

Brianda Negrete Public Comment - Group 1

From: BMKF <losalamossbc@gmail.com>
Sent: Monday, January 23, 2023 9:15 AM
To: Brianda Negrete; sbcob
Subject: RE: Agenda Item File# 23-00084 Village Square Subdivision (TR14,608) (formerly Legacy Estates)

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Santa Barbara County Board of Supervisors,

I am writing to you about the agenda item File # 23-00084, Title: Consider recommendations regarding Village Square Subdivision (TR 14,608), Fourth District and request that you reject approval of both recommended actions a & b.

The request to DENY APPROVAL of recommended actions a & b is based on the following:

First, action a) asks that the Board approve and authorize the Chair to execute the Agreement for Construction and Dedication of Flood Control Improvements with Los Alamos 59, LP and MHP Builder Inc. associated with off-site storm drain improvements for Tract Map 14,608 in the Los Alamos Community;

In the Legacy Estates Final 2005 EIR, 4.6 Drainage/Flooding and Water Quality, 4.6.2 Impacts and Mitigation, Tiered Negative Declaration (Appendix A) determined that

"project development would not result in a exceedance of the following threshold criterion, and therefore not discussed further:

*Would the project be inundated by seiche (i.e. a stationary wave caused by strong winds and/or changes in atmospheric pressure) tsunami, or mudflow?

- The project site is not located near the Pacific Ocean, any enclosed bodies of water such as a lake, or steep slopes subject to mudflows, therefore these geological phenomena would not occur."

This determination in the report is completely contrary to the findings of Santa Barbara County's own Flood Control & Water Conservation District and Water Agency. A copy of their report titled: Los Alamos Drainage Study, May 1990 was included in the Appendix of the EIR that states clearly on page 1, Drainage Setting, par. 6 "Both the Solomon and Purisima Hills soil profile consists of relatively shallow, heavy texture soils, with generally low permeability. The low soil permeability and steep (45-50%) slopes combine to promote very rapid flash flood type flooding conditions within the canyons and at the mouths of canyons where they discharge into the Los Alamos Valley."

The County flood control report further states that it is important to note, "that the potential flood hazard is such that it must be addressed from a public safety perspective within the urban area of Los Alamos."

The final 2005 EIR completely omits a significant criteria for impacts and mitigation regarding mudflow hazards to the Los Alamos Valley.

The claim that the project development is not located near a steep slope subject to mudflows is completely erroneous, factually incorrect and mis-characterizes the County's own study findings. Reasonable due diligence was NOT exercised at the time the 2005 EIR was certified as complete, substantial evidence was not examined and omitted, and significant effects of mudflow hazard are substantially more severe than shown in the 2005 Final EIR. Pursuant to the CEQA Guidelines Section 15162 subdivision (a), a subsequent EIR is required.

Secondly, action b) asks that the Board determine that pursuant to the California Environmental Quality Act Guidelines Section 15162, the recommended actions are within the scope of the environmental review documents for this project [Environmental Impact Report (05EIR-00000-00005) previously certified September 7, 2005].

As I have identified in item a), reasonable due diligence was NOT exercised at the time the final 2005 EIR was completed, substantial evidence was not examined and omitted in the Drainage/Flooding and Water Quality impacts and mitigations, and significant effects of mudflow hazard are substantially more severe than shown in the 2005 Final EIR. All these conditions, under the CEQA Guidelines Section 15162 subdivision (a), require a subsequent EIR. Therefore, action b) CANNOT be approved prior to the completion of a subsequent EIR.

In addition to the gross oversight of the mudflow hazards, as outlined in Table ES-1, Summary of Impacts and Mitigations, pg. 5, Drainage/Flooding and Water Quality, Description of Impact WQ/Flood-1, Mitigation Measure states: Prior to recordation of the final map, the applicant shall enter a maintenance agreement with Santa Barbara County Flood Control District to assure perpetual maintenance of all on- and off-site private drainage improvements. The final Tract Map was approved by the Board of Supervisors on Dec. 13, 2022, administrative item file # 22-01130, and consequently recorded on Dec. 19, 2022 before applicant entered into a maintenance agreement with the Santa Barbara County Flood Control District. The mitigation outlined in the 2005 EIR clearly states that a maintenance agreement must be

in place prior to recordation of the final map. The Board took action on finalizing tract map 14,608 before the applicant secured a maintenance agreement with Santa Barbara County Flood Control District.

The 2005 EIR is incomplete, omitting evidence of substantial and significant effects. Moreover, it is wholly inadequate in addressing the environmental impacts of 2023 and beyond. Our community witnessed first hand as successive storms flooded our streets, overflowed drainage ditches, and mudflows formed at Purisima Hills over a period of 3 weeks. Climate extremes are no longer outliers and will continue to wreak havoc and strain our environment and infrastructures. From the discovered significant effects of mudflow hazards, to cumulative material revisions of various agencies' guidelines cited over the past 18 years, requiring a subsequent EIR to be completed is the only responsible action the Board of Supervisors can take today for the residents of Los Alamos.

In summary, I request that the Board of Supervisors not approve this agenda item. Additionally, pursuant to CEQA Guidelines 15162 subdivision (a), that the Board of Supervisors request a subsequent EIR (Environmental Impact Report) for the project development Village Square Subdivision, TM 14,608 (formerly known as Legacy Estates) so that newly discovered information of substantial importance may be reviewed.

Sincerely,

K. Flores
Los Alamos, CA

Brianda Negrete

From: Jim Albertson <jimblue@hotmail.com>
Sent: Monday, January 23, 2023 1:51 PM
To: Brianda Negrete; sbcob
Cc: Bob Nelson; Hartmann, Joan; Supervisor Das Williams;
Supervisorsteve.lavagnino@countyofsb.org; Laura Capps
Subject: File #23-00084

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Date: January 23, 2023 at 1:50 PM PST

To: bnegrete@countyofsb.org, sbcob@co.santa-barbara.ca.us

Subject: RE: Agenda Item File# 23-00084 Village Square Subdivision (TR14,608) (formerly Legacy Estates)

Dear Santa Barbara County Board of Supervisors,

I am writing to you about the agenda item File # 23-00084, specifically the flood control plan.

The final map you approved last month shows the southeast corner of this project to be 200 meters from the terminus of Drum Canyon Road. As we have seen in Montecito twice in the last 5 years, canyons and roads that go down canyons are increasingly vulnerable to flooding and debris flows due to climate change. Beyond Al Gore, none of us would have predicted this when the 2005 EIR was written or even in 2015, when the flood control plan was written.

Santa Barbara County's Flood Control & Water Conservation District and Water Agency's report titled: Los Alamos Drainage Study, May 1990, was included in the Appendix of the EIR and states clearly on page 1, Drainage Setting, par. 6 "Both the Solomon and Purisima Hills soil profile consists of relatively shallow, heavy texture soils, with generally low permeability. The low soil permeability and steep (45-50%) slopes combine to promote very rapid flash flood type flooding conditions within the canyons and at the mouths of canyons where they discharge into the Los Alamos Valley."

The County flood control report further states that it is important to note, "that the potential flood hazard is such that it must be addressed from a public safety perspective within the urban area of Los Alamos."

I request that the Board of Supervisors not approve this agenda item, 23-00084. Additionally, pursuant to CEQA Guidelines 15162 subdivision (a), that the Board of Supervisors request a subsequent EIR (Environmental Impact Report) for the project development Village Square Subdivision, TM 14,608 (formerly known as Legacy Estates) so that newly discovered information of substantial importance may be reviewed.

Sincerely,

Jim Albertson
105 Main Street
Los Alamos, CA

Jim