

ATTACHMENT A: CEQA FINDINGS

Under the State CEQA Guidelines, with respect to the Veronica Meadows project, the Santa Barbara Local Agency Formation Commission (“LAFCO”) is a Responsible Agency and the City of Santa Barbara (“City”) is the Lead Agency. As the Lead Agency, the City has taken the responsibility of preparing and certifying the EIR. The City has also adopted mitigation measures and findings related to mitigation measures, project alternatives and a Statement of Overriding Considerations.

LAFCO has reviewed each of the mitigation measures and alternatives identified in the EIR prepared by the City. None of the mitigation measures or alternatives addresses the issues over which LAFCO has discretion in considering the application for reorganization except for denial of the reorganization. CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws (CEQA Guidelines Section 15040(b)). LAFCO’s power does not include any land use regulation. For these reasons, other than denying the reorganization, LAFCO cannot legally impose the identified mitigation measures as conditions of approval. The City has done so when it approved the various components of the larger project.

As a Responsible Agency, LAFCO’s role is limited:

“A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance or approve.” (CEQA Guidelines § 15096(g)(1)).

“When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.” (CEQA Guidelines § 15096(g)(2), emphasis added).

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091

1 CONSIDERATION OF THE EIR

LAFCO has considered the Final Environmental Impact Report (the FEIR consists of the 2005 Final EIR and the 2008 Final Revised EIR) prepared by URS Corporation (SCH #2003091128) for the lead agency, the City of Santa Barbara (certified by the City on June 17, 2008) and has reached its own conclusions on whether and how to approve the project. LAFCO certifies that it has reviewed and considered the FEIR and its appendices prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing on July 3, 2008.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the LAFCO Executive Officer, 105 East Anapamu St., Santa Barbara, CA 93101.

The record of proceedings for LAFCO decisions on the Project includes, but is not limited to, the following documents:

- (1) Public notices issued by LAFCO in conjunction with the Project;
- (2) The resolution of application adopted by the Santa Barbara City Council
- (3) The application for reorganization submitted to LAFCO;
- (4) The Final Environmental Impact Report (the FEIR consists of the 2005 Final EIR and the 2008 Final Revised EIR) prepared by URS Corporation (SCH #2003091128)
- (5) Any minutes and recordings of all information sessions, public meetings, and public hearings held by LAFCO in connection with the Project; and
- (6) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by LAFCO;
- (7) All documents submitted to LAFCO by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on the Project on July 3, 2008;
- (8) Any other materials required for the record of proceedings by Public Resources Code § 21167.6, subdivision (e).

**FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE
RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

An EIR has been certified for a larger project within the approval jurisdiction of the City of Santa Barbara of which the proposed reorganization is a component. The EIR identified one or more significant environmental effects for the larger project. Changes or alterations that would avoid or substantially lessen the significant environmental effects as identified in the final EIR are within the responsibility and jurisdiction of the City of Santa Barbara and not LAFCO. Such changes have been adopted by the City or can and should be adopted by the City.

LAFCO's jurisdiction to impose conditions on this reorganization is limited under the Cortese-Knox-Hertzberg Local Government Reorganization Act and CEQA Guidelines Sections 15050 and 15096.

The CEQA Guidelines provides that a responsible agency has responsibility for mitigating or avoiding **only** the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance or approve. (CEQA Guidelines § 15096(g)(1)).

The reorganization has no direct environmental effects. The proposed mitigation measures identified in the final EIR which might reduce or eliminate the significant adverse indirect environmental impacts of the project are not within the limited jurisdiction of LAFCO in considering approval of this reorganization.

FINDINGS REGARDING SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS

There are no identified direct significant environmental impacts of the proposed reorganization and therefore no findings required by Section 15096(h) are needed for direct impacts.

As discussed above, LAFCO finds its ability to mitigate the indirect impacts of the project is subject to the limitations of its powers and the constitutional protections regarding nexus for exactions. None of the mitigation measures addresses the issues over which LAFCO has discretion. LAFCO's discretion is also limited by CEQA Guidelines section 15040(b), discussed above. In contrast, the City has broad authority to impose mitigation measures.

Specifically, and by way of example:

Biological Resources -- Habitat Impacts Due to Land Development. The EIR states that this impact can be minimized through Mitigation Measure BIO-1, requiring changes to the native habitat restoration plans. There are no direct impacts of the reorganization; LAFCO cannot monitor and enforce the indirect impacts of the larger project because it is beyond its authority to do so.

The following identified impacts are each subject to the same conclusions and finding:

- Biological Resources – Loss of Oak Trees. The EIR states that this impact can be minimized through Mitigation Measure BIO-2, which requires replacement of oak trees at a 10:1 ratio.
- Biological Resources – Impacts to Wildlife During Construction. The EIR states that this impact can be minimized through Mitigation Measure BIO-5 and BIO-6, which places certain limits on grading and earthwork
- Biological Resources – Effect of Development and Human Uses on Creek Resources. The EIR states that this impact can be minimized through Mitigation Measure BIO-7, which imposes certain requirements on lighting, pedestrian path design, the gazebo, and a habitat maintenance and management plan.
- Biological Resources -- Effect of Proposed Drainage of Riparian and Aquatic Habitats
- Biological Resources -- Effect of Site Drainage on Creek Hydraulics
- Biological Resources – Increase in Bank Erosion
- Biological Resources -- Effect of the Riparian Corridor Restoration and Bank Repair on Bank Conditions

- Biological Resources -- Effect of Construction on Creek Water Quality
- Biological Resources -- Effect of Land Development on Water Quality
- Biological Resources – Effect of Bridge on Riparian Habitat and Wildlife
- Geologic Hazards -- Liquefaction
- Geologic Hazards -- Expansive Soils
- Geologic Hazards -- High Groundwater
- Geologic Hazards – Landslides
- Geologic Hazards – Surface Faulting
- Cultural Resources -- Impacts to Historic Resources
- Cultural Resources – Impacts to Unknown Buried Deposits
- Traffic – Intersection Impacts
- Traffic -- Intersection Control
- Traffic – Intersection Sight Distance
- Traffic – Intersection Geometry
- Traffic – Degradation of Existing Roads
- Traffic – Truck Traffic Conflicts
- Public Health and Safety – Pesticides
- Public Health and Safety – Radon
- Public Health and Safety – Fire Safety for Landscaping
- Air Quality – Impacts of Construction Related Emissions
- Air Quality – Fugitive Dust
- Noise – Noise from Construction Haul Trucks
- Drainage, Erosion and Water Quality- Increase in Stormwater Runoff
- Drainage, Erosion and Water Quality- Increase in Bank Erosion
- Drainage, Erosion and Water Quality- Effect of the project on Water Quality in Arroyo Burro
- Visual Resources – Visual Contrast
- Visual Resources – Loss of Open Space
- Visual Resources – Glare from Night Lighting

FINDINGS REGARDING PROJECT ALTERNATIVES

An EIR has been prepared for a larger project within the approval jurisdiction of the City of Santa Barbara, of which the proposed reorganization is a component for which LAFCO is a responsible agency, and that EIR has identified and analyzed alternatives to the larger project. There is no evidence in the EIR that the reorganization will cause any adverse environmental impacts. Moreover, LAFCO has responsibility for mitigating or avoiding only the direct or indirect parts of the project which it approves and which it can feasibly require mitigation.

All of the project alternatives identified and analyzed in the Final EIR include reorganization, except for the No Project Alternative and the No Annexation Alternative. Thus, selecting one of the other alternatives would not eliminate the reorganization. In addition, the EIR supports the conclusion that the reorganization does not cause any direct environmental impacts because it does not authorize any development, nor change

any of the land use regulations applicable to the property. LAFCO has jurisdiction to approve the No Annexation Alternative by denying the application. LAFCO has no authority over the no project alternative because this alternative would not require LAFCO approval.

LAFCO finds that the no annexation alternative is infeasible because it does not meet the project objectives of the City. This alternative would not reduce a large unincorporated island and would not improve land use planning and public services in this portion of the Las Positas Valley. This alternative would also not increase public access in the Las Positas Valley nor establish beneficial pedestrian and bike routes that enhance coastal access. For each of these reasons, LAFCO finds this alternative infeasible within the meaning of CEQA and is therefore rejected.

STATEMENT OF OVERRIDING CONSIDERATIONS

LAFCO has determined that the reorganization will not cause any adverse environmental effects. Therefore, it is not required to engage in the balancing of the benefits of the reorganization against adverse effects under CEQA Guideline § 15093. Nonetheless, out of an abundance of caution, LAFCO has reviewed and considered the Statement of Overriding Considerations approved by the City of Santa Barbara (set forth below) and the evidence that supports that Statement as set forth in the Final EIR and, based thereon, has concluded that any adverse environmental effects of the project are “acceptable.”

The 2005 Final EIR, 2008 Final Revised EIR, and other written materials presented to and prepared by the LAFCO show that the Project would result in the following substantial public benefits as set forth in the Statement of Overriding Considerations adopted by the Santa Barbara City Council on June 17, 2008:

- (1) Annexation of unincorporated parcels would improve planning and public services in this portion of the Las Positas Valley.
- (2) The larger project would provide for limited development and preservation of the remainder of the property in open space, including restoration of the creek habitat and designation of approximately 35.7 acres of private land for open space.
- (3) The proposed larger project would provide for stabilization of on-site geological conditions on the property to the benefit of public safety
- (4) The proposed larger project would include creek corridor stabilization, upland habitat restoration and long-term maintenance, and public access benefits of a new public trail and open space land providing free recreational opportunities for the general public (outside of the creek channel).
- (5) The larger project in restoration and dedication of approximately 7.8 acres of public and private land for open space and recreational use by the general public.
- (6) The larger project, with the bridge across the Arroyo Burro Creek, establishes enhanced public access for pedestrians and bicyclists connecting Elings Park

and the Westside to Arroyo Burro Beach County Park, the Alan Road and Braemar Ranch neighborhoods, and homes within the project site.

- (7) The larger project, with the bridge across the Arroyo Burro Creek, establishes safer pedestrian and bicycle access to the beach from the neighborhood east of Las Positas Road along a pleasant new creek-side trail, avoiding the heavily traveled road.
- (8) The larger project, with the bridge across the Arroyo Burro Creek, helps the City meet key goals in the City's Circulation Element's Bikeway and Pedestrian Master Plans at no taxpayer expense.
- (9) The larger project, with the bridge across the Arroyo Burro Creek, minimizes new traffic impacts to the Alan Road neighborhood when compared to project alternatives that use Alan Road as access for the entire project.
- (10) The larger project helps maintain the Alan Road neighborhood as a peaceful cul-de-sac area where children can play safely by not including an Alan Road extension that could serve as a Las Positas Road shortcut.
- (11) The larger project includes traffic design, access route, contributions to a roundabout at Cliff Drive and Las Positas Road, and a signalized crosswalk on Las Positas between the project site and Elings Park entrance, improve safe traffic efficiency and flow on Las Positas Road, to benefit the community as a whole.
- (12) The larger project includes creek corridor stabilization, upland habitat restoration and long-term maintenance, and public access benefits of a new public trail and open space land providing free recreational opportunities for the general public (outside of the creek channel).
- (13) The larger project would result in an increase in property tax revenues benefiting the City, County, and local school and other special districts.
- (14) The larger project would result in 25 new housing units, and the creation of new construction jobs.
- (15) The larger project allows the City of Santa Barbara to better leverage limited General Fund and Measure B creek restoration funds by expediting removal of invasive species, restoring private and public creek riparian corridors, reducing pollution and erosion along a portion of Arroyo Burro Creek to the highest professional standards and on a shorter time schedule than the City of Santa Barbara's current restoration timetable all at no new net cost to taxpayers.
- (16) The larger project includes erosion, pollution, and creek stabilization and restoration plans are developed with a high level of scientific and technical expertise, techniques, and tools to a modern City of Santa Barbara creek enhancement or restoration project. Fluvial geomorphology studies and mitigation plans for this section of Arroyo Burro Creek already exceed all Measure B funded mapping and restoration studies preceding it. Bringing higher levels of creek and habitat restoration science and technology to the City of Santa Barbara at no new net taxpayer cost are additional community benefits.
- (17) The larger project results in the complete restoration and stabilization of a highly incised, degraded and polluted riparian corridor, overrun by invasive species, in excess of 1,800 lineal feet and 12.4 acres, including City-owned land. Long-term maintenance of structural improvements made within the creek

channel and the creek buffer to the west would be funded by the Applicant/Home Owners' Association.

- (18) The larger project improves water quality in the site area and reduces discharge and runoff of sediment pollution into Arroyo Burro Creek.
- (19) The larger project results in the creation of a new riparian corridor on the site, improving the existing drainage deficiencies on the site.
- (20) The larger project improves the Arroyo Burro Creek ecosystem quantitatively and qualitatively by removal of numerous invasive species, and permanent replacement throughout the site with native plants (and where possible, local native seed stocks) to create, over time, a more natural and bio-diverse riparian corridor, furthering the long-term goals of Measure B at no new net community cost.
- (21) The larger project would provide for fair share mitigation funding for vehicle intersection improvements that would benefit the area. In addition, the City of Santa Barbara would likely direct these traffic mitigation funds to a single intersection improvement project (Cliff Drive/Las Positas Road roundabout), which is a greater overall benefit than having the funds dispersed to all four impacted intersections which may not be fully funded for some time. This will assist in the timely completion of a project that would help reduce traffic congestion in the area in the foreseeable future.
- (22) The larger project includes two housing units affordable to upper-middle-income homebuyers. The provision of two housing units affordable to upper-middle-income homebuyers would provide an important and needed housing type in the City that may not otherwise be provided.