

Project Update: Santa Ynez Band of Chumash Indians Hotel/Casino Expansion Project

Santa Barbara County
Board of Supervisors
October 7, 2014

Project Environmental Evaluation

- Prepared pursuant to:
 - The Santa Ynez Band of Chumash Indians' Off-Reservation Impacts Environmental Policy Ordinance
 - State Tribal Gaming Compact Section 10.8, which requires:
 - Adopt tribal environmental ordinance
 - Prepare study before commencement of construction
 - Consult with jurisdictions, meet to discuss mitigations
 - Make “good faith” efforts to mitigate significant impacts

Background

- Environmental Evaluation of Proposed Hotel/Casino Expansion Project (Project) was released on July 15th
- Project includes:
 - 215 new hotel rooms in a new 12-story tower
 - 584 parking spaces in a new 5-story structure
 - Remodeling of 150,000 ft.² of hotel/casino space



Process To Date

- July 15, 2014 Notice of Availability on Casino/Hotel Expansion Project Released
- July 15-Aug 14, 2014 Public review period
- July 31, 2014 Tribe conducted public meeting on proposed project
- August 13, 2014 County provided formal comment letter to Tribe on Project EE
- August 14, 2014 State Attorney General sent comment letter to Tribe on Project EE
- August 26, 2014 Board of Supervisors Hearing to discuss off-reservation impacts, proposed mitigation measures
- August 28, 2014 Meeting with County Representatives and Tribal Chairman Armenta

Process To Date continued...

- September 4, 2014 County received response to comment letter with request for response by September 10, 2014.
- September 10, 2014 County provided responses to letter reiterating mitigation request and desire to meet to continue discussions
- September 10, 2014 Business Committee of Tribe approved Final EE
- September 15, 2014 County received response from Tribe to September 10 letter
- September 23, 2014 Formal notice of EE approval dated September 22, 2104 received

EE: Potentially Significant Impacts

- Water resources – quality, supply, drainage, flood
- Geology and soils – erosion or loss of top soil
- Air quality – conflict with plan, violate standards
- Hazards and hazardous materials – exposure, releases
- Noise – increases in excess of standards
- Transportation/Traffic – exceed service standards
- Land use – conflict with plans & policies

EE: Potentially Significant Impacts

- Aesthetics – scenic vistas, light, glare
- Public services – fire prevention/protection, law enforcement (Level of service, staffing, SDF)
- Utilities & Service Systems – exceed capacity for wastewater and storm water drainage
- Planning & Development – Concern over unsubstantiated impact conclusions or inadequate mitigations, misapplication of land use plans and standards

| EE Impact Analysis Topics | EE Suggested Mitigation Measure* | County Mitigation Measure | Final Environmental Evaluation | Further County Comments |
|---|---|--|---|---|
| §3.2 - Water Resources | | | | |
| •Water Supply | Maximize recycled water | <ul style="list-style-type: none"> •Continue conservation efforts and abide by water restrictions. •Do not exceed allotment of water regardless of source. | (W1, W2)Proposed water use under County adopted threshold- Maximize water use on reservation-Maximize tertiary recycled water infrastructure to increase use of recycled water- Measures to reduce further demand in place. | <ul style="list-style-type: none"> • County remains concerned about drought status, water supply and overall water quality given new Federal standards. • No reference to mitigating off reservation impacts and use of storage tanks. • Disagree with conclusion. |
| •Site Drainage/Flooding | Limit grading-ensure construction outside of creek impacts-provide erosion control | Need hydrologic/ hydraulic study on Zanja de Cota Creek and flood map for Reservation | Hydraulic study and FEMA map Not provided. Erosion control plan provided | Have not agreed to do the hydraulic study and FEMA Map revision requested. |
| •Water Quality | Schedule construction during off-peak run-off | | See Above | |
| •Wastewater ¹ | <ul style="list-style-type: none"> •Re-vegetation •Disposal of soil wastes •Oil traps for parking runoff | | See Above | |
| §3.3 - Air Quality | | | | |
| •Criteria Air Pollutants | Construction dust abatement | Criteria pollutants exceed County threshold. | Comment that threshold does not apply to the reservation- Mitigation TR1. | The proposed level of development is not accounted for in the Santa Barbara County Clean Air Plan |
| •Odor ¹ | | | | |
| •Climate Change ¹ | | | | |
| §3.4 - Hazards and Hazardous Materials | | | | |
| •Hazardous Materials | Contain HM impacts on site | <ul style="list-style-type: none"> •Obtain "Full Access" agreement between Fire Protection District and the Tribe | (HM1)Provided HM plan. | |
| •Wildland Fire | <ul style="list-style-type: none"> •SOPs for equipment use to reduce risk of wildland fires •Firebreak | | Fire connections every 300' through out parking hotel and inaccessible structure. | |
| §3.5 - Noise | | | | |
| •Construction Noise ¹ | | <ul style="list-style-type: none"> •Inadequate analysis of rooftop pool noise impact | (CU2) limit hours of construction, temporary sounds walls | No further comment. |
| •Vibration ¹ | | | | |
| •Traffic Noise ¹ | | | Pool located on the roof of existing not new structure. Existing pool slated for removal - presumed less impact than existing pool as in new location. | |
| •Non-Transportation Noise ¹ | | | | |

| EE Impact Analysis Topics | EE Suggested Mitigation Measure* | County Mitigation Measure | Final Environmental Evaluation | Further County Comments |
|---------------------------|----------------------------------|---------------------------|--------------------------------|-------------------------|
|---------------------------|----------------------------------|---------------------------|--------------------------------|-------------------------|

§3.6 - Transportation & Traffic

| | | | | |
|---|--|--|--|--|
| •Construction Traffic ¹ | See mitigation on §3.11- Cumulative impact | Include special event traffic analysis | | No discussion of special event traffic mitigation |
| •Bicycle/Pedestrian Facilities ¹ | | Realign Cuesta or Casino at SR 246. | Realignment of Cuesta and Casino Entrance is noted as "not required". | •County continues to assert that realignment to a standard intersection would reduce confusion and conflicting movements, increasing safety to Casino guests and the travelling public. •Cal Trans open to discussion (L1-41). |
| •Operational Traffic – Intersections ¹ | | Establish 'fair share " MOUs with County & Caltrans. | Agreed to work with the County, Solvang, and Caltrans on the traffic mitigation payment agreement and timing. (L1-42) | No further comment. |
| •Roadways ¹ | | Improve capacity at Edison & SR 246. | •The requested Edison/ 246 intersection turn-lane analysis was refused because of the "no significant impact" finding. (L1-43) •Pursue mass transit for employees and patrons | •County continues to assert that due to the high peak traffic during special events, additional turn lanes might be beneficial in reducing delay. This need would not emerge in a standard peak-hour impact analysis, hence the request for a targeted analysis. •Result of meeting to ensure employee and patron bus service enhanced. |

§3.7 - Land Use, Population & Housing

| | | | | |
|--|--|---|---|--|
| •Local Land Use ¹ | | | | |
| •Santa Ynez Airport | •Obtain FAA permit if crane of over 60' is used for construction | •Project review by Airport Land Use Commission. | (LU1) if crane over 60 feet used will get permit with FAA | |
| •Population, Housing & Employment ¹ | | | | |

§3.8 - Aesthetics

| | | | | |
|------------------------|--|--|---|--|
| •Visual Resources | | •Analysis of visual & light/glare impacts inadequate; needs rewrite. | (AES1) •Indicated County did not elaborate on disagreement w/ EE. •Completion of aesthetics analysis. •Additional vegetation and enhanced landscaping. | County disagrees that tower is consistent with the rural character of the Santa Ynez Valley. |
| •Shadow, Light & Glare | •Tinted windows & black-out curtains •Non-glare lighting features | | (AES2 & AES3)•Windows will be designed to minimize light emanating from each room. •All lighting features will minimize glare. | •Impacts are significant and immitigable •Night Sky impact significant and unmitigable. |

| EE Impact Analysis Topics | EE Suggested Mitigation Measure* | County Mitigation Measure | Final Environmental Evaluation | Further County Comments |
|---|---|---|---|---|
| §3.10 - Public Services, Recreation, Utilities & Service Systems | | | | |
| Fire Protection & EMS | <ul style="list-style-type: none"> •Fire connections every 300' | <p>Obtain "Full Access" agreement for Fire & the Tribe.</p> <ul style="list-style-type: none"> •Fire protection specialist as a liaison during construction. • "Auto-aid" and annual operating plan needed. • Need 100' ladder truck and 12 FTEs plus a paramedic rescue squad with 6 FTEs - Adopt SBC Fire Code Fire Booster Station. | <p>(PS1-PS3)Tribe shall negotiate in good faith with SBCFD a fair share contribution toward fire protection equipment and/or staffing which may include but is not limited to the following:</p> <ul style="list-style-type: none"> •1 FTE firefighter at station 32 not to exceed 400,000 •Funding for 50% (approximately \$200,00) annually of a new FTE at one County fire station within the Valley, and/or •replace additional SBCFD paramedic stationed at station 32 per the existing fire agreement within FTE paramedic to be stationed at the Casino providing an on-reservation private of Tribal ambulance. <p>Tribe shall ensure all structures incorporate fire protection and safety standards beyond those required by the International Fire Code and shall consult the County Fire Marshall regarding implementation of fire suppression features in the Proposed Project and consideration of others measures may be mutually acceptable to the Tribe and County.</p> <p>Fire connections every 300'.</p> | <p>County continues to agree on the need to continue discussions to develop mutually agreed upon mitigations.</p> |
| | <ul style="list-style-type: none"> •Update evacuation plan | <p>Provide 26' wide aerial fire apparatus access road.</p> | <p>If structures not accessible during construction for connections every 300 feet.</p> | |
| | <ul style="list-style-type: none"> •Negotiate purchase of appropriate equipment & annual contribution for fire personnel | <ul style="list-style-type: none"> •Additional personnel resources needed. | <p>See Above</p> | |

| EE Impact Analysis Topics | EE Suggested Mitigation Measure* | County Mitigation Measure | Final Environmental Evaluation | Further County Comments |
|---------------------------|----------------------------------|---|---|---|
| Law Enforcement | | 5 Sheriff Deputy FTEs (5 FTE = One 24/7 POST) (Cost: \$840,000/per year) | <ul style="list-style-type: none"> •No mitigation measures recommended. •Tribe shall negotiate in good faith with County to determine fair share contribution toward law enforcement which may include but is not limited to 50% (not to exceed \$480,000 of one FTE law enforcement officer - Funding for one patrol vehicle on the Reservation. (L1-45) •Develop operational and mutual aid agreement. | <p>County continues to agree on the need to continue discussions to develop mutually agreed upon mitigations. Tribe request:</p> <ul style="list-style-type: none"> •Provide funding for the balance required to fund (one 24/7 POST=5 FTEs) law enforcement officer position at the SBCSD Solvang Substation; •Provide funding for the maintenance and fuel of the new patrol vehicle to be funding by the Tribe (refer to Mitigation Measure PS3); <p>Coordinate with the Tribe in a good faith effort to establish the following:</p> <ul style="list-style-type: none"> - Mutual aid agreements for Tribal Policy with SLECs; and - Concurrent law enforcement jurisdiction under TLOA. |

§3.11 – Growth-inducing & cumulative environmental impacts

| | | | | |
|--|---|---|---|--|
| •Water resources ¹ | •Energy efficient appliances | •All SYBCI projects cumulative water demands of 147AFY; New data says basin is in overdraft | See Water Resources section above | |
| •Air Quality | •Adopt Green Building Code | | CU1 | |
| •Hazards & hazardous materials ¹ | •Recycle 75% of solid waste generated | | HM1- Plan to contain Hz Mat on Site | |
| •Noise | •If noise complaints, then limit construction hours and install sound barrier | | CU2 Limit construction house & install temporary sound barriers | |
| •Transportation & traffic | •Fair-share contributions to reduce impacts to roadways & intersections | | Agreed to discuss fair share agreement | County agrees with need to develop agreement |
| •Land use, population & housing ¹ | | | See Land Use, Population and Housing Section | |
| •Aesthetics ¹ | | | | |
| •Biological resources ¹ | | | | |
| •Public services, utilities & service systems ¹ | | | | |

County Mitigation Measures; IGSDF's & Chumash Mitigation

| County Requested Mitigation Measures | | | IGSDF* | | Final Chumash Evaluation |
|--|---|-------------------------------------|------------------|--------------------------------|--------------------------------|
| Mitigation Support - Ongoing (a) | Mitigation Support - One Time (a) | Notes on Current Mitigation Funding | IGSDF 2008-09 | Revised IGSDF FY 2013-14 | |

Fire & Related:

| | | | | | | |
|-----------------------------|--------------|--------------|---|------------|------------|------------|
| Fire protection - staffing | \$ 3,100,000 | | (b) 12 staff to support 100' ladder truck | | | |
| Fire protection - equipment | | \$ 1,700,000 | (b) 100' ladder truck | | | |
| Equip Maint/Replacement | \$ 100,000 | | (b) \$100k equip. deprec. + maint | | | |
| EMR - Staffing | \$ 1,500,000 | | (b) 6 Firefighter/paramedics | \$ 490,000 | \$ 519,000 | \$ 600,000 |
| EMR - Equipment | \$ 11,000 | \$ 250,000 | (b) Rescue Squad vehicle/equip. & maint. | | | |

Sheriff:

| | | | | | | |
|----------------|------------|--|---------------------------|------------|-----------|------------|
| Sheriff Patrol | \$ 840,000 | | (c) 5 officers from IGSDF | \$ 673,403 | \$ 83,300 | \$ 480,000 |
|----------------|------------|--|---------------------------|------------|-----------|------------|

Grand Total

| | | | | | | |
|--|---------------------|---------------------|--|---------------------|-------------------|---------------------|
| | \$ 5,551,000 | \$ 1,950,000 | | \$ 1,163,403 | \$ 602,300 | \$ 1,080,000 |
|--|---------------------|---------------------|--|---------------------|-------------------|---------------------|

Chumash Public Safety Mitigations

| Final Chumash Evaluation | Notes <i>Source: Final Environmental Evaluation; Santa Ynez Band of Chumash Indians Hotel Expansion Project</i> |
|--------------------------|---|
| \$ 600,000 | "Funding for a full time equivalent (FTE) firefighter position at Station 32 not to exceed \$400,000 annually; Funding for approximately 50 percent (\$200,000) annually of a new FTE firefighter position at one of the SBCFD stations in the Santa Ynez Valley; and/or Replacing the additional SBCFD paramedic stationed at Station 32 per the existing Fire Agreement with a FTE paramedic to be stationed at the Chumash Casino Resort and providing an on-Reservation private or Tribal ambulance." |
| \$ 480,000 | "Funding for approximately 50 percent (not to exceed \$480,000) of one FTE law enforcement officer position at the Santa Barbara County Sheriff Department (SBCSD) Solvang Substation; and/or Funding for one patrol vehicle for use on the Reservation" |

Recommended Actions

- Receive a report regarding the Santa Ynez Band of Chumash Indian's proposed hotel and casino expansion project
- Provide direction to the County Executive Officer on next steps
- Determine that the recommended actions (above) are exempt from CEQA pursuant to CEQA guidelines Sections 15061 9b) (3) because it can be seen with certainty that there is no possibility that those actions by the County have a significant effect on the environment

Questions?