



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 3, 2011

**AGENDA DATE:** November 10, 2011

**PROJECT ADDRESS:** 1400-1700 Blocks of East Cabrillo Boulevard and 1414 Park Place (MST2011-00315)  
Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project

**TO:** Planning Commission

**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *[Signature]*  
Kathy Frye, Natural Areas Planner *[Signature]*  
Jan Hubbell, AICP, Parks Project Manager

### I. PROJECT DESCRIPTION

The project consists of one-time and routine vegetation maintenance and habitat restoration in the Andree Clark Bird Refuge (Bird Refuge). Work would occur over a five-year period. Proposed maintenance includes vegetation management in wetland, submerged, and perimeter Bird Refuge habitats, including vegetation rooted underwater and at the edge of water. Native vegetation and wildlife habitat restoration is proposed for wetland habitats. Through implementation of the proposed project, the Parks and Recreation Department will:

- Remove approximately 0.86 acres of emergent vegetation (tules and cattails) from the Bird Refuge lake, perform 0.07 acres of maintenance excavation of sediment and vegetation from man-made culverts, including a grouted sandstone culvert along Old Coast Highway and from a concrete culvert entering the Bird Refuge from the north, and maintain those areas, as needed, during the five-year maintenance period;
- Remove floating emergent vegetation as it senesces (ages and dies back) or dislodges from rooted locations; and
- Perform 0.86 acres of wetland and wildlife habitat restoration, or equivalent (1:1) acreage, based on project impacts to wetland vegetation, except in man-made culverts.

Vegetation management activities would be performed in order to increase the flow of water, open waterways, reduce flooding, and discourage mosquito breeding. Work will discourage mosquito breeding by providing water circulation, increasing access for vector control boats to apply larvacide (Altosid; Bti), increase access for mosquito fish (*Gambusia* sp) to enter areas harboring mosquito larvae, and reduce conditions known to harbor larvae, such as floating vegetation (tules). Maintenance will also be performed for flood control purposes, will help restore flow in the channel and Bird Refuge, improve water quality and limit eutrophication (excess nutrients that stimulate plant/algae

growth) and resulting odors. By re-opening waterways, the project will also reestablish views from Bird Refuge viewing platforms.

Aquatic construction equipment would include a reed cutter (“cookie cutter”), Aquamog Mechanical Restoration System, aquatic harvester, trailer conveyor, transportation trailer and crane. Blades on the front of the cookie cutter will cut/shred vegetation in sections above and below the water, including the root system. The Aquamog is a barge with paddle wheels and chopper and/or rototiller attachments on a 15-18 foot arm. The Aquamog can reach into shallow waters, not accessible by the cookie cutter, in order to conduct vegetation removal. The aquatic plant harvester will collect the vegetation debris from the water and transport it to the shore at the “beach”. Standard construction equipment would include a backhoe and/or track hoe and haul trucks. Vegetation debris will be picked up by bucket, loaded in a dump truck and offloaded in a storage bin or on the ground. Material may remain onsite for later disposal or transported for immediate disposal offsite by truck. In shallow areas where the aquatic equipment is not able to operate, and for work within the box culvert and channel, work will be performed by contractors with construction equipment located in upland areas or by crews with hand equipment. Timing is crucial for the proposed vegetation removal. Work is proposed for winter months, optimally January to February 15, 2012, to meet the operating specifications of the aquatic construction equipment and to avoid sensitive biological resources in the Bird Refuge. The cookie cutter and harvester require a minimum of 20 to 30 inches of water in order to operate. Therefore, work is proposed to begin after winter rains have increased the depth of the relatively shallow Bird Refuge lake. Work will also need to avoid the bird nesting season (February 15 – August 15), for the protection of breeding birds and as a requirement of the federal Migratory Bird Treaty Act.

Vegetation maintenance in year one (January or February 2012) is estimated to occur over ten to fourteen working days. Follow up maintenance would occur annually over the next four years. The majority of regular maintenance is associated with rain events. Culvert clearance would occur prior to the rainy season, in the fall, and removal of floating or beach vegetation would occur during or after rain events, as needed. If tules re-establish in the lake, clearance is estimated to occur during the winter (December – February 14). All work would be performed in compliance with project conditions.

## **II. REQUIRED APPLICATIONS**

The discretionary applications required for this project are:

1. A Coastal Development Permit (CDP2011-00014) to allow the proposed development for the culvert portion of the project in the Non-Appealable Jurisdiction of the City’s Coastal Zone (SBMC §28.44.060);
2. Planning Commission recommendation to the California Coastal Commission for the portion of the project in its permanent jurisdiction for the maintenance and restoration within the Andree Clark Bird Refuge.

## **III. RECOMMENDATION**

The proposed project conforms to the City’s Zoning and Building Ordinances and policies of the Local Coastal Plan. Therefore, Staff recommends that the Planning Commission adopt the Final Mitigated Negative Declaration prepared for the project, approve the CDP, making the findings outlined in

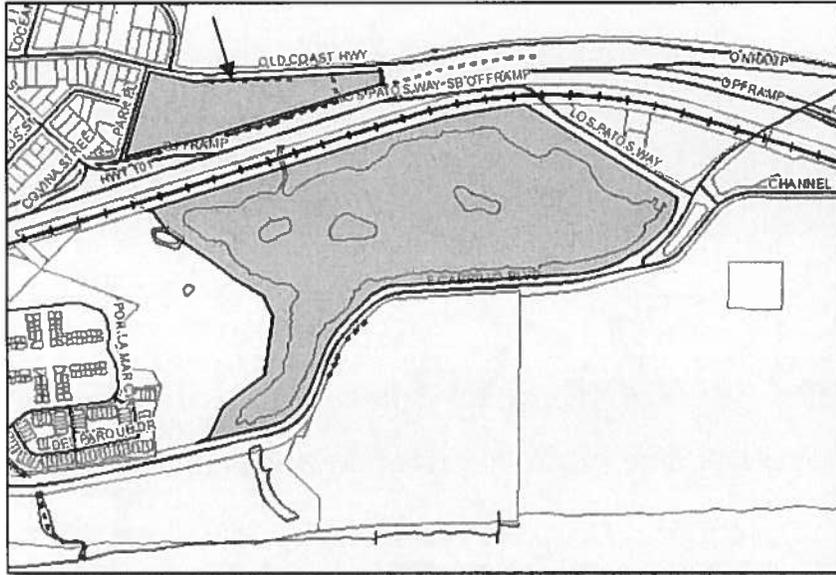
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Section VI of this report, and subject to the conditions of approval in Exhibit A, and recommend approval to the California Coastal Commission.



Vicinity Map for Andree Clark Bird Refuge and Culvert along Old Coast Highway

**APPLICATION DEEMED COMPLETE:**

August 25, 2011

**DATE ACTION REQUIRED:**

February 21, 2012 to adopt MND (must approve / deny project within 60 days of MND adoption)

**A. SITE INFORMATION**

Applicant:	City of Santa Barbara, Parks & Recreation Department	Property Owner:	City of Santa Barbara
Parcel Number:	017-382-001/017-381-001	Lot Area:	42 acres/7.77 acres
General Plan:	Park	Zoning:	PR/SD3 Park and Recreation Coastal Overlay
Existing Use:	Open Space Park/Park	Topography:	Level
Adjacent Land Uses:			
North – Railroad and Highway 101		East – Los Patos Way, Commercial	
South – East Cabrillo Boulevard, Clark Estate		West – Santa Barbara Zoo	

**B. PROJECT STATISTICS**

	Existing	Proposed
Vegetation Removal	NA	0.86 acres
Restoration	NA	0.86 acres

**IV. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front	10 feet	>10 feet	>10 feet
-Interior	10 feet	NA	NA
Parking	NA	15	15

The proposed project would meet the requirements of the P-R/S-D-3, Park and Recreation/Coastal Overlay Zone.

**V. ISSUES**

**A. DESIGN REVIEW**

The Historic Landmarks Commission held a Concept hearing on the project on August 17, 2011 and expressed concern about whether the project would reverse the marshland’s natural processes (meeting minutes are attached as Exhibit D). Staff explained to the Commission that the current conditions within the Bird Refuge are causing a negative effect on natural processes which will be somewhat relieved by the project.

**B. PARK AND RECREATION COMMISSION REVIEW**

The Parks and Recreation Commission discussed the project at its regular meeting of September 28, 2011(meeting minutes are attached as Exhibit E). Although the Project is not subject to discretionary review by the Park and Recreation Commission, the Park and Recreation Commission expressed positive comments regarding the project. Some Park and Recreation Commissioners had questions regarding turtle competition, water impacts related to Highway 101 expansion, and the potential for Sycamore Creek to be rerouted to the Bird Refuge. Department staff stated that there was likely competition between native southwest pond turtle and non-native turtles, especially red-eared sliders. Staff conveyed that Caltrans was subject to City, federal and state agency permits, for Highway 101 construction activities. Staff stated that the project only proposes annual vegetation maintenance and does not include future options, such as Sycamore Creek rerouting.

**C. COMPLIANCE WITH THE GENERAL PLAN, LOCAL COASTAL PLAN AND COASTAL ACT**

**1. General Plan**

**Land Use Element:** The Land Use Element sets forth several Principles and Goals, including Principle 8, which states: “It is essential to protect the historic, architectural, and natural qualities of Santa Barbara’s environment and to preserve the ecological balance of all life systems with which we coexist.” This project will help return balance to the Bird Refuge by improving water flow and quality and reducing mosquitoes. It will also improve wildlife viewing by opening up blocked viewing platforms. Thus, the project is consistent with this principle.

**Seismic Safety/Safety Element:** The City's Seismic Safety/Safety Element requires that development be sited, designed and maintained to protect life, property, and public well-being from seismic and other geologic hazards, and to reduce or avoid adverse economic, social, and environmental impacts caused by hazardous geologic conditions. The Seismic Safety/Safety Element addresses a number of potential hazards including, geology, seismicity, flooding, liquefaction, tsunamis, high groundwater, and erosion.

The project site is subject to some seismic or geologic constraints. As discussed in the Initial Study analysis, potential impacts associated with these hazards would be less than significant as there are no habitable structures existing or proposed for the project area and the proposed work would not aggravate any known hazards. Thus, the project is consistent with the policies of the Seismic Safety-Safety Element.

**Conservation Element:** City Conservation Element policies provide that significant environmental resources of the City be preserved and protected. The Conservation Element requires implementation of resource protection measures for archaeological, cultural and historic resources; visual, biological and open space resources; specimen and street trees; air and water quality; and to minimize potential drainage, erosion and flooding hazards. The following policies directly apply to the proposed project:

*Cultural and Historic Resources Policy 1.0* "Activities and development which could damage or destroy archaeological, historic, or architectural resources are to be avoided".

The potential for impact is low and is less than significant with the proposed measures. Therefore, project activities will not damage or destroy cultural resources and are consistent with the policy.

*Biological Resources Policy 5.0* "The habitats of rare and endangered species shall be preserved."

The Bird Refuge provides habitat for endangered and rare species including tidewater goby, southwestern pond turtle and several bird species protected by the Migratory Bird Treaty Act. Adherence to the measures contained in the Biological Assessment and Biological Evaluation (Entrix 2011) and discussed in the Initial Study will avoid or mitigate impacts to the species. Therefore, the project is consistent with Biological Resource Policy 5.0.

*Biological Resources Policy 10* "Programs shall be developed to maintain a productive urban biotic community."

The biological surveys, habitat mapping and associated reports prepared in association with the project provide valuable information for the Bird Refuge, including the discovery of tidewater goby, an endangered species. The submitted SAIC biological reports provide a biotic analysis of the Bird Refuge habitat and

suitability for the species observed. The project provides a vegetation management plan for the Bird Refuge for the next five years, including maintenance and restoration plans. Therefore, the project can be found consistent with this policy.

*Visual Resources Policy 5.0* “Significant open space areas should be protected to preserve the City’s visual resources from degradation.”

The maintenance work will help restore conveyance in the Bird Refuge and hydrologically connected culverts, thereby protecting the Bird Refuge, a scenic resource, from flooding and erosion. Viewing platforms onsite provide views across the Bird Refuge to the other scenic resources such as the beach, Cabrillo Boulevard, Zoo and Clark Estate hillside. Therefore, the project can be found consistent with this policy.

**Open Space Element:** The Open Space Element is concerned primarily with conserving, providing, and improving, as appropriate, land and water areas significant in the Santa Barbara landscape. Those would be defined as the ocean, mountains, major hillsides, creeks, shoreline, major parks and the freeway. The project site is located within an area that is considered a major parks complex at the easterly entrance to the City. The project consists of maintenance and restoration of the Bird Refuge that would help reduce flooding and help control the mosquito population for the park and surrounding parks vicinity. Therefore, the project can be found consistent with the Open Space Element.

**Circulation Element:** The Circulation Element of the General Plan contains goals and implementing measures to reduce adverse impacts to the City's street system and parking by reducing reliance on the automobile, encouraging alternative forms of transportation, reviewing traffic impact standards, and applying land use and planning strategies that support the City's mobility goals. As discussed in the Initial Study analysis, potential traffic and parking related impacts are less than significant, therefore, the project could be found consistent with the policies of the Circulation Element.

**Noise Element:** The City's Noise Element includes policies intended to achieve and maintain a noise environment that is compatible with the variety of human activities and land uses in the City. The proposed project would not generate a substantial increase in long term existing ambient noise levels in the area due to the nature of the proposed project, vegetation maintenance and restoration. Short-term construction noise is anticipated, but the impacts would be temporary and minimized through implementation of the City's Noise Ordinance requirements and by use of neighborhood noticing. Therefore, the proposed project could be found consistent with the Noise Element.

2. **Local Coastal Plan**

Several Local Coastal Plan (LCP) policies deal specifically with the Andree Clark Bird Refuge. The LCP provides that the Bird Refuge be maintained, enhanced, and restored to a healthy and viable aquatic habitat, and preserved as open space or other public, non-developable area. Vegetation removal restoring flow and conveyance in culverts and the Bird Refuge is also anticipated to help with eutrophication in the lake by providing increased water circulation. The work will also assist vector control with mosquito abatement. Therefore, the project is consistent with the LCP policy

The LCP also states that the primary use of the Andree Clark Bird Refuge shall be as a sanctuary for migratory waterfowl and that use shall be preserved, protected, maintained, and, where necessary, enhanced. Vegetation removal between the western island and the shoreline will help project birds nesting on the island. In a pre-application site visit with jurisdictional agencies in the winter of 2011, the California Department of Fish and Game stated that the removal of tules between the island and Bird Refuge shore would serve to protect breeding birds on the western island by removing a potential passageway for feral animals. Also, as discussed in the Initial Study analysis, potential impacts associated with disturbance from vegetation would be adequately addressed by implementing avoidance measures, such as working outside of bird breeding season, pre-construction surveys and set-backs

3. **Coastal Act**

**Coastal Waters and Environmentally Sensitive Habitat:** Coastal Act polices provide that marine resources be maintained, enhanced, and, where feasible, restored and that special protection be given to areas and species of special biological or economic significance. Coastal Act policies provide that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes be maintained and, where feasible, restored and protection against the spillage of crude oil, gas, petroleum products, or hazardous substances be provided. The Coastal Act requires that work proposed in coastal streams and wetlands can only be allowed if it can be defined as a “restoration project” and incorporate the least environmentally damaging design and mitigation feasibly available.

Coastal Act policies provide that environmentally sensitive habitat areas be protected against any significant disruption of habitat values, and only uses dependent on those resources be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Bird Refuge vegetation management project is designed to improve the habitat of the lake by removing tules, cattails and bulrushes that, if allowed to proliferate, would result in a monoculture habitat with very little species diversity. If left as a monoculture of dense vegetation, the habitat would not be preferred for tidewater goby foraging or breeding, and would be marginal for the southwestern pond turtle and many of the birds that currently breed there. Marine resources and environmentally sensitive habitat will also be enhanced by preventing the area from being a monoculture, because it will protect coastal bird breeding habitat and restore wetland habitat within the Bird Refuge lake. As mitigated, the project will provide protection against discharge of hazardous materials, including accidental spills. Thus, the project is consistent with Coastal Act Marine Environment policies.

The project will restore coastal wetland areas at a 1:1 ratio. Removal of vegetation by other means, such as hand removal or herbicide, was considered. Removal of aquatic vegetation, including rhizomes and roots, by hand would require long periods of time (months) in the Bird Refuge and would be challenging or next to impossible for a contractor to perform work under water and in deep detritus, as found in the lake. Such a long construction period could result in significant impacts on endangered and sensitive species in the Bird Refuge and disrupt migratory bird breeding. Removal of vegetation with aquatic construction equipment was found to be the least environmentally damaging method.

The project's uses (recreation, open space, and vector control) are dependent on the environmentally sensitive habitat area. The project will help improve the brackish water habitat. As mitigated, the project will protect environmentally sensitive habitat with biological monitors and avoidance measures, such as project timing and City best management practices.

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Although the project is on the outer edge of an identified archaeological site, it is unlikely to impact the site. Monitoring will be required during any significant ground disturbance near the archaeological site. With these provisions, the project is consistent with the Coastal Act Land Resources policies.

**Development:** Coastal Act policies provide that scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the

Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Reestablishment of views from the viewing platforms is consistent with this policy. Additionally, the changes made as a result of vegetation removal and restoration will have no adverse effects on views of the Bird Refuge. While the parking in the public parking lot at the Bird Refuge would be closed during construction, this closure would be temporary and not exceed a few weeks a year. Therefore, the project would be consistent with the public access and recreation policies of the Coastal Act.

#### **D. ENVIRONMENTAL REVIEW**

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. A Draft Initial Study and Mitigated Negative Declaration (MND) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: biological resources, cultural resources, noise, public services and water environment. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with air quality, hazards and transportation. The Draft MND was available for public review from September 13 to October 13, 2011. Three comment letters/emails were received. Parks and Recreation Department staff also received comments during an informal meeting with the U.S. Fish and Wildlife Service (USFWS). The primary environmental concerns raised were related to vector control, flooding, and the federally-listed endangered tidewater goby. These issues are addressed in the Response to Comments section of the proposed Final Mitigated Negative Declaration (Exhibit L of the Initial Study). A proposed Final Mitigated Negative Declaration has been prepared. Some clarifications concerning impacts and mitigation measures were made to the MND in response to USFWS recommendations for the project. No new information from public comments or the meeting with USFWS led to substantial revisions that would require recirculation of the MND pursuant to CEQA Guidelines Section 15073.5 or indicated a new potentially significant effect not previously examined in the Draft MND. The Final MND concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

**Aesthetics:** The proposed project would have no impact on lighting or glare, and the impacts to on-site scenic vistas, scenic resources and visual character and quality would be less than significant.

**Air Quality:** The proposed project impacts related to the Clean Air Plan, long-term (area source and operational) emissions, short-term (construction) emissions, global climate change, cumulative emissions, and odors would be less than significant. Mitigation measures are recommended to further reduce adverse, but less than significant impacts related to dust control and to reduce exhaust emissions.

**Biological Resources:** The proposed project impacts to endangered, threatened or rare species or their habitats would be potentially significant, but mitigable, because the endangered

tidewater goby could potentially be injured by vegetation cutting or removal disturbed during vegetation maintenance or restoration activities. Preconstruction surveys and goby relocation have been included as mitigation measures channel or culvert clearance. With the implementation of these mitigation measures to avoid or protect gobies during vegetation removal, the impacts of the proposed project on the tidewater goby would be reduced to a less than significant level.

A Biological Assessment (BA) and Biological Evaluation (BE), both prepared by Cardno ENTRIX (2011) and included as Exhibits in the MND, include avoidance, protection and preventative procedures. The implementation of these measures would minimize the potential for effect on tidewater goby, general wildlife, and nesting birds. The southwest pond turtle population in the Bird Refuge is low; they are not expected in the dense vegetation and would move away during vegetation removal due to the vibration of aquatic construction equipment, according to the BE MND Exhibit G). Impacts to this Species of Concern would be less than significant. Preconstruction surveys and relocation, as recommended in the BE, would further reduce adverse, but less than significant impacts to the southwest pond turtle. Birds protected by the Migratory Bird Treaty Act are known to breed onsite and the project could potentially impact breeding.

The proposed project impacts to wetland habitat would be potentially significant, but mitigable, because marsh habitat would be removed from the lake during vegetation clearance. Restoration of marsh habitat is included as a portion of the project. With the completion of the project habitat restoration, the impacts of the proposed project on the marsh habitat would be reduced to a less than significant level.

The proposed project impacts to natural communities would be potentially significant, but mitigable, because upland habitat, such as coastal sage scrub, could be disturbed by construction equipment. As previously stated, the Biological Assessment and Biological Evaluation include avoidance, protection and preventative procedures, including avoidance and protection of vegetation. The implementation of these measures would minimize the potential for an adverse effect on natural communities.

**Cultural Resources:** The proposed project impacts related to archaeological resources would be potentially significant, but mitigable. The project area is on the extreme margin of an archaeological site and the prospect of deposits in the area is small. Discovery procedures have been included as mitigation measures. With the implementation of these mitigation measures to avoid or protect archaeological resources during vegetation removal and the limitation of mechanical equipment during restoration, the impacts of the proposed project on archaeological resources would be reduced to a less than significant level.

The proposed project impacts related to a historic structure or site designated as eligible for designation as a National, State or City landmark would be less than significant. The Bird Refuge does not contain any structures and removal of vegetation does not change the historic nature of the site. There would be no impact to ethnic or religious resources.

**Hazards:** The proposed project impacts related to hazardous substances, creation of health hazards, and fire hazard would be less than significant. Project construction would involve the

need for refueling. Measures included in Biological Resources will reduce adverse, although not significant impacts, related to hazardous substances and fire that may result from construction equipment onsite.

**Noise:** The proposed project impacts related to exterior long-term noise would be less than significant. The sensitive receptors in the vicinity are already subject to existing ambient noise levels that are estimated to be 70 dB(A). Periodic maintenance over the five-year period would not expose people to increased long-term exposure to noise levels.

The proposed project impacts from construction would be potentially significant, mitigable because construction noise would affect the nearby restaurants, other commercial uses and residences. Mitigation measures requiring neighborhood notification, limiting construction hours and construction equipment sound control would reduce the noise impact on the adjacent sensitive receptors.

**Public Services:** The proposed project impacts related to short-term (vegetation removal) solid waste generation and disposal would be potentially significant, but mitigable, because the amount of waste generated would be more than the 350-ton threshold. According to the disposal company, the vegetation would not be considered green waste, although it could be recycled. With the implementation of the mitigation measure requiring a source reduction/recycling plan that would include provisions for recycling marsh materials that meet disposal facility standards, impacts would be reduced to a less than significant level.

**Transportation and Circulation:** The proposed project impacts related to long-term traffic, short-term (construction) traffic, circulation, safety, parking, and pedestrians/ bicyclists or public transit and congestion management would be less than significant. The project would generate 375 haul trips (there and back for vegetation disposal). Although the increase in traffic would be temporary, the haul route operates at an LOS A and the project is proposed for outside of the summer peak season for traffic. That, combined with recommended mitigation for construction trips not to be scheduled during peak hours of traffic, would further reduce adverse, but less than significant impacts, related to construction traffic.

There would be no impact to emergency access or access to nearby uses.

**Water Environment:** The proposed project impacts related to absorption rates, drainage patterns or rate and amount of surface runoff, and storm water drainage would be less than significant.

The proposed project impacts related to discharge into surface waters would be potentially significant, but mitigable, because work within the Bird Refuge would create turbidity, work in culverts could result in downstream impacts to water quality and restoration could result in sedimentation in the Bird Refuge. Turbidity in the Bird Refuge would be contained within the Bird Refuge as the weir downstream is closed. This, along with mitigation measures subjecting the project to City Building Division and Public Works requirements, Regional Water Quality Control Board requirements, the use of erosion control materials and measures included in Biological Resources will reduce potentially significant impacts to less than significant.

There would be no impact to in the quantity, quality, direction or rate of flow of ground water. There would be beneficial impacts related to exposure of people to water hazards, such as flooding, as the project will increase the stormflow conveyance of culverts.

**Conclusion:** The proposed Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Additionally, the applicant has agreed to all mitigation measures outlined in the Final MND. Pursuant to CEQA and prior to approving the project, the Planning Commission must consider the Mitigated Negative Declaration. For each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measure a condition of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation. The mitigation measures described in the proposed Final Mitigated Negative Declaration have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final Mitigated Negative Declaration.

## **VI. FINDINGS**

The Planning Commission finds the following:

### **A. PARK AND RECREATION ZONE FINDINGS:**

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location.

### **B. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated November 3, 2011 for the Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project (MST2011-

00315), and comments received during the public review process prior to making a recommendation on the project.

2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Planning Commission's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated November 3, 2011, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval and have been approved by the applicant. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

**C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because:
  - a. The project protects and enhances the natural qualities of Santa Barbara's environment and preserves the ecological balance of the Bird Refuge.
  - b. The project does not aggravate existing or expose people to geological hazards and protects people and the environment from the effects of flooding.

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- c. The project is designed to avoid and minimize effects on cultural and sensitive biological resources and will help maintain a productive biotic community. Visual resources will be protected from erosion.
  - d. The project is designed to avoid and minimize effects on circulation.
  - e. The project is designed to avoid and minimize effects on noise to that it is compatible with the variety of human activities and recreational uses in and around the Bird Refuge.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because it preserves, protects and enhances the existing Bird Refuge, as described in Section V.C of the staff report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated August 1, 2011
- D. HLC Minutes, dated August 17, 2011
- E. Park and Recreation Commission Minutes, dated September 28, 2011
- F. Applicable General Plan/Local Coastal Plan Policies
- G. Proposed Final Mitigated Negative Declaration

Exhibits A through G are available at the Community Development Department at 630 Garden Street, the Main Library at the corner of Anapamu and Anacapa Streets, and online at:

[http://www.santabarbaraca.gov/Resident/Environmental\\_Documents/Andree\\_Clark\\_Bird\\_Refuge/](http://www.santabarbaraca.gov/Resident/Environmental_Documents/Andree_Clark_Bird_Refuge/)

## PLANNING COMMISSION CONDITIONS OF APPROVAL

1400-1700 BLOCK E. CABRILLO BLVD AND 1414 PARK PLACE  
NOVEMBER 10, 2011

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Pay Fish and Game fee immediately upon project approval. Delays in payment will result in delays in filing the required Notice of Determination.
  2. Obtain all required design review approvals.
  3. Make application and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition G "Construction Implementation Requirements."
  4. Record any required documents (see Recorded Conditions Agreement section).
  5. Permits.
    - a. Make application and obtain a Building Permit (BLD) for construction of approved development.
    - b. Make application and obtain a Public Works Permit (PBW) for all required public improvements.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Approval Contingent Upon Coastal Commission Approval.** Approval of the subject project is contingent upon approval of the California Coastal Commission.
- C. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 10, 2011 is limited to approximately 0.86 acres of marsh vegetation removal in the Bird Refuge, 0.86 acres (or a 1:1 ratio excluding culvert/channel) of habitat restoration in the Bird Refuge, removal of approximately 0.07 acres of sediment and vegetation in a culvert and channel in or with a hydrologic connection to the Bird Refuge, and maintenance over the five-year permit period and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
- D. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
- E. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan,

including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.

- F. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- G. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Bird Refuge or culvert areas, which drains directly into Bird Refuge.
- H. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
    - a. **Drainage and Water Quality.** Project plans for grading, drainage, stormwater facilities, and project development shall be subject to review and approval by City Building Division and Public Works Department per City regulations, (*and Regional Water Quality Control Board*). Sufficient engineered design and adequate mitigation measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water quality pollutants, or groundwater pollutants would result from the project. (W-1)
    - b. **Work in Natural Watercourses and Drainage System Permit.** Apply for a Public Works permit to work in a natural watercourse and drainage system (*SBMC 14.56*)
    - c. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site. The Haul Routes shall be approved by the Transportation Manager.
    - d. **Temporary Traffic Control Permit.** Apply for a Public Works permit for temporary traffic control.

- e. **Construction Traffic.** The haul routes for all construction related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (T-1)
- f. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way or easements shall be obtained by the Owner.
- g. **Transportation Plan.** A plan for cleaning and sweeping of any debris left on the roadways should be prepared and included with the project.
- h. **Spreading Materials Onsite.** Consider spreading the salvaged materials onsite to dry prior to recycling in order to reduce the costs of hauling and recycling.
- i. **Utility Map.** Clearly show and identify on a site plan the location of the existing sewer main, recycled water main, potable water main, all manholes and any other utilities that could be impacted by the construction equipment.

2. **Community Development Department.**

- a. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
  - 1) The frequency and/or schedule of the monitoring of the mitigation measures.
  - 2) A method for monitoring the mitigation measures.
  - 3) A list of reporting procedures, including the responsible party, and frequency.
  - 4) A list of other monitors to be hired, if applicable, and their qualifications.
  - 5) Submittal of weekly reports during initial site preparation, vegetation removal and excavation, and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
  - 6) Submittal of a Final Mitigation Monitoring Report.

- 7) The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
- b. **Archaeological Monitor.** A City-qualified archaeologist and City-qualified Chumash observer shall be retained to monitor significant ground disturbing activities that occur during construction in portions of the project area designated as "Medium Sensitivity Zone" in the Comprehensive Archaeological Resources Assessment, Santa Barbara Zoological Gardens, prepared by SAIC in July 2003. If intact cultural materials are identified, construction shall be temporarily suspended until the extent of the find is determined and an appropriate treatment plan is proposed and approved by the City Environmental Analyst, following the procedures set forth in the City's Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites.

Prior to the start of work in all portions of the project area, restoration personnel shall be alerted to the possibility of uncovering unanticipated archaeological features or artifacts associated with past human occupation of the project area. In the unlikely event that potentially intact and significant cultural resources are discovered during any project work, the City Environmental Analyst and project's City-approved archaeologist should be notified and activity in the location of the discovery should be temporarily suspended until the project archaeologist can evaluate the potential significance of the find, pursuant to the City's MEA. If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission shall also be contacted. Work in the area shall only proceed after authorization is granted by the Environmental Analyst. (CR-1)

- c. **Requirement for Archaeological Resources.** The following information shall be printed on the site plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash

representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- d. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- e. **Letter of Commitment for Neighborhood Notification Prior to Construction.** The Owner shall submit to the Planning Division a letter of commitment to provide the written notice specified in condition G.1 "Neighborhood Notification Prior to Construction" below. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
- f. **Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment to hold the Pre-Construction Conference identified in condition G.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.
- g. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.
- h. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

I. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-1)
2. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed to reduce mud/dirt track out from unpaved truck exit routes, if needed. (AQ-2)
3. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.(AQ-3)
4. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving, excavation, or demolition is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District. (AQ-4)
5. **Stockpiling.** If importation, exportation and stockpiling of soils are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared. (AQ-5)
6. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust

offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-6)

7. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-7)
8. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-8)
9. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-9)
10. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-10)
11. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-11)
12. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-12)
13. **Idling Limitation.** All commercial diesel vehicles are subject to Title 13, Section 2485 and 2449 of the California Code of Regulations, limiting engine idling times. Idling of heavy-duty diesel trucks and diesel fueled or alternative diesel fueled off-road compression ignition vehicle during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-13)
14. **Portable diesel equipment** - All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program or shall obtain an APCD permit. (AQ-14)
15. **Mobile construction equipment** - Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, Section 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emission from in-use (existing) off-road diesel-fueled vehicles. The current requirements include idling limits of 5 minutes, labeling of vehicles with ARB-issued equipment identification numbers, reporting to ARB, and vehicle sales disclosures For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm) (AQ-15)
16. **Tidewater Goby Protection Measures.**
  - a. A pre-maintenance survey of culverts shall be performed by a qualified biologist no more than seven days prior to maintenance initiation to verify that

no gobies are present. If gobies are determined to be present during the survey, a qualified biologist with applicable permits/approval will conduct tidewater goby rescue and relocation in order to clear the maintenance areas. (BIO-1)

- b. Biologist(s) with tidewater goby experience shall be designated to monitor onsite compliance. The monitor shall have the authority to halt any action that may result in impacts that exceed levels anticipated by City staff or permitting agencies. (BIO-1)
- c. Complete all pre-construction and construction activities outside of the tidewater goby peak breeding season (April through June), to the extent feasible. (BIO-2)

**17. General Wildlife Avoidance and Protection Measures.**

- a. Report all dead or injured listed or sensitive animals immediately. (BIO-3)
- b. Do not disturb, capture, handle, or move animals, or their nests. If any wildlife is encountered during the course of project activities, said wildlife shall be allowed to freely leave the area unharmed. (BIO-4)
- c. Institute a litter control program during the course of construction/maintenance activities. Covered trash receptacles shall be placed at each designated work site and the contents properly disposed of at the end of the day at a minimum and more often as necessary. No foodstuffs or associated trash, containers, etc. shall be left overnight. (BIO-5)
- d. Pets shall be prohibited on the job site. (BIO-6)
- e. Complete all work during daylight hours. Night-time work (and use of artificial lighting) shall not occur. (BIO-7)
- f. A biological monitor shall conduct environmental training for all workers. (BIO-8)

**18. Nesting Bird Protection Measures.**

- a. Equipment mobilization and vegetation cutting and removal shall be conducted outside the breeding season (February 15 through August 31, for all birds except raptors (which can nest as early as December 1)). (BIO-9)
- b. If vegetation maintenance must occur during the nesting season (including raptors), a qualified biologist shall conduct nesting bird surveys prior to the work. If nesting is observed within or immediately adjacent to the work area, a buffer of at least 100 feet (500 feet for raptors) shall be established, marked, monitored, and maintained until the nest is abandoned or the young have fledged. (BIO-10)
- c. The consulting ornithologist recommends initial aquatic vegetation removal should be conducted in one year to reduce repeated impacts to nesting birds. (BIO-11)

- d. Equipment shall maintain speeds of less than 5 mph in the water. (BIO-12)
- e. Work shall be monitored by a qualified biologist who can flush birds away, salvage birds that could be harmed by the work, and check for new nesting activity as the work progresses. (BIO-13)

19. **Vegetation Avoidance and Protection Measures.**

- a. Work crews will be restricted to designated and clearly defined work areas. Construction crews shall be educated regarding staying within work areas for the protections of sensitive wetland and native habitat onsite. (BIO-14)
- b. To prevent the introduction of new invasive animals and weedy plant species, the City shall require the designated contractor to ensure that work boots, vehicles, and equipment have been cleaned prior to starting work on the project. (BIO-15)
- c. Staging of equipment and temporary dump sites shall be restricted to designated areas. Any waste materials produced by removal activities will be temporarily stored away from the lake margin and will be removed for disposal in an approved disposal site. (BIO-16)
- d. All materials, wastes, and equipment will be removed from construction sites as soon as practical after use and at the completion of construction. (BIO-17)
- e. All power equipment and vehicles will be kept in good working order and inspected each day for leaks prior to use. Leaks will be repaired immediately or problem vehicles or equipment will be removed from the Project site. Equipment will be staged in containment or other suitable barriers overnight to prevent accidental leakage of fluids. (BIO-18)
- f. All power equipment will be staged over tarps, or in holding pens with walled sides, to catch any leakage of fuel, oils, and other liquid to prevent these materials from soaking into the soil, or being carried into the lake. (BIO-19)
- g. Refueling will only take place in a designated area away from the lake. Refueling of the cookie cutter and harvester, if not feasible to do on land, will be conducted so that no fuel is spilled into the water. No foreign materials, such as petroleum or other fuels, will be released into the lake. During refueling of equipment, a drip pan shall be used to ensure that no fuel spills onto the ground or in the lake. (BIO-20)
- h. Appropriate firefighting equipment (e.g., extinguishers, shovels) shall be available on site during all phases of the Project, and appropriate fire prevention measures shall be taken to help minimize the chance of human-caused wildfires. (BIO-21)
- i. Drip pans or absorbent pads will be used during vehicle and equipment fueling. Absorbent spill clean-up materials and spill kits will be available in fueling

- areas, and workers will be trained in their use. Fuels will be stored in containment basins. (BIO-22)
- j. Appropriate spill containment and clean-up materials will be available on site at all times. Any spills will be cleaned up immediately and will not be buried or washed with water. (BIO-23)
  - k. Used clean-up materials, contaminated materials, and recovered spilled materials that are no longer suitable for clean-up will be stored and disposed of properly. Hazardous and nonhazardous material will be disposed of in the manner specified by the manufacturer. (BIO-24)
  - l. Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake. (BIO-25)
  - m. Define and respect clear work area limits. (BIO-26)
  - n. Cleared or trimmed vegetation and woody debris shall be disposed of in a legal manner. (BIO-27)
  - o. Precautions shall be taken to avoid damage to non-target vegetation by people or equipment. (BIO-28)
20. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project parcel. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-1)
21. **Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Community Development Department Building and Planning Divisions, the Property Owner, Landscaper, Biologist, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.
22. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions,

to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

23. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., excluding the following holidays:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-2)

24. **Construction Equipment Sound Control:** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (N-3)
25. **Source Reduction/Recycling Plan.** A source reduction/recycling plan shall be developed for the proposed project and submitted for review and approval by the City's Environmental Analyst prior to building permit issuance. This plan shall include provisions for recycling of all marsh materials that meet the waste disposal facilities standards. (PS-1)
26. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Manager with a Public Works permit.

27. **Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department Planning Division.
28. **Sedimentation and Erosion Control.** Sand bags, straw bales, straw wattles, or other erosion control materials will be used during restoration to dissipate the energy of flowing water, reduce soil erosion, and prevent sediment or other materials from entering the lake. (W-2)

**J. Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.
3. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Certificate of Occupancy / Final Inspection, whichever is earlier and if an archaeological monitor is required.
4. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
5. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.

**K. General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.

- b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
  - d. The permit will last for a term of five years, once work commences. The majority of work will occur during year one, with routine and follow-up maintenance and restoration occurring in years two through five, as described above.
3. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,044.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.
4. **Land Development Team Recovery Fee Required.** The land development team recovery fee (30% of all planning fees, as calculated by staff) shall be paid at time of building permit application.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission / Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the

Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

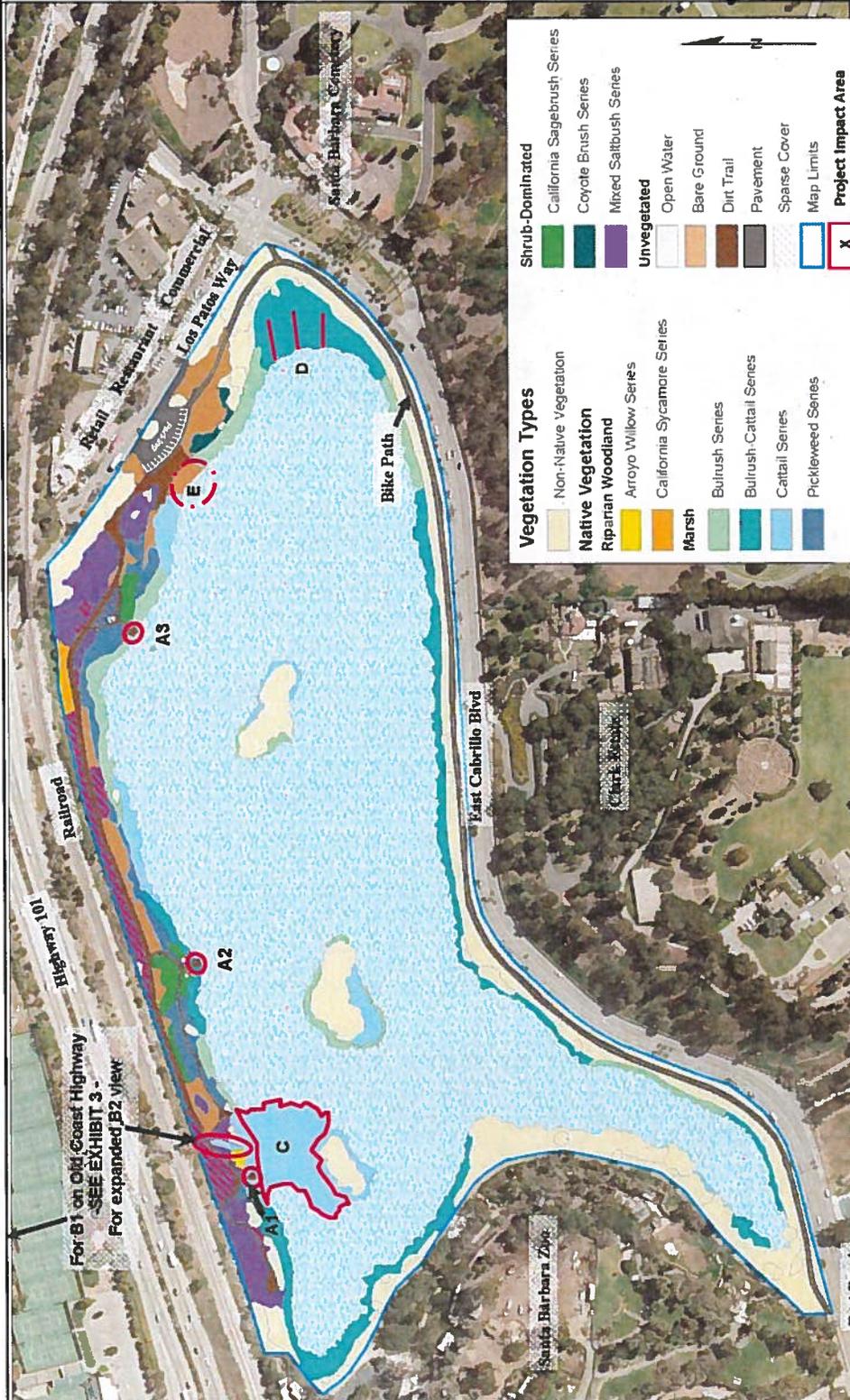
**NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS  
(S.B.M.C. § 28.87.370):**

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

**Andree Clark Bird Refuge  
Vegetation Maintenance and  
Restoration Project**

Address: 1400—1700 Block E. Cabrillo Blvd  
 APN 017.382.01  
 Land Use Zone: PR/SD3  
 GP Designation: Open Space Park  
 Owner: City of Santa Barbara  
 Size: 42 Acres  
 Cut: NA  
 Fill: NA  
 Buildings: None  
 Existing Parking: 15 Spaces  
 Proposed Parking: 15 Spaces  
 Site Statistics:  
 1 Acre Pavement  
 26 Acres Lake/Water  
 13 Acres Vegetation  
 2 Acres Bare or Dirt

**Exhibit B1. Andree Clark Bird  
Refuge Project Area Map**



**EXHIBIT B**

**EXHIBIT B1**

Andree Clark Bird Refuge  
Vegetation Maintenance and  
Restoration Project

Exhibit B2. Culvert B1 and B2  
Locations and  
B2 Detail Drawings

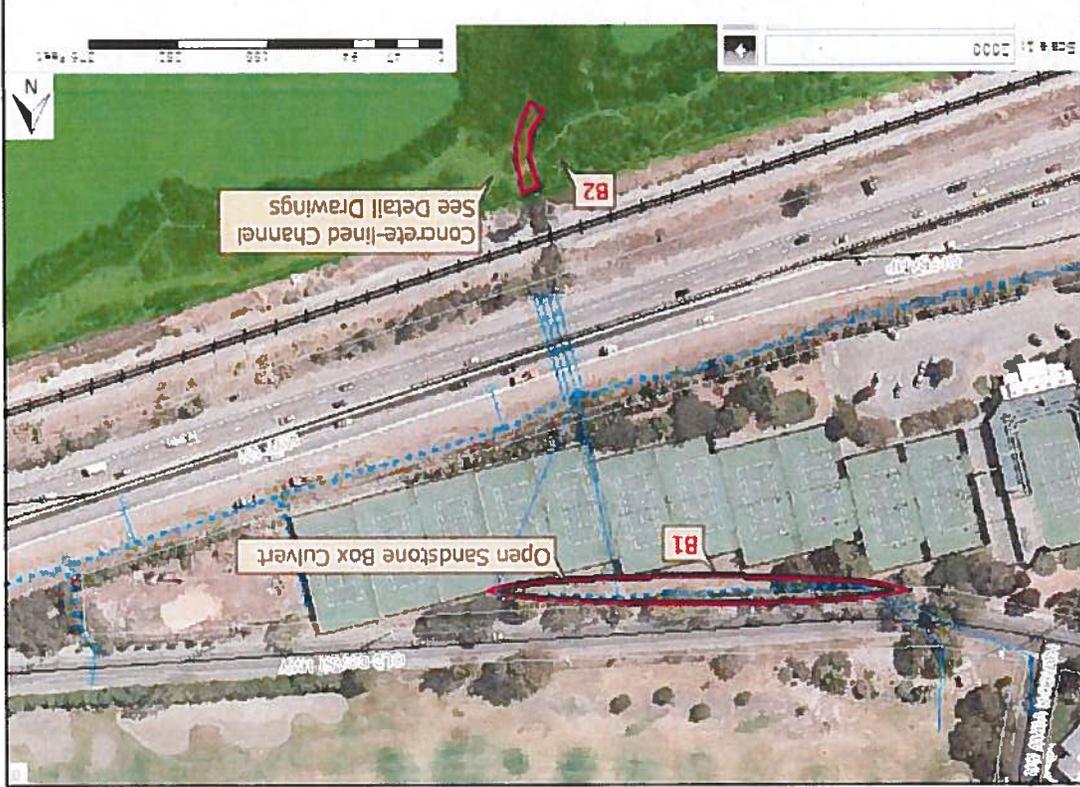
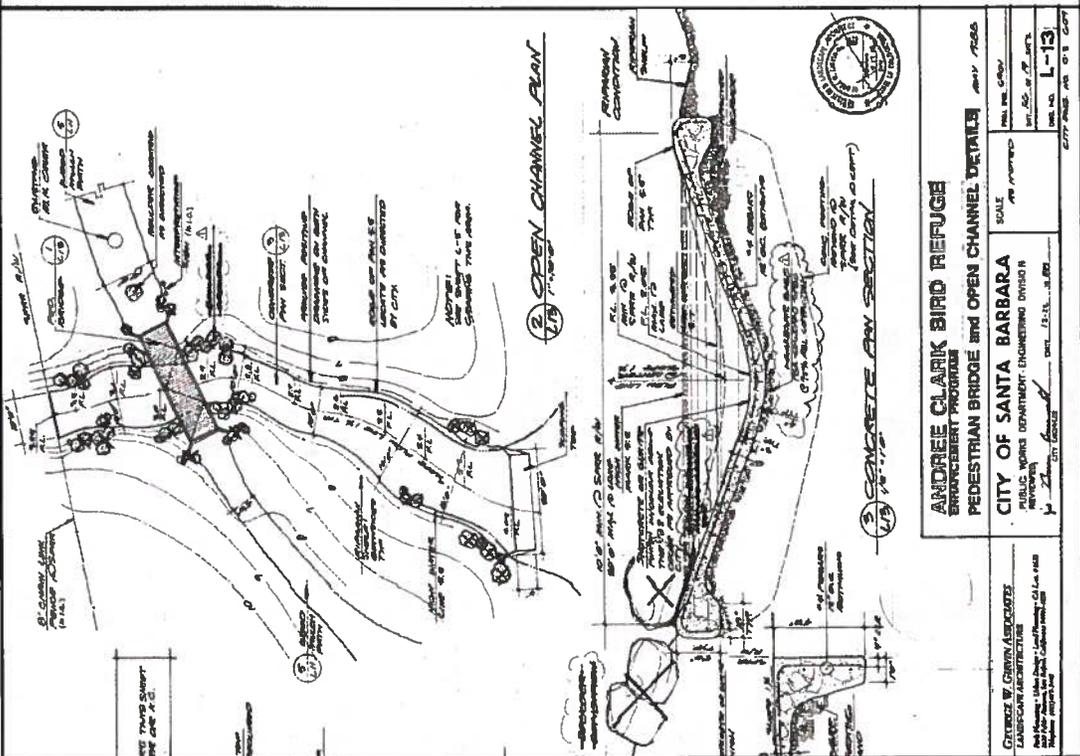


EXHIBIT B2

August 1, 2011

Planning Commission  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

**RE: ANDREE CLARK BIRD REFUGE VEGETATION MAINTENANCE AND  
HABITAT RESTORATION PROJECT, APPLICATION FOR COASTAL  
DEVELOPMENT PERMIT**

Dear Planning Commissioners:

The City Parks and Recreation Department (Department) is seeking a five-year Coastal Development Permit (CDP), and requests Planning Commission approval for one-time and routine maintenance to remove marsh vegetation, maintain a culvert and perform habitat restoration in the Andree Clark Bird Refuge (Bird Refuge), located at the 1400 to 1700 blocks of East Cabrillo Boulevard; and, maintain a culvert along Old Coast Highway, located at 1414 Park Place. The culvert along Old Coast Highway has a hydrological connection to the Bird Refuge. Access to the Bird Refuge is from East Cabrillo Boulevard and Los Patos Way, in the southeast corner of the City. The Bird Refuge lake is in the permit coastal jurisdiction and the culverts and upland portion of the Bird Refuge are in the appealable coastal jurisdiction. The Parks and Recreation Department manages the Andree Clark Bird Refuge, a 42-acre open space park that includes a 29-acre lake that is an artificially modified estuary that supports brackish wetlands. Three islands are located in the middle of the lake. Sediment has settled in the lake and within culverts and supports dense marsh vegetation, known as a breeding ground for mosquitoes carrying West Nile virus and other diseases. A U.S.G.S. topographic map of the project vicinity is provided in Exhibit 1.

The purpose of the Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project is to restore water flow and conveyance in the lake and culverts for the purpose of reducing mosquito production and flooding. Santa Barbara County Vector Control District personnel have expressed concerns regarding limited lake access for mosquito control. The Parks and Recreation Department has concerns regarding the loss of conveyance in culverts and the potential for flooding in the vicinity including Cabrillo Boulevard and Old Coast Highway. In addition, increased conveyance will increase water quality and reduce the potential for lake eutrophication. The project includes removal of 0.86 acres of aquatic vegetation within the lake, 0.07 acres from two man-made culverts, and restoration of 0.86 acres of marsh habitat.

Timing is crucial for the proposed vegetation removal. Work is proposed for winter months, optimally January to February 15, 2012, to meet the needs of aquatic construction equipment and to avoid sensitive biological resources in the Bird Refuge. Work is proposed to begin after winter rains have increased the depth of the relatively shallow Bird Refuge so construction equipment is able to float and operate. Work will also need to avoid the bird nesting season (February 15 – August 15), for the protection of breeding birds and as a requirement of the federal Migratory Bird Treaty Act. Tidewater goby (*Eucyclogobius newberryi*), federally endangered and a California Species of Concern, was discovered in the Bird Refuge lake in April 2011 during surveys in preparation for this project. In addition to a City permit application, permit applications are being submitted to the California Coastal Commission, U.S. Army Corps of Engineers, Regional Water Quality Control Board and California Department of Fish and Game. The City entered into informal consultation with the U.S. Fish and Wildlife Service regarding tidewater goby and the U.S. Army Corps will likely enter into formal consultation with Fish and Wildlife regarding the diminutive fish.

#### **BACKGROUND:**

Historically, the Andree Clark Bird Refuge area was a salt marsh, receiving fresh water from Sycamore Creek. However, construction of the railroad in the 1880's resulted in rerouting Sycamore Creek, thereby isolating the salt marsh. The lake, now an artificially modified estuary, supports palustrine wetlands. The city purchased the property in 1909 as a park. In 1929, Huguette M. Clark donated \$50,000 to provide a refuge for migrating birds and named the lake for her daughter. The 844-acre watershed is predominantly urban (large lot residential) but also contains a golf course, tennis courts, a portion of the Zoo, and a cemetery. Runoff from the watershed, including roadways (including U.S. Highway 101), enters the lake via a mix of open channels and storm drains. The lake is considered brackish because salinity is above 0.5 parts per thousand (ppt), probably due to leaching of salts from the former salt marsh sediments and evaporation. The lake is connected to the Pacific Ocean through a tidegate system located adjacent to the north side of Cabrillo Boulevard and passing under that roadway. A closed weir gate in the outflow channel separates the lake from a coastal lagoon at the Pacific Ocean.

The Bird Refuge provides passive recreation opportunities such as bird watching, hiking and biking. In addition to funds from the Clark family, a Coastal Conservancy Grant in the late 1980's provided funds for park improvements. Improvements included the development of viewing platforms, onsite trails, parking, fencing, habitat restoration and landscaping. The City and the Coastal Commission issued Coastal Development Permits for the majority of the work. A Coastal Exclusion was issued later for additional landscaping.

In addition to regular maintenance in the past five years, the Parks Department applied for two emergency permits for vegetation removal: in the summer of 2006 to facilitate vector control due to unusually high mosquito counts; and, after the 2008 Tea Fire to help restore flow in anticipation of winter rains. Permitting agencies suggested submittal of a five-year permit application to avoid emergency or repeated maintenance permits.

## **GENERAL PLAN AND ZONING;**

General Plan Designation: Open Space

Zoning: P-R/S-D-3, Park and Recreation/ Single-Family Residential/Coastal Overlay

## **PROJECT DESCRIPTION:**

The Parks and Recreation Department proposes one-time and routine vegetation maintenance and habitat restoration in the Andree Clark Bird Refuge. Work would occur over a five-year period. Proposed maintenance includes vegetation management in wetland submerged and perimeter Bird Refuge habitats. Native vegetation and wildlife habitat restoration is proposed for wetland habitats. Vegetation management activities would be performed in order to increase the flow of water, open waterways, reduce flooding and discourage mosquito breeding. Work will discourage mosquito breeding by providing circulation of water, access for vector control boats to apply larvacide (Altosid; Bti), increase access for mosquito fish (*Gambusia* sp) to enter areas harboring mosquito larvae and reduce other locations known to harbor larvae, such as floating vegetation (tules). Maintenance will also be performed for flood control purposes and will help restore flow in the channel and Bird Refuge. Through implementation of the proposed project, the Department will:

- Remove approximately 0.93 acres of emergent vegetation, including 0.86 acres from the Bird Refuge lake and 0.07 acres from man-made culverts, and maintain those areas, as needed, during the five-year maintenance period;
- Remove floating emergent vegetation as it senesces or dislodges from rooted locations; and
- Perform 0.86 acres of wetland and wildlife habitat restoration, or equivalent (1:1) acreage, based on project impacts to wetland vegetation, except in man-made culverts.

**Existing Aquatic Vegetation:** Plants identified to be removed consist of emergent wetland vegetation in the Bulrush Series (*Scirpus californicus*; tules), Cattail Series (*Typha domingensis*) and Bulrush-Cattail Series. Vegetation categories are according to Sawyer and Keeler-Wolfe (1995). Five acres of these aquatic vegetation types occur around the wetted perimeter of the Bird Refuge.

**Proposed Removal of Aquatic Vegetation:** A contractor, under the direction of the City, will perform the cut, harvest and removal of emergent vegetation. Areas have been identified for the removal of a total of 0.93 acres of emergent vegetation, including their rhizomes and roots, in the lake (0.86 acres) and in two man-made culverts (0.07 acres). Due to unknown lake depths, it is uncertain whether the contractor will be able to access and remove all acreage identified. The Andree Clark Bird Refuge project area map provided in Exhibit 2 illustrates existing Bird Refuge vegetation (SAIC 2008) with an overlay of areas proposed for removal (Department). The project area along Old Coast Highway and an expanded view of the Bird Refuge culvert are provided in Exhibit 3. Removal areas in and associated with the Bird Refuge include:

- A. Around the three viewing platforms located at the northern lake border (A1, A2, A3),

- B. The concrete box culvert along Old Coast Highway (B1) and the concrete-lined channel that enters the Bird Refuge from the northern border (B2),
- C. Between the western island in the lake and the northern shore,
- D. A large stand of emergent vegetation at the southeast corner of the lake, and
- E. Scattered locations along the perimeter of the lake.

Table 1. Impact Areas and Acreage

Area	Area Description	Area Acres
A	Viewing platforms A1, A2 and A3	0.10
B1	Concrete box culvert along Old Coast Highway	0.03
B2	Concrete-lined channel extending into Bird Refuge	0.04
C	Between western island and shore	0.56
D	Southeast corner	0.10
E	Scattered along perimeter - estimated	0.10
<b>TOTAL</b>		<b>0.93</b>

Area A. Removal of vegetation around three viewing platforms, A1, A2, A3 in Exhibit 2, will provide water circulation in the vicinity of the platforms and open visibility for bird and wildlife viewing. An aquatic reed cutter and harvester would be used to complete 1,200 square feet of emergent vegetation removal around each of the three platforms, for a total of 0.1 acres. The aquatic construction equipment is discussed in more detail below. The far western platform (A1) is completely enclosed by aquatic vegetation and removal of additional vegetation is addressed in "C".

Area B. An open box culvert (B1), located upstream (north) from the Bird Refuge between the City Municipal tennis courts and Old Coast Highway, conveys Old Coast Highway run-off to reinforced concrete pipes beneath Highway 101 and the railroad trestle, and empties into a concrete-lined channel (B2) at the northern end of the Bird Refuge.

*B1.* The open box culvert is constructed of sandstone boulders and cobbles grouted with concrete and measures 5 feet wide by 400 feet in length. Sediment has settled and emergent vegetation has rooted within  $\frac{3}{4}$  of the culvert. A total of 0.03 acres or 123 cubic yards of emergent vegetation, sediment and trash will be removed from the box culvert.

*B2.* The concrete-lined channel extends into the Bird Refuge approximately 130 feet south of the trestle (Exhibit 3). The channel measures 15 feet wide by 70 feet in length from the trestle to the foot bridge and measures 10 feet wide by 60 feet in length from the bridge to the terminus of the channel. Sediment has settled and emergent vegetation has rooted within the 330 cubic yards of sediment will be removed from the channel.

Vegetation and sediment will be removed from the box culvert and channel to restore the stream flow conveyance of these storm drain structures. Work will be completed by backhoe or bucket from the adjacent upland during year one. Regular maintenance will be performed within the

box culvert and channel on an annual or biennial (every two years) basis, as needed to keep them free of vegetation and silt.

Area C. At one time, the western island was completely isolated from the northern shore of the Bird Refuge. Over time sediment has built up between the end of the concrete channel (B2) and the island. Emergent wetland vegetation has taken root in this area. This vegetation continues to trap sediment, resulting in a boggy path to the western island. This stand of emergent vegetation can be seen in Exhibit 2. The reed cutter and harvester will be used to remove 0.56 acres of emergent wetland vegetation during year one. A border of emergent vegetation around the island and mainland shores would be left in place as wildlife habitat.

Area D. A large stand of emergent vegetation exists at the southeast corner of the Bird Refuge. The reed cutter and harvester would be used to open access points for vector control boats and to increase access for mosquito fish. Equipment would also be used along the edge to remove "floaters" the break away from the edge of the stand for a total of 0.1 acres of emergent vegetation removal in Area D.

Area E. Boating by the public is not allowed within the Bird Refuge although department staff and other personnel launch small boats into the pond for maintenance and vector control. The "beach", a sandy area south of the Bird Refuge parking lot and the pond directly adjacent are kept clear of terrestrial and emergent vegetation for boat launching. This area is also kept clear for refuge wildlife viewing purposes. Emergent vegetation is removed from the pond adjacent to the beach by wrapping clumps of vegetation with chains or rope and pulling vegetation landward from the shore with a backhoe or truck.

Additional scattered areas along the perimeter of the Bird Refuge may require vegetation pulling or cutting, depending on density. Cutting may be required if vegetation density increases, circulation decreases and Vector Control or other City personnel cannot access the area. The locations, other than the beach, are not known at this time.

Vegetation Maintenance - Dislodged (Senescent and/or Green) Aquatic. Aquatic emergent vegetation breaks away from rooted locations, floats in the Bird Refuge pond and has the potential to clog the weir. Vector control personnel have also identified floating vegetation as a breeding ground for malaria mosquitoes. Vegetation clumps (floaters) are senescent and/or green. Floaters occur especially during winter storms when elevated water levels lift dislodged vegetation from their resting place and circulating water or wind pushes loose vegetation around the pond. Vegetation transported to the weir can obstruct the overflow that results in flooding along Cabrillo Boulevard. As a preventative measure, staff currently removes floating vegetation with hand equipment from a small boat or pulls it landward from the shore. This practice will continue over the five-year maintenance period, as needed.

Follow up and General Maintenance. There is a potential for emergent vegetation to re-establish in Areas A through D. Follow up maintenance, similar to what has been described, would be performed as needed to keep waterways open. The amount of repeat emergent vegetation removal is not known at this time.

**Habitat Restoration:** Vegetation management at the Bird Refuge would include wetland and wildlife habitat restoration, enhancement and/or creation. Habitat restoration would be achieved through the removal of non-native vegetation, installation of native plant species and enhancement of wildlife habitat. It is assumed that the project would result in impacts to 0.86 acres of wetland habitat within the lake and 0.86 acres of restoration would be performed, or at a ratio of 1:1 (1 acre restored for every 1 acre impacted), with the exception of disturbances in man-made culverts (0.07). Culverts are hard-scaped storm drain structures never intended as native habitat. If project impacts result in less than the expected acreage, the Department would perform equivalent wetland restoration at a 1:1 acreage ratio. For example, if only 0.50 acres of project impacts to wetland occur, 0.50 acres of wetland restoration would be performed.

**Protection of Biological Resources:** Avoidance and preventative procedures will be implemented prior to and during maintenance activities in order to protect sensitive wildlife resources. A review and report of breeding birds, specific to the Bird Refuge, has been prepared and work is proposed to occur outside of the breeding and nesting season for birds breeding in aquatic and upland habitat, with the exception of three upland bird species. Biologist performed tidewater goby and herpetofauna surveys to document the species in the Bird Refuge. Tidewater goby and southwestern pond turtle are known to exist within the Bird Refuge. A biological assessment (BA) for tidewater goby and a biological evaluation (BE) for species of concern, such as southwestern pond turtle, were prepared by ENTRIX in 2011 and are included as Exhibits 4 and 5, respectively. Avoidance and preventative procedures to protect sensitive wildlife species and habitats are stated in Section 2 of the BA and BE, and are included as a part of the project description. Habitat restoration, as described in section 2.3 of the BA, Exhibit 4, will also be incorporated as part of the project description. Staff will also consult with the biologist in the event that jurisdictional agencies request additional plans for protection or enhancement for these, or any other sensitive resources that may be present and impacted from the proposed project.

**Construction:**

Construction equipment and duties. Construction would include an aquatic reed cutter (“cookie cutter”), aquatic harvester, backhoe and/or track hoe and haul trucks. The aquatic cookie cutter and harvester would be offloaded from a transportation trailer via crane and ingress/egress to the water will occur at the open area south of the parking lot (the “beach”). Photographs of the aquatic equipment are provided in Exhibit 6. The aquatic reed cutter requires at least 20 inches water depth in order to operate. Blades on the front of the cookie cutter will cut/shred vegetation in sections above and below the water, including the root system. As vegetation is removed, a channel is created for equipment access. The aquatic plant harvester will collect the vegetation debris and transport it to the shore at the “beach”. A sloping, relatively compact substrate, such as that found at the “beach” is required for vegetation offloading from the harvester. Vegetation debris will then be loaded into a storage bin or vehicle and disposed of offsite. In shallow areas where aquatic equipment is not able to operate and work within a box culvert and channel will be performed by contractors with construction equipment located in upland areas or by crews with hand equipment. Due to sediment in the lake, it is unknown at this time how close the cookie cutter will be able to access the shore or other shallow areas in the lake.

Construction Staging/Storage: Materials and equipment required for vegetation removal will be stored at the Andree Clark Bird Refuge. Construction vehicles will be stored in the Bird Refuge parking lot off Los Patos Way. When not in use, aquatic construction vehicles will remain in the Bird Refuge lake. Material and shredded vegetation storage will occur in the upland adjacent to parking. Parking and storage is located to avoid native habitat within the Bird Refuge. The staging/storage area will include means to prevent any fuel and similar spills from draining into the Bird Refuge lake. Shredded vegetation offloaded from the aquatic harvester to the beach will be scooped up and placed in bins and stored onsite until removed by Marborg or, alternately, loaded into dump trucks and hauled away. Staging and storage areas are included in Exhibit 7. The applicant will work with City staff and the contractor to determine the most cost effective and effective method practicable to handle shredded vegetation storage and removal.

Construction Access: Vehicle access to the Andree Clark Bird Refuge is the parking lot on the south side of Los Patos Way, northwest of East Cabrillo Boulevard. Access for construction equipment will be from the parking lot to the adjacent "beach" or, for the Bird Refuge culvert, from the gated park entry 150 feet west of the parking lot, and west 1,425 feet along an unpaved park road to the culvert. Access for the other culvert will be from Old Coast Highway.

Approximately 185 truck loads, each transporting a 40 cubic yard bin, would be required for the project if the contractor were successful in removing a total of 0.93 acres of emergent vegetation. Due to unknown depths in the lake, it is uncertain whether the contractor will be able to complete removal of all acreage identified. It is assumed that Marborg, or another contractor, would use surface streets to transport shredded vegetation to the Marborg Trash and Recycle Center located at 725 Cacique Street. The Marborg facility is approximately 1.6 to 2.2 miles from the project area, depending on whether the Milpas or Calle Cesar Chavez route is taken from East Cabrillo Boulevard. The applicant will work with City staff to determine if surface streets or Highway 101 provide the best route for haul vehicles. Best Management Practices, such as tarping, will be used during hauling. If access to Highway 101 is required, ingress Southbound is at Exit 94B - Hot Springs Road / Cabrillo Blvd, right to Los Patos Way and the Bird Refuge parking lot. Egress is Los Patos way then left at Cabrillo to US Highway 101 northbound Cabrillo Blvd onramp.

Construction Workers and Equipment: It is estimated that approximately six construction workers are expected to be onsite during aquatic vegetation removal, and an additional four are expected for a shorter duration at the Bird Refuge for culvert maintenance. That crew of four, or an additional crew of the same size, would be expected for work at the Old Coast Highway culvert.

Andree Clark Bird Refuge Parking Lot Closure and North Shore Limited Access: The public will not be allowed to park in the Bird Refuge parking lot for the preparation and duration of the vegetation removal. Equipment would be staged from the beach parking lot and equipment access and is expected to last about two to three weeks. The closure is planned for public safety and a warning sign would be posted in advance. Depending on environmental conditions and permit approval, the majority of construction should occur in January or early February 2012. Fifteen parking spaces from the lot would not be available although alternative parking is available along Los Patos Way and on East Cabrillo Boulevard, near the East Beach volleyball courts.

The northern shore and associated path will have limited access during construction. It is anticipated that the north shore would be closed daily during construction, but would likely be available outside of construction hours. Closure of the parking lot will not block access to the Bird Refuge and surrounding bike path as other points of access are available. Limited access would affect approximately 1,900 linear feet of northern shore and trail. Over 3,000 linear feet of access on the eastern and southern perimeter would be available. The western shore between the lake and the zoo does not contain public trails.

Schedule. The cookie cutter and harvester require a minimum of 20 to 30 inches of water in order to operate, therefore, work is proposed to begin after winter rains have increased the depth of the relatively shallow Bird Refuge lake. This portion of the project is dependent upon environmental conditions and aquatic vegetation cut and harvest is estimated to begin in January or February 2012. Vegetation maintenance in year one is estimated to occur over ten to fourteen working days. Follow up maintenance would occur annually over the next four years, as needed. Habitat restoration would begin with the removal of non-native plant species in year one. Restoration plant installation, including watering and maintenance, would begin in the fall/winter of year two.

Work within the box culvert (B1) and in the concrete-lined channel (B2) would occur during year one. Although that work is not dependent upon winter rains, it will likely be completed in tandem with the other year one Bird Refuge vegetation clearance.

**Basic Project Submittal Information and Questions:** The project site does not include any habitable structures or maintenance buildings and none are proposed. The project does not include any grading.

1. The project site does not include new or existing exterior lighting.
2. The project does not involve the creation of smoke or odors.
3. The project does not result in the creation of new noise sources, except during construction. Most vegetation removal will occur along the northern border, and the closest receptor would be the Zoo, over 500 feet to the west. Limited removal in the southeast corner is 400-500 feet away from structures at the Child's Estate.
4. No Geotechnical studies have been prepared for the project and none are expected to be required, as no grading will occur and no habitable structures exist onsite.
5. An archaeological report was not submitted for the project and is not believed to be required. The project will be presented to the Historic Landmarks Commission as it is within El Pueblo Viejo District.

Sensitive biological resources exist at the Andree Clark Bird Refuge, including tidewater goby, southwestern pond turtle, birds protected under the Migratory Bird Treaty Act and wildlife and wetland habitats. Surveys for wildlife species were performed and a Biological Assessment (BA) and Biological Evaluation (BE) were prepared by Cardno Entrix biologists. Those documents are attached, along with vegetation mapping performed by a botanist from SAIC. All measures within the BA and BE to protect biological resources and reduce impacts to species are included as a part of the project description, including the timing of the project. The project will also be subject to the

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CDP for Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration

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conditions of agencies with jurisdiction over these sensitive biological resources. In a pre-application site visit with jurisdictional agencies in the winter of 2011, the California Department of Fish and Game stated that the removal of tules between the island and Bird Refuge shore would serve to protect breeding birds on the western island by removing a potential passageway for feral animals.

6. The project area includes designated recreational trails and is adjacent to a Class I bike path. Limited access to the trail during construction is addressed in the parking lot closure section above. Removal of vegetation will enhance the use of these trails as the mosquito population will be reduced for trail users in the vicinity. The potential for trail flooding will be reduced. The construction staging area is located in the Andree Clark Bird Refuge parking lot. This is near an entrance for the East Cabrillo bike path surrounding the Bird Refuge. There are at least two other access points from East Cabrillo Boulevard that will not be affected at all by the temporary parking lot closure.
7. The project vegetation removal is located within the Andree Clark Bird Refuge lake. A habitat protection plan will be implemented during construction to protect riparian and upland vegetation surrounding the lake. Habitat restoration will be implemented as a part of the project and will restore wetland habitat project impacts on a 1:1 basis.
8. Recycled water lines and sewers and associated manhole covers will be flagged and/or protected during construction. It is anticipated that plates to spread out the weight of construction equipment will be laid down over recycle water lines near the "beach" and water lines and sewers will be protected in other areas, as needed.

**Concept and Other Reviews:**

The Historic Landmarks Commission will hold a hearing on the project in August 2011. The Parks and Recreation Commission will discuss the project at its regular September 28, 2011 meeting.

Parks and Recreation staff have worked closely with Planning staff, Creeks Division staff and contract biologists to develop a complete project description and application. We believe that, as the project description has been detailed, the project is eligible for a Mitigated Negative Declaration from the California Environmental Quality Act (CEQA), under Section 15070.

In conclusion, we believe that this project brings major benefits by reducing mosquito populations in the City and coastal recreation areas. It will also remove impediments to water flow and reduce the potential for flooding in the park and surrounding roadways.

Please feel free to email Kathy Frye if you have any questions at [kfrye@santabarbaraca.gov](mailto:kfrye@santabarbaraca.gov)

Sincerely,

Jill Zachary  
Assistant Parks and Recreation Director

**EXHIBIT C**

Planning Commission

CDP for Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration

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**Exhibits:**

1. U.S.G.S. topographic map of the project vicinity
2. Andree Clark Bird Refuge project area map
3. Old Coast Highway project area and expanded view of the Bird Refuge culvert
4. Biological Assessment, prepared by Cardno ENTRIX July 2011
5. Biological Evaluation, prepared by Cardno EXTRIX July 2011
6. Photographs of Aquatic Equipment
7. Equipment staging and storage area locations
8. Photographs of the project area and vicinity

**Cc: Jan Hubbell, Project Manager, Parks and Recreation Department**

**Kathy Frye, Natural Areas Planner, Parks and Recreation Department**

**Motion:** Continued indefinitely to the Staff Hearing Officer and continued two weeks to the Consent Calendar with the following comments:

1. Support was expressed in a previous review for the restoration of the window screen, matching the simplicity of building style, and the side yard setback encroachment modifications in an attempt to make continuous wall planes as appropriate in the style of architecture.
2. In subsequent submittals, both the existing and proposed elevations should be shown on the plans.
3. The Commission prefers the gabled roof.
4. There was no preference with respect to having the fireplace engaged or unengaged with the wall.
5. The Commission prefers the inset on the two side elevations located on the second floor as depicted with a dash line on Sheet A1.2 Proposed Upper Floor Level Plan.

**Action:** Orías/Murray, 6/0/1. (Drury abstained. Sharpe absent.) Motion carried.

**Note:** The Consent Calendar reviewer shall refer to the 11 x 17 preferred elevations dated August 17, 2011.

#### CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING

##### 7. 1700 E CABRILLO BLVD

P-R/SD-3 Zone

(4:28)

Assessor's Parcel Number: 017-382-001  
 Application Number: MST2011-00315  
 Owner: City of Santa Barbara  
 Applicant: Jill Zachary/Jan Hubbell  
 Agent: Kathy Frye, Associate Planner

(This parcel is on the City's List of Potential Historic Resources: "Andree Clark Bird Refuge; Site of Chumash Village and Salt Pond, 42 acres. Included on the State Historic Resources Inventory." Proposal to remove and restore 0.86 acres of marsh vegetation within the lake, around three public viewing platforms, and along various locations along the perimeter of the lake; maintenance of a concrete culvert and a grouted sandstone culvert along Old Coast Highway including removal of 453 cubic yards of silt and vegetation from those man-made structures; and restoration of bird refuge native habitats. Project requires Planning Commission review of a Coastal Development Permit.)

**(Comments only; project requires Environmental Assessment and Planning Commission review.)**

**Present:** Kathy Frye, City Associate Planner, Parks and Recreation  
 Jill Zachary, City Assistant Parks & Recreation Director

Public comment opened at 4:41 p.m.

Christopher Price, Representing the Clark Estate, provided written comments expressing support for the project.

Kellam de Forest, local resident, expressed concern over the cost of the project.

Public comment closed at 4:43 p.m.

**The Commission made the following comments:**

1. There would not be any adverse impacts to historical resources.
2. Concern was expressed with the reversal of the marshland's natural process.

(Sharpe absent.)

**REVIEW AFTER FINAL**

8. **12 E MONTECITO ST** HRC-2/SD-3 Zone

(4:44) Assessor's Parcel Number: 033-051-016  
 Application Number: MST95-00044  
 Architect: AB Design Studio  
 Applicant: Rodney James Schull Memorial Foundation

(Proposal to construct an 11,091 square foot two-story youth hostel with 100 beds and 60 parking spaces on a vacant parcel.)

**(Review After Final of door and window changes, added balconies, new trellis, decorative planters, light fixtures, and plaster details on facade. A Substantial Conformance Determination was made by the Community Development Director on May 5, 2011. Project was last reviewed on August 3, 2011.)**

Present: Peter Lawson, City Associate Planner  
 Clay Aurel and Ken Allison, Architects, AB Design  
 Philip Suding, Landscape Architect, Suding Design

**Motion: Final Approval of the Review After Final and continued two weeks to the Consent Calendar for details with the following comments:**

1. The wrought iron detailing of the fence and gate needs some refinement.
2. The wording "tubular steel" should be corrected so that it is not hollowed steel.

Action: Murray/Boucher, 6/0/0. (Suding stepped down. Sharpe absent.) Motion carried.

**REVIEW AFTER FINAL**

9. **210 W CARRILLO ST** C-2 Zone

(5:04) Assessor's Parcel Number: 039-271-025  
 Application Number: MST2011-00061  
 Owner: DBN Carrillo LLC  
 Architect: AB Design Studio

(Proposal for exterior facade changes to an existing building in the Radio Square retail center including the following: new exterior paint color, new windows along Carrillo Street, new storefront, new 397 square foot patio along the De la Vina Street frontage, new HVAC equipment, and the removal of two existing ficus trees and one existing palm tree. No new floor area is proposed. The parking requirement for this parcel is 94 spaces, with 72 legal, nonconforming spaces to be maintained.)

**(Review After Final of changes to doors and windows on the north, south, and west elevations, new transformer and pad, and enlargement of an existing trash enclosure with added landscaping island.)**

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**6. Cabrillo Bathhouse Business Plan - For Action**

Recommendation: That the Commission appoint two members of the Commission to participate in a focus group for the Cabrillo Bathhouse Business Plan.

Documents:

- Staff Report

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Jill Zachary, Assistant Parks and Recreation Director

The Commission designated Commissioners Casebeer and Burns as the representatives to participate in a focus group for the Cabrillo Bathhouse.

**7. Liaisons to Advisory Committees - For Action**

Recommendation: That the Commission consider advisory committee liaison appointments.

Documents:

- Staff Report

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director

The Commission reviewed and made a few changes to the Advisory Committee liaisons. The listing updated list follows:

**Advisory Committee**

Arts & Crafts Show  
Creeks  
Front Country Trails  
Golf  
Integrated Pest Management  
Lower Mission Creek Design Subcommittee  
Neighborhood Advisory Council  
PARC  
Street Tree  
Youth Council

**Liaison**

Rocky Jacobson  
Chris Casebeer  
Scott Burns/Beebe Longstreet  
Charlie Trentacosti  
Nick Ferrera  
Chris Casebeer  
Nick Ferrara/Beebe Longstreet  
Beebe Longstreet/Scott Burns  
Lesley Wiscomb  
Rocky Jacobson

**ADMINISTRATIVE AND STAFF REPORTS**

**8. Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project - For Information**

Recommendation: That the Commission receive an update on the Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Jill Zachary, Assistant Parks and Recreation Director; and Kathy Frye, Associate Park Planner

**ADJOURNMENT**

At 5:52p.m., with no further business to be addressed by the Commission,

**Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 7/0 to adjourn.**

Respectfully submitted,

Nancy L. Rapp  
Parks and Recreation Director

**GENERAL PLAN AND LOCAL COASTAL PLAN POLICIES**  
**RELATED TO THE ANDREE CLARK BIRD REFUGE AND**  
**CULVERT ALONG OLD COAST HIGHWAY**

**LAND USE ELEMENT**

The Land Use Element sets forth several Principles and Goals, including Principle 8, which states: "It is essential to protect the historic, architectural, and natural qualities of Santa Barbara's environment and to preserve the ecological balance of all life systems with which we coexist." This project will help return balance to the Bird Refuge by improving water flow and quality and reducing mosquitoes. It will also improve wildlife viewing by opening up blocked viewing platforms. Thus, the project is consistent with this principle.

**SEISMIC SAFETY/SAFETY ELEMENT**

The City's Seismic Safety/Safety Element requires that development be sited, designed and maintained to protect life, property, and public well-being from seismic and other geologic hazards, and to reduce or avoid adverse economic, social, and environmental impacts caused by hazardous geologic conditions. The Seismic Safety/Safety Element addresses a number of potential hazards including, geology, seismicity, flooding, liquefaction, tsunamis, high groundwater, and erosion.

The project site is subject to some seismic or geologic constraints. As discussed in the Initial Study analysis, potential impacts associated with these hazards would be less than significant as there are no habitable structures existing or proposed for the project area and the proposed work would not aggravate any known hazards.

**CONSERVATION ELEMENT**

City Conservation Element policies provide that significant environmental resources of the City be preserved and protected. The Conservation Element requires implementation of resource protection measures for archaeological, cultural and historic resources; visual, biological and open space resources; specimen and street trees; air and water quality; and to minimize potential drainage, erosion and flooding hazards. The following policies directly apply to the proposed project:

*Cultural and Historic Resources Policy 1.0 "Activities and development which could damage or destroy archaeological, historic, or architectural resources are to be avoided".*

The potential for impact is low and is less than significant with the proposed measures. Therefore, project activities will not damage or destroy cultural resources and are consistent with the policy.

*Biological Resources Policy 5.0 "The habitats of rare and endangered species shall be preserved."*

The Bird Refuge provides habitat for endangered and rare species including tidewater goby, southwestern pond turtle and several bird species protected by the Migratory Bird Treaty Act. Adherence to the measures contained in the Biological Assessment and Biological Evaluation (Entrix 2011) and discussed in the Initial Study will avoid or mitigate impacts to the species.

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### Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project General and Local Coastal Plan Policies

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*Biological Resources Policy 10 "Programs shall be developed to maintain a productive urban biotic community."*

The biological surveys, habitat mapping and associated reports prepared in association with the project provide valuable information for the Bird Refuge, including the discovery of tidewater goby, an endangered species. The submitted SAIC biological reports provide a biotic analysis of the Bird Refuge habitat and suitability for the species observed. The project provides a vegetation management plan for the Bird Refuge for the next five years, including maintenance and restoration plans. Therefore, the project can be found consistent with this policy.

*Visual Resources Policy 5.0 "Significant open space areas should be protected to preserve the City's visual resources from degradation."*

The maintenance work will help restore conveyance in the Bird Refuge and hydrologically connected culverts, thereby protecting the Bird Refuge, a scenic resource, from flooding and erosion. Viewing platforms onsite provide views across the Bird Refuge the other scenic resources such as the beach, Cabrillo Boulevard, Zoo and Clark Estate hillside. Therefore, the project can be found consistent with this policy.

#### OPEN SPACE ELEMENT

The Open Space Element is concerned primarily with conserving, providing, and improving, as appropriate, land and water areas significant in the Santa Barbara landscape. Those would be defined as the ocean, mountains, major hillsides, creeks, shoreline, major parks and the freeway. The project site is located within an area that is considered a major parks complex at the easterly entrance to the City. The project consists of maintenance and restoration of the Bird Refuge that would help reduce flooding and help control the mosquito population for the park and surrounding parks vicinity. Therefore, the project can be found potentially consistent with the Open Space Element.

#### CIRCULATION ELEMENT

The Circulation Element of the General Plan contains goals and implementing measures to reduce adverse impacts to the City's street system and parking by reducing reliance on the automobile, encouraging alternative forms of transportation, reviewing traffic impact standards, and applying land use and planning strategies that support the City's mobility goals. As discussed in the Initial Study analysis, potential traffic and parking related impacts are less than significant, therefore the project could be found consistent with the policies of the Circulation Element.

#### NOISE ELEMENT

The City's Noise Element includes policies intended to achieve and maintain a noise environment that is compatible with the variety of human activities and land uses in the City. The proposed project would not generate a substantial increase in long term existing ambient noise levels in the area due to the nature of the proposed project, vegetation maintenance and restoration. Short-term construction noise is anticipated but would be temporary and minimized through implementation of the City's Noise Ordinance requirements and by use of neighborhood noticing. Therefore, the proposed project could be found potentially consistent with the Noise Element.

## **LOCAL COASTAL PLAN**

Several Local Coastal Plan (LCP) policies deal specifically with the Andree Clark Bird Refuge.

*Policy 6.12 "The Andree Clark Bird Refuge shall be maintained, enhanced, and restored to a healthy and viable aquatic habitat, and shall be preserved as open space or other public, non-developable area."*

Vegetation removal restoring flow and conveyance in culverts and the Bird Refuge is also anticipated to help with eutrophication in the lake by providing increased water circulation. The work will also assist vector control with mosquito abatement. Therefore, the project is consistent with the LCP policy

*Policy 6.13 "The primary use of the Andree Clark Bird Refuge shall be as a sanctuary for migratory waterfowl and that use shall be preserved, protected, maintained, and, where necessary, enhanced."*

Vegetation removal between the western island and the shoreline will help project birds nesting on the island. In a pre-application site visit with jurisdictional agencies in the winter of 2011, the California Department of Fish and Game stated that the removal of tules between the island and Bird Refuge shore would serve to protect breeding birds on the western island by removing a potential passageway for feral animals. Also, as discussed in the Initial Study analysis, potential impacts associated with disturbance from vegetation would be adequately addressed by implementing avoidance measures, such as working outside of bird breeding season, pre-construction surveys and set-backs.

## **RELEVANT COASTAL ACT POLICIES**

### **Marine Environment**

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

30233. Requires that work proposed in coastal streams and wetlands can only be allowed if it can be defined as a "restoration project". Additionally, the only projects allowed in coastal wetlands and streams are those that incorporate the least environmentally damaging design and mitigation feasibly available.

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### Andree Clark Bird Refuge Vegetation Maintenance and Habitat Restoration Project General and Local Coastal Plan Policies

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The Bird Refuge project is designed to improve the habitat of the lake by removing tules, cattails and bulrushes that, if allowed to proliferate, would result in a monoculture habitat with very little species diversity. This habitat would not support tidewater goby foraging, the southwestern pond turtle and many of the birds that currently breed there. As mitigated, the project will provide protection against discharge of hazardous materials, including accidental spills. Thus, the project is consistent with Coastal Act Marine Environment policies. The project will restore coastal wetland areas at a 1:1 ratio. Removal of vegetation by other means, such as hand removal or herbicide, was considered. Removal of aquatic vegetation, including rhizomes and roots, by hand would require long periods of time (months) in the Bird Refuge and would be challenging or next to impossible for a contractor to perform work under water and in deep detritus, as found in the lake. Such a long construction period could result in significant impacts on endangered and sensitive species in the Bird Refuge and disrupt migratory bird breeding. Removal of vegetation with aquatic construction was found to be the least environmentally damaging.

#### **Land Resources Policies**

30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The project's uses (recreation, open space, and vector control) are dependent on the environmentally sensitive habitat area. The project will help improve the brackish water habitat.

30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Although the project is on the outer edge of an identified archaeological site, it is unlikely to impact the site. Monitoring will be required during any significant ground disturbance near the archaeological site. With these provisions, the project is consistent with the Coastal Act Land Resources policies.

#### **Development Policies**

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Reestablishment of views from the viewing platforms is consistent with this policy. Additionally, the changes made as a result of vegetation removal and restoration will have no adverse effects on views of the Bird Refuge. While the parking in the public parking lot at the Bird Refuge would be closed

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**General and Local Coastal Plan Policies**

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during construction, this closure would be temporary and not exceed a few weeks a year. Therefore, the project would be consistent with the public access and recreation policies of the Coastal Act.





# City of Santa Barbara California

Exhibit G of the Staff Report for Item III, 1400-1700 Blocks of E. Cabrillo Blvd. and 1414 Park Place, is being distributed separately. You may view this Final Mitigated Negative Declaration report on the City's website by following these instructions:

- Go to [www.SantaBarbaraCA.gov/eir](http://www.SantaBarbaraCA.gov/eir)

A printed copy of the report is also available at the following address between the hours of 8:30 a.m. to 4:30 p.m., Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates:

Community Development – Planning Division  
630 Garden Street, Second floor  
Santa Barbara, CA 93101

