

TO: City Council

RE: Plan Santa Barbara Status Review (February 26, 2008)

*(This message places supporting reasoning in footnotes – at end of each page – to keep the “thread” of the primary message in better focus. You can view any footnote by resting your mouse arrow on a footnote number in the body of the text or double left-clicking a footnote number.)*

This is not a “complaint” message about perceived shortcomings in Plan Santa Barbara.

Rather, it is a *plea*, urging you to effectively rescue this process, and a suggestion as to why (and how) that still is very much possible.

## **The Dilemma**

As it now stands, much of what was promised in the long-awaited “Plan Santa Barbara” has suffered the fate of what the Planning Commission described, in its recent attempt to revive it, as a “triage”

As to what happened, we can only speculate. After the Plan’s good start, individual citizens and groups eagerly awaited the opportunity to jump into the issue-formulation and decision-making phases of the process - but it has stood dead in its tracks for the past eight months.<sup>1</sup> The Planning Commission’s “triage” resulted in a selection of a few “hot button” development issues items, to be put on a fast track.<sup>2</sup>

Our guess – and it can only be a guess – as to why this happened is that this \$2,200,000 undertaking was not provided with the management structure it required to be executed effectively. The *Plan* tasks were for the most part added on to existing staff duties, and suffered the predictable fate of a mission pursued as a “part time” undertaking. Everything else seemed to take priority.

## **Can it be fixed?**

We can’t just jettison a substantial part of an undertaking this important; a comprehensive General Plan Update has been sorely needed for years. So many more things than just development crises need to be addressed.<sup>3</sup> We urge you to stop, take a breath, and go back and provide this important undertaking with the full-time leadership, resources and organizational structure it deserves. It is not too late. If necessary, “fast track” the time

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<sup>1</sup> *Aside from a number of “check-ins”, none of the activities depicted on the earlier published “Process Timeline” for the period between the end of the Community Input phase to present were undertaken.*

<sup>2</sup> *The rest of what remains in the revised line-up of activities and events appears to consist primarily of matters that the City was to undertake anyway, Plan Santa Barbara or no Plan Santa Barbara.*

<sup>3</sup> *These include: First, the goals that Council set out for Plan Santa Barbara (illuminated during the outreach forums): living within resources, transportation & circulation, economy, regional thinking, unique community character & desirability, services & facilities, public involvement in planning & government, sustainability. The public forums added: Historic preservation, air quality, analysis of all General Plan elements for compatibility/conflicts, sense of community, neighborhoods, including a re-write of old 1964 analyses of each neighborhood upon which their zoning is based.*

sensitive development issues that the Planning Commission sees as critical, ***but don't foreclose the other key matters this General Plan update should address.***<sup>4</sup>

## **The role of the EIR**

The evidence of recent events leads to the irresistible conclusion that staff abdicated its commitment to Plan Santa Barbara, and handed off the bulk of the responsibilities to an EIR process. The first clear indication was when they came to you recently for another half million dollars (to augment the originally allocated \$840,000) for an “upgraded” EIR contract. The next was the redesign of the GPU decision-making process to accommodate the methodology of an EIR that was set up to be conducted concurrently.<sup>5</sup> (The final “clue” was their embracing of the Planning Commission’s tender of “rescue” and severe pruning of the process.) We understand and appreciate your loyalty to staff, but wonder if that hasn’t beclouded your ability to see what seems so obvious.<sup>6</sup>

The city’s willingness to shuttle much of the key inquiry, analysis (and forum for community input) off to the EIR is a matter of elemental concern to us is. The primacy of the role envisioned for the EIR is evident by the disproportionate resources being devoted to it.<sup>7</sup> Without discounting the importance of the environmental issues that need to be addressed, we see this disparity in emphasis as a serious mistake.<sup>8</sup>

(Some aspects of this problem are subtle and require a little elaboration to develop, so please bear with us.)

### **Narrowness of focus**

The obvious problem with channeling so much of the substance of the Plan Update into an EIR is that it unduly limits the focus of the process. Instead of the full breadth of options, activities, inquiries and creative approaches that should be employed in undertaking our Plan, the process would be restricted to the environmental orientation and methodology of a CEQA analysis.

It reduces what was to be a community process - and our best example of participatory democracy - to a technical exercise.

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<sup>4</sup> *Relegating them to the status of “ongoing dialog” – represented on the Plan Timeline chart by an arrow running off the end of the page, as staff suggested - is not an acceptable alternative.*

<sup>5</sup> *The selection of a preference or “preferred development policy option” early in the deliberative process – to accord with EIR methodology – rather than later in the process. Such a selection was, we understood originally, to be the ultimate objective of the deliberative process, to be reached near its conclusion.*

<sup>6</sup> *We don't see this as evidence of bad faith on the part of staff, or an indictment of its motives. We attribute it to a lack of administrative and management resources the project required.*

<sup>7</sup> *\$1,124,361, compared to a planning assistance budget of \$860,000 for the entire GPU process.*

<sup>8</sup> *It smacks of a backwards ordering of priorities. The EIR should evaluate the product of the process, and enlighten it, but not dictate its format – or “run” it.*

## Overpaying for – and over-reliance upon - “outside expertise”

A problem with delegating so much of the Plan’s undertakings to an EIR consultant is that we are paying for expertise we don’t really need, and foregoing the opportunity of doing the job *right* as a local endeavor.

Using an outside expert doesn’t make sense *when the analysis involved calls for a skills and expertise that are clearly within our local competence*. In this general planning endeavor, our “Plan team” - a collaboration of staff, Planning Commission, Council and citizens – lacks nothing calling for the unique expertise of an EIR consultant.

It is one thing having to assess the environmental impacts of a *specific development project*: say, the amount of particulate expected to be released by a paper mill, or the impacts of the volume of traffic predicted to be generated by a new hotel upon an intersection. Those things are amenable to objective, scientific analysis and methodology that may well be within the peculiar or exclusive expertise of an EIR consultant.

But the impacts of a particular *proposed pattern of urban development* – the subject matter of *Plan Santa Barbara* - are an entirely different matter. The environmental impacts are much more speculative. There is no objective scientific standard to be applied in assessing or measuring them. The conclusions to be arrived at are based on assumptions that are anything but scientifically objective and universally accepted. The range of criteria and rationale that might be used is broad and not subject to widespread agreement. Quite the contrary. It is criteria, rationale and methodology that we are quite capable of grasping and applying ourselves, and with which we are quite familiar.<sup>9</sup> A conclusion conscientiously arrived at by means of “local” analysis, of this sort, is entitled to just as much presumptive validity as that of an outside expert, no matter how impressively credentialed.

The question that logically follows: if the analytic criteria involved is not objective and scientific but somewhat subjective and speculative, and we are equally competent to apply it to the inquiry at hand, then why invest so heavily in the services of an outside consultant? The argument, of course, is that CEQA requires that an objective party assesses the environmental implications, enlightens the local process with its observations, and requires us to employ the most environmentally sensitive of the feasible options. That is fine. But instead of relying to such a degree on the consultant for so much of the substantive analysis,<sup>10</sup> wouldn’t it make much better sense to do ourselves (it is, after all, what the *Plan Santa Barbara* process was intended to do), **and employ a much-scaled back outside EIR.**<sup>11</sup> It is inconceivable that providing of our planning processes with legal defensibility dictates constraints and expense of this magnitude.

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<sup>9</sup> The expression “it ain’t brain surgery or rocket science” is too hard to resist applying here.

<sup>10</sup> And, the natural urge to avoid producing yet another elaborate document that no one will ever read!

<sup>11</sup> We could, for example, tailor our methodology in conducting our Plan studies and analysis, to that called for by an EIR – in effect, a parallel undertaking. And for CEQA purposes, employ a consultant to undertake just the basic legally mandated measures (at, presumably, a much lower price.)

## **Choice-limiting effect of an EIR that “runs the process”**

The other problem with assigning much of the substantive planning process to an EIR is the insidious possibility that it risks limiting local options and decisions – for no valid “environmental” reasons.

In spite of the citizen input opportunities built into it, the evaluations that emerge from the EIR will be subject to the particular methodological uniqueness, professional biases, and criteria-selection of the consultant firm. The judgments it makes as a result of its evaluations – such as environmental preferability of a particular development pattern option – are ones we might find ourselves “stuck with”. An opposing community-selected alternative would have to overcome the presumption of validity of the consultant’s preferences and choices.<sup>12</sup> Why put ourselves in that position, by placing most of the process’ evaluation tools and capabilities in the consultant’s hands, when we can make equally valid determinations on our own – were we simply to effectively utilize our own local capabilities. And we foresee no reason why we cannot.

## **CONCLUSION**

We urge you to resume control of and re-evaluate the Plan Santa Barbara process, and especially the EIR contract proposal.

Respectfully submitted,

Judy Orias, President  
Allied Neighborhoods Association

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<sup>12</sup> *This is akin to a defendant trying to appeal his position having to overcome an adverse jury verdict.*