

General - Public Comment Group 3

LATE
DIST

Brianda Negrete

From: Shelly Cobb <shelly.cobb@me.com>
Sent: Saturday, November 19, 2022 3:43 PM
To: Wageneck, Lael
Cc: Sneddon, Chris; Hart, Gregg; Supervisor Das Williams; Nelson, Bob; Lavagnino, Steve; Jones, Morgan; sbcob; Meredith Hendricks; Alex Rodriguez; Mike Alvarado; Doug Campbell; Hartmann, Joan; Laurie@DOT Waters; teresa.favila@catc.ca.gov
Subject: Re: Modoc MUP Phase II: NOD over-reach?

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To: Lael Wageneck, and Supervisors Hart, Williams, Hartmann, Nelson and Lavignino

*****Please confirm receipt of this email*****

Lael,

It has been a full week since I sent my last email and I have not received a comprehensive response from you, Chris Sneddon, Morgan Jones, Supervisor Hart, or any of Supervisors. I respectfully request a response to this important and time-sensitive issue.

I repeat:

Unless County Public Works and the Board of Supervisors work together to take quick action to change its current direction, the County is headed for legal entanglements with the Land Trust that could lead to delays in obtaining the easements required for Alignment B. Any further delays could cause the County to miss the February 2023 deadline for the ATP ROW milestone and grant allocation, which would cause the entire ATP grant to lapse, and would most likely derail Phase II of this project.

I respectfully implore you to **re-convene the Board of Supervisors** to approve **Alignment A** with the caveat that **the Class II bike lanes would be REPLACED not AUGMENTED, and ALL trees along Modoc Rd will be spared.**

By restoring the project scope back to the project description found in the initial MND, dated May 2022, and in the 2018 ATP grant application, the project width would be reduced by the size of two Class II bike lanes, approximately 10' total. By REPLACING not EXPANDING the existing Class II lanes, I believe the County will be able to find a way to fit the new Class I path in the existing footprint of Modoc Rd without removing the palms.

Lael: Before end of day Monday, please have someone respond to my request, or let me know when I can expect the response.

I also have not received a response to my Notice of Determination request, re-stated here :

"On the November 1, 2022, the Santa Barbara County Board of Supervisors unanimously voted 5-0 to approve the FMND Alignment B, *with the caveat as follows: if easements for Alignment B can not be obtained, for any reason, then the Board must reconvene to consider and vote on the approval of FMND Alignment A.*

I respectfully request that you revise the attached NOD to reflect this caveat that Alignment A is not approved; or alternatively, update the FMND to remove Alignment A.

Lael: Before end of day Monday, please let me know when this important Notice of Determination (NOD) document will be revised, or state County Public Works' reason(s) why the NOD will not be revised.

Best regards,
Shelly Cobb

On Nov 13, 2022, at 5:43 PM, Shelly Cobb <shelly.cobb@me.com> wrote:

Lael,

Thank you for including the Clerk of the Board in this important email thread. I am also adding a few others who should be involved; namely,

- Land Trust of Santa Barbara ED Meredith Hendricks, and,
- La Cumbre Water Company representatives Alex Rodriguez, Mike Alvarado and Doug Campbell.

Contrary to what you all may believe, CAMP really does want to see this project to succeed. The reason for my additional follow-on email is to suggest a compromise to Alignment A that CAMP and everyone in the community will support without reservation. This option would fit within the existing FMND and avoid legal entanglements and delays. I encourage you to act quickly on this, in light of the looming ATP grant allocation deadlines for the PS&E and ROW milestones (February 2023).

Based on the 2018 original ATP grant application, Santa Barbara County Public Works was awarded the \$5.35MM ATP grant based on the following project description :

"The project will reduce barriers along the corridor by REPLACING sections of Class II bike lanes with a more safe and attractive separated path, suitable for people of all ages and abilities."

Had the County stuck with this project description all along, we would not be where we are today, as the Modoc MUP Phase II project would not require trees along Modoc Road to be removed (Alignment A), nor would an easement onto the Modoc Preserve be required (Alignment B).

Instead, some time after receiving the ATP grant award, the County changed and expanded the project scope. Instead of REPLACING the existing Class II bike lanes, the County decided to AUGMENT and EXPAND the project along Modoc Road to accommodate BOTH the existing Class II bike lanes AND the new Class I multi-use path.

This is where the conflict began.

Until this change in project scope was made, the County had the full support of the community, and no opposition to the project.

The expanded project scope has had the community in an uproar since learning about it in June-July. Friends and political allies have been torn apart, forcing people to choose between only two very controversial options:

- Alignment B, the County's "preferred" option. This option will require Land Trust approval and La Cumbre Water Company easements to be granted, which is unlikely given that this project involves heavy construction, concrete/asphalt roads, retaining walls, soil degradation, certain impact to the

wetlands, trees, wildlife and habitat, impact to existing equestrian and pedestrian paths, and changes to drainage and topography on private and legally-protected land (the Modoc Preserve).

- Alignment A.

This option will require up to 48 mature trees to be removed, including 29 much-loved historic Canary Island palms and several protected oaks. This option is extremely unpopular with the community.

Both alignments will require at least 22+ trees to be removed from this wetlands preserve area, trees which provide screening and privacy to the residents of Hope Ranch, as well as urban habitat and a wildlife corridor for up to 71 bird species, as documented in eBird, including various types of owls and hawks, as well as bats, foxes, coyotes, snakes, amphibious creatures, Monarch butterflies, bees and other insects.

Neither option protects this rare and unique urban preserve. Neither one feels like the “right thing to do”.

Let us all remember that the goal of this project was originally to “close the gap” between the 4.5 mile Obern Trail and the new Multi-use Path along Los Positas and the east end of Modoc Rd (Phase I). Phase II would be non-controversial if the County would simply match the existing Obern Trail and keep the MUP entirely on Modoc Rd. Please note: the existing Class I Obern Trail Multi-use Path does NOT have Class II bike lanes running on either side of it, and similarly, the Modoc Road Multi-Use Path Phase II was never intended to have Class II bike lanes running alongside it either.

The project description at the very top of the ATP grant application was used to sell the project idea to the community, and to CalTrans, which resulted in both community buy-in, as well as the \$5.35MM ATP grant award.

The original alignment and project description is preferred by CAMP and at least 5,600 community members who have signed our petition. Thus far we have successfully convinced you to preserve trees on the west end of Modoc Multi-use Path Phase II, on the end closest to the intersection of Modoc Road and the Obern Trail (thank you).

Now we are asking the County to design the rest of the Phase II path in the same way, i.e., put both the eastern and western halves of the Modoc Rd Multi-use Path Phase II project entirely within the County ROW, as was the original plan, AND instead of removing the row of 29 historic Canary Island Palm trees along Modoc Rd, we are asking the County to REPLACE, not AUGMENT, the existing Class II bike lanes so that the Class I Multi-use Path will fit on the existing footprint of Modoc Road, thereby preserving the Canary Island palm trees and the Modoc Preserve for all to enjoy.

By adhering to the original project description, we can all go back to our normal lives and start to repair the bonds that have been broken between community members, our County Public Works department, and our elected leaders.

Simply stated, we want the County to “preserve the Preserve” AND “connect the gap” by putting the Class 1 Multi-use path all the way up on Modoc Rd by replacing the existing Class II bike lanes. No trees need to be cut down.

Additional statements the County made in the original ATP grant application :

1.) Page 4 (https://modocpreserve.com/wp-content/uploads/2022/11/modoc_atp5b.jpg):

"The Project will reduce barriers along the corridor by replacing sections of the Class II bike lanes with a more safe and attractive separated path, suitable for people of all ages and abilities."

2.) Page 22 (https://modocpreserve.com/wp-content/uploads/2022/11/modoc_atp6.jpg):

"For bicyclists significant safety barriers would be removed by upgrading existing shoulders and Class II bike lanes to a Class I pathway with a dedicated right-of-way and physical separation from vehicular traffic."

3.) Page 25 (https://modocpreserve.com/wp-content/uploads/2022/11/modoc_atp7.jpg):

"Finally by removing the need for westbound travelers to cross midblock at the Obern Trail, yield compliance issues would be mitigated for some users."

"The replacement of the westbound bike lane with the path on the same side as the Obern Trail will ameliorate the problem of visibility and poor driver yield compliance."

This clearly states that the westbound Class II bike lane on the north side of Modoc Road would be removed, thus eliminating the need for bikers to make a dangerous turn left across eastbound traffic onto the Obern Trail at the West Encore Dr intersection as they must do now.

4.) Page 26 (https://modocpreserve.com/wp-content/uploads/2022/11/modoc_atp8.jpg):

"By adapting an existing right-of-way, the County will be able to minimize costs, freeing up resources for improvements in other areas of the transportation system, while maximizing the use of an already established route."

This very clearly states that the Class I MUP would use an existing County right-of-way.

5.) Page 27 (https://modocpreserve.com/wp-content/uploads/2022/11/modoc_atp9.jpg):

"The Project design incorporates the new facility within the existing right-of-way by realigning the geometrics of the roadway through narrowing traffic lanes and reducing shoulder width. Implementation of the project will allow the County to gain experience with innovative buffer and pavement marking treatments."

This clearly states again that the new Class I MUP would use the existing County right-of-way.

In summary, we ask the County to stick to the original project description in the ATP grant application and build Phase II of the Modoc Road Class I MUP using an existing County right-of-way by replacing the Class II bike lanes with a more safe and attractive separated path, suitable for people of all ages and abilities. Specifically, noting the replacement of the westbound Class II bike lane (north side of Modoc Road) with the path on the same side as the Obern Trail, which will ameliorate the problem of visibility and poor driver yield compliance. By adapting an existing right-of-way, the County will be able to minimize costs, freeing up resources for improvements in other areas of the transportation system, while maximizing the use of an already established route.

Unless County Public Works and the Board of Supervisors work together to take quick action to change its current direction, the County is headed for legal entanglements with the Land Trust that could lead to delays in obtaining the easements required for Alignment B. Any further delays could cause the County to miss the February 2023 ATP grant allocation deadline which would derail Phase II of this project.

I respectfully implore you to consider re-convening the Board of Supervisors to ask their approval on Alignment A with the caveat that the Class II bike lanes would be REPLACED not AUGMENTED, and all trees along Modoc Rd will be spared.

Thank you,
Shelly Cobb, CAMP volunteer

On Nov 13, 2022, at 3:38 PM, Wageneck, Lael <lwageneck@countyofsb.org> wrote:

Hi Shelly,
You are correct that the minutes have not been published yet. I have cc'd them on this email so they can let you know when the minutes have been published. In the meantime, here is a link to the Board documents related to that agenda item: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=5899178&GUID=538A10E0-EFAF-43F8-A8CF-2CC7A32769BE&Options=&Search=>

Here is a link to the video of the hearing right before Sup. Hart makes the motion. His motion was to approve "A through E with the caveat that Option A come back to the Board if that's the only viable option in the future."

<https://youtu.be/lnFRI5xXmSM?t=34648>

Thank you,
Lael

From: Shelly Cobb <shelly.cobb@me.com>
Sent: Saturday, November 12, 2022 4:30 PM
To: Sneddon, Chris <csneddo@countyofsb.org>
Cc: Hart, Gregg <gHart@countyofsb.org>; Supervisor Das Williams <SupervisorWilliams@countyofsb.org>; Nelson, Bob <bnelson@countyofsb.org>; Lavagnino, Steve <slavagnino@countyofsb.org>; Jones, Morgan <mmjones@countyofsb.org>; Wageneck, Lael <lwageneck@countyofsb.org>; Hartmann, Joan <jHartmann@countyofsb.org>; Modoc Preserve <modocpreserve@gmail.com>; Sabrina Venskus <venskus@lawsv.com>
Subject: Modoc MUP Phase II: NOD over-reach?

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[Note: Resending to correct Supervisor Hartmann's email]

Re: Modoc Road Multi-use Path Phase II, Notice of Determination (NOD), Project Number 862416,
EIR or ND Number: 22NGD-00000-00003
Dated: November 2, 2022 (attached)

Dear Chris,

On the November 1, 2022, the Santa Barbara County Board of Supervisors unanimously voted 5-0 to approve the FMND Alignment B, ***with the stipulation as follows: if easements for Alignment B can not be obtained, for any reason, then the Board will reconvene to consider and vote on the approval of FMND Alignment A.***

Please confirm: Is this also your understanding?

Assuming my understanding is correct, I am surprised that the Notice of Determination submitted on November 2, attached, as well as Attachment B to the NOD, nowhere reflects this important stipulation made by the Board.

Instead, the last sentence of the project description seems to imply that the FMND is approved without stipulation or reservation. Specifically, the project description reads as follows:

“Should an easement be impracticable for any reason, the multi-use path would be entirely located within the County right-of-way along Modoc Road.”

Anyone reading this document unfamiliar with the FMND or the Board decision, including the Office of Planning & Research (OPR), would likely interpret this document to be a full and complete approval of the FMND with no stipulations or reservations. This is not the case.

In addition, Attachment B, 1.0 CEQA Findings, pursuant to CEQA GUIDELINE SECTIONS 15074, make no mention of the stipulations laid out by the Board in their decision.

Furthermore, Section D of Attachment B, 1.0 CEQA Findings, states, “The documents and other materials which constitute the record of proceedings upon which this document is based are in the custody of the Deputy Director of the Public Works Transportation Division, Santa Barbara County Public Works, located at 123 E. Anapamu St., Santa Barbara, CA 93101 and available for review upon request.”

I have been unable to locate the minutes of the November 1 board meeting on the public County Board of Supervisors website; therefore, I respectfully and formally request a record of the documents and other materials which constitute the record of proceedings upon which this document is based.

Sincerely,
Shelly Cobb
CAMP volunteer