

Allied Neighborhoods Association

March 9, 2010
Santa Barbara City Council

RE: Appeal of the Planning Commission Certification of the Final EIR for the Sandman Inn Redevelopment Project and Approval of the Project on December 17, 2009

I am here today as President of Allied Neighborhoods Association and as an individual. I have had lots of experience in dealing with EIR's. I would hope that some type of resolution can be worked out for this project such as a finding that certification only applies to the Alternative Project. Also I would suggest that the City's environmental review process be changed so that this situation does not happen in the future.

As it is pointed out in the staff report it is unusual for the city to have two alternatives studied in detail in an EIR. The report also states it is not uncommon for other jurisdictions to have more than one alternative studied in an EIR. However, what the staff appears to not understand is that in those cases, any of the alternatives have a real possibility of becoming the project. In the instant case, this was clearly not the stated intention.

In the case before you the developer backed away from the original Proposed Project and put forth the Alternative Project because it was clear that the first project was too intense for the site, generated too much traffic and blocked views and most likely would not be approved.

It appears environmental review began too soon - before the actual project had become solidified. As a result too much money and time was spent on environmental review. This project became a moving target and the public was confused as to what was going on. Eventually the Applicant's Alternative, the real project, was reviewed. What this set up was a false choice between the Proposed Project and the Applicant's Alternative project.

By not having the EIR focused on the real project, the Applicant's Alternative, an EIR covering both projects was certified. This means that any iteration of the Proposed Project and the Applicant's Alternative need not have to undergo additional environmental review. Contrary to the speculation in the staff report, it is highly unlikely that given the current economic situation, that even if a new hybrid project was to come forth, it would be required to undergo additional environmental review. In addition, since a Substantial Conformance Determination is highly subjective it is most unlikely a new hybrid project would fail to pass muster.

What we have here is a significant process failure. The city failed to follow the intent of CEQA to have a complete document. It failed to require that an environmentally superior

project be designated. This is strange because the EIR points out why the Applicant's project is better for the environment. Yet it stops short of making this determination. One has to wonder why and if this was done intentionally.

By the failure to identify an environmentally superior project, the public and decision-makers were not provided with the information necessary to make an informed decision. Having a process where the decision-makers determine the environmentally superior project at the hearing is contrary to the intent of CEQA to have complete and accurate information available to the public and decision makers before the hearing. I would hope that in the future the CEQA process be fixed so as not to this happen again.

Allied is also concerned about the characterization of this project as a mixed use project for the determination of density. What this is saying is that all a developer of a residential project has to do is buy an adjacent property with a commercial use and voila he has a mixed use project. As we have seen with other projects, it is the combination of parcels that has caused projects to become too big and dense. While this issue has been talked about before, action was never taken on it. I would ask you to consider a policy to prevent the amalgamation of parcels.

Cathie McCammon, President of Allied