive stands of giant reed in the creek corridor, including on steep creek banks and in the channel bed. Removal of giant reed requires heavy equipment to cut and remove the large biomass. In addition, depending upon the method selected, the removal could cause disturbance to the ground surface, and possible removal of the roots. Giant reed is a hardy plant that provides slope stabilization due to its size and resistance to flows.</p> <p>Removal of the giant reed on steep banks could cause an inadvertent increase in bank erosion along Arroyo Burro Creek at the project site. If the new plants are not successfully established, or if they do not have the same ability to stabilize slopes, there is a potential for an increase in bank erosion along the creek. This impact is considered significant, but mitigable (Class II). It can be effectively mitigated by adopting a cautious and strategic approach to giant reed removal and replacement, and by establishing appropriate design criteria and using appropriate analytic methods to develop final restoration plans that incorporate local hydraulic and geomorphologic factors (see Mitigation Measure W-2).</p> <p>The applicant has proposed to restore two eroded portions of the west bank of Arroyo Burro Creek. The southern most eroded area was created when</p>

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	<p>before completing final design for submittal to the Building Department. (2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37 to ES-38; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37 to ES-38; 2005 Draft EIR, § 3.1.5, p. 3-22.)</p> <p>See also BIO-1 above.</p>		<p>the toe of the bank failed during the 1998 El Nino floods, causing extensive bank failure to the top of the bank, and exposing a sewer line. The northern erosion feature was also caused by the undercutting of the lower creek bank during the high storm flows. The applicant has prepared conceptual bank repair plans. The plans are not sufficiently detailed to determine the precise physical extent of the proposed bank repair, and the engineering methods. It is possible that the proposed bank repair could require significant removal of willow trees that have become established in the eroded areas. The existing native trees may provide sufficient bank protection such that the proposed bank repair can be reduced in scale. In addition, the proposed bank repair does not include a consideration of stabilizing the toe of the slope where the original bank failures occurred. Hence, there is a potential for the bank repair, as currently proposed, to destabilize these slopes and increase bank erosion along the creek. This impact is considered significant, but mitigable (Class II). Implementation of Mitigation Measure W-2 would ensure that excessive bank work is not performed which may destabilize slopes that are becoming more stable through natural revegetation.</p> <p>Mitigation Measures W-2 and BIO-1 (Section 3.3.4) require that the applicant submit detailed creek bank stabilization and habitat restoration plans for City approval. The development of the detailed plans, which must incorporate more in-depth hydrological, geomorphological, and biological analyses, is intended, in part, to identify additional approaches and methods to achieve the desired conditions and to ensure successful bank stabilization,</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>reduced erosion, improved water quality, enhanced riparian habitat, and channel grade stabilization.</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37 to ES-38; 2008 Draft Revised EIR, Table ES-1, p. ES-15, MMRP, pp. ES-37 to ES-38; 2005 Draft EIR, § 3.1.2.2, pp. 3-11 to 3-12.)</p>
<p>Effect of Construction on Creek Water Quality Construction of the proposed Project could cause temporary adverse effects on Arroyo Burro water quality due to construction activities that increase on-site erosion potential and introduction of potential contaminants to the site. (2008 Final Revised EIR, Table ES-1, pp. ES-16 to ES-18, MMRP, pp. ES-38 to ES-39; 2008 Draft Revised EIR, Table ES-1, pp. ES-16 to ES-18, MMRP, pp. ES-38 to ES-39; 2005 Draft EIR, § 3.1.2.2, pp. 3-12 to 3-15.)</p>	<p>W-3. The following measures shall be incorporated into the Project Storm Water Pollution and Prevention Plan (SWPPP), which must meet state NPDES General Construction Permit requirements, and must be approved by the Building Department. The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in stormwater discharges, and to minimize non-stormwater pollutants at the Project site to the maximum extent possible.</p> <p>a) The following earthwork activities shall be restricted to the period April 1 to November 1 in order to avoid work during the rainy season: grading and earthwork for slope stabilization, mass grading, site grading for roads and building pads, trenching for utilities, and creek bank stabilization. Clearing and grubbing the site for earthwork shall also be restricted to the same time period.</p> <p>b) Construction of the bridge across Arroyo Burro Creek shall be restricted to the period July 1 to November 1 when runoff is low.</p> <p>c) A dewatering and flow bypass plan for construction of the bridge over Arroyo Burro Creek shall be submitted to</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure W-3. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Construction of the project would occur over an 18-month period, which would include one, and possibly, two winters. Construction activities could adversely affect water quality in Arroyo Burro Creek due to exposure of soils to erosion from winter rainfall and runoff, discharge of paints, solvents, fuels, trash, and other materials during construction that can be washed into the creek or leached.</p> <p>This impact can be effectively mitigated to a less than significant level by: (1) scheduling grading and major earthwork activities outside the winter seasons; and (2) implementing an erosion control, stormwater, and non-stormwater discharge management plan during construction with effective BMPs that comply with both state and local requirements, as described above (see Mitigation Measure W-3). Hence, the impact of construction activities on water quality in Arroyo Burro Creek and the downstream estuary is considered significant, but mitigable (Class II impact).</p> <p>(2008 Final Revised EIR, Table ES-1, pp. ES-16 to ES-18, MMRP, pp. ES-38 to ES-39; 2008 Draft Revised EIR, Table</p>

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	<p>the Building Department for review and approval.</p> <p>d) The following construction activities involving minor earthwork and grading may occur in the winter months provided special measures are implemented to address stormwater runoff during the work: (1) construction of pedestrian paths in the creek corridor; (2) weeding, plant removal, and planting in the creek corridor as part of the habitat restoration effort; and placement of caissons. The applicant must prepare specific erosion control and stormwater management plans for these activities if they are planned for the period November 1 to April 1. The plans shall be submitted to the Building Department for review and approval.</p> <p>e) Temporary stockpiles at the Project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover).</p> <p>f) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils will include the following measures:</p> <ol style="list-style-type: none"> 1. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly 		<p>ES-1, pp. ES-16 to ES-18, MMRP, pp. ES-38 to ES-39; 2005 Draft EIR, § 3.1.2.2, pp. 3-12 to 3-15.)</p>

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	<p>maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids</p> <p>2. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site</p> <p>3. Prepare a spill prevention/spill response plan for the Project site that includes training, equipment and procedures to address spills from construction equipment, refueling operations, and stored fluids (if any)</p> <p>4. Place all stored fuel, lubricants, paints and other construction liquids in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek</p> <p>5. Refuel only in bermed areas with impermeable surfaces at least 200 feet from the creek</p> <p>6. Prohibit equipment washing and major maintenance at the Project site, except for washdown of vehicles to remove dirt</p> <p>7. Remove all refuse and construction debris from the site as soon as possible</p> <p>g) In order to reduce tracking of sediment from the construction site onto public roads, a stabilized construction entrance/exit shall be constructed and maintained at entrances to the site. Tracking control shall be achieved by either gravel or metal plates.</p> <p>h) Two weeks prior to the beginning of the winter season (November 1), erosion control BMPs shall be installed at the site, and approved by the City Building</p>		

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	<p>Department in anticipation of rain events. Due to the extensive area and volume to be graded at the Project site, erosion control shall include more than the placement of silt fences. Additional control shall be included such as temporary grass cover, interceptor ditches, and temporary downstream catchment basins.</p> <p>(2008 Final Revised EIR, Table ES-1, pp. ES-16 to ES-18, MMRP, pp. ES-38 to ES-39; 2008 Draft Revised EIR, Table ES-1, pp. ES-16 to ES-18, MMRP, pp. ES-38 to ES-39; 2005 Draft EIR, § 3.1.5, pp. 3-22 to 3-24.)</p>		
<p>Effect of Land Development on Water Quality</p> <p>The proposed Project would adversely affect water quality in Arroyo Burro due to stormwater pollution from the new residential development and associated roads. (2008 Final Revised EIR, Table ES-1, pp. ES-18 to ES-19, MMRP, pp. ES-39 to ES-41; 2008 Draft Revised EIR, Table ES-1, pp. ES-18 to ES-19, MMRP, pp. ES-39 to ES-41; 2005 Draft EIR, § 3.1.2.2, pp. 3-15 to 3-19.)</p>	<p>W-4. The proposed stormwater treatment system shall be expanded and modified as described below. Examples of several design elements in this mitigation measure are presented in the Alternative Drainage and Stormwater Treatment Plan (EIR Section 4.11).</p> <p>a) Runoff from the western off-site watershed should be separated from the runoff from the Project site. This runoff from this watershed shall be conveyed through the center of the site in an open earthen channel with small check dams to facilitate infiltration of low flows. The site grading plan for Lots 8-11 and 13-24 shall be modified to convey runoff from the lots towards the road into a separate stormwater treatment system.</p> <p>b) Stormwater detention basins or bioswales shall be constructed to treat runoff from Lots 1-7 and the private driveway to these lots, as well as from Lot 12 and the bridge.</p> <p>c) All stormwater from</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measures W-1 and W-4. The implementation of these mitigation measures will reduce this impact to a less-than-significant level.</p> <p>Explanation: The proposed project could adversely affect water quality in Arroyo Burro Creek due to stormwater pollution from the new residential development and associated roads. The 2008 Final EIR concluded that the proposed project would adversely affect water quality in Arroyo Burro Creek due to stormwater pollution from the new residential development and associated creek corridor open space, but that the level of stormwater pollution is not expected to be severe due to the low density of housing, the type of land use involved, the relatively high amount of permeable surfaces, and the presence of a creek buffer zone with native vegetation.</p> <p>However, to ensure that the stormwater pollution would be less than significant, the proposed stormwater treatment system should be expanded and modified as described Mitigation</p>

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	<p>developed areas of the site shall be treated in accordance with the City's requirements in the current SWMP, and supplemented as necessary, with the design standards for detention basins and bioswales contained in Santa Barbara County's SWMP.</p> <p>d) The site plan and architectural design shall be modified during final design to include, to the extent practicable, stormwater management design elements, also known as low-impact design features. Examples include: roof drainage that is direct to infiltration trenches or bioswales; driveways constructed of permeable materials, pavers, or strip pavement for tires only; openings in curbs to provide opportunities for infiltration in adjacent grassy swales along the roads; use of permeable surfaces instead of concrete in roadway ribbon gutters; and small depressions in front yards to collect roadside runoff for infiltration.</p> <p>e) The proposed homeowners association shall have the responsibility, authority, and ongoing funding to monitor and maintain the stormwater management facilities located in the public open space areas of the site and on private lots (if present) which would include detention basins, bioswales, and infiltration basins. The association shall have the authority to levy fees as necessary to maintain, repair, or replace stormwater management facilities. The City shall have responsibility for maintaining Lane "A" and any associated stormwater treatment feature such as permeable ribbon gutters or</p>		<p>Measures W-1 and W-4. Hence, the impact of stormwater pollution would be considered significant, but mitigable (Class II impact).</p> <p>(2008 Final Revised EIR, Table ES-1, pp. ES-18 to ES-19, MMRP, pp. ES-39 to ES-41; 2008 Draft Revised EIR, Table ES-1, pp. ES-18 to ES-19, MMRP, pp. ES-39 to ES-41; 2005 Draft EIR, § 3.1.2.2, pp. 3-15 to 3-19.)</p>

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	<p>swales.</p> <p>f) The proposed homeowners association shall periodically issue educational materials to homeowners, tenants, and occupants that address topics such as proper handling, use, and disposal of household chemicals, fertilizers, pesticides, and herbicides; legal impacts of illegal dumping or disposal; household waste collection programs; oil recycling programs; alternative household products; and pet waste management.</p> <p>g) The proposed homeowners association shall prepare a water quality management plan for the four open space areas at the Project site: Lot 27 (hillside open space), Lot 25 (central open space with tributary drainage channel), and Lots 26 and 28 (creek corridor with pedestrian path). The plan shall incorporate the principles, methods, and approach of the City's Integrated Pest Management (IPM) Plan (as it is revised and updated in the future) in order to minimize the use of pesticides and herbicides for landscape maintenance to the extent feasible. The plan shall also include trash cans, informational signage, and mutt mitts along the creek corridor pedestrian path.</p> <p>h) The applicant shall submit a draft Stormwater Management Plan and an Open Space Water Quality Management Plan with the above elements to the Community Development Department and Public Works before completing final Project design for submittal to Building Department.</p> <p>(2008 Final Revised EIR,</p>		

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	<p>Table ES-1, pp. ES-18 to ES-19, MMRP, pp. ES-39 to ES-41; 2008 Draft Revised EIR, Table ES-1, pp. ES-18 to ES-19, MMRP, pp. ES-39 to ES-41; 2005 Draft EIR, § 3.1.5, pp. 3-32 to 3-25.)</p> <p>See also W-1 above.</p>		
Geologic Hazards			
<p>Liquefaction Available data indicate that there is a potential for liquefiable conditions throughout much of the site. Liquefaction could result in settling during seismic events due to lateral spreading. This condition could result in damage to roads, utilities, and structures. (2008 Final Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-40; 2008 Draft Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-40; 2005 Draft EIR, § 3.2.2.2, p. 3-34.)</p>	<p>G-2. The potential for liquefiable conditions underlying Lots 7 through 24 shall be evaluated by a geotechnical investigation during final design of the Project. This investigation shall include additional borings at depth and locations approved by the City Building Department. Areas that are susceptible to liquefaction shall be identified. Appropriate design and construction techniques to address this condition (e.g., ground improvement, drainage) shall be included in the final design to be reviewed and approved by the Building Department. The applicant shall also provide evidence that the construction of deep shear keys using engineered fills as part of landslide stabilization for other lots will reduce the potential for seismic liquefaction at these locations to an acceptable level. (2008 Final Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-40; 2008 Draft Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-40; 2005 Draft EIR, § 3.2.4.)</p> <p>See also G-1 above.</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure G-2. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The existing geologic data from site borings are insufficient to characterize liquefaction potential in all portions of the site. Available data indicate that there is a potential for liquefiable conditions throughout much of the site due to the depositional nature of most of the project site, high groundwater conditions, and evidence of sand layers. The potentially liquefiable zones are overlain by significant thickness of non-liquefiable soils. Hence, the manifestation of liquefaction would most likely be settling during seismic events due to lateral spreading, estimated to be up to 6 inches. This condition could result in damage to roads, utilities, and structures. The impact of this geological hazard is considered potentially significant, but mitigable (Class II). It can be avoided or greatly reduced by engineering design features that would prevent or offset the differential settlement, as specified in Mitigation Measure G-2.</p> <p>Lots 1 through 6 and 12 would be improved by the construction of deep shear keys, consisting of engineered fill, as part of the landslide stabilization program. The construction of the shear keys would also mitigate the liquefiable conditions at these</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>lots. Per Mitigation Measure G-1, the potential for liquefiable conditions underlying Lots 7 through 24 would be evaluated by a geotechnical investigation program during final design of the project. If potentially liquefiable deposits are identified, the affected lots can be improved by conventional engineering solutions so that the liquefaction hazard is ameliorated.</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-40; 2008 Draft Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-40; 2005 Draft EIR, § 3.2.2.2, p. 3-34.)</p>
<p>Expansive Soils Expansive soils may be present at Lots 1 through 7, and Lots 12 through 21. Expansive soils can adversely affect structures due to the cycle of shrinking and swelling over time. (2008 Final Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-46; 2008 Draft Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-46; 2005 Draft EIR, § 3.2.2.2, pp. 3-34 to 3-35.)</p>	<p>G-3. The potential for expansive soils underlying Lots 12 through 21 shall be evaluated by a geotechnical investigation during final design of the Project. Appropriate design and construction techniques to address this condition shall be included in the final design to be reviewed and approved by the Building Department. The applicant shall also provide evidence that the construction of deep shear keys using engineered fills as part of landslide stabilization for other lots will mitigate the expansive soils at these locations to an acceptable level. (2008 Final Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-46; 2008 Draft Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-46; 2005 Draft EIR, § 3.2.4, p. 3-41.)</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure G-3. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Expansive soils may be present at Lots 1 through 7, and Lots 12 through 21. Expansive soils can adversely affect structures due to the cycle of shrinking and swelling over time. The impact of this geological hazard on the proposed project and its residents is considered significant, but mitigable (Class II). Expansive soils can be mitigated through soil removal, geotechnical engineering, and/or foundation design. Significant portions of the expansive soils at the project site would be removed during construction of the landslide stabilization shear keys on Lots 1 through 6 and at Lot 12. Hence, no significant geologic hazard due to expansive would occur at these lots. Expansive soils at other lots along the base of the slopes (Lots 12 to 21) would be addressed through additional geotechnical investigations and engineering design, as specified in Mitigation Measure G-3.</p>

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<p>High Groundwater There is a potential for groundwater to rise to near the surface in fractures in the Rincon shale at the toe of the slopes at the Project site. High groundwater conditions can adversely affect structure foundations and exacerbate liquefaction and expansive soil conditions. (2008 Final Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46; 2008 Draft Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46; 2005 Draft EIR, § 3.2.2.2, p. 3-35.)</p>	<p>G-4. The potential for high groundwater conditions in lots along the base of the hillside (Lots 1-7, and Lots 12 through 21) shall be evaluated by a geotechnical investigation during final design of the Project. These investigations shall include additional borings. Appropriate drainage measures to address this condition shall be included in the final design to be reviewed and approved by the Building Department. (2008 Final Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46; 2008 Draft Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46; 2005 Draft EIR, § 3.2.4, p. 3-41.)</p>	<p>Less Than Significant</p>	<p>(2008 Final Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-46; 2008 Draft Revised EIR, Table ES-1, p. ES-20, MMRP, pp. ES-46; 2005 Draft EIR, § 3.2.2.2, pp. 3-34 to 3-35.)</p> <p>Proposed Finding: This impact can be minimized through Mitigation Measure G-4. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Groundwater at the project site was encountered typically between depths of 15 to 20 feet in previous on-site borings. The groundwater appears to be in semi-confined or confined conditions. Springs have been found at the project site in the past, but their locations are no longer known. No shallow groundwater (less than 10 feet) has been encountered at the project site in previous geological borings. However, there is a potential for groundwater to rise to near the surface in fractures in the Rincon shale at the toe of the slopes at the project site. High groundwater conditions can adversely affect structure foundations and exacerbate liquefaction and expansive soil conditions.</p> <p>The impact of this geological hazard on the proposed project and its residents is considered significant, but mitigable (Class II). The potential for high groundwater conditions at lots along the base of the slopes would be addressed through additional geotechnical investigations and engineering design, as specified in Mitigation Measure G-4.</p> <p>It should be noted that the proposed landslide stabilization by construction of shear keys also includes incorporation of drainage elements in the deep excavations. The new subsurface drainage would lower groundwater levels and</p>

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			<p>improve the stability of such landslide areas.</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46; 2008 Draft Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46; 2005 Draft EIR, § 3.2.2.2, p. 3-35.)</p>
<p>Landslides</p> <p>The proposed landslide stabilization approach is considered standard and reasonable. It involves traditional engineering solutions, e.g., earthwork, structural support, and drainage, and should be effective as well as feasible. The proposed stabilization measures would conform to applicable City of Santa Barbara codes, if the design is prepared in accordance with standard geotechnical and engineering standards, with the appropriate factors of safety and conservative assumptions. To ensure that that a significant impact due to landslide hazards is avoided throughout the life of the Project, the City will require a series of geotechnical and engineering studies by the applicant to more fully characterize the individual landslides and the proposed engineering solutions to stabilize them. (2008 Final Revised EIR, Table</p>	<p>G-5. To ensure that that a significant impact due to landslide hazards is avoided throughout the life of the Project, the applicant shall complete a geotechnical investigation that provides the basis for final design and construction. The investigation program shall include sufficient subsurface exploration, laboratory testing, and engineering analysis to fully characterize each landslide and to develop an appropriate design of shear keys and cast-in-ground caissons to allow construction to proceed safely and to provide sufficiently stable building sites against future landsliding under both static and dynamic loading conditions. The results of the study shall be subject to review and approval by the City Building Department, and an independent geotechnical engineer and geologist to provide a greater level of confidence in the proposed solutions. The investigation shall include borings at landslides 1, 2, 3, 8, 9, and 12 to provide suitable information to design stabilization programs for Lots 1 through 6, Lot 12, NW of Lot 19, and SW of Lots 20 and 21. Some of the borings shall be drilled along the proposed caisson wall alignments to provide a basis for the actual wall design, e.g., caisson diameter, spacings and depth prior to the start of construction. This is necessary because in several instances the</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure G-5. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The landslide hazard at the project site is considered severe. Development of the site, without provisions to mitigate landslides, could result in severe geologic hazards that could: (1) damage the property and any structures on the site due to earth movement; (2) cause environmental impacts (remove vegetation, expose soils to erosion, etc); and (3) create a public safety hazard due to unstable land masses and rocks. The impact of the landslide hazard at the project site is considered significant, but mitigable (Class II).</p> <p>The proposed project includes the stabilization of selected existing landslides in order to develop usable and safe housing sites and infrastructure. The proposed landslide stabilization approach is considered standard and reasonable. It involves traditional engineering solutions, e.g., earthwork, structural support, and drainage, and should be effective as well as feasible. The proposed stabilization measures would conform to applicable City of Santa Barbara codes, if the design is prepared in accordance with standard geotechnical and engineering standards, with the appropriate factors of safety and conservative assumptions.</p>

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<p>ES-1, p. ES-21, MMRP, pp. ES-46 to ES-47; 2008 Draft Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46 to ES-47; 2005 Draft EIR, § 3.2.2.2, pp. 3-35 to 3-37.)</p>	<p>proposed caisson depths are less than the estimated depth of sliding. The investigations shall also determine the diameter and spacing of caissons, as the proposed diameter (2 feet) spacing (4 or 5 pier diameters) may not be sufficient to resist the driving forces, particularly during seismic loading, due to the quasi-stable landslide mass. All shear key excavations shall be observed and mapped by a qualified geotechnical engineer or engineering geologist to verify design assumptions in accordance with Section 317 of Appendix Chapter 33 of the 1997 Uniform Building Code (UBC)/1998 California Building Code (CBC). (2008 Final Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46 to ES-47; 2008 Draft Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46 to ES-47; 2005 Draft EIR, § 3.2.4, p. 3-42.)</p>		<p>To ensure that that a significant impact due to landslide hazards is avoided throughout the life of the project, the City would require a series of geotechnical and engineering studies by the applicant to more fully characterize the individual landslides and the proposed engineering solutions to stabilize them (see Mitigation Measure G-5). These studies and plans would be subject to review and approval by the City Building Department, and an independent geotechnical engineering and geologist to provide a greater level of confidence in the proposed solutions. possible reactivation of the landslide due to the removal of the support by excavation. In order to enhance the likelihood of a safe excavation, the applicant proposes to install a wall consisting of drilled, cast-in-place caissons at the uphill limit of the proposed keyway excavation or the upslope property line across two major slide areas. This would provide short-term slope support to enable the excavation and backfilling to proceed as well as long-term support for the upslope remaining slide mass. Additionally, this would allow a minimum of disturbance to offsite uphill property.</p> <p>The caisson wall solution is considered conceptual at this time. The actual design of each caisson wall should be performed based on the results of the final geotechnical investigation and take into account the anticipated earth pressures from each of the slide masses to be stabilized.</p> <p>In sum, landslide hazards can be mitigated and the proposed stabilization measures should not create new geological problems or exacerbate existing problems. The impact of the</p>

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			landslide hazard at the project site is considered significant, but mitigable to a less than significant level (Class II) with the application of Mitigation Measure G-5. (2008 Final Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46 to ES-47; 2008 Draft Revised EIR, Table ES-1, p. ES-21, MMRP, pp. ES-46 to ES-47; 2005 Draft EIR, § 3.2.2.2, pp. 3-35 to 3-37.)
Cultural Resources			
<p>Impacts to Historic Resources</p> <p>The development of the site would significantly modify the physical setting of the property, which was mostly undeveloped when the historic water company was active. Converting the site from open space that resembled its historic condition, to residential development would cause a substantial adverse change in one element of the historic resource—the physical setting. This change would reduce the historic significance of the property and reduce opportunities to learn about the history of Santa Barbara. (2008 Final Revised EIR, Table ES-1, p. ES-22, MMRP, pp. ES-47 to ES-48; 2008 Draft Revised EIR, Table ES-1, p. ES-22, MMRP, pp. ES-47 to ES-48; 2005 Draft EIR, § 3.4.2.3, p. 3-37.)</p>	<p>CR-2. The remnant oak trees at the Project site shall be retained and incorporated into the Project. Interpretive signage shall be placed near the trees along a path. The signage shall include a photograph of the buildings that were once located nearby, showing the activity on the site associated with the water company. All of the interpretive signage shall be metal within a wood frame (subject to review and approval by the Historic Landmarks Commission), and the text will be prepared by a qualified historic preservation professional.</p> <p>CR-3. A gazebo structure shall be constructed near the proposed pedestrian trail along the creek corridor. It shall be constructed to match the design, scale, and material of the original building that was associated with the water company. The gazebo structure shall contain a display of the history of Veronica Springs, including photographs and advertising brochures from the water bottling plant in town and the Veronica Springs site itself. If artifacts are found through archaeological monitoring, those artifacts should be suitably displayed in the building. The gazebo design shall be reviewed and approved by the Historic Landmarks Committee and</p>	Less Than Significant	<p>Proposed Finding: This impact can be minimized through Mitigation Measure CR-2 through CR-5. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The project site has been identified as a significant historic resource based on the Phase 1 and 2 historic resources studies. The property meets the criteria for listing as a City Landmark and for eligibility on the National List of Historic Places. No historic structures remain on the site. Hence, the proposed development of the project site would not remove any historic structure.</p> <p>A grove of oak and acacia trees that originated within the Veronica Springs Medicinal Water Company is present at the site. These trees would be retained adjacent to Lot 7 as part of the proposed project. The development of the site would significantly modify the physical setting of the property, which was mostly undeveloped when the water company was active. Converting the site from open space that resembled its historic condition, to residential development would cause a substantial adverse change in one element of the historic resource – the physical setting. This change would reduce the historic significance of the property and reduce opportunities to learn about the</p>

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	<p>Architectural Board of Review. The proposed gazebo shall be situated as far as possible from the creek (a minimum of 50 feet) and the location shall be selected to minimize impacts to riparian resources.</p> <p>CR-4. Interpretative signs shall be placed along the public path along the creek corridor that describe the entry road to Veronica Springs and other historical elements on the site. The signs shall be reviewed and approved by the Historic Landmarks Committee and Architectural Board of Review.</p> <p>CR-5. The name of the new development and streets within the development shall reflect the history of the Veronica Springs site (e.g., Veronica Springs, Veronica Meadows, Kimball Road, Hawley Heights, Clifton Way, Thomas Road). The street names shall be reviewed and approved by the Historic Landmarks Committee. (2008 Final Revised EIR, Table ES-1, p. ES-22, MMRP, pp. ES-47 to ES-48; 2008 Draft Revised EIR, Table ES-1, p. ES-22, MMRP, pp. ES-47 to ES-48; 2005 Draft EIR, § 3.4.4, pp. 3-78 to 3-79.)</p>		<p>history of Santa Barbara. The impact is considered significant, but mitigable (Class II). Mitigation measures identified in the Phase 2 historic resource study would offset the physical impacts to the site, and provide information on the historic significance of the site to the public. These mitigation measures (CR-2 to CR-5) include retaining the remnant of the original stand of oak trees at the site, and commemorating the demolished structures with a display of text and photographs within a newly constructed gazebo that reflects the original structure that once existed on the site. (2008 Final Revised EIR, Table ES-1, p. ES-22, MMRP, pp. ES-47 to ES-48; 2008 Draft Revised EIR, Table ES-1, p. ES-22, MMRP, pp. ES-47 to ES-48; 2005 Draft EIR, § 3.4.2.3, p. 3-37.)</p>
Traffic			
<p>Intersection Control The proposed traffic signal intersection for the Project entrance would not be allowed by Caltrans. The only feasible intersection would be a two-way stop intersection with stop signs on the Jerry Harwin Parkway and Veronica Meadows roadway</p>	<p>TR-2. The proposed intersection at Las Positas Drive and Project site entrance (Lane "A") shall consist of a stop-controlled intersection that meets all applicable Caltrans standards, including turn lane lengths, roadway widths and curb-return radii. Caltrans has indicated that a public road intersection with a southbound right-turn lane and northbound left-turn lane on Las Positas Road will be required at the intersection.</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure TR-2. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Site access for most of the units is proposed via one connection to Las Positas Road opposite the Elings Park connection. Access to two units would be provided via Alan Road. The proposed entrance to the project site (Lane "A") would have a 20-foot width with a 10.5-</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>connections ("Lane A"). This intersection would operate at LOS C or better with Existing + Project and Cumulative + Project volumes with the two-way stop, which meets City standards for stop controlled intersections. (2008 Final Revised EIR, Table ES-1, p. ES-23, MMRP, pp. ES-53 to ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23, MMRP, pp. ES-53 to ES-54; 2005 Draft EIR, § 3.7.2.5, pp. 3-104 to 3-105.)</p>	<p>Minor widening of Las Positas Road may be required to provide adequate width for the turn lanes. The Project applicant shall acquire Caltrans' conceptual approval of the intersection prior to final action by the City Council on the proposed Specific Plan. The Project applicant shall also acquire all necessary Caltrans approval, including an encroachment permit, for the intersection prior to submittal of plans for City building and grading permits. The final design of the intersection improvements will be determine as part of the encroachment permit process. (2008 Final Revised EIR, Table ES-1, p. ES-23, MMRP, pp. ES-53 to ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23, MMRP, pp. ES-53 to ES-54; 2005 Draft EIR, § 3.7.4, p. 3-110.)</p>		<p>foot radii. Las Positas Road is a State facility and Caltrans criteria therefore apply. The site of the proposed intersection is currently configured with a southbound left-turn lane and northbound right-turn lane for access to/from Elings Park. Las Positas Road is a Caltrans facility and in order to install traffic signals at an intersection it must be demonstrated that conditions warrant signals.</p> <p>Caltrans traffic signal warrant criteria were applied assuming the Existing + Project conditions at the intersection to determine if a traffic signal should control the intersection. The applicable warrants address the level of traffic at the intersection and safety considerations (accident experience and pedestrian activity). The analysis indicated that no warrants are satisfied.</p> <p>Based on this analysis, the proposed traffic signal intersection for the project entrance would not be allowed by Caltrans. The only feasible intersection would be a two-way stop intersection with stop signs on the Jerry Harwin Parkway and the Veronica Meadows roadway connection ("Lane A"). This intersection would operate at LOS C or better with Existing + Project and Cumulative + Project volumes with the two-way stop, which meets City standards for stop controlled intersections. As such, the proposed intersection with Las Positas Road at the project site entrance is assumed to be a stop-controlled intersection, as specified in Mitigation Measure TR-2. (2008 Final Revised EIR, Table ES-1, p. ES-23, MMRP, pp. ES-53 to ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23, MMRP, pp. ES-53 to ES-54; 2005 Draft EIR, § 3.7.2.5, pp. 3-104 to 3-105.)</p>
<p>Intersection Sight Distance Sight distances at</p>	<p>TR-3. The proposed intersection at Las Positas Road and the Project site</p>	<p>Less Than Significant</p>	<p>Finding: This impact can be minimized through Mitigation Measure TR-3. The</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>the Project entrance for outgoing traffic are not adequate for southbound traffic on Las Positas Road, which could result in unsafe traffic movements through the proposed stop controlled intersection. (2008 Final Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2005 Draft EIR, § 3.7.2.5, pp. 3-105 to 3-106.)</p>	<p>entrance (Lane "A") shall include pruning or otherwise modifying trees and other vegetation on the west side of Las Positas Road between the access connection and the Stone Creek condominium complex access connection to create sight distances that meet Caltrans standards. (2008 Final Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2005 Draft EIR, § 3.7.4, p. 3-110.)</p>		<p>implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Sight distances at the project entrance for outgoing traffic are not adequate for southbound traffic on Las Positas Road, which could result in unsafe traffic movements through the proposed stop controlled intersection. This impact is considered significant, but mitigable (Class II) because adequate site distance can be achieved through modification of road side landscaping, as described below and specified in Mitigation Measure TR-3.</p> <p>The existing sight distances to the north of the Veronica Meadows access connection are obscured by trees and other vegetation on the west side of Las Positas Road between the access connection and the Stone Creek Condominium complex access connection. Removing this vegetation would provide about 650 feet of sight distance, which would meet Caltrans standards. (2008 Final Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2005 Draft EIR, § 3.7.2.5, pp. 3-105 to 3-106.)</p>
<p>Intersection Geometry The proposed entrance road to the Project site does not have adequate width to accommodate safe entry to the site under certain conditions. (2008 Final Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2005 Draft EIR, § 3.7.2.5, p. 3-106.)</p>	<p>TR-4. The entrance to the Project site (Lane "A") from Las Positas Road shall be modified to permit adequate clearance for incoming trucks and vehicle queued on the outbound approach at the intersection waiting to exit the site vehicles. The modifications shall meet Caltrans standards (2008 Final Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23; MMRP, p. ES-54; 2005 Draft EIR, § 3.7.4, , p. 3-110.)</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure TR-4. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The project access road at the intersection (Lane "A") is proposed to be 20 feet wide with a 10.5- foot radii. The access road crosses a bridge approximately 40 feet south of the connection. Car and truck turning templates were used to provide a preliminary assessment of geometry shown on the site plan. The results found that the driveway width</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>and radii would not accommodate vehicles and trucks. A vehicle would not be able to enter the access road if there is a vehicle queued on the outbound approach at the intersection waiting to exit the site. Caltrans recommends a throat width of 30 feet and the radii would need to be increased to accommodate passenger vehicles and trucks.</p> <p>An encroachment permit would be required from Caltrans for the access connection. The design of the intersection improvements, including turn lane lengths, roadway widths and curb-return radii, would be determined as part of the encroachment permit process. Preliminary review of Las Positas Road at the proposed connection shows that minor widening of the entrance to the site (before the bridge) may be required to provide adequate width for the turn lanes. This widening is expected to be less than 10 feet.</p> <p>The proposed entrance road to the project site does not have adequate width to accommodate safe entry to the site under certain conditions. This impact is considered significant, but mitigable (Class II). It can be avoided by widening the entrance to the site, as described above and in Mitigation Measure TR-4. (2008 Final Revised EIR, Table ES-1, p. ES-23, MMRP, p. ES-54; 2008 Draft Revised EIR, Table ES-1, p. ES-23, MMRP, p. ES-54; 2005 Draft EIR, § 3.7.2.5, p. 3-106.)</p>
Public Health and Safety			
<p>Pesticides The use of pesticides for maintenance of open space landscaping at the Project site in proximity to residences (in the central open space)</p>	<p>H-1. Prior to issuance of building and grading permits, the applicant shall submit a pesticide management plan that addresses the selection, application, storage, and transport of herbicides, insecticides, and rodenticides that would be used in</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure H-1. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Approximately four acres (Lots 26 and 28) would be</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>and along a public path adjacent to a creek could result in inadvertent or accidental exposure to people. (2008 Final Revised EIR, Table ES-1, p. ES-24, MMRP, p. ES-53; 2008 Draft Revised EIR, Table ES-1, p. ES-24, MMRP, p. ES-53; 2005 Draft EIR, § 3.8.2, p. 3-114.)</p>	<p>managing the public open spaces at the Project site by the homeowner's association. The plan shall be consistent with the City's Integrated Pest Management (IPM) program, and shall be designed to minimize the use of pesticides over time and to avoid public exposure. (2008 Final Revised EIR, Table ES-1, p. ES-24, MMRP, p. ES-53; 2008 Draft Revised EIR, Table ES-1, p. ES-24, MMRP, p. ES-53; 2005 Draft EIR, § 3.8.5, p. 3-117.)</p>		<p>dedicated as open space along Arroyo Burro Creek for public use. This area would be landscaped and a public path and signage would be installed. In addition, about 3.7 acres of open space would be created on the hillsides around the residences (Lot 27) and in the center of the site (Lot 25). The open space along Arroyo Burro Creek areas would be landscaped and managed as passive open space with no public trails or improvements. However, a drainage channel and bioswale would be installed in Lot 25. The landscaping in all these open space areas would be maintained by the homeowner's association in perpetuity. This maintenance is expected to involve weed control using herbicides, insect control using insecticides, and rodent control using rodenticides. The use of these hazardous materials in proximity to residences (in the central open space) and along a public path adjacent to a creek could result in inadvertent or accidental exposure to people. This impact is considered potentially significant, but mitigable (Class II).</p> <p>In 2003, the City of Santa Barbara adopted an Integrated Pest Management (IPM) program designed to minimize the use of pesticides (including herbicides, insecticides, and rodenticides) on public property. The plan requires that an assessment be conducted prior to pesticide use to determine if there are other effective means of achieving the eradication of pest plants and organisms. If it is determined that pesticide use is the only effective option, the IPM requires that the amount of pesticide use be minimized, the pesticides be applied by licensed applicators, and manufacturer's directions for transportation, storage, and application be followed. In</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>addition, the IPM requires public noticing of pesticide applications, and tracking the amounts and types of pesticides used. To prevent a potentially significant health impact from accidental or prolonged exposure to residents and the visiting public, the use of pesticides in the open space portions of the project site would be required to comply with the provisions of the City's IPM program (Mitigation Measure H-1). (2008 Final Revised EIR, Table ES-1, p. ES-24, MMRP, p. ES-53; 2008 Draft Revised EIR, Table ES-1, p. ES-24, MMRP, p. ES-53; 2005 Draft EIR, § 3.8.2, p. 3-114.)</p>
<p>Radon The Project area is underlain by Rincon Shale, a known geologic stratum that emits radon gas. There is a potential to expose residents exposure to radon gas which can result in a health hazard. (2008 Final Revised EIR, Table ES-1, p. ES-24, MMRP, pp. ES-53; 2008 Draft Revised EIR, Table ES-1, p. ES-24, MMRP, pp. ES-53; 2005 Draft EIR, § 3.8.3, pp. 3-114 to 3-115.)</p>	<p>H-2. Prior to the issuance of building and grading permits, the applicant shall conduct a study to determine the potential for radon gas to be emitted from the Project soils after grading. If it appears that radon is present, the building plans shall incorporate EPA approved construction methods and design features to prevent the exposure of residents to the gas. (2008 Final Revised EIR, Table ES-1, p. ES-24, MMRP, pp. ES-53; 2008 Draft Revised EIR, Table ES-1, p. ES-24, MMRP, pp. ES-53; 2005 Draft EIR, § 3.8.5, p. 3-117.)</p>	<p>Less Than Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure H-2. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: The project area is underlain by Rincon Shale, a known geologic stratum that emits radon gas that is produced by the natural decay of minerals in this formation. Rincon Shale is known to produce radon gas at some locations on the South Coast, but not at all locations underlain by this material. The radon readily escapes from the soil or rock where it is generated and enters surrounding water or air. The most common pathway for human exposure is through the permeation of underlying soil gas into buildings. Prolonged exposure to radon gas can lead to lung cancer.</p> <p>The potential long-term human health impact of constructing residences over formations that emit radon is considered significant, but mitigable (Class II). This impact can be readily mitigated by first assessing the potential for radon gas to be emitted from the project soils after grading (using EPA approved gas sampling devices</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			and methods). If it appears that radon is present, there are EPA-approved construction methods and design features for new homes that would prevent the exposure of residents to the gas. The most common method is to capture seeping gas under the house and vent it before it can enter the structure. These precautions, specified in Mitigation Measure H-2, would avoid a significant human health impact. (2008 Final Revised EIR, Table ES-1, p. ES-24, MMRP, pp. ES-53; 2008 Draft Revised EIR, Table ES-1, p. ES-24, MMRP, pp. ES-53; 2005 Draft EIR, § 3.8.3, pp. 3-114 to 3-115.)
Air Quality			
<p>Impacts of Construction Related Emissions Construction during Phase I would generate substantial fugitive dust due to the large areas of exposed soil, high volume of material to be excavated and filled, and high level of construction vehicle activity. (2008 Revised Final EIR, Table ES-1, pp. ES-24 to ES-25, MMRP, pp. ES-49 to ES-50; 2008 Draft Revised EIR, Table ES-1, pp. ES-24 to ES-25, MMRP, pp. ES-49 to ES-50; 2005 Draft EIR, § 3.10.2.2, pp. 3-132 to 3-133.)</p>	<p>AQ-1. The following measures would reduce fugitive dust emissions related to construction activities and haul trucks. They are based on the standard dust mitigation measures of the APCD.</p> <p>a) Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site. Water trucks or sprinkler systems shall also be used to keep on-site roads (paved and unpaved) damp enough to prevent dust raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when</p>	Less Than Significant	<p>Proposed Finding: This impact can be minimized through Mitigation Measure AQ-1. The implementation of this mitigation measure will reduce this impact to a less-than-significant level.</p> <p>Explanation: Construction of the proposed land development project would result in temporary emissions of particulate matter from:</p> <ul style="list-style-type: none"> ▪ Haul trucks, employee vehicles, and supply trucks accessing the project site; ▪ Earthmoving equipment that are engaged in excavation, backfilling, and compacting at the project site ▪ Construction equipment involved in concrete and pavement work, welding, painting, and hauling materials <p>In addition, excavation and earthwork activities at the project site would generate fugitive dust.</p> <p>Construction would occur over an 18-month period in two phases. Phase 1 would require about six months and involve the following concurrent construction activities: (1) construction of the bridge; (2) landslide stabilization (i.e., earthwork, installation of caissons); and (3) site grading</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>no construction activities are occurring.</p> <p>b) Reclaimed water shall be used for dust control if the Public Works Director determines that it is reasonably available.</p> <p>c) Stockpiles and barren areas at the Project site that shall be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.</p> <p>d) Stockpiles and barren areas at the Project site that shall remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as needed basis to prevent dust emissions.</p> <p>e) On-site vehicle speeds shall be limited to 15 miles per hour or less.</p> <p>f) Gravel pads or similar devices shall be installed at all access points to prevent tracking of mud on to public roads.</p> <p>g) Alan Road, Cliff Drive (between Alan Road and Las Positas Road), and Las Positas Road (between Cliff Drive and Veronica Springs Road) shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. These road segments shall be kept clean of such silt by the use of a</p>		<p>and infrastructure improvements (e.g., utilities, drains). Phase 2 would begin upon completion of the bridge and site grading. This phase includes home construction and site landscaping, and would require about one year.</p> <p>Phase 1 would involve substantial earthwork associated with landslide and slope stabilization, followed by site grading for building pads, roads, and drainage. The project has been designed for a balanced cut and fill grading operation. The applicant has estimated that grading of the project site would require 13,459 cubic yards of cut and 10,390 cubic yards of fill. However, as noted in the proposed plans, these estimates do not take into account shrinkage or compaction. The applicant has estimated that there may be a need for up to 16,000 cubic yards of imported fill to develop the site. These cut and fill quantities reflect grading from roads, building pads, and contouring of open space areas. Several landslides on the hills would require geologic stabilization and would result in approximately 61,500 cubic yards of cut and 61,500 cubic yards of fill. The geologic stabilization would occur prior to the mass grading of the site. It is estimated that the maximum area to be disturbed by mass grading and slope stabilization during Phase 1 would be about 9 acres.</p> <p>Hence, there is a potential for substantial fugitive dust generation due to the large areas of exposed soil, high volume of material to be excavated and filled, and high level of construction vehicle activity on the site during Phase 1. Given these considerations, construction activities could result in potentially significant, but mitigable (Class II) fugitive</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>street sweeper or watering truck.</p> <p>h) Trucks transporting fill material to and from the site shall be tarped from the point of origin.</p> <p>i) Upon the completion of construction, all disturbed areas shall be stabilized by the use of rock protection or perennial vegetation.</p> <p>j) 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 work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans.</p> <p>i) Upon the completion of construction, all disturbed areas shall be stabilized by the use of rock protection or perennial vegetation.</p> <p>j) 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 work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction.</p>		<p>dust impacts. Fugitive dust generation and air quality impacts can be reduced to less than significant levels through the implementation of dust control measures presented in Mitigation Measure AQ-1.</p> <p>(2008 Final Revised EIR, Table ES-1, pp. ES-24 to ES-25, MMRP, pp. ES-49 to ES-50; 2008 Draft Revised EIR, Table ES-1, pp. ES-24 to ES-25, MMRP, pp. ES-49 to ES-50; 2005 Draft EIR, § 3.10.2.2, pp. 3-132 to 3-133.)</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
	<p>All dust control requirements shall be shown on grading and building plans.</p> <p>(2008 Final Revised EIR, Table ES-1, pp. ES-24 to ES-25, MMRP, pp. ES-49 to ES-50; 2008 Draft Revised EIR, Table ES-1, pp. ES-24 to ES-25, MMRP, pp. ES-49 to ES-50; 2005 Draft EIR, § 3.10.4, pp. 3-135 to 3-136.)</p>		

**IV. Significant Environmental Impacts That Cannot be Mitigated to a Less-
than Significant Level**

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The following significant impacts would not be mitigated to a less-than-significant level, even with the implementation of the identified mitigation measures set forth below. No mitigation is feasible that would mitigate these impacts to a less-than-significant level. Staff is recommending that the City Council find that the impacts identified below are acceptable because of overriding economic, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, a Statement of Overriding Considerations is presented in a separate Resolution in addition to these findings.

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
BIOLOGICAL RESOURCES			
<p>Effect of Bridge on Riparian Habitats and Wildlife</p> <p>Construction of the bridge across Arroyo Burro would permanently displace native and non-native riparian habitat, as well as a large oak tree and may result in damage to the roots of a nearby sycamore tree on the west bank of the south of the proposed bridge. Tall dense riparian woodland would not develop at this location with the bridge in place. The change in habitat could affect wildlife movement if there is a complete gap in vegetation cover at the bridge. In addition, wildlife movement would be hindered by the</p>	<p>BIO-3. The area of temporary disturbance associated with installation of the bridge over Arroyo Burro shall be minimized to the maximum extent feasible. The limit of temporary disturbance upstream and downstream of the bridge shall not exceed 25 feet. All disturbed areas shall be restored with native riparian trees and shrubs. The disturbed banks shall be stabilized, as necessary, with biotechnical methods to prevent post-construction erosion. Native perennial plants that are tolerant of shade shall be planted under the bridge span. To the extent feasible, tall riparian trees shall be planted</p>	<p>Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measures BIO-3, BIO-4, BIO-8, and BIO-9. Although Mitigation Measures BIO-3, BIO-4, BIO-8, and BIO-9, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, they will not reduce that effect to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Council</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>presence of the bridge abutments. In light of the narrow riparian corridor at this location and the close proximity of other human disturbances that affect wildlife (i.e., Las Positas Road), the overall impact of the bridge on riparian habitat and associated wildlife is considered Significant and Unavoidable. (2008 Final Revised EIR, Table ES-1, p. ES-8, MMRP, pp. ES-43 to ES-45, and § 3.3.2.6, pp. to 3-59 to 3-62; 2008 Draft Revised EIR, Table ES-1, p. ES-8, MMRP, pp. ES-43 to ES-45, and § 3.3.2.6, pp. to 3-59 to 3-62; 2005 Draft EIR, § 3.3.2.6, pp. 3-59 to 3-60.)</p>	<p>that will grow adjacent to the edge of the bridge and provide cover.</p> <p>BIO-4. To partially offset the permanent habitat losses at the bridge site, the disturbed area created by construction of the bridge abutment shall be restored to a native oak-riparian area dedicated to wildlife habitat, particularly riparian breeding birds and raptors. The restoration of this site shall be included in the comprehensive native habitat restoration plan for the proposed Project (see Mitigation Measure BIO-1).</p> <p>BIO-8. The width of the proposed bridge shall be reduced by only including a sidewalk on one side, if this modification does not create unsafe conditions for pedestrians and bicyclists, as determined by the City Transportation Division.</p> <p>BIO-9. The bridge design and/or materials shall be modified to minimize the effects of vehicle noise on the adjacent riparian habitat. Possible design modifications could include eliminating openings along the bridge or using road surface materials that reduce wheel noise, and installing wildlife crossing signs and speed bumps.</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-8, MMRP, pp. ES-43 to ES-45, and § 3.3.2.6, pp. to 3-59 to 3-62; 2008 Draft Revised EIR, § 3.3.4, pp. 3-73 to 3-74; 2005 Draft EIR, § 3.3.4.)</p>		<p>finds that specific, economic, legal, social, technological, or other considerations identified in the Statement of Overriding Considerations support approval of the project as modified by the adopted mitigation measure, despite unavoidable remaining impacts. (CEQA Guidelines, § 15091, subd. (a)(3).)</p> <p>Explanation: The 2008 Final EIR concluded that this impact would be Class I (significant and unavoidable). The EIR explained that while the implementation of the proposed mitigation measures BIO-3, BIO-4, BIO-8, and BIO-9 will help reduce biological impacts related to the installation of the bridge in Arroyo Burro Creek, this impact remains significant and unavoidable — primarily because the bridge and other project elements will constrict the size of the wildlife corridor on site. The EIR acknowledged that the Project has been designed to minimize, to the extent feasible, impacts from the bridge: “The project design elements, including creek restoration, setback distances, retention of the sycamore tree, widening and re-contouring the streambed at the bridge location, and other factors, reduce the degree of this impact.” (2008 Final Revised EIR, § 3.3.2.6, p. 3-62; 2008 Draft Revised EIR, § 3.3.2.6, p. 3-62.) Nevertheless, while acknowledging a difference among experts, the EIR continues to accept the more conservative conclusion that the effect of the bridge construction and factors that restrict the wildlife corridor function of</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
			<p>Arroyo Burro Creek remain a Significant and Unavoidable (Class I) impact.</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-8, MMRP, pp. ES-43 to ES-45, and §§ 3.3.2.6, 3.3.4, pp. to 3-59 to 3-62, 73 to 3-74; 2008 Draft Revised EIR, Table ES-1, p. ES-8, MMRP, pp. ES-43 to ES-45, and §§ 3.3.2.6, 3.3.4, pp. to 3-59 to 3-62, 73 to 3-74; 2005 Draft EIR, § 3.3.2.6, pp. 3-59 to 3-60.)</p>
Noise			
<p>Noise from Construction Haul Trucks</p> <p>Noise from construction haul trucks along Alan Road would temporarily increase the ambient sound levels in outdoor and indoor living areas of residences along the road during the initial construction period.</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-50; 2008 Draft Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-50; 2005 Draft EIR, § 3.9.3.2.)</p>	<p>N-2. No haul, dump, or supply trucks shall use Alan Road for access during Phase 2, except as need to construct residences at Lots 1, 2 and 3. During Phase 1, all haul trucks, dump trucks, and heavy equipment traffic on Alan Road shall be restricted to the time period 9 a.m. to 4 p.m. during weekdays. (2008 Final Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-50; 2008 Draft Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-50; 2005 Draft EIR, § 3.9.5.)</p>	<p>Significant</p>	<p>Proposed Finding: This impact can be minimized through Mitigation Measure N-2. Although Mitigation Measure N-2, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, it will not reduce that effect to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, specific, economic, legal, social, technological, or other considerations identified in the Statement of Overriding Considerations support approval of the project as modified by the adopted mitigation measure, despite unavoidable remaining impacts. (CEQA Guidelines, § 15091, subd. (a)(3).)</p> <p>Explanation: Construction trucks would access the project site from Alan Road for about six months during Phase 1. The average and peak daily truck trips during this phase would be 30 and 40 round trips per day, respectively. When using</p>

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			<p>Alan Road for construction traffic during Phase 1, all haul trucks would avoid the peak traffic hours of 7 a.m. to 9 a.m. and 4 p.m. to 5 p.m. The trips are expected to be evenly distributed throughout the day; thus, approximately 4-5 truck trips per hour would occur along Alan Road per day. The estimated noise level of a moving truck would be 60-65 dBA Leq at a distance of 50 feet.</p> <p>Living areas in the residences along Alan Road are located 25 to 50 feet from the edge of the road. Noise from haul trucks along Alan Road would increase the ambient sound levels in outdoor and indoor living areas of residences along the road. The increased noise level would be intermittent. In addition, there are no City noise standards for construction related noise impacts on public roads. This impact has the potential to cause a nuisance to residents along Alan Road who are at home during the week, particularly considering the current low ambient noise conditions along the road, which is a dead end street that does not have through traffic. There are no feasible mitigation measures or alternatives to avoid the use of Alan Road during Phase 1 of the project because there is no other access to the site until the bridge is constructed during Phase 1. Temporary sound barriers would not be effective for screening construction related noise at the site due to the complex topography and large construction area.</p> <p>Based on the above information, the temporary noise impact to Alan Road</p>

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			<p>residences due to truck traffic during Phase 1 is considered Significant and Unavoidable (Class I).</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-50; 2008 Draft Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-50; 2005 Draft EIR, § 3.9.5, p. 3-125.)</p>
Traffic			
<p>Intersection Impacts</p> <p>The proposed residential development would add traffic to the study area intersections, most of which are operating at LOS C or lower. The contribution of the Project to the AM and PM peak hour traffic, when combined with traffic from other future projects, is significant. Mitigation Measure TR-6 would reduce the contribution of the proposed Project to this significant cumulative impact. Under this measure, the applicant would be required to contribute a fair share contribution of funds for future capacity improvements of the affected intersections which are listed below:</p> <ul style="list-style-type: none"> ▪ Calle Real/Hwy 101 NB Ramps ▪ Las Positas Road/Hwy 101 SB Ramps ▪ Las Positas Road/Modoc Road ▪ Las Positas Road/Cliff Drive <p>A residual significant impact may occur because it may not be feasible to fully implement the mitigation measure because the proposed intersection projects may not be completed in a reasonable timeframe, most of the projects are not programmed or funded, and one of the projects would not fully reduce traffic impacts.</p>	<p>TR-6. The applicant shall provide the City with a fair share contribution to fund capacity or operational improvements by the City or Caltrans to the intersections listed below, where the Project would have a significant contribution to cumulative impacts.</p> <ul style="list-style-type: none"> ▪ Calle Real/Hwy 101 NB Ramps ; Las Positas Road/Hwy 101 SB Ramps; Las Positas Road/Modoc Road; Las Positas Road/Cliff Drive <p>These intersections are currently Caltrans facilities. Capacity improvement projects have been identified at each intersection, but specific projects have not yet been programmed or funded at this time except at Las Positas and Cliff Drive. At this intersection, the City proposes to install a roundabout to improve traffic conditions, if and when Highway 225 is relinquished to the City. The City has prepared a Project Study Report (PSR) for the roundabout Project and has initiated the relinquishment request process with Caltrans.</p> <p>The applicant shall contribute fair share funding for improvements at all four intersections based on the peak hour traffic volume contributed by the proposed Project as a percentage of the existing and future volume that exceeds the</p>	Significant	<p>Proposed Finding: This impact can be minimized through Mitigation Measure TR-6. Although Mitigation Measure TR-6, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, it is uncertain whether this mitigation measure can be timely or feasibly implemented to reduce the effect to a less-than-significant level. For this reason, the City concludes that this impact would remain significant and unavoidable. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, specific economic, legal, social, technological, or other considerations identified in the Statement of Overriding Considerations support approval of the project as modified by the adopted mitigation measure, despite unavoidable remaining impacts. (CEQA Guidelines, § 15091, subd. (a)(3).)</p> <p>Explanation: Mitigation Measure TR-6 would reduce the magnitude of these traffic impacts at the four affected intersections if the proposed intersection improvements are</p>

DESCRIPTION OF IMPACT	MITIGATION MEASURES	IMPACT LEVEL POST MITIGATION	PROPOSED FINDINGS
<p>(2008 Final Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-53 to 54; 2008 Draft Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-53 to 54; 2005 Draft EIR, § 3.7.2.4.)</p>	<p>City's significance impact threshold of 0.77 volume/capacity (V/C) ratio. The fair share contribution shall be determined by multiplying the above percentages times the estimated construction costs of the intersection improvements, and then summing the amount for each intersection. The estimated fair share contribution for this Project is \$88,850.</p> <p>The applicant shall execute a contract with the City prior to issuance of certificates of occupancy for the Project that specifies the total fair share contribution, contract period, and the mechanism for transferring funds to the City and then making them available to Caltrans as needed. The fair share contribution shall be made prior to the issuance of the certificate of occupancy. The amount shall be \$88,850, unless refined construction estimates are developed for one or more of the intersection projects prior to the execution of the contract. The contribution shall be revised based on new construction estimates and utilizing traffic information in the 2005 Draft EIR, but would not exceed a total contribution of \$88,850 or the amount established in the final Project conditions of approval. The contract period shall be 10 years.</p> <p>The City shall allocate the funds to any of the four intersection projects if they are constructed during this 10-year timeframe only in the amounts as identified for each intersection mitigation, unless the City has the adopted a fee mitigation program that allows the allocation of the entire contribution to one or more projects. Any unallocated funds at the end of 10 years shall be returned to the homeowners in proportion to their lot size.</p>		<p>implemented. A residual significant and unavoidable impact would remain, however, due to the following factors.</p> <p>The proposed improvement at Los Positas Road and Highway 101 southbound off-ramp would only partially mitigate cumulative effects, as traffic Level of Service after mitigation would not be improved to LOS "C" or better (at V/C of .77 or less). As such, a significant unavoidable impact would remain at this intersection even with Mitigation Measure TR-6 and the completion of the proposed intersection improvements.</p> <p>Residual significant unavoidable impacts may also occur at all four intersections because there would likely be at least short-term significant cumulative effects during any lag times that may occur between project construction and occupation and construction of the road improvements. In addition, it is possible that some or all of the above improvements would not be completed within a reasonable timeframe due to factors of jurisdiction, funding and timing. The programming and funding of the projects are determined by Caltrans, not the City, and these projects are not presently fully funded or scheduled. There is uncertainty about the timing of these projects due to other competing projects, funding constraints, and the need for supporting engineering and environmental studies.</p> <p>In light of the above considerations, the potential cumulative impact of the project-related traffic, when combined with other future</p>

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	<p>This measure may be superseded if a formal traffic mitigation fee program is adopted by City Council prior to the approval of this Project, and the City determines that the mitigation under the program is consistent with this measure. The total contribution shall not exceed the amount established by Project condition of approval. (2008 Final Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-53 to 54; 2008 Draft Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-53 to 54; 2005 Draft EIR, § 3.7.4.)</p>		<p>projects, is considered significant and not fully mitigable (Class I).</p> <p>(2008 Final Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-53 to 54; 2008 Draft Revised EIR, Table ES-1, p. ES-9, MMRP, pp. ES-53 to 54; 2005 Draft EIR, §§ 3.7.2.4, 3.7.4, pp 3-103 to 3-104, 3-110 to 3-12.)</p>

V. Cumulative Impacts

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Under CEQA Guidelines Section 15130, an EIR must discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable," which means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Section 15355 of the CEQA Guidelines defines cumulative impacts as two or more individual effects, that when considered together, are either considerable or compound other environmental impacts. These cumulative impacts are changes in the environment that result from the incremental impact of the proposed project and other nearby related projects.

In the context of the Veronica Meadows Specific Plan, other nearby current and future projects are listed below (see Appendix K of the 2008 Final EIR for complete list):

Elings Park Lower Plateau Improvement Plan. This project involves the development of 26 acres with the following new facilities: multi-purpose community building, new soccer field with restrooms and concessionaire stand, two handball courts, a basketball court, two sand volleyball courts, a playground, a BMX Facility with restrooms and concessionaire stand, picnic sites, additional lighting for special nighttime events, road improvements and new roadway connections to the east, and new parking lots.

Hillside House Project. Proposal to annex the property, demolish the existing buildings, and construct up to 178 new residential units, an administration office, community center, pool, and non-profit lease space. Located adjacent to Arroyo Burro Creek.

401 Las Positas Road. Annexation and construction of a new single family residence on a 1.56 acre lot near the intersection with Cliff Drive.

The following cumulative impacts are anticipated to occur amongst the proposed project and the above, nearby projects:

- Construction related traffic during periods of peak construction activity. Construction of the proposed project and Elings Park Improvement Project are likely to partially coincide. A significant impact can be avoided through coordination of peak truck trips that may be scheduled at the same time and affect the same intersections.
- Construction related emissions from truck trips and equipment. As noted above, it is likely that the construction periods of the proposed project and the Elings Park project would at least partially coincide. Hence, both projects may be causing temporary air quality impacts at the same time. This impact is not expected to be significant because of the emission reduction measures to be imposed on the individual projects. (See above for discussions of relevant mitigation.)
- Long-term traffic impacts at key intersections. The proposed residential development would add traffic to the following intersections, most of which are operating at LOS C or lower: Calle Real/Hwy 101 NB Ramps; Las Positas Road/Hwy 101 SB Ramps; Las Positas Road/Modoc Road; and Las Positas Road/Cliff Drive. The contribution of the project to the AM and PM peak hour traffic, when combined with traffic from other future projects, would be significant. This significant cumulative impact, and all feasible mitigations, are discussed above.
- Water quality impacts to Arroyo Burro Creek. All of the above projects drain to Arroyo Burro Creek, and as such, would affect water quality during and after construction. A significant cumulative impact is not expected because of the project-specific requirement to treat stormwater pollution during and after construction.
- Impacts to Arroyo Burro Creek habitats. The proposed project, 401 Las Positas Road, and the Hillside House project would introduce new or intensified residential uses near the creek. These projects will include creek setbacks and restoration measures to avoid significant impacts to creek habitats. These measures would be sufficient to avoid a significant cumulative impact on the creek habitats.
- Visual Impacts from Nighttime Lighting. The nighttime lighting of the proposed project, when combined with the potential for additional nighttime lighting at Elings Park for nighttime events and recreation, could result in a cumulative impact. The contribution from the proposed project is not expected to create a significant cumulative impact because the lighting would be very low intensity, highly directional, and blocked from most public views by distance and vegetation.

(2005 Draft EIR, pp. 5-1 to 5-2.)

VI. Growth-Inducing Effects

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Implementation of the proposed project would not require the extension or expansion of infrastructure or services that could induce or serve additional growth beyond the project. Currently, a water main passes through the site. Water service would be provided by the City of Santa Barbara through an existing connection at the end of Alan Road. The existing water line would be relocated beneath the proposed roads and the water line that crosses Arroyo Burro would be relocated beneath the proposed access bridge. The abandoned sewer line located along the top of the west bank of Arroyo Burro Creek would be left in place. The sewer line that extends from the western boundary of the project site to Alan Road would be replaced with a new line installed in the access roads at the site.

Future development of 25 residential units would not result in a substantial growth or concentration of population, given the size of the surrounding population and the project's location in a developed residential area. Although the proposed bridge and roads would provide access to the project site, which is currently only accessible via Alan Road, the potential development of the area is limited due to topographical and geological constraints. Both the Stone Creek Condominiums development to the north and the Alan Road neighborhood to the south are currently accessed via public streets. The proposed bridge and roads would serve only the new development and are not expected to provide access for future surrounding development. Thus, the project is not expected to induce substantial growth in this area.

(2005 EIR, p. 6-1.)