

June 27, 2008

**Steven A. Amerikaner**

**BY FEDERAL EXPRESS OVERNIGHT AND E-MAIL**

805.882.1407 tel  
805.965.4333 fax  
SAmerikaner@bhfs.com

The Honorable Cathy Schlottmann, Chair, and Members of the Commission  
Santa Barbara Local Agency Formation Commission  
105 E. Anapamu Street  
Santa Barbara, CA 93101

RE: Commission Agenda of July 3, 2008, Item #10: Veronica Meadows Annexation

Dear Chair Schlottmann and Members of the Commission:

This letter is written on behalf of Peak-Las Positas Partners, the owner of property proposed for annexation and related land use approvals concerning a residential project commonly referred to as "Veronica Meadows." The property is on an "island" on unincorporated territory adjacent to the City of Santa Barbara, located on 50 acres west of Las Positas Road between Highway 101 and the beach, directly across the street from Elings Park (Tab 1). The property is in a section of the Las Positas Valley that is within the City of Santa Barbara's Sphere of Influence. It has been designated for annexation to the City for decades (Tab 2).

The Santa Barbara City Council initiated annexation of this property – and approved a subdivision map and other land use approvals -- on June 17, 2008.

On July 3, your Commission is scheduled to consider annexation of this property to the City of Santa Barbara and a number of related detachments. The purpose of this letter is to briefly review the project's key elements and to offer some comments on the issues that may be presented to the Commission.

**The Project**

The project consists of 25 single-family homes and the restoration of 1800 linear feet of Arroyo Burro Creek, consisting of over 12 acres, including a portion of a City-owned parcel (Tab 3). The property is currently vacant and degraded, and surrounded by a single-family neighborhood to the south (located in the City) and a condominium project to the north (in unincorporated territory) (Tab 4). The homes will be separated from the creek by a 100 foot buffer, and will be clustered on six acres. The remaining 44 acres will be dedicated as public open space.

The creek restoration project was designed by Swanson & Associates, one of the most respected fluvial geomorphologists in the Western United States. It is both state-of-the-art and entirely voluntary. No taxpayer funds will be needed for the creek restoration or maintenance.

The exemplary quality of the creek restoration project is evidenced by the support it has received from the National Marine Fisheries Service, an agency of the National Oceanic and Atmospheric Administration (Tab 5).

The applicant will be building a clear span bridge across the creek from Las Positas Road, and vehicular traffic related to 22 of the 25 homes will use this bridge and thus be routed away from the Alan Road neighborhood. The bridge has a second important public benefit: it creates a valuable

pedestrian and bicycle link for access to the county's Arroyo Burro Beach from a number of City neighborhoods and from Elings Park (Tab 4).

The property is not readily visible from Las Positas Road because of dense vegetation on the City-owned parcel adjacent to the creek. Thus, the change in land use will not be perceptible to most people passing by the property.

The applicant has been going through the land use approval process since 1999. An EIR was prepared in 2004, and the project came to the City Planning Commission in December 2005. In December 2006, the City Council approved the project, including initiating the annexation. A legal challenge to that approval was filed by Citizens Planning Association and Urban Creeks Council in January 2007. In December 2007, the approvals were declared invalid by the Superior Court on CEQA grounds. In February 2008, the City started preparation of a Revised EIR. The Revised EIR was certified by the City Council on June 17, 2008.

### **Land Use and Density Issues**

The project includes 25 homes on 15 acres, which is 1.66 units per acre. According to the City staff report, the existing County zoning would allow approximately 40 units on the 15-acre development site, for an average of 2.6 units per acre.

The Braemar Vista subdivision adjacent to the property on the south (Tab 4) is zoned for 4 units per acre. The Stonecreek condominium project to the north (id.) is zoned for 10 units per acre. Thus, it is clear that the proposed use and density is consistent with the neighborhood development pattern.

### **Project Benefits**

The Veronica Meadows project offers a number of significant project benefits. Some of the more important benefits are as follows:

- a. An exemplary creek restoration program that will improve and permanently maintain 1800 linear feet of Arroyo Burro Creek (over 12 acres), entirely funded by private sources.
- b. Enhanced public access to the beach and Elings Park. Pedestrians and bicyclists will be able to safely travel from the City's Westside neighborhoods to the County-owned Arroyo Burro Beach, and from the Braemar and Alan Road neighborhoods to Elings Park.
- c. Designation of over 35 contiguous acres of private property as public open space.
- d. Clustering of development on 6 acres of the 15-acre development site, and dedication of the balance as open space.
- e. 23 new market-rate homes, and 2 affordable units, with associated construction jobs.
- f. Implementation of the City's longstanding policy of annexing property in the Las Positas Valley.
- g. A six-acre City park, restored and maintained in perpetuity with private funds.
- h. Enhanced property tax revenue.



These benefits, plus others, are included in the Statement of Overriding Considerations adopted by the City Council on June 17.

### **Annexation**

As pointed out in the Final Revised EIR, this property has long been identified for annexation, along with the rest of the Las Positas Valley. The City surrounds this property on three sides, and a 5.5-acre parcel located between this property and Las Positas Road was annexed to the City in April 2008 (Tab 2).

### **Commission's Role as a "Responsible Agency" under CEQA**

The City has prepared a Final EIR for this project, and is the "Lead Agency" for CEQA purposes. The Commission is designated as a "Responsible Agency" and thus has a very limited role under CEQA. That role is reflected in the resolution presented to you.

### **Conclusion**

Veronica Meadows is a project of extraordinary quality. It offers unsurpassed environmental and economic benefits to the community in the form of a privately-funded creek restoration program, enhanced access to beaches and parks, and market-rate housing. The project applicant has worked long and hard to design a project that meets all city policies and which is supported by a broad cross-section of the community.

The proposed annexation is consistent with longstanding City and LAFCO policy regarding property in the Las Positas Valley.

We respectfully urge the Commission to approve the annexation and related detachments.

Sincerely,



Steven A. Amerikaner

### **Attachments**

cc     Honorable Janet Wolf, Supervisor, Second District  
       Robert Braitman, Executive Officer, LAFCO  
       Bill Dillon, Santa Barbara County Counsel's Office  
       Allison De Busk, Project Planner, City of Santa Barbara  
       Mark Lee, Peak-Las Positas Partners  
       Jeff Gorrell, Lenvik & Minor Architects  
       Susan Roberts, Cannon Associates



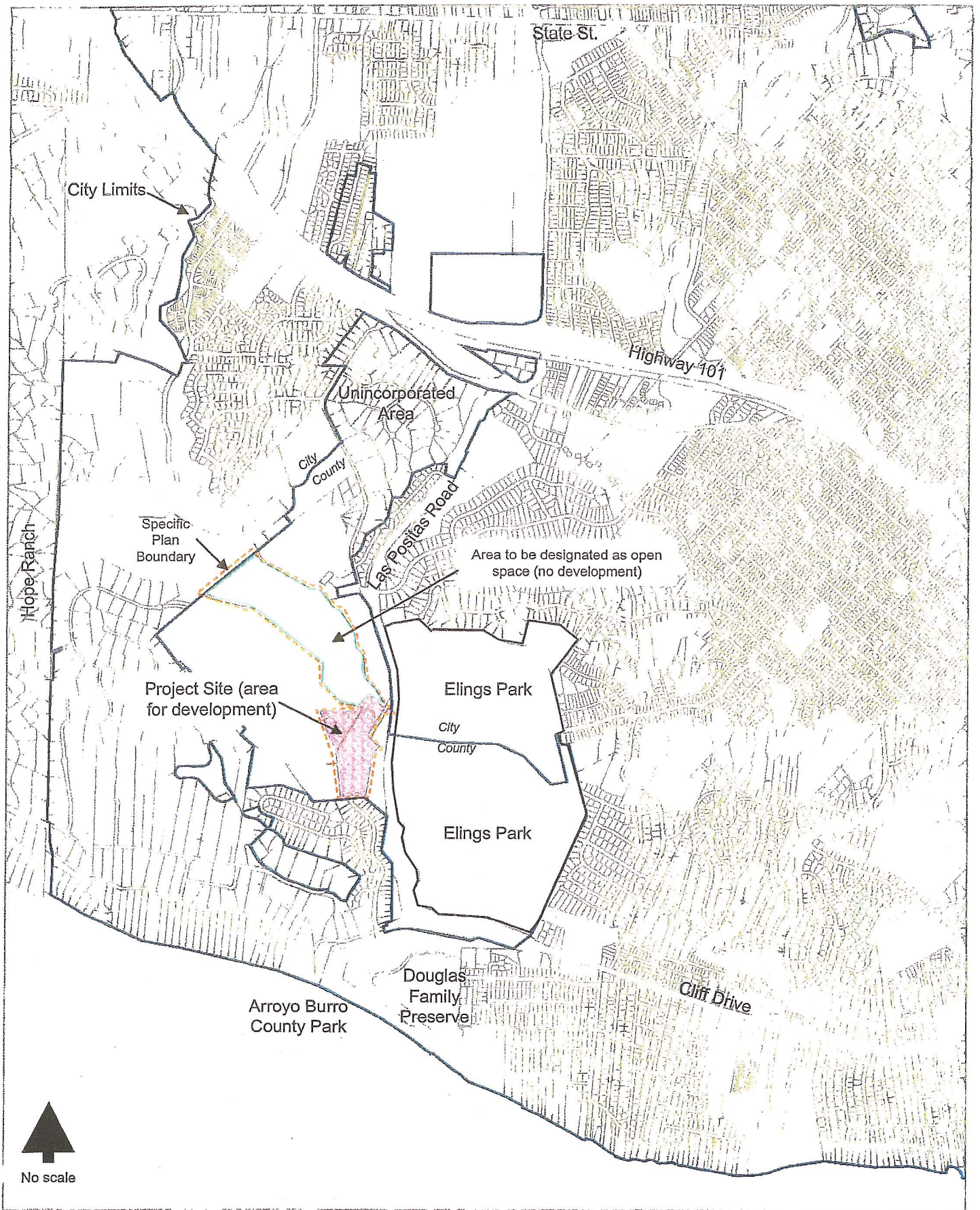


Figure 1-1. Location of Specific Plan Project Site







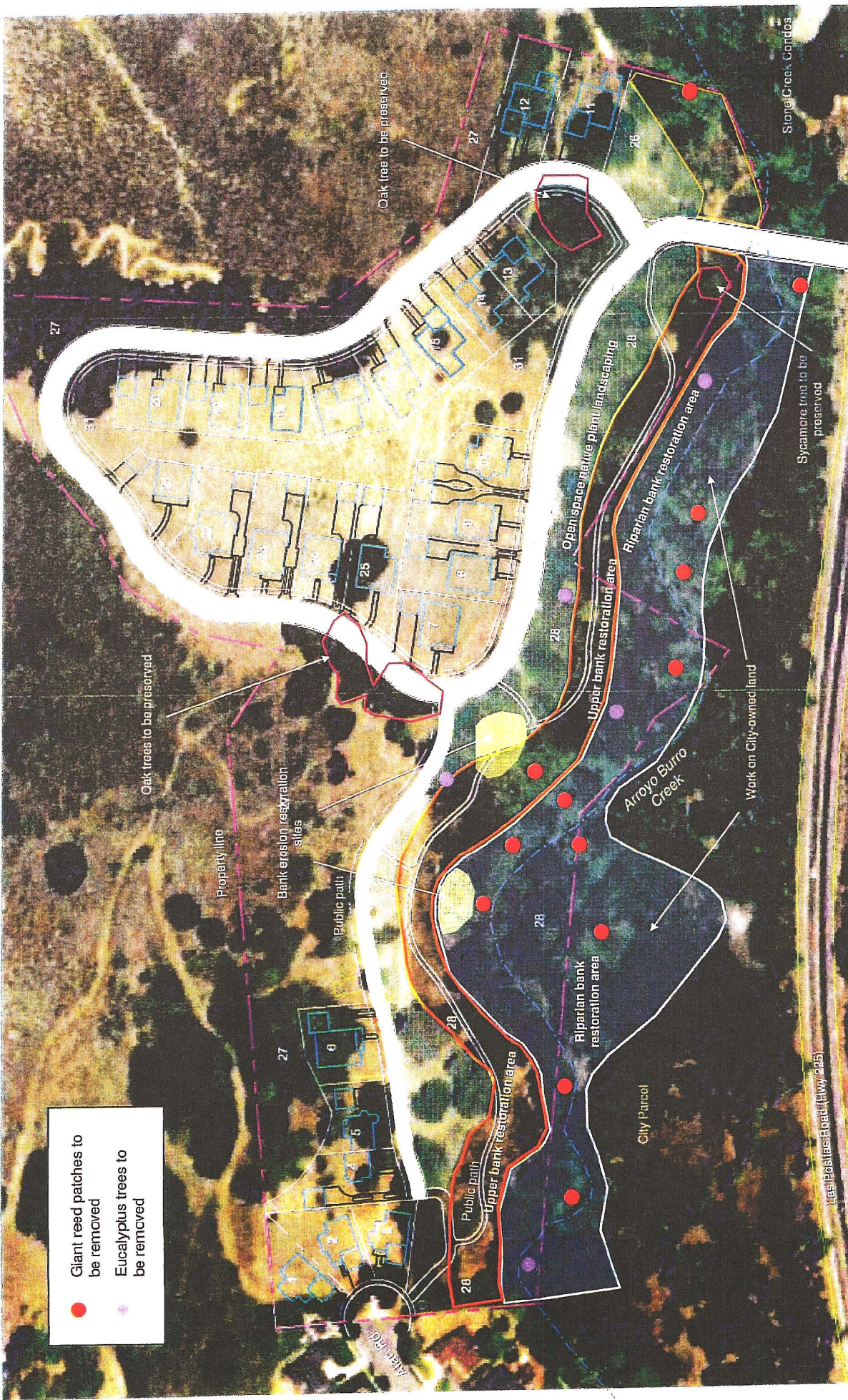


Figure 3-14. Extent of Proposed Creek Corridor Restoration  
 (Based on Current 2008 Project design)



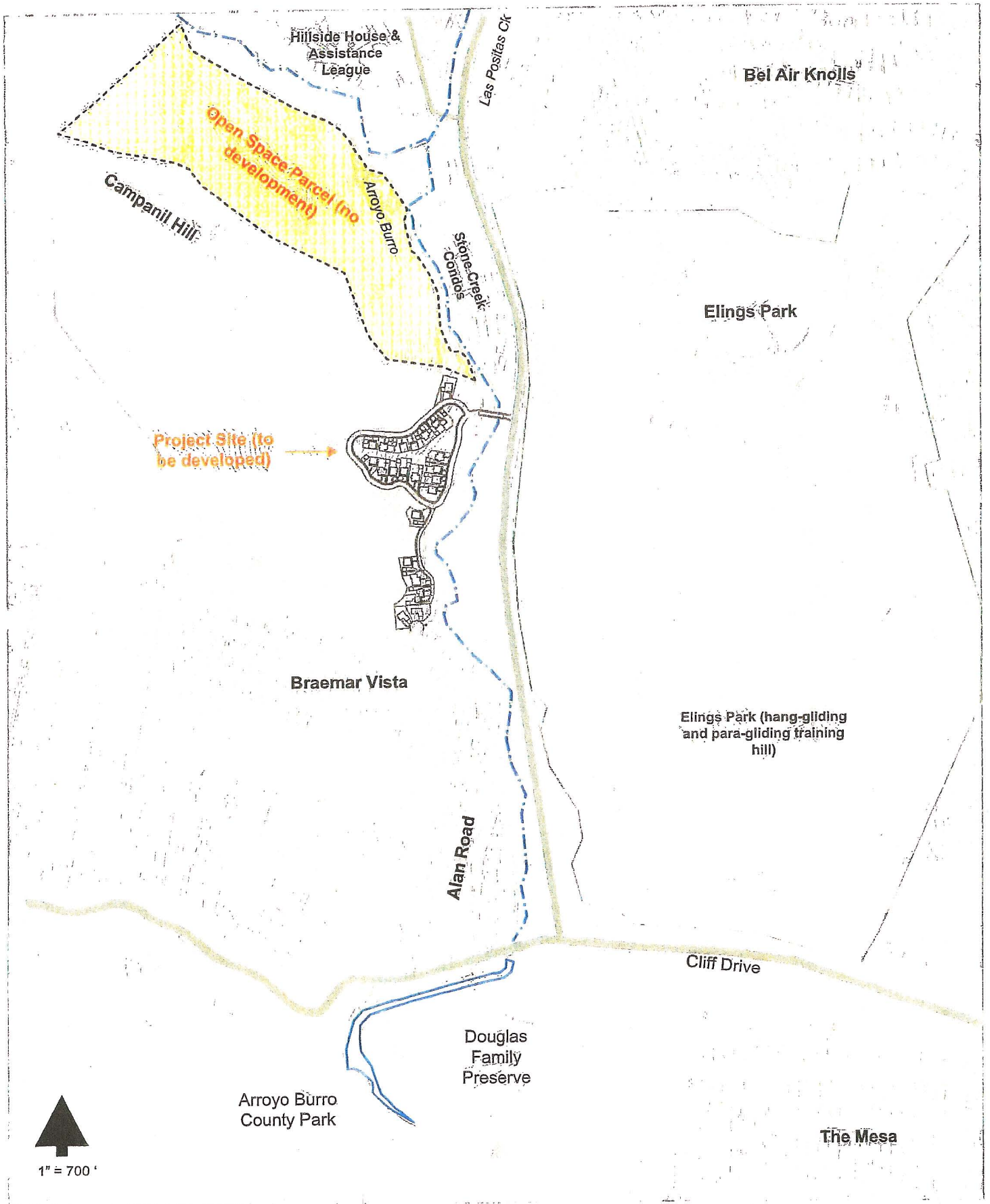


Figure 2-1. Geographic Features at and near the Specific Plan Project Site



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
777 Sonoma Avenue, Room 219-A  
Santa Rosa, CA 95409

In Response refer to:  
F/HG3:KC

May 9, 2008

City of Santa Barbara, Planning Division  
630 Garden Street  
Santa Barbara, CA 93101  
Attn: Allison DeBusk, Planner

I am writing this letter to express my agency's support of the Proposed Creek Restoration Plan designed by Mitchell Swanson of Swanson Hydrology + Geomorphology on Arroyo Burro Creek on the Conception Coast of California. This project is being funded by Mark Lee of Peak-Las Positas Partners. It is a unique opportunity for NOAA to support a private contribution of this magnitude in the interests of fisheries habitat restoration. Arundo Removal and Channel Restoration address key limiting factors for juvenile fish rearing in the endangered Southern California populations of Steelhead Trout. This action combined with other restoration actions along the conception coast and elsewhere will help recover the endangered steelhead as this area is vital to their continued persistence. We are currently collaborating with David Chang of the County of Santa Barbara's Agricultural Commissioner's office on Arundo and Tamarisk efforts in the Santa Ynez River, and he has expressed interest in also working in this watershed.

The National Marine Fisheries Service in general and the NOAA Restoration Center in particular, are always looking for effective partnerships to enhance recovery of NOAA trust resources throughout the United States and its territories. Mr. Lee's project is the type of restoration project we commonly fund, and we are delighted to see a private landowner take on this type of effort. Swanson Hydrology + Geomorphology is a well known and respected contractor in the planning and execution of these types of projects.

If you have questions please feel free to contact me at (707) 575-6080 or by e-mail at [Kit.Crump@noaa.gov](mailto:Kit.Crump@noaa.gov). Thank you in advance for the City of Santa Barbara's anticipated support of this worthy restoration project!

Sincerely

Donald "Kit" Crump  
NOAA Restoration Center

