

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Planning Commission

FROM: Alice McCurdy, Supervising Planner

DATE: March 27, 2009

RE: Creekside Village Apartments (08GPA-00000-00003; 08DVP-00000-00011;
08GOV-00000-00024; and 08RDN-00000-00005)

The purpose of this memo is to highlight the revised and new information relative to the Creekside Village Apartments project. This project was considered at the Commission's hearing on February 11, 2009, and was continued to allow minor revisions to the project as well as to provide for a recirculation of the Mitigated Negative Declaration. The attachments to this document provide the full text of the revised environmental document, Planning Commission Resolution, findings, and conditions.

Revisions to the Project

In response to concerns expressed at the Planning Commission hearing, the applicant made the following minor revisions to the site plan:

1. Building 5 was moved closer to Gonzales Drive.
2. The tot lot was moved north outside of the 50' creek setback.
3. Parking spaces were added in front of Building 7.
4. The cul-de-sac was realigned to create a full diameter turnaround, resulting in minor changes to the right-of-way and Government Code determination.

Also, Building 1 was shifted to fully comply with setbacks, and the gravel path was moved closer to the development area. The most current site plan and grading plan are dated 3/19/09, and were submitted on 3/23/09. Full sized copies of the revised site plan have been provided to the Commission, and a reduced copy of the revised site plan is provided as Attachment E.

Revisions to the Environmental Document

The environmental document was revised to cover the following issues addressed at the Planning Commission hearing:

1. Discovery of a raptor nest adjacent to the site. Originally thought to be golden eagles, the nesting raptors were determined by a qualified biologist to be red-tailed hawks. Impacts

will be mitigated by the standard raptor nest avoidance mitigation measure. This measure is described in the Revised MND and was incorporated into the proposed conditions of approval.

2. More information regarding the number of potential students from the project, and the status of the affected schools with respect to overcrowding. The additional information supports the conclusion that the project's effects on schools will not be significant.
3. Incorporation of higher traffic generation calculations for rural homes and the larger units; this additional information does not alter the determination that the project's effects on traffic are below the threshold of significance.
4. The impacts of trucks hauling fill to the site, and the need to ensure that this traffic does not interfere with students walking to and from school. A mitigation measure has been added to the MND, as well as a condition of approval prohibiting fill trucks arriving at or leaving the site during specified hours.
5. Additional information regarding the visibility of the site from Highway 101.
6. Discussion of the recent study by MNS engineers of how the project would affect floodwaters in the vicinity of the site.
7. Revision of the mitigation for nightlighting to require compliance with stricter standards, comparable to the proposed Outdoor Lighting Regulations for the Los Alamos Community Plan Area.

The revised Final Mitigated ND was circulated for 30 days. The County received no comments on the document. The Final MND is provided as Attachment B.

Revisions to the Request

A minor change has been made to the wording of the applicant's request in order to properly cite the Government Code consistency determination for the road abandonment. As revised, the full request is as follows:

1. REQUEST:

Hearing on the request of Jason Rojas and John Polanskey, agents for The Housing Authority of the County of Santa Barbara, to consider the following:

1. Case Number 08GPA-00000-00003 [application filed on March 19, 2008] to amend Development Standard FLD-LA-1.1.5 of the Los Alamos Community Plan as follows:

Development Standard FLD-LA-~~1.1.5~~ 1.2.2: Residential units that are proposed in areas prone to flooding ~~which are required by~~ shall comply with the requirements of the County Flood Control District. ~~to provide raised finish floor elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot. (Attachment C)~~

2. Case Number 08DVP-00000-00011 [application filed on March 19, 2008] for approval of a Development Plan in compliance with Land Use Development Code

Section 35.82.080, in order to develop a 39 unit apartment project. The affordable rentals would be owned and managed by the Housing Authority of Santa Barbara County. The project is located on a 5.0 acre (4.0 acres net) site in a DR 4.6 zone district that has an Affordable Housing Overlay (AHO). The AHO allows for a density of 8.0 residential units per gross acre;

3. Case Number 08GOV-00000-00024 [application filed on March 19, 2008], a request for a determination that the vacation of an excess 10 foot strip of County right-of-way along St. Joseph Street and an excess 15 foot strip of County right-of-way along Kahn Way by the County, and the County's acquisition of approximately 63 square feet of right of way from the applicant, are consistent with the County's General Plan in accordance with Government Code Section 65402(a).
4. Case Number 08RDN-00000-00005 [application filed on March 19, 2008] to re-name Kahn Way as Gonzales Drive in compliance with Land Use Development Code Section 35.76; and,

to approve the Mitigated Negative Declaration (08NGD-00000-00030) pursuant to the State Guidelines for the Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic Processes, Noise, Public Facilities, Traffic, and Water Resources/Flooding.

The project is proposed on Assessor Parcel Number 101-110-035, located at the northerly terminus of Saint Joseph Street and extending west along the northerly bank of San Antonio Creek, in the township of Los Alamos, Third Supervisorial District.

Revisions to the Recommendation

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors adopt the required findings for the project specified in Attachment A of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors approve the Mitigated Negative Declaration No. 08NGD-00000-00030 (included as Attachment B) and adopt the mitigation monitoring program contained in the conditions of approval.
3. Recommend that the Planning Commission adopt a resolution (Attachment D) recommending that the Board of Supervisors adopt a General Plan Amendment to revise Development Standard FLD-LA-1.1.5 of the Los Alamos Community Plan as follows:

Development Standard FLD-LA-1.1.5 1.2.2: Residential units that are proposed in areas prone to flooding ~~which are required by~~ shall comply with the requirements of the County Flood Control District, to provide raised finish floor

~~elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot.~~

4. Determine that the vacation of an excess 10 foot strip of County right-of-way along St. Joseph Street and an excess 15 foot strip of County right-of-way along Kahn Way by the County, and the County's acquisition of approximately 63 square feet of right of way from the applicant, are consistent with the County's General Plan in accordance with Government Code Section 65402(a).
5. Recommend that the Board of Supervisors approve the project subject to the conditions included as Attachment C.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

Revisions to Project Conditions

The following changes to project conditions are proposed. The conditions have been renumbered to maintain a logical organization. The full text of proposed conditions is included in Attachment C.

12. **Bio A: Construction Timing – Raptors:** If construction is to occur during the raptor breeding and nesting season (February 1 through July 15), a survey shall be conducted by a County-approved biologist no more than 7 days prior to construction. The purpose of the survey is to determine whether nesting activity is occurring within 500 feet of the project site. If raptor nesting is observed within the 500-foot perimeter, construction activity shall be delayed until the young have fledged the nest. Such determination will require follow-up surveys to confirm that fledging has occurred.
- ~~15.~~ ~~**GEO-13:** All runoff water from impervious areas shall be conveyed by impervious approved drainage conveyances (i.e., the open concrete channel, San Antonio Creek).~~ **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Zoning Clearance Permits by the applicant to P&D and the Flood Control District for review and approval. **Monitoring:** P&D shall site inspect during construction. (Note that Condition 31 re drainage would remain in effect.)
21. **Traffic B: Construction Traffic:** Haul trucks accessing and leaving the site shall be restricted to hours that do not conflict with the start and end times of the local school, e.g. 9 a.m. through 2 p.m. The applicant shall comply with this measure by obtaining a haul permit from the Public Works Department that specifies both the routes and the times of day to which haul trucks are restricted.
30. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be fully shielded ~~hooded~~ to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Light trespass and

- glare shall be reduced to the maximum extent feasible through directional lighting methods. Any externally illuminated signs or building identification shall use top mounted light fixtures which shine downward and are fully shielded. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR. The Lighting Plan shall also specify lamp or bulb type, wattage, and shielding. **Monitoring:** P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance Permit for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.
31. Drainage shall be consistent with approved drainage plans. **Plan Requirements:** Prior to issuance of Zoning Clearance, a drainage plan shall be submitted to P&D, the Water Resources Division, Project Clean Water Agency, and Flood Control for review and approval. The plan shall include the location(s) and dimensions of all proposed bioswales and pipelines, ~~the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline.~~ **Timing:** The components of the drainage plan shall be ~~implemented~~ approved prior to issuance of a Zoning Clearance ~~Permit.~~ All drainage features shown on the plans shall be installed and approved by P&D. **Monitoring:** P&D shall site inspect during grading.
39. Departmental Conditions: Compliance with Departmental letters and conditions:
- a. Fire Department letters dated April 15, 2008 and February 25, 2009
 - b. Environmental Health Services letter dated January 23, 2009.
 - c. Air Pollution Control District letter dated June 9, 2008.
 - d. Public Works, Roads Division letter dated January 20, 2009.
 - e. Public Works, Project Clean Water letter dated April 25, 2008.
 - f. Public Works, Flood Control letter dated April 17, 2008.
 - g. Parks Department letter dated January 14, 2009.
 - h. Public Works: Prior to Zoning Clearance, the applicant shall submit documentation that abandonments of a 10 foot strip of excess ROW along St. Joseph Street and a 15 foot strip of excess ROW along Kahn Way, as well as the acquisition of 63 square feet from the applicant to the County have been recorded.

Revisions to Findings

The finding regarding processing a General Plan Amendment in light of the Board's Resolution 08-328 has been revised following input from County Counsel and the Office of Long Range Planning. The full text of this proposed finding is included in Attachment A.

Attachments

The following documents are provided as attachments, and provide the full text of proposed language.

- Attachment A:** Proposed Findings
- Attachment B:** Revised Final Mitigated Negative Declaration, March 25, 2009
- Attachment C:** Proposed Conditions
- Attachment D:** Proposed Planning Commission Resolution
- Attachment E:** Revised Site Plan, March 23, 2009

ATTACHMENT A:
Proposed Findings

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors has considered the Revised Final Mitigated Negative Declaration No. 08NGD-00000-00030, together with the comments received and considered during the public review process. The mitigated negative declaration reflects the independent judgment of the Board of Supervisors and has been completed in compliance with CEQA, and is adequate for this proposal. The Board adopts the mitigation monitoring program contained in the conditions of approval.
- 1.2 The Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development, located at 624 West Foster Road, Suite C, Santa Maria, CA 93455.
- 1.4. Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 COMPREHENSIVE PLAN AMENDMENT FINDING

On September 23, 2008 the Board of Supervisors adopted Resolution #08-328, suspending Comprehensive Plan Amendments and Rezones in the Los Alamos Community Plan area until the Board of Supervisors adopts the Los Alamos Community Plan Update. Board of Supervisors Resolution #08-328 provides an exception to allow General Plan Amendments to proceed if the Planning Commission determines the amendment is for a “public purpose.”

The requested General Plan Amendment (8GPA-00000-00003) would modify the Los Alamos Community Plan Flood Development Standard LA-1.1.5 to allow a greater flexibility in the design of new residential projects. The current development standard requires that new residential development which is located in flood prone areas be built with raised foundations, if needed, to maintain a finished floor height above the 100-year flood elevation. This text amendment is also proposed in the Los Alamos Community Plan Update initiated for environmental review by the Board of Supervisors on September 23, 2008 (Resolution #08-327).

The proposed text amendments to this development standard would allow the Flood Control District to determine what method (i.e. raised foundation, grading, etc.) is appropriate for achieving the required finished floor height. This change addresses the public purpose benefit by providing the Flood Control District the discretion necessary to determine the most appropriate engineering solution needed on the site to meet County of Santa Barbara Flood Control standards.

Additionally, this change to the development standard could provide aesthetic benefits such as lower structure height and architecturally superior building facades. Finally, by allowing new development to be placed on grades above the expected flood levels, the requirements for costly flood insurance would be reduced.

Therefore, the Planning Commission finds the proposed general plan amendment:

1. Meets the public purpose exception in Board of Supervisor Resolution #08-328 by providing the Flood Control District the discretion necessary to determine the most appropriate engineering solution needed on the site to meet County of Santa Barbara Flood Control standards.

2.2 FINAL DEVELOPMENT PLAN FINDINGS

In compliance with Subsection 35.82.080.E, prior to the approval or conditional approval of an application for a Development Plan the review authority shall first make all of the following findings:

2.2.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

The location of development is within a designated urban area with slopes of less than 20%. The site was determined to be an appropriate location for DR zoning, with a maximum density of 4.6 units per acre with an affordable housing overlay allowing 8.0 units per acre onsite. The design of the development provides for open spaces along the creek as well as adequate recreational amenities. Further, the location of development is located within the identified development areas in accordance with the requirements of the Los Alamos Community Plan. Therefore, the site is adequate in size, shape, location, and physical characteristics for the type and density of development as shown on the project plans.

2.2.2 That adverse impacts are mitigated to the maximum extent feasible.

The Negative Declaration, 08NGD-00000-00030 (Attachment B) identified potentially significant, but mitigable impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic Processes, Noise, Public Facilities, and Water Resources/Flooding. Mitigation measures included in the conditions of approval (Attachment C) will reduce these impacts to the maximum extent feasible.

2.2.3 That streets and highways are adequate and properly designed.

The Public Works Roads Department has accepted the location and design of the proposed roads per the project plans subject to certain conditions, including the private drive located in the Kahn Way right-of-way.

2.2.4 *That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.*

As described in the MND, adequate public services exist, or will be available prior to Zoning Clearance Permit issuance. The Fire Department has approved the design of the project subject to their conditions of approval included in Attachment C. Water and sewage service is available from the Los Alamos Community Services District. Other public services including police protection and schools are adequate to serve the project.

2.2.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

The proposed project has been located and designed in accordance with the requirements of both the Land Use and Development Code and the Los Alamos Community Plan. The proposed project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the surrounding neighborhood. During preparation and adoption of the Los Alamos Community Plan, the project site was determined to be an appropriate location for residential development with an affordable housing overlay. All of the existing surrounding land uses were planned or present at the time this determination was made. The proposed project will allow a total of 39 apartment units consisting of 2, 3, and 4 bedroom units on the project site. The project will not be incompatible with the surrounding area. Residential uses on the site will be sized and architecturally designed so that they will be compatible with surrounding residential land uses. Traffic generated by the proposed project will not significantly affect roadways used by residents of the surrounding area. The proposed residential development does not have the potential to generate smoke, odors or noise, which would be incompatible with the surrounding area or could affect the comfort and convenience of residents or recreationalists in the surrounding area.

2.2.6 *That the project is in conformance with the applicable provisions of this Development Code and the Comprehensive Plan.*

As noted in Sections 6.2 and 6.3 of the staff report, the project is in conformance with the applicable provisions of the Comprehensive Plan and Land Use and Development Code (zoning ordinance).

2.2.7 *Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.*

The project is located within the urban boundary line. However, aesthetic conditions of approval have been included with the project to lessen the project's impact on surrounding areas.

2.2.8 *That the project will not conflict with any easements required for public access through or public use of a portion of the property.*

No known public easements exist on the property.

2.3 Findings for All Road Namings (LUDC 35.76.050.E.2)

The Road Name Section states that the objective of regulated road naming is to ensure that proposed road names are pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to the pride of home and community. In order to meet that objective, the following criteria were adopted and must be met in order to approve the naming of a road.

2.3.1 A road name shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.

The proposed name change from "Kahn Way" to "Gonzales Drive" was found to conform to the rules and regulations pertaining to road naming and was given clearance by the Santa Barbara County Fire Department, Sheriff's Department and the County Surveyor. The proposed renaming of "Kahn Way" has been requested by the Fire Department in their letter dated April 15, 2008 for the proposed Creekside Project. Therefore, the proposed renaming is consistent with this criterion.

2.3.2 A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.

The road name "Gonzales Drive" does not reference a surname.

2.3.3 A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).

The road name "Gonzales Drive" contains 16 letters, including spacing and the road classification.

2.3.4 A road name shall be easy to pronounce and spell.

The road name "Gonzales Drive" is easy to pronounce and spell.

2.3.5 A road name shall be grammatically correct whether in English or a foreign language.

The road name “Gonzales Drive” is grammatically correct.

2.3.6 A road name shall include the appropriate road classification (e.g., lane, street, way).

The road name “Gonzales Drive” includes the road classification.

ATTACHMENT B:
Revised Final Mitigated Negative Declaration, March 25, 2009



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

**Revised Final
Mitigated Negative Declaration**

Creekside Village

08NGD-00000-00030

March 25, 2009

OWNER/APPLICANT

Housing Authority of the County of Santa Barbara
815 W. Ocean Avenue
Lompoc, CA 93436

AGENT

Jason Rojas and John Polanskey
Housing Authority of the County of Santa Barbara
815 W. Ocean Avenue
Lompoc, CA 93436

ENGINEER

Sid Goldstien
650 Alamo Pintado, Suite 302
Solvang, CA 93463

For More Information Contact Alice McCurdy, Development Review Division – North County ,
Supervising Planner (805) 934-6256

Project Site



1.0 REQUEST/PROJECT DESCRIPTION

08DVP-00000-00011

Dwelling Units and Site Development. The proposed development is for a 39 apartment unit rental project. The proposal consists of a total of nine buildings throughout the site with the construction of two, three and four bedroom units and a community center. The height of the buildings would range from 24 feet in height to 34 feet in height. The lot coverage would be approximately 31,376 square feet of structures. All development would be located outside of the 50-foot setback from the bank of San Antonio Creek.

Grading and Drainage. Approximately 9,000 cubic yards of fill would be required for the project, much of it to elevate floor elevations above the base flood elevation per County Flood Control requirements. Runoff from the project site would be directed to San Antonio Creek via the existing open concrete channel. A new, smaller culvert from the proposed cul-de-sac and westerly portions of the site would also convey runoff to

San Antonio Creek. Drainage improvements affecting the creek would require permits from the California Department of Fish and Game and possibly the US Army Corps of Engineers.

Utilities and Services: The Los Alamos Community Services District (LACSD) would provide water and sewer service to the proposed project. Fire protection services would be provided by Station 24 of the Santa Barbara County Fire Department (99 Centennial Street in Los Alamos) and Olga Reed Elementary School and Ernest Righetti High School would provide school service.

The proposed project site is located in the community of Los Alamos, within the area that is included in the Los Alamos Community Plan. The site is located south of U.S. Highway 101 and immediately north of San Antonio Creek, on the west side of Saint Joseph Street. The subject site is zoned "Design Residential, 4.6 units per acre" (DR-4.6), with an "Affordable Housing Overlay (AHO)" District that allows 8.0 units per acre if the project is at least 50% affordable to low-to-moderate income households, or 30% affordable to very low income households. At only 5.29 acres, at only 8 units per acre on the 5 acre site, the proposed project would be 100% affordable and well within the allowable density. The applicants proposed 39 units, but the zoning would allow up to 40 units.

Amenities and Open Space. The project would maintain a minimum 50-foot structural development setback from the northerly bank of San Antonio Creek, as a buffer for the purposes of water quality, protection of biological resources, and recreation. The creek setback area, and other landscaped areas between buildings, would be common open space. Within the common open space, the applicant would develop trails and a tot lot with play equipment for children. The trails along the creek would be accessible not only for residents of the project but for the public as well. The tot lot has been shifted north to comply with the riparian setback. In total, approximately 113,787 square feet (51%) of the project site would be devoted to recreation or open space, which meets and exceeds the 40% open space requirement of the "Design Residential" zone district.

08GPA-00000-00003

The General Plan Amendment is to address the Los Alamos Community Plan, Development Standard FLD-LA-1.1.5 *Residential units that are proposed in areas prone to flooding which are required by the County Flood Control District to provide raised finish floor elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot. The General Plan Amendment would revise this development standard to state: "Residential units that are proposed in areas prone to flooding shall comply with the requirements of the County Flood Control District."*

08RDN-00000-00005

Road naming: submitted to rename that portion of Kahn Way to Gonzales Drive as conditioned by Santa Barbara County Fire Department for emergency purposes.

08GOV-00000-00024

Request for a determination that the vacation of an excess 10 foot strip of County right-of-way along St. Joseph Street and an excess 15 foot strip of County right-of-way along Kahn Way by the County, and the County's acquisition of approximately 63 square feet of right of way from the applicant, are consistent with the County's General Plan in accordance with Government Code Section 65402(a).

2.0 PROJECT LOCATION

Assessor Parcel number 101-110-035, located south of U.S. Highway 101 and immediately north of San Antonio Creek, on the west side of Saint Joseph Street, in the Los Alamos area, Third Supervisorial District.

2.1 Site Information	
Comprehensive Plan Designation	Urban; Residential 4.6, Affordable Housing Overlay 8.0 units per acre
Zoning District, Ordinance	“Design Residential – 4.6” (DR-4.6); Land Use Development Code, maximum 4.6 units per acre Affordable Housing Overlay Zoning; DR-8.0, maximum 8.0 units per acre
Site Size	5.1 acres gross, 4.0 acres net
Present Use & Development	The project site is vacant and has previously been used for equipment storage.
Surrounding Uses/Zoning	North: Single-family residential (DR 4.6) and agriculture (AG-II-100) South: San Antonio Creek, residential (DR 1.8) and commercial (C-3) East: Single-family residential (DR 4.6 and 1-E-1) West: Open space and grazing land
Access	Access to units would be via a proposed new road within the existing and currently unimproved right-of-way for Kahn Way. Kahn Way extends to the west from the northerly terminus of Saint Joseph Street.
Public Services	<u>Water Supply:</u> Los Alamos Community Services District (LACSD) <u>Sewage:</u> Los Alamos Community Services District (LACSD) <u>Fire:</u> SB County Fire Station #24 (99 Centennial, Los Alamos) <u>School:</u> Los Alamos School District (Olga Reed Elementary School, K-8) , Santa Maria Joint Union High School District (Ernest Righetti High School)

3.0 ENVIRONMENTAL SETTING

Project Site and Surrounding Land Uses: The project site is located in the northwest portion of the Los Alamos community planning area. The site is essentially flat and vacant, and has apparently been used only for storage and as a staging area for construction in the area. There are no permanent buildings or services on the site. The site fronts on Saint Joseph Street and extends to the west, between San Antonio Creek to the south and the Kahn Lane right-of-way to the north. The site is 5.1 acres (4.0 acres net) located in an area designated for residential development at a density of 4.6 units per acre, or 8.0 units per acre if the development qualifies as an affordable housing project.

The project site is bordered to the east and northeast by new housing tracts, specifically the Lomita de Oro (formerly Harmony Homes) tract and Oakridge tract, at 35 lots and 18 lots, respectively. Property to the west and northwest is predominately open space. Bordering the project site to the south is San Antonio Creek, and south of that is a mixture of commercial and residential uses. Uses that have been developed along Saint Joseph Street south of the project site consist mostly of single-family residences. Grazed non-native grassland is located to the west of the project property.

Slope/Topography: The project site is essentially flat but does slope very gradually towards San Antonio Creek. Runoff from the Lomita de Oro project traverses the site and flows from north to south into the Creek.

Biological Resources: A Biological Assessment was prepared based on a field survey and records search (Watershed Environmental, April 14, 2005). Plant communities include native (small patch) and non-native grassland, with a corridor of dense Arroyo Willow Riparian habitat along San Antonio Creek. There is also a hedgerow of ornamental trees (Myoporum) running north-to-south that separates undisturbed areas from areas used in the past for storage and staging. In addition to the grasslands, riparian corridor and hedgerow, there are five (5) small fruit trees and a 29’ dbh box elder on the site that is dead or diseased beyond

reclamation. The riparian vegetation would be protected with a minimum 50-foot setback from the creek. The box elder, fruit trees and hedgerow would be removed. According to the Biologists, the project would not impact special status species. A pair of red-tailed hawks began building a nest in a pine tree south of the project site in early February, 2009.

Archaeological Sites: Historic records indicate that several Chumash villages were located within the watershed of San Antonio Creek, with the village of Socciol having been located somewhere near the town of Los Alamos. Since the project site is in an area of sensitivity with respect to cultural resources, a Phase I cultural resources survey was required. A Phase I survey that included the project site but that also encompassed a larger area was done in 1999 by Carole Denardo of Applied Earthworks, and another, site-specific Phase I survey was conducted by Laurence Spanne in 2005. On January 8, 2009 an extended Phase I was conducted by Ron Rose of Cultural Resources Management Services. No historic or prehistoric cultural resources were discovered during either the surface or subsurface surveys of the parcel. Although there is a cultural site within the project vicinity, the project site contains no surface artifacts of any significance and according to the Phase I and extended Phase I reports, it is highly unlikely that any would be encountered during construction activities.

Soils: Soils on the project site are the Botella loam (BsA), which is a dark gray loam commonly found in floodplains. This prime agricultural (Class II) soil is commonly used for dry-farmed hay, grain and beans and for annual pasture. The soil is also commonly used for corn silage, sugar beets and artichokes and belong to the Corrolitos series.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is defined as follows:

Potentially Significant Impact: A fair argument can be made, based on the substantial evidence in the file, that an effect may be significant.

Less Than Significant Impact with Mitigation: Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to a Less Than Significant Impact.

Less Than Significant Impact: An impact is considered adverse but does not trigger a significance threshold.

No Impact: There is adequate support that the referenced information sources show that the impact simply does not apply to the subject project.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page(s) where the information is found, and identification of mitigation measures incorporated from the previous documents.

4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?			X		X
b. Change to the visual character of an area?		X			X
c. Glare or night lighting which may affect adjoining areas?			X		X
d. Visually incompatible structures?			X		X

Impact Discussion:

The project site is presently vacant, consisting primarily of grass covered flood plain. Public views of the site are limited to local streets in the immediate project vicinity. This site is not visible from Bell Street due to the dense vegetation of the San Antonio Creek corridor. Views of the site from U. S. Highway 101 are very limited. The site is visible at normal driving speed for 1-2 seconds, with a line of sight rotated approximately 90 degrees south from the driving direction. In this location, the project site is approximately 1000 feet south of the highway, and views are dominated by the existing housing development immediately south of the highway. The Open Space Element of the Comprehensive Plan designates the segment of U.S. 101 between Los Alamos and Buellton as a “most scenic, major capacity, primary destination route,” which is the highest and most scenic evaluation category. The segment of U.S. 101 that bisects Los Alamos has not been designated as a State Scenic Highway, although it is eligible for such a designation.

The project is subject to the following Los Alamos Community Plan Policy and Development Standard:

Policy VIS-LA-1.3: *“New housing developments should be designed to be compatible with existing adjacent neighborhoods with regard to character and design.”*

Development Standard VIS-LA-1.3.1: *“New housing developments shall be consistent with the small rural atmosphere of Los Alamos by avoidance of tract-style development patterns, by providing a variety of non-obtrusive housing styles and types and by incorporating grid pattern street networks.”*

To minimize aesthetic impacts that can result from grading on steeply sloping areas, the Los Alamos Community Plan requires that “grading for structural improvements on slopes in excess of 20% shall be prohibited.” Proposed buildings would be situated in areas that are essentially flat; however, the westerly portion of the Kahn Way right-of-way does contain a small area of slopes in excess of 20%. No buildings are proposed in this area, but minor grading would be required for the private drive that extends west of the proposed cul-de-sac. This grading (and potentially a retaining wall less than five feet in height) would not be visible from public view. The minor cuts and fills occurring in the westerly and easterly portions of the site, respectively, would not substantially change the site’s topography. No vegetation removal or grading is proposed within the 50-foot creek setback area. Upon the completion of site grading, disturbed areas would be promptly revegetated. Therefore, the proposed slope modifications would not result in a significant aesthetic impact.

- a. **Potential to Affect Public Views.** The project site is not visible to motorists on Bell Street, and it minimally visible from Highway 101. Furthermore, the project would be subject to design review to

insure that its design would be compatible with surrounding development. Therefore, the project would not create an aesthetically offensive site open to public views.

- b. **Changes to Visual Character.** The proposed project would result in the conversion of a vacant area to an urban use. Portions of the project site have been zoned for residential uses since the early 1960's, and the project site has been designated for urban development by the Los Alamos Community Plan (1994). The proposed project would be consistent with the residential use and density designations that are specified by the Community Plan and the site also has an Affordable Housing Overlay. The project would also have to comply with the policies listed above and would be subject to approval by the Central Board of Architectural Review (CBAR).

The project proposes two and three-story buildings in a neighborhood which currently consists of single story and two story homes. The three story structures would represent a change from the current development patterns in the area. The parcel slopes gently from east to west and in order to reduce visual impacts, the three story buildings are proposed to be located in the areas of lower topography, located in the interior and western portions of the site. Two of the buildings are proposed to be a combination of two and three story, with the three story element located to the rear of the building, backing up to the creek. In addition, the finished floor elevation of the three story buildings would be lower than that of the two story buildings. The dense vegetation along the creek and the topography northwest of the site would limit the visibility of the development, including the three story buildings, and thus would limit the project's visual effects.

The project would provide open space adjacent to the creek, and would be consistent with other measures included in the Community Plan to reduce potential visual impacts to the extent possible. Furthermore, although the project would represent a change from the existing visual character, the property has an Affordable Housing Overlay, and there is therefore a presumption that housing may be more dense on this site than on surrounding properties.

The proposed project includes a modification to Development Standard FLD-LA-1.1.5 of the Los Alamos Community Plan. This standard currently reads as follows:

“Residential units that are proposed in areas prone to flooding which are required by the County Flood Control District to provide raised finish floor elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot.”

According to Flood Control staff, the Development Standard does not have an engineering basis. To the contrary, Flood Control prefers fill in many instances and, most importantly, prefers to have the ability to determine whether fill or raised floors are appropriate on a case-by-case basis. The applicant prefers fill over raised floors because it would avoid the need to pay flood insurance, and would thus help to keep the units affordable. In this case, the applicant's engineer and County Flood Control engineers agree that the proposal for up to three feet of fill onsite would have a negligible impact on the height of flood waters in the area, and indeed would be a better solution from an engineering standpoint.

In terms of the broader implications of the change to Development Standard FLD-LA-1.1.5, the use of an excessive amount of fill could create an abrupt and unnatural elevation change that could be aesthetically unappealing on highly visible sites. There may also be cases where the fill is inappropriate for engineering reasons. Aesthetics and flooding issues would be dealt with in the

normal course of review for future projects whether Development Standard FLD-LA-1.1.5 exists or not. Therefore, revising this standard would not have a significant effect on the environment.

c. **Potential Lighting Impacts.**

The Los Alamos Community Plan Final EIR determined that additional residential development in open space areas that are visible from U.S. 101 would result in a significant increase in nighttime lighting. This site is minimally visible from Highway 101. The proposed project must comply with zoning regulations relative to lighting, and is subject to BAR review and approval. The project's lighting impacts would be further reduced by complying measures comparable to those in the proposed Outdoor Lighting Regulations for the Los Alamos Community Plan Area. These proposed regulations create standards for outdoor lighting in order to minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining nighttime safety, utility, security and productivity. The applicant has agreed to comply with comparable measures. As mitigated, the project does not have the potential to have a significant adverse effect relative to lighting.

- d. **Potential to Develop Visually Incompatible Structures.** The Los Alamos Community Plan Final EIR determined that new development would have the potential to be incompatible with existing development in regard to scale, color, visual bulk, design, landscaping and fencing. This potential impact addressed new development that occurs in the vicinity of older residential areas and in the Bell Street corridor. The Los Alamos Community Plan includes design guidelines only for the Bell Street Commercial Core. The proposed project would not be located in the vicinity of the older homes that are located in the central portion of the community and would not be visible from the Bell Street corridor. The proposed project abuts two recently built subdivisions, and would be the only multi-family/apartment style development in the project area. The proposed project is comprised of nine buildings. Four of the buildings would be two-story, three would be three-story, and two would have both two and three story elements. Due to the topographical changes on the site, the three-story building finish floor elevations are lower than the two-story buildings. However, the three-story building roof height is higher than the two story buildings by approximately 2 feet. The project has had initial design review by the Central Board of Architectural Review (CBAR), and would be subject to additional review in order to ensure that the project is compatible with surrounding development. The CBAR will address architectural style, colors, materials, fencing, lighting, and landscaping, in order to ensure that the project is compatible with the neighborhood.

Mitigation and Residual Impact:

- 1 The design, scale and character of the project architecture shall be compatible with the visual character of the Los Alamos community. **Plan Requirement and Timing:** At minimum, the applicant shall submit the following information to P&D and the Board of Architectural Review (BAR) for review and approval, prior to approval of Zoning Clearance Permits: grading plans, building designs for each proposed floor plan/house style, building designs for the recreation building, colors and materials, detailed planting and irrigation plans for on- and off-site landscaping, fence details, and site lighting. **Monitoring:** P&D shall inspect the project site prior to occupancy clearance to ensure compliance with approved plans.
2. Building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures. **Plan Requirement:** Materials shall be denoted on BAR plans, LUP plans and building plans. **Timing:** All structures and landscaping

shall be in place and consistent with approved plans prior to occupancy clearance. **Monitoring:** P&D shall inspect prior to occupancy clearance.

3. ~~The project's exterior lighting shall comply with the proposed Outdoor Lighting Regulations for the Los Alamos Community Plan Area. **Plan Requirement:** Light fixtures shall be denoted on BAR plans, LUP plans and building plans. **Timing:** All fixtures shall be in place and consistent with approved plans prior to occupancy clearance. **Monitoring:** P&D shall inspect prior to occupancy clearance.~~

Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be fully shielded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Light trespass and glare shall be reduced to the maximum extent feasible through directional lighting methods. Any externally illuminated signs or building identification shall use top mounted light fixtures which shine downward and are fully shielded. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR. The Lighting Plan shall also specify lamp or bulb type, wattage, and shielding. **Monitoring:** P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance Permit for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

Implementation of the above mitigation measures would reduce potential visual impacts of the proposed project to a less than significant level. No additional mitigation measures are required.

4.2 AGRICULTURAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	X
b. An effect upon any unique or other farmland of State or Local Importance?				X	X

Impact Discussion: The project site may have historically been dry farmed or used for pasture but it is fallow today and has been for the recent past years. Soils that are located on the project site are of the Botella soil series and have a prime (Class II) soil capability rating. The site soils could support dry farmed hay, grain and beans; pasture; and corn silage, sugar beets and artichokes (based on 1972 USDA Soil Survey). However, the sandy-loam to silty-clay soil is poorly drained and crops would be restricted by the high water table.

a-b. **Potential Impacts to Agricultural Resources.** The agricultural viability of the project area was reviewed by the Los Alamos Community Plan Final EIR. The project site would not be classified as a viable agriculture operation based on the following criteria:

1. The project site is approximately 5 acres in size and is too small for an economically viable agricultural operation.

2. There are no developed water sources on the property and the underlying San Antonio groundwater basin is in a state of overdraft
3. The site is currently not utilized for agriculture
4. The site is designated for residential uses (4.6 – 8.0 units/acre).
5. The site is adjacent to residential uses to the south, north and east.

The site would also not be viable based on the County’s Agricultural Viability Thresholds, as follows:

**Santa Barbara County Agricultural Viability Screening
 Per Adopted Environmental Thresholds and Guidelines Manual**

Category	Points Assigned	Reason
Parcel Size	0-3	Net site area is < 5 acres
Soils	11-13	Soils are Class II, prime
Water Availability	3-7	no developed water source but adequate supply potentially available
Agricultural Suitable	6-8	Highly Suitable for dry farming and pasture
Existing and Historic Use	1-3	Fallow for at least 10 years
Comprehensive Plan Designation	0	Residential less than 5 acres
Adjacent Land Use	7-8	Ag on one side, urban development on other sides
Agricultural Preserve Potential	0	Can not Qualify
Combined Agricultural Uses	0	No Combined Use
Total	28-39	
Average	33.5	

A subdivision or other discretionary act which converts land to an urban use is typically considered to have a potentially significant impact where the points total 60 or more. Even under the best-case scenarios, the points would not come close to this threshold. Therefore, given the point range assigned to the project site above, the project site would not be considered agriculturally viable and the project would not be considered to have a significant impact on agricultural resources.

4.3 AIR QUALITY

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?			X		
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?		X			

Impact Discussion:

(a) *Less than significant impact.* The County is presently in non-attainment status for state air quality standards for ozone precursors and particulate matter. The threshold for a significant impact to air quality is 25 pounds per day for vehicle emissions and 55 pounds per day for total project emissions of reactive organic compounds (ROC) or nitrogen oxides (NOx). Air pollutant emissions from vehicle trips associated with the future development of thirty-nine residential apartment units would be far below the County threshold of significance for air quality impacts. The average daily total of project generated ADTs were run through the URBEMIS 2007 (Version 9.2.4) air emissions modeling program, and the following potential emissions are expected: 2.19 pounds per day of ROC and 3.02 pounds per day of NOx. As previously indicated this level of emission production is well below the 25 pounds per day threshold. This modeling was conducting assuming this development would produce ~~262~~ 259 ADTs based on information provided by Will Robertson, of the Public Works Department, Roads Division. Based on a revised traffic estimate of 345 ADT (Robertson, Feb 2009), the project's air pollutant emissions would increase proportionately to approximately 2.91 pounds per day of ROC and 4.02 pounds per day of NOx. Again, these figures are well below the 25 pounds per day threshold of significance.

(b) *Less than significant impact.* The future development of thirty-nine residential apartment units would not have the potential to result in significant impacts from smoke, ash, or odors. Such uses as would commonly produce significant amounts of smoke, ash, or objectionable odors (i.e. agriculture, manufacturing, etc.) are not allowed uses in the Residential zone districts which are proposed by the project. Therefore, the approval of the proposed project would not create any new significant impacts.

(c) *Less than significant with mitigation.* Temporary nuisance dust generation during earthwork for minor grading, creation of building pads, or similar activities would have the potential to affect adjacent residences. However, the project would be subject to standard Air Pollution Control District measures for dust suppression (e.g., watering of graded areas and stockpiles; monitoring), which are applied pursuant to the County Air Quality Attainment Plan to mitigate cumulative air quality effects from incremental project contributions. Adherence to these measures would ensure that potential impacts to air quality would be less than significant.

Mitigation and Residual Impact:

With the incorporation of the following measures, impacts to air quality would be mitigated to a less than significant level (Class II).

3. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:
 - a. seeding and watering to revegetate graded areas; and/or
 - b. spreading of soil binders; and/or
 - c. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans.

Timing: Plans are required prior to Zoning Clearance.

MONITORING: Grading Inspector shall perform periodic site inspections.

4. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

5. 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 off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

Plan Requirements: The name and telephone number of such persons shall be provided to the APCD.

Timing: The dust monitor shall be designated prior to Zoning Clearance.

MONITORING: P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
FLORA					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	X
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	X
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?				X	X
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?				X	X
e. The loss of healthy native specimen trees?				X	X
f. Introduction of herbicides, pesticides, animal life,					

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
human habitation, non-native plants, or other factors that would change or hamper the existing habitat?			X		X
FAUNA					X
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened, or endangered species of animals?				X	X
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?				X	X
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		X
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?				X	X
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?				X	X

Existing Plant and Animal Communities/Conditions:

A Biological Assessment was prepared for the project (Watershed Environmental, April 2005). The Biological Assessment is incorporated herein by reference, and summarized below. The Assessment was done prior to a recent redesign of the project. The redesign pulled all buildings, parking areas and grading outside the 50-foot creek setback area. References in the assessment to impacts and mitigation associated with this “encroachment” are therefore no longer applicable.

High quality Arroyo Willow riparian habitat occurs onsite along San Antonio Creek. In addition to willows, within this riparian corridor there are also three (3) Cottonwood trees, a Box Elder tree and a Coast Live Oak. None of this vegetation is proposed to be impacted and any construction phase impacts would be mitigated by the installation of protective fencing during construction. The balance of the site, where all proposed development is located, consists primarily of grassland with some ornamental shrubs and hedges.

There is a small patch of native grass surrounded by non-native grassland that would be removed as part of the project. This 0.01-acre patch is well below Santa Barbara County’s 0.25-acre threshold of significance. There is also one Box Elder tree and six or fewer fruit trees that would be removed as part of the project. The Box Elder tree was badly diseased at the time of the survey and may have already died. The removal of these trees is also not considered a significant impact.

The Biological Assessment also surveyed the site for the potential presence of sensitive animal species. There is no suitable breeding habitat on the site for the California tiger salamander (CTS). A seasonal pond located 600 feet east of the project site was surveyed in the past and no CTS were found (Collins, 2000). The nearest known CTS breeding pond is 1.7 miles SSE of the project site. No CTS have been found in the Los Alamos area between Highway 101 and San Antonio Creek. The California red-legged frog (CRLF) has been found to occur in the western end of the Town of Los Alamos and in Canada de las Flores, more than three (3) miles west of the project site. Surveys of San Antonio Creek were conducted in 1991 and in the fall of 2005 and it was determined that no suitable breeding habitat for the CRLF

existed in San Antonio Creek between Bell Street and Highway 101 (Collins, 1991; T. Mullens, 2005). In addition, sensitive amphibian surveys were conducted at the Los Alamos Community Services District wastewater ponds in 2003 and there were focused CRLF surveys conducted in the ponds in Fall 2005. No CRLF were encountered. Western spadefoot toad, Southwestern pond turtle and American badger are also not expected to occur at the project site.

According to the Biological Assessment, while a variety of sensitive wildlife species may on occasion forage and/or roost in habitats found on or in the immediate vicinity of the project site, none are expected to nest on the portion of the property that is to be developed. The short- and long-term impacts to wildlife caused by the project are considered a Class III (Adverse but less than Significant) impact for the following reasons:

1. The wildlife species that will be impacted are considered relatively common.
2. A small amount of wildlife habitat will be lost relative to the amount of habitat that remains in undeveloped areas adjacent to the project.
3. The loss of this type and amount of wildlife habitat will not substantially reduce or eliminate:
 - a. species diversity or abundance,
 - b. quality or quantity of nesting areas,
 - c. reproduction capacity through losses of individuals or habitat,
 - d. foraging areas and/or access to food sources,
 - e. the range of dispersal.

In February, 2009, a pair of red-tailed hawks was observed building a nest in a pine tree immediately south of the project site. In order to avoid impacts to nesting raptors, a mitigation measure requiring a pre-construction survey for nesting raptors, and requiring the postponement of construction until all young birds leave the nest will be imposed on the project. With the incorporation of this measure, impacts to nesting raptors will be reduced to insignificance.

Finally, the Biological Assessment looked at the potential for water quality impacts that could impact biological resources. Runoff from the site is and would be directed to San Antonio Creek. The project is subject to state and federal regulation under the Clean Water Act and California Fish and Game Code. The project would have to comply with those regulations, and County erosion control requirements, and no building or grading would occur within 50 feet of the creek bank.

The Los Alamos Community Plan Final EIR determined that implementation of the Community Plan would contribute to the overall decline in habitat value in the project area. This was considered to be a significant and unavoidable cumulative impact (Class I).

Impact Discussion:

- c-e. **Potential impacts to native and non-native vegetation.** Only one (1) native tree, a Box Elder, is proposed for removal and it is badly diseased and perhaps dead. In addition, six (6) fruit trees would be removed.

Wetland vegetation and other native species associated with San Antonio Creek would be retained on the project site, but should be protected during construction so that it is not inadvertently damaged. The balance of the project site is covered by non-native grassland or ornamental shrubs. This is not a sensitive habitat and its removal would not result in a significant impact.

a-b, f-k. **Potential Impacts to Biological Resources.** As mentioned above, an analysis of this particular project's potential impacts on Biological Resources was conducted by Watershed Environmental. Others have done similar surveys in the project area. Threatened and endangered species are not expected to occur on the project site and are therefore not expected to be impacted by the project.

Wildlife species that may be impacted by the project, indirectly and to a less than significant extent, are common species that are not protected. In summary, the Biological Assessment by Watershed Environmental identified six (6) ways in which the project could impact biological resources:

- 1) The project would disturb plant communities, but to an extent that is less than significant.
- 2) The project would remove mature trees, but to an extent that is less than significant.
- 3) The project would result in a loss of wildlife habitat, but to an extent that is less than significant.
- 4) The may disturb wildlife in adjacent habitats, but to an extent that is less than significant.
- 5) The project has the potential to degrade surface water quality, to an extent that warrants mitigation. With this mitigation, which is standard and in fact required by state and federal agencies, the potential impact is less than significant.

In February, 2009, a pair of red-tailed hawks was observed building a nest in a pine tree immediately south of the project site. On March 25th, a consulting biologist used a spotting scope to re-examine the nest from north of the creek for 20 minutes from a distance of about 150 – 200 feet. At this time of year, red-tailed hawks should be well into the incubation stage of breeding. However, the biologist did not see any activity on the nest. The condition of the nest suggested that it was not in good repair. It is possible that the hawks have abandoned their nesting attempt at this site. It is also possible that the birds constructed another nest in the project vicinity (pine windrow or elsewhere). There is also a slight possibility that there may have been a bird on the nest that went undetected. In any case, in order to avoid impacts to nesting raptors, a mitigation measure requiring a pre-construction survey for nesting raptors, and requiring the postponement of construction until all young birds have left the nest will be imposed on the project.

Short-term impacts from construction activities, including an increase in erosion, sedimentation, and the potential for the release of construction-related materials such as fuel, solvents, paints, concrete, etc, may have the potential to result in significant impacts to the quality of runoff water that enters the on-site wetland and San Antonio Creek. The project would be required to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) general construction permit. Additionally, the State Water Resources Control Board will require that the project prepare and implementation of a Storm Water Pollution Prevention Plan (SWPPP), that outlines the "best management practices" that would be implemented to minimize construction-related water quality impacts. The Regional Water Quality Control Board is responsible for reviewing and approving SWPPPs. With the implementation of these existing regulatory programs, along with proposed mitigation measures that are provided in section 4.8 (Geologic Processes) of this Initial Study, the potential for short-term project-related construction activities to result in impacts to surface water quality would be reduced to a less than significant level. No additional mitigation measures are required.

After construction activities are completed, project site runoff would be collected by a series of drop inlets that would convey water through underground pipes to a new drainage channel on the west

side of the project site, or to the existing open channel that runs through the project. All of the proposed drop inlets would be provided with a "Fossil Filter" which is a type of filter that reduces concentrations of urban runoff pollutants such as oil and grease. Therefore, with adequate maintenance of the proposed filters, runoff from the project site would not result in significant long-term impacts to the water quality of San Antonio Creek.

The new drainage discharge to San Antonio Creek would have the potential to result in the removal of existing vegetation adjacent to the creek and erosion impacts to the creek bank. Installation of the new creek discharge in accordance with the requirements of the Santa Barbara County Flood Control District and the California Department of Fish and Game would reduce potential erosion and vegetation removal impacts to a less than significant level.

Mitigation and Residual Impact:

6. With the exception of drainage conveyances, the tot lot, fencing, flat work and tree removals (diseased/dead Box elder, fruit trees ornamental hedge) expressly shown on approved plans, there shall be no grading, trenching or vegetation removal within 50 feet of the top-of-bank of San Antonio Creek, a sensitive riparian habitat area. The area shall be fenced during construction with a fencing type and in a location acceptable to P&D. **Plan Requirements:** The riparian habitat area, and type and location of protective fencing, shall be shown on all grading plans. **Timing:** Fencing shall be installed prior to any earth movement. **Monitoring:** P&D shall perform site inspections throughout the construction phase.
7. No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirements and Timing:** Prior to approval of Zoning Clearance Permits, the applicant must receive all necessary permits from California Department of Fish and Game.
8. Prior to approval of Zoning Clearance Permits for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity (i.e., headwall or rip-rap) within San Antonio Creek. **Plan Requirements and Timing:** A copy of the 404 permit or waiver shall be submitted to P&D prior to approval of Zoning Clearance Permits.
9. To minimize pollutants impacting downstream water bodies or habitat, storm drain filters/inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The filters/inserts shall be maintained in working order. **Plan Requirements:** Prior to approval of Zoning Clearance Permits for grading, the applicant shall submit grading and building plans identifying the type and location of filters/inserts to P&D for review and approval. The location of such filters/inserts shall be noted on grading and building plans. The requirements and schedule for cleaning and maintaining the filters shall be specified in the project CC&Rs. **Timing:** Filters/inserts shall be installed prior to the final building inspection/occupancy permit and shall be cleaned per the CC&Rs, or at least twice a year, once immediately prior to November 1 (i.e. before the start of the rainy season) and once in January. **Monitoring:** P&D shall site inspect periodically throughout the construction phase to ensure proper installation. Records of maintenance shall be maintained by the Santa Barbara County Housing

Authority and shall be submitted to P&D on an annual basis prior to the start of the rainy season and for five years thereafter. **After the fifth** year the records shall be maintained by the Santa Barbara County Housing Authority and be made available to P&D on request. P&D shall review the maintenance records and site inspect as needed following completion of construction to ensure periodic cleanout.

- 10.** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall not be located within the 50-foot creek setback. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearance Permits. The washout area(s) shall be in place and maintained throughout construction. **Monitoring:** P&D staff shall check plans prior to approval of Zoning Clearance Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

- 10A.** **Construction Timing – Raptors:** If construction is to occur during the raptor breeding season (February 1 through July 15) a survey shall be conducted by a County-approved biologist no more than 7 days prior to construction. The purpose of the survey is to determine whether nesting activity is occurring within 500 feet of the project site. If raptor nesting is observed within the 500-foot perimeter, construction activity shall be delayed until the young have fledged the nest. Such determination will require follow-up surveys to confirm that fledging has occurred.

With the implementation of the proposed mitigation measures, the project would not result in significant project-specific impacts to biological resources and would not result in a substantial contribution to the loss or disturbance of biological resources in the Los Alamos area.

4.5 CULTURAL RESOURCES

	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
Will the proposal result in:					
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?				X	X
b. Disruption or removal of human remains?				X	X
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?				X	X
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?			X		X
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or				X	X

Will the proposal result in:		Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
	cultural significance to a community or ethnic group?					
f.	Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?				X	X
g.	The potential to conflict with or restrict existing religious, sacred, or educational uses of the area?				X	X

Impact Discussion:

a-g **Potential to Impact Cultural Resources.** A Phase I archaeological survey of the project site was conducted in 1999 by Carole Denardo of Applied Earthworks. No archaeological sites, or other culturally significant sites or artifacts, were encountered on the site, although there is a historic site within the project vicinity. No springs, rock outcrops, or other useful natural resources were noted within or adjacent to the project area.

A record search was also conducted at the State Information Center at the University of California at Santa Barbara. The records search indicated that within a one-mile radius of the site, there have been 23 archaeological surveys performed that revealed two (2) archaeological sites. The recommendation from UCSB was to consult the reports prior to any construction. An archaeologist, Laurence W. Spanne, was retained to study past surveys and visit the site one more time to ensure that no significant resources are present. Again, no artifacts were observed. Mr. Spanne concluded that no further archaeological investigations are required and that the project can proceed with the standard discovery provision. On January 8, 2009 an extended Phase 1 was conducted by Ron Rose of Cultural Resources Management Services. No historic or prehistoric cultural resources were discovered during either the surface or subsurface survey of the parcel.

Mitigation and Residual Impact:

11. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. **Monitoring:** P&D shall check plans prior to approval of Zoning Clearance Permits and shall spot check in the field.

4.6 ENERGY

Will the proposal result in:		Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a.	Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	X
b.	Requirement for the development or extension of new sources of energy?				X	X

Impact Discussion:

- a-b. Potential to Result in Energy Impacts. The proposed project would result in an incremental increase in energy demand. The project would not, however, result in the use of an excessive amount of energy or cause it to be used in a wasteful manner. Existing energy utilities exist in the project vicinity. Therefore, impacts from utility extensions would not be significant.

Mitigation and Residual Impact:

The proposed project would not result in significant energy-related impacts. No mitigation measures are required. However, the County of Santa Barbara has a voluntary program, the Innovative Building Review Program (IBRP), to promote energy-efficient building design. The applicant is strongly encouraged to take advantage of this opportunity to consult with technical experts in the area of energy-efficient building design at no cost. Benefits include expedited building plan-check, a reduction in the energy plan-check fee by 50%, a reduction in utility bills, and a potential increase in the market value of the project. For more information on the IBRP, the applicant is encouraged to please contact Kathy McNeal Pfiefer at (805) 568-2507.

4.7 FIRE PROTECTION

Will the proposal result in:		Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a.	Introduction of development into an existing high fire hazard area?				X	X
b.	Project-caused high fire hazard?				X	X
c.	Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?			X		X
d.	Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	X
e.	Development of structures beyond safe Fire Dept. response time?				X	X

Impact Discussion:

- a, d. High Fire Hazard Area Development. The project site is primarily surrounded by urban development, with some grass lands to the north (which would be across the street) and west. The project area does not present a significant wildfire risk. Therefore, the proposed project would not result in new development in a high fire hazard area.
- b, c. Project-Related Fire Hazards. Access to the project site is provided by St. Joseph Street, which includes a bridge that crosses San Antonio Creek. The Santa Barbara County Fire Department required developers of the adjacent subdivision to install a secondary emergency access directly to Highway 101. In the future, it is possible that another egress could be provided along an existing farm road that is located on the adjacent property to the west, extending from St. Joseph Street along the north side of San Antonio Creek approximately 4,800 feet to Bell Street.
- e. Fire Station 24 is located at 99 Centennial Street, one block east of the project site. Emergency response time to the project site would be less than 5 minutes. Station 24 is assisted by mutual aid agreements with surrounding fire departments.

Mitigation and Residual Impact:

A letter from the Fire Department to P&D dated April 15, 2008 indicates conditions that must be satisfied in connection with obtaining a building permit and getting an occupancy permit (i.e., final inspection). The conditions include such things as painting curbs red and installing no parking signs along Kahn Way and installing fire hydrants with the required water pressure. Compliance with standard Fire Department requirements would reduce potential fire prevention and suppression impacts to a less than significant level. The Los Alamos Community Plan Final EIR determined that buildout of the Community Plan would not result in significant fire protection impacts as adequate water supplies and pressure would be available throughout the community.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:		Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a.	Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				X	X
b.	Disruptions, displacements, compaction or overcovering of the soil by cuts, fills, or extensive grading?				X	X
c.	Permanent changes in topography?				X	X
d.	The destruction, covering or modification of any unique geologic, paleontologic, or physical features?				X	X
e.	Any increase in wind or water erosion of soils, either on or off the site?			X		X
f.	Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?			X		X
g.	The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	X
h.	Extraction of mineral or ore?				X	X
i.	Excessive grading on slopes of over 20%?				X	X
j.	Sand or gravel removal or loss of topsoil?				X	X
k.	Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	X
l.	Excessive spoils, tailings or over-burden?				X	X

Impact Discussion:

The project site is essentially flat, with fill being required (outside creek setback) to get finish floors at least two (2) feet above the base flood elevation. The Santa Barbara County Flood Control District would require that fill to be compacted to 95% relative compaction, per their July 26, 2005 letter to P&D. A Geotechnical Engineering Investigation for the proposed development has been conducted (Krazan &

Associates, Inc., March 25, 2002). The groundwater is 15-18 feet below the surface and the potential for liquefaction is low.

The project proposes up to three (3) feet of fill in the northeast portion of the site. Native material must be removed and re-compacted prior to the placement of any additional fill and/or prior to construction. Soils are also very expansive, and non-expansive Engineered Fill would be required as needed throughout the project site.

The Geotechnical Engineering Investigation concludes that, with the incorporation of measures that address loose surface soils, the soil expansiveness and fill, the site is suitable for proposed development. No significant grading (other than flat work and landscaping) would occur within the creek setback area.

The Los Alamos Community Plan Final EIR identified potentially significant geological impacts related to grading on slopes with gradients in excess of 20%, and resulting slope stability, erosion and sedimentation that may result. This project does not propose grading on slopes in excess of 20%. Potential impacts related to faulting, ground shaking and other geologic hazards were determined to be less than significant.

- a Potential to Result in Geologic Hazards. The project site is not underlain by any known fault and compliance with existing building regulations would reduce potential ground shaking impacts caused by movement along a distant fault to a less than significant level. According to the Geotechnical Engineering Investigation, liquefaction potential is low, but the site has highly expansive soils and engineered fill would be required. This and other soils-related hazards would be reduced to a less than significant level if the recommendations of the Geotechnical Engineering Investigation are implemented in foundation design, site preparation and construction techniques. The project must comply with building regulations, and implementation of measures contained in the soils report.
- b,c,i Potential for Grading-Related Impacts. The proposed project would result in approximately 9,000 cubic yards of fill and a very minor amount of cut. The cut would occur in the northwest portion of the site, where the private access drive extends past the cul-de-sac along the base of a knoll. A retaining wall with a height of approximately three (3) feet would be required to contain the project outside of the creek riparian area setback. The fill is proposed as a means to comply with the County's floodplain management regulations. The resulting graded site would increase ground levels by up to three (3) feet and would not result in a significant alteration of the character of the project site.
- e-f Potential Erosion and Sedimentation Impacts. Grading operations that would occur on the project site would remove non-native grasses and disturb the ground surface, thereby increasing the potential for erosion and sedimentation impacts. A substantial increase in sediment transport to San Antonio Creek would result in a significant impact. As described in section 4.4 (Biological Resources), the proposed project would be required to comply with NPDES requirements for construction sites, prepare a Storm Water Pollution Prevention Plan, and implement "best management practices" to control construction site erosion. There would also be no substantial grading or vegetation removal within the 50-foot creek setback area. The implementation of the regulatory requirements described above, along with recommended project specific mitigation measures, would reduce the potential for short-term construction activities to result in erosion-related impacts to a less than significant level.

The proposed project includes the revegetation of disturbed open space areas and the installation of filters on drainage inlets. These measures would reduce the potential for the project to result in long-term erosion-related impacts to a less than significant level.

d, g, h Other Potential Geological Hazards. There are no unique geological features located on the
j, k, l project site, and the project would not result in the use of septic systems. The project would not
involve mining, the loss of topsoil, or construction-related vibrations.

Mitigation and Residual Impact:

12. Excavation and grading shall be limited to the dry season of the year (April 15 – November 1). A grading and erosion control plan shall be designed to minimize erosion and shall include the following measures:
- a. A fence (see #6) shall be installed across the entire project site in an east-west direction at a point at least 50 feet from the top of the San Antonio Creek bank. Grading shall be prohibited within this 50-foot setback area (except the minor trenching and flat work that has expressly been authorized).
 - b. Methods such as retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into San Antonio Creek during grading and construction activities.
 - c. Graded areas shall be revegetated within two (2) weeks of the completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Planning and Development shall review and approve the proposed revegetation plan. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

Plan Requirements: The grading and erosion control plan shall be submitted for review and approval by P&D prior to P & D's approval of the **Development Plan**. The applicant shall notify Permit Compliance prior to commencement of grading. **Timing:** Components of the grading plan shall be implemented throughout the project construction period. **Monitoring:** Permit Compliance will photo document revegetation and ensure compliance with approved plans. Grading inspectors shall monitor technical aspects of the grading activities.

~~13. All runoff water from impervious areas shall be conveyed by impervious approved drainage conveyances (i.e., the open concrete channel, San Antonio Creek). **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Zoning Clearance Permits by the applicant to P&D and the Flood Control District for review and approval. **Monitoring:** P&D shall site inspect during construction. (note: this condition has been replaced by revised condition 31).~~

14. All site preparation, grading and foundation work shall be consistent with the recommendations contained in the Geotechnical Engineering Investigation (Krazan & Associates, Inc., March 25, 2002). **Plan Requirements and Timing:** These recommendations shall be printed on grading plans submitted at the Zoning Clearance Permit and Building Permit stage. The recommendations shall be checked and cross-referenced with the Geotechnical Investigation prior to the issuance of a Zoning Clearance Permit, Building Permit or Grading Permit. **Monitoring:** P&D shall site inspect during construction.

Implementation of the above mitigation measures, along with other regulatory programs and mitigation measures that are contained in section 4.4 (Biological Resources) would reduce potential erosion and

sedimentation impacts to a less than significant level. No other measures are required to minimize potential geological hazard impacts.

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage, or discharge of hazardous materials? (e.g., fuel or oil stored in underground tanks, pesticides, solvents, or other chemicals)?				X	X
b. The use, storage, or distribution of hazardous or toxic materials?				X	X
c. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	X
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	X
e. The creation of a potential public health hazard?				X	X
f. Public safety hazards (e.g., due to development near existing chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	X
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	X
h. The contamination of a public water supply?				X	X

Impact Discussion:

a-h. Potential Hazardous Materials/Risk of Upset Impacts. The proposed project would result in the development of 39 apartment units and associated parking and open space facilities. The use of common household materials (cleaners, garden and automotive products, etc.) on the project site would not result in significant hazardous materials/waste impacts. Traffic that would be generated by the project would not substantially interfere with emergency response capabilities to the project site or to other properties in the project area. Based on the proposed road width, the Fire Department would require a red curb and “no parking” signs along one side of Kahn Way (April 15, 2008 letter to P&D). This and other Fire Department requirements specified in said April 15, 2008 letter must be complied with.

Mitigation and Residual Impact:

The proposed project would not result in significant hazardous material or risk of upset impacts. No mitigation measures are required.

4.10 HISTORIC RESOURCES

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?				X	X
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?				X	X

Impact Discussion: The Los Alamos Community Plan Final EIR indicated that new in-fill development that occurs adjacent to historic structures would have the potential to result in significant and unavoidable (Class I) impacts related to the preservation of the Community’s historic resources. There are no historic structures located on or near the project site. Historic resources in the community of Los Alamos are primarily located along Bell Street, which is approximately 1,200 feet south of the project site.

- a-b. There are no historic structures on or near the project site and the distance between the project and Bell Street would prevent the project from resulting in significant direct or indirect impacts to historic resources.

Mitigation and Residual Impact:

The project would not result in significant impacts to historical resources and would not result in a substantial contribution to potential cumulative impacts to historical resources that may result from the buildout of the Los Alamos Community Plan. No mitigation measures are required.

4.11 LAND USE

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding of mitigating an environmental effect?				X	X
c. The induction of substantial growth or concentration of population?				X	X
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	X
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	X
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	X

Will the proposal result in:	Known Signif.	Unknown Poten. Signif.	Poten. Signif. And Mitig.	Not Signif.	Reviewed Under Previous Document
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	X
h. The loss of a substantial amount of open space?				X	X
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	X
j. Conflicts with adopted airport safety zones?				X	X

Impact Discussion:

- a. Potential to Result in Incompatible Land Uses. Existing uses that are adjacent to the project site consist mostly of open space and residential uses. The development of the proposed 39 apartment units (including two and three-story buildings) and associated improvements on the project site would not result in significant long-term traffic, aesthetic, noise, safety or other impacts that could result in significant land use compatibility conflicts with surrounding land uses. Portions of this site have been zoned for residential use since the early 1960's. The property to the immediate north and west has a "DR-4.6" zoning designation and could be used for residential development in the future. Like the project site, this property also has an Affordable Housing Overlay that allows for up to eight units per acre. Beyond the adjoining parcel, the property north and west of the project site is designated as agricultural land and is outside the urban boundary.

The development of urban uses, particularly residential uses, has the potential to result in conflicts with surrounding agricultural operations. However, the only agricultural operation that is in the vicinity of the project site is the grazing land to the west, and that property has a residential zoning designation over the easterly 50-100 feet adjoining the project site. The nearby agricultural property is not used for crop production and therefore does not use pesticides or generate significant dust. The site does not currently appear to be used for grazing, as there is no fence to contain livestock and stop them from venturing onto the subject property or Saint Joseph Street for that matter. If the property owner decides to run cattle on the property, it would be his responsibility to fence the property. Nevertheless, the Los Alamos Community Plan has a policy and development standard addressing this issues, as follows:

Policy LUR-LA-1.3: In order to reduce conflicts between residences and agricultural operations, proposed residential development which borders on agriculturally-designated land shall integrate mechanisms (such as fences and/or buffer areas) into the project design.

Development Standard LUR-LA-1.3.1: As a condition of approval for all discretionary residential projects that are immediately adjacent to agricultural lands, potential purchasers of lots adjacent to agricultural land shall be notified on the property title of the potential for agricultural activities on adjacent parcels.

The above policies and development standards would not apply to the Creekside Village project as it does not border on agriculturally designated land.

Potential for Conflicts with Planning Programs. The proposed project would be consistent with the site's Comprehensive Plan land use designation (Residential 4.6), "DR-4.6" zoning designation, and Affordable Housing Overlay (AHO). This overlay allows up to 8 units per acre if the project has an affordable component. The proposed project is 100% affordable and therefore qualifies for the density of the AHO. A more detailed evaluation of the project's consistency with applicable policies of the Comprehensive Plan and the Los Alamos Community Plan is provided in section 9.0 of this Initial Study.

c, d. Potential Growth Inducing Impacts. The proposed project would be consistent with the residential densities that have been planned for the project site. The project would not result in an extension of urban services that would have the potential to promote growth on properties that are not planned for urban development. Therefore, the project would not have the potential to result in significant growth inducing impacts.

e, f, g. Potential Housing Impacts. The proposed project would not result in the removal of any housing or the displacement of any people. Therefore, the project would not result in significant housing impacts.

Conversion of Open Space. The proposed project would result in the conversion of a vacant parcel that is approximately 5 acres in area to urban use. The 1994 Los Alamos Community Plan has designated the project site for residential development, and the site has been zoned for residential use since the 1960's. Additionally, the project would preserve as natural open space all areas within 50 feet of San Antonio Creek (1.8 acres), plus other open space areas (0.74 acres) that together total approximately 62.7% of the site. Therefore, the proposed project would not result in a significant impact related to the loss of open space.

i. Potential Economic Impacts. The proposed project would not result in economic impacts that would have the potential to result in significant environmental effects.

Potential Airport Conflicts. There are no airports located in the project area.

Mitigation and Residual Impact: The project would not result in significant conflicts with neighboring land uses.

~~15. — To reduce potential conflicts between residential and potential agricultural operations, the westerly property line and westerly portion of the northerly property line to the common access drive shall be fenced to block dust and potential pesticide drift and prohibit free passage by persons or animals. The Planning Commission and/or BAR shall determine the precise location and design of the fence in the normal course of project review. The fencing shall be designed, installed and maintained for the life of the project. Unless alternative fencing is ultimately approved by the Planning Commission or BAR, P&D envisions a solid wood fence or decorative masonry wall from six (6) to eight (8) feet in height. **Plan Requirement:** Plans submitted for a Zoning Clearance Permit and Building Permit shall indicate the precise location and design details of fencing throughout the project. **Timing:** Plans shall be reviewed for conformity with discretionary approvals prior to Zoning Clearance Permit issuance; all fencing shall be installed prior to occupancy clearance.~~

16. ~~The following “Right to Farm” buyer notification shall be recorded on a separate information sheet with the final map. Additionally, prior to recordation of the final map, the applicant shall request the State Department of Real Estate to include the following note in its public subdivision report (white sheet). Finally, this notice shall be printed in all sales brochures for lots arising from this tract map:~~

~~“IMPORTANT: BUYER NOTIFICATION”~~

~~This property is located adjacent to property zoned to allow for agricultural uses and is located in an area that has been planned for agricultural uses. The Board of Supervisors has determined that it is in the public interest to preserve agricultural land and operations within the County of Santa Barbara and to specifically protect these lands for exclusive agricultural use. Through enactment of an ordinance adding Section 3-23, Article V to Chapter 3 of the County Code, any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust, and chemicals, will not be deemed a nuisance.”~~

4.12 NOISE

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport, etc.)?				X	X
b. Short-term exposure of people to noise levels exceeding County thresholds?			X		X
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	X

Impact Discussion:

- a. Potential Long-Term Noise Impacts. The Noise Element of the County’s Comprehensive Plan, along with the policies of Los Alamos Community Plan, require that interior noise levels not exceed a level of 45 dBA and exterior noise levels not exceed a level of 65 dBA. The project site is outside of the elevated noise levels resulting from traffic along U.S. Highway 101. According to the Los Alamos Community Plan (Figure 23), exterior noise levels on the project site are below 60 dBA. This means that simply complying with the Uniform Building Code (UBC) would ensure that interior noise levels are below the interior noise threshold of 45 dBA. The establishment of residential uses on the project site would not subject the residents to exterior noise levels in excess of 65 dB(A) CNEL nor interior noise levels in excess of 45 dB(A) CNEL. Potential long-term noise impacts would be less than significant.
- b. Potential to Result in Short-Term Noise Increases. Construction activities that would occur at the project site would require the use of equipment that has the potential to result in noise levels that can reach 85-90 dBA. The highest construction noise levels would most likely result from the use of heavy construction equipment during the site preparation phase of the project. Inclusion of standard construction hour mitigation measures would ensure that impacts from short-term construction related noise would be less than significant.
- c. Potential to Result in Ambient Noise Level Increases. Long-term noise that would be generated by the proposed residential project would be similar to ambient noise levels that generally exist in

the Los Alamos area. The project would result in the generation of an average of approximately 262 vehicle trips per day, which would be distributed onto roadways in the project area. Project-generated traffic would not result in a noticeable increase in traffic noise within the Los Alamos community.

Mitigation and Residual Impact:

Implementation of the following mitigation measures would reduce short-term noise impacts to a less than significant level.

- 17. Construction activity for site preparation and for project development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating these restrictions shall be provided by the applicant and posted on site. If the tract is developed by individual lot sale and development, each homebuilder shall sign an agreement agreeing to comply with this condition prior to approval of Zoning Clearance Permits. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.

4.13 PUBLIC FACILITIES

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	X
b. Student generation exceeding school capacity?				X	X
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?			X		X
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	X

Impact Discussion:

- a. **Police and Health Care Services.** The proposed residential project would house approximately 204 108-123 people (Housing Authority of Santa Barbara County and U.S. Census Bureau, Census 2000; Average households size of 3.15 for renter occupied units in Los Alamos). This additional population would not result in a significant increase in demand for law enforcement or health care services within the community of Los Alamos. The project would have an onsite manager who would be responsible for providing site security. Furthermore, the units would be available only to tenants without a criminal history. In the event that a tenant, member of the tenant’s household or guest of tenant is involved in a criminal activity, such a circumstance would be grounds for eviction. The Los Alamos Community Plan Final EIR determined that the buildout of the Community Plan would result in a significant and unavoidable cumulative impact to law enforcement services (Class I). The Board of Supervisors adopted findings of overriding

considerations for this cumulative impact when the Community Plan was approved. No further mitigation is required.

- b. **School Capacity.** The Los Alamos School District (LASD) provides public education for the community of Los Alamos for kindergarten through eighth grade. Olga Reed Elementary School, located at 480 Centennial Street in Los Alamos, currently serves students from both the elementary school level and junior high (or middle) school level. The Santa Maria Joint High School District's Ernest Righetti High School in Santa Maria serves Los Alamos' the ninth through twelfth grade students.

Based on student generation factors of 0.546 K-8 students per unit for the Olga Reed Elementary School and 0.137 high school students per housing unit for Ernest Righetti High School (Legacy Estates EIR, 05EIR-00000-00005, p. 4.10-10) the project could generate approximately 21 K-8 students and 5 high school students. The prospective student population can also be estimated as a part of the population projected for the project as a whole. The number of residents for the 39 apartments have been estimated as follows:

Creekside Apartments
Estimates of number of residents

Reference	Multiplier	Total number of residents
Project application; Housing Authority of the County of Santa Barbara	NA	117
Census 2000 Overview, Santa Barbara Association of Governments	3.1 residents per unit in Los Alamos	121
U.S. Census Bureau, Census 2000; Average household size of renter-occupied units; Los Alamos	3.15	123
California Department of Finance, 2007; as cited in the County Housing Element EIR, 2008, p. A-48	2.76 persons per dwelling unit; S.B. County average	108
Range of estimates		108-123

According to the U.S Census Bureau (<http://factfinder.census.gov>), 9.1% of the population in Los Alamos is under five years in age, and 69.4% is 18 and over. From these figures, the school aged population of the project would be estimated at 21.5% of the total, or 26 individuals.

According to information from the Santa Barbara County Education Office website, (http://www.sbceo.org/districts/cbeds/08combo_yearly.pdf), Olga Reed Elementary has been experiencing declining enrollment over the recent past. Enrollment declined from 256 in 2001 to 221 in 2008. The current enrollment at Olga Reed Elementary is less than the school's capacity of 390 students (Legacy Estates EIR, 05EIR-00000-00005, p.4.10-9). Ron Barba, Interim Superintendent and Principal of the Los Alamos School District, confirmed these student generation and enrollment figures (personal communication, 02/19/2009). He also confirmed that enrollment within the district is declining, and indicated that with declining enrollment and the current budget difficulties, new students would be financially beneficial for the district. Enrollment

has also been declining at Ernest Righetti High School. In October, 2008, enrollment was 2286 students, down from 2614 in 2000-2001 (Dianne Bennett, SMJUHSD). This student population still exceeds the 2,050 student design capacity of the high school.

The impact on school capacity that would be generated by the project would be below the thresholds of significance established by the County (K-8: 29 students, and High School: 28 students). Furthermore, with respect to Olga Reed Elementary School, the effect of new students is not considered adverse ~~in a period of declining~~ since enrollment does not exceed capacity and is declining. Therefore, the project specific impact would be less than significant. The project would be subject to standard school fees to address increased demand for school services.

The Los Alamos Community Plan Final EIR identified a significant, unavoidable impact from community plan buildout due to an increase in the student population served by the Santa Maria High School District beyond existing capacity. The proposed project would contribute incrementally to this cumulative impact. The Board of Supervisors previously adopted a Statement of Overriding Considerations for this impact.

c. **Solid Waste.**

The *Environmental Thresholds and Guidelines Manual (2008)* indicates that if a project were to generate more than 196 tons of solid waste per year, it would result in a significant project-specific and cumulative impact. Based on generation factors contained in the *Environmental Thresholds and Guidelines Manual*, the project would generate approximately 98.2 tons of solid waste per year: 2.65 persons per household x 39 units x 0.95 = 98.18. Therefore, project-specific solid waste generation impacts of the project would not be significant.

In addition, the Thresholds Manual also refers to a cumulative threshold of significance for projects. This threshold is at 40 tons of solid waste per year. Projects that exceed this threshold are considered to have a cumulatively significant contribution (class III) to regional cumulative solid waste impacts. This impact would be mitigated by the preparation and implementation of a Solid Waste Management Plan. In this case, the project's incremental contribution to cumulative impacts, 98.2 tons of solid waste per year, exceeds the cumulative impact threshold. One of the possible ways to mitigate this impact, according the Thresholds Manual, is to implement a curbside recycling program to serve the new development. The Los Alamos area is currently provided with recycling service from Health Sanitation Services (HSS). This curbside recycling program would be extended to the future residences within the project area to offset this cumulative impact.

The Los Alamos Community Plan Final EIR identified a significant, unavoidable impact from community plan buildout due to an increase in demand for solid waste services. The proposed project would incrementally contribute to this cumulative impact. The Board of Supervisors previously adopted a Statement of Overriding Considerations for this impact.

- d. **Sewer System.** The Los Alamos Community Services District (LACSD) provides waste water collection, treatment and disposal services in the Los Alamos community. In meetings with district staff, the LACSD has confirmed that the property can feasibly be served by the District with the construction by the developer of any necessary extension to the District's existing water distribution and sewer collection system lines. The District concluded that adequate capacity exists to serve the project. Therefore, the proposed project would not result in a significant wastewater treatment impact or substantially contribute to a significant wastewater impact.

Mitigation and Residual Impact:

With application of the following measures, the impacts to public facilities resulting from the project would be mitigated to a less than significant level (Class II).

18. The applicant shall develop and implement a Solid Waste Management Plan (SWMP) to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and bins for storage of recyclable materials within the project site.
- b. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).
- c. Implementation of a green waste source reduction program, including the creation of lot or common composting areas, and the use of mulching mowers in all common open space lawns.

Plan Requirement/Timing: The applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to Zoning Clearance. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

MONITORING: P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented.

19. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to Zoning Clearance approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

MONITORING: Permit Compliance staff shall inspect periodically throughout grading and construction activities.

The proposed project would not result in significant project-specific impacts to public facilities and no mitigation measures are required. The Board of Supervisors previously adopted a Statement of Overriding Considerations for cumulative law enforcement and school impacts that would result from the buildout of the Los Alamos Community Plan. No additional mitigation measures are required for the proposed project's contribution to cumulative public service impacts.

4.14 RECREATION

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	X

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
b. Conflict with biking, equestrian, and hiking trails?				X	X
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., over use of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	X

Impact Discussion:

a-c. **Recreation Facilities.** The proposed project would not conflict with any formal recreational uses that have been established in the project area. The project would include a tot lot and other open space areas that would be available to project residents as well as the public in general. Therefore, the project would not result in a significant impact to local or regional recreation facilities or result in a substantial contribution to cumulative recreation impacts.

Mitigation and Residual Impact:

The proposed project would not result in significant impacts to recreational facilities. No mitigation measures are required.

4.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?				X	X
b. A need for private or public road maintenance, or need for new road(s)?				X	
c. Effects on existing parking facilities, or demand for new parking?				X	X
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	X
e. Alteration to waterborne, rail or air traffic?				X	X
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?				X	X
g. Inadequate sight distance? ingress/egress? General road capacity? Emergency access?				X X X X	X X X X
h. Impacts to Congestion Management Plan system?				X	X

Impact Discussion: Access to the project site is provided from St. Joseph Street, which intersects with Bell Street (Highway 135) approximately 1,300 feet south of the project property. Will Robertson, of the Santa Barbara County Public Works Department, Roads Division reports that all of the roadways and intersections in the Los Alamos community operate at acceptable levels of service.

According to the County's Environmental Thresholds and Guidelines Manual, a significant traffic impact occurs when:

- a. The addition of project traffic to an intersection increases the volume to capacity (V/C) ratio by the value provided below or sends at least 5, 10 or 15 trips to at LOS F, E or D.

LEVEL OF SERVICE (including project)	INCREASE IN V/C GREATER THAN
A	0.20
B	0.15
C	0.10
	OR THE ADDITION OF:
D	15 trips
E	10 trips
F	5 trips

- b. Project access to a major road or arterial road would require a driveway that would create an unsafe situation or a new traffic signal or major revisions to an existing traffic signal.
- c. Project adds traffic to a roadway that has design features (e.g., narrow width, road side ditches, sharp curves, poor sight distance, inadequate pavement structure) or receives use which would be incompatible with substantial increases in traffic (eg. rural roads with use by farm equipment, livestock, horseback riding, or residential roads with heavy pedestrian or recreational use, etc.) that will become potential safety problems with the addition of project or cumulative traffic. Exceedance of the roadways designated Circulation Element Capacity may indicate the potential for the occurrence of the above impacts.
- d. Project traffic would utilize a substantial portion of an intersection(s) capacity where the intersection is currently operating at acceptable levels of service (A-C) but with cumulative traffic would degrade to or approach LOS D (V/C 0.81) or lower. Substantial is defined as a minimum change of 0.03 for intersections which would operate from 0.80 to 0.85 and a change of 0.02 for intersections which would operate from 0.86 to 0.90, and 0.01 for intersections operating at anything lower.

In this case, project traffic would not impact a street or intersection that is operating at a LOS D, E, or F, and the project would constitute a negligible fraction of the capacity of area roadways and intersections. The project does not propose unsafe driveways nor would it otherwise cause or exacerbate an unsafe traffic condition. The project therefore would not have a significant impact related to traffic.

- a. **Potential Impacts to the Street System.**
Typically, the trip generation for a project is estimated using the trip generation rates and guidance provided in the Institute of Transportation Engineers (ITE) reference, Trip Generation, 8th Edition. However, due to the rural location of this project with limited pedestrian destinations near-by, lack of public transit, and potential out of town work destinations, the trip generation for this specific project may be different than what would be typically assumed. For a baseline, application of the standard apartment land use trip generation rates to the project would result in a total of 259 Average Daily Trips (ADT) with

20 AM and 24 PM peak hour trips. ITE notes that the Apartment trip rate will vary the farther the project site is from a Central Business District or transit source, but no specific guidance is provided. The San Diego Association of Governments (SANDAG) has published a rural adjustment of a 20% increase over the basic trip rate for single family homes. Also, as the project proposes a substantial number of three and four bedroom apartment units, some adjustment in the trip generation rate for these apartments could be considered. As such, a single family home trip rate could be applied to the larger units, with the rural apartment trip adjustment being applied to the 18 smaller apartment units. Application of the single family trip rate to the 3-4 bedroom units and of the rural apartment rate to the 2 bedroom units results in a project trip generation of 345 ADT with 27 AM and 34 PM peak hour trips. These estimates provide a worst case analysis of project traffic generation. The project's traffic-related impacts on roadways in the Los Alamos area would be less than significant.

- b. **Need for New Roads or Road Maintenance.** The proposed project includes a request for the County to vacate surplus right-of-way for St. Joseph Street and Kahn Way. The segment that would be vacated is a 10-foot width along the site's entire street frontage. The County standard right-of-way width is 60 feet. Both Saint Joseph Street and Kahn Way have 80-foot right-of-ways. The applicants also suggest that portions of Kahn Way that lie west of the proposed cul-de-sac be abandoned, but this is not a critical or required element of the project. The project would not require additional roads and may result in reduced right-of-way widths.

Saint Joseph Street and Kahn Way (currently unimproved County right-of-way) are public streets that would be improved as necessary by the developer but that would then be maintained by the County. Traffic that would be generated by the project would not result in significant impacts to public streets that would require a significant amount of increased roadway maintenance.

- c. **Parking.** For multi-family residential projects, the County's zoning regulations require 1 space per two bedroom unit and 2 spaces per three or more bedroom units, plus 1 guest space for every five units. The total parking required for this project is therefore 68 spaces, calculated as follows:

$$\begin{array}{r} 18 \text{ two bedroom units} \times 1 \text{ required space} = \mathbf{18} \text{ spaces} \\ 21 \text{ three (or more) bedroom units} \times 2 \text{ required spaces} = \mathbf{42} \text{ spaces} \\ + 39 \text{ total units} \div 5 = \mathbf{8} \text{ visitor spaces} \\ \hline \mathbf{68} \text{ parking spaces required} \end{array}$$

The applicant has provided for a total of 82 off-street parking, uncovered spaces. The project would therefore more than comply with the County regulations for parking for affordable housing projects. The proposed project would therefore not have significant effects relative to parking.

- d, e. **Transit.** The proposed project would not result in significant transit- or transportation-related impacts.

- a, f. **Construction traffic.** The project would result in construction phase truck traffic on Highway 135, Saint Joseph Street, and Kahn Way. The importation of 9000 cubic yards of fill would require approximately 900 truckloads of fill. The Public Works Department will require the approval of a haul permit, and will identify both routes and times of day to which haul trucks are restricted. In order to avoid impacts to children walking to school, haul trucks should be restricted to hours that do not conflict with the start and end times of the local school, e.g. 9 a.m. through 2 p.m. Compliance with the haul permit requirements would reduce construction-phase traffic impacts to a less than significant level.

- f, g. **Traffic Hazards and Emergency Access.** Access to the project site over San Antonio Creek would be provided by an existing bridge, which is adequate to accommodate project-related traffic. The additional traffic that would be created by the proposed project would not result in significant traffic safety impacts.

Emergency secondary access for the proposed project is provided by a connection through an adjoining subdivision to the U.S. 101 right-of-way, as mentioned above. The project therefore would not have significant hazards or emergency access impacts.

- h. **Congestion Management Plan.** Roadways and intersections in the Los Alamos area operate at acceptable levels of service and are not subject to Congestion Management Plan requirements.

Mitigation and Residual Impact:

- B. Haul trucks accessing and leaving the site shall be restricted to hours that do not conflict with the start and end times of the local school, e.g. 9 a.m. through 2 p.m. The applicant shall comply with this measure by obtaining a haul permit from the Public Works Department that specifies both the routes and the times of day to which haul trucks are restricted.

With the incorporation of this measure, the project's traffic-related impacts would be less than significant.

4.16 WATER RESOURCES/FLOODING

	Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
Will the proposal result in:					
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	X
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?				X	X
c. Change in the amount of surface water in any water body?				X	X
d. Discharge into surface waters, or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution (e.g., eutrophication)				X	X
e. Alterations to the course or flow of flood waters, or need for private or public flood control projects?			X		X
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?			X		X
g. Alteration of the direction or rate of flow of groundwater?				X	X
h. Change in the quantity of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	X
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?				X	X

Will the proposal result in:		Known Signif.	Unknown Poten. Sig.	Poten. Signif. and Mitig.	Not Signif.	Reviewed Under Previous Document
j.	The substantial degradation of groundwater quality including saltwater intrusion?				X	X
k.	Substantial reduction in the amount of water otherwise available for public water supplies?				X	X

Impact Discussion:

a-d. **Surface Water.** The project site slopes very slightly to the south and runoff presently sheet-flows to San Antonio Creek. Runoff from other lands upstream is conveyed across the subject site via an open concrete channel. Development of the proposed project would result in an increase in impervious surface area and a corresponding increase in storm water runoff. Runoff from the project site would be directed to San Antonio Creek via drop inlets (with state-of-the art filters), pipes and culverts. The discharge of runoff from the project site must occur in accordance with the standard requirements of the Santa Barbara County Flood Control District.

Additionally, the State Water Resources Control Board will require that the project prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that outlines the “best management practices” that would be utilized to minimize construction-related water quality impacts. The Regional Water Quality Control Board is responsible for reviewing and approving SWPPPs. The project would therefore not result in significant drainage impacts.

Short-term construction activities, the installation of new roadways and the proposed residential uses, may result in increased discharges of sediment and other pollutants commonly associated with urban development. Compliance with existing regulatory requirements to prepare and implement a Storm Water Pollution Prevention Plan for the project site would reduce the potential for short-term construction-related impacts to water quality to a less than significant level. The project has proposed to install filters on storm water drainage inlets that would substantially reduce concentrations of urban pollutants (oil, grease, garden products, etc) in runoff from the project site. Proposed mitigation measure BIO- 4 would require that the Santa Barbara County Housing Authority be responsible for maintaining the filters. With the implementation of regulatory requirements and proposed mitigation measures, the project’s potential to result in impacts to surface water quality would be reduced to a less than significant level.

e, f. **Flooding.** The easterly half (+/-) of the proposed project site is located within the 100-year flood plain of San Antonio Creek. . No development is proposed within the floodway. The County requires that finished floors be elevated a minimum of two feet above the 100-year flood level to protect residents and structures from flood-related impacts. The applicant proposes to use fill to achieve the required finished floor elevation. In order to assess the project’s effects on the flood water elevation in Los Alamos, the applicant hired MNS Engineers to conduct a site specific, detailed flood analysis for the project. The results of the analysis were reviewed and corroborated by County Flood Control staff. The study looked at several cross sections within the floodplain (see Figure 2 below, excerpted from the MNS study), and determined a potential rise of the 100 year water surface of up to 1.92 inches (see table, following page). In other areas, no increase in the flood water elevation was projected. With the incorporation of the County Flood Control requirements for this project, the project’s flood-related effects would be less than significant.

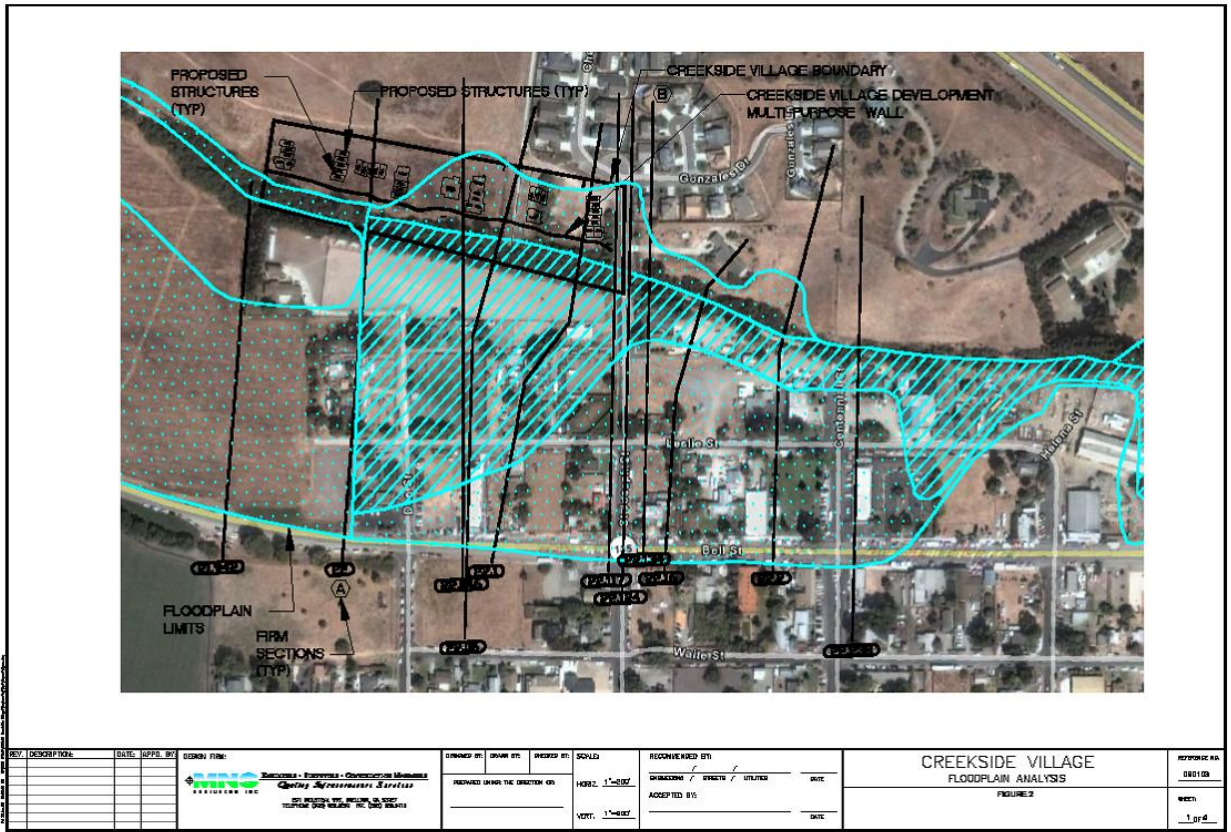


Table: Potential Change in Flood Water Surface Elevation (MNS Engineers Flood Study dated Feb. 4, 2009)

	Station (Station on FIRM map)	Effective WS ¹ Elevation including LOMR ² Revision	WS Elevation with proposed Creekside Development	Creekside WS – Revised Ground Effective WS in feet	Creekside WS – Revised Ground Effective WS in inches
Creekside	21.942	556.75	556.75	0	0
Creekside	22.000 A	556.95	556.67	-0.28	-0.94
Creekside	22.046	559.24	559.22	-0.02	-0.24
Creekside	22.060	559.71	559.87	0.16	1.92
Creekside	22.100	560.42	560.48	0.06	.72
Creekside	22.117	564.74	564.74	0	0
Bridge	22.118			0	0

1. Water surface
2. Letter of map revision

According to County Flood Control District staff, there is no engineering-based reason why foundations built on raised floors would be preferred over those built on fill with regard to flood protection. The proposed project includes grading to raise portions of the project site above the

100-year flood level. Currently the Los Alamos Community Plan (Development Standard Flood LA-1.1.5) requires that all new development use raised foundations instead of grading to achieve a finished floor elevation above the mean flood elevation. A disadvantage of the current development standard is the expense of flood insurance for structures whose foundations would come into contact with flood waters. The proposed project includes a text amendment to the Los Alamos Community Plan which would allow either method (grading or raised foundations) to achieve the necessary finished floor height, as deemed acceptable by the County's Flood Control District.

This text amendment would have the cumulative affect of allowing future development within the floodplain to also use grading to achieve the appropriate finished floor elevation. In addition to the subject parcel, there are several other undeveloped and underdeveloped parcels within the Flood Hazard Overlay within the Los Alamos Community Plan area. The revised development standard would apply to the future development of these parcels as well. Figure 1 shows the dozen or so parcels which would be affected by the proposed change.

As previously mentioned, the use of grading instead of raised foundations would be subject to the review and approval of the Flood Control District. Existing Flood Control District requirements state that structural development within a flood plain shall not occur if cumulative development would cause an increase in flood levels of more than one foot. Even an increase of less than one foot in floodwater elevation could affect properties built at the floodwater elevation. However, under the new development standard, County Flood Control would have the authority to allow or prohibit the use of fill, depending on project-specific circumstances, in order to protect people and property from flood hazards. Therefore, cumulative effect of the proposed change to Development Standard Flood LA 1.1.5 would be less than significant.

- g-k. **Groundwater.** The project site is located within the San Antonio groundwater basin. This basin is in a state of overdraft and has an estimated storage life of approximately 89 years. However, the status of this basin was updated in 1999 by P&D and the County Water Agency (Baca/Ahlroth memo dated 7-9-99). The basin is in a state of overdraft by 9,431 AFY. The CEQA Threshold is therefore now 22 AFY. (*Environmental Thresholds and Guidelines Manual, 2002*).

The proposed project would result in the development of 39 apartment units. The Los Alamos Community Services District would provide potable water service to the project. Using water demand and consumptive use factors that are contained in the *Environmental Thresholds and Guidelines Manual*, it is estimated that the proposed project, including landscaping, would have a long-term net water use of approximately 10.14 acre-feet per year (see Table 4.16-1).

The Board of Supervisors adopted a Statement of Overriding Considerations along with its adoption of the Los Alamos Community Plan for the impact of water demand. However, this particular project's use of ground water would not exceed the adopted significance threshold, and therefore would not result in a significant project-specific or cumulative water use impact.

**Table 4.16-1
 Water Demand**

Project Component	Number of Units/Area	Water Use Rate	Consumptive Use Factor	Water Use
Apartments	39 units	0.30 AFY/Unit (1)	0.75 (1)	8.8 AFY
Irrigated Open Space	0.74 acres	2.4 AFY/acre (1)	0.75 (1)	1.34 AFY
Total	--	--	--	10.14 AFY

(1) Source: *Environmental Thresholds and Guidelines Manual (2002)*

Mitigation and Residual Impact: With the following mitigation measures the project would not result in significant impacts to surface water or ground water resources:

20. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of Zoning Clearance Permits the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **Monitoring:** P&D shall review the documentation prior to approval of Zoning Clearance Permits. P&D shall site inspect during construction for compliance with the SWPPP.

21. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures shall be at least 2 feet above the 100 year water surface elevation. Graded lot pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2' above 100 year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Plan Requirements and Timing:** The finish floor elevations shall be shown on site, building and grading plans prior to approval of grading and zoning clearance permits. **Monitoring:** Flood Control and Building and Safety shall review plans and site inspect to ensure project compliance with this condition

22. Prior to zoning clearance approval, the applicant shall enter into a maintenance agreement with the District to assure perpetual maintenance of all on- and off-site private drainage improvements **or** the applicant shall demonstrate to the satisfaction of P&D that adequate provisions exist for the long-term maintenance (i.e. life of the project) of all flood control improvements related to the project. This may occur through the recordation of Conditions, Covenants and Restrictions (CCR) or similar private maintenance agreement acceptable to P&D and County Counsel or by the County's acceptance of said flood control improvements. **Monitoring:** P&D shall verify acceptance of flood control improvements into the County's maintenance system.

23. Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to approval of Zoning Clearance Permits. **Monitoring:** P&D shall site inspect prior to the commencement of, and as needed during all, grading and construction activities.

24. To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to approval of Zoning Clearance Permits. **Monitoring:** P&D shall site inspect, as needed during construction.

25. The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as oil/water separators, sand filters, landscaped areas for infiltration, basins or equivalent BMPs shall be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. **Plan Requirements and Timing:** The location and type of BMP shall be shown on the site and grading plans. The plans and maintenance program shall be submitted to P&D for approval prior to zoning clearance. **Monitoring:** P&D shall site inspect for installation prior to occupancy clearance. The landowner shall make annual maintenance records available for review by P&D upon request.

With implementation of the above mitigation measures, impacts of the project on water resources would be less than significant.

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Police, Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts,
Regional Programs, Other : _____

5.2 Comprehensive Plan

<input checked="" type="checkbox"/> Seismic Safety/Safety Element	<input checked="" type="checkbox"/> Conservation Element
<input checked="" type="checkbox"/> Open Space Element	<input checked="" type="checkbox"/> Noise Element
<input type="checkbox"/> Coastal Plan and Maps	<input checked="" type="checkbox"/> Circulation Element
<input type="checkbox"/> ERME	<input type="checkbox"/>

5.3 Other Sources

<input type="checkbox"/> Field work	<input type="checkbox"/> Ag Preserve maps
<input type="checkbox"/> Calculations	<input checked="" type="checkbox"/> Flood Control maps
<input type="checkbox"/> Project plans	<input checked="" type="checkbox"/> Other technical references (reports, survey, etc.)
<input checked="" type="checkbox"/> Traffic studies	<input checked="" type="checkbox"/> Planning files, maps, reports
<input type="checkbox"/> Records	<input checked="" type="checkbox"/> Zoning maps
<input checked="" type="checkbox"/> Grading plans	<input type="checkbox"/> Soils maps/reports
<input checked="" type="checkbox"/> Elevation, architectural renderings	<input type="checkbox"/> Plant maps
<input type="checkbox"/> Published geological map/reports	<input checked="" type="checkbox"/> Archaeological maps and reports
<input type="checkbox"/> Topographical maps	<input type="checkbox"/> Other

6.0 PROJECT SPECIFIC (short- and long-term) AND CUMULATIVE IMPACT SUMMARY

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	X
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?			X		X
3. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a 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.)		X			X
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	X
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?			X		X

Compliance with required mitigation measures and the project’s 50 foot setback from San Antonio Creek would avoid significant impacts to the biological resources associated with the riparian corridor.

Compliance with a raptor nest avoidance measure would avoid significant impacts to the red-tailed hawk nest south of the project site. Flood hazard impacts would be mitigated by requiring the finished floors of the units to be elevated a minimum of two feet above the 100- year flood level. The project’s effects on air quality, traffic, water, and public services would be below adopted thresholds of significance. The project would exceed the cumulative impact threshold for solid waste. However, this impact would be reduced to insignificance by the implementation of a Solid Waste Management Plan.

8.0 PROJECT ALTERNATIVES

If potentially significant, adverse unmitigable impacts would result, identify potential project alternatives to minimize these effects (reduced project, alternative use, alternative site location, etc.)

Not Applicable. The proposed project does not have potential impacts that cannot be feasibly mitigated to less than significant levels. The project has already been redesigned from the original submittal.

9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

Zoning

The project site is zoned “DR-4.6” (4.6 units per acre) under the Land Use and Development Code Zoning Ordinance. However, there is also an Affordable Housing Overlay (AHO) that allows 8.0 units per acre if the project includes an affordable component. The proposed project would result in the development of 39 residential apartment units at a density of approximately 8 units per acre units per acre. The project is consistent with zoning and the affordable housing overlay density.

Comprehensive Plan

The following policies from the County’s Comprehensive Plan and the Los Alamos Community Plan (LACP) are applicable to the proposed project: Flooding, Cultural Resources, Agricultural, Traffic, Aesthetics/Visual Resources, Biological Resources.

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

_____ Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

X Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

_____ Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

_____ Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

X With Public Hearing _____ Without Public Hearing

(Note: hearing was held on original ND; no hearing will be held for Revised ND)

PREVIOUS DOCUMENT: Los Alamos Community Plan EIR, 1994.

PROJECT EVALUATOR: Florence Trotter Cadena **DATE:** 11/10/08

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

- X I agree with staff conclusions. Preparation of the appropriate document may proceed.
_____ I DO NOT agree with staff conclusions. The following actions will be taken:
_____ I require consultation and further information prior to making my determination.

SIGNATURE: A.K. McCurdy INITIAL STUDY DATE: 11/10/08
SIGNATURE: A.K. McCurdy NEGATIVE DECLARATION DATE: 11/20/08
SIGNATURE: A.K. McCurdy REVISION DATE: 2/18/09
SIGNATURE: A.K. McCurdy FINAL NEGATIVE DECLARATION DATE: 3/25/09



PLANNING AND DEVELOPMENT ENVIRONMENTAL REVIEW MINUTES

MEETING OF December 8, 2008
6 p.m.

COUNTY OF SANTA BARBARA

Los Alamos Senior Center
690 Bell Street
Los Alamos, Ca 93440

Public Comment:

Chris Wrather, chair of LAPAC, requested the opportunity to speak prior to the item on the hearing agenda. Mr. Wrather stated that one of LAPAC's functions is to advise the P/C on projects. He received the draft ND on November 24th, but said that unfortunately the project applicant and planner did not coordinate with LAPAC. No notice was posted in the Post Office. There was no opportunity for a LAPAC meeting, although they did meet to discuss the project on 7/7/08.

Regular Agenda

Creekside Village Apartments Mitigated Negative Declaration; 08NGD-00000-00030
Published November 26, 2008

PROJECT DESCRIPTION: The Housing Authority of the County of Santa Barbara proposes to develop a 39 apartment unit rental project immediately north of San Antonio Creek, on the west side of Saint Joseph Street, in the Los Alamos area, Third Supervisorial District, on Assessor Parcel Number 101-110-035 (5.1 gross acres; 4.0 net acres). The project involves a General Plan Amendment, Development Plan, and Road Naming (08GPA-00000-00003, 08DVP-00000-00011; and 08RDN-00000-00005).

The affordable apartments would be owned and managed by the Housing Authority. The proposed project consists of the construction of a total of nine buildings throughout the site, including the apartment units and a community center. The units would be a mix of two, three, and four bedrooms. The buildings would range from 24 to 34 feet in height. The total lot coverage would consist of approximately 31,376 square feet of structures.

ENVIRONMENTAL REVIEW FINDINGS: The County has prepared a Draft Negative Declaration (08NGD-00000-00030) pursuant to Section 15073 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of CEQA. P&D's issuance of a Negative Declaration affirms our opinion that any significant adverse impacts associated with the proposed project may be reduced to a less than significant level with the adoption of mitigation measures, and that the project therefore does not require the preparation of an Environmental Impact Report (EIR). The Negative Declaration prepared for the project identifies and discusses potential impacts, mitigation measures, residual impacts and monitoring requirements for identified subject areas. Significant but mitigable effects on the environment are anticipated in the following areas: **Aesthetics, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Processes, Land Use, Noise, Public Facilities, and Water Resources/Flooding.**

NOTE: If you challenge this environmental document in court, you may be limited to raising only those issues raised by you or others in written correspondence or in hearings on the proposed project.

Alice McCurdy, Hearing Officer: Introduced staff, and explained that the purpose of the hearing is to hear from the community regarding the accuracy and adequacy of the environmental document. Because some of the notices did

not go out on time, the deadline for comments on the ND has been extended until January 5, 2009. Read the project description into the record.

Florence Trotter, Project Manager: Summarized the findings of the MND, including the project's potential environmental impacts and required mitigation measures.

Written Comments Received:

No letters have been received at the time of this hearing.

Public Testimony:

Jose Jiminez: The parking discussion assumes there would only be one car per unit. People will overflow the parking onto the street. There are not enough guest parking spaces.

Sonny Russell: My family used to own and farm this property; we used to find arrowheads and grinding stones there. In order to find artifacts you would have to dig there. Water used to pond on this property. If this project is built the water will have to go across the way. Project will need flood insurance and residents will be in harms way, like the people in New Orleans.

Tom Fayram, County Flood Control: We do have flood maps; the 100 year flood plain is set. Under the County's flood plain management practices, you are allowed to build in the floodway fringe if you elevate the finished floors above the floodwater elevation. This project is outside the floodway, in the floodway fringe. If everyone built in the floodway fringe, there would be a one foot rise in the elevation of flood waters.

Jean Naughton: You can't look at this project alone. The Legacy Estates EIR concluded that flooding is potentially significant. Is the county prepared for all the lawsuits? The project would not be visually compatible with the neighborhood. There are willow flycatchers breeding onsite. The estimate of 2.6 people per unit should be reconsidered as it is too low.

Carolyn Morthole: I am concerned with the proposed three story buildings; they would create a precedent and are not in line with the Community Plan.

Amber Naranjo: My husband is a design engineer. He says that the water will go toward Bell St, not to the west. Two people per bedroom equals 204 residents, and 408 trips minimum. There will be more than 2 people per bedroom. These would be the only apartment buildings in the whole area. Who's going to pay for the sewer plant?

Sheila Glaser: Why did this project not go to LAPAC? I am concerned as there are no crosswalks across Bell Street. Notice of this hearing was not posted on the bulletin board in the Post Office. I am concerned about flooding and the lack of crosswalks.

Will Robertson, County Public Works Department: The discussion of traffic in the document is based on national averages for projects of this type. Apartments by their nature are affordable, so using traffic statistics for apartments would be applicable for affordable apartment units. I will look at the roads affected by the project again. All intersections in the area operate at Level of Service A, the best level. The County is in negotiations with Caltrans regarding crosswalks across Bell Street. I think Caltrans will agree to a crosswalk across from the Post Office.

Mr Russell: There used to be a crosswalk at Centennial and Bell. The People's Self Help housing in Los Alamos now has 2-3 families per dwelling unit.

Mr. Robertson: If they choose, the community groups can hire their own traffic consultants and submit additional information. My opinion is that we have analyzed the traffic issues correctly. The project is way below the threshold of significance for traffic impacts. I like the San Diego Association of Governments traffic figures, as they reflect west coast weather and behavior better than national data. I will look at the parking requirements for the project again. Some of the concerns that have been raised are really quality of life issues rather than pure traffic issues; the Board of Supervisors and the Planning Commission will look at quality of life aspects of the project.

Bob Field: There should be a community meeting on this project. Traffic was estimated at 6 trips per unit per day; I think you are looking at 20-30 trips per day per unit. I had a previous experience where Public Works refused to straighten out the record. The County has the attitude that "you have to prove us wrong". The data being used for the project is inconceivable. The document needs to discuss cumulative impacts.

John Polansky, Applicant: This is my 6th meeting in Los Alamos on this project; four of them have been LAPAC meetings. We are a public agency and do not do anything to avoid the public process. The comments that have been made here tonight regarding the number of people are not reality. Our real life experience from doing these kinds of projects is that households that qualify for affordable units are lucky to have a car. We control residency at our projects. The primary cause of eviction is unauthorized household members living in units. We did a Santa Maria project where renters had to certify that they had only one car. Our goal is that this housing is a stepping stone for residents, not an end game. In our community center we will provide ESL classes, budgeting classes, and computer labs. We will also have onsite partnerships with the Boys' and Girls' Clubs. We will also have a management office. The Housing Authority is known for being responsive and consistent in terms of enforcing rules. I would invite anyone to ask our neighbors or tenants about how our facilities are managed and maintained. I would be willing to attend another LAPAC meeting, but would ask people to get their biases out of the way. At prior LAPAC meetings on the St. Joseph's project, the primary issue was lack of control once units were sold. We listened to that concern, and spent 2 years converting the project to a rental project. It is unfair to say we are flying under the radar. There are people living in this community today in substandard housing. We will address existing community needs, and will give preference points to locals. Our estimate is 1.5 people/bedroom.

Ms. Naughton: I am concerned about water and sewage volumes from the project and the impact on the Community Services District.

Ms. Naranjo: I work for a property management company and know the problems they have with tenants.

Mr. Polansky: The Housing Authority operates under state and federal law, which give us the authority to restrict occupancy. If a condition of approval limits us to a certain number of people and cars, we can do that. We will have an onsite property manager.

Mr. Field: The document underestimates the number of people who will live onsite, and therefore underestimates impacts related to traffic, water, sewage, and students. The number of students cited in the ND comes close to the threshold of significance. The project would have 62 bedrooms beyond the parent's bedrooms, yet you have only estimated 26 students.

Alice McCurdy: Thanks to everyone for their attendance and testimony. We will look into the issues raised tonight. The deadline for comments on the ND has been extended until January 5, 2009. This hearing is adjourned.

NOTE: These minutes provide a summary of the comments provided at the hearing. The County recorded the full discussion of the hearing on an audio tape.

Comments Received on Revised MND

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

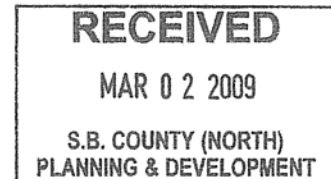
NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



February 27, 2009

Alice McCurdy
Santa Barbara County
624 W. Foster Road
Santa Maria, CA 93455



RE: SCH#2009021074 Creekside Village Apartments; Santa Barbara County.

Dear Ms. McCurdy:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst

CC: State Clearinghouse

Native American Contact
Santa Barbara County
February 27, 2009

Ernestine DeSoto
1027 Cacique Street, #A Chumash
Santa Barbara , CA 93103
(805) 962-3598

John Ruiz
1826 Stanwood Drive Chumash
Santa Barbara , CA 93103
(805) 965-8983

Owl Clan
Dr. Kote & Lin A-Lul'Koy Lotah
48825 Sapaque Road Chumash
Bradley , CA 93426
(805) 472-9536

Diane Napoleone and Associates
Diane Napoleone
6997 Vista del Rincon Chumash
La Conchita , CA 93001
dnaassociates@sbcglobal.net

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517 Chumash
Santa Ynez , CA 93460
varmenta@santaynezchumash.org
(805) 688-7997
(805) 686-9578 Fax

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365 Chumash
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road Chumash
Grover Beach , CA 93433
cheifmvgil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

Coastal Band of the Chumash Nation
Janet Garcia, Chairperson
P.O. Box 4464 Chumash
Santa Barbara , CA 93140
805-964-3447

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009021074 Creekside Village Apartments; Santa Barbara County.

Native American Contact
Santa Barbara County
February 27, 2009

Richard Angulo
P.O. Box 182 Chumash
Salome , AZ 85348

Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517 Chumash
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

Frank Arredondo
PO Box 161 Chumash
Santa Barbara , Ca 93102
802-617-6884

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009021074 Creekside Village Apartments; Santa Barbara County.

MAR-26-2009 12:52

STATE CLEARINGHOUSE



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



P. 002
CYNTHIA BRYANT
DIRECTOR

March 24, 2009

Alice McCurdy
Santa Barbara County
624 W Foster Road
Santa Maria, CA 93455

Subject: Creekside Village Apartments
SCH#: 2009021074

Dear Alice McCurdy:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on March 23, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive that reads "Terry Roberts".

Terry Roberts
Director, State Clearinghouse

ATTACHMENT C:
Proposed Conditions

I. Project Description:

1. This Final Development Plan is based upon and limited to compliance with the project description, the Planning Commission Hearing Exhibit marked "1", dated April 8, 2009 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

08DVP-00000-00011

Dwelling Units and Site Development. The proposed development is a 39 apartment unit rental project. All of the units would be rented at rates considered affordable to very low and low income households. The proposal consists of a total of nine buildings throughout the site with the construction of two, three and four bedroom units and a community center. The height of the buildings would range from 24 feet in height to 34 feet in height. The lot coverage would be approximately 31,376 square feet of structures. The applicant proposes to have a fulltime manager residing on site as well as maintenance staff employed onsite. All development would be located outside of the 50-foot setback from the bank of San Antonio Creek. A priority of the project would be to provide housing for households where at least one of the residents is employed full-time in the local agriculture industry.

Grading and Drainage. Approximately 9,000 cubic yards of fill would be required for the project, much of it to elevate floor elevations above the base flood elevation per County Flood Control requirements. This fill would raise the ground surface up to 3 feet. Runoff from the project site would be directed to San Antonio Creek via the existing open concrete channel. A new, smaller culvert from the proposed cul-de-sac and westerly portions of the site would also convey runoff to San Antonio Creek. Drainage improvements affecting the creek would require permits from the California Department of Fish and Game and possibly the US Army Corps of Engineers.

Utilities and Services: The Los Alamos Community Service District (LACSD) would provide water and sewer service to the proposed project. Fire protection services would be provided by Station 24 of the Santa Barbara County Fire Department (99 Centennial Street in Los Alamos) and Olga Reed Elementary School and Ernest Righetti High School would provide school service.

Amenities and Open Space. The project would maintain a minimum 50-foot structural setback from the northerly bank of San Antonio Creek, as a buffer for the purposes of water quality, protection of biological resources, and recreation. This area, and other landscaped areas between

buildings, would be common open space. Within the common open space, the applicant would develop trails and a tot lot with play equipment for children. The trails along the creek would be accessible not only for residents of the project but for the public as well. In total, approximately 113,787 square feet (51%) of the project site would be devoted to recreation or open space, which meets and exceeds the 40% open space requirement of the “Design Residential” zone district.

08GPA-00000-00003

The General Plan Amendment is proposed to revise the Los Alamos Community Plan, Development Standard FLD-LA-1.1.5. This development standard reads as follows: *Residential units that are proposed in areas prone to flooding which are required by the County Flood Control District to provide raised finish floor elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot. **The General Plan Amendment would revise this policy to state:** “Residential units that are proposed in areas prone to flooding shall comply with the requirements of the County Flood Control District.”*

This proposed revision is also part of the recently initiated Los Alamos Community Plan Update.

08GOV-00000-00024

Kahn Way is currently an 80-foot wide unimproved or “paper” street that runs from the northerly terminus of Saint Joseph Street to the westerly boundary of the project site and then dead ends. The right-of-way for Saint Joseph Street is also 80 feet in width. Both right-of-ways extend 40 feet from centerline onto the project site and 40 feet from centerline onto lands of others. The current County Standard right-of-way width is only 60 feet, which would be 30 feet from centerline. The applicant proposes to abandon this excess 10 foot strip along St. Joseph Street and a 10 – 15 foot strip along Kahn Way.

08RDN-00000-00005

Road naming: submitted to rename that portion of Kahn Way to Gonzales Drive as conditioned by Santa Barbara County Fire Department for emergency purposes.

II MITIGATION MEASURES FROM 08NGD-00000-00030

- 2. AEST-1:** The design, scale and character of the project architecture shall be compatible with the visual character of the Los Alamos community. **Plan Requirement and Timing:** At minimum, the applicant shall submit the following information to P&D and the Board of Architectural Review (BAR) for review and approval, prior to approval of Zoning Clearance Permits: grading plans, building designs for each proposed floor plan/house style, building designs for the recreation building, colors and materials, detailed planting and irrigation plans for on- and off-site landscaping, fence details, and site lighting. **Monitoring:** P&D shall inspect the project site prior to occupancy clearance to ensure compliance with approved plans.

3. **AEST-2:** Building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures. **Plan Requirement:** Materials shall be denoted on BAR plans, Land Use Permit or Zoning Clearance plans, and building plans. **Timing:** All structures and landscaping shall be in place and consistent with approved plans prior to occupancy clearance. **Monitoring:** P&D shall inspect prior to occupancy clearance.

4. **AQ-3:** If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- d. seeding and watering to revegetate graded areas; and/or
- e. spreading of soil binders; and/or
- f. any other methods deemed appropriate by Planning and Development.

Plan Requirements: These requirements shall be noted on all plans. **Timing:** Plans are required prior to issuance of a Zoning Clearance Permit. **Monitoring:** Grading Inspector shall perform periodic site inspections. If the construction site is graded and left undeveloped for over four weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

5. **AQ-4:** Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.

- d. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- e. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- f. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All requirements shall be shown on grading and building plans. **Timing:** Condition shall be adhered to throughout all grading and construction periods. **Monitoring:** P&D shall ensure measures are on plans. P&D Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

6. **AQ-5:** 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 off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be

- provided to the APCD. **Timing:** The dust monitor shall be designated prior to issuance of a Zoning Clearance Permit. **Monitoring:** P&D shall contact the designated monitor as necessary to ensure compliance with dust control measures.
7. **BIO-6:** With the exception of drainage conveyances, the tot lot, fencing, flat work and tree removals (diseased/dead Box elder, fruit trees ornamental hedge) expressly shown on approved plans, there shall be no grading, trenching or vegetation removal within 50 feet of the top-of-bank of San Antonio Creek, a sensitive riparian habitat area. The area shall be fenced during construction with a fencing type and in a location acceptable to P&D. **Plan Requirements:** The riparian habitat area, and type and location of protective fencing, shall be shown on all grading plans. **Timing:** Fencing shall be installed prior to any earth movement. **Monitoring:** P&D shall perform site inspections throughout the construction phase.
 8. **BIO-7:** No alteration to stream channels or banks shall be permitted until the Department of Fish and Game has been contacted to determine if the drainage falls under its jurisdiction. **Plan Requirements and Timing:** Prior to approval of Zoning Clearance Permits, the applicant must receive all necessary permits from California Department of Fish and Game.
 9. **BIO-8:** Prior to approval of Zoning Clearance Permits for grading, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity (i.e., headwall or rip-rap) within San Antonio Creek. **Plan Requirements and Timing:** A copy of the 404 permit or waiver shall be submitted to P&D prior to approval of Zoning Clearance Permits.
 10. **BIO-9:** To minimize pollutants impacting downstream water bodies or habitat, storm drain filters/inserts, inline clarifiers, or separators shall be installed in the project area storm drain inlets and/or paved areas. The filters/inserts shall be maintained in working order. **Plan Requirements:** Prior to approval of Zoning Clearance Permits for grading, the applicant shall submit grading and building plans identifying the type and location of filters/inserts to P&D for review and approval. The location of such filters/inserts shall be noted on grading and building plans. The requirements and schedule for cleaning and maintaining the filters shall be specified in the project CC&Rs. **Timing:** Filters/inserts shall be installed prior to the final building inspection/occupancy permit and shall be cleaned per the CC&Rs, or at least twice a year, once immediately prior to November 1 (i.e. before the start of the rainy season) and once in January. **Monitoring:** P&D shall site inspect periodically throughout the construction phase to ensure proper installation. Records of maintenance shall be maintained by the Santa Barbara County Housing Authority and shall be submitted to P&D on an annual basis prior to the start of the rainy season and for five years thereafter. **After the fifth** year the records shall be maintained by the Santa Barbara County Housing Authority and be made available to P&D on request. P&D shall review the maintenance records and site inspect as needed following completion of construction to ensure periodic cleanout.

11. **BIO-10:** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall not be located within the 50-foot creek setback. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Zoning Clearance Permits. The washout area(s) shall be in place and maintained throughout construction. **Monitoring:** P&D staff shall check plans prior to approval of Zoning Clearance Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

12. **Bio A: Construction Timing – Raptors:** If construction is to occur during the raptor breeding season (February 1 through July 15), a survey shall be conducted by a County-approved biologist no more than 7 days prior to construction. The purpose of the survey is to determine whether nesting activity is occurring within 500 feet of the project site. If raptor nesting is observed within the 500-foot perimeter, construction activity shall be delayed until the young have fledged the nest. Such determination will require follow-up surveys to confirm that fledging has occurred.

13. **CULRES-11:** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. **Monitoring:** P&D shall check plans prior to issuance of Zoning Clearance Permits and shall spot check in the field.

14. **GEO-12:** Excavation and grading shall be limited to the dry season of the year (April 15 – November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. A grading and erosion control plan shall be designed to minimize erosion and shall include the following measures:
 - d. A fence (see **BIO-6**) shall be installed across the entire project site in an east-west direction at a point at least 50 feet from the top of the San Antonio Creek bank. Grading shall be prohibited within this 50-foot setback area (except the minor trenching and flat work that has expressly been authorized).
 - e. Methods such as retention basins, drainage diversion structures and spot grading shall be used to reduce siltation into San Antonio Creek during grading and construction activities.

- f. Graded areas shall be revegetated within two (2) weeks of the completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Planning and Development shall review and approve the proposed revegetation plan. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

Plan Requirements: The grading and erosion control plan shall be submitted for review and approval by P&D prior to issuance approval of the **Land Use Permit**. *The applicant shall notify Permit Compliance prior to commencement of grading.* **Timing:** Components of the grading plan shall be implemented throughout the project construction period. **Monitoring:** Permit Compliance will photo document revegetation and ensure compliance with approved plans. Grading inspectors shall monitor technical aspects of the grading activities.

- ~~15. **GEO-13:** All runoff water from impervious areas shall be conveyed by impervious approved drainage conveyances (i.e., the open concrete channel, San Antonio Creek). **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Zoning Clearance Permits by the applicant to P&D and the Flood Control District for review and approval. **Monitoring:** P&D shall site inspect during construction. (Note that this condition has been replaced by revised condition 31).~~
16. **GEO-14:**All site preparation, grading and foundation work shall be consistent with the recommendations contained in the Geotechnical Engineering Investigation (Krazan & Associates, Inc., March 25, 2002). **Plan Requirements and Timing:** These recommendations shall be printed on grading plans submitted at the Zoning Clearance Permit and Building Permit stage. The recommendations shall be checked and cross-referenced with the Geotechnical Investigation prior to the issuance of a Zoning Clearance Permit, Building Permit or Grading Permit. **Monitoring:** P&D shall site inspect during construction.
17. **NOISE-16:** Construction activity for site preparation and for project development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.
18. **SOLIDW-1:** The applicant shall develop and implement a Solid Waste Management Plan (SWMP) to be approved by the Public Works Solid Waste Division and P&D and shall include the following components at a minimum:

- a. Provision of space and bins for storage of recyclable materials within the project site.
- b. Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County-sponsored programs).
- c. Implementation of a green waste source reduction program, including the creation of lot or common composting areas, and the use of mulching mowers in all common open space lawns.

Plan Requirement/Timing: The applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to Zoning Clearance. Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **Monitoring:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented.

19. **SOLIDW-2:** To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to Zoning Clearance approval, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. **Monitoring:** Permit Compliance staff shall inspect periodically throughout grading and construction activities.
20. **SOLIDW-3:** The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **Plan Requirements and Timing:** Prior to approval of Zoning Clearance Permits the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **Monitoring:** P&D shall review the documentation prior to approval of Zoning Clearance Permits. P&D shall site inspect during construction for compliance with the SWPPP.
21. **Traffic B: Construction Traffic:** Haul trucks accessing and leaving the site shall be restricted to hours that do not conflict with the start and end times of the local school, e.g. 9 a.m. through 2 p.m. The applicant shall comply with this measure by obtaining a haul permit from the Public Works Department that specifies both the routes and the times of day to which haul trucks are restricted.

III. PROJECT SPECIFIC CONDITIONS

22. Pursuant to County Ordinance 3898, the lowest finish floor elevation of all new structures shall be at least 2 feet above the 100 year water surface elevation. Graded lot pads with slab on grade foundations shall be at least 1.5 feet above the 100-year water surface elevation, with finish floor 2' above 100 year elevation. Finish floor elevations may be increased if deemed necessary by the Flood Control Engineer. Finish floor elevations shall be higher than overland escape of adjacent streets, bridges and other obstructions. **Plan Requirements and Timing:** The finish floor elevations shall be shown on site, building and grading plans prior to approval of grading and zoning clearance permits. **Monitoring:** Flood Control and Building and Safety shall review plans and site inspect to ensure project compliance with this condition
23. Prior to Zoning Clearance issuance, the applicant shall enter into and record an Agreement to Provide and Rental Restrictive Covenant and Preemptive Right based upon the County's model document which shall be subject to review and approval by Planning & Development, County Housing and Community Development ("HCD") and County Counsel. Thirty-nine apartment units shall be provided at rental prices affordable to very low and low income households, as defined by the County's Housing Element and the Housing Element Implementation Guidelines. This document shall specify affordability consistent with the terms described above and shall include provisions describing marketing of rental of units and requiring County approval of proposed leases. Income eligibility of prospective renters shall be determined by the County or its designee, however, HCD may choose to authorize applicant to conduct income certifications at the discretion of HCD subject to review and monitoring by HCD. The maximum rental rate for the affordable units shall not exceed the maximum levels established by the Board of Supervisors, consistent with the provisions of the Housing Element. The Agreement shall specify that the affordable units shall remain affordable for a period of 45 years unless preempted by state or federal programs. **Monitoring:** P&D shall review the agreement and determine it to be appropriate prior to Zoning Clearance Issuance.
24. Prior to zoning clearance approval, the applicant shall enter into a maintenance agreement with the County Flood Control District to assure perpetual maintenance of all on- and off-site private drainage improvements **or** the applicant shall demonstrate to the satisfaction of P&D that adequate provisions exist for the long-term maintenance (i.e. life of the project) of all flood control improvements related to the project. This may occur through the recordation of Conditions, Covenants and Restrictions (CCR) or similar private maintenance agreement acceptable to P&D and County Counsel or by the County's acceptance of said flood control improvements. **Monitoring:** P&D shall verify acceptance of flood control improvements into the County's maintenance system.
25. Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to approval of Zoning Clearance

- Permits. **Monitoring:** P&D shall site inspect prior to the commencement of, and as needed during all, grading and construction activities.
26. To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to approval of Zoning Clearance Permits. **Monitoring:** P&D shall site inspect, as needed during construction.
27. The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as oil/water separators, sand filters, landscaped areas for infiltration, basins or equivalent BMPs shall be installed to intercept and effectively prohibit pollutants from discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. **Plan Requirements and Timing:** The location and type of BMP shall be shown on the site and grading plans. The plans and maintenance program shall be submitted to P&D for approval prior to zoning clearance. **Monitoring:** P&D shall site inspect for installation prior to occupancy clearance. The landowner shall make annual maintenance records available for review by P&D upon request.

IV. STANDARD CONDITIONS FOR DEVELOPMENT PLANS

28. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to occupancy clearance. **Monitoring:** P&D shall inspect prior to occupancy clearance.
29. All elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approval (08BAR-00000-00103). **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and shall obtain final approval by the Board of Architectural Review prior to issuance of a Zoning Clearance Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing.
30. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be fully shielded hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Light trespass and glare shall be reduced to the maximum extent feasible through directional lighting methods. Any externally illuminated signs or building identification shall use top mounted light fixtures which shine downward and are fully shielded. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming

- lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR. The Lighting Plan shall also specify lamp or bulb type, wattage, and shielding. **Monitoring:** P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance Permit for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.
31. Drainage shall be consistent with approved drainage plans. **Plan Requirements:** Prior to issuance of a Land Use Permit or Zoning Clearance, a drainage plan shall be submitted to P&D, the Water Resources Division, Project Clean Water Agency, and Flood Control for review and approval. The plan shall include the location(s) and dimensions of all proposed bioswales and pipelines, ~~the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline.~~ **Timing:** The components of the drainage plan shall be ~~implemented~~ approved prior to issuance of a Land Use Permit or Zoning Clearance Permit. All drainage features shown on the plans shall be installed and approved by P&D. **Monitoring:** P&D shall site inspect during grading.
32. Development Plan Expiration: Approval of the Final Development Plan shall expire five (5) years after approval by the ~~Planning Commission~~ Board of Supervisors, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.
33. Final Development Plan conformity: No permits for development, including grading, shall be issued except in conformance with the approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1, dated ~~February 11,~~ April 8, 2009. Substantial conformity shall be determined by the Director of P&D.
34. Subsequent Development Plan: On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but un-built plans shall become null and void.
35. Time Extension – Revision: If the applicant requests a time extension for this project, the permit/project may be revised to include updated language to standard conditions and additional conditions which reflect changed circumstances or additional identified project impacts.
36. The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species which adequately screen the project site from surrounding land uses.

Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure. **Plan Requirements/Timing:** Prior to occupancy clearance, the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval. Prior to occupancy clearance, landscape and irrigation shall be installed. **MONITORING:** Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

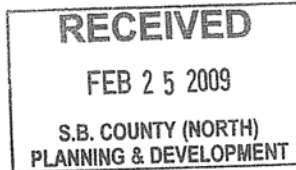
V. COUNTY RULES, REGULATIONS, & LEGAL REQUIREMENTS

37. Prior to Improvements: Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Zoning Clearance and Building Permit from Planning and Development and Building and Safety. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the ~~Planning Commission~~ Board of Supervisors.
38. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
39. Departmental Conditions: Compliance with Departmental letters and conditions:
- i. Fire Department letters dated April 15, 2008 and February 25, 2009
 - j. Environmental Health Services letter dated January 23, 2009.
 - k. Air Pollution Control District letter dated June 9, 2008.
 - l. Public Works, Roads Division letter dated January 20, 2009.
 - m. Public Works, Project Clean Water letter dated April 25, 2008.
 - n. Public Works, Flood Control letter dated April 17, 2008.
 - o. Parks Department letter dated January 14, 2009.
 - p. Public Works: Prior to Zoning Clearance, the applicant shall submit documentation that ~~abandonments of a 10 foot strip of excess ROW along St. Joseph Street and a 10 —15 foot strip of excess ROW along Kahn Way have been recorded.~~ the vacation of an excess 10 foot strip of County right-of-way along St. Joseph Street and an excess 15 foot strip of County right-of-way along Kahn Way by the County, and the County's acquisition of approximately 63 square feet of right of way from the applicant, have been recorded.
40. Building and Grading Plans: All applicable final conditions of approval shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

41. **Mitigation Monitoring Required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff or other agency personnel, and with key construction personnel.
 - c. Pay fees prior to Zoning Clearance as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
42. **Signed Agreement to Comply with Conditions Required:** Prior to Zoning Clearance, the applicant shall provide evidence that he/she has recorded an Agreement to comply with conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
43. **Fees Required:** Prior to ~~recording~~ issuance of Land Use Permit or Zoning Clearance, the applicant shall pay all applicable P&D permit processing fees in full.
44. **Indemnity:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, for the County's approval of the Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
45. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be

reviewed by the ~~Planning Commission~~ Board of Supervisors and no approval shall be issued unless substitute feasible conditions/measures are imposed.

Memorandum



Date: February 25, 2009
To: Alice McGurdy
Planning & Development
Santa Maria
From: Russ Sechler, Inspector *RS*
Fire Department
Subject: APN: 101-110-035; Case #: 08DVP-00011/08GPA-00003
Site: 33 St. Joseph Street, Los Alamos
Project Description: Creekside Village

*This Memorandum Supersedes the Previous Memorandum Dated April 15, 2008
Clarification of Public vs. Private Requirements for Kahn Way*

All Other Conditions Remain the Same

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

GENERAL NOTICE

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS, THE FOLLOWING CONDITIONS MUST BE MET

2. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

If Kahn Way is accepted as a "County Maintained Roadway", Public Works standards will apply. If Kahn Way is privately maintained, County Fire standards will apply and the road width shall be a minimum of 40 feet.

Because Kahn Way has been designated a possible future "Primary Residential Road", the required width of Kahn Way shall be 40 feet. (Refer to County of Santa Barbara Engineering Design Standards, page 6-9, attached.) The proposed 40-foot radius bulb turnaround at the end of Kahn Way will require red curbing and signage. The extension of Kahn Way, west of the

101-110-035

2

February 25, 2009

proposed cul-de-sac, shall also be widened to 32 feet. Please note these corrections on future plans.

All driveways shall be paved.

3. The existing road name of "Kahn Way" will be changed to "Gonzales Drive" as part of the approval process.
4. **Three (3)** new fire hydrants shall be installed. The hydrants shall be located as shown on plans dated October 18, 2007 and shall flow **1250** gallons per minute at a 20 psi residual pressure with one 4-inch and two 2½ inch discharge outlets.

**PRIOR TO OCCUPANCY CLEARANCE,
THE FOLLOWING CONDITIONS MUST BE MET**

5. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
6. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
7. Building address numbers shall be posted in conformance with fire department standards.
8. When access ways are gated a fire department approved locking system shall be installed.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems

Mitigation Fee at \$.20 per square foot for structures without fire sprinkler systems

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

RS:jmd

- c: Mr. David Goldstien, 650 Alamo Pintado, #303, Solvang, CA 93463
Sid Goldstien, Civil Engineer Inc., 650 Alamo Pintado, #302, Solvang, CA 93463
Housing Authority, County of Santa Barbara, 815 W. Ocean Ave., Lompoc, Ca 93436
Los Alamos Community Svc District, PO Box 675, Los Alamos, CA 93440
APN

ATTACHMENT D:
Proposed Planning Commission Resolution

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING)
TO THE BOARD OF SUPERVISORS THAT)
A GENERAL PLAN AMENDMENT BE)
APPROVED AMENDING DEVELOPMENT)
STANDARD FLD-LA-1.1.5 OF THE LOS)
ALAMOS COMMUNITY PLAN, A PART OF THE)
COUNTY'S COMPREHENSIVE PLAN, TO)
ALLOW A GREATER RANGE OF ENGINEERING)
SOLUTIONS FOR ACHIEVING FINISHED FLOOR)
ELEVATIONS FOR RESIDENTIAL)
DEVELOPMENT IN FLOOD PRONE AREAS)

RESOLUTION NO.: ##-##
CASE NO.: 08GPA-00000-00003

WITH REFERENCE TO THE FOLLOWING:

- A. On February 8, 2004 by Resolution No. 94-96, the Board of Supervisors of the County of Santa Barbara adopted the Los Alamos Community Plan.
- B. On March 19, 2008, an application (Case Number 08GPA-00000-00003) to amend Development Standard FLD-LA-1.1.5 of the Los Alamos Community Plan was filed with the County.
- C. This application has been reviewed by the Planning Commission, and found to provide both a public purpose and a community benefit, and;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

The Commission recommends that the Board of Supervisors approve a General Plan Amendment, Case Number 08GPA-00000-00003 [application filed on March 19, 2008] to amend to Development Standard FLD-LA-1.1.5 of the Los Alamos Community Plan as follows:

~~Development Standard FLD-LA-1.1.5 1.2.2: Residential units that are proposed in areas prone to flooding which are required by shall comply with the requirements of the County Flood Control District. to provide raised finish floor elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot.~~

PASSED, APPROVED AND ADOPTED this ~~February 11~~ April 8, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

Dianne Black
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT E:
Revised Site Plan, March 23, 2009

