# City of Santa Barbara
## California

**PLANNING COMMISSION**
**STAFF REPORT**

**REPORT DATE:** August 18, 2016

**AGENDA DATE:** August 25, 2016

**PROJECT ADDRESS:** 1925 El Camino de la Luz (MST2013-00240)

**TO:** Planning Commission

**FROM:** Planning Division, (805) 564-5470, extension 4560
Beatriz Gularte, Senior Planner BG
Kathleen A. Kennedy, Associate Planner KAK

## I. PROJECT DESCRIPTION

***Project site.*** The project site is located at 1925 El Camino de la Luz and is a 20,046 square-foot (0.46-acre) flag lot in the West Mesa neighborhood, the Hillside Design District, and the appealable jurisdiction of the Coastal Zone.

The project site is an undeveloped sloped coastal property with site elevations that range from 4.63 feet at the Mean High Tide Line to 140 feet at the top of the site at El Camino de la Luz. The average slope of the site is 37.3%. The site width varies from approximately 12.5 feet at the driveway area to 50 feet for the remaining portion.

The project site was previously developed with a two-story, single-family home and carport in 1955. In 1978, a landslide occurred on the project site and adjacent parcels and the existing residence was destroyed. Subsequently, debris removal, grading, slope stabilization, and vegetation planting work was completed, and in 1984 further grading and drainage modifications for landslide repair occurred on several parcels affected by the landslide.

Access to the site is along an existing driveway that is shared with the residence at 1927 El Camino de la Luz to the west. Other remaining improvements on the site include a six foot high east-west gated fence, vegetation, power pole and overhead utility lines. The City's Mesa sewer line and 10 foot wide easement crosses the project site at approximately the 128 foot contour.

The 0.46 acre project site consists of 0.02 acre of impervious pavement (driveway), 0.21 acre of non-native grassland habitat, 0.14 acre of Coastal Sage Scrub, 0.04 acre of Southern Coastal Bluff Scrub, and 0.05 acre of beach area. There are no existing trees on the parcel.

Inclinometers to measure subsurface movement and piezometers to measure groundwater levels have been installed onsite for use by the applicant team during project development.

***Proposed Project.*** The proposal consists of a new 2,789 square-foot (net), three-story, single-family residence with an attached 571 square-foot, two-car garage on the upper entry level. The proposed total development of 3,360 square feet would be 72% of the maximum guideline floor-to-lot area ratio (FAR). The residence would be located approximately between the 80 and 130 foot elevations, which is

approximately 169 feet landward of the lower riser of the coastal bluff (51 foot elevation). The average slope of the proposed development envelope is 27.6%.

The maximum height of the residence would be 30 feet, which is the maximum allowed height in the zone. The entry level (level 3) includes an entry patio, a foyer, a garage, a 196 square foot deck, a roof area prepared for solar panels, and exterior landscape planters. The upper level (level 2 living area) includes a master bedroom and bathroom, kitchen, great (living) room, laundry/storage/utility areas, a 181 square foot deck, a 42 square foot deck, and exterior landscape planters. The height of level 2 is 25 feet. The lower level (level 1 living area) includes two bedrooms, two bathrooms, a media room, an undesignated room, and a patio. The patio would have steps to a lower patio with a lap pool/water storage tank. Two stepped concrete planters would be located at the lower portion of the residence.

The driveway would be widened to at least 16 feet by reducing the landscaped area adjacent to the driveway near the street and by acquiring an easement from 1921 El Camino de la Luz further down the driveway to the east. An inward opening gate with key pad and knox box would be installed at the end of the shared driveway and a driveway turnaround area would be located adjacent to the garage. The berm at the driveway entrance would be restored to be approximately 4 inches or less above the top of curb to prevent street runoff from entering the driveway. A new 8 inch high berm would be installed along the easterly side of the widened driveway. Retaining walls of varying heights (maximum height of seven feet) are proposed adjacent to the driveway, turnaround area, residence, and patio.

The proposed storm water improvements include three water storage tanks (WST) with pumps. WST-1 and WST-2 would be located under the new driveway and turnaround areas. Water storage tank (WST-3) would be located in the lower patio area and would consist of two separate compartments. WST-3a would be an enclosed tank under the patio, with excess water to be discharged to the City storm drain system at the street. WST-3b would be a tank with a power safety cover for seasonal use as a lap pool, would be UV-treated, with excess water utilized onsite (for vegetation or non-potable reuse in the house) or discharged to the City wastewater system. Cobble drain lines would serve to discharge excess stormwater from the water storage tanks to vegetation areas. The proposal includes a provision to allow storm water that is retained onsite to be available for use by the City (i.e., Fire Department or Public Works Department) through a dry stand pipe at the street.

Stabilization of the proposed development area would occur with the installation of a deep caisson and grade beam foundation with shear-pins and tie-backs utilizing drilling and poured in place construction. No pile driving is proposed. Grading would involve an estimated 1,180 cubic yards of cut and fill to be balanced onsite.

Construction staging areas would be located on the existing driveway and by temporary easement on an approximately 5,000 square foot area on the adjacent property at 1921 El Camino de la Luz to the east. At the end of the construction process, the temporary construction area on the adjacent property would be restored to its current condition, including replacement of the four lemonade berry plants that would be removed.

The proposal includes the removal of non-native vegetation on the site and the planting of native vegetation. The area adjacent to the widened driveway, the private open space areas (upslope and downslope of the proposed residence), and side yards would be vegetated with regionally native low stature vegetation that can be mowed or trimmed as necessary to avoid or minimize fuel load buildup. Landscape planters attached to the proposed residence would be planted with native species vegetation. A lemonade berry mitigation area of over 600 square feet is proposed downslope of the lower private

open space area to mitigate the removal of three lemonade berry shrubs from the proposed development area.

The duration of the proposed project is estimated at 70 weeks (1.3 years), with four weeks of demolition (pavement, fencing, remaining landslide debris), six weeks of site grading, and 60 weeks of construction.

The proposal also includes the following:

a) An offer to dedicate to the City an air space public view corridor over the parcel to preserve public views from El Camino de la Luz to the Santa Barbara Channel and Santa Cruz Island.

b) An offer to dedicate to the City an open space easement that includes two areas. One area is described on the project plans as a coastal bluff area with Southern Coastal Bluff Scrub (0.04 acres), the other area is described as a contiguous lemonade berry stand area (0.14 acres), for a total of 0.18 acres (7,840 square feet). The open space easement would state that no new development would be allowed in these designated areas. There is an existing private easement for access in favor of the adjacent property at 1927 El Camino de la Luz that would remain.

c) An offer to dedicate to the City the entire back beach area of the parcel for lateral public beach access (0.05 acres). Currently, the public has a right to use the beach in this area only below the Mean High Tide Line (MHTL).

The technical reports, which include project recommendations, submitted as part of the project application are incorporated into the project description for the proposed project.

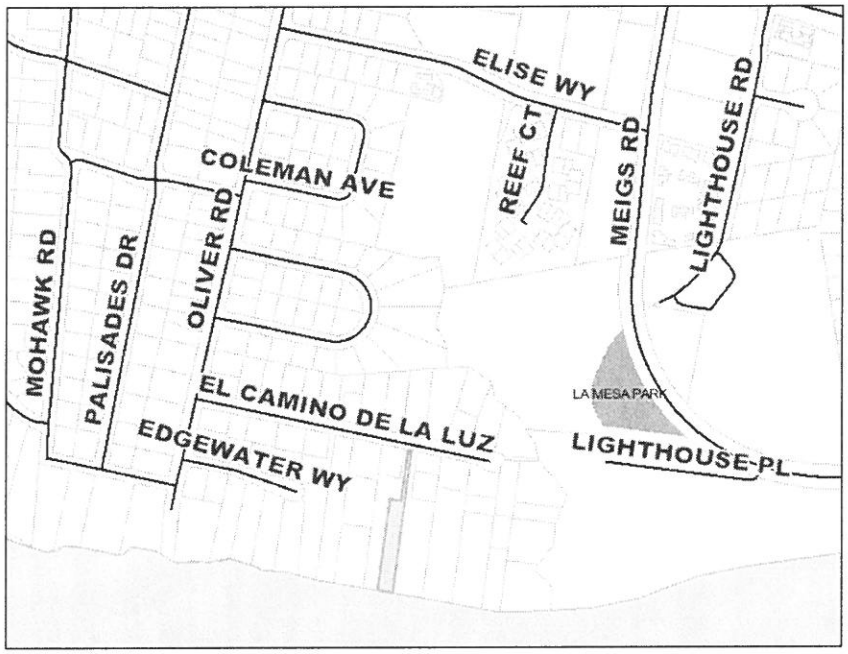
## II. REQUIRED APPLICATIONS

The discretionary permit application required for this project is a Coastal Development Permit (CDP2013-00014) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC§28.44.060).

| | |
|---|---|
| **Application Deemed Complete:** | December 8, 2015 |
| **Date Action Taken on Final MND:** | July 7, 2016 |
| **Date Action Required on CDP for Project:** | September 8, 2016 |

## III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances; however, it would not be consistent with all applicable policies of the Local Coastal Plan (specifically LCP Policy 8.2 prohibiting development on a bluff face). The proposed project was reviewed by the Single Family Design Board and the size and massing of the project were determined to be consistent with the surrounding neighborhood. No feasible alternative location for development has been identified on the project site. A denial of the project could potentially result in the denial of all economic use of the property. Therefore, staff recommends that the Planning Commission approve the project, making the findings outlined in Section IX of this report (including Coastal Act Section 30010 which provides for a project approval without a finding of complete consistency with all coastal policies in order to avoid a potential taking), and subject to the conditions of approval in Exhibit A.




Vicinity Map

## IV. SITE INFORMATION AND PROJECT STATISTICS

### A. Site Information

| | | | |
|---|---|---|---|
| **Applicant:** | Clay Aurell, AIA, LEED AP, AB Design Studio | | |
| **Property Owner:** | Emprise Trust (Thomas Felkay) | | |
| **Site Information** | | | |
| **Parcel Number**: | 045-100-024 | **Lot Area**: | 20,046 square feet (0.46 acre) |
| **General Plan**: | Residential, 5 units/acre) | **Zoning**: | E-3/SD-3, One-Family Residence Zone/ Coastal Overlay Zone |
| **Local Coastal Plan**: Residential (5 du/acre) | | | |
| **Existing Use**: | Vacant | **Topography**: | Average slope gradient of 27.6% (development envelope); 37.3 % (parcel) |
| **Adjacent Land Uses** | | | |
| **North** - Residential<br>**South** - Beach | | **East** - Residential<br>**West** - Residential | |

### B. Project Statistics

| | Existing | Proposed |
|---|---|---|
| **Living Area** | N/A | 2,789 SF |
| **Garage** | N/A | 571 SF |
| **Floor Area Ratio** | N/A | 0.18<br>72% of Maximum Guideline FAR |
| **Lot Coverage**<br>**-Building**<br>**-Paving/Driveway**<br>**-Landscaping**<br>**- Open Space Easement Area** | <br>0 SF 0%<br>637 SF 3.17 %<br>19,409 SF 96.83 %<br>0 SF 0 %<br>20,046 SF 100% | <br>2,096 SF 10.85%<br>3,515 SF 17.15%<br>6,594 SF 32.90%<br>7,841 SF 39.12%<br>20,046 SF 100% |

## V. ISSUES

Staff recommends that the Planning Commission focus on the issue of coastal policy consistency, which is described in detail in this Staff Report.

## VI. POLICY AND ZONING CONSISTENCY ANALYSIS

### A. ZONING ORDINANCE CONSISTENCY

| Standard | Requirement/ Allowance | Proposed |
|---|---|---|
| **Setbacks**<br>**-Front**<br>**-Interior**<br>**-Rear** | <br>20 feet<br>6 feet<br>6 feet | <br>20 feet<br>6 feet<br>6 feet |
| **Building Height** | 30 feet | 30 feet |
| **Parking** | 2 spaces | 2 spaces |
| **Open Yard** | 1,250 SF | 1,250 SF |

The proposed project would meet the requirements of the E-3 Zone related to setbacks, building height, parking and open yard.

### B. COASTAL ACT AND LOCAL COASTAL PLAN CONSISTENCY

The proposal for a new single-family residence on the 20,046 square foot lot is consistent with the Local Coastal Plan (LCP) land use designation of Residential (5 dwelling units/acre).

Coastal Development Permit approval requires findings that the project would be consistent with the policies of the California Coastal Act, all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Municipal Code. Applicable Coastal Act and Local Coastal Plan policies are discussed below.

**California Coastal Act Policies**

**Coastal Act Section 30212** (New development projects) states in part: *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby.*

**Discussion.** The proposed project does not provide public access to the coast from El Camino de la Luz; however, adequate access exists nearby (Shoreline Park to the east, Mesa Lane steps to the west). Providing additional public access across the parcel to the beach is not consistent with public safety due to the steepness of the lower riser of the coastal bluff. In addition, providing public access over the subject property would negatively impact coastal resources (e.g., habitat). The proposal includes an offer to dedicate the entire back beach area of the parcel to the City for lateral public beach access. Currently, the public has a right to use the beach in this area only below the Mean High Tide Line (MHTL). Therefore, the proposal can be found consistent with this policy.

**Coastal Act Section 30250** (Location; existing developed area) states in part: *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

**Discussion.** The proposed project would be located on a lot that was previously developed with a single family residence within an existing developed neighborhood and would have access to adequate public services. The Final Mitigated Negative Declaration concluded that the project, as mitigated, would not have significant adverse effects on coastal resources. Therefore, the proposal can be found consistent with this policy.

**Coastal Act Section 30251** (Scenic and visual qualities) states in part: *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.*

**Discussion.** As described in the visual resources section of the Final Mitigated Negative Declaration (MND), and in the staff report for the Final MND, public views of both the project and the temporary construction staging areas from the beach and the street were analyzed and it was found that no substantial changes to public scenic views or substantial impact associated with onsite visual character would occur. In addition, the proposal includes an offer to dedicate to the City an air space public view corridor over the parcel to preserve scenic public views of the ocean from El Camino de la Luz. Due to topography and vegetation, the proposed project would not be visible from the public street and would only be partially and intermittently visible from the beach, similar to other residences in the neighborhood. The Single Family Design Board (SFDB) found that the design of the residence would be compatible with the surrounding area and minimize visibility and view impacts in keeping with City design guidelines for visual compatibility, including the project siting, size, height, stepped architecture, non-reflective

materials, earth-tone color palette, and landscape screening. Therefore, the proposal can be found consistent with this policy.

**Coastal Act Section 30253** (Minimization of adverse impacts) states is part: *New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

**Discussion.** The design of the proposed project, as discussed in the Final Mitigated Negative Declaration and with inclusion of recommendations of the project geology reports, would minimize risks to life and property, would assure stability of the project site and surrounding area, and would not substantially alter natural landforms along the bluff or require shoreline protection devices for the life of the project. With the proposed caissons, sheer pins, and tie backs for slope stability, the design of the new development would actually strengthen the bluff area. Therefore, the proposal can be found consistent with this policy.

**Coastal Act Section 30010** (Compensation for taking of private property; legislative declaration) states in part: *The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

**Discussion.** This is discussed at the end of this section.

**<u>City Local Coastal Plan (LCP) Policies</u>**

***Access Policies***

**LCP Policy 2.3**: *Access along the beach in the bluff area is a public right; no attempts to prohibit or interfere with the public's lawful use of this beach area will be allowed.*

**Discussion.** The proposed project would not interfere with the public's use of the beach and includes an offer to dedicate to the City the entire back beach area of the parcel for lateral public beach access (0.05 acres). Currently, the public has a right to use the beach in this area only below the Mean High Tide Line (MHTL). Therefore, the proposal can be found consistent with this policy.

***Housing Policies***

**LCP Policy 5.3:** *New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or on-street parking resources of existing residential neighborhoods shall not be permitted.*

**Discussion.** As determined by the Single Family Design Board, the proposal meets the design criteria for single family homes on hillsides. The Single Family Design Board stated that the project size, height, architecture, color palette, and landscape design as refined were reasonable

and in keeping with City design guidelines for visual compatibility. The home is consistent with the average home size of surrounding single family residences and includes a two car garage to meet the parking requirement. Therefore, the proposal can be found consistent with this policy.

***Water and Marine Environments Policies (General Biotic Resources)***

**LCP Policy 6.1:** *The city, through ordinance, resolutions, and development controls, shall protect, preserve, and, where feasible, restore the biotic communities designated in the City's Conservation Element of the General Plan and any future annexations to the City, consistent with PRC Section 30240.*

**Discussion.** The biological resources analysis in the Final Mitigated Negative Declaration finds no significant, unmitigable biological impacts. A majority of the property would remain undeveloped and the proposal includes an offer to dedicate to the City an open space easement that includes a coastal bluff area with Southern Coastal Bluff Scrub (0.04 acres) as well as a contiguous lemonade berry stand area (0.14 acres), for a total of 0.18 acres (7,840 square feet). Therefore, the proposal can be found consistent with this policy.

***Hazards Policies***

**LCP Policy 8.1:** *All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, and where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are: (1) sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines; (2) the owner of the subject property allows for the permanent drainage of those parcels through his/her property; (3) the drainage system is designed to be minimally visible on the bluff face.*

**Discussion.** The proposal includes a comprehensive drainage and storm water management plan that directs water to onsite vegetation, to the public storm drain system, or to adjacent property with an easement, and would comply with City's Storm Water Management Plan (SWMP) requirements. Therefore, the proposal can be found consistent with this policy.

**LCP Policy 8.2:** *With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.*

**Discussion.** In order to determine whether the proposed project is potentially consistent with Policy 8.2 above, the location of the bluff face and the top of bluff/ bluff edge must first be determined. The bluff face is the area below the top of bluff/ bluff edge. The purpose of determining the bluff edge is to subsequently identify a development setback from the bluff toward minimizing the potential for impacts to public safety or coastal landforms. The definition of <u>top of bluff/ bluff edge</u> is found in the California Code of Regulations Title 14, §13577, as follows:

> *"...Coastal bluff shall mean: (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the*

> *toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2). Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations."*

Staff analysis has concluded that the top of bluff/ bluff edge is located at the 127-foot elevation. If it is determined by the Planning Commission to be located at the lower 51-foot elevation as proposed by the applicant and shown on the project plans, the project would not be located on the bluff face and could be found consistent with the LCP Policy 8.2.

However, if the top of bluff/ bluff edge is determined by the Planning Commission to be at the upper 127-foot elevation as identified by City and Coastal Commission staff, the project would be located on the bluff face, and could be found inconsistent with LCP Policy 8.2.

City staff uses the document *Establishing Development Setbacks from Coastal Bluffs* prepared by Coastal Commission staff geologist, Mark Johnsson (2003), which represents the current analytical process used by Coastal Commission staff in evaluating new development proposals. These procedures are regularly employed by the Coastal Commission and its staff when reaching decisions concerning development on or near coastal bluffs. These guidelines note that the determination of the bluff edge location is a qualitative judgment based on consideration of the site topography, and for some sites may be open to differing interpretations of the location of bluff edge. Coastal Commission staff previously used the *Geologic Stability of Blufftop Development* document adopted by the Coastal Commission in 1977 and current Coastal Commission staff have indicated that it is no longer used.

As part of the 2013 City pre-application review process for the proposed project, both City and Coastal Commission staff determined that the top of bluff/ bluff edge was located at the 127 foot elevation. This was based on review of topography, submitted project plans and technical information, a site visit by Coastal Commission staff planner and staff geologist and City planning staff, and their analysis and application of the coastal bluff edge policies using current Coastal Commission guidance. The site's bluff was considered to have a step-like feature, with the bluff edge at the top tier at the 127 foot elevation. Additional information supporting this determination include a coastal slope analysis exhibit based on LiDAR-generated topographic data (LiDAR is remote sensing that uses a laser to measure distance) that shows a pattern along the coast with greater than 60 percent slopes (see Final MND Exhibit F3), City General Plan and Master Environmental Assessment maps; archive plan references for other parcels in the area

identifying top of bluff at the higher elevation; and prior geologic reports for the area which identified the landslide headscarp as the bluff top. A minimum 500 foot wide area was examined to determine bluff edge.

The applicant submitted studies that identify the top of bluff/ bluff edge at the 51-foot elevation, and conclude that no upper tier/bluff edge exists based on analysis of historical mapping, aerial photos, and site investigation. The applicant's studies also state that, unlike the 51-foot elevation, the 127-foot elevation area does not meet the coastal policy criterion for a minimum 500 foot length of bluff edge for making the bluff edge determination. Coastal Commission staff has advised that the 500 foot length of bluff line/edge requirement for bluff edge determination is referring to the minimum area to be examined in making this determination for the purpose of distinguishing a minor indentation where a coastal bluff trend line transitions to a canyon bluff, and not the length of the bluff required in order to establish a bluff edge of a seaward facing bluff. It is noted that the upper tier bluff edge in this area of the Mesa has an anomalous configuration.

The applicant also asserts that the City is required to accept their lower location for the bluff edge based on a 1984 permit issued by the Coastal Commission to Jennette Doolittle, the then owner of 1933 El Camino De La Luz. Coastal Act Section 30625(c) states that "Decisions of the [Coastal Commission], where applicable, shall guide local governments or port governing bodies in their future actions under [the Coastal Act]." However, the Doolittle permit does not identify a particular location for the bluff edge. The Doolittle permit merely identifies the bluff edge in relative terms in relation to the location for the work proposed under the Doolittle application (e.g., "The proposed site will be inland of the bluff face and bluff edge.") While this description of the bluff edge is likely seaward of the proposed location of the residence at 1925 ECDLL, the Doolittle permit does not precisely identify the location or explain how the Coastal Commission determined the location of the bluff edge. The earlier permit was for slope stabilization work on other parcels and associated reports noted that further analysis would be required for any proposed residential development in the area. These factors make it difficult to find a clear precedent in applying the Coastal Commission's earlier determination to the current project application at the 1925 El Camino de la Luz location. The applicant's representatives also assert that the proper guidelines for application of policy are the *Geologic Stability of Blufftop Development* adopted by the Coastal Commission in 1977, and referenced in the initial City Local Coastal Plan adopted in 1981, rather than the more recent Coastal Commission staff prepared document, *Establishing Development Setbacks from Coastal Bluffs*, referenced above.

On August 9, 2016, Mark Johnsson, Coastal Commission Geologist, submitted a Geotechnical Review Memorandum (see Exhibit F) that documents his analysis and conclusion that the top of bluff/ bluff edge is located at the 127 foot elevation. Based on staff's analysis on the top of bluff/ bluff edge location at the 127 foot elevation, and confirmation from the Coastal Commission staff geologist, staff is of the opinion that the proposal involves development on the bluff face. Therefore, staff finds that the proposal is inconsistent with City LCP Policy 8.2 which prohibits the proposed development on the bluff face. However, as the finder of facts, the Planning Commission makes the ultimate determination as to the location of the top of bluff/ bluff edge and whether the proposal is consistent with Policy 8.2.

If it is found that the site cannot feasibly be developed in a manner that meets all applicable policies, the proposed development can then be considered under Public Resources Code Section 30010 in order to avoid a taking. This is discussed further below.

***Visual Quality Policies***

**LCP Policy 9.1:** *The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by: (1) Acquisition of land for parks and open space; (2) Requiring view easements or corridors in new development; (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; (4) Developing a system to evaluate view impairment of new development in the review process.*

**Discussion.** As described in the visual resources section of the Final Mitigated Negative Declaration (MND), and in the staff report for the Final MND, public views of both the project and the temporary construction staging areas from the beach and the street were analyzed and it was found that no substantial changes to public scenic views or significant impacts associated with onsite visual character would result. In addition, the proposal includes an offer to dedicate to the City an air space public view corridor over the parcel to preserve public views from El Camino de la Luz to the Santa Barbara Channel and Santa Cruz Island. The proposed project would not be visible from the public street. The Single Family Design Board found that the design of the residence would be compatible with the surrounding area. Therefore, the proposal can be found consistent with this policy.

**LCP Policy 9.3:** *All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.*

**Discussion.** The proposal includes providing undergrounding of new utilities for the new residence. Therefore, the proposal can be found consistent with this policy.

**OTHER ISSUES**

**Alternatives.** An alternatives analysis was not required for the CEQA document analysis; however, it is clear that there is no feasible alternative location on the property for the proposed level of development. The parcel is a flag lot with the uppermost portion of the lot 12 feet wide, accommodating only the driveway. There is a limited area north of the 127 foot elevation of approximately 1,312 square feet (105' x 12.5') which is geologically stable (meets the minimum factor of safety criteria for slope stability); however, it is not developable because it is a portion of the existing driveway, which is shared with the adjacent parcel and is too narrow to meet City development standards (e.g., setbacks). There is a limited area of approximately 740 square feet (20' x 37') above the 127 foot elevation between the driveway and proposed building location, which also does not meet factors of safety for geologic stability, and would not be sufficient in size for a single-family residence and garage development at the proposed level of development. Moving the project further north would also increase its visibility and block the scenic ocean view from the street.

Only two small areas were identified as meeting the minimum factor of safety requirements for slope stability. The first is described above and the second is a small, steep, lower area closer to the coast between the 60 and 66 foot elevations where development could potentially have impacts to shoreline landforms, resources, and coastal processes. Both areas are small and

constrained and would clearly be inadequate for development under City development standards. Staff would also find this second area as located on the bluff face, so inconsistent with Policy 8.2.

**Public Resources Code Section 30010.** Public Resources Code Section 30010 makes a legislative finding and declaration that the Coastal Act "is not intended, and shall not be construed as authorizing [Coastal Act decision making bodies] acting pursuant to the [Costal Act] to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor." In some situations, the strict application of Coastal Act or local coastal plan policies may prohibit any economic use of a property or may allow some use but the use is so restricted that it still constitutes a taking of the private property. The Coastal Act does not authorize the use of eminent domain in order to acquire property. Therefore, the Coastal Commission and local governments have construed Public Resources Code Section 30010 as requiring approval of some development in order to avoid a taking without the payment of compensation. This application of Public Resources Code Section 30010 was recently approved by the Second District Court of Appeal. (See *McAllister v. California Coastal Comm.* (2009) 169 Cal.App.4th 912.)

As discussed above, if the top of bluff/ bluff edge is determined to be at the 127 foot elevation, the proposed development would be located on the bluff face and, therefore, could be found inconsistent with Policy 8.2 of the Local Coastal Plan. If the project is found inconsistent with Policy 8.2 of the LCP, the Planning Commission could not make the required findings and could deny the Coastal Development Permit.

However, denial of all economic use of a parcel without just compensation may result in an unconstitutional "taking" of an applicant's property, which is not allowed under Public Resources Code Section 30010, referenced above.

In order to avoid a potential taking, the Planning Commission can seek to identify a project approval that, while not fully consistent with all coastal policies, would be consistent with coastal policies to the extent feasible. The Planning Commission may still require revisions to the proposed project in order to further avoid or minimize impacts on coastal resources, while still allowing the applicant reasonable economic use of the land. Unless the proposed project would constitute a public nuisance or safety hazard, the Planning Commission may not deny all economic use of the land.

Based on the previous discussion, staff advises that there is no feasible alternative location on the property for the proposed level of development or a reasonable level of residential development that would satisfy the Coastal Act and avoid a constitutional taking. Any alternative to reduce the scale of the project in the same location would also be inconsistent with Policy 8.2.

Therefore, staff recommends that the Planning Commission approve the project as proposed or in a form that otherwise allows reasonable use of the property, while minimizing impacts to coastal resources to the extent feasible. To that end, the proposed project design would improve existing geologic and drainage conditions, utilize native vegetation, and minimize visual effects, and conditions of approval include required mitigation measures and recommended measures, which together would minimize impacts to coastal resources.

In order to determine a reasonable use of the property, staff reviewed the study of the twenty nearest homes in the vicinity of the project site, which was submitted by the applicant as required by the Single Family Design Board. The study identified a range of home sizes from 1,388 square feet to 6,137 square feet (including garages) and an average home size of 2,713 square feet. The project proposal is for a 3,360 square foot structure for the residence with garage. This analysis demonstrates that the proposed project would be similar in size to the surrounding residential developments in the area and that allowing a home that is similar in size to surrounding residential development could potentially be found a reasonable economic use of the land.

## VII. ENVIRONMENTAL REVIEW

The Final Mitigated Negative Declaration (MND) was adopted by the Planning Commission on July 7, 2016. The environmental impact conclusions and identified mitigation measures are summarized below.

Class 1 impacts unavoidable significant effects for which no feasible mitigation is identified. The proposed Final MND did not identify any Class 1 significant impacts of the project.

Class 2 impacts are potentially significant impacts that can be avoided or reduced to less than significant levels with identified mitigation measures agreed-to by the applicant. Class 2 impacts were identified in the areas of Biological Resources, Geology, and Noise, and are further described below.

*Biological Resources.* Potentially significant impacts to nesting birds during construction would be mitigated with Mitigation Measure B-1 to avoid removal of vegetation with nesting birds until nesting has concluded.

*Geology.* Potentially significant short-term and long-term slope stability, landslide, and erosion impacts would be reduced to insignificant levels with Mitigation Measure G-1 to assure implementation of slope stability and erosion control measures identified in the project technical reports and incorporated as part of the project description. It is noted that the analysis demonstrated that the project as designed and mitigated at the proposed location would not result in significant impacts associated with geologic stability, erosion, public safety, or coastal landform alteration whether the bluff edge is determined at the 51 foot or 127 foot elevation.

*Noise.* Potentially significant impacts associated with temporary construction noise and vibration would be mitigated to a less than significant level with Mitigation Measures N-1 through N-3 to limit construction hours for higher noise generating activities, require equipment sound control, and require neighbor notification of construction schedule and contacts.

Class 3 impacts are impacts that are not substantial or significant. Class 3 impacts were identified in the areas of Visual Resources, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Population and Housing, Public Services and Utilities, Recreation, Transportation and Circulation, Water Quality and Hydrology, and Land Use and Planning based on consideration of existing environmental conditions, project components, and existing regulations and standard measures that would apply to the project.

Class 4 impacts are impacts that would benefit environmental conditions. Class 4 impacts were identified for Visual Resources (public view corridor), Biological Resources (open space easement) and Recreation (easements for lateral public beach access and open space).

The Final MND also concluded that the project would not have a considerable contribution to any significant cumulative impacts on the environment. The required Mitigation Measures in the adopted Final MND have been included in the conditions of approval for the project.

Additional recommended measures were also identified for consideration to further reduce impacts found to be adverse but not significant, which the Planning Commission may apply to the project if deemed appropriate and needed to implement policies or support required findings. Recommended measures were identified in the areas of Visual Resources (RM V-1 to assure that a detailed project lighting plan is submitted for approval by the Single Family Design Board); Biological Resources (RM B-2 to assure implementation of the approved habitat restoration and landscaping plan), Noise (RM N-4 through RM N-8 to further reduce less than significant noise effects); and Water Quality and Hydrology (RM WQH-1 to assure compliance with project technical report recommendations).

An Addendum to the adopted Final MND has been prepared to document responses to public comments received just prior to and at the July 7, 2016 FMND hearing, and is attached to the adopted FMND. The Addendum provides information and clarifications, but identifies no new information, impacts, or mitigation. The California Environmental Quality Act Guidelines (§15164) provide that an Addendum with minor additions to an adopted FMND is not circulated for public review. The decision-maker considers the Addendum together with the adopted FMND prior to making a decision on the project.

## VIII. DESIGN REVIEW

This project was reviewed by the Single Family Design Board on two separate occasions (Exhibit D, SFDB Minutes). On February 22, 2016, the SFDB expressed some concerns regarding the mass, bulk and scale of the proposal and suggested some revisions. On May 2, 2016, the SFDB reviewed a revised project and stated that the project size, height, architecture, color palette, and landscape design as refined were reasonable and in keeping with City design guidelines for visual compatibility.

## IX. FINDINGS

The Planning Commission finds the following:

### A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act in regard to public access, protection of coastal resources, location within an existing developed area, protection of scenic and visual qualities of coastal areas, and minimizing risks due to geologic hazards as described in Section VI of the Staff Report.
2. The project is consistent with the City's Local Coastal Plan policies regarding access, housing, biological resources, geologic hazards, and visual quality, all applicable implementing guidelines, and all applicable provisions of the Code as described in Section VI of the Staff Report.
3. The proposed project complies with the applicable zoning requirements as described in Section VI of the Staff Report.

4. The Single Family Design Board found the proposed site location, mass, bulk and scale, architecture and landscape design of the project to be appropriate per City design guidelines as described in Sections VI and VII of the Staff Report.

5. The proposed project is similar in size to other residences in the surrounding neighborhood and is 72% of Maximum Guideline FAR (Floor to Lot Area Ratio) as described in Sections IV, VI and VIII of the Staff Report.

6. The project is inconsistent with LCP Policy 8.2 (no development on a bluff face) because the top of bluff /bluff edge has been determined to be located at the 127 foot elevation and the proposed development would be located at a lower elevation (i.e., on the bluff face) as described in Section VI of the Staff Report.

7. The Planning Commission considered alternative locations for development of a single family residence, and determined that no feasible alternative location for a single family residence, similar in size to other residences in the surrounding neighborhood, has been identified on the project site that would be consistent with LCP Policy 8.2 as described in Section VI of the Staff Report, and based on the following:

    a. The area of approximately 740 square feet (20' x 37') above the 127 foot elevation between the driveway and proposed building location is not on the bluff face. However, it is not geologically stable (does not meet the minimum factor of safety criteria for slope stability), would block public views of the ocean from the street, would not be sufficient in size for a single-family residence and garage, and would not provide reasonable economic use of the land.

    b. An area of approximately 1,312 square feet (105' x 12.5') above the 127 foot elevation is not on the bluff face and is geologically stable (meets the minimum factor of safety criteria for slope stability). However, it is a portion of the existing driveway, which is shared with the adjacent parcel, is too narrow to meet City development standards (e.g., setbacks), would block public views of the ocean from the street, and would not provide reasonable economic use of the land.

8. The proposed project is consistent with Local Coastal Plan policies to the extent feasible as described in Section VI of the Staff Report.

9. The Planning Commission finds the approval of the proposed project, despite the inconsistency with City LCP Policy 8.2, to be necessary in order to avoid a potential taking of private property without compensation, pursuant to Public Resources Code Section 30010 as described in Section VI of the Staff Report.

10. The Final Mitigated Negative Declaration, adopted by the Planning Commission on July 7, 2016, together with the Addendum dated August 15, 2016, demonstrates that the project as designed and with mitigation measures agreed to by the applicant would not result in significant environmental impacts and would minimize environmental effects, including impacts associated with biological resources, geologic hazards, and construction noise as described in Section VII of the Staff Report.

Exhibits:

A. Conditions of Approval
B. Site Plan
C. Applicant's letter, dated August 10, 2016
D. Minutes: SFDB (2/22/16; 5/02/16) and Planning Commission (3/03/16; 7/07/16)
E. Geotechnical Review Memorandum (M. Johnsson, Coastal Commission, 8-09-16)
F. Final MND (without Exhibit I, public comment letters)
G. Addendum to Final MND

# PLANNING COMMISSION CONDITIONS OF APPROVAL

1925 EL CAMINO DE LA LUZ
COASTAL DEVELOPMENT PERMIT
AUGUST 25, 2016

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 Department of Fish and Wildlife 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. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.

4. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition E "Construction Implementation Requirements."

5. Record any required documents (see Recorded Conditions Agreement section).

6. Permits.

a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.

b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 25, 2016 is limited to one approximately 3,360 square foot (net) single-family residence (per the project description included in the application materials, along with recommendations of technical reports for geology, hydrology and water quality, and biological resources) and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

4. **Landscape Plan Compliance.** The Owner shall comply with the Restoration and Landscape Plans approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said plans, including any tree protection measures. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement.

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. 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 Building Permit or 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.

6. **Removal of Debris from Beach and Ocean.** In the event that portions of the development fall to the beach, the Owner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site.

7. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

8. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner

unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB). The SFDB shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.

1. **Restoration/Appropriate Plants on Slopes.** Special attention shall be paid to the appropriateness of the existing and proposed plant material on the slope. Landscape and restoration plans shall incorporate recommendations of a qualified biologist regarding vegetation species, locations, plant establishment, monitoring, success criteria, and maintenance.

2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure. Watering of vegetation on the slope shall be kept to the minimum necessary for plant establishment and survival.

3. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the SFDB.

D. **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. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.

b. **El Camino de la Luz Public Improvements.** The Owner shall submit Public Works plans for construction of improvements along the property frontage on El Camino de la Luz. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: driveway apron with a

width of 16 feet, asphalt concrete maintenance/repair along entire subject property frontage, connection to City sewer main and utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe at curb face for discharging water from proposed water storage tanks, preserve and/or reset survey monuments, supply and install directional/regulatory traffic control signs per the CA MUTCD during construction, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

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.

d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.

e. **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.

2. **Community Development Department.**

a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

b. **Dedications.** Easements, as shown on the approved site plan and described as follows, subject to approval of the Community Development Department:

(1) Dedicate to the City an air space public view corridor over the parcel to preserve public views from El Camino de la Luz to the Santa Barbara Channel and Santa Cruz Island.

(2) Dedicate to the City an open space easement that includes the following two areas. One area is described on the project plans as a coastal bluff area with Southern Coastal Bluff Scrub (0.04 acres), the other area is described as a contiguous lemonade berry stand area (0.14 acres), for a total of 0.18 acres (7,840 square feet). No new development would be allowed in these designated areas.

(3) Dedicate to the City the entire back beach area of the parcel to the City for lateral public beach access (0.05 acres).

c. **Geology Reports.** Final project plans will incorporate measures recommended by project geology reports to ensure long-term slope stability and erosion control, and measures recommended by project geology reports to ensure short-term stability and erosion control during the site preparation and construction process, with final measures approved by the City prior to issuance of grading and building permits. **(Mitigation Measure G-1)**

d. **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 bi-weekly reports during demolition, excavation, grading and footing installation and biweekly 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.

e. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for biological monitoring during construction and for the nesting bird survey per Condition E.8.

f. **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.

g. **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 E.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.

h. **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 E.2 "Pre-Construction Conference" prior to disturbing any part of the project site for any reason.

i. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.

j. **Mitigation Monitoring and Reporting Requirement.** The Owner shall implement the approved Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.

k. **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. |

E. **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. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of the project construction process, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. 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 the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. **(Mitigation Measure N-3)**

2. **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, Architect, Landscape Architect, Biologist, Geologist, Project Engineer, Project Environmental Coordinator, Mitigation Monitors, Contractor and each Subcontractor.

3. **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's) 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 six square feet.

4. **Construction Hours.** Higher noise-generating construction equipment and activities (use of jackhammers, drilling for caissons, etc.) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. Construction is prohibited on the following holidays: New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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 City 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. **(Mitigation Measure N-1)**

5. **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. **(Mitigation Measure N-2)**

6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site and on the adjacent property to the east as approved by the Planning Commission. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.

7. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.

8. **Bird Nesting.** Removal of vegetation shall be avoided during the bird nesting season (February 15 to September 15) where feasible, or a qualified biologist shall conduct a nesting bird survey prior to removal of vegetation scheduled to occur from February 15 through September 15. If nesting is found, a qualified biologist shall establish a protective buffer around the nest as needed, and the vegetation shall not be removed until after the young have fledged. **(Mitigation Measure B-1)**

9. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

   a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

   b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

   c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.

   d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.

   e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.

f. 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 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 of the structure.

g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

h. 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, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.

k. Diesel powered equipment should be replaced by electric equipment whenever feasible.

l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.

m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

n. All construction equipment shall be maintained in tune per the manufacturer's specifications.

o. The engine size of construction equipment shall be the minimum practical size.

p. 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. Construction worker

trips should be minimized by requiring carpooling and by providing for lunch onsite.

10. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports to the Community Development Department, Planning Division, during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance.

11. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to 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 Environmental Analyst 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 Environmental Analyst grants authorization.

    A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following subject to the approval of the City:

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. 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, shall be completed.

3. **Mitigation Monitoring Report.** Submit a final mitigation monitoring report.

4. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for vegetation establishment monitoring per the approved restoration plan.

G. **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.

3. **California Department of Fish and Wildlife 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 California Department of Fish and Wildlife fees are paid and filed within five days of the project approval. The fees required are $2,210.25 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 (i.e., Coastal Development Permit) in the form of a check payable to the California Department of Fish and Wildlife. Please note that a filing fee of $50.00 is also required to be submitted with the Fish and Wildlife fee in the form of a separate check payable to the County of Santa Barbara.

4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

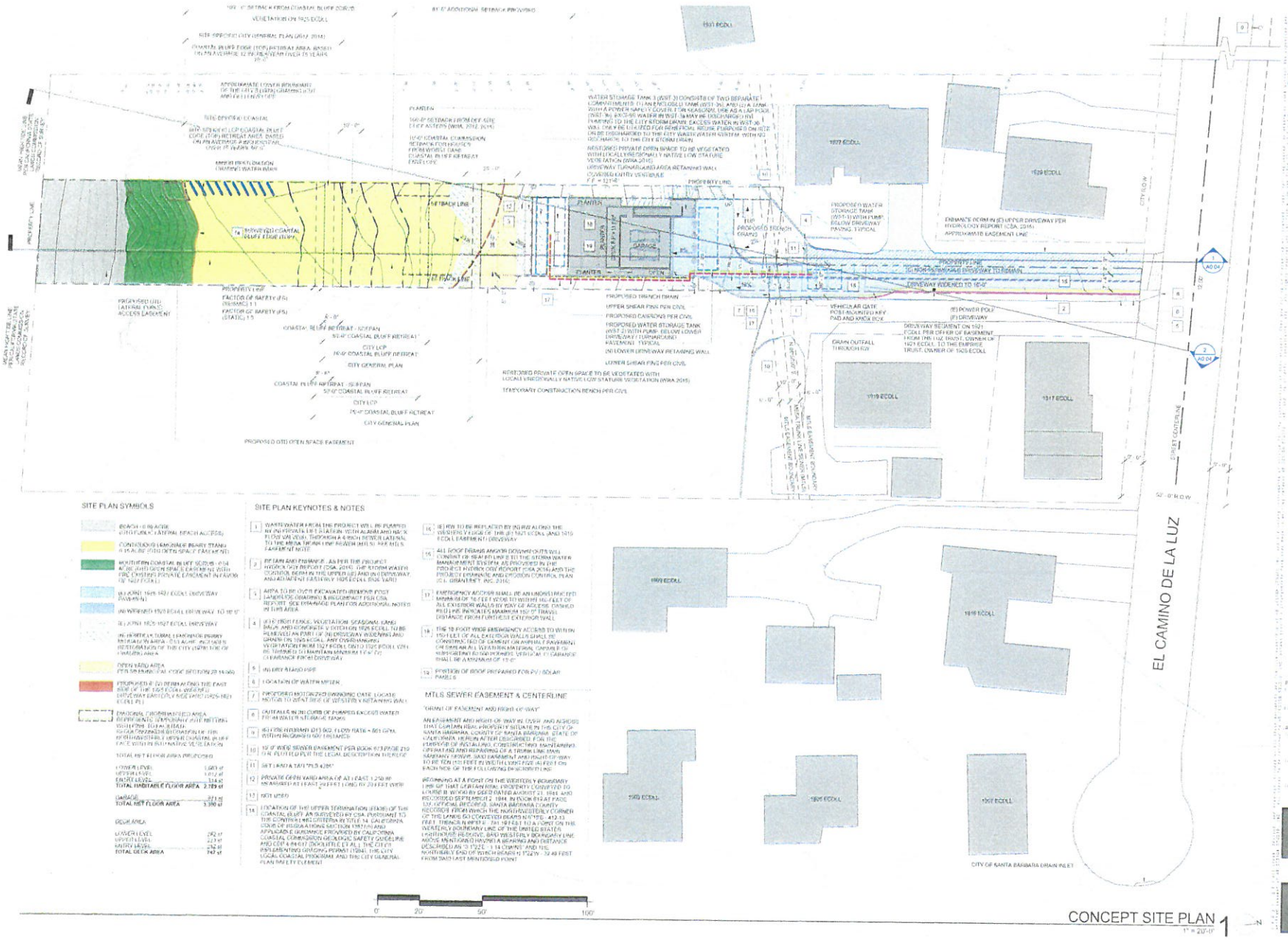
   Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

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

The Planning Commission 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.

EXHIBIT B




## SITE PLAN SYMBOLS

- BEACH - 0.86 ACRE (OTO PUBLIC LATERAL BEACH ACCESS)
- CONTROLLED LANDSCAPE BERRY STANDS 0.15 ACRE (OTO OPEN SPACE EASEMENT)
- MODIFIED COASTAL BLUFF SCRUB - 0.54 ACRE (OTO OPEN SPACE EASEMENT) SEE FOR CASTRO'S PRIVATE EASEMENT IN FAVOR OF 1927 ECDLL
- (E) (ORIG) 1915-1921 ECDLL DRIVEWAY PAVEMENT
- (N) WIDENED 1921 ECDLL DRIVEWAY 10'-16'-0"
- (E) (ORIG) 1925-1927 ECDLL DRIVEWAY
- (N) PERVIOUS TURFAL LANDSCAPE BERRY MEADOW AREA - 0.13 ACRE - INCLUDES RESTORATION OF THE UPPER 100' OF DRAINAGE AREA
- OPEN YARD AREA (OTO SIMILAR TO CODE SECTION 29.10.090)
- PROPOSED (E) DRIVEWAY ON THE EAST SIDE OF THE 1925 ECDLL WIDENED DRIVEWAY EAST OF (E) SIDE OF (E) (1925-1921 ECDLL PL)
- DIAGONAL CROSSHATCHED AREA REPRESENTS TEMPORARY CUT BETTERMENT (TCB) (CSA, 2016) IN CSA PROPOSED RESTORATION OF THE NORTHWESTERLY UPPER COASTAL BLUFF FACE (OTO PERMANENT OPEN SPACE)

TOTAL NET FLOOR AREA PROPOSED

| | |
|---|---|
| LOWER LEVEL | 1,003 sf |
| UPPER LEVEL | 1,012 sf |
| ENTRY LEVEL | 374 sf |
| **TOTAL HABITABLE FLOOR AREA** | **2,789 sf** |
| GARAGE | 571 sf |
| **TOTAL NET FLOOR AREA** | **3,360 sf** |

DECK AREA

| | |
|---|---|
| LOWER LEVEL | 292 sf |
| UPPER LEVEL | 223 sf |
| ENTRY LEVEL | 232 sf |
| **TOTAL DECK AREA** | **747 sf** |

## SITE PLAN KEYNOTES & NOTES

1. WASTEWATER FROM THE PROJECT WILL BE PUMPED BY (N) PRIVATE LIFT STATION WITH ALARM AND BACK FLOW VALVE. THROUGH A 4 INCH SEWER LATERAL TO THE MESA TRUNK LINE SEWER (MTLS). SEE MTLS EASEMENT NOTE
2. RETAIN AND ENHANCE - AS PER THE PROJECT HYDROLOGY REPORT (CSA, 2016). THE STORM WATER OUTFALL PERM IN THE UPPER (E) AND (N) DRIVEWAY AND ADJACENT EASTERLY HOPE COVE (VARY)
3. AREA TO BE OVER EXCAVATED BEFORE POST LANDSLIDE GRADING & RECOMPACT PER CSA REPORT. SEE DRAINAGE PLAN FOR ADDITIONAL NOTES IN THIS AREA
4. (E) CHAIN FENCE, VEGETATION, SEASONAL CANE GRASS AND CONCRETE V DITCH ON 1925 ECDLL TO BE REMOVED AS PART OF (N) DRIVEWAY WIDENING AND GRADING. (N) DRIVEWAY WIDENING VEGETATION FROM 1927 ECDLL ONTO 1925 ECDLL WILL BE TRIMMED TO MAINTAIN MINIMUM 14'-6" CLEARANCE FOR (E) DRIVEWAY
5. (N) DRY STAND PIPE
6. LOCATION OF WATER METER
7. PROPOSED MOTORIZED SWINGING GATE. LOCATE MOTOR TO OPEN SIDE OF WESTERLY RETAINING WALL
8. OUTFALL IN 24 CURB OF PUMPED EXCESS WATER FROM WATER STORAGE TANKS
9. (E) FIRE HYDRANT (213 GO, FLOW RATE = 861 GPM, WITHIN REQUIRED 500' DISTANCE)
10. 15'-0" WIDE SEWER EASEMENT PER BOOK 617 PAGE 219 O.R. PLOTTED PER THE LEGAL DESCRIPTION HEREIN
11. SET LAND A TAN "PLS 4284"
12. PRIVATE OPEN YARD AREA OF AT LEAST 1,250 SF MEASURED AT LEAST 20 FEET LONG BY 20 FEET WIDE
13. NOT USED
14. LOCATION OF THE UPPER TERMINATION (EDGE) OF THE COASTAL BLUFF AS SURVEYED BY CSA, PURSUANT TO THE CONTROLLING CRITERIA IN TITLE 14 CALIFORNIA CODE OF REGULATIONS SECTION 13577(H) AND APPLICABLE GUIDANCE PROVIDED BY CALIFORNIA COASTAL COMMISSION GEOLOGIC SAFETY GUIDELINE AND CDP 4-94-037 (DOCUTTE ET ALL). THE CITY'S IMPLEMENTING GRADING PERMIT (SBM), THE CITY LOCAL COASTAL PROGRAM, AND THE CITY GENERAL PLAN SAFETY ELEMENT
16. (E) RIM TO BE REPLACED BY (N) RIM ALONG THE WESTERLY EDGE OF THE (E) 1927 ECDLL (AND 1919 ECDLL EASEMENT) DRIVEWAY
15. ALL ROOF DRAINS AND ON DOWNSPOUTS WILL CONNECT OR SEAL BY LINE TO THE STORM WATER MANAGEMENT SYSTEM, AS PROVIDED IN THE PROJECT HYDROLOGY REPORT (CSA 2016) AND THE PROJECT DRAINAGE AND EROSION CONTROL PLAN (C.L. GRANT INC. 2016)
17. EMERGENCY ACCESS SHALL BE AN (NOW) PRICED MINIMUM OF 16 FEET WIDE TO WITHIN 150 FEET OF ALL EXTERIOR WALLS BY WAY OF ACCESS DASHED RED LINE PROVIDES MAXIMUM 150' 0" TRAVEL DISTANCE FROM FURTHEST EXTERIOR WALL
18. THE 10 FOOT WIDE EMERGENCY ACCESS TO WITHIN 150 FEET OF ALL EXTERIOR WALLS SHALL BE CONSTRUCTED OF CONCRETE OR ASPHALT PAVEMENT OR SIMILAR ALL WEATHER MATERIAL CAPABLE OF SUPPORTING 75,000 POUNDS. VERTICAL CLEARANCE SHALL BE A MINIMUM OF 13'-6"
19. PORTION OF ROOF PREPARED FOR PV / SOLAR PANELS

## MTLS SEWER EASEMENT & CENTERLINE

"GRANT OF EASEMENT AND RIGHT OF WAY"

AN EASEMENT AND RIGHT-OF-WAY IN OVER AND ACROSS THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, HEREIN AFTER DESCRIBED, FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, OPERATING AND REPAIRING OF A TRUNK LINE MAIN SEWERAGE HOSE, SAID EASEMENT AND RIGHT-OF-WAY TO BE TEN (10) FEET IN WIDTH, LOOKING FIVE (5) FEET ON EACH SIDE OF THE FOLLOWING DESCRIPTION:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY LINE OF THAT CERTAIN REAL PROPERTY CONVEYED TO LOUISE B. WOOD BY DEED DATED AUGUST 21, 1916, AND RECORDED SEPTEMBER 2, 1916, IN BOOK 612 AT PAGE 139, OFFICIAL RECORDS, SANTA BARBARA COUNTY RECORDS, FROM WHICH THE NORTHWESTERLY CORNER OF THE LANDS SO CONVEYED BEARS N 0°19'E, 412.13 FEET, THENCE IN PART (1) TAN 18°E 1 TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE UNITED STATES LIGHTHOUSE RESERVE, SAID WESTERLY BOUNDARY LINE ABOVE MENTIONED HAVING A BEARING AND DISTANCE DESCRIBED AS "S 17°22'E - 1.14 CHAINS" AND THE NORTHERLY END OF WHICH BEARS N 15°24'W - 32.48 FEET FROM SAID LAST MENTIONED POINT

0' 20' 50' 100'

CONCEPT SITE PLAN 1
1" = 20'-0"

AB DESIGN STUDIO


PHONE 805 966 2100
FAX 805 966 2100
420 E. HALEY STREET
SANTA BARBARA, CALIFORNIA 93101
www.abdesignstudio.com

PROJECT TEAM

(ARCHITECT) Herbert Dahl, Stephanie Dahl
Dahl & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph. 916 392 2285
e. herbert@dahlarch.com
stephanie@dahl.com

(GEOTECHNICAL CONSULTANT) Pat Shires, John Wallace
Cotton, Shires & Assoc., Inc.
2606 Camino Dos Rios, Ste. 201
Thousand Oaks, CA 91320
ph. 805 375 1450
e. cottonshires@msn.com
jwallace@cottonshires.com

(CIVIL ENGINEER) Charlie Grant, ASCE
ph. 805 685 1525
c.grant@clgrant.com

(SURVEYOR) Geoff Smith
WRA, Inc.
2180-C East Twomview Blvd
San Rafael, CA 94901
ph. 415 454 3868
e. smith@wra-ca.com

(STRUCTURAL ENGINEER) David Gatti, MS, PE
Gee Gatti, Inc.
5141 Palmer Way
Carlsbad, CA 92010
ph. 760 438 3155
e. gatti@geegattiinc.com

(GEOTECH/COASTAL BLUFF RETREAT) Joseph Scapan
GeoSciences
1061 Ruby Drive
Medford, OR 97504
ph. 541 690 3595
e. jscapan@charter.net

(LANDSCAPE) Paul Cook
L.R. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph. 805 966 5705
e. plcook@lrcpsc.com


CA 18928

| | |
|---|---|
| 5/20/2016 | CONCEPT AZ HEARING |
| 8/17/2016 | PLANNING COMMISSION HEARING |

PROJECT TITLE
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

PROJECT ADDRESS
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93105

OWNER CONTACT
EMPRISE TRUST
805 637 9209

A0.03
CONCEPT SITE PLAN

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION
355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS (1916–1988)
GLENN R. WATSON (1917–2010)
HARRY L. GERSHON (1922–2007)
STEVEN L. DORSEY
WILLIAM L. STRAUSZ
MITCHELL E. ABBOTT
GREGORY W. STEPANICICH
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
JAMES L. MARKMAN
CRAIG A. STEELE
T. PETER PIERCE
TERENCE R. BOGA
LISA BOND
ROXANNE M. DIAZ
JIM G. GRAYSON
ROY A. CLARKE
MICHAEL F. YOSHIBA
REGINA N. DANNER
PAULA GUTIERREZ BAEZA
BRUCE W. GALLOWAY
DIANA K. CHUANG
PATRICK K. BOBKO
DAVID M. SNOW
LOLLY A. ENRIQUEZ
GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
JENNIFER PETRUSIS
STEVEN L. FLOWER
TOUSSAINT S. BAILEY
AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
MARICELA E. MARROQUÍN
SERITA R. YOUNG
SEAN B. GIBBONS
STEPHANIE CAO
PATRICK D. SKAHAN
STEPHEN D. LEE
YOUSTINA N. AZIZ
BRENDAN KEARNS
KYLE H. BROCHARD
NICHOLAS R. GHIRELLI
ISRA SHAH
CHRISTINA L. BROWNING
ISAAC M. ROSEN
ROMTIN PARVARESH
ANDREW R. CONTREIRAS

OF COUNSEL
ROCHELLE BROWNE
TERESA HO-URANO
INDER KHALSA
DIANA H. VARAT

SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901

TEMECULA OFFICE
TELEPHONE 951.695.2373

August 10, 2016

RECEIVED
AUG 10 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

**VIA HAND DELIVERY AND VIA ELECTRONIC MAIL**

The Hon. John Campanella, Chairman and Members
City of Santa Barbara Planning Commission
630 Garden Street
Santa Barbara, California 93101

**RE: Application of Emprise Trust for Coastal Development Permit for Single-Family Residential Reuse Project, 1925 El Camino De La Luz (MST2013-0240)**

**HEARING DATE: August 25, 2016**

Dear Mr. Chairman and Commissioners:

We represent the Emprise Trust (T. Felkay, Trustee), the owner of the 0.46-acre flag-lot parcel at 1925 El Camino de la Luz. The Coastal Development Permit (CDP) application for our Client's proposed single-family residential reuse project has been scheduled for your Planning Commission meeting on August 25, 2016.

Our Client appreciates the constructive professional work of City staff, and respectfully requests your approval of the project, as depicted in the Planning Commission Public Hearing Project Plan Set (AB Design Studio, August 25, 2016).[1]

Based on comprehensive technical studies, the design and location of the project (with a minimum 169-feet set back from the only expert-surveyed coastal bluff edge on the parcel) is consistent with the City's certified LCP (including Policy 8.2) and the applicable Coastal Act policies, General Plan, and Municipal Code. The project incorporates the mitigation measures set forth in the approved final Mitigated Negative Declaration (MND, July 7, 2016) and the design revisions/enhancements and reductions in house size, bulk, and tiered height (required by the Single Family Design Board's unanimous preliminary project go-ahead on May 3, 2016).

Importantly, the project also includes site grading, subsurface stabilization, and vegetation restoration measures to remediate the combined effects of (1) the City-co-activated 1978 El Camino de la Luz landslide, which destroyed the prior

[1] The Emprise Trust has previously addressed the "coastal bluff" issue, and will again do so by separate letter once we receive the City staff report on the CDP application for the project.

**EXHIBIT C**

house on the parcel; and (2) the City post-landslide grading (1978), which was done without (a) a soils/geotechnical report or a CDP to, among other things, buttress its Mesa Trunk Line Sewer, bury landslide structural debris, concentrate non-native horticultural lemonade berry shrubs, and hydromodify the site, (b) the installation of keyways and subdrains, or (c) verified compaction to assure the stability of the City's grading envelope.

The Emprise Trust has previously agreed to all mitigation measures proposed by City staff. Those measures mitigate every potentially significant project adverse effect on the environment, or of the environment on the project. Specifically, they do so through impact avoidance (e.g., setbacks based on coastal bluff retreat from the existing threshold slope Factor of Safety contour, lowered roof lines, etc.) or mitigation measures (e.g., reduced window area, increased exterior plantings for screening, protection of existing screening perimeter vegetation on the temporary construction storage site, etc.).

At the hearing on the MND, City staff noted additional possible "condition" language which it acknowledged is not required to offset any potentially significant project environmental effects or remediate any potential project inconsistencies with any adopted standard of review. We understand that staff is not recommending any such conditions in connection with this hearing. We did, nonetheless, wish to comment on three of them for clarity's sake.

(1) The Emprise Trust opposed any limitations on construction hours (e.g., to 8:30 am-4:00 pm on specified weekdays) beyond established by the City in Municipal Code Chapter 9.16, because they have no basis in any expert noise analysis of the project, and, importantly, would extend project construction by some four months, with associated delays, increased costs, and difficulty in securing the necessary services of contractors and timely delivery by vendors.

(2) The Emprise Trust has no problem ensuring that noise mufflers and similar devices be operational on all equipment utilized in project grading and construction. However, it would oppose a requirement that there be "closed engine doors," which would render some diesel equipment non-operational. Our Client also would oppose a limitation on "unnecessary idling of internal combustion engines" because the requirement is ambiguous and objectively unimplementable.

(3) Lastly, the Emprise Trust would oppose video recording of all buildings and structures both before and after construction as unnecessary, because (a) there is no evidence in the record that previous equipment ingress/egress along the 1921 El Camino de la Luz driveway, grading, deep bore hole drilling, or caisson construction, as applicable, by the City (1978), Doolittle et al. (1984), Campbell (2006), Padre (2007), and Cotton, Shires (2010-2015) have resulted in any cracking of any building or structure within 300 feet of 1925 El Camino de la Luz, (b) the temporary construction easement offered by the owner of 1921 El Camino de la Luz specifically provides for restoration (e.g., of the existing deteriorated driveway pavement) following the completion of construction, (c) the project proposes new pavement of the joint 1925-1927 El Camino de la Luz driveway on the parcel, (d) the project includes perimeter seismograph monitoring to measure and avoid (e.g., caisson) grading and construction vibrations from extending off the project site, and (e) adjoining property owners have existing remedies in law to address any demonstrable building or structural cracking as a result to the project.

We appreciate the opportunity to provide these comments. The Emprise Trust respectfully requests Planning Commission approval of the CDP application, with the mitigation measures adopted in the MND.

Very truly yours,

Hollister & Brace,
A Professional Corporation

By: Richard C. Monk
Richard C. Monk

Richards, Watson & Gershon,
A Professional Corporation

By: Steven H. Kaufmann
Steven H. Kaufmann

cc: T. Felkay
Planning Commission Secretary
Ariel Pierre Calonne, Esq., City Attorney
Scott Vincent, Esq., Deputy City Attorney
Barbara R. Shelton, Environmental Analyst
Kathleen Kennedy, Associate Planner
Clay Aurell, AB Design Studio
Patrick Shires, Cotton, Shires & Associates
Norbert and Stevie Dall, Dall & Associates

12877-0002\1986836v1.doc

# City of Santa Barbara
## Planning Division

**SINGLE FAMILY DESIGN BOARD**
***RE-RATIFIED* MINUTES**

**Monday, February 22, 2016 David Gebhard Public Meeting Room: 630 Garden Street 3:00 P.M.**

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

**6. 1925 EL CAMINO DE LA LUZ** **E-3/SD-3 Zone**
**(5:30)**

| | |
|---|---|
| Assessor's Parcel Number: | 045-100-024 |
| Application Number: | MST2013-00240 |
| Owner: | Emprise Trust |
| Architect: | AB Design Studio, Inc. |

(Proposal for a new 3,101 square foot, three-story, single-family residence (30 foot maximum height) with a 444 square foot two-car garage. The project includes water storage tanks, a lap pool, native vegetation restoration and site stabilization. Grading would involve an estimated 1,175 cubic yards of cut and fill to be balanced onsite. The proposed total of 3,545 square feet on a 20,045 square foot flag lot in the Hillside Design District is 76% of the guideline floor-to-lot area ratio [FAR]. The project is located within the Appealable Jurisdiction of the Coastal Zone and requires Planning Commission review for a Coastal Development Permit.)

**(Comments only; project requires Planning Commission review for a requested Coastal Development Permit.)**

Actual time: 5:21 p.m.

Present: Clay Aurell, Architect, Anthon Ellis, Project Manager, Thomas Felkay andTracy Walters, Applicants.

The Chair stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility; therefore, *private* view concerns of the public are not within the Board's purview.

Public comment opened at 5:56 p.m.

1) Nancy Brock, submitted letter, opposition; spoke of concerns regarding the cement that still remains.
2) Thomas J. Morrison, a neighbor, submitted letter, opposition; expressed concerns regarding the proposed project being a 3-story home and would like to see project return as a 2-story home.
3) Stan Krome, neighbor, submitted letter, opposition; asked architect to clarify the location of the project on a 1978 photograph.
4) Joanna Morgan, submitted letter, opposition; with expressed concerns regarding the stabilization of the existing homes that are adjacent and above and the immense design may threaten the neighbors.
5) Ken Liatas, submitted letter, support; spoke on behalf of himself and neighbor Tanda Jennings, adjacent to the proposed project. Expressed that everyone is not against project and the next door neighbor is very receptive to the hillside being stabilized.
6) Carol Eichler, submitted letter, support; voiced project would have minimal impact on ocean/island

**EXHIBIT D**

views of the public and neighbors. Expressed that rebuilding and occupying this site may minimize the environmental risk caused by vagrants.

7) Julie Dorn, neighbor, submitted letter, opposition; with expressed concerns regarding the project being 3-stories and the safety of the bank if drilling caissons into fractured bedrock occurs. Consider building 20 feet or more closer to the street, lessening project by one story, placing a hedge and higher the rooftop.
8) Robert Stenson, neighbor, submitted letter, opposition; stated little has changed in proposed project; inappropriate for the location; concerned with impacts of heavy equipment of trenching, grading, traffic, and paving; may impact earth movement.
9) Chris Dorn, neighbor, opposition; loss of private Eastern view and project being 3-story. Requesting project be minimized by 1-story and moved up to in the bluff top.
10) Janice Taylor, neighbor across the street, submitted letter, opposition; expressed concern with setting precedent to building on the broken second elevation of a cliff.

Letters and emails in opposition were acknowledged and received from: Nancy Brock and Tom Morrison; Joanna Morgan and Stan Krome; Bruce Peterson; Julie Dorn; Janice Taylor; David and Marcene Smith; Greg and Judith Smith; Joe and Kim Finegold; and Robert Stenson. The majority of the comments were in regard to geologic stability, top of bluff location, and the size of the proposed residence.

Letters and emails in support were acknowledged and received from: Mary and Carter Walters, Fred Carr, Scott Williams, Angelique Clark, Linda Kavanagh, Michelle Amendola, Mrs. John B.F. Bacon, John Broberg, Sharon Broberg, Nora Duncan, George Feiwel, William and Cynthia Prado, Dave Stuhlbarg, Laura Vondracek, John Steel, Tracey Walters, Robert Eichler, Carol Eichler, Roynane Lisk, Brenda Scarborough, Ken Liatas, Michael Amendola, Mary Pat Moloney, Kimberley Gerace, Jennifer Cox, Gabriel Lockwood, Lenna Anna Lockwood, Liz Kay, Bryant Gover, Harry Weisbart, Charlie Grant, Geoffrey Jewel, David Gala, Denise Nelson, Robert Ooley, Tanda Jennings, and Harriet Eckstein.

Public comment closed at 6:29 p.m.

**Motion:** **Continued indefinitely to Planning Commission for return to Full Board with comments:**

1) Provide the square footages and FARs of the 20 closest homes.
2) As an exercise, provide the FAR for the buildable portion of the lot northward of the top of bluff.
3) Clarify with Creeks Division whether the cisterns address Storm Water Management Program requirements for the site, and given the unique circumstances of the site whether any storm water is allowed to leave the site, not necessarily towards the ocean, but perhaps landward.
4) Reduce the shape of the house to include areas within the vertical elevations that will allow for some additional landscaping to diminish the elevation impacts, particularly to the west and east.
5) Reduce the floor-to-floor heights to bring the proposal more into human scale and to meet the 25 foot height guideline.
6) Return with a different approach to the railing system, eliminating glass railings.
7) Share the potential design for any rooftop mounted solar system.
8) Provide preliminary color board.
9) Provide a preliminary landscaping plan and irrigation plan.
10) Provide exterior lighting on elevations where they will occur.
11) Show drainage locations either internal or external to the elevations.
12) Consider reducing the amount of glazing at the staircase element on the west elevation.
13) Provide interior square footage for each room on the drawings.

14) Provide details for paving material on driveways, decks, patios around the pool, and exterior staircases.
15) Clarify parts of adjacent property used for temporary construction storage and include grading information. Provide a contour plan or sections with planting material that will go on the back side.
16) Staff to confirm the Board's purview over the staging site.

Action: Woolery/Bernstein, 6/0/0. Motion carried. (Pierce absent).

# City of Santa Barbara
## Planning Division

**SINGLE FAMILY DESIGN BOARD**
**MINUTES**

**Monday, May 2, 2016 David Gebhard Public Meeting Room: 630 Garden Street 3:00 P.M.**

**SFDB-CONCEPT REVIEW (CONT.)**

**5. 1925 EL CAMINO DE LA LUZ** **E-3/SD-3 Zone**

(5:15) Assessor's Parcel Number: 045-100-024
Application Number: MST2013-00240
Owner: Emprise Trust
Architect: AB Design Studio, Inc.

(This is a revised project. Proposal for a new 2,789 square foot, three-story, single-family residence (30 foot maximum height) with a 571 square foot two-car garage. The project includes water storage tanks, a lap pool, native vegetation restoration and site stabilization. Grading would involve an estimated 1,180 cubic yards of cut and fill to be balanced onsite. The proposed total of 3,360 square feet on a 20,045 square foot flag lot in the Hillside Design District is 72% of the guideline floor-to-lot area ratio [FAR]. The project is located within the Appealable Jurisdiction of the Coastal Zone and requires Planning Commission review for a Coastal Development Permit.)

**(Second Concept Review. Comments only; project requires Planning Commission review for a requested Coastal Development Permit. Project was last reviewed on April 25, 2016.)**

Actual time: 5:45 p.m.

Present: Clay Aurell, Architect, Thomas Felkay, Owner.

Public comment opened at 6:08 p.m.

1) Joe Finegold, neighbor, opposition; expressed concerns regarding the location on the lot and the size of the home.
2) Nancy Brock, neighbor, opposition; with expressed concerns regarding the staging of the working site for the project.

Public comment closed at 6:13 p.m.

**Motion:** **Continued indefinitely to Planning Commission for return to Full Board with the following comments:**
1) The Board appreciates the Applicant's revision of the proposed plans and appreciates the direction of the architecture.
2) The Board appreciates the color choices as it will help the home blend into the hillside.

Action: Woolery/Moticha, 6/0/0. Motion carried. (James absent).

# City of Santa Barbara
## Planning Division

**PLANNING COMMISSION MINUTES**

**March 3, 2016**

**I. ENVIRONMENTAL HEARING:**

**ACTUAL TIME: 2:33 P.M.**

**ENVIRONMENTAL HEARING TO TAKE PUBLIC COMMENT ON A DRAFT MITIGATED NEGATIVE DECLARATION FOR 1925 EL CAMINO DE LA LUZ**

A Draft Mitigated Negative Declaration (DMND) has been prepared for the 1925 El Camino de la Luz residence project, pursuant to the California Environmental Quality Act which evaluates environmental impacts of the proposed project.

The project proposes construction of a 3,101 square foot three-story single-family residence and two-car garage, along with associated infrastructure improvements, and native vegetation restoration and landscaping. The development would entail initial demolition and removal of existing infrastructure and debris. Site stabilization and foundation design would utilize deep caissons into bedrock, shear-pins, and tie backs. The project proposes dedication to the City of a lateral public recreational access easement across the beach area of the parcel, an open space easement on the lower coastal bluff and native vegetation area, and an air space public view corridor easement from El Camino de la Luz over the residence toward the ocean. The duration of the demolition, grading, slope stabilization, and construction process is estimated at 94 weeks (1.8 years). The project requires City approval of a Coastal Development Permit.

The hearing was to receive public and Commission comment on the draft environmental document only. No action on the environmental document or project permit request was taken by the Planning Commission at this hearing. The public review period for the DMND extends through March 10, 2016.

Contact: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation reviewing the project and Draft Mitigated Negative Declaration, and acknowledged that numerous public comments had been received prior to and at the hearing that will be considered in preparation of the final environmental document. Barbara Shelton, Environmental Analyst, was available to answer Commissioners questions.

Commissioners requested clarifications and discussed the following issues, with responses by Staff and Applicant:

- The relation between policy consistency and environmental impacts.
- The definitions of shoreline protective devices and slope stabilization devices as applied in coastal policies.
- Legal takings provisions and applications
- Instances of permitted structures later failing and City liability

Clay Aurell, Architect, led the Applicant presentation. The Applicant team consisted of Steve Kaufman, Attorney; Pat Shires, Geotechnical Engineer; Richard Monk, Attorney; and Thomas Felkay, Owner, who were all available to answer Commissioners questions.

Chair Campanella opened the public hearing at 3:55 P.M.

The following people commented on the project:

1. Julie Dorn, neighbor on El Camino de la Luz, is concerned that erosion and slides could result from the project with a natural disaster or with drilling into bedrock. She stated that the top of bluff is located further up, and expressed concern about machinery and staging on the adjacent lot during project construction.

2. Tom Morrison, neighbor on El Camino de la Luz, submitted written documentation and photographs. Mr. Morrison noted that prior geologist studies clearly identify the upper area as the top of bluff. He discussed a prior Coastal Commission report on the landslide, the Doolittle case, and a deed restriction condition for no additional structures without approval of Coastal Commission. Scott Wiscomb yielded his speaking time to Mr. Morrison.

3. Nancy Brock, contiguous neighbor to the east on El Camino de la Luz, believes that safety is paramount and is concerned with the staging area for the project and the weight of construction materials and activity on the project site. She is also concerned with the construction mess, as experienced by a prior Felkay project, with the close proximity to her home. As a witness to the 1978 landside, she had not heard anything about a sewage leak. Bruce Peterson yielded his speaking time to Ms. Brock.

4. Lesley Wiscomb, neighbor across the street on El Camino de la Luz, opposes the project and has objections on grounds of visual resources, noise, transportation and circulation, water quality and hydrology, and geology and soils. Sea level rise and sea cliff erosion will continue to change the face of coastal landscapes. The health, safety, welfare and lives of others should not be jeopardized for the sake of someone building their dream home. She finds the MND to be inadequate in addressing these concerns and impacts.

5. Robert Stenson, neighbor west of project site, referenced construction activity to a neighboring home that impacted their water line and caused significant water leakage. The cost of repairs was over $2,000. Though the site has been referenced as stable, he asked what is in place to stabilize surrounding homes and who will take financial

responsibility for construction damage to the site from vibrations and underground cracks and leaks.

With no one else wishing to speak, the public hearing was closed at 4:23 P.M.

The Commissioners made the following comments:

Commissioner Higgins:

- When the document returns, clarify in the land use section whether or not there is a deed restriction on the property.
- In the visual resources section, he suggests adding a photo simulation from the ocean.
- Include a discussion of the Mesa sewer trunk line in the document.

Commissioner Jordon

- He would like to hear more discussion when the project returns, and made the following suggestions to the applicant:
    - Suggested that Mr. Shires be at the subsequent hearing; and
    - Clarify how a top of bluff changes after a collapse; and
    - Address the safety and stability concerns voiced by the neighboring properties concerned with construction activity and in the long term; and
    - Explain how drilling will be accomplished in the absence of pounding caissons, and
    - Further explanation of Storm Water Management Plan (SWMP) Tier 3 and how water will be pre-treated before discharge, and
    - He would not adopt the construction days and hours that are currently in the CEQA document; and
    - More on the adjacent parcel and how it will be used during and after project construction; and
    - Ingress and egress over driveways that are not in the best of condition; and
    - Recommends neighborhood outreach. Support letters from out of the area are not as meaningful as letter received from people in the project zip code.

Commissioner Pujo

- Referenced page 6 of the MND, Visual, and agrees with Commissioner Higgins that the view from the beach needs to have a visual study.
- Referenced the Geology section of the MND, Geology:
    - On pages 17-18, noted that conflicts with policies could also be a reason to determine a significant impact; and
    - On page 20, disagreed with reference to potential takings and the Coastal Act, Section 30010 and does not see that it has a place in the MND; and

- There are a number of references to landslide potential that were done during the Doolittle project and more information that led to the Safety Element policies that were prepared with expertise that determined how sensitive or how vulnerable this area is to landslides, erosion, and slope failure. Activity is episodic and not that simple to determine. She referenced many reports and asserted that in her view they conflict with reports that the Applicant is providing. Because of the conflicts, Staff should flesh this out in an EIR with providing alternatives to address the severity in geology.

- Referenced Public Services on page 27 stating that she would like to see what kind of effect this work and project has potentially, or in the future, on the Mesa sewer trunk line.

- Referenced Recreation section on page 30 stating that she was concerned with item 10.(b) and does not agree that the open space easement is a Class 4 beneficial impact or that any Class 4 impact should be referenced or discussed in an MND. If it is an EIR, then it could be considered as a beneficial impact and included.

- Referenced Water Quality on page 33, subsections b, c, and d, recognizing that storm water quality management plans are required at the building stage, and should not be included as required mitigation. In the absence of specifics in the project description and plans, she suggests inclusion as a recommended Class 3 measure.

- Referenced Land-Use on page 37, Item b, stating that she does not agree with the Class 3 less than significant impact. There are several policies that are inconsistent and relate to some of the policies discussed today, such as Safety Element policies regarding hazards (pages 23-25). This is also not consistent with section 30235 of Coastal Act as the construction proposed will alter natural shoreline processes. This is also in conflict with section 30253 of the Coastal Act and in potential conflict with section 30250. There is also inconsistency with our Local Coastal Plan, policies 8.2 and 9.1.

- Referenced Mandatory Findings of Significance on page 37, encouraging staff to go through the checklist. She has concerns over sections (a) which in her view should be checked as 'yes' the project does have the potential to degrade the quality of the existing environment due to the degree of alteration and manufactured change to existing baseline conditions; and (b) the incremental effects are cumulatively considerable.

Commissioner Schwartz:

- Referenced Geology on page 17, stating that she would like to see terminology further described such as 'landslide deposits', 'earthquake fault zone hazards', and 'liquefaction and expansive soils'.

- Would like analysis peer reviewed by a geology expert.

- Does not think that building code regulations in place adequately addresses the geologic and seismic hazards. A less than significant impact is not adequately supported.
- Agrees with Commissioner Pujo that there are conflicts with the Safety Element and the Local Coastal Plan policies that are not resolved.
- Referenced Land Use Planning on page 37and the letter received by the California Coastal Commission (CCC) and stated that she would like the letter received by the CCC fully analyzed.
- Referenced Mandatory Findings of Significance, stating that Staff needs to add justification to support the 'no' check marks and adequacy of the MND.
- The MND does not provide for alternatives that could bring down some of the impacts to less than significant or provide mitigations that are not included in the document.

Commissioner Thompson:

- The MND is a good start and does cover things adequately.
- Other Commissioner comments have provided suggestions for enhancing the Geology section.

Commissioner Campanella:

- Concurs with other Commissioner comments that the Geology analysis needs to have the best available information.

# City of Santa Barbara
## Planning Division

**PLANNING COMMISSION MINUTES**

**July 7, 2016**

**ENVIRONMENTAL HEARING:**

**ACTUAL TIME: 3:00 P.M.**

**FINAL ENVIRONMENTAL DOCUMENT FOR APPLICATION OF CLAY AURELL, AB DESIGN STUDIO, ARCHITECT FOR EMPRISE TRUST, 1925 EL CAMINO DE LA LUZ, APN 045-100-024, E-3/SD-3 (ONE-FAMILY RESIDENCE/ COASTAL OVERLAY) ZONES, LOCAL COASTAL PLAN DESIGNATION: RESIDENTIAL (5 DU/ACRE) (MST2013-00240)**

This is a hearing only on the proposed Final Mitigated Negative Declaration that analyzes environmental effects of the proposed 1925 El Camino de la Luz residence project. The Planning Commission will consider adoption of the Final Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15074.

The proposal consists of a new 2,789 square foot (net) three-story single-family residence with an attached 571 square foot (net) two-car garage on a 20,046 square foot coastal flag lot. The maximum height is 30 feet. Demolition and removal of existing infrastructure and debris (e.g., concrete paving, fencing, landslide debris) would occur prior to construction. Grading is estimated to be 1,180 cubic yards with cut and fill balanced onsite. Construction activities include the installation of deep caissons, shear-pins, and tie backs for site stabilization, using drilling and poured in place construction. A portion of the adjacent parcel, 1921 El Camino de la Luz, would be used as a temporary material and equipment storage area during construction. The duration of the demolition, grading, slope stabilization, and construction process is estimated to be 70 weeks (1.3 years).

The public review period for the Draft Mitigated Negative Declaration was February 10 to March 10, 2016. An environmental hearing on the Draft Mitigated Negative Declaration was held by the Planning Commission on March 3, 2016. The proposed Final Mitigated Negative Declaration, which includes topical responses to comments, analyzed the effects of the project on the environment, including those pertaining to coastal views and geologic conditions, and concludes that, with implementation of identified mitigation measures to avoid or reduce potential effects, the project would not result in significant unmitigated environmental impacts.

The discretionary permit application required for this project is a Coastal Development Permit (CDP2013-00014) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC§28.44.060). No action on the Coastal Development Permit will be taken at the July 7, 2016 hearing. Planning Commission action on the permit request will be considered at a subsequent hearing.

Contact: Kathleen Kennedy, Associate Planner
Email: KKennedy@SantaBarbaraCA.gov Phone: (805) 564-5470, extension 4560

Kathleen Kennedy, Associate Planner, gave the Staff presentation. Barbara Shelton, Project Planner/Environmental Analyst, was also available to answer any of the Commission's questions.

Steven Kaufmann, Attorney, Richards, Watson, & Gershon, gave the Applicant presentation, joined by Clay Aurell, Architect, AB Design Studio ; Patrick Shires, Geotechnical Engineer, Cotton, Shires & Associates; and Richard Monk, Attorney, Hollister & Brace.

Barbara Shelton provided responses to applicant comments.

Chair Campanella opened the public hearing at 4:07 P.M.

The following people commented on the environmental document:

1. Julie Dorn, neighbor in opposition to the project, submitted a recent photograph of the project site and expressed concerns about geology.
2. Thomas Morrison, neighbor in opposition to the project, submitted two binders with information about the property owner and copies of other geology reports and expressed concerns about geology and the top of bluff location.
3. Nancy Brock, neighbor in opposition to the project, expressed concerns about geology and top of bluff location.
4. Bruce Peterson, neighbor in opposition to the project, expressed concerns about the top of bluff location.

Mr. Kaufmann, Mr. Monk, and Mr. Shires provided additional information.

With no one else wishing to speak, the public hearing was closed at 4:18 P.M.

**MOTION: Thompson/Lodge** **Assigned Resolution No. 017-16**
Adopt the Final Mitigated Negative Declaration, making the findings as outlined in the Staff Report, dated June 23, 2016.

This motion carried by the following vote:
Ayes: 4 Noes: 2 (Pujo, Schwartz) Abstain: 0 Absent: 1 (Jordan)

Commissioner Pujo stated that there is a clear policy inconsistency with the development on the bluff face, that the project would have a significant land use impact, and that she would be in support of denying the project rather than require an EIR.

Commissioner Schwartz stated that it is difficult to justify the decoupling of the environmental issues and policy, that the Mandatory Findings of Significance should be answered "yes" rather than "no", and that she could not support approval of the FMND.

Chair Campanella announced the ten calendar day appeal period.

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

9 August 2016

# GEOTECHNICAL REVIEW MEMORANDUM

To: Megan Sinkula, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: Emprise Trust

In connection with the above-referenced permit application before the City of Santa Barbara, I have reviewed the following documents:

1) Dr. Donald W. Weaver Consulting Geologist, 1978, "Slope stability investigation, Proposed residential site, 2023 Edgewater Way, Santa Barbara, California 93109", 5 p. report dated 23 June 1978 and signed by D. W. Weaver (CEG 917) and R. Hoffman.

2) Donald W. Weaver and Associates, 1982, "Preliminary landslide hazard evaluation", 6 p. report dated 6 May 1982 and signed by D. W. Weaver (CEG 917) and J. O. D. Byrd.

3) Donald W. Weaver and Associates, 1982, "Addendum, Preliminary landslide hazard evaluation, dated May 6, 1982", 1 p. letter dated 29 June 1982 and signed by D. W. Weaver (CEG 917).

4) California Division of Mines and Geology, 1982, "Landslide mitigation measures for residence at 1933 El Camino de la Luz, City of Santa Barbara (applicant: Robert Doolittle)", 2 p. memorandum to Coastal Commission dated 23 August 1982 and signed by S. S. Tan.

5) California Division of Mines and Geology, 1982, "Doolittle Project - 1933 El Camino de la Luz, Santa Barbara", 2 p. memorandum to Coastal Commission dated 6 October 1982 and signed by J. Treiman (CEG 1035).

6) Joseph Scepan GeoScience Consultant, 2012, "Coastal bluff position aerial photographic analysis, 1925 El Camino de la Luz, Santa Barbara, California", 8 p. report dated 18 September 2012 and signed by J. Scepan.

7) Cotton Shires and Associates, 2012, "Draft Geologic and geotechnical investigation, 1925 El Camino de la Luz, Santa Barbara, California", 60 p. geotechnical report dated 8 October 2012 and signed by J. M. Wallace (CEG 1923) and P. O. Shires (GE 770).

In addition, I have reviewed many documents not cited above including staff memos to consulting geologists for earlier projects not directly related to the subject property, and letters from agents and attorneys commenting on the mitigated negative declaration, and other issues.

I visited the site on 11 January 2013 with, among others, John Wallace and Pat Shires of Cotton Shires and Associates, geotechnical consultants for the project, with whom I have had numerous conversations.

This memorandum is a focused response to a request by the city of Santa Barbara made in a teleconference between Coastal Commission Staff and City of Santa Barbara Planning Staff on 26 May 2016. I did not take part in this teleconference, but it has been relayed to me that the city requested the following information:

(1) The "December 1979 Staff Report" that is referenced in the slideshow attached to the follow up email to the first Commission comment letter.

(2) Any staff reports that reference the guidelines (that could show how the Commission applies these guidelines consistently when making bluff top determinations).

(3) A memorandum that explains the top of bluff analysis that Commission staff performed for this site.

These requests refer to the definition of coastal bluff edge relied upon by the Commission. Since the City of Santa Barbara Land Use Plan contains no definition of coastal bluff edge, Commission staff turns to the Coastal Commission's Regulations, codified under CCR Title 14 §13577 (h):

> Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:
>
> (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and
>
> (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).
>
> Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the

general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

§13577 (h) is the section of the Coastal Act's Administrative Regulations dealing with boundary determination criteria, and is the only place in the Coastal Act or its Regulations in which coastal bluffs and their edges (an appeal jurisdiction boundary) are defined. To illustrate these regulations, I have prepared a PowerPoint presentation which I frequently distribute to interested parties, including in this case the City of Santa Barbara. Request (1), above, refers to a reference in that PowerPoint presentation to a staff report in which these regulations were recommended for adoption.

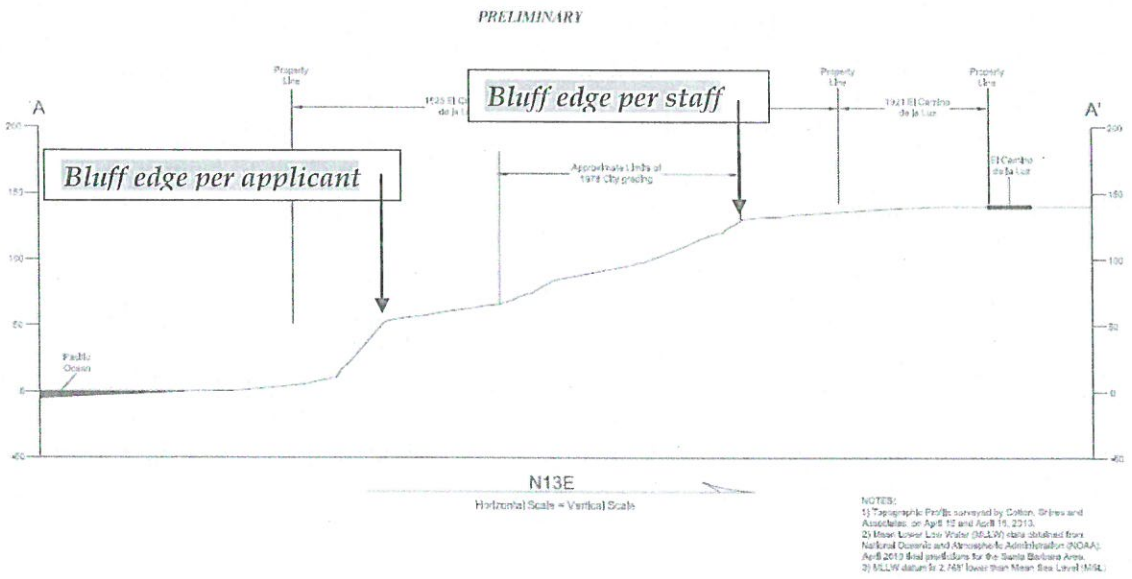
In response, I note that the regulations were considered by the Coastal Commission at two public hearings—8 January 1980 and 22 January 1980. The cited staff report, dated 28 December 1979, was distributed only for the 8 January 1980 meeting (Attachment A), but was not adopted or acted on that day. The staff report dated 15 January 1980 for the 22 January meeting (Attachment B), and some suggested modifications in a 16 January 1980 staff report (Attachment C), contained only the proposed amendments/changes. The regulations were adopted at the 22 January 1980 meeting. The language in the current version of §13577 (h) can be found on pages 11-12 of Attachment A as modified by Attachment C.

In response to request (2) above, I note that there are far too many adopted findings of the Commission that have made use of §13577 (h) to either list them all or to meaningfully cite especially significant cases. I have referred to§13577 (h) many hundreds, if not thousands, of times in my 16 years on the Commission staff. However, one adjudicated case that may be of interest was a dispute over the bluff edge location on a residential lot in the Three Arch Bay subdivision of Laguna Beach (Norberg / 5-09-105). In the Norberg case, like the present one, the bluff edge had been modified; however, in that case it had been modified by artificial cut and fill rather than by a landslide. The applicant disagreed with my interpretation of the location of the bluff edge (Attachment D), which was based on §13577(h), and sued the Commission in Superior Court. Upon appeal, the Court sided with the Commission and my interpretation of the bluff edge (Attachment E).

In response to request (3) of the City, a little background is in order. As described in reference (7), on 14 February 1978 a large landslide occurred along the coastal bluff in this area, involving some 8 parcels, and destroying houses at 1925 and 1921 El Camino de la Luz. The landslide appears to have been a reactivation of an ancient landslide, and was translational in nature, occurring along bedding planes in the southward dipping Monterey Formation. As described in reference (6), the toe of the bluff (a near vertical seacliff) was pushed as much as 37 feet seaward. The toe of the slide eroded remarkably quickly, and receded to near its pre-slide configuration after only a few years. A steep headscarp occurred at the top of the bluff, and several options were explored to shore up the undermined residence at 1933 El Camino de la Luz (Doolitte residence). These included underpinning the foundation with caissons and tiebacks and, despite the objections of staff of the California Divisions of Mines and Geology (references 4 and 5), the filling of the graben created at the headscarp (references 1, 2, and 3), thus increasing the load at the head of the landslide. Additional minor grading on the landslide, including on the subject lot, was accomplished by the City in August-September 1978 (reference 7). According to

inclinometer monitoring reported in reference (7), the landslide has shown only minor movement in recent years.

The figure below (Figure 2 from Reference 7) is a cross section through the current site topography. Applying the definition of bluff edge in §13577 (h) (2), I identify the bluff edge as indicated, as that point where "the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff." In contrast, the applicant (reference 7) identifies the bluff edge as the top of the steeper seacliff that makes up the lower portion of the bluff. It is clear to me that the intent of §13577 (h) (2) is specifically to conservatively include the upper, more gently sloping, areas of the bluff above the often more prominent seacliff below. In this case, the bluff face has been extensively modified by a landslide; in other cases the topography could have come about by more gradual erosion related to the sea cliff. For reference, I identify the bluff edge as at approximately elevation 127 in the line of the cross section in reference (7) and referencing the CSA contours. The bluff edge appears to rise slightly to the west of the cross section, and fall slightly to the east of the cross section.




Interestingly, referring to Plate 2 of reference (7), which includes the 1960 topography, the bluff edge appears to be in essentially the same position on the pre-slide topography as after the slide. That is, the top of the headscarp of the slide, which constitutes the current bluff edge, more or less coincided with the break in slope existing before the slide. This perhaps reflects the fact that the pre-slide topography nevertheless reflected the bluff's modification by an ancient landslide.

In conclusion, the proposed development is in my opinion clearly bluff-face development using the definition of bluff edge found in CCR Title 14 §13577 (h) (2).

I hope that this review is helpful. Please do not hesitate to contact me with any further questions.

Sincerely,

Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

# ATTACHMENT A

**CALIFORNIA COASTAL COMMISSION**
631 Howard Street, San Francisco 94105 — (415) 543-8555

December 28, 1979

TO: STATE COMMISSIONERS, LOCAL JURISDICTIONS, AND INTERESTED PERSONS

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: PROPOSED REGULATIONS GOVERNING MAP REQUIREMENTS AND BOUNDARY DETERMINATIONS WITH RESPECT TO THE COMMISSION'S POST-LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION

Contained in this staff report are background information and three staff recommendations for Commission action on proposed regulations regarding the mapping and precise boundary location of the Commission's Post-LCP Certification Permit and Appeal Jurisdiction. The outline below indicates the general organization of the staff report:

I. STAFF NOTE

A. Introduction

B. Boundary Characteristics

C. Mapping Considerations

II. STAFF RECOMMENDATIONS

A. Repeal of California Administrative Code §13011

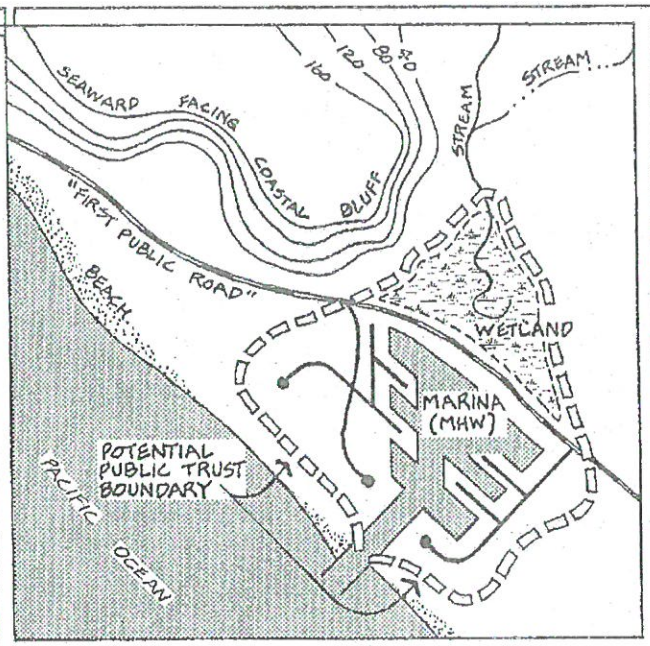
B. Adoption of Requirements for Maps Depicting the Commission's Permit and Appeal Jurisdiction After LCP Certification

C. Adoption of Criteria for Making Post-LCP Certification Permit and Appeal Jurisdiction Boundary Determinations

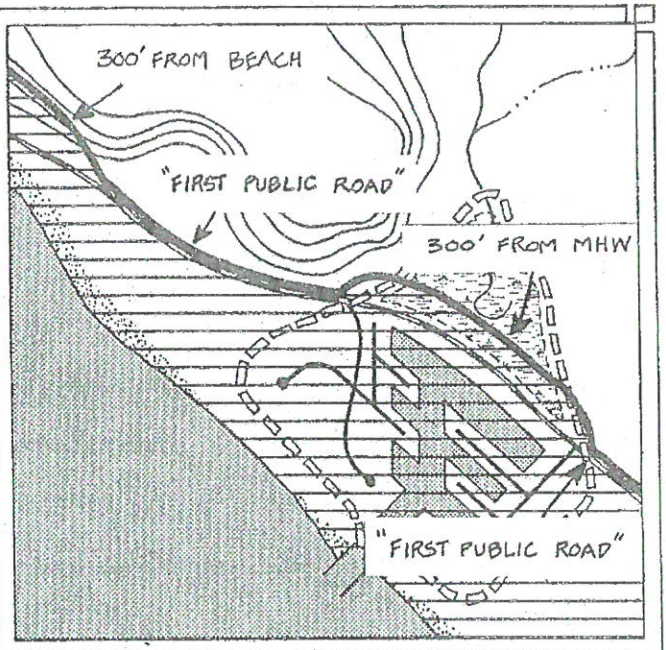
III. APPENDICES

A. Relevant Provisions of the Coastal Act

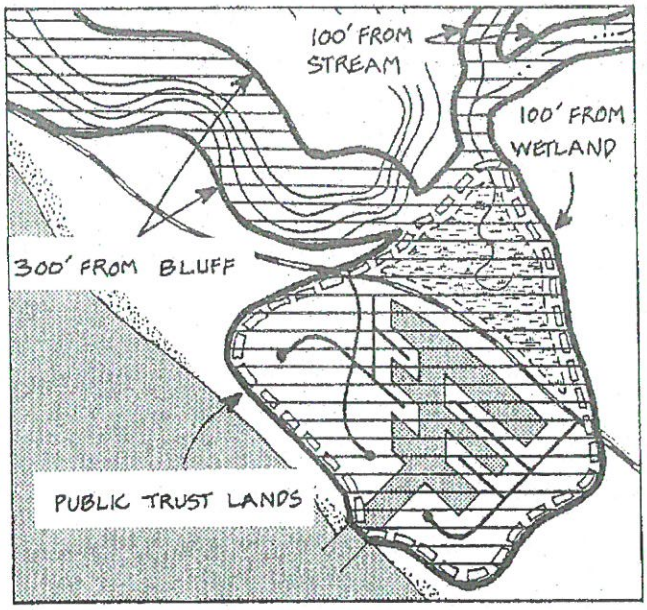
B. Relevant Provisions of the Commission's Administrative Regulations



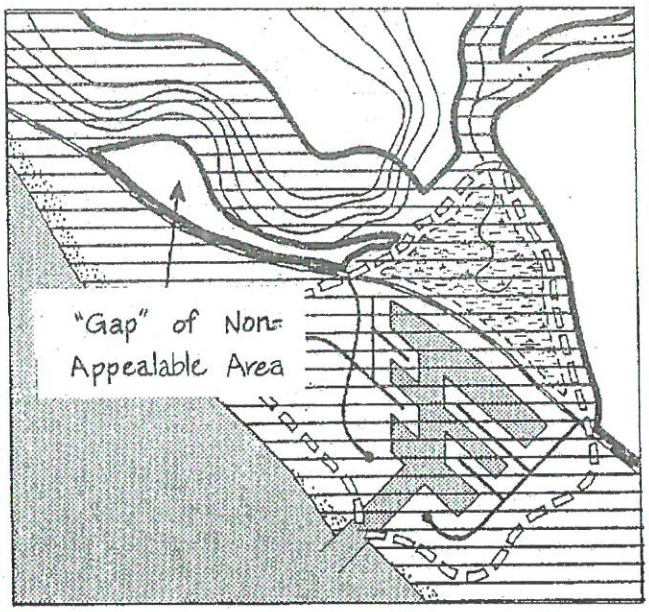

SCHEMATIC COASTAL ZONE AREA 1A




COMPONENT A: SHORELINE BAND 1B




COMPONENT B: INLAND BAND 1C




COMPOSITE OF COMPONENTS A AND B 1D

FIGURE A

Schematic Post-LCP Certification Permit and Appeal Jurisdiction

# I. STAFF NOTE

## A. INTRODUCTION

Under the provisions of the Coastal Act of 1976, specified types of development and developments in certain geographic areas are to remain within the Commission's permit and appeal jurisdiction, after the certification of a local government's LCP. Appeal jurisdiction is retained, for example, on lands within 100 feet of streams or wetlands, lands subject to the Public Trust, lands within 300 feet of coastal bluffs, beaches or estuaries, and lands between the sea and the "first public road paralleling the sea." The complete Coastal Act definition of the Commission's post-certification permit and appeal jurisdiction is included in Appendix A.

The need for regulatory definition of the boundary criteria derives from the fact that the Coastal Act identifies the physical features (streams, bluffs, etc.) on which the Post-LCP Certification Permit and Appeal Jurisdiction is based, but does not specify the precise boundaries of those features. To use the example of streams, 100 feet from a stream could be measured from the centerline, the bank, or from a line of vegetation. The proposed regulations in this document provide definitions and criteria to guide local governments, interested persons, and the Commission in making consistent jurisdictional boundary determinations throughout the coastal zone.

It is important to keep in mind that these regulations would apply only to the Commission's post-certification jurisdiction under a certified LCP. They would not be applicable to areas within the jurisdiction of a port covered by the provisions of Chapter 8 of the Coastal Act. The types of development approvals by a port governing body that may be appealed to the Commission after certification of the port master plan are set forth in P.R.C. §30715.

Because the Post-LCP Certification Permit and Appeal Jurisdiction in many cases contains the greatest concentration of coastal resources and opportunities for public access (existing and potential), the staff believes that in addition to carefully worded boundary definitions, the adoption of maps portraying these areas is essential to aid in administering the Commission's post-certification permit and appeal boundaries consistently statewide. To this end the proposed regulations contain provisions for the adoption of Post-LCP Certification Permit and Appeal Jurisdiction maps in conjunction with final certification of each Local Coastal Program.

## B. BOUNDARY CHARACTERISTICS

In general, the Coastal Act defines the Post-LCP Certification Permit and Appeal Jurisdiction as a band along the shoreline with its inland boundary location depending on local topography, shoreline configuration, and the location of the "first public road paralleling the sea." In addition, some coastal areas have bluffs, wetlands or streams located inland of the band mentioned above. When these areas are combined, the Commission's appeal jurisdiction can have "gaps" where non-appealable areas are surrounded by appealable areas (see Figure A). Each of the Post-LCP Certification Permit and Appeal Jurisdiction boundary components is discussed below, with explanations of the definitions, the rationale behind the recommended wording, and significant comments received by mail or presented at the workshops on post-certification procedures held in September and October.

The definitions, for the most part, have been taken directly from or are based on standard definitions and techniques for establishing the precise boundaries of natural features. The problems of locating administrative boundaries based on natural features are as old as land ownership itself, and much litigation has taken place in an effort to resolve disputes over shore, sea, and riparian boundaries. The U.S. Supreme Court at one time even appointed a Special Master within what is now the National Ocean Survey to develop standard definitions and procedures for boundary determinations such as those we are concerned with here. An effort has been made to use legal precedents such as these, where possible, but unfortunately they do not exist for all of the Post-LCP Certification Permit and Appeal Jurisdiction boundary components. The recommended definitions are, in most cases, also consistent with those used by other state and federal agencies such as the State Lands Commission, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey. Although they may seem rather technical and wordy in places, specificity is necessary to avoid ambiguity in establishing precise boundary locations.

1. Streams. With regard to streams, we must first clarify what is meant by "any stream", and then determine which approach will be used to measure 100 feet from those streams. As in the September 7, 1979 draft regulations, the staff continues to recommend that "any stream" be limited to any perennial or intermittent stream mapped by USGS on its 7.5 minute quadrangle series or identified in a local coastal program.

The problem with using all USGS mapped streams is that some of the drainages shown as intermittent streams on the 7.5 minute quads are at best marginal streams and do not in all cases warrant the stream designation for purposes of retaining post-certification appeal jurisdiction. As was noted in one of the south coast workshops, some "intermittent streams" shown on the quads may not have had water in them for periods of sometimes 10 years and more. Staff discussion with USGS has left no doubt that the initial Post-LCP Certification Permit and Appeal Jurisdiction mapping may well include streams which upon field inspection would be better classed as washes, topographic depressions, or other drainage features over which the Commission, in staff's opinion, would not retain appeal authority unless otherwise included in the post-certification appeal jurisdiction.

The fact remains that, as a starting point at least, the quads provide the only consistent set of maps covering the entire coastal zone. The staff believes that many of the "intermittent stream" distinctions can be made prior to Post-LCP Certification Permit and Appeal Jurisdiction map adoption, or that the adopted map can be updated at a later time if necessary.

The appeal area is defined as 100 feet from the stream. As mentioned earlier, there are a number of points from which to measure the 100 feet. The centerline method is not recommended for the simple reason that wherever a stream is wider than 200 feet, "within 100 feet of the stream" would be literally within the stream! The top of the "bank" of the stream is, in staff's opinion, the best line to use. Besides providing a consistent 100 foot band adjacent to the stream, the word "bank" has been defined by the U.S. Supreme Court (Oklahoma vs. Texas, 260 U.S. 606,631 (1923)). In situations where a stream has no clearly identifiable bank, the staff is proposing that the boundary be measured from the "stream transition line" as defined in the Department of Forestry's rules governing forest practices. Using this definition (set forth in C.A.C. §895.1), would resolve the problems in the situation mentioned above, but could not be applied everywhere since it is based on the assumption that riparian vegetation is present (see proposed regulation wording on page 9).

2. Wetlands. The wetlands definition is the one currently being used by the U.S. Fish and Wildlife Service (USFWS) in its national wetlands inventory. Although it is technically thorough and correct, several persons have commented that the definition seems to imply the need for a soil scientist or wetland ecologist to make the final determination. While individual surveys may be highly desirable or even necessary in some cases, the staff believes interpretation from large scale aerial photographs and other remotely sensed information can, with careful field verification where necessary, provide the detail needed to locate the appeal boundary with sufficient precision. USFWS is successfully using remote sensor data to map wetlands in its current inventory, and an effort will be made to use USFWS published wetland maps wherever possible.

One difficulty with using the USFWS definition is that it includes all wetlands adjacent to agricultural ponds and reservoirs. Although field inspection of these areas often reveals a variety of wetland vegetation and significant waterfowl use, even in some of the smaller examples, the staff believes that as the local government or Commission develops a more detailed map, distinctions should be made to exclude wetlands created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes, (2) there is no evidence showing that wetland habitat pre-dated the existence of the pond or reservoir, and (3) the wetland is not otherwise included in the Commission's post-LCP certification appeal jurisdiction (i.e., between the sea and the first public road, etc.).

3. Estuaries. Considerable effort has been made to find a workable definition for determining the Post-LCP Certification Permit and Appeal Jurisdiction around estuaries. Staff is recommending the boundary be measured from the mean high tide line because it has been technically and legally defined; because it is generally easy to determine; and, because it is used in the Coastal Act in reference to the definition of "sea". In addition, where the location is uncertain, relatively short term observations can give reasonably accurate results if corrected to a mean value by correlation with observations at a suitably located control tide station.

The problem with using the mean high tide line as the estuary boundary is that it conflicts with USFWS, which uses the "extreme low spring tide" in its definition. While this value can also be extrapolated from tidal data we must keep in mind that estuaries (because they are tidally influenced) are defined as "sea" for purposes of the Coastal Act. Even though the USFWS definition is biologically more correct, to use it would mean using different standards for different types of Coastal Act "seas." The staff believes that to avoid confusion it is best to use the mean high tide line.

4. Tidelands, Submerged Lands and Public Trust Lands. These three components are considered together here for two reasons: a) tidelands and submerged lands are Public Trust Lands; and b) these are the geographic areas where, with a few exceptions, the Commission will retain permit authority, rather than merely appeal jurisdiction, after certification of the LCP's.

The definitions are those used by the State Lands Commission and are also consistent with important Supreme Court decisions. The most significant problem is determining the extent of Public Trust lands. As noted in written comments and at the public workshops, this is often a very complex, time consuming project and may result in delays in the processing of coastal permits. The staff ackowledges these facts, but sees no way around referring questions regarding the location and extent of Public Trust lands to the State Lands Commission, unless they have already published a map depicting Public Trust lands for the area in question.

A generalized set of maps depicting "potential" Public Trust lands was prepared for the Commission by the State Lands Commission staff. The boundary shown is highly generalized however, and each map must carry a stamp that states the maps are not to be construed as any sort of definitive Public Trust boundary determination, that they have not been formally published or adopted by the State Lands Commission, and that questions regarding the location and extent of Public Trust lands should be referred to the State Lands Commission for determination.

While it would be desirable to use these maps as the source of delineating the general area where the Commission, with some exceptions, will retain post-certification permit authority, a close comparison of the boundary with historic topographic surveys indicates a number of areas which are clearly former tidelands or submerged lands, that are not included as potential Public Trust lands on the generalized maps. It is the staff's understanding that through a contract with the State Lands Commission, further mapping may be undertaken to refine the generalized boundary where needed, so that this information can still be used as an initial indication, at least, of where potential Public Trust lands do in fact, exist.

5. Beaches. The term "beach" is often used to refer to a broad, visually identifiable sandy area. The September 7, 1979 draft regulations reflected this sort of broad definition, using the first line of terrestrial vegetation as the inland boundary of the beach. Further inquiry and input from the workshops, however, have convinced the staff that a more technical definition is needed. In areas where active dunes are present, for example, the transition from beach to the adjacent dunelands may be subtle, with the first line of vegetation being well inland of the "beach." While it may be argued that the sensitive dune areas deserve the same consideration as beaches, the staff believes that the Commission can address that issue through the LCP process rather than by retaining appeal jurisdiction on the basis of a liberal beach definition.

Since a beach is a feature associated with the erosional or depositional action of the waves, the "inland extent of the beach" is really the inland limit of wave "uprush" at the time the beach is narrowest. Beaches, however, are dynamic features. The location of a beach may vary significantly over the long term as well as seasonally. At some locations along the coast, erosion and accretion account for movements of several hundred feet over a period of decades. Therefore, at locations where the beach determines the jurisdictional boundary and is not bounded by a distinct feature, such as a bluff, road, or seawall, the "inland extent of the beach" should be defined as the inland edge of the furthest inland location of the beach berm as determined from historical records or geologic evidence on a case-by-case basis. This approach would include the back beach or dry sand beach, which may not be subject to wave action at all times.

6. Coastal Bluffs. As in the case of streams, with bluffs we must first clarify which bluffs we will consider "coastal" bluffs, and then establish a method to determine what portion of a coastal bluff is "seaward facing". The staff continues to believe that the Commission should avoid treating every bluff in the coastal zone as a "coastal" bluff, by limiting this designation to bluffs now or historically subject to marine erosion, and bluffs whose toe rises within 1000 feet of any portion of the sea. This approach has been supported by regional staff, and although the distance of 1000 feet may seem arbitrary, this definition generally includes these bluffs where consideration of significant hazards and scenic resources is most important.

As far as the bluff "line" or "edge" is concerned, the staff has used the definition adopted by the Commission in its statewide interpretive guidelines for bluff development. The proposed method for determining where a given bluff ceases to be seaward facing has been adapted from a National Ocean Survey technique for determining the boundary of "inland waters" in coastal headland areas. The terminus of the bluffline, or edge along the seaward face of the coastal bluff would be the point on the bluffline located by bisecting the angle formed by a line coinciding with the general trend of the bluffline along the seaward face of the bluff and a line coinciding with the general trend of the bluffline along the inland facing portion of the bluff (see Figure B). Because discerning the "general trend" of a bluffline is subject to interpretation and depends on the length of bluffline used, the staff proposes to use 500 feet as the minimum bluffline distance for determining a bluff's "general trend."

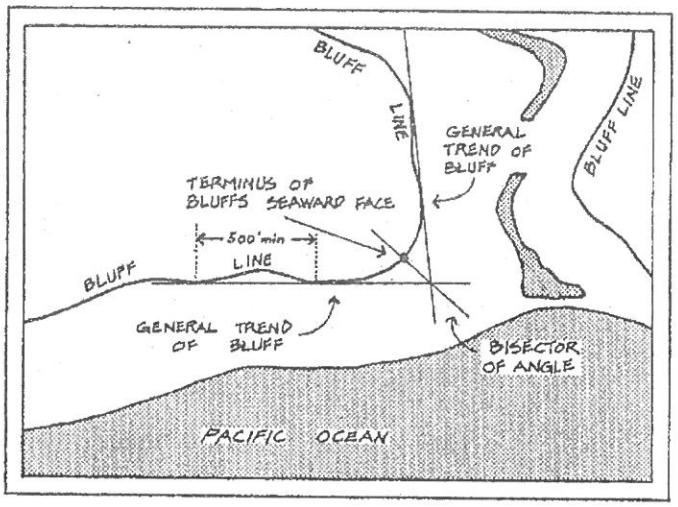



FIGURE B

TERMINUS OF "SEAWARD FACING" BLUFFS

7. First Public Road Paralleling the Sea. No standardized definition exists for the "first public road paralleling the sea." The Commission adopted a definition in early 1977, and the staff has attempted to use this definition as a model for purposes of appeal jurisdiction mapping (see Appendix B). A fundamental problem exists, however, in that it requires the designated road to be the "nearest road to the sea" while also requiring that it connect with other roads "providing a continuous public access system generally paralleling the shoreline." The road "nearest to the sea", while providing access to the sea, in many cases does not connect to other roads to form what would be considered a coherent "public access system," nor does it always run "parallel" to the sea. Likewise, in a number of cases, areas defined as "sea" for the purposes of the Coastal Act extend inland of roads that would otherwise be designated as the "first public road," which can result in large areas remaining within the Commission's post-certification appeal jurisdiction.

In recommending criteria to be used in designating a road as the "first public road paralleling the sea," it is the intent of the staff to include all areas consistent with the Commission's legislative mandate of protecting and ensuring the public's right of access to and along the coastline, including the shorelines of the many tidal water bodies along the coast. It is recognized, however, that in some areas a literal interpretation of the "first public road" definition would result in the inclusion of large areas within the Post-LCP Certification Permit and Appeal Jurisdiction where the grounds for appeal pursuant to P.R.C. §30603(b) may not be an issue. The proposed regulations provide that the Commission may evaluate these areas, and limit the effect of designating the first public road paralleling the sea to the area in which the grounds for appeal specified in P.R.C. §30603(b) are clearly an issue. The staff believes this approach is a workable solution to the problems presented by the existing "first public road paralleling the sea" definition.

C. MAPPING CONSIDERATIONS

The most desirable method of mapping these areas would be to use a large scale (approx. 1 in.= 500 ft.) topographic base map with assessor's parcels added, on which the boundary could be accurately plotted. This would make it much easier for property-owners, local government officials and interested parties to determine where the boundary line is located with reasonable accuracy. Unfortunately, large scale base maps with this type of information are not available statewide. It would be quite expensive to produce such a map even if time allowed. Even if large scale base maps were available, potentially significant errors would still occur in some areas unless the entire coast were surveyed foot-by-foot. Although over approximately 70-80% of the coast the boundary will be "accurate" in that it will follow the inland right-of-way of the "first public road," in the remaining 20-30% field surveys may be necessary if the location of the boundary is in question.

The largest scale base maps that provide the needed topographic information and consistent locational controls statewide are the USGS 7.5 minute quadrangles. The Commission staff intends to compile a consistent set of maps on the USGS base that show generally where the Post-LCP Certification Permit and Appeal Jurisdiction is located. Local governments are encouraged to prepare larger scale maps for any area where such an effort would provide a more precise boundary delineation. This larger scale mapping would, in most cases, be undertaken and funded as part of the implementation phase of a local governments LCP. The most precise map available, as determined by the Commission in conjunction with the local jurisdiction, will be adopted by the Commission at the time of final LCP certification and will serve as the offical map of the Post-LCP Certification Permit and Appeal Jurisdiction. Any remaining questions regarding precise boundary location would be resolved using the criteria set forth in the regulations.

## II. STAFF RECOMMENDATIONS

The staff believes that the Commission should delete an existing regulation, and adopt new regulations in order to: provide for consistent preparation of maps portraying the Post-LCP Certification Permit and Appeal Jurisdiction; define key terms used in determining the boundaries of the areas which are primary components of the jurisdiction to be mapped; and to allow an opportunity for public comment on mapping criteria before Post-LCP Certification Permit and Appeal Jurisdiction maps are adopted.

### A. REPEAL OF CALIFORNIA ADMINISTRATIVE CODE §13011

As mentioned at some length in the staff note, the existing regulation defining the "first public road paralleling the sea" contains some fundamental conflicts that cause problems in terms of designating a road that really complies with it as presently written. The staff recommendation includes a modified definition of the "first public road," within the criteria for post-certification boundary determinations (see page 12). The staff believes that the revised definition accomplishes the objectives of the existing regulation and also avoids the problems that would occur if an attempt was made to use the present version as a basis for mapping appeal jurisdiction. The staff, therefore, recommends that the Commission repeal Section 13011 from its existing administrative regulations.

### B. ADOPTION OF REQUIREMENTS FOR MAPS DEPICTING THE COMMISSION'S PERMIT AND APPEAL JURISDICTION AFTER LCP CERTIFICATION

Section 30519(b) of the Coastal Act, with several exceptions, establishes permanent Commission permit authority after LCP certification over developments on tidelands, submerged lands, and public trust lands. Section 30603(a)(1) and (a)(2) specify certain geographic areas where locally approved developments may be appealed to the Commission after LCP certification. While the Coastal Act does not require that maps be drawn of these areas, the staff believes maps are necessary to avoid confusion and to provide consistent guidance to local governments in administering Commission permit and appeal boundaries after the LCP's are certified. Staff therefore recommends that the Commission adopt the following regulation:

> §00001. Map(s) of Areas of Commission Permit and Appeal Jurisdiction after LCP Certification. In conjunction with final Local Coastal Program certification, the Commission shall, after public hearing, adopt a map or maps of the coastal zone of the affected jurisdiction that generally portrays the areas where the Commission retains permit authority pursuant to P.R.C. §30519(b) and where appeals of local government coastal development permit approvals are allowed pursuant to P.R.C. §30603 (a)(1) and (a)(2). Where a mapped boundary does not provide adequate detail, a precise determination shall be made, based on the criteria set forth in §00002. The Commission shall update these maps from time to time, where changes occur in the conditions on which the adopted maps were based. The revised maps shall be filed with the affected jurisdiction within 30 days of adoption by the Commission. In addition, each adopted map depicting the Post-LCP Certification Permit and Appeal Jurisdiction shall include the following statement:

"This map has been prepared to show generally where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §30519(b), and §30603(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.R.C. §30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information regarding precise field determination procedures. This plat may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission."

C. ADOPTION OF CRITERIA FOR MAKING POST-LCP CERTIFICATION BOUNDARY DETERMINATIONS

The boundary of the post-certification permit and appeal jurisdiction is generally comprised of boundaries along or around important accessways or coastal resources such as: beaches, bluffs, wetlands and streams. To provide for consistent determination of these boundaries statewide, the staff recommends that the Commission adopt the following regulation:

§00002. Criteria for Post-LCP Certification Permit and Appeal Jurisdiction Boundary Determinations. For purposes of P.R.C. Sections 30519, 30603 and all other applicable provisions of the Coastal Act of 1976, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:

(a). Streams. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established.

(b). Wetlands. Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land

surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soils are poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as: a) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; b) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or c) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes <u>and</u> (2) there is no evidence (e.g., aerial photographs, historical surveys, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir.

(c). <u>Estuaries</u>. Measure 300 feet landward from the mean high tide line of the estuary. For purposes of this section an estuary shall be defined as a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall

be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

(d). Tidelands. Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.

(e). Submerged Lands. Submerged lands shall be defined as lands which lie below the line of mean low tide.

(f). Public Trust Lands. Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time.

(g). Beaches. Measure 300 feet landward from the inland extent of the beach. In areas where the beach is not bounded on its landward side by a distinct linear feature (e.g., a seawall, road, or bluff, etc.), the boundary shall be measured from the inland edge of the furthest inland beach berm as determined from historical surveys, aerial photographs, and other records or geologic evidence.

(h). Coastal Bluffs. Measure 300 feet both landward and seaward from the bluffline or edge. Coastal bluff shall mean:

1. those bluffs, the toe of which is now or was historically subject to marine erosion; and

2. those bluffs, the toe of which is not now or was not historically subject to marine erosion, which are located in close proximity to but not more than 1,000 feet from any portion ofthe sea as defined in P.R.C. §30115.

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluffline along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluffline or edge to be used in making these determinations.

(i). <u>First Public Road Paralleling the Sea.</u>
(1) The "first public road paralleling the sea" means that road nearest to the sea, as defined in §30115 of the Public Resources Code, which:

a) is lawfully open to uninterrupted public use and is suitable for such use;

b) is publicly maintained;

c) is an improved, all-weather road open to motor vehicle traffic in at least one direction;

d) is not subject to any restrictions on use by the public in non-emergency situations; and

e) generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

When based on a road designated pursuant to this section, the precise boundary of the post-LCP certification appeal jurisdiction shall be located along the inland right-of-way of such road.

(2) Whenever, no public road can be designated which conforms to all provisions of (i)(1) above, and a public road does exist, which conforms to all provisions of (i)(1) except (i)(1)(e), the effect of designating the first public road paralleling the sea shall be limited to the following:

(a) all parcels between the Pacific Ocean and such other public road; and

(b) those parcels immediately adjacent of the sea inland of such other public road.

(3) Where the Commission determines that the designation of the "first public road paralleling the sea" results in the inclusion of areas within the post-certification appeal jurisdiction where the grounds for an appeal set forth in Section 30603(b) of the P.R.C. are not an issue, the Commission may take action to limit the geographic area where developments approved by a local government may be appealed to the Commission, to that area where any such grounds are, in fact, an issue.

# III. APPENDICES

## A. RELEVANT PROVISIONS OF THE COASTAL ACT.

30115. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

30519. Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the regional commission or by the commission where there is no regional commission over any new development proposed within the area to which such certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing such local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

30603. (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for any of the following:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) of this subdivision located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) The grounds for an appeal pursuant to paragraph (1) of subdivision (a) shall be limited to the following:

(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.

(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast.

(3) The development is not compatible with the established physical scale of the area.

(4) The development may significantly alter existing natural landforms.

(5) The development does not comply with shoreline erosion and geologic setback requirements.

(c) The standard of review for any development reviewed pursuant to subdivision (a) (3) shall be in conformity with the implementing actions of the certified local coastal program.

Such action shall become final after the 10th working day, unless an appeal is filed within that time.

B. RELEVANT PROVISIONS OF THE COMMISSION'S ADMINISTRATIVE REGULATIONS.

13011. **First Public Road Paralleling the Sea.** "First public road paralleling the Sea" shall mean the nearest road to the sea, as defined in Public Resources Code, Section 30115, that is dedicated for public use to a public agency and is in fact improved and suitable for public use. Provided, however, that in the event any such public road does not connect with other public roads, the first public road paralleling the sea shall mean the first public road that in fact connects with other public roads providing a continuous public access system paralleling the shoreline. Each regional commission or the commission where there is no regional commission shall, following a properly noticed public hearing, adopt a map or maps designating the "first public road paralleling the sea" within 120 days of the effective date of the California Coastal Act of 1976. Wherever the commission approves a local government coastal development permit program as provided in Sections 13301-13327, the commission shall at the same time adopt a map showing such designated road(s) for the affected area if such map has not yet been adopted.

# ATTACHMENT B

**CALIFORNIA COASTAL COMMISSION**
631 Howard Street, San Francisco 94105 — (415) 543-8555

January 15, 1980

TO: STATE COMMISSION

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: POST-CERTIFICATION NOTICE, HEARING AND APPEALS PROCEDURES

(For public hearing and possible Commission action January 22, 1980)

STAFF NOTE:

The following revisions to the Post-Certification Notice, Hearing, and Appeals Procedures incorporate the comments of the regional and state commissioners, local governments and interested persons on the final (12/28/79 ) draft of the regulations. A final copy of the regulations, including these revisions, will be available at the Coastal Commission meeting, and upon request, to interested members of the public. Following the Commision action on January 22, 1980 the final adopted version will be distributed to all local governments, interested persons, regional and state commisioners.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the Post-Certification Notice, Hearing and Appeals Procedures with the enclosed modifications.

POST CERTIFICATION PROCEDURES ---REVISIONS---

00150 Scope of Article. The provisions of this Article, adopted pursuant to Public Resources Code § 30620.6 and §30333, shall constitute minimum standards for local governments and the Commission in reviewing development projects pursuant to Public Resources Cose § 30600(d).

00151 Unchanged.

00152 Unchanged.

00153 Scope The provisions of this Section shall constitute the minimum notice and hearing requirements for the review of development projects pursuant to Public Resources Code §§ 30519 and 30603. ~~Existing local government notice and hearing procedures which are in substantial compliance with the provisions of these regulations may be reviewed and certified by the Commission as part of the local coastal program.~~

00153.5 [NEW] Existing Local Procedures. Existing local government notice and hearing procedures which are in substantial compliance with the provisions of these regulations may be reviewed and certified by the Commission as part of the local coastal program.

00154 Unchanged.

00155 Notice of Appealable Developments. Within ten (10) calendar days of accepting an application for an appealable coastal development permit (or local government equivalent) or at least seven (7) calendar days prior to the first public hearing on an appealable development proposal, the local government shall provide notice by mail of pending applications for appealable development.

00155 (Continued)

This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction (and paid any reasonable fees for such notice which are not provided for under AB 643 (Calvo)), ~~known or thought to have a particular interes in the application~~, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the regional commission or the Commission. The notice shall contain the following information:

(1)-(5) Unchanged.

(6) a brief description of the general procedure of local government concerning the conduct of hearings and local actions;

(7) Unchanged.

00156 Unchanged.

00157 Notice of Local Government Action Where Hearing Continued. If a decision on a development permit is continued by the local government to a time ~~not previously~~ which is neither (a) previously stated in the notice provided pursuant to Section 00155 nor (b) announced at the hearing as being continued to a time certain, the local government shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 00155.

00158 (a) Notice of Non-appealable developments where local ordinance requires a hearing: Notice of developments within the coastal zone that require a public hearing under local ordinance, but which are not appealable pursuant to Public Resources Code § 30603 (and which are not categorically excluded) shall be provided in accordance with existing local government notice requirements and in accordance with Government Code §§ 65854 and 658754.5 which provide in part:

[REV] Notice of [developments] shall be given at least ten (10) calendar days before a hearing in the following manner:

-if the matter is heard by the planning commission (city or county) notice shall shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction

-notice by mail to any person who has filed a written request therefore,

-notice to property owners within 300 feet,

or in accordance with Section 00158(b). In addition, the hearing notice shall be sent to the Commission, shall contain a statement that the proposed development is within the coastal zone, and shall be mailed to residents within 100 feet of the proposed project.

(b) Notice of non-appealable developments where no local hearing requirement Notice of developments...[same as 12/28/79 draft]...as follows:

[REV] Within ten (10) calendar days of accepting an application for an non-appealable coastal development permit (or local government equivalent) or at least seven (7) days calendar days prior to the local decision on the application, the local government shall provide notice, by mail, of pending development approval. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisoins within the local jurisdiction (and paid any reasonable fees for such notice which are not provided for under AB 643 (Calvo),) to all persons known or thought to have a particular interest in the application, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the regional commission or the Commission. The notice shall contain the following information:

[Same as 12/28/79 draft.]

00159 Determination of Applicable Notice and Hearing Procedures. ~~An initial~~ The determination..[same as 12/28/79 draft through next page at top]...appealable:

(1) - (3) [same as 12/28/79 draft]

(4) Where, after the Commission staff ~~determination, there is still a dispute,~~ investigation, the Commission staff determination is not in accordance with the local government determination as to the appropriate designation for the development...[same as 12/28/79 draft.]

[NEW] Note: A local government may, by ordinance, provide procedures within the local government appeals structure for a final local decision on the determination of the applicable notice and hearing procedures. That procedure may be used to arrive at the "local government determination" as referenced in (1) above. The Commission shall not consider the local government determination as final until all local procedures have been exhausted.

00161 Final Local Government Action - Notice

(a) Notice After Final Local Decision. (This section shall not apply to categorically excluded developments.) Within seven (7) calendar days of a final local decision on an application for any development, the local government shall provide notice of its action to the Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the local government, (or, where required, who paid a reasonable fee to receive such notice ~~be included on the local coastal mailing list~~.)...

(b) (1) and (2) [change reference to Government Code to read: Government Code §§65950 through 65957.1]

00162 Local Government Action - Effective Date. A final...[same as 12/28/79 draft, through (c)]...

Where any of the circumstances in (a) - (c) occur, the Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government that the effective date of the local government action has been suspended.

00163 Exhaustion of Local Appeals. (a) [same as 12/28/79 draft]

(1) The local government of jurisdiction requires an appellant to appeal to more ~~than two~~ local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program.

(2) Unchanged

(3) An appellant was denied the right of local appeal because ~~of inadequate notice and hearing procedures~~ local notice and hearing procedures for the development did not comply with the provisions of this Article.

00163 Exhaustion of Local Appeals

(b) Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that a local government may provide, by ordinance, that notice of commissioner appeals may be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision,) and the appeal to the Commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decison, the Commissioners shall be required to file a new appeal from that decision.

00166 Effect of Appeal. (a) (Unchanged)

(b) Upon receipt...development application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received. ~~Failure to receive the documents and material shall suspend the period within which the appeal must be heard pursuant to Public Resources Code § 30621. If the appeal period is suspended, the Executive Director of the Commission shall notify the applicant, interested persons, and local government within five (5) working days.~~

00167 Grounds of Appeal.(a)-(b) Unchanged.

(c) The grounds of appeal for a ~~A~~ development between the sea and the first public road paralleling the the sea where there is no beach, whichever is less,) which is appealed under § 30604(c) of the Public Resources Code, shall include a statement of whether the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act and/or how the development is or is not in conformity with the certified local coastal program.

[NEW] (Add to page 13)

00130(c)(2) Categorical exclusions (reviewed by the Commission upon/after certification of the LCP) shall be adopted by the Commission for those categories of development which the Commission certifies as being allowed by right in the local jurisdiction, which have specific development standards (as specified in the LCP) and which are handled ministerially by the local government.

# ATTACHMENT C

**CALIFORNIA COASTAL COMMISSION**
631 Howard Street, San Francisco 94105 — (415) 543-8555

January 16, 1980

TO: STATE COMMISSIONERS AND INTERESTED PERSONS

FROM: L. THOMAS TOBIN, MANAGER, TECHNICAL SERVICES DIVISION

SUBJECT: STAFF RECOMMENDED MODIFICATIONS TO THE PROPOSED REGULATIONS GOVERNING MAP REQUIREMENTS AND BOUNDARY DETERMINATIONS WITH RESPECT TO THE COMMISSION'S POST-LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION

After considering the comments received on the proposed mapping regulations dated December 28, 1979, the staff recommends the following amendments:

> Section 00001. Add immediately after the section heading the notation for Subsection "(a)". In the first sentence of Subsection (a) after the word "certification," add the phrase: "except as provided in Subsection (b)." At the end of Subsection (a), add a new Subsection "(b)". In the case of local governments which has received Commission approval of Phase III (Implementation) Work program and Budget prior to January 1, 1980, the permit and appeal area maps(s) shall be adopted by the Commission prior to the certification becomming effective pursuant to Section 00140 of the Commission's LCP Regulations."

These amendments will avoid possible delays in LCPs which are nearing certification. Mapping of the post-certification permit and appeal area generally will be done during the implementation phase of the LCP process with the Commission funding necessary work. Most local governments will not have a problem completing this requirement. The State cartographic staff will have completed draft maps (scale 1 inch = 2000 feet) depicting the post-certification permit appeal jurisdiction by early March and will provide them to local governments. These maps will be available, if necessary, during hearings on those LCPs nearing certification.

> Section 00002(h)(1). Insert after the word "historically" the parenthetical phrase "(generally within the last 200 years)."

This amendment clarifies the use of the word "historically." The intent of this section is to include within the Commission's appeal jurisdiction coastal bluffs which were shaped by marine erosion even though beaches may have accreted between the bluff toe and the sea, or works of man have filled and stabilized the area in front of these bluffs. This will include bluffs with unique geological hazards and scenic resources.

> Section 00002(h)(2). Delete the words "which are located in close proximity to but not more than 1,000 feet from any portion of the sea as defined in P.R.C. §30115" and insert the following words "but the toe of which lies within an area otherwise identified in P.R.C. §30603(a)(1) or (a)(2)."

This amendment will limit the coastal bluffs not now or historically subject to marine erosion to those that lie within, or partially within the Commission appeal's jurisdiction. It will still include most bluffs with scenic coastal resources and those adjacent to wetlands. It will also provide for a more continuous appeal area.

# ATTACHMENT D

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

22 March 2012

# GEOTECHNICAL REVIEW MEMORANDUM

To: Liliana Roman, Coastal Program Manager
From: Mark Johnsson, Staff Geologist
Re: Norberg CDP (5-09-105)

In connection with the above-referenced permit application, I have reviewed the following documents:

1) Geofirm, 2009, "Updated preliminary geotechnical investigation for foundation design of residence addition, 86 South La Senda, Laguna Beach, California", 17 p. geotechnical report dated 22 April 2009 and signed by E. R. Hilde (CEG 2303) and E. J. Aldrich (GE 2565).

2) Geofirm, 2009, "Comments on California Coastal Commission staff report W5c, Special Condition 2: No future blufftop or shoreline protective devices, proposed residence additions, 86 South La Senda, Laguna Beach, California", 2 p. comment letter dated 2 November 2009 and signed by E. R. Hilde (CEG 2303) and E. J. Aldrich (GE 2565).

3) Geofirm, 2009, "Recommendations to reduce potential bluff instability, 86 South La Senda, Laguna Beach, California", 1 p. letter dated 17 November 2009 and signed by E. R. Hilde (CEG 2303).

4) Smull, L.C., 2010, "86 South La Senda, Laguna Beach, California", 1 p. letter dated 11 January 2010 and signed by L. C. Smull.

5) Felix Lim, undated, "Application No. 5-09-105 (Norberg), 86 South La Senda, Laguna Beach, California", 1 p. letter signed by F. Lim.

In addition, I have reviewed the site plans, especially the topographic survey prepared by South Coast Surveying on the applicant's behalf. The purpose of this memo is to address the question of the location of the bluff edge on the subject property.

The coastal bluff at the site consists of a very steep sea cliff that extends from an elevation of approximately 86 feet to the beach below. The topographic survey submitted by the applicant identifies an "edge of bluff" line near this point., although it cuts across contours and does not seem to correspond to the break in slope depicted by them. Above this break in slope, a series of terraces separated by low walls have been cut into the bluff. The geologic cross section in

reference (1) indicates that these terraces are cut into the marine terrace deposits that overlie the San Onofre breccia at the site, and that no artificial fill occurs on this part of the site. The uppermost wall is approximately coincident with the seaward edge of the existing deck at the site, and is at an elevation of approximately 103 feet. This is the top of the bluff, or the bluff edge, pursuant to CCR Title 14 §13577(h), which states, in relevant part, that

> In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.

This contour is more or less continuous with what I would identify as the bluff edge on the upcoast and downcoast properties as seen in the California Coastal Records Project (www.californiacoastline.org) image 201003218. An exception is the property immediately upcoast of the subject site, where fill retained by a low wall seems to cover the natural bluff edge.

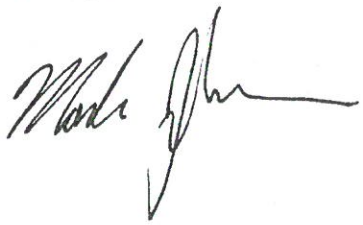
Reference (5), cites another passage from CCR Title 14 §13577(h):

> ...the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff.

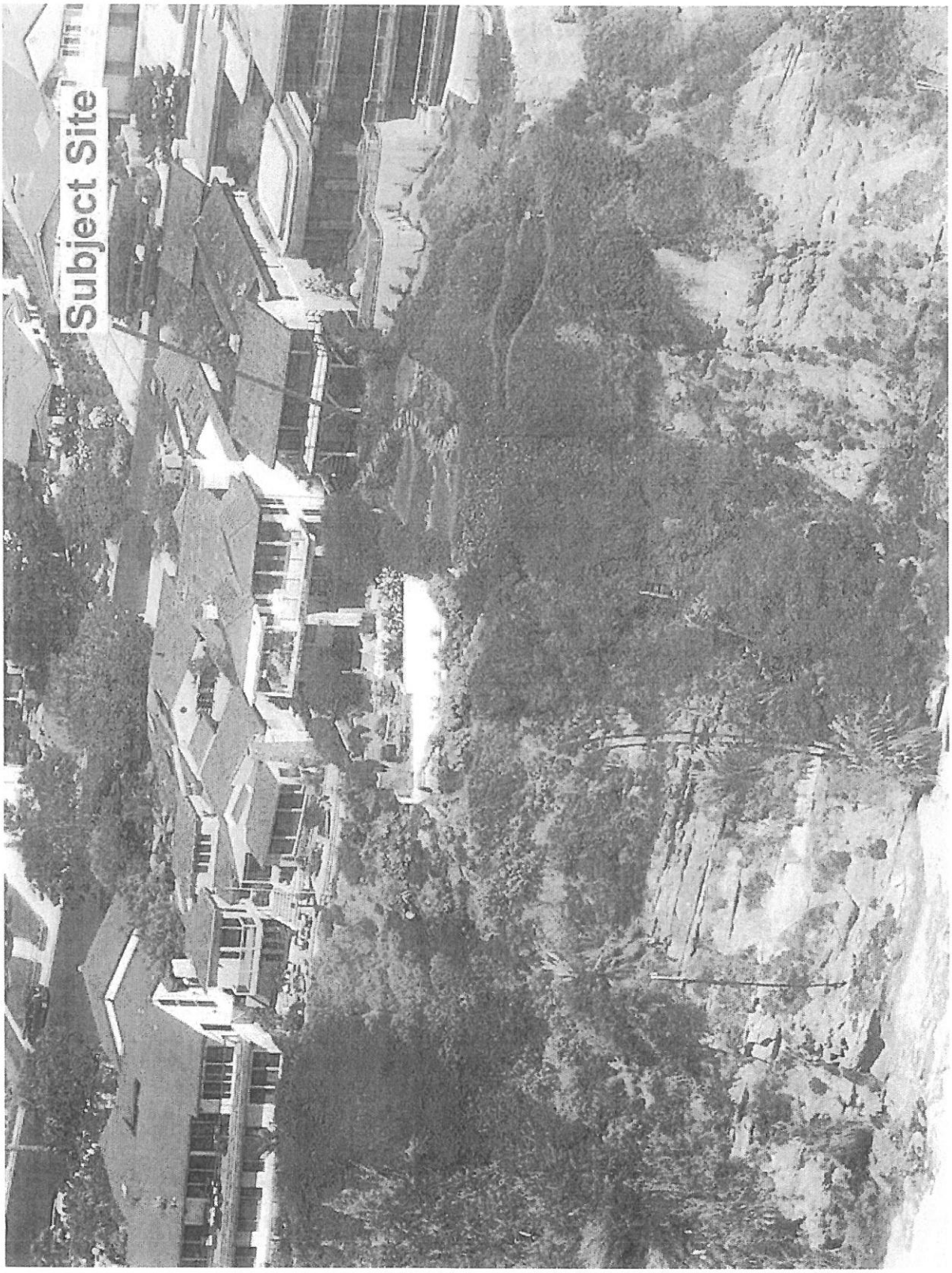
The letter is accompanied by a reproduction of the geologic cross section from reference (1), with a bold line drawn through the terraced area, averaging the gradient between the step-like terraces. The letter describes this as the "natural soil surface' and indicates that the terraced area is partially non structural fill. The cross section in the geologic report (reference 1), however, shows no artificial fill in this area, but rather shows the terraces as cut into the marine terrace deposits. Further, the report does not include fill in the quantitative slope stability analyses. The report does, however, make mention of fill: "The upper slope profile is mantled with terrace deposits and limited fill materials. This portion of the slope is subject to episodic erosion largely of the fill or terrace materials..." Regardless of this ambiguity, the presence of fill on the bluff face would not alter the position of the bluff edge where it has been altered by grading (cut). Regardless of where the bluff edge may have been located before this minor grading, it clearly now is at approximately the 103 foot contour.

I hope that this review is helpful. Please do not hesitate to contact me with any further questions.

Sincerely,



Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist


Subject Site

# ATTACHMENT E

Filed 10/25/13 Norberg v. California Coastal Commission CA4/3

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

| | |
|---|---|
| DONALD A. NORBERG as Trustee, etc., | |
| Plaintiff and Appellant, | G047584 |
| v. | (Super. Ct. No. 30-2010-00351770) |
| CALIFORNIA COASTAL COMMISSION et al., | O P I N I O N |
| Defendants and Respondents. | |

Appeal from an order of the Superior Court of Orange County, Luis A. Rodriguez, Judge. Affirmed. Request for judicial notice denied.

Gaines & Stacey, Sherman L. Stacey and Nanci S. Stacey for Plaintiff and Appellant.

Kamala D. Harris, Attorney General, John A. Saurenman, Assistant Attorney General, Jamee Jordan Patterson and Hayley Peterson, Deputy Attorneys General for Defendants and Respondents.

* * *

Donald A. Norberg, as trustee of The Norberg Family Trust (Norberg), appeals from an order discharging a peremptory writ of mandate. He claims the court erred in determining that the California Coastal Commission (Commission) complied with the peremptory writ of mandate directing it to take certain actions with respect Norberg's residential building permit application. The central issue in this case is the determination of the location of the bluff edge on Norberg's property, inasmuch as the building setback is measured from the bluff edge. Although the Commission's determination would allow Norberg to construct his desired semi-subterranean expansion of his existing dwelling, it would limit his construction of outdoor improvements. The conditions it imposed would also limit his irrigation of the bluff.

We are unpersuaded by Norberg's various arguments and conclude substantial evidence supports the Commission's finding that the bluff edge is located at the 103-foot elevation. We also conclude the Commission did not abuse its discretion in imposing either the setback conditions or the condition regarding the irrigation of Norberg's cliffside property. We affirm the order discharging the writ and deny the Commission's request for judicial notice.

## I

## FACTS

*A. Background:*

*(1) Permit application—*

Norberg represents that his family has owned certain residential property located at 86 South La Senda in Laguna Beach, California, in an area known as "Three Arch Bay," since the 1950's. He states that a 1,958-square-foot single-story dwelling was constructed on the property no later than 1962. He describes the property as bordering on the street on the northeast and the beach on the southwest. In 1995, Norberg obtained a permit from the Commission to expand the dwelling. However, the permit ultimately lapsed without any construction having been undertaken.

In 2009, Norberg filed a new permit application. He sought to remodel the existing dwelling and to add a new 860-square-foot semi-subterranean lower level within the footprint of the existing dwelling. In addition, he desired to add certain outdoor improvements, including a lower level paved patio, a spa, a shower and a spiral staircase. He also planned to make repairs to his existing 355 square-foot wood balcony deck.

In May 2010, the Commission approved a permit, subject to eight conditions. Condition Nos. 2, 4A, and 8 (later renumbered 7) are of particular note. Condition No. 2 required Norberg to agree not to make future use of bluff or shoreline protective devices to protect the new construction. Condition No. 4A required Norberg to submit revised plans "to provide a 5 foot setback from the bluff edge identified approximately at the 103 foot contour line for the proposed new ground level concrete patio . . . ." Condition No. 8 required Norberg to submit a report from a soils engineer or geologist with respect to watering limitations on the property and prohibited "watering of the bluff beyond the bluff edge at the 103 ft. contour . . . ."

*(2) Writ proceedings—*

*(a) Issuance of peremptory writ*

Norberg filed a petition for a writ of mandate against the Commission, challenging condition Nos. 2, 4A, and 8, among others. The court granted the petition as to condition Nos. 2 and 4A, and granted the petition in part with respect to condition No. 8.

In its October 4, 2011 minute order, the court observed, with respect to condition No. 2, that "*Public Resources Code Section 30253 specifically states* that new development should not 'in any way require the construction of protective *devices that would substantially alter natural landforms along bluffs and cliffs.*'" (Boldface omitted.) However, in drafting condition No. 2, the Commission had omitted the qualifying language regarding the substantial alteration of natural landforms. Consequently, the court ordered the Commission to set aside its decision approving condition No. 2.

The court further observed that condition No. 4A established a setback based on a bluff edge located at the 103-foot contour line rather than at the 84-foot contour line as proposed by Norberg. It stated that the definition of a bluff edge was set forth in California Code of Regulations, title 14, section 13577, subdivision (h). The court also said that it agreed with Norberg that the Commission's finding the bluff edge was located at 103 feet was not supported by substantial evidence. The court further stated that condition No. 8 was valid except to the extent that it found the bluff edge to be at the 103-foot contour line.

A judgment granting the petition for a peremptory writ of mandate was entered and on November 28, 2011. A peremptory writ of mandate was issued that same date. The Commission was directed to set aside permit condition Nos. 2 and 4A, and to modify condition No. 8 as set forth in the minute order. It was further directed to take such actions as reasonable and necessary to comply with the October 4, 2011 minute order. In addition, the Commission was directed to file a return to the peremptory writ of mandate within 60 days stating what it had done, and intended to do, to comply with the writ and also to file a supplemental return stating what final action the Commission had taken on Norberg's permit application, within 30 days after undertaking such final action.

*(b) Discharge of peremptory writ*

On February 7, 2012, the Commission filed a return in which it stated that it had determined not to file an appeal, that it would schedule a public hearing on the matter, that it would take evidence and take action consistent with the court's mandate, and that, following the public hearing, it would file a supplemental return informing the court of what had been done to comply with the writ.

In its July 23, 2012 supplemental return to the writ of mandate, the Commission reported that it had rescinded its conditional approval of Norberg's permit application and set aside conditions Nos. 2, 4A and 8, held a public hearing, and approved Coastal Development Permit 5-09-105 for Norberg's development. The

Commission stated that, having fully complied with the judgment, it requested that the peremptory writ of mandate be discharged.

In approving the permit, the Commission imposed a revised condition No. 2, reimposed condition No. 4A with additional findings, and reimposed the condition on irrigation, which was renumbered condition No. 7 (previously condition No. 8). Norberg filed objections to the return,[1] and requested that the court order the Commission to delete condition No. 4A, modify condition No. 7 to reflect a bluff edge at an elevation of 86 feet rather than 103 feet, and strike certain of the Commission's findings with respect to revised condition No. 2. Norberg asserted that the Commission had failed to comply with the writ, and instead simply had reimposed condition Nos. 4A and 7 after claiming to find by substantial evidence that the bluff edge was 103 feet. He argued that the Commission's finding the bluff edge was located at the 103-foot elevation was not supported by substantial evidence and that certain findings underlying modified condition No. 2 also were not supported by substantial evidence. He did not otherwise challenge revised condition No. 2.

The Commission filed a response to Norberg's objections, wherein it detailed the evidence it considered to determine that the bluff edge was at the 103-foot elevation. The court found that substantial evidence supported the Commission's determination that the bluff edge was located at the 103-foot elevation. The court observed that the Commission had detailed the reports and documents it relied upon and the reasoning it followed to make the determination. The court discharged the

---

[1] Norberg also filed, on August 31, 2012, a second petition for a writ of mandate, in Case No. 30-2012-00595008. He claimed that the Commission had neither set aside the setback condition nor modified the irrigation condition, as ordered by the court, and had adopted unsupported findings with respect to the shoreline protection device waiver. He also asserted that the Commission has a practice of exceeding its jurisdiction by applying an "underground regulation," that is, by imposing a condition prohibiting the future use of shoreline protective devices. The second writ petition is not at issue in the matter before us.

peremptory writ of mandate, having found that the Commission demonstrated satisfactory compliance with it.

Norberg filed a notice of appeal from the order discharging the writ.[2]

II

DISCUSSION

*A. Standard of Review:*

"An 'aggrieved person,' which includes anyone who appears at a public hearing of the commission in connection with the decision or action appealed, may file a mandate petition seeking judicial review under Code of Civil Procedure section 1094.5. [Citations.] The trial court's responsibilities are as follows: 'In reviewing an agency's decision under Code of Civil Procedure section 1094.5, the trial court determines whether (1) the agency proceeded without, or in excess of, jurisdiction; (2) there was a fair hearing; and (3) the agency abused its discretion.' [Citations.] Code of Civil Procedure section 1094.5, subdivision (b) defines any abuse of discretion thusly, 'Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.' [Citations.]" (*Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 921.)

"The agency's findings and actions are presumed to be supported by substantial evidence. [Citations.] A person challenging an administrative determination bears the burden of showing the agency's findings are not supported by substantial evidence. [Citations.] When reviewing the agency's determination, the court examines the whole record and considers all relevant evidence, including that which detracts from the administrative decision. [Citations.] The Court of Appeal has held: 'Although this

---

2 The Commission also filed a notice of appeal from an August 16, 2012 award of attorney fees in favor of Norberg. That matter will be decided in the companion appeal, Case No. G047522.

task involves some weighing to fairly estimate the worth of the evidence, that limited weighing does not constitute independent review where the court substitutes its own findings and inferences for that of the Commission. Rather, it is for the Commission to weigh the preponderance of conflicting evidence, as [the court] may reverse its decision only if, based on the evidence before it, a reasonable person could not have reached the conclusion reached by it.' [Citations.] Our scope of review is identical to that of the trial court. [Citations.] We, like the trial court, examine all relevant materials in the entire administrative record to determine whether the agency's decision is supported by substantial evidence. [Citations.]" (*Ross v. California Coastal Com.*, *supra*, 199 Cal.App.4th at pp. 921-922.)

"On appeal from an order discharging a writ, the issue is whether the trial court erred in ruling that the respondent [in the writ proceedings] complied with the writ. Thus, our focus is on the [respondent's] response to the writ and the trial court's assessment of that response. [Citation.]" (*Los Angeles Internat. Charter High School v. Los Angeles Unified School Dist.* (2012) 209 Cal.App.4th 1348, 1355, fn. omitted; *City of Carmel-by-the-Sea v. Board of Supervisors* (1982) 137 Cal.App.3d 964, 972.)

*B. Scope of Review:*

*(1) Writ compliance—*

Norberg continues to attack the imposition of condition No. 4A, pertaining to the setback for outdoor improvements, and condition No. 7, pertaining to the irrigation of the bluff, and also challenges certain findings associated with condition No. 2, regarding the waiver of the right to construct certain shoreline protective devices. The only question on appeal is whether the trial court erred in ruling that the Commission complied with the writ. (*Los Angeles Internat. Charter High School v. Los Angeles Unified School Dist.*, *supra*, 209 Cal.App.4th at p. 1355; *City of Carmel-by-the-Sea v. Board of Supervisors*, *supra*, 137 Cal.App.3d at p. 972.) Although Norberg endeavors to

distract us from this reality by posing five questions for this court, at pages 8 to 9 of his opening brief, we do not render advisory opinions. (*Municipal Court v. Superior Court (Gonzalez)* (1993) 5 Cal.4th 1126, 1132.) We will address only the issues properly before us on appeal.

*(2) Application of California Code of Regulations, title 14, section 13577, subdivision (h)—*

We observe that one issue Norberg attempts to bring up repeatedly is whether the definition of "bluff edge" contained in California Code of Regulations, title 14, section 13577, subdivision (h) should govern in this matter. That is an issue we will not consider, for reasons made clear on a review of the procedural history of this case.

In his memorandum of points and authorities in support of his petition for a peremptory writ of mandate, Norberg stated: "There is not a dispute over the definition of 'bluff edge'. The definition is contained in California Code of Adm. Regs., Title 14, § 13577." He then proceeded to discuss how Felix Lim, his home designer, had applied the regulation to determine that the bluff edge was at an elevation of 84 feet, but that the Commission had found the bluff edge was at an elevation of 103 feet, based on the analysis of its staff geologist that the highest break in the slope was at the topmost of the garden walls. In his reply memorandum of points and authorities in support of his petition, Norberg reiterated that "the fact issue is the location of the edge of a coastal bluff based upon a regulatory definition." He again argued that the evidence supported a determination, pursuant to the definition contained in section 13577, that the bluff edge was located at the 84-foot elevation, not the 103-foot elevation.

In its October 4, 2011 minute order, the court noted that the definition of a "bluff edge" was found in California Code of Regulations, title 14, section 13577, subdivision (h)(2). The court then proceeded to quote the regulation. The court said the Commission's finding concerning the location of the bluff edge was "critical" and it concluded the finding that the bluff edge was located at the 103-foot elevation was not

supported by substantial evidence. In its judgment, the court ordered the Commission to set aside condition No. 4A and "to take such actions as may be reasonable and necessary to comply with the [minute order] issued on October 4, 2011."

In accordance with the judgment and the October 4, 2011 minute order, which stated that a determination of the location of the bluff edge, as defined in California Code of Regulations, title 14, section 13577, subdivision (h), was "critical," the Commission proceeded to obtain and review further information from its staff geologist, including the evidence supporting the staff geologist's opinion. Applying the section 13577 definition approved by the court, and reviewing the evidence, the Commission again came to the conclusion that the bluff edge was located at the 103-foot elevation. This time it discussed the supporting evidence in making its finding.

In his memorandum of points and authorities in support of his objections to the Commission's return, Norberg stated: "'Bluff edge' is defined in Calif. Code of Adm.Regs., Title 14, § 13577(h) . . . ." He then proceeded to quote the provision and argue why the Commission's finding the bluff edge was located at the 103-foot elevation was not supported by substantial evidence.

Having lost on that argument in the trial court, Norberg now argues for the first time, on appeal, that the definition of "bluff edge" contained in California Code of Regulations, title 14, section 13577, subdivision (h) is inapplicable, for various reasons. He brings his argument too late.

As a matter of general appellate procedure, an appellant cannot raise an argument for the first time on appeal. (*Hogan v. Country Villa Health Services* (2007) 148 Cal.App.4th 259, 269.) Furthermore, Norberg did not file an appeal from the judgment ordering the issuance of a peremptory writ of mandate, so he cannot now challenge its directives. (*Los Angeles Internat. Charter High School v. Los Angeles Unified School Dist.*, *supra*, 209 Cal.App.4th at pp. 1354-1355; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 481; *Carroll v. Civil Service*

*Commission* (1970) 11 Cal.App.3d 727, 733.) On a related note, having previously agreed that California Code of Regulations, title 14, section 13577, subdivision (h) controlled the determination of the bluff edge location, as stated in the minute order, he cannot argue otherwise now. (*Talmo v. Civil Service Com.* (1991) 231 Cal.App.3d 210, 224; *Ballona Wetlands Land Trust v. City of Los Angeles*, *supra*, 201 Cal.App.4th at p. 481; cf. *Niles Freeman Equipment v. Joseph* (2008) 161 Cal.App.4th 765, 787 [failure to raise during administrative proceedings]; *City of Walnut Creek v. County of Contra Costa* (1980) 101 Cal.App.3d 1012, 1019-1021 [same].) Similarly, we may construe any error as invited error on Norberg's part. (*Mesecher v. County of San Diego* (1992) 9 Cal.App.4th 1677, 1685-1686.)

*C. Legal Framework:*

"The Coastal Act was adopted in 1976 and is codified at Public Resources Code section 30000 et seq. [Citations.] It has myriad purposes and goals and is a comprehensive scheme to govern coastal land use planning for the entire state. [Citations.]" (*Ross v. California Coastal Com., supra,* 199 Cal.App.4th at p. 923.)

Public Resources Code section 30251 requires, inter alia, that development along the coastline be designed "to minimize the alteration of natural land forms." The term "development" is defined to include "the placement or erection of any solid material or structure;" the grading or removing of any materials; the "change in the density or intensity of use of land . . . ;" and the "construction, reconstruction, demolition, or alteration of the size of any structure . . . ." (Pub. Resources Code, § 30106.)

Public Resources Code section 30253, at issue in this case, provides: "New development shall do all of the following: [¶] . . . [¶] (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and

cliffs." So, in issuing its permit and setting the conditions therefor, the Commission considered the mandate that Norberg's cliffside construction would maintain stability and structural integrity, would not cause or increase erosion or geologic instability, and would not "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." (Pub. Resources Code, § 30253.)

In so doing, the Commission considered the building setback, for each of the dwelling itself and the outdoor improvements, in relation to the edge of the bluff. Consequently, it was necessary to determine the location of the bluff edge.

California Code of Regulations, title 14, section 13577, subdivision (h) provides in pertinent part: "Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. *In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge*." (Cal. Code Regs., tit. 14, § 13577, subd. (h), italics added.)

*D. Determination of Bluff Edge Location:*

*(1) Original Commission findings and peremptory writ—*

On May 13, 2010, the Commission adopted certain findings. With respect to the location of the bluff edge, the findings acknowledged that Norberg's "site surveyor identified a bluff 'crest' generally located along the 72 foot to 80 foot contour elevation." However, based on the definition of "bluff edge" as contained in California Code of Regulations, title 14, section 13577, subdivision (h), "staff determines the bluff edge to be along the contour of the existing uppermost rock garden wall at approximately the 103 foot contour line. . . . The Commission staff geologist reviewed the topographic survey

of the site and determined the upper most break in slope to be at the upper most of the garden walls."

In its minute order dated October 4, 2011, the court stated: "The court agrees with [Norberg] the Commission[']s conclusion the bluff edge is 103 feet is not supported by substantial evidence but rather the generic and simplistic statements of non-testifying staff geologist. As pointed out the [administrative record] contains no memorandum, letters, e-mail or drawings as to what was relied on by this unidentified staff geologist. Juxtaposed against this oral hearsay is the substantial expert evidence of [Norberg] refuting the bluff line finding. [Record reference for undated letter from Lim.]"

*(2) Determination on remand—*

In response to the peremptory writ of mandate, and the October 4, 2011 minute order referenced therein, the Commission readdressed the location of the bluff edge, as defined in California Code of Regulations, title 14, section 13577, subdivision (h) on remand. It again determined that the bluff edge was located at the 103-foot elevation. Norberg asserts that the sole evidence the Commission relied upon on remand was an unsubstantiated memorandum by the Commission's staff geologist, Dr. Mark Johnsson, and that his memorandum does not constitute substantial evidence in support of the Commission's finding regarding the location of the bluff edge. We disagree on both points, for reasons we shall show.

*(a) Evidence*

*(i) Johnsson memorandum*

In his March 22, 2012 geotechnical review memorandum, Johnsson stated: "The coastal bluff at the site consists of a very steep sea cliff that extends from an elevation of approximately 86 feet to the beach below. The topographic survey submitted by [Norberg] identifies an 'edge of bluff' line near this point, although it cuts across contours and does not seem to correspond to the break in slope depicted by them. Above

this break in slope, a series of terraces separated by low walls *have been cut into the bluff*. . . . The uppermost wall is approximately coincident with the seaward edge of the existing deck at the site, and is at an elevation of approximately 103 feet. This is the top of the bluff, or the bluff edge, pursuant to CCR Title 14 § 13577(h), which states, in relevant part, that [¶] '[i]n a case *where there is a steplike feature at the top of the cliff face*, the landward edge of the topmost riser shall be taken to be the cliff edge.' [¶] This contour is more or less continuous with what I would identify as the bluff edge on the upcoast and downcoast properties . . . ." (Italics added.) Johnsson also stated that "[r]egardless of where the bluff edge may have been located before [the terraced] grading, it clearly now is at approximately 103 foot contour."

Johnsson identified a number of documents that he reviewed in performing his analysis. They included three reports and/or other documents from Geofirm, a letter from L.C. Smull, a letter from Felix Lim, and the site plans and topographic survey presented by Norberg.

*(ii) Documents reviewed by Johnsson*

The first of the five documents is an updated preliminary geotechnical investigation dated April 22, 2009, prepared for Norberg by Geofirm. Geofirm wrote that the site was "grossly stable, but that erosion of the fill and terrace materials behind the garden walls on the upper slope [might] occur episodically promoted by heavy rainfall and saturated conditions." Geofirm described the garden rock walls as having heights from three to five feet.

Geofirm also mentioned the property at 84 South La Senda, bordering Norberg's property on the north (and possessing a comparatively large patio area as observable in photographs in the record). Geofirm said that much of the backyard of the property at 84 South La Senda was located on fill placed over a former drainage gully, and that, historically speaking, infilling of that nature with scant remedial effort or compaction was "subject to eventual failure."

The second document was Geofirm's November 2, 2009 comments on the Commission's staff report condition No. 2. In that document, Geofirm opined that the proposed deepened foundation design would actually increase the dwelling's resistance to erosional threats.

Another of the documents was an undated letter Felix Lim wrote to the Commission on behalf of Norberg. Lim, who described himself as "an experienced designer of single family residences," opined that the bluff edge was at the 84-foot elevation, because the downward gradient of the surface increased more or less continuously from that point until it reached the general gradient of the cliff, and, in his view, this met the definition of bluff edge set forth in California Code of Regulations, title 14, section 13577, subdivision (h). Lim disagreed with the assertion that, pursuant to section 13577, subdivision (h), the bluff edge should be determined by the location of the uppermost terraced wall. He said: "Although there is a *terraced area* beneath a deck at the existing first floor, the terraced area is partially non[-]structural fill. *It is an altered condition* that appears to have existed as long as the house has been there *and is not an accurate depiction of the actual natural soil surface*." (Italics added.)

The documents also included a letter dated January 11, 2010 to Norberg from L.C. Smull, the owner of 88 South La Senda, located to the immediate south of Norberg's property. Smull wrote: "In 1992, there was a major slope failure on the oceanfront of homes located at 88, 90, 92, 94 and 96 South La Senda. The failure caused a massive slide of earth and rock onto the beach below. This severely damaged the foundations of several houses and the condemnation of the existing house at 94 South La Senda which had to be demolished. [¶] There also was a related collapse of a portion of the sewer tunnel along the cliff frontage which caused major repairs." He further stated: "From all of the geological reports that were obtained after the slide occurred to find out what caused the failure, there was one major theme that was mentioned—moisture. The dirt that was on top of the rock base below was wet. [¶] On or about October 22, 2009,

there was a slope failure on my slope at 88 South La Senda adjacent to the south of your property about ten feet above the beach. . . . I asked Geofirm to take a look at the problem to determine the cause if possible. The Geofirm response is outlined in their letter to you dated November 17, 2009, a copy of which is enclosed. This letter confirms that the slope on your property has 'significant free-running surface water'."

In the attached letter of November 17, 2009 addressed to Norberg, Geofirm wrote: "It has come to our attention that within the last two weeks a small, relatively shallow slope failure has occurred near the toe of the steeply descending bluff on the adjoining property to the south. [¶] During our site review we observed significant free running surface water on your portion of the slope adjacent to the failure. Based on our experience, the amount of water observed on your bluff face significantly reduces the local stability of onsite soils. Although such surficial instability may not pose an immediate risk to your existing improvements or residence above, progressive failures may eventually impact your site, and ongoing failures also pose a potential risk to persons on the beach below. [¶] . . . Therefore, our office recommends that the irrigation of onsite landscaping be reduced to minimize surface runoff and perching of groundwater on the underlying bedrock, which daylights on the bluff face. In an effort to effectively plan and manage site irrigation, our office recommends consulting with a landscape architect."

*(iii) Additional documentation before the Commission*

In addition to the aforementioned documents, the Commission had before it Geofirm's April 30, 2012 comment letter, in which Geofirm addressed what it referred to as "the landscape retaining wall." It stated: "Based on discussions with the homeowner, the landscape walls and terraces were artificially created by *cutting and filling the former natural slope*." (Italics added.)

Furthermore, Norberg himself sent the Commission a letter dated July 10, 2012. He wrote: "Behind the house above the top of the bluff was a gentle slope without any flat areas which we could use. To make the area more usable, in the 1950's and 1960's we put up several small walls to create level areas. You could view the ocean and sun yourself without feeling that you would be *sliding down a hill*. . . . [¶] None of these small walls was more than 3-4 feet high. They are not really retaining walls as they were put in without special engineering." (Italics added.) Norberg expressed confusion as to how the garden walls could have changed the bluff edge. However, he concluded, "if necessary, we will remove the walls and let the earth spread out *so that there are no level areas*." (Italics added.)

Finally, the Commission gave consideration to what it characterized as "unexpected bluff retreat episodes" that had occurred at four properties where coastal development permits had been issued previously.

*(b) Commission's findings*

In making its findings, the Commission specifically made note of Geofirm's opinion, as expressed in its April 22, 2009 geotechnical study, that the site was "considered to be grossly stable" and that "no faults were located on the property." The Commission also observed that Geofirm had reported: "*The bluff closest to the existing residence has been previously modified* with the construction of four backyard garden walls cut into the terrace deposits . . . . *These are subject to episodic erosion* from rainfall, sheet flow and weathering of the loose materials along the bluff top." (Italics added.)

The Commission also noted that Norberg had submitted a topographic survey marking a "bluff 'crest'" at the 72- to-80-foot contour elevation. However, the Commission observed that the "bluff line identified on the topographic survey cuts across contours and does not seem to correspond to the break in the slope depicted by them."

The Commission also evaluated Johnsson's March 22, 2012 memorandum. It specifically gave consideration to Johnsson's rationale for concluding that the bluff edge was at the 103-foot elevation, given the definition of "bluff edge" contained in California Code of Regulations, title 14, section 13577, subdivision (h). The Commission adopted Johnsson's viewpoint and found the bluff edge to be located at the 103-foot elevation.

*(c) Analysis*

*(i) Substantial evidence*

In making a substantial evidence determination, we resolve all reasonable doubts in favor of the findings and decision of the Commission. (*Paoli v. California Coastal Com.* (1986) 178 Cal.App.3d 544, 550.) Furthermore, we observe that staff reports are materials upon which the Commission is entitled to rely and that they may provide substantial evidence in support of the Commission's findings. (*Coastal Southwest Dev. Corp. v. California Coastal Zone Conservation Com.* (1976) 55 Cal.App.3d 525, 536.)

Here, the foregoing information shows there was substantial evidence to support the finding that the bluff edge was located at the 103-foot elevation. The opinion of Johnsson as the Commission's staff geologist was that, wherever the bluff edge may have been originally, pursuant to California Code of Regulations, title 14, section 13577, subdivision (h), the location of the bluff edge now had to be determined based on the terraces that had been cut into the slope and the walls that had been constructed thereon. In contrast, Lim, a "designer of single family residences," sought to ignore the portion of section 13577, subdivision (h) applicable when there are "steplike feature at the top of the cliff face." (Cal. Code Regs., tit. 14, § 13577, subd. (h).)

Norberg himself stated that without the terraces there were no level areas and one felt as if he or she were "sliding down a hill." Geofirm reported that the terraces had been "created by cutting and filling the former natural slope." Lim said the

artificially terraced area was "an altered condition . . . not an accurate depiction of the actual natural soil surface." That begs the question—once the terraces were cut and the walls erected, how could one accurately assess the former surface of the slope? We must agree with the Commission that once the surface was altered, the terraces were cut and the walls were erected, it was proper to apply the portion of the regulation applicable when there are "steplike feature[s] at the top of the cliff face." (Cal. Code Regs., tit. 14, § 13577, subd. (h).) Determined in this way, there is substantial evidence to show that the bluff edge, as defined in California Code of Regulations, title 14, section 13577, subdivision (h), was at the 103-foot elevation.

*(ii) Norberg's arguments*

Norberg disagrees. He contends it is the law of the case that the unsupported opinion by the unnamed staff geologist did not constitute substantial evidence that the bluff edge is at 103 feet. He says that on remand, the only additional evidence was the March 22, 2012 memorandum of Johnsson, "whose previous hearsay statements had not provided substantial evidence to support the designation of the bluff edge at elevation 103." Norberg asserts that the court erred in concluding that this one piece of evidence could constitute substantial evidence. He also says that expert opinion cannot constitute substantial evidence when not supported by evidence in the record.

In so stating, Norberg discounts the fact that when the Commission adopted the revised findings on remand, the staff geologist had been identified, had provided his analysis in a written report, and had supported that report by reference to a number of documents contained in the administrative record, including documents prepared by Norberg's own representatives. That evidence, as we have already discussed, constituted substantial evidence that the bluff edge should be placed at the 103-foot elevation, at the location of the uppermost garden wall.

Norberg chastises Johnsson for failing to accept the bluff edge designation, at about 86 feet, as marked on a topographic survey provided by Geofirm. Johnsson had

observed that the demarcation "cut[] across contours and [did] not seem to correspond to the break in slope depicted by them." Norberg claims that, in order to reach this conclusion, Johnsson made "speculations from an aerial photograph showing thick vegetation obscuring the cliff and upper slope . . . ." We disagree. Johnsson provided a lengthy technical critique of the topographic survey in question. Although he did comment that a determination the bluff edge was at the 103-foot elevation provided a continuous contour with both upcoast and downcoast properties as shown in a particular California Coastal Records Project image, this comment did not eviscerate his analysis of the topographic survey in question.

Norberg characterizes as "absurd" Johnsson's opinion that the portion of California Code of Regulations, title 14, section 13577, subdivision (h) pertaining to "steplike feature[s] at the top of the cliff face" defines the location of the bluff edge in this case. To interpret the statute this way, Norberg says, would be to make boundaries "weave in and out according to minor cuts between arbitrary property lines rather than the geologic structures described in [section]13577." Norberg ignores the fact that, as Lim stated on his behalf, the terraced area was "an altered condition . . . not an accurate depiction of the actual natural soil surface." Norberg does not explain how a determination of the natural geologic slope was to be made after he (or his family) had altered it with cut and filled terraces and walls.

He cites a page of the Commission's July 10, 2012 addendum, generated in response to communications from Norberg's legal counsel. He points out language of that addendum stating: "The Commission generally makes bluff-edge determinations consistent with the existing conditions of the natural landform." (Boldface and underscoring omitted.) He omits to discuss the succeeding language regarding the fact that natural landforms can be changed by a variety of methods, including "when a property-owner cuts into and removes natural materials during grading operations

resulting in a landward migration of the bluff-edge." (Boldface and underscoring omitted.)

Norberg also omits to mention the Commission's discussion of the materials provided by his own geologists—Geofirm. The Commission observed that Geofirm had provided a cross-section of the topography of Norberg's property, which depicted Geofirm's opinion of where the former natural profile of the site was, by using a dotted line portraying the former natural slope profile over the terraced areas. However, the Commission observed that Geofirm had provided no documentation to support its depiction of the former natural slope profile. Just as importantly, perhaps, the Commission also noted that if Geofirm's opinion as to the location of the former natural slope profile were correct, the existing residence would arguably protrude beyond the location of the natural bluff edge.

The Commission concluded that considering the lack of definitive evidence with respect to the former natural slope profile, it would be most consistent with California Code of Regulations, title 14, section 13577, subdivision (h) to determine the bluff edge to be at the 103-foot elevation. It indicated that this finding was beneficial to Norberg, because if it relied on the Geofirm depiction instead, it would conclude that the bluff edge was farther landward than the 103-foot elevation.

Norberg nonetheless argues that the purpose of bluff edge determinations is to assure stability and structural integrity, as required by Public Resources Code section 30253. He argues that the portion of California Code of Regulations, title 14, section 13577, subdivision (h) pertaining to "steplike feature[s] at the top of the cliff face" has nothing to do with stability and structural integrity and that the Commission cannot employ the section 13577, subdivision (h) definition of "bluff edge" to establish a setback requirement that has nothing to do with stability and structural integrity. This is particularly true, he argues, in the face of the Geofirm opinion that the site is stable. These arguments are all derivative of Norberg's current position that section 13577,

subdivision (h) should not govern and that the question on appeal should not be the one determined at the trial level—the location of the "bluff edge" from which the Commission establishes setbacks. As we have already explained, it is too late to make this argument.

*E. Commission Concerns re Stability and Structural Integrity:*

In any event, in imposing the conditions it did, it is clear the Commission was indeed concerned with stability and structural integrity. It provided background information explaining its concerns. The following information is taken from the June 21, 2012 staff report, later adopted by the Commission.

"Bluff stability has been an issue of historic concern throughout the City of Laguna Beach. The Commission has traditionally followed a set of setback and string-line policies as a means of limiting the encroachment of development seaward to the bluff edges on coastal bluffs and preventing the need for the construction of revetments and other engineered structures to protect new development on coastal bluffs."

"In the project vicinity, the Commission typically imposes either a minimum bluff edge setback of 25 feet from the edge of the bluff for primary structures (e.g. the enclosed living area of residential structures) and minimum of 5 to 10 foot setback for secondary structures (e.g., patios, decks, garden walls) or requires conformance with the stringline setbacks. . . . A stringline is the line drawn between the nearest adjacent corners of the residences that are adjacent to the subject property. A stringline setback allows an applicant to have a setback that averages the setback of the adjacent neighbors provided it is otherwise consistent with Coastal Act policies. . . . The structural stringline setback applies to enclosed structural area and the deck stringline applies to minor development such as patios and decks. . . . The intent of the setback is to substantially reduce the likelihood of proposed development becoming threatened *given the inherent uncertainty in predicting geologic processes in the future, and to allow*

*for potential changes in bluff erosion rates as a result of rising sea level*." (Italics added.)

"Although, the existing residence is located approximately 12 feet from the bluff edge, as identified by the Commission's staff geologist, the existing residence meets the stringline setback for principal structures along this segment of shoreline. . . . Due to the geologic stability present onsite, the Commission finds that a minimal geologic setback is appropriate in this case."

"Additionally, the Commission typically imposes a setback for hardscape/patio type development. . . . The proposed hardscape development includes a new approximately 36' long by 10' wide on-grade concrete patio with spa and outdoor shower to be constructed directly beneath an existing 27' long by 13' wide (355 sq. ft.) wood balcony deck and a half-spiral stair from the balcony down to the proposed new concrete patio. The existing wood balcony deck . . . overhangs the 103 contour line giving the existing wood balcony deck a zero (0) setback from where the Commission has identified the bluff edge."

"Although the proposed ground level concrete patio improvements meet the patio stringline, conformance solely with stringline would result in a zero (0) foot setback from the bluff edge. *While the rate of erosion is minimal at this site, a zero foot setback would not be adequate to accommodate even minimal erosion.* In Three Arch Bay, the Commission has found that in some cases, a 5-foot bluff edge setback is the minimum necessary for accessory structures . . . ; typically a 10-foot bluff edge setback is applied for accessory structures. The proposed new ground level patio improvements do not meet the minimum 5-foot bluff edge setback typically applied in this area for secondary structures. Therefore, the Commission imposes Special Condition 4 requiring revised final plans bringing all proposed ground level patio improvements into conformance with the minimum 5-foot bluff setback for accessory structures." (Italics added; boldface omitted.)

The staff report also discussed the information from Smull and Geofirm regarding neighboring slope failures in 1992 and 2009, the impact of Norberg's watering, and Geofirm's recommendation that Norberg reduce irrigation in consultation with a landscape architect. The staff report continued: "As seen from the past history of bluff erosion on the adjacent properties, surficial soils may slough off the bluff face, undermining the patio improvements proposed with a 0 ft. setback seaward of proposed residential addition. This is additional support for the minimal 5 ft. setback required through Special Condition 4. As stated above, *the proposed design would not accommodate even a minimal erosion rate and concerns from undermining of the patio could lead to requests for additional stabilization measures on the bluff face*." (Boldface omitted; italics added.)

"To further address potential instability of the on-site soils on the bluff related to significant amounts of irrigation, the Commission is requiring Special Condition 7. The condition requires a report from a soils engineer or geologist recommending irrigation watering limitations on the property. . . . However, as a preventative measure, the condition does not allow irrigation watering of the bluff beyond the bluff edge at the 103 ft. contour . . . ." (Boldface omitted.)

As we can see, Norberg's argument that the Commission's setback requirement was arbitrary and had nothing to do with stability and structural integrity is unfounded.

*F. Condition No. 2 Findings:*

*(1) Revised condition No. 2A—*

Public Resources Code section 30253, subdivision (b), as we recall, provides that any new development shall "[a]ssure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or *in any way require the construction of protective*

*devices that would substantially alter natural landforms along bluffs and cliffs*." (Italics added.)

Given this statutory mandate, the Commission's original condition No. 2A provided: "By acceptance of this Permit, [Norberg] agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-09-105 . . . . By acceptance of this Permit, [Norberg] hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235."[3]

In ordering the Commission to set aside condition No. 2A, the court emphasized the portion of Public Resources Code section 30253, subdivision (b) providing that new development shall not "require the construction of protective devices *that would substantially alter natural landforms along bluffs and cliffs*." (Italics added.) It noted that the Commission had improperly omitted the quoted, qualifying language.

On remand, the Commission revised condition No. 2A to read: "By acceptance of this Permit, [Norberg] agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) *that would substantially alter natural landforms along bluffs and cliffs* shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-09-105 . . . . By acceptance of this Permit, [Norberg] hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices *that would substantially alter natural landforms along bluffs and cliffs* that may exist under Public Resources Code

---

3 Public Resources Code section 30235 provides in pertinent part: "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply."

Section 30235." (First italics added, second italics in original; boldface and underscoring omitted.) Norberg concedes that, on remand, the Commission complied with the writ.

*(2) Language of staff report—*

What Norberg attacks now is certain language contained in an addendum to a Commission staff report. As we shall show, the language in question was offered in response to correspondence from Norberg's attorney.

On remand, a June 21, 2012 staff report recommended the approval of Norberg's permit application subject to certain conditions. Those conditions included condition No. 2A, addressed above, and condition Nos. 2B and 2C, addressing what would happen if a government agency declared the improvements to be uninhabitable due to hazard or if the bluff edge receded to within five feet of the dwelling.

In his July 6, 2012 letter commenting on the staff report, Norberg's attorney stated that Norberg had a right to seek "a permit for a protective device that would not 'substantially alter natural landforms along bluffs and cliffs.'" However, the attorney construed condition Nos. 2B and 2C as precluding the right to seek a permit to construct such devices in the area between the 84-foot elevation and the 103-foot elevation.

The attorney wrote: "The [staff] findings acknowledge that the area lying between the 103 foot contour and approximately 84 foot contour has been substantially altered from the natural landforms with the pre Coastal Act installation of garden walls, terraces and a railroad tie stair. Any protective device Norberg might propose in this area would not 'alter natural landforms' as there are no natural landforms to be altered." These statements could be construed as an attempt on Norberg's part to obtain an advance determination that he could build unrestricted shoreline protective devices on the portion of the bluff situated between the 103-foot and 84-foot contour lines.

In response to the attorney's correspondence, the July 10, 2012 addendum to the staff report states: "As discussed . . . , much of the alteration between the 103 foot and 84 foot contours of the coastal bluff occurred without benefit of a coastal

development permit and are not pre-Coastal Act. Nevertheless, altering (grading) a coastal bluff does not turn it into an 'artificial landform,' it is still a natural landform—one that has been altered. An artificial landform is one that did not exist prior to grading (i.e., a landfill, an open pit mine, etc.)" (Italics, underscoring, boldface and fn. omitted.)

Norberg now challenges the last two sentences quoted above,[4] as he did in his objections to the Commission's return,[5] stating that they are inherently contradictory and that the plain meaning of the words "natural landform" cannot apply to Norberg's terraces. More importantly, Norberg argues: "If not stricken, this language will be used as administrative res judicata of the fact that [Norberg's] back yard is a natural landform. The purpose will be to deny some future project to the rear of the house on the grounds that the altered land surface is actually a natural landform. . . . The effect of the finding is to avoid the trial court's unchallenged construction of Public Resources Code § 30253 and to reinstate the practical effect of prior Special Condition No. 2."

We disagree. It is undisputed that the Commission complied with the peremptory writ of mandate when it revised condition No. 2A to prohibit only "bluff or shoreline protective device(s) that would substantially alter natural landforms along bluffs and cliffs." As we have already discussed, the fact that the bluff has been landscaped with terraces affects the way in which the location of the bluff edge is determined under California Code of Regulations, title 14, section 13577, subdivision (h). However, that regulation does not define "natural landforms" for the purposes of Public Resources Code section 30253. Moreover, just because the bluff has been landscaped with terraces, that does not mean it has been transformed into something other than a natural landform the Coastal Act was designed to protect. (Pub. Resources Code,

---

4 Condition Nos. 2B and 2C are not at issue on appeal.

5 In ruling that the Commission had complied with the writ, the court did not specifically respond to Norberg's attack on the language in the addendum to the staff report.

§ 30251.) We cannot say, for example, that if Norberg wanted to cut deep into the rock at the 84-foot contour line and construct a massive retaining wall to protect his patio, it should be a foregone conclusion that he has an unfettered right to do so on the theory that the bluff is no longer a natural landform. The application of unchallenged condition No. 2A to such facts as may develop in the future is a matter left for another day.

In short, Norberg has not met his burden to show that the wording of the July 10, 2012 addendum should be stricken.

*G. Request for Judicial Notice:*

The Commission has filed a request for judicial notice. It draws to this court's attention the fact that Norberg is raising certain issues on appeal that he did not raise in the trial court, related to whether California Code of Regulations, title 14, section 13577, subdivision (h) governs at this point. The Commission requests that if we choose to address those issues, then we take judicial notice of a January 16, 2003 memorandum by Johnsson addressed to the Commission and an excerpt from the City of Laguna Beach Land Use Element.

Norberg has not filed an opposition, as permitted by California Rules of Court, rule 8.54(a)(3). The failure to timely file an opposition "may be deemed a consent to the granting of the motion." (Cal. Rules of Court, rule 8.54(c).) Norberg seeks to circumvent the application of this rule by including untimely objections to the request for judicial notice in his appellant's reply brief. Norberg has not followed proper procedure in presenting his objections and we need not consider them.

Nonetheless, we find his objections to be quite interesting. We observe that Norberg's appellant's appendix already contains his favorite two pages out of Johnsson's 23-page memorandum. Those two pages were attached to a July 6, 2012 letter from Norberg's attorney to the Commission. However, when it comes to the suggestion that the court take judicial notice of the entire memorandum, not just the selected portions,

Norberg claims that Johnsson's memorandum constitutes neither an official record of the Commission nor a formal policy of the Commission. He contends it is not properly the subject of judicial notice. Norberg just wants us to consider in isolation the two pages of the memorandum he views as favoring his position because he was able to get those two pages, unencumbered by the other 21, into the appellant's appendix.

No matter. As we have said already, we will not consider the issues Norberg raises for the first time on appeal. Consequently, we need not address the propriety of taking judicial notice of the documents in question. They are irrelevant to the matters at issue on appeal, so we deny the request for judicial notice. (*Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 544, fn. 4; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1135, fn. 1.)

III

DISPOSITION

The order discharging the writ is affirmed. The request for judicial notice is denied. The Commission shall recover its costs on appeal.

MOORE, ACTING P. J.

WE CONCUR:

FYBEL, J.

THOMPSON, J.

CITY OF SANTA BARBARA
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

# INITIAL STUDY/ ENVIRONMENTAL CHECKLIST
## PROJECT: 1925 EL CAMINO DE LA LUZ RESIDENCE
### Application Number MST 2013-00240

*January 22, 2016; Revised February 3, 2016; Revised June 22, 2016*
**Adopted July 7, 2016**

This Initial Study has been completed for the project described below because the project is subject to environmental review under the California Environmental Quality Act (CEQA), and was determined not to be exempt from the requirement for the preparation of an environmental review document. The information, analysis and conclusions contained in this Initial Study are the basis for deciding whether a Negative Declaration (ND) or Environmental Impact Report (EIR) is to be prepared. Additionally, if preparation of an EIR is required, the Initial Study is used to focus the EIR scope of analysis on potentially significant effects that require further analysis.

An ND or Mitigated ND (MND) may only be prepared if all environmental impacts of the project can be clearly determined to be less than significant or mitigated to less than significant levels with project refinements or other measures, and if the project applicant has agreed to all mitigation measures identified in an MND that are needed to avoid or reduce potentially significant impacts. Preparation of an Environmental Impact Report (EIR) is required to further analyze impacts that are significant or are unknown and potentially significant, including identifying any feasible mitigation measures or project alternatives to avoid significant impacts or reduce them to less than significant levels.

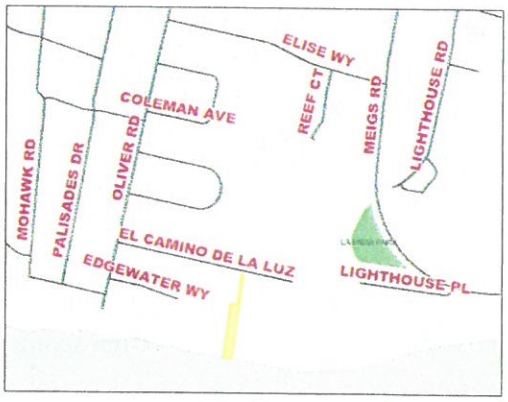
Revisions to the text of this report made since the Draft MND public review period are shown in underline/strike-out format. A summary of comments on the Draft MND and staff responses are located in Exhibit H to this report; public comment correspondence is located in Exhibit I (separately bound).

## LEAD AGENCY
Planning Division, City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102
Staff Contact Person/ Phone Number: Kathleen Kennedy, Associate Planner (805) 564-5470, ext. 4560

## APPLICANT/ PROPERTY OWNER

| | |
|---|---|
| Applicant: | Clay Aurell, AIA, LEED AP, AB Design Studio |
| Applicant Representatives: | Richard C. Monk, Hollister & Brace |
| | Steven H. Kaufmann, Richards, Watson & Gershon |
| | Norbert H. Dall, Dall & Associates |
| Owner: | Emprise Trust |

## PROJECT ADDRESS/LOCATION
The project site address is 1925 El Camino de la Luz, a 20,046 square-foot coastal flag lot located on the south side of El Camino de la Luz public street and north of the Pacific Ocean Mean High Tide Line, in the western Mesa residential neighborhood of the City of Santa Barbara, and within the appealable jurisdiction of the California Coastal Zone.



## PROJECT DESCRIPTION

(See Exhibit A-Project Exhibits, including site plan and site sections, and Exhibit D1 visuals.)

**Project Components:** The proposed project is the development of a 2,789 square foot (net) stepped three-story single-family residence (2,096 square-foot lot coverage, 30 foot maximum height, with a deep caisson and grade beam foundation). The project would be located approximately 169 feet landward of the lower coastal bluff step on the previously developed 0.45 acre (20,046 square-foot) parcel.

Associated project improvements would include a two-car garage (571 net square feet), private open space (3,152 square feet), driveway widening and vegetation restoration, hardscape and infrastructure improvements, three subsurface water storage tanks/ one with a lap pool; drainage and storm water/water quality management system, utility connections, and vegetation restoration and landscaping with native, drought-tolerant species and compatible ornamental plants. Total square footage of residence and garage structures is 3,360 square feet (net).

The development would entail initial demolition and removal of some existing infrastructure and debris (e.g., concrete paving and fencing, landslide debris removal), and site stabilization and foundation design utilizing deep caissons into bedrock, shear-pins, and tie backs. The project includes offers to dedicate to the City a lateral public recreational access easement across the beach area of the parcel, an open space easement on the undeveloped area of the property, including native species lemonade berry vegetation downslope of the development envelope, an air space public view corridor easement on the property from El Camino de la Luz over the parcel, to preserve public views of the ocean from the street, and access to retained storm water for municipal (non-potable) use.

The project design was refined (project plans dated 04-25-16) since release of the Draft Mitigated Negative Declaration in response to conceptual review comments of the Single Family Design Board (February and May 2016), including reduction of the overall structure size, reduction in height of the level 2 living area to 25 feet (with maximum structure height remaining at 30 feet), architectural modifications to further step the building into the slope, increased vegetation screening around the exterior of the residence, materials changes to reduce reflective materials, and an earth tone color palette to blend the project into the site when viewed from a distance.

**Site Preparation and Construction Process:** Grading for site preparation would involve an estimated 1,180 cubic yards cut and fill, balanced on site within an estimated 9,345 square foot previously graded area. Geophysical stabilization of the site is proposed using a caisson and grade beam foundation with shear-pins and tie-backs (using drilling and poured in place construction rather than pile driving), drainage improvements, and vegetation plantings. Structural development would occur within a 7,892 square foot footprint; driveway augmentation would involve an additional 540 square feet of pavement.

Equipment, materials, and vehicle staging and parking for the project construction process would be on the site (for work on driveway, easterly side yard, and erosion control/runoff filtration), and by temporary easement on the adjacent site at 1921 El Camino de la Luz. Site preparation on the adjacent property would involve some vegetation removal, minor grading for access ramp, and installation of erosion control/water quality devices, with the adjacent property to be restored and revegetated with native and compatible species as part of the approved project landscape plan following completion of construction (project plans 04-25-16).

The construction process would involve three phases with the following estimated durations within an overall 1.3 year period (70 weeks): Phase 1 - demolition (four weeks), Phase 2 - grading (six weeks), Phase 3 - site preparation and sequential construction, including installation of shear pins and tie backs, foundation, driveway, infrastructure, storm/ground water management system, residence exterior, appurtenances, and planting of restoration vegetation and landscaping. Workers would utilize mechanized, electrical, stationary, and hand-held equipment and vehicles, including pick-ups, vans, trucks, backhoe, excavator, small crane, boom and drywall lifts, bulldozers, drilling rigs, jackhammer, drills, and saws, and temporary controls for noise, dust, and runoff.

**Required Discretionary Actions:** The project requires approval of a Coastal Development Permit by the City of Santa Barbara Planning Commission (decision appealable to the City Council, and to the California Coastal Commission). The project also requires project design approval by the City of Santa Barbara Single Family Design Board.

**Other Public Agency Approvals Required:** The project requires approval of grading and building permits from the City of Santa Barbara Community Development Department, and Public Works permit for improvements in public right-of-way.

## ENVIRONMENTAL SETTING

### Summary of Existing Site Characteristics

Topography: The property begins at the Mean High Tide Line (MHTL) of the Pacific Ocean, and north of the beach incorporates a coastal sea cliff and bluff, with the property extending upslope to the south side of El Camino de la Luz. The overall average slope gradient of the property is 37.3%, and the proposed development envelope has an average slope of 27.6%. Over the length of the site, elevations range from an approximate 4.63 foot elevation at the coast to a 140 foot elevation at the top of the site next to the El Camino de la Luz public road. The project residence is proposed mid-site between the 80 and 130 foot contours, approximately 169 feet upslope (north) from the lower cliff location.

Biological Resources: The undeveloped slope below the previous and proposed development location has native species vegetation in the coastal sage scrub (0.14 acre, predominately lemonade berry) and coastal bluff scrub (0.04 acre, including cliff aster) plant communities. No designated rare or endangered species are known to occur on the site.

Cultural Resources: The lower half of the site is identified as potentially sensitive for prehistoric subsurface archaeological sites. The site contains no known historic or archaeological or other cultural resources.

Creeks and Drainage: The project site contains no creeks. The nearest water courses are the Pacific Ocean directly south of the parcel and Lighthouse Creek approximately 450 feet to the east of the parcel. Runoff from the parcels fronting both sides of El Camino de la Luz east of Oliver Road is captured by the street pavement, berms, curbs, gutters, and storm drain inlet. The existing drainage pattern on the site is primarily downslope with some overland flow.

Flooding/Fire Hazard: The coastal beach portion of the site is within Federal Emergency Management Agency (FEMA) Zones VE and AE for coastal high flood risk area subject to storm waves. The lower portion of the project parcel below the lower bluff tier (an area outside of the proposed development envelope) is within the identified tsunami run-up area. The site is not within a high fire hazard area.

Geologic/Seismic Conditions: The site is subject to unstable slopes and high landslide potential, high erosion potential, and sea cliff retreat. A 1978 landslide on the property swept away the prior residence. In 1978, debris removal, grading, slope stabilization, and vegetation planting work was done for landslide repair, and in 1984 further grading and drainage modifications for landslide repair occurred on several parcels affected by the landslide. Geologic units on the site include landslide deposits on the lower slope, Monterey Formation mid-slope, and Quaternary Marine Terrace deposits at the upper portion of the property nearest the street.

Hazardous Materials: The site is not listed on hazardous materials contamination lists and no known contamination exists. Some landslide debris remains on the site.

Noise: The project is not located next to major transportation corridors, and average ambient background noise levels are low, less than 60 decibels (dBA CNEL or Ldn).

*Sources: Applicant information and technical reports; City Master Environmental Assessment*

### Existing Land Use

Existing Facilities and Uses: The site was previously developed with a residence that was lost in the 1978 landslide. The site is presently vacant except for some public and private infrastructure that remains on the site (e.g., driveway, fencing, utility pole and overhead lines, subsurface utility conduits), and the existing City Mesa Trunk Line wastewater line that crosses the site above (north of) the proposed residence location. The site has no existing residential dwelling or active residential use. The lower portion of the site has been reported to have had unauthorized use as a homeless encampment accessed from the coast.

Access and Parking: Existing vehicle and pedestrian access to the site from adjacent El Camino de la Luz is via an existing narrow paved driveway at the top (northern) portion of the site, and does not currently extend to the proposed location for residence development. The site has no existing formal developed parking spaces. No existing or proposed public recreational trails are specifically located on the parcel, however the proposed general alignment of the California Coastal Trail along the West Mesa includes the

back beach area of the parcel, along with closest roads parallel to the coast. A recorded private access easement also exists that provided for a former footpath from 1927 El Camino de la Luz across 1925 El Camino de la Luz to the beach (*Preliminary Title Report, 2015*). The path no longer exists due to the landslide.

**Neighboring Land Uses and Characteristics**

Development: The surrounding residential neighborhood in the Mesa area of Santa Barbara is largely developed with detached single family residences of mostly one-and two-story structures, including older and remodeled homes and newer replacement homes. A study of the twenty nearest homes in the vicinity of the project site identified a range of home sizes of 1,388 square feet to 6,137 square feet (including garages), with an average size of 2,713 square feet (Exhibit D2). The project proposal is for a 3,360 square foot structure for the residence with garage.

Open Space: To the south of the line of residences along the south side of El Camino de la Luz are vegetated coastal bluffs sloping down to the beach and ocean.

## PROPERTY CHARACTERISTICS

| | |
|---|---|
| **Assessor's Parcel Number:** 045-100-024 | **General Plan Designation:** Local Coastal Program Component 2 (the Mesa); Residential, up to 5 dwelling units/acre |
| **Zoning:** E-3/SD-3, One-Family Residence Zone (7500 square foot minimum lot size)/ Coastal Overlay Zone | **Parcel Size:** 20,046 square feet (0.46 acre) |
| **Existing Land Use:** Vacant | **Proposed Land Use:** Single family residence |
| **Slope:** Average slope gradient of 27.6% for development envelope, 37.3 % overall | |
| **SURROUNDING ZONING:** | |
| **North:** Residential E3/S-D-3 zoning districts | **East:** Residential E3/S-D-3 zoning districts |
| **South:** N/A. Beach land use designation and undesignated zoning (south of the Mean High Tide Line are the beach and Santa Barbara Channel of the Pacific Ocean under State of California jurisdiction) | **West:** Residential E3/S-D-3 zoning districts |

## PLANS AND POLICY DISCUSSION

The following provides an initial discussion of potential project consistency or inconsistency with applicable plans and policies.

**Land Use and Zoning Designations:** The proposed project for one single family residence on a 20,046 square foot lot would be consistent with the Local Coastal Plan (LCP) Residential land use designation and the Zoning designation of E-3, One-Family Residence (7500 square foot minimum lot size).

The project is located within the appealable jurisdiction of the Coastal Zone and the City Coastal Overlay Zone (S-D-3). The project requires approval of a Coastal Development Permit (CDP). A CDP approval requires findings that the project would be consistent with policies of the California Coastal Act and City Local Coastal Plan and implementing guidelines, and applicable provisions of the Municipal Code.

**Coastal Policies:**

*Public Access and Recreation Resources*: Coastal policies seek to retain, preserve, and improve public access along the shoreline and coastal recreation facilities. The project would not impede public access along the beach and would improve it with an offer for a lateral public recreational access easement along the back beach. *Potentially consistent.*

*Visual and Biological Resources*: Coastal visual policies direct protection of scenic resources and character, and direct that development on hillsides not substantially modify natural topography and vegetation. The analysis in the visual resources section below (Section 1) finds no substantial change to public scenic views or onsite visual character and no significant visual impacts, with recognition of the existing residential context, limited scope and lower elevation siting of the project, proposed air space public view corridor easement and open space easement, grading envelope average slope of less than 30%, limited grading balanced on site which would not substantially modify topography, project design, vegetation restoration and landscape, and screening components. The biological resources analysis below (Section 3) finds no significant, unmitigable biological impacts, with recognition that two-thirds of the property would remain in native vegetation, restoration and landscape with native and compatible low-lying, drought-tolerant vegetation, open space easement, and temporary measures to protect resources during project construction. *Potentially consistent.*

*Coastal Hazards*: Coastal policies direct that projects will minimize risks from landslides, erosion, sea cliff retreat, flooding and other hazards, and avoid exacerbating effects to coastal landforms. The analysis in Section 12 finds that the project would not result in significant effects associated with flooding or storm water management. The Section 5 analysis finds that the project would not result in significant, unmitigable impacts associated with geologic hazards and coastal landform resources, with recognition of geologic conditions, substantial development setback from the coast, and proposed slope stability, drainage and erosion control, and vegetation components of the project.

The area has unusual topography with variable slopes, and coastal guidelines for determining the bluff edge could be interpreted differently in their application to the site. If the site is determined to have a bluff edge near the top of the site (127 foot elevation), the proposed project could potentially be found inconsistent with coastal policies that prohibit most development on the bluff face (LCP Policy 8.2) and direct the establishment of development setbacks from the bluff edge and areas meeting minimum factor of safety criteria for slope stability without stability devices (Coastal Act Policy 30253 and *Establishing Development Setbacks from Coastal Bluffs* guidelines).

Under either a lower or upper bluff edge determination, the property does not contain a developable location meeting the minimum factor of safety criteria for slope stability that would allow development without slope stability devices. The project therefore could potentially be found inconsistent with guidelines for development setbacks from the coastal bluff edge based on guidelines for stability factor of safety criteria. A portion of the existing driveway nearest El Camino de la Luz, an area of approximately 1312.5 square feet (105 length and 12.5 width), meets the factor of safety criteria but is not developable (shared driveway access with adjacent parcel, and narrow width that would not meet City development standards). There is a small potentially developable area of approximately 740 square feet (20 feet by 37 feet) located north of the 127 foot elevation (upper bluff step) between the existing driveway and the proposed project development envelope which would not conflict with the policy bluff face development restriction if the upper bluff step is determined to be the bluff edge, but which does not meet minimum factor of safety criteria for stability without use of stability devices. There is not a location meeting the minimum safety criteria without stability devices that would accommodate the proposed project level of development, or a large enough area north of the upper bluff step (127 foot elevation) that would accommodate the proposed project level of development.

However, as proposed with substantial setback from the coast, slope stability devices, drainage controls, and vegetation, the project would provide for project safety and would meet factor of safety criteria for stability with proposed stability devices, would improve and not exacerbate hazards associated with slope instability, landslide, and erosion, and would not substantially affect coastal processes or landforms or require coastal armoring, such that the potential policy conflicts would not result in a significant, unmitigable environmental impact. *Potentially inconsistent.*

**Ordinance Provisions:** As discussed in various sections of the analysis below, the project could comply with applicable City Municipal Code provisions for development and residential use, including zoning requirements, development permitting procedures, grading, building, and landscape design, lighting, energy efficiency, provision of public improvements and utilities, construction provisions, storm water management, fire code provisions, noise ordinance, parking requirements, etc.

## LAND USE COMPATIBILITY

Certain land uses have the potential to result in conflicts with existing surrounding land uses or activities. Typically, development applications for General Plan Amendments, Rezones, Conditional Use Permits, Performance Standard Permits, and certain Modifications have the greatest potential to result in land use compatibility issues. Conflicts can result from generation of noise, odor, safety hazards, traffic, visual effects, or other environmental impacts. This Initial Study provides analysis of land use compatibility issues within the primary environmental impact sections (i.e. noise, air quality, etc.). However, in instances where an impact does not rise to a level of significance, land use compatibility concerns may still exist due to adverse but less than significant impacts. These effects will be considered by decision-makers at the time that the proposed project's merit and permit requests and conditions of approval are considered.

## ENVIRONMENTAL CHECKLIST

The following checklist contains questions concerning potential changes to the environment that may result if this project is implemented. The potential level of significance should be indicated as follows:

Class 1 Impacts - Significant: Known substantial environmental impacts. Further review needed to determine if there are feasible mitigation measures and/or alternatives to reduce the impact.

Potentially Significant Impacts: Unknown, potentially significant impacts that need further review to determine significance level and whether mitigable.

Class 2 Impacts - Potentially Significant, Mitigated: Potentially significant impacts that can be avoided or reduced to less than significant levels with identified mitigation measures agreed-to by the applicant.

Class 3 Impacts - Less Than Significant: Impacts that are not substantial or significant.

Class 4 Impacts - Beneficial: Impacts would improve environmental conditions.

No Impact or Not Applicable (NA): Project would not cause any impact.

If analysis of an environmental impact is provided by an earlier CEQA environmental document (environmental impact report, negative declaration, etc.), this is indicated by a checkmark on the table.

A summary of environmental analysis guidelines used in evaluating project effects to determine impact significance levels is provided in Exhibit B.

*Note: A recent CEQA case law ruling by the California Supreme Court (CA Building Industry Association v. Bay Area Air Quality Management District, Opinion S213478, December 17, 2015) held that CEQA analysis is primarily for identifying project impacts on the environment and does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. The ruling held that CEQA does mandate analysis of how a project might exacerbate existing environmental hazards, which could include consideration of risk impacts to project users or residents. CEQA also requires analysis of environment risks to residents or users where the project in question falls into certain specific statutory categories governing school, airport, and certain housing projects under CEQA sections 21151.8, 21096, 21159.21, 21159.22, 21159.23, 21159.24, and 21155.1. The State Resources Agency has not proposed or adopted revised CEQA Guidelines to implement this change. The following Initial Study analysis is based on the guidance and model checklist in the existing State CEQA Guidelines, which includes full evaluation of project impacts associated with existing environmental hazards, including geologic hazards. It is permissible that CEQA documents contain more analysis than the minimum requirements under CEQA, however, under the new ruling, the analysis of impacts associated with effects on project residents or users from existing environmental conditions are generally not considered environmental impacts for purposes of CEQA review.*

| 1. VISUAL RESOURCES<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Have a substantial adverse effect on a public scenic vista or a private scenic vista enjoyed by a large portion of the community? | Class 3 - Less than significant impact<br>View easement – Class 4- Beneficial impact | The General Plan Program EIR (2011) analyzed citywide cumulative visual impacts of new development to the year 2030. |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | Class 3 - Less than significant impact | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | Class 3 - Less than significant impact | |
| d) Result in substantial grading on steep slopes or permanent substantial changes in topography involving substantial visual effects? | Class 3 - Less than significant impact | |
| e) Create a new source of substantial light or glare which would adversely affect day and nighttime views in the area? | Class 3 - Less than significant impact | |

## Visual Resources – Existing Conditions and Project Impacts

**1.a) Scenic Views.** The City Master Environmental Assessment Map identifies the site as a shoreline visual location. The City's Local Coastal Plan (LCP) Policy 9.1 identifies coastal scenic views as important visual resources, stating: "The existing views to, from, and along ocean and scenic coastal areas shall be protected, preserved, and enhanced. ..." The LCP map of Visual Resources in the Coastal Zone identifies representative public views from Cliff Drive above El Camino de la Luz seaward as neutral or negative due to view impairments (blockage from foreground features) or degradation (e.g., utility poles and lines). The map rates public coastal views from La Mesa Park and Lighthouse Creek areas east of the project area as positive.

*Existing Setting.* The project site is located within the context of an existing urbanized neighborhood of single family homes which runs for miles along the coast in this area. The site includes a coastal bluff sloping steeply down to the coast (approximate elevations of 4.63 feet at the Mean High Tide Line of the Pacific Ocean up to 140 foot elevation at the northernmost top of the site next to El Camino de la Luz). The site is relatively narrow (~12.5_ feet at flag lot driveway, _50_ feet wide for rest of parcel) and a brief view of the top of the site is visible in the foreground view from the El Camino de la Luz public road. Views of the coast, including beach, ocean, and Santa Cruz Island are visible from the project site. Views of the ocean and Santa Cruz Island are visible from the adjacent street in the distance across the site. Existing overhead utility lines parallel with the coast are visible within the view across the site toward the ocean, providing some degradation of the view from the street. Portions of the site are visible from a few other residences in the areas to the east, west, and north of the site. From the back beach portion of the site and the public beach and ocean off-shore, intermittent landward views are available toward the urbanized City, and distant Lavigia Hill and Santa Ynez mountains, with intervening topography and vegetation blocking visibility of the top portion of the site from some locations. The site was previously developed with a single-family residence in the same location as the current proposal, and is presently undeveloped (since 1978) except for remaining driveway and other public and private facilities that served the previous residence.

*Impacts to Scenic Views.* The project is limited in scope, constituting one new 2,789 square foot, stepped three-story residence and associated development components, to be located between the 80 and 130 foot elevations on the property. The parcel is located amid a series of coastal parcels along El Camino de la Luz that are developed with single family residences, mostly one- and two story structures of varying sizes and ages. The project would provide an additional in-fill single family residence. The project proposes to develop the residence, garage, driveway/turnaround, subsurface water storage tanks/pool and other drainage facilities within a 9,345 square foot grading/construction envelope on the 20,046 square foot parcel. Minimal grading for site preparation would entail an estimated 1,180 cubic yards of cut and fill, balanced

on site. Proposed structures would be a three-story (30-foot maximum height), 2,789 square foot (net) residence, 571 square foot (net) one-story garage, retaining walls, and three subsurface water tanks, one with a lap pool. The remaining undeveloped portion of the property, including the area south of the residence development down to the mean high tide of the beach is proposed to be maintained in natural open space through the offer to dedicate an open space easement. Most existing low stature native species vegetation on the site is proposed to be maintained or restored following construction, and augmented with additional native species and low-lying ornamental landscape. Existing six-foot fencing and horticultural vegetation would be removed from the lower driveway area.

*Ocean views from the public street.* El Camino de la Luz is a public street within a lower density residential neighborhood and not widely traveled. A scenic view of the ocean is visible from El Camino de la Luz in the distance across the project site within a narrow driveway corridor of approximately 35 feet between adjacent residences to the east and west, providing a brief glimpse by vehicle, bicycle, and pedestrian travelers on the public street (See Exhibit D1 photos). The view corridor presently includes the project site driveway together with the 1921 El Camino de la Luz driveway and the edge of property on 1917 El Camino de la Luz to the east.

The project residence is proposed to be located at a lower elevation on the parcel (further south toward the ocean) than are the other homes along El Camino de la Luz which are built closer to the street. When looking down the property from El Camino de la Luz at the edge of the driveway, the proposed structure would not be visible. When looking across the site from the street, the project would not substantially change or block existing ocean views. The project would also take down gated east-west oriented fencing located at the bottom of the existing driveway, which would enlarge the view corridor. The project includes the offer to dedicate an air space public view corridor easement on the property to maintain the view from the street between the adjacent existing residences over the parcel. Impacts from blockage of public ocean views from the street would be *less than significant,* and would not constitute a considerable contribution to a cumulative impact. The public view corridor easement would provide a *beneficial effect*.

*Private views.* Impacts to private views are not generally considered to constitute a significant impact under California Environmental Quality Act (CEQA) provisions, unless a project would substantially affect an important scenic view from a large portion of the private views of the community. Portions of the residence and screening vegetation would be partially visible from some private residences in the surrounding area but not from a large portion of the community, due to intervening topography and vegetation. Given the setting of an existing residential neighborhood, the limited scope of the project for one in-fill residence, the requirement for design review per City design guidelines, and the limited number of private views affected, the project effect on private scenic views would be *less than significant* and would not constitute a considerable contribution to a cumulative impact.

Proposed project refinements (Exhibit A 04-25-16 project plans) for reduced residence size, Level 2 height reduction from 30 to 25 feet; architectural changes to step the building further into the setting and break up elevations with landscape planters outside the east, south and west building elevations; material changes to reduce reflective elements; an earth-tone color palette to blend the building into the natural setting when viewed from a distance; and additional landscape screening would all serve to further reduce and minimize the less than significant view impacts to private residences in the surrounding area.

*View of project from beach and ocean.* Portions of the proposed residence would be visible from some viewing locations on the beach below the project site and sea cliffs and from areas off-shore (see Exhibit D1 photographic study). Intervening topography and vegetation would largely block visibility from the south, east, and west. The top portion of the proposed residence would be intermittently visible at a substantial viewing distance (400-600 feet from the beach, 600-2,500 feet from the near-shore ocean) from some locations southwest, south, and southeast on the beach below the lower coastal bluff step and areas off-shore. This is similar to the other existing residences along Camino de la Luz, with intervening topography and vegetation blocking the view from most beach locations, and the tops of residences intermittently visible from some locations.

The project involves only one residence, with a majority of the 0.46-acre site remaining in undeveloped open space. The project would have limited visibility from the coast, and would be viewed from a substantial distance. The project is an in-fill residence within an already urbanized neighborhood, and the limited views of the project from the coast would be within the context of a line of numerous single-family residences along this urbanized area of the coast. The project design has incorporated measures to minimize

visibility, including locational siting; limited grading and landform alteration; stepped architecture, vegetation screening; and earth-tone color palette to blend into the background when viewed from a distance. The residence and landscaping would be subject to design approval for compatibility and visual aesthetics per City design guidelines. As such, a substantial change in area views inland from the beach and ocean would not result. Project impacts to views from the beach and ocean would be *less than significant* and would not constitute a considerable contribution to a cumulative impact. The Exhibit D1 view analysis from representative locations on the beach and ocean below the project parcel demonstrates limited visibility and supports the conclusion of no substantial change in scenic views and no significant impact.

*Temporary view impacts during project construction.* The project proposes to store construction materials and equipment on the existing entry driveway of the site for limited work on the driveway, east yard and installation of drainage controls. The remainder of project materials and equipment storage would use an approximately 4,000 SF staging area site at the neighboring parcel at 1921 El Camino de la Luz. The overall project construction process is estimated to last up to 1.3 years.

Analysis is provided of views from the beach toward the temporary project construction staging area for materials and equipment to be located at 1921 El Camino de la Luz (Exhibits D1, A3). The project site is located within an existing urbanized neighborhood, and the view toward the staging area is against the backdrop of an existing urbanized area. The project proposes that stored materials would be covered with landscape colored material, and equipment stored on the site where it cannot be seen from the beach or street vantage points. The analysis demonstrates that the staging area and equipment use would not be visible to a height of 8-10 feet from the beach south of the property at the mean high tide line (MHTL) due to topography and vegetation. Views from the beach to the southwest and southeast of the site would be largely screened by topography and vegetation but would be intermittently visible, and visible from off-shore.

With the minor scope of project and temporary nature of construction, the impact on public scenic views from the street during construction would be temporary and minimal. With the urban backdrop and minor scope of project, the temporary impact to inland views from the coast is incremental and does not substantially change area coastal views from the beach or off-shore. The project impact on views due to the temporary construction process would be *less than significant* and would not constitute a considerable contribution to a cumulative impact.

*Policy Consistency.* Based on the analysis above, temporary project effects during construction and long-term project effects on the scenic ocean view corridor from the street and views inland from the coast would not be significant and would not constitute a considerable contribution to a cumulative impact. The visual aspect of the project could be found consistent with coastal policies for protection of coastal views (LCP Policy 9.1). In the event of a decision-maker determination of a policy conflict, it would not, however, constitute a significant impact under CEQA because the physical impacts are not significant based on the above analysis, in accordance with CEQA case law (*Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005*).

*Longer–Term Visual Impact and Policy Consistency.* The project has a minimum design life of 75 years. The applicant geotechnical and hydrology reports demonstrate that the proposed project site stabilization work and foundation/home construction can be feasibly engineered on the former landslide site with a deep caisson and slab foundation, tie-backs, and shear pins to provide for structural safety in the proposed location. However, the parcel would continue to be subject to erosion and potential landslide into the future. This could possibly result in ground below the home being slowly eroded away and/or swept away in another landslide, with the home remaining on exposed foundation facilities.

In the context of impacts associated with project conflict with policies adopted for the purpose of avoiding or reducing significant environmental impacts (State CEQA Guidelines Appendix G, item X.b and City initial study item 13.b), such longer-term visual impacts from exposed foundation facilities could possibly represent an inconsistency with Coastal Act Policy 30251 which requires development to protect scenic and visual qualities of coastal areas, and LCP policy 9.1 cited above, which requires protection of important scenic views.

On this issue, the applicant's geologist reports (Cotton, Shires and Associates Jan. 5, 2016, CSA, 2012, 2015) conclude that it is not expected that the landslide area would evacuate below the location of the project foundation shear pins and caissons within the planned 75-year life of the project. They found that

site conditions since the 1978 landslide and subsequent slope stabilization work have indicated no surface signs of instability. They note that native vegetation and horticultural landscaping using native lemonade berry will constitute an integral part of the proposed site erosion control, and the project foundation and drainage controls will help to stabilize the area slope, thereby reducing erosion and landslide hazard. However, if future erosion and/or landslides did occur and expose housing foundation components within the planned project life, other proposed project design components would visually screen any exposed shear pins, tiebacks, and caissons. This includes tiered planter boxes with hanging native vegetation; arched earthen materials; and lower house walls that would be covered with native material.

Given the limited scope of the project and in-fill context, project and landscape design and proposed view corridor and open space easements, required project design approval by the coastal and design review permits, and with proposed project screening components over the long-term of the project life, initial and potential longer-term project impacts on scenic views would not be substantial, would not represent a considerable contribution to a cumulative impact, and would not constitute a conflict with coastal policy, a *less than significant impact* with no mitigation required.

**1.b) Scenic Highways.** The site is not adjacent to or visible from any designated scenic highway under the State Scenic Highway designation program. The General Plan Circulation Element/Scenic Highways component characterizes Shoreline Drive (located to the east of the project site) as a local scenic route, however the roadway is not a designated scenic highway. The project is limited in scope and would not substantially affect scenic views from Shoreline Drive or other public coastal routes. The project impact on scenic routes would be *less than significant* and no mitigation is required.

**1.c) Visual Character and Quality.** As discussed in section 1.a above, the project is minor in scope, would be located as an in-fill replacement residence within an area of existing coastal homes, has incorporated siting on the parcel, stepped architecture, non-reflective materials, landscape screening, and earth-tone color palette to minimize visibility and view impacts and provide for visual compatibility, and would be subject to design approval by the City for visual aesthetics and neighborhood compatibility. The majority of the site would remain in native vegetation through a proposed open space easement on the undeveloped portions of the property, including the area between the residence and the coastline, and with the proposed restoration and landscape plan using compatible native and low-lying vegetation. At the Single Family Design Board concept review of the project design on May 2, 2016, SFDB member comments indicated that the project size, height, architecture, color palette, and landscape design as refined were reasonable and in keeping with City design guidelines for visual compatibility. In addition, with proposed project vegetation and screening components discussed in section 1.a above, the project would not result in substantial visual quality effects in the event that future erosion or landslide activity uncovers foundation support structures.

Project on-site impacts to visual character and quality would be *less than significant* and would not represent a considerable contribution to a cumulative impact. No mitigation is required.

**1.d) Grading and Topography.** The upper portions of the parcel have previously been graded for site preparation of the prior residence and associated facilities, such as the driveway. Grading was also done in 1979 and 1984 for landslide repair following the 1978 landslide. The project would involve 1,180 cubic yards of cut and fill, balanced on site, for preparation of the residence building envelope and locations of associated facilities (see Exhibits A8, A9 project grading plans and calculations). Grading will be subject to City building ordinance and permitting requirements. The non-developed portions of the property, including the portion of the site below the residence would remain in natural open space, and further vegetation restoration and compatible landscaping is part of the project and would be subject to design review approval. LCP conservation element visual policies and implementing actions direct that development on hillsides not substantially modify the natural topography and vegetation, and that grading on slopes of greater than 30% should not be permitted. The average slope of the proposed project development envelope is less than 30%. The proposed earthwork would not substantially alter site topography or result in substantial visual changes or effects to coastal landforms, a *less than significant impact*, which does not constitute a considerable contribution to a cumulative impact, and no mitigation is required.

**1.e) Lighting and Glare.** The proposed single family residence building materials would include some non-reflective glass components, and three subsurface water storage tanks, but no materials and components with the potential for substantial glare. The project would include new outdoor lighting typical of a

residence. City design review approval of materials and design relative to the Single Family Design Guidelines includes lighting design. Exterior lighting would be subject to compliance with the requirements of Santa Barbara Municipal Code Chapter 22.75, the City's Outdoor Lighting and Design Ordinance. The ordinance provides that exterior lighting be shielded and directed to the ground, such that no undue lighting or glare would affect surrounding residents, roads, or habitat areas.

Project lighting and glare for a single residence would represent an incremental addition within an existing urbanized residential neighborhood, would constitute a *less than significant impact,* and would not represent a considerable contribution to a cumulative impact. No mitigation is required.

Based on conceptual review comments of the Single Family Review Board (02-22-16), the project design was refined (Exhibit A 04-25-16 project plans) to replace glass railings with another material; reduce glazing at the staircase element on the west elevation; and delete the rooftop solar energy system, all of which further reduce any potential glare impacts. The project lighting and building materials design and finishes will be subject to further review of the Board for preliminary and final design review. A recommended measure below would specify as a condition of project approval that a detailed lighting study be submitted for review and approval as part of Single Family Design Board preliminary and final Design Review approvals.

**Cumulative Visual Impact.** The project residence is within the growth assumptions for citywide cumulative impact analysis of visual resources in the Program Environmental Impact Report (EIR) for the 2011 General Plan. The Program EIR analysis concluded that cumulative impacts associated with incremental development to the year 2030 on open space, scenic views including coastal views, community character, and lighting would be less than significant. Based on the project analysis above, the project would have an incremental, less than considerable contribution to cumulative effects associated with scenic views, landform alteration, onsite visual quality, and lighting.

## Visual Resources - Mitigation

No mitigation is required.

Recommended Measure:

RM V-1 *Lighting Design*. The applicant shall submit a detailed project lighting plan for approval by Single Family Design Board as part of the project preliminary and final design review approvals.

## Visual Resources - Residual Impacts

Project visual impacts associated with scenic views and visual character and quality, grading and topography, and lighting and glare would be *less than significant* (Class 3). Recommended Measure V-1 would further reduce less-than-significant project impacts associated with lighting.

| 2. AIR QUALITY<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | Class 3 Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative air quality impacts of new development to the year 2030. |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | Class 3 Less than significant impact | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is designated in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | Class 3 Less than significant impact | |
| d) Expose sensitive receptors to substantial pollutants? | Class 3 Less than significant impact | |
| e) Create objectionable odors affecting a substantial number of people? | Class 3 Less than significant impact | |
| f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | Class 3 Less than significant impact | |
| g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases? | Class 3 Less than significant impact | |

## Air Quality – Existing Conditions and Project Impacts

### 2.a) Clean Air Plan and General Plan

Direct and indirect emissions associated with the project are not substantial and are accounted for in the cumulative emissions assumptions of the regional Clean Air Plan for the Santa Barbara County air basin and the City Program EIR for the General Plan. Standard air quality conditions of permit approval for suppression of construction dust and equipment emissions would be applied to the project, consistent with Clean Air Plan and City policies and ordinance provisions (identified in Exhibit C). The revised project (Exhibit A 04-25-16 project plans) deletes the rooftop solar panels proposed earlier, but retains a roof area that would allow for their future installation with a separate coastal permit. The project could be found consistent with the Clean Air Plan and City air quality policies and ordinance provisions; therefore, impacts associated with policy conflicts would be *less than significant* and not mitigation is required.

### 2.b-d) Air Pollutant Emissions, Sensitive Receptors, and Cumulative Impacts

*Long-Term Air Emissions:* As proposed, the project would be a single family residential development, with the uses and vehicle trips associated with this type of development. The Screening Table contained in the Santa Barbara County Air Pollution Control District (APCD) document titled *Scope and Content of Air Quality Section in Environmental Documents* (2015) identifies a residential project proposing less than 140 single-family units as expected to be below the APCD thresholds of significance for reactive organic gases (ROG) and nitrogen oxides (NOx) emissions for operational motor vehicle trips. Emissions from a proposed single unit project would be below APCD operational thresholds for ROG, $NO_x$, particulate matter ($PM_{10}$) and other criteria air pollutants. Natural gas furnaces and water heating units of specified sizes are subject to APCD rules for emissions limitations and certification requirements.

Utilizing the CalEEMod (Version: CalEEMod.2013.2.2) computer model and APCD emission factor data, it is estimated that the proposed project would generate the following combined operational (vehicle) and area source emissions (calculations on file at City Planning):

| Pollutant | Vehicle (lbs/day) | Stationary/ Area Source (lbs/day) | Combined (lbs/day) | APCD Thresholds (lbs/day) |
|---|---|---|---|---|
| ROG | 0.003 | 0.021 | 0.024 | motor vehicle sources: 25 lbs/day; all sources combined: 240 lbs/day |
| $NO_x$ | 0.017 | 0.002 | 0.019 | motor vehicle sources: 25 lbs/day; all sources combined: 240 lbs/day |
| $PM_{10}$ | 0.003 | --- | 0.003 | all sources combined: 80 lbs/day |

Project-related vehicle emissions would be below the significance threshold of 25 pounds per day for ROG and for NOx. The combined operational (vehicle), area, and stationary source emissions from all long term project sources would be below the APCD threshold of 240 pounds per day of ROG and NOx and 80 pounds per day of $PM_{10}$. Therefore, the proposed project would have a *less than significant* effect on long term air quality and no mitigation is required. The project also is designed with sufficient space for an on-site solar energy rooftop system, an APCD recommended measure to reduce long term air pollution associated with electrical generation.

*Highway Emissions.* The project is not located within 250 feet of Highway 101, and potential effects of highway exhaust emissions on the project residents would be *less than significant* and no mitigation is required.

*Short-Term (Construction) Emissions.* Demolition, site preparation and foundation work, construction of the proposed residence and associated infrastructure, and landscaping activities would result in emissions of pollutants due to grading and other earthwork and construction vehicle and equipment exhaust.

The Air Quality Plan does not identify the cumulative effect of forecasted temporary construction related emissions within the Santa Barbara County air basin as a significant air quality impact, but also provides a guideline of 25 tons/year for analyzing individual projects. Residential uses located in the surrounding neighborhood could potentially be affected by dust, particulates, and vehicle/equipment exhaust emissions during the project construction period.

The project construction process would involve the following activities over an approximate 1.3 year period:

- Demolition and removal of existing paving, fencing, landslide debris (four weeks).
- Grading for site preparation, estimated at 1,175 cubic yards cut and fill, balanced on site (six weeks)
- Construction process, including site stabilization and caisson foundation, construction of residence and associated facilities (e.g., driveway, utility lines, fencing, etc.), and vegetation restoration and landscaping (70 weeks)

Utilizing the CalEEMod computer model (2013 2.2) and APCD emission factor data, and applying standard measures identified by the APCD and required by the Santa Barbara building ordinance to reduce dust and equipment emissions, it is estimated that the proposed project would generate the following construction emissions (calculations on file):

| Pollutant | Estimated Construction Emissions (tons/year) |
|---|---|
| Reactive Organic Gases (ROG) | 0.3368 |
| Nitrogen oxides ($NO_x$) | 2.7639 |
| Carbon monoxide (CO) | 2.0102 |
| Sulfur dioxide ($SO_2$) | 0.003 |
| Particulate matter 10 microns ($PM_{10}$) | 0.2125 |
| Particulate matter 25 microns ($PM_{25}$) | 0.1778 |
| **APCD Emissions Significance Guideline: 25 tons/year** | **Total Emissions** 5.3130 tons/year |

Standard measures to reduce grading and construction-related dust and equipment emissions (Exhibit C) include water sprinklering; minimizing disturbed areas; reduced on-site vehicle speeds; treatment of stockpiled soil; tarping of trucked soil; gravel pads at site access points; treatment of disturbed areas; designated dust monitor; registration/permit for portable diesel-powered construction equipment; regulations for off-road diesel vehicles and mobile equipment; regulations for limiting duration of diesel vehicle engine idling; regulations for diesel engine emissions standards; replacement of diesel equipment

with electric equipment when feasible; equipping diesel equipment with catalytic reduction, oxidation catalysts, and particulate filters when feasible; use of catalytic converters on gasoline-powered equipment when feasible; maintaining equipment in tune per manufacturers' specifications; using minimum practical engine sizes for construction equipment; minimizing number of construction equipment operating simultaneously; and reduction of construction worker trips through carpooling and providing lunch on site.

With application of standard reduction measures as conditions of permit approval, emissions of individual pollutants and combined pollutants would be less than the APCD significance guideline of 25 tons/year, and *less than significant* impact and no mitigation measures are required.

APCD recommended dust control measures are required for the project under City building ordinance provisions and would be applied as standard conditions of approval (Exhibit C) and therefore dust-related impacts to sensitive neighboring residential land uses would be *less than significant* and no mitigation is required. APCD recommended measures to reduce construction vehicle and equipment emissions are also standard conditions of project approval (Exhibit C), and project impacts would be *less than significant* with no mitigation measures required.

**Cumulative Impacts**. The insignificant project-specific impacts identified above for long-term and temporary construction emissions of criteria air pollutants would also constitute *less than considerable contributions to cumulative emissions* within the City and Santa Barbara County's air basin, as identified respectively in the City General Plan Program EIR and the APCD Clean Air Plan EIR, and no mitigation is required.

*Asbestos and Paving*. Demolition activities would not involve buildings or asbestos or lead removal, and would have *no impacts* nor require special permitting, removal, or disposal requirements. Any unanticipated discovery of hazardous materials would be subject to regulations for avoidance of significant impacts Asphalt paving activities require compliance with APCD Rule 329 (which specifies quality of asphalt pertaining to off-gassing qualities).

**2.e) Odors.** The project is limited to residential uses, and would not include land uses or features involving substantial odor or smoke, such as from commercial cooking equipment, combustion or evaporation of fuels, sewer systems, solvents, etc.

Due to the nature of the proposed land use and limited size of the project, project air quality impacts related to odors would be *less than significant* and no mitigation is required.

**2.f-g) Greenhouse Gases.** Sources of direct carbon dioxide and other greenhouse gas emissions that could result from the project include project-related traffic, natural gas use, and landscaping/maintenance equipment. Indirect emissions are associated with power generation for electricity consumption; electricity and travel associated with consumer product production, transport, and use; solid waste disposal/decomposition; and potable water delivery.

The project is limited in scope. Using the CalEEMod model, project-generated greenhouse gas emissions are estimated at 15 MT $CO_2e$/year for long-term operations and 266 MT $CO_2e$ for the construction process, an incremental contribution to citywide emissions generation (calculations on file).

The proposed project is consistent with the General Plan land use designation and is within the General Plan non-residential growth assumptions and limitations to the year 2030. The project proposes measures that would reduce greenhouse gases (onsite solar energy, native vegetation restoration and maintenance, and landscaping) and would be subject to existing regulations and design guidelines that reduce greenhouse gas emissions in the areas of energy efficiency and green building (California and City building ordinance provisions), waste management (demolition/construction recycling ordinance), and water conservation provisions.

Project greenhouse gas emissions would be part of the citywide emissions identified in the 2012 City Climate Action Plan and General Plan Program EIR Addendum, which were determined to comply with State and City emission reduction targets and thereby constitute a *less than significant impact* and contribution to global climate change and no mitigation measures are required. The project would be consistent with applicable plans, policies, and regulations for reducing greenhouse gas emissions, which constitutes a *less than significant impact* on the environment and no mitigation is required.

## Air Quality – Mitigation

No mitigation is required. Refer to Exhibit C for Standard Conditions of Approval applicable to the project that address construction dust and emissions.

## Air Quality - Residual Impacts

Project impacts associated with Clean Air Plan consistency, project-specific long-term and short-term construction emissions of criteria air pollutants, highway exhaust emissions, project contribution to cumulative emissions, asbestos emissions, odors, and greenhouse gas emissions would be *less than significant* (Class 3).

| 3. BIOLOGICAL RESOURCES<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Have a substantial adverse effect on any riparian habitat or other sensitive natural community? | Class 3 Less than significant impact and Class 4 Beneficial impact | The General Plan Program EIR (2011) analyzed citywide cumulative biological resources impacts of new development to the year 2030. |
| b) Have a substantial adverse effect on protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | Class 3 Less than significant impact | |
| c) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | Not applicable/ No impact | |
| d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | Class 3 Less than significant impact | |
| e) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species? | Class 3 Less than significant impact | |
| f) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | Class 2 Mitigated to a less than significant impact | |

## Biological Resources – Existing Conditions and Project Impacts

**3.a) Natural Communities.** Biological reconnaissance reports were prepared for the project site and proposed development by the applicant's consultant WRA Environmental Consultants (2012, 2015). The site has native species vegetation of the coastal sage scrub (0.14 acre, predominately lemonade berry) and coastal bluff scrub (0.04 acre, including cliff aster) plant communities, along with 0.21 acre of non-native grassland habitat (see Exhibit E map). The latter report noted a drought-related reduction in plant vigor and density.

- Vegetation associated with the Venturan coastal sage scrub habitat community is located downslope from the project development location (50 to 80 foot elevations) and comprises a large contiguous stand of lemonade berry bushes that range from approximately 4 to 8 feet in height. The biologist report characterizes it as a monoculture not exhibiting the diversity of a complete natural scrub habitat ecosystem. However the bushes contribute to the vegetated habitat value of the area.
- The Southern coastal bluff scrub area located below the 50 foot elevation lower bluff step consists of exposed Monterey shale, with the dominant species big saltbush and isolated occurrences of cliff aster. The vegetation cover is at approximately 72%, with greater concentration at the higher elevation.
- The non-native grassland habitat located adjacent to the driveway consists of landscaping and ruderal plant species including Bermuda grass, Jade, Canary Ivey, belladonna lily, and Pampas grass. The non-native grassland habitat located further south on the property (80-132 foot elevations is dominated by wild oats and mustard, along with interspersed native species such as lemonade berry, California poppy, California buckwheat, golden yarrow, and sprawling morning glory.

These native habitat communities are considered biologically important and sensitive habitats per the City Master Environmental Assessment maps and guidelines, the General Plan Program EIR, and the project biological report. Policies for protection of important native biological resources are included in the Coastal

Act, City Local Coastal Program, and the City General Plan. The project proposes permanent protection of native coastal bluff scrub vegetation on the portion of the project site below the project development through an open space easement.

The City General Plan Program EIR identifies the coastal sage scrub and coastal bluff scrub communities as consisting of low-growing semi-woody shrubs, limited evergreen species, and annual and perennial grasses located on the Mesa, Las Positas Valley, Parma Park, and Hope Ranch areas. In Santa Barbara, dominant native species in these communities include coyote brush (*Baccharis pilularis*), and California sagebrush (*Artemisia californica*), along with lemonade berry (*Rhus integrifolia*), white sage (*Salvia apiana*), black sage (*S. mellifera*), purple sage (*S. leucophylla*), and with ruderal species mixed in.

The project would remove three lemonade berry bushes that are currently planted at the end of the existing driveway, and approximately 1,500 square feet of lemonade berry vegetation below the residence building envelope to facilitate necessary earthwork. Preparation of the temporary construction staging area on the adjacent property at 1921 El Camino de la Luz would also require removal of four lemonade berry plants and other mature vegetation (approximately 6-10 feet in height).

A detailed plan for replacement of lemonade berry bushes at a 2/1 ratio and restoration/replacement of coastal bluff scrub is identified in the project biological report and has been incorporated into project plans. The primary lemonade berry restoration area would be located just south of the project development. Lemonade berry plants removed from the temporary construction staging area would be replaced in the same location removed. This plan also identifies recommended native species for restoration of private lower and upper open spaces; includes recommendations for locations and timing for planting replacement and restoration vegetation; local source for replacement plants; erosion control, initial irrigation, and other establishment measures; and monitoring and demonstration of establishment success (two years for private open space and lemonade berry mitigation; five years for coastal bluff scrub). The project also proposes an open space easement over the area below the project development envelope which would provide for permanent preservation of these native habitat areas. Project impacts from construction and long-term project residential use impacts to important biological habitat resources would be *less than significant level* (Class 3) and no mitigation is required. The project component for permanent preservation of the lower slope open space and native habitat would be a *beneficial impact* to biological resources (Class 4).

Other project grading and development areas (driveway widening and repaving, residence, and temporary construction bench) would remove areas of vegetation comprised largely of non-native grasses, ornamental, and ruderal (disturbed area, weedy) species with occasional native plants interspersed (0.16 acre); areas that do not represent important biological resources but which contribute to the area's overall vegetated habitat area and value. Outside of structures, proposed project landscaping would replace vegetation in these areas with low-lying native species. This constitutes a *less than significant biological resource impact*, and would not represent a considerable contribution to a cumulative impact. No mitigation is required. A Recommended Measure identified below specifies that the proposed project biological resources components would incorporate all identified biologist-recommended measures through the final plan approval and project development process (see Exhibit G MMRP Attachment 1).

**3.b) Wetlands.** The project site does not contain protected wetlands (marsh, vernal pool, coastal or creek wetlands) or riparian habitat. Directly south of the project parcel is the coastal beach and Pacific Ocean. The proposed project would include new drainage and storm water management facilities subject to State and City regulations to provide for safe management of storm water runoff and water quality protection (see further discussion in Section 12-Water Resources and Hydrology below). Project impacts to protected wetlands would be *less than significant*.

**3.c) Habitat Conservation Plans.** The project site is not located within an adopted habitat conservation area, and would have no impacts associated with adopted habitat conservation plans.

**3.d) Local Biological Resource Policies.** The Local Coastal Program and City Municipal Code contain policies for protection of important biological resources including native habitats, wildlife, and plant species, and specimen trees. Project long-term and construction process impacts to biological resources would not be significant, and would be consistent with applicable City biological resource policies, a *less than significant* impact requiring no mitigation, which would not constitute a considerable contribution to a cumulative impact.

**3.e) Endangered, Threatened, or Rare Species.** No designated rare, threatened, or endangered vegetation or wildlife species are known to occur on the site. The WRA project reports identified nine special status plant species, three special status wildlife species, and one sensitive biological community with high to moderate potential to occur within the project region. An additional sixteen special status plant species and one special status wildlife species are known to occur within the larger region of Santa Barbara County. The WRA site-specific surveys for these species (2012, 2015) determined that none of these species were present on the site at the time of the surveys. Project impacts to designated protected and special status species would be *less than significant* and would not represent a considerable contribution to a cumulative impact. No mitigation is required.

The cliff aster is a plant species of local and regional interest for its declining numbers, and is therefore considered an important biological resource in City environmental policy. The coastal bluff scrub vegetation on the project site includes cliff aster, including within the area of vegetation to be removed. The project biological report recommends restoration and replacement of bluff scrub, including the cliff aster, and the project plans have incorporated these measures. With the identified project measures for coastal bluff scrub vegetation, project impacts to the cliff aster would be *less than significant* and would not represent a considerable contribution to a cumulative impact. No mitigation is required.

**3.f) Wildlife Corridors and Nesting Sites.** The Federal Migratory Bird Treaty Act provides for the protection of migrating birds. The lower portions of the coastal slopes in the project area contain open space with native vegetation that provides a migratory corridor for birds and other wildlife species. The project is of limited scope and would be located as an in-fill residence within a line of single-family homes, and would retain the open space and native vegetation on the lower portion of the cliffs through an open space easement. Residential use would entail some limited noise and lighting, subject to City ordinance limitations, which would not substantially change the existing lighting and noise environment adjacent to the area open space. The project construction process would not occur within the migration corridor itself but would entail some higher noise adjacent to the corridor. This would be of temporary duration and would not constitute a substantial disturbance to use of the corridor, as birds and animals can move away. Project impacts to wildlife corridors would be *less than significant* would not represent a considerable contribution to a cumulative impact. No mitigation is required.

Native vegetation removal and noise could potentially affect bird nesting, a *potentially significant impact*. With mitigation to time vegetation removal outside of the bird nesting season if feasible (February 15 to September 15), or to alternatively conduct a nesting bird survey prior to any vegetation removal during that period, and to avoid removal of any vegetation with nesting birds until young have fledged, this potential project impact to nesting birds would be *mitigated to a less than significant level,* and would not constitute a considerable contribution to a cumulative impact.

**Cumulative Biological Resources Impacts**. The project development is within the growth assumptions evaluated for cumulative biological impacts as part of the Program Environmental Impact Report for the 2011 General Plan. The project is limited to a single residence and would have an incremental impact to natural communities and species, and the site's native species vegetation would be retained with an open space easement. With project design measures for revegetation of vegetation removed with native species, and protection of vegetation and nesting birds during the construction process, project impacts to biological resources would not be substantial and would not constitute a considerable contribution to a cumulative impact, in accordance with impact significance guidelines.

## Biological Resources – Mitigation

B-1 Bird Nesting. Removal of vegetation shall be avoided during the bird nesting season (February 15 to September 15) where feasible, or a qualified biologist shall conduct a nesting bird survey prior to removal of vegetation scheduled to occur from February 15 through September 15. If nesting is found, a qualified biologist shall establish a protective buffer around the nest as needed, and the vegetation shall not be removed until after the young have fledged.

Recommended Measure:

RM B-2 Native Vegetation and Landscaping. Final project plans approved by the Single Family Design Board and shall include project components to implement measures identified by project biologist reports for restoring native species vegetation following project construction and providing compatible landscaping. Final restoration and landscape plans will incorporate biologist–recommended

measures for plant species, locations and timing for planting vegetation; local source for native plant species; erosion control, initial irrigation, and other establishment measures; performance criteria; and monitoring and demonstration of establishment success (two years for private open space and lemonade berry mitigation; five years for coastal bluff scrub) with final measures approved by the City prior to issuance of grading and building and occupancy permits.

## Biological Resources - Residual Impacts

With the minor scope of the project and proposed project components for native vegetation restoration and replacement and a proposed open space easement that would preserve lower slope native habitat, project impacts to native coastal bluff scrub and coastal sage scrub habitat and the cliff aster, a plant of local interest, would be *less than significant* (Class 3) and would require no mitigation. Project impacts associated with listed wildlife and vegetation species, wetlands, wildlife corridors, and biological resource policies would be *less than significant* (Class 3) and would require no mitigation. The recommended measure further assures implementation of proposed habitat restoration and landscaping components of the project. The project would have no impacts associated with adopted habitat conservation plans. Potential project impacts pertaining to construction impacts to nesting birds would be *mitigated to a less than significant level* (Class 2) with measures to avoid removal of any vegetation with nesting birds until nesting has concluded.

| 4. CULTURAL RESOURCES<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5? | Class 3 – Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative cultural resources impacts of new development to the year 2030. |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5? | Class 3 – Less than significant impact | |
| c) Disturb any human remains, including those interred outside of formal cemeteries? ) | Class 3 – Less than significant impact | |
| d) Directly or indirectly destroy a unique paleontological resource? | Class 3 – Less than significant impact. | |
| e) Cause a substantial effect on an important tribal cultural resource? | Class 3 – Less than significant impact | |

## Cultural Resources – Existing Conditions and Project Impacts

**4.a) Historic Resources.** The project site is located within a coastal region that has experienced human activity for many centuries, including sea travel through the area by both Chumash and European settlers. The project site contains no above surface historical structures or other resources. The area to be disturbed by the project has been previously disturbed by the prior residential development, landslide, and slope stabilization work. There is no evidence of subsurface historical resources based on prior development activities and numerous technical site evaluations conducted on the property. The standard condition for procedures in the event of unanticipated discovery of important subsurface resources would be applied as a condition of project approval to assure that any resources discovered are evaluated and, as needed, mitigation applied such that no significant impact would result (see Exhibit C). Project impacts to historic resources would be *less than significant*, and would not constitute a considerable contribution to a cumulative impact. No mitigation is required.

**4.b) Archaeological Resources.** The City Master Environmental Assessment and guidelines identify the project site as potentially sensitive for prehistoric archaeological sites. The site is not located next to a creek and the area to be disturbed has been previously disturbed by the prior residential development, landslide, and slope stabilization work. There is no evidence of archaeological resources based on prior development activities and numerous technical site evaluations conducted on the property. The standard condition for procedures in the event of unanticipated discovery of important subsurface resources would be applied as a condition of project approval to assure that any resources discovered are evaluated and, as needed, mitigation applied such that no significant impact would result (see Exhibit C). Project impacts to Archaeological resources would be *less than significant*, and would not constitute a considerable contribution to a cumulative impact. No mitigation is required.

**4.c) Human Remains.** The area to be disturbed for the project has been previously disturbed by the prior residential development, landslide, and slope stabilization work. Based on prior development activities and numerous technical site evaluations conducted on the property, there is no evidence that the site contains any subsurface human remains. Standard conditions of approval for the project would include required procedures per State regulations for the unanticipated discovery of human remains to assure that no significant impact would result (see Exhibit C). Project impacts to human remains would be *less than significant*, and would not constitute a considerable contribution to a cumulative impact. No mitigation is required.

**4.d) Paleontological Resources.** Paleontological records for Santa Barbara County (UCMP,UCSB, Santa Barbara City College) have shown most fossils from the area to be primarily microfossils of some limited scientific interest but not significant vertebrate fossils. Monterey geologic formations and outcrops in the Mesa area could potentially contain microfossils but none are recorded from this area (SB GP Program EIR). The area to be disturbed for the project has been previously disturbed by the prior residential

development, landslide, and slope stabilization work. Based on prior development activities and numerous technical site evaluations conducted on the property, there is no evidence that the site contains any unique paleontological resources. The standard condition for procedures in the event of unanticipated discovery of important resources during project earthwork would be applied to this project to assure that any resources discovered are evaluated and, as needed, mitigation applied such that no significant impact would result (see Exhibit C). Project impacts to paleontological resources would be *less than significant*, and would not constitute a considerable contribution to a cumulative impact. No mitigation is required.

**4.e) Tribal Cultural Resources.** The project site has been previously developed with a single-family home and has not been identified by local tribes as an important tribal cultural resource of religious or other cultural significance. The standard condition for procedures in the event of unanticipated discovery of subsurface resources during project earthwork would be applied to this project (see Exhibit C). Project impacts to important tribal cultural resources would be *less than significant*, and would not constitute a considerable contribution to a cumulative impact. No mitigation is required.

**Cumulative Cultural Resources Impacts**. The project is within the growth assumptions analyzed for cumulative cultural resources impacts as part of the Program Environmental Impact Report for the 2011 General Plan. A standard condition of approval per the Master Environmental Assessment guidelines would be applied to the project permit establishing procedures in the event of unanticipated discovery of subsurface cultural resources, requiring that potential resources be evaluated and any potentially significant effects associated with important cultural resources be avoided or mitigated to a less than significant level. The project would not have a considerable contribution to cumulative impacts on cultural resources.

## Cultural Resources – Mitigation

No mitigation is required. Refer to Exhibit C for standard conditions of approval applicable to the project.

## Cultural Resources – Residual Impacts

Project impacts associated with historic resources, archaeological resources, human remains, paleontological resources, and tribal cultural resources would be *less than significant* (Class 3).

| 5. GEOLOGY AND SOILS<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:<br>i. Rupture of a known earthquake fault?<br>ii. Strong seismic ground shaking?<br>iii. Seismic-related ground failure, including liquefaction?<br>iv. Expansive soils? | Class 3 – Less than significant impact | The General Plan Program EIR (2011) analyzed citywide geology and soils impacts of new development to the year 2030. |
| Expose people or structure to potential adverse effects including the risk of loss, injury, or death involving:<br>v. Landslides?<br>vi. Sea cliff retreat? | Class 2 – Mitigated to a less than significant impact | |
| b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, collapse or sea cliff failure? | Class 2 – Mitigated to a less than significant impact | |
| c) Result in substantial soil erosion or the loss of topsoil? | Class 2 – Mitigated to a less than significant impact | |
| d) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | Not applicable/ No impact | |

The following analysis is based on information and analysis in project technical reports submitted by the applicant (Cotton, Shires & Associates 2012 Geologic and Geotechnical Investigation and 2015 and 2016 Update Reports, Scepan 2012, GeoSoils, Inc. 2015), and the City Master Environmental Assessment (MEA).

## Geology and Soils – Existing Conditions and Project Impacts

### 5.a i-iv) Seismic and Geologic Hazards

Fault Rupture, Ground Shaking, Liquefaction, Expansive Soils, Radon. Geologic formations on the project site are identified as landslide deposits on the lower slope, Monterey Formation mid-slope, and Quaternary Marine Terrace deposits at the upper portion of the property nearest the street. The site is outside identified earthquake fault hazard zones. All California is subject to earthquake ground shaking, and State and City Building Code provisions require appropriate structural design to address ground shaking. The site is identified for low potential for liquefaction (loss of soil strength during earthquake shaking) and expansive soils. The site is not identified with geologic substructure subject to radon hazard, and in the event final technical studies prior to building permits identify this risk, building code regulations are in place to adequately address the risk through structural design and barriers. The project does not have the potential to substantially increase seismic and geologic hazards exposing persons and structures to risk of earthquake fault rupture, earthquake ground shaking, liquefaction, expansive soils, or radon impacts, resulting in *less than significant* project impacts.

### 5. a.v; a.vi; b; c) Site Stability, Landslides, Soil Erosion, Sea Cliff Retreat

***Types of impacts.*** Analysis for potentially significant project impacts pertains to whether the project site has unstable landform or soils (or the site could become unstable due to the project) and could result in substantial impacts associated with exposure of persons or structures to risk of loss, injury, or death from landslide or sea cliff retreat, or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction,

collapse or sea cliff failure, or substantial soil erosion. A significant impact could also be identified if the project would conflict with applicable coastal land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental impacts to coastal resources, and the conflict would result in significant environmental effects.

***Existing site conditions.*** The project parcel is a vacant, coastal property (except for some private and public infrastructure) with a sea cliff and long upward slope at various levels of steepness in different portions of the property. The site elevations range from approximate 4.63 foot elevation at the coast (at Mean High Tide Line) to a 140 foot elevation at the top of the site next to the El Camino de la Luz public road. The geologic landforms and soils on the property are generally unstable and subject to landslide, soil erosion, and sea cliff retreat. The 1978 landslide on the site destroyed the prior existing residence in the proposed project location. Post-landslide, the City implemented grading and slope stabilization measures permitted by a California Coastal Commission permit. The project geologic reports estimate historic and current sea cliff retreat at an annualized average rate of 1.36 inches per year in this location (substantially less than the identified citywide average of 8-12 inches per year). This rate could potentially increase in future years with sea level rise resulting from climate change.

***Project long term impacts.*** The project residence is proposed mid-site between the 86- and 120-foot contours (approximately 80 foot distance), approximately 169 feet upslope from the lower sea cliff location (51-foot elevation). The project proposes subsurface slope stabilization and foundation measures to ensure safety of the proposed residence (deep caissons into bedrock, tie-backs, and shear-pins). The project geological and geotechnical analysis submitted by the applicant provides evidence that the project as proposed, within the 75-year economic life of the project and factoring in sea level rise, would not result in significant impacts associated with unstable slopes, landslide, erosion, and sea cliff retreat, and would not require shoreline protective devices such as seawalls, revetment, jetty, groin, or retaining wall.

- Slope stability/ landslides. The CSA site-specific geologic analysis (2012, 2015, 2016) found that the proposed development site had no evidence of surface movement since the 1984 post-landslide stability measures. Following the 1978 landslide, grading and other work in 1979 and 1984 to stabilize the slope did not trigger further landslide or result in significant effects associated with unstable slopes or erosion to the site or surrounding area. Data collection (inclinometer readings to detect subsurface movement) for the project geotechnical and engineering studies identified that since the 1984 grading and slope stability work, the site has been stable and not subject to further slide movement. Recent inclinometer readings on both the 1925 and 1921 El Camino de la Luz sites have confirmed that the slope has remained stable since May 2011. The inclinometers would be preserved for monitoring during the construction process to confirm that the site remains stable.

  However, the proposed development site does not meet the minimum stability factors of safety (1.5 static and 1.1 seismic) for development without slope stability measures per industry standards and coastal regulations. The analysis identified only two otherwise constrained locations on the property that meet these minimum factor of safety criteria (upper flat driveway area of approximately 1,312 square feet landward of the 137 foot elevation, and a small lower area closer to the coast between the 60 and 66 foot elevations).

  The project geotechnical, engineering, and hydrology reports were based on detailed site-specific testing and investigations including on-site investigations, core samples and testing, analysis of other geologic studies of the site and larger area, analysis of historic aerial photography in the area, and site monitors. The analysis provided project-specific analysis of the proposed development together with site stabilization and project design components. The project technical reports included *Geological and Geotechnical investigations and design review reports (Cotton, Sires and Associates, Inc. 2012, 2015, 2016); Wave Run-Up and Coastal Hazard Analysis (GeoSoils, Inc. 2015); Coastal Bluff Analysis (Scepan 2012); shear pin calculations (C. L. Grant, Civil Engineer 2013); Project Constraints Analysis (Dall & Associates 2015); Hydrology Report (CSA 2015)*; and *Grading, Drainage, & Erosion Control Plans (C. L. Grant, Civil Engineer 2013, 2016).*

  The CSA geologic analysis provided extensive analysis of historic, existing, and future slope stability considerations, finding that, with site-specific geologic and coastal conditions and proposed project slope stability measures (caissons, shear pin walls, tie backs, etc.) , the project development would improve slope stability, would not exacerbate slope instability for the residence location or larger area, and that factors of safety (1.5 static, 1.1 seismic) could be met for the project residence for its planned 75-year

life. The proposed use of shear pins and tie backs anchored into bedrock is a proven engineering method for holding the slope together and establishing improved slope stability per industry safety standards, and does not have the potential to destabilize the subsurface geologic substructure.

- Long-term erosion. The Scepan report submitted by the applicant that analyzed the historic coastal bluff location on the parcel over a 60-year period, including pre- and post-1978 landslide conditions, and the CSA geologic analysis (2012, 2015, 2016) submitted by the applicant demonstrate that the project would not exacerbate erosion on the property or adjacent property because project slope stability shear pin walls and tie-backs, drainage and run-off controls, and native vegetation restoration and landscape would reduce erosion. The analysis submitted by the applicant of long-term erosion at the lower bluff location at 51 feet in elevation does not factor in a setback from areas naturally meeting factor of safety criteria for slope stability purposes pursuant to the current Coastal Commission geologist analytic guidelines, but does calculate an average historic rate of long-term erosion at the 51 foot elevation. The project development would be located 169 feet upslope (north) from the 51 foot elevation of the lower cliff.

- Sea cliff retreat/sea level rise. The geologic reports and wave run-up study (2015) demonstrate that with maximum identified scenarios of sea level rise by years 2050 and 2100 (Coastal Commission Sea Level Rise Guidance 2015), water levels would not reach the proposed development during its 75-year project life, and low cliff retreat rates could not affect the project during the project life.

  Technical study of aerial photography of the period 1950-2010 (*Scepan 2012*) for erosion and landslide activity identified a net range of 10.5 to 33.0 feet southward reposition of the coastal bluff over the 60-year period, with the toe of the lower coastal bluff eroded at a net 4.0 to 6.8 feet during the period for an average annualized rate of 0.8 inches to 1.4 inches. The Wave Run Up Study (*GeoSoils 2012*) identified that within a few years following the landslide, marine processes reestablished the alignment of the lower coastal bluff step relative to adjacent segments up and down the coast, with this analysis confirmed by CSA (*2016*) based on State photographic imagery (*Department of Boating and Waterways and Division of Mines and Geology 1979-1993; CSA 2016*).

  The project would be located between the 80 foot and 130 foot elevations on the project site, 169 feet upslope (north) from the lower bluff step. The technical analyses demonstrate that with the low cliff retreat rates gradually increased by maximum scenarios of sea level rise by years 2050 and 2100, erosion of the lower cliff would not reach the project development during its 75-year life.

  There is potential that wave run-up at the toe of the bluff at the shoreline could potentially affect the stability of the landslide area, however, with the project location 169 feet upslope of the lower 51 foot bluff step elevation and the proposed slope stability and erosion control measures, wave run-up and cliff retreat would not represent factors affecting project safety, and the project development would not be expected to influence erosion, cliff retreat, sand supply or other shoreline landforms, processes, resources, or hazards. No shoreline protective devices would be required for the life of the project.

Project plans have incorporated measures recommended in the project geology reports to address stability, safety, and erosion. The project geologic analysis demonstrates safety and stability for the location of the residence, and that the project as designed would not result in substantial adverse long-term effects to the project, larger site and adjacent areas with respect to slope stability, landslide, erosion, cliff retreat or other shoreline landforms and processes, and that no shoreline protective devices would be required for the life of the project. Mitigation measure G-1 identified below provides that final project plans will incorporate geologist recommended measures to address long-term slope stability and erosion control. Final project plans would also be subject to City review and approval for consistency with City building code provisions for grading, foundation, and building design to assure no significant geologic or soils impacts would result. Project impacts associated with slope stability, landslide, and erosion would be *mitigated to a less than significant level*, and would not constitute a considerable contribution to any significant cumulative effects to coastal resources and hazards. Project impacts associated with cliff retreat and sand supply would be *less than significant*.

***Short-term construction impacts.*** The project application includes preliminary provisions for demolition, grading, slope stabilization, and construction, with technical geologic and hydrology analysis demonstrating that no significant impacts would result to slope stability, landslide, or erosion with recommended measures (e.g., grading during dry season, installation of temporary shoring and drains, monitoring of slopes and bluffs, etc.).

The project construction process has been designed to avoid the potential for significant geologic hazards to the site or neighboring sites as a result of heavy equipment, grading, drilling and installation of slope stability devices, and project construction. Installation of slope stability devices (shear pins and tie backs) would be done with drilling and poured in place construction, not pile driving. Limited grading would create a temporary bench cut for the drilling rig to drill the shear pins. The initial installation of shear pins would provide immediate slope stability due to increased shear resistance. The tiebacks would be drilled from the temporary bench cut supported by the shear pins. The shear pins and tie backs would improve stability of the site per industry safety factors such that heavy equipment, site grading, and construction would not trigger landslides, cause instability to off-site properties including the adjacent construction staging site, or cause breaks in the sewer main or other underground utilities. Public Works staff has confirmed that the 10-inch Mesa Trunk Line was rehabilitated in 2006 and there is no evidence of current leakage (L. Arroyo 2016).

Mitigation measure G-1 below provides that final grading and construction plans will incorporate geologist recommended measures to address slope stability and erosion control. Issuance of grading and building permits will be based on City review and approval of final grading and building plans for consistency with building code provisions to assure no significant geologic or erosion effects would result. Short-term project impacts associated with slope stability, landslide, and erosion would be *mitigated to a less than significant level*.

***Potential for conflict with coastal policies.*** Analysis of project landslide, erosion and sea cliff retreat impacts is informed by Coastal Act policies, implementing regulations and guidelines, and City Local Coastal Plan policies adopted for the purpose of avoiding or mitigating such impacts (State CEQA Guidelines Appendix G.X.b; City Initial Study item 13.b). A policy conflict does not necessarily constitute a significant impact under CEQA. A project conflict with policies could represent a significant environmental impact if the conflict results in a significant environmental impact (*Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005*). Policies relevant to this impact analysis include the following:

- Coastal Act policy 30253 directs that coastal development provide for safety and stability without substantially altering natural landforms or causing instability or erosion: *"New development shall...: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices than would substantially alter natural landforms along bluffs and cliffs. ."*

- California Code of Regulations Title 14, §13577 addresses determination of the location of top of bluff/bluff edge: *"...Coastal bluff shall mean: (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2). Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations."*

- Guidelines for implementing coastal bluff development policies is provided by the document *Establishing Development Setbacks from Coastal Bluffs* (Mark Johnsson, 2003), which represents the current analytical process used by Coastal Commission staff in evaluating new development proposals and identifying recommendations for Commission action. These procedures are regularly employed by the Coastal Commission when reaching decisions concerning development on or near coastal bluffs. The guidance provides that (a) the bluff edge is determined per 13577 above depending on whether the bluff is rounded away from the face of the cliff or has a step-like feature; and (b) development is set back from the bluff edge to a stable area meeting minimum factor of safety criteria which does not require stabilization measures, with a further setback buffer area added if needed to avoid long-term erosion effects over the economic life of the structure, and factoring in future sea level rise.

- City Local Coastal Plan Policy 8.2 prohibits most development on a coastal bluff face: *"With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered*

*staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry. ...*"

The policies, regulations, and guidelines address bluff edge determinations and development setbacks from bluff edges using factor of safety criteria for slope stability and distance for erosion control. The overall purpose is to locate development when possible on sites that are set back from the bluff edges and are stable enough to allow development without slope stability measures, as a means of avoiding and minimizing significant impacts to area coastal resources and hazards (including from slope instability and erosion), and assuring safety of the development. Sites are analyzed first for feasibly meeting all coastal policies and guidelines. If it is found that the site cannot feasibly be developed in a manner that meets all policies and criteria such that a legal taking would occur, development on sites not fully meeting the policies and criteria can then be considered under the Coastal Commission takings policy (§30010) in order to avoid a taking.

*Top of bluff/bluff edge.* A determination of bluff top or edge location is done as a first step toward identifying a development setback from the bluff edge. The project site location in the area east of Oliver Road along El Camino de la Luz has unique geologic conditions with variable slopes. As noted in the *Establishing Development Setbacks* guidelines, the determination of the bluff edge location is a qualitative judgment based on consideration of the site topography, and for some sites may be open to differing interpretations of the location of bluff edge. Additionally, CCR §13577 instructs that, at a minimum, a 500 foot wide area should be examined to determine bluff edge, not just the project site in isolation.

- As part of the 2013 City pre-application review process, a preliminary review of the top of bluff/bluff edge location was conducted by City and Coastal Commission staff based on review of topography, submitted project plans and technical information, a site visit by Coastal Commission staff planner and staff geologist and City planning staff, and their analysis/application of the coastal bluff edge policies using current Coastal Commission guidance. The site was considered to have a step-like feature rather than one top rounding away from the cliff, and the top of bluff/bluff edge location was identified at the 127 foot elevation. Recent information sources showing average coastal slope analysis based on LiDAR-generated topographic data (LiDAR is remote sensing that uses a laser to measure distance) (Nares 2015, UCSB 2015) demonstrate the unique pattern of the coastal cliffs in this area (Exhibit F3 map, note the pattern of the upper edge of the >60 percent slopes). Additional information supporting this determination include City General Plan and Master Environmental Assessment maps; archive plan references for other parcels in the area identifying top of bluff at the higher elevation; and prior geologic reports for the area which identified the landslide headscarp as the bluff top.
- The project Scepan study (2012) submitted by the applicant identifies the bluff to be rounded away from the cliff with the top of bluff/bluff edge at the 51-foot elevation, and concludes that no upper tier/bluff edge exists, based on analysis of historical mapping, aerial photos, and site investigation. The CSA geologist (2016) concurred with the Scepan conclusions, and provided further analysis that the lower bluff edge location exceeds the CCR Title 14 §13577 minimum criteria for 500 feet length of a bluff edge. The project site would be set back substantially (167 feet) from this lower bluff edge location. This geologist's analysis concludes that the 51-foot elevation bluff edge determination conforms to Coastal Act policies and regulatory criteria. The project geologist (CSA 2016) also provided analysis concluding that the upper area at 127 foot elevation did not meet the coastal policy criterion for a minimum 500 foot length of bluff edge for making the bluff edge determination.

  The applicant's representatives also assert that, based on the Coastal Commission regulation (PRC 30625(c)) "*..decisions of the (Coastal) Commission where applicable shall guide local governments ... in their future actions...*", the Coastal Commission action to approve grading to restore a landslide area on the lot located at 1933 El Camino de la Luz (Doolittle 1984) identified the location of the proposed grading to be inland of the bluff face and bluff edge. The permit further states that the slope restoration would be located seaward of three existing single family residences at 1933, 1927, and 2001 El Camino de la Luz, but inland of the beach and the bluff edge area. The applicant's representatives also assert that the proper guidelines for application of policy are the *Geologic Stability of Blufftop Development* adopted by the Coastal Commission in 1977, and referenced in the initial City Local Coastal Plan adopted in 1981, rather than Coastal Commission staff guidelines reference above.

Due to the unusual topographic and slope conditions in the area and on the project site, more than one interpretation of top of bluff/bluff edge can be made. The potential long-term geological impacts were analyzed independently of the final bluff edge determination based on site conditions and proposed project

components. If the more conservative determination of the upper bluff edge location at 127 foot elevation is used, the project could be considered to be located on the bluff face in conflict with LCP Policy 8.2 that prohibits most development on the bluff face. With this bluff edge determination, the project as proposed would not result in significant geological impacts in its proposed location as demonstrated by the analysis above, and the potential conflict would therefore not constitute a significant environmental impact under CEQA environmental review.

*Development setback from bluff edge*. The *Establishing Development Setbacks* guidelines provide that a development setback from the bluff edge is identified based on slope stability analysis using the minimum factor of safety criteria of 1.5 static and 1.1 seismic for stable areas that can be developed without slope stability measures. The geologist analysis submitted by the applicant identified that the only areas on the project parcel that meet the factor of safety stability criteria are the small narrow flat area of the existing driveway at the top of the parcel, which is used for access by the parcel and adjacent parcel (approximately 12 ½ foot wide, 105 foot long, 1,312.5 square foot area above the 137 foot elevation), and a small, steep, lower area closer to the coast between the 60 and 66 foot elevations where development could have impacts to shoreline resources and processes. These areas are small and constrained and would clearly be inadequate for reasonable development under City land use and zoning designations and based on investment-backed economic expectations for a single family residence similar to those in the neighborhood. As such, under either bluff edge determination, the project would not meet the guideline for development setback to an area meeting the minimum stability criteria without stability devices. The Coastal Act (§30010) establishes a policy that local governments and the Coastal Commission shall not grant or deny permits in a manner resulting in a property taking. In such an instance, a permit may be granted for a project despite a lack of full consistency with all coastal policies. In this case, the applicant has identified a proposed project development location that would provide for reasonable development of the property and meets the factor of safety criteria with slope stability measures to provide for safety. As such, while the proposed project could be found inconsistent with the bluff setback guidelines for implementing coastal policy, as demonstrated by the analysis above, the project as proposed with slope stability components would not result in significant geological impacts in its proposed location, and the potential conflict would therefore not constitute a significant environmental impact under CEQA environmental review.

*Policy conflict impacts*. The project could potentially conflict with the abovementioned policies, regulations, and guidelines, however its location substantially up the hillside would avoid the need for future shoreline protective devices that could impact sand supply or other shoreline processes. Additionally the project has been designed with slope stability measures that would prevent significant geologic, soils, or erosion impacts on the site or to neighboring sites and would achieve the minimum factor of safety for the residence. Given the unique circumstances of this site, conflict with the abovementioned policies for this particular project would not lead to a significant, unmitigable impact on the environment. The project impact associated with policy conflict would be *less than significant*.

**5.d) Septic Systems.** Not applicable. The project does not include a septic system. Wastewater collection/treatment/disposal is proposed and required to be provided by the existing City waste water treatment system through a connection to the project. The project would have *no impact* pertaining to septic tanks.

**Cumulative Impacts**. The project development is within the growth assumptions for analysis of cumulative geologic effects within the Program Environmental Impact Report for the 2011 General Plan, with analysis concluding that cumulative geologic hazards associated with development to the year 2030 would be less than significant due to application of regulatory requirements for development. The project was subject to extensive technical geological, geotechnical, and hydrological studies, which demonstrated that the project as sited and designed and with identified mitigation agreed to by the applicant would not result in project-specific significant impacts or a considerable contribution to cumulative impacts associated with landslide, erosion, or other geologic or seismic hazards to the site or surrounding area.

## Geology and Soils – Mitigation

G-1 Final project plans will incorporate measures recommended by project geology reports to ensure long-term slope stability and erosion control, and measures recommended by project geology reports to ensure short-term stability and erosion control during the site preparation and

construction process, with final measures approved by the City prior to issuance of grading and building permits.

**Geology and Soils – Residual Impacts**

Project impacts associated with seismic, geologic, and soils impacts and consistency with applicable policies would be mitigated to a *less than significant level* (Class 2).

| 6. HAZARDS AND HAZARDOUS MATERIALS<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | Class 3 – Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative hazards and hazardous materials impacts of new development to the year 2030. |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | Class 3 – Less than significant impact | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | Class 3 – Less than significant impact | |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | Class 3 – Less than significant impact | |
| e) For a project located within the SBCAG Airport Land Use Plan, Airport Influence Area, would the project result in a safety hazard for people residing or working in the project area? | Not applicable/ No impact | |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | Class 3 – Less than significant impact | |
| g) Involve public safety risks from accidents due to land uses in close proximity to sources of accident or upset risk, such as pipelines, power transmission lines, industrial processes, or railroads? | Class 3 – Less than significant impact | |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | Class 3 – Less than significant impact | |

## Hazards and Hazardous Materials – Existing Conditions and Project Impacts

**6.a-c) Hazardous Materials Use**. The project is limited to one new residence. Residential use involves use, transport, storage, and disposal of minor amounts of household hazardous materials (cleansers, vehicle oil, etc.) Regulations are in place for proper disposal of such materials. The project residential facilities and use do not have the potential to result in substantial hazards to the public or environment from use of hazardous materials, accidental release of hazardous materials, or release of such materials within ½ mile of an existing or proposed school. The project impact associated with hazardous material exposure is *less than significant*, would not constitute a considerable contribution to a cumulative impact, and no mitigation is required.

**6.d) Site Contamination.** The project site is not listed as a hazardous materials contaminated site pursuant to Government Code Section 65962.5 listings (*GeoTracker* 1-6-16; applicant Hazardous Waste and Substances statement 9-2-15). The site contains no known or mapped abandoned oil wells. The applicant has conducted numerous technical studies on the site which identified no evidence of hazardous materials contamination. Standard building code provisions and construction contractor site practices provide for worker safety, and State regulations provide that any hazardous materials discovered in the course of project earthwork be addressed in accordance with State and County regulations to assure adequate site clean-up to residential standards and proper disposal of the materials. Landslide debris removal would be directed, monitored, and inspected by a licensed geotechnical engineer as a standard requirement of the building permit. Project impacts associated with hazards to the public or environment from site contamination would be *less than significant*, would not constitute a considerable contribution to a cumulative impact, and no mitigation is required.

**6.e) Aircraft Hazards.** The project is not within the Airport Land Use Plan or Airport Influence Areas, and would not affect aircraft hazards to persons residing or working in these areas. The project is of minor scope and would not have the potential to interfere with aviation. The project would have *no impacts* associated with aircraft hazard.

**6.f) Emergency Evacuation and Response.** Project site access is provided by the existing adjacent public road, El Camino de la Luz. The project would provide adequate on-site access and circulation improvements to support emergency access and evacuation in accordance with City requirements (driveway and turnaround). The project site is located with the City Tsunami Evacuation Plan area which provides for signage and evacuation routes, and the project would not alter or impede that plan. Project impacts associated with emergency response and evacuation would be *less than significant*, would not constitute a considerable contribution to a cumulative impact, and no mitigation is required.

**6.g) Safety Risks.** The project site does not contain and is not in close proximity to sources of potential substantial public safety risks such as oil wells, major oil pipelines, electrical transmission lines, industrial processes, or railroad. Part of the City wastewater collection system, the 10-inch Mesa Sewer Trunk Line, crosses the property and all of the neighboring cliff side properties and provides wastewater collection service for them. The 1984 City grading and slope stability work on the site improved slope stability in the area of the trunk line, and the proposed project slope stability components would further improve its stability and safety (CSA 2012). The Mesa Trunk Line was rehabilitated in 2006, and there is no evidence of current leakage. (L. Arroyo, Public Works, 2016). Project impacts associated with public safety risks would be *less than significant*, would not constitute a considerable contribution to a cumulative impact, and no mitigation is required.

**6.h) Fire Hazard.** The project would not be located in a designated high fire hazard area. The project is minimal in scope and would not have the potential to substantially change fire risk to populations in the area. The project development envelope is located on a steep slope adjacent to an open space area with native vegetation, factors that can affect fire spread. The low-lying character of existing and proposed vegetation and inclusion of an onsite water storage tank/pool as a project component reduces the fire hazard. The project would be required to meet all applicable City Fire Code provisions for building materials and sprinklering, emergency access, landscape, etc. The project impact associated with exposure of persons and property to risk of wildfire would be *less than significant,* would not constitute a considerable contribution to a cumulative impact, and no mitigation is required.

**Cumulative Impacts**. The project development is within the growth assumptions used to analyze cumulative hazard impacts within the Program Environmental Impact Report (EIR) for the 2011 City General Plan. The Program EIR found that citywide cumulative impacts of development to the year 2030 would not result in significant cumulative hazards impacts due to extensive Federal, State, and local regulatory requirements in the areas of hazardous materials, aviation, accident risks, emergency response, and fire hazard.

## Hazards and Hazardous Materials – Mitigation

No mitigation is required.

## Hazards and Hazardous Materials – Residual Impacts

Project impacts associated with hazardous materials use, potential hazardous materials contamination, emergency evacuation and response, safety risks from major facilities, and wildfire hazards would be *less than significant* (Class 3). The project would have *no impact* on aircraft hazard.

| 7. NOISE<br>Would the project result in: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | Class 3 – Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative noise impacts of new development to the year 2030. |
| b) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | Class 3 – Less than significant impact | |
| c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | *(Construction Noise)*<br>Class 2 – Mitigated to a less than significant impact | |
| d) For a project located within the SBCAG Airport Land Use Plan, Airport Influence Area, would the project expose people residing or working in the project area to excessive noise levels? | Not applicable | |
| e) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? | *(Construction Noise)*<br>Class 2 – Mitigated to a less than significant impact | |

## Noise – Existing Conditions and Project Impacts

### 7.a-c) Exposure to High Noise Levels; Increased Noise Levels

*Long-Term Operational Noise.* The City Master Environmental Assessment Map identifies the ambient background noise levels in the project site vicinity as below 60 dBA Ldn, the level identified in the City Local Coastal Plan and General Plan as appropriate for siting single-family residential land uses. Residential land use typically involves low noise generation, and is also subject to City Noise Ordinance provisions for minimizing periodic noise such as from mechanical equipment and sound amplification. As an in-fill residence in an established low-density residential neighborhood, the project would not involve a substantial increase in overall noise levels of the area. Project effects associated with long-term operational noise would be *less than significant,* and would not constitute a considerable contribution to a cumulative impact. No mitigation is required.

*Temporary Construction Noise.* Temporary high construction noise of more than 80 or 90 decibels (dBA) at a distance of 50 feet may occur with the use of heavy equipment such as scrapers, rollers, graders, trenchers and large trucks for demolition, grading, and construction. Shorter impulsive noises from other construction equipment such as jackhammers and drills can be even higher, up to and exceeding 100 dB(A). Noise during construction is generally intermittent and sporadic, equipment noise levels vary substantially through a construction period with different types and numbers of equipment, and after completion of the initial demolition, grading, and site preparation activities, tends to be quieter. Construction processes are regulated through City ordinances and building permit provisions. Requirements of the Santa Barbara Municipal Code Noise Ordinance provide limitations on noise-generating construction equipment to the hours of 7:00 a.m. to 8:00 p.m., which lessens the potential for noise impacts to surrounding land uses.

The project is limited to site preparation and construction of a single residential unit. The proposed project construction process is estimated to involve up to four weeks of demolition, six weeks of site grading, and 420 days for site stabilization, foundation installation, and construction of the residence and associated facilities.

The project site preparation and construction process is of substantial overall duration (estimated 1.4 - 1.8 years), would entail some periods and operations with higher noise levels (e.g., jack hammer for paving

removal, drilling for caisson foundation installation), and is located in close proximity to other single-family residential land uses sensitive to noise, thereby representing a *potentially significant temporary noise impact*.

Mitigation measures are identified below to (1) further limit times for higher noise-generating construction activities to weekdays from 7:00 a.m. to 4:00 p.m. and excluding construction on nine specified holidays, to lessen noise impacts to neighbors while not substantially extending the overall duration of the construction process; (2) require use of construction equipment sound controls (mufflers and silencing devises) to reduce noise levels; and (3) neighborhood notification of construction activities and process, construction conditions of approval, contractor site rules, and Project Environmental Coordinator name and phone number, to assist the public and City officials in addressing any noise issues that arise during the construction process. With these measures, temporary construction noise effects of the project would be *mitigated to a less than significant* level and would not constitute a considerable contribution to a cumulative impact.

Additional Recommended Measures could be applied by decision-makers as project conditions of approval to further reduce temporary construction related noise and vibration as determined necessary to implement noise policies and make required findings for permit approval. Identified recommended measures (see below) would apply further limitations of construction hours to weekdays, with a later start time (8:30 a.m.); specify further construction equipment sound controls; augment neighbor notification provisions, and require construction equipment sound barriers per specified noise levels. A further limitation on construction hours would reduce noise effects at the time noise is occurring but would also be expected to extend the overall duration of the construction process.

**7.d) Airport.** Not applicable. The project site is not located within the Airport Land Use Plan or Influence Areas that are subject to greater aircraft noise effects. The project would have *no impact* associated with excessive aircraft noise effects to residents.

**7.e) Ground borne Vibration.** As noted under 7.a-c above, the project construction process would include use of jackhammers for existing pavement demolition, and drilling for installation of poured in place caisson foundation, which could involve temporary higher noise levels and well as ground borne vibration, a *potentially significant* temporary nuisance impact to the surrounding area. Construction processes are regulated through City ordinance and building permit provisions. With application of identified mitigation measures N1-N3 for limiting construction hours, use of equipment sound controls, and neighborhood notification, potential project impacts associated with temporary construction vibration would be *mitigated to a less than significant* level. A further Recommended Measure could be applied by decision-makers as project conditions of approval to further reduce temporary construction related noise and vibration as determined necessary to implement noise policies and make required findings for permit approval. Identified recommended measures (see below) would apply.

**Cumulative Impacts**. The project is within the growth assumptions analyzed for cumulative noise impacts as part of the Program Environmental Impact Report for the 2011 General Plan. With implementation of identified mitigation measures agreed to by the project applicant, the project would not result in significant noise impacts or a considerable contribution to cumulative noise effects.

## Noise - Mitigation

N-1 **Construction Hours.** Higher noise-generating construction equipment and activities (use of jackhammers, drilling for caissons, etc.) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. Construction is prohibited on the following holidays: New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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 City 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 **Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

N-3 **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of the project construction process, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. 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 the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

**Recommended Measures:**

The project site is located in a quiet residential neighborhood. As determined necessary to implement Coastal Plan noise policies and make required findings for permit approval, additional Recommended Measures could be applied by decision-makers as project conditions of approval to further reduce less than significant construction related noise and vibration.

RM N-4 *Construction Hours Limitations.* Requirements in mitigation measure N-1 are superseded by the following provisions: All construction activities shall be prohibited on weekends and shall be permitted only on weekdays between the hours of 8:30 a.m. and 4:00, with the exception of ten specified holidays when construction activities shall also be prohibited: New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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.*

RM N-5 *Construction Equipment Sound Controls.* Requirements in mitigation measure N-2 are further specified as follows: Equipment and vehicle mufflers and silencing devices shall be operating whenever equipment and vehicles are in use for the project. All diesel equipment shall be operated with closed engine doors. Unnecessary idling of internal combustion engines shall be prohibited during project construction processes. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

RM N-6 *Neighbor Notification.* Requirements in mitigation measure N-3 are augmented as follows: Additional notification of neighbors within 300 feet of the project area shall be provided one week prior to a changed construction schedule. A sign (with minimum font size of 0.5 inch) with the information required by mitigation measure N-1 shall be posted at the point of entry to the site immediately upon building permit issuance and upon any subsequent update notifications.

RM N-7 *Construction Noise Barriers.* Stationary construction equipment that generates noise exceeding 50 dBA at the property boundary shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters.

RM N-8 *Building Crack Video.* Prior to commencement of construction processes, the project permittee shall provide for prior two-week notification of neighbors and video documentation of existing cracks in buildings and other structures within 300 feet of the project site, and shall submit it to the City of Santa Barbara. Prior to issuance of certificate of occupancy, the project permittee shall provide for prior two-week neighbor notification and video documentation of post-construction condition of buildings and other structures, and shall compensate any neighbors for repair of cracks caused by the construction process.

## Noise – Residual Impact

Long-term project operational noise impacts would be *less than significant* (Class 3). Temporary construction noise and vibration impacts would be *mitigated to a less than significant level* (Class 2) with mitigation measures to limit construction hours for higher noise generating activities, use equipment sound controls, and notify neighbors. Recommended Measures for construction hours, sound controls, neighbor notification, noise barriers, and pre-construction crack survey and repair provisions would further reduce less than significant noise and vibration impacts.

| 8. POPULATION AND HOUSING<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Induce substantial population growth in an area, either directly or indirectly (e.g. through extension of roads or other infrastructure)? | Class 3 - Less than significant | The General Plan Program EIR (2011) analyzed citywide cumulative growth inducing, population and jobs/housing impacts of new development to the year 2030. |
| b) Displace substantial numbers of existing housing, especially affordable housing, or people necessitating the construction of replacement housing elsewhere? | Not applicable/ No impact | |

## Population and Housing – Existing Conditions and Project Impacts

**8.a) Growth-Inducing Impacts.** The project would not involve a substantial increase in major public facilities such as extension of water or sewer lines or roads that would facilitate other growth in the area. The project would not involve substantial employment growth that would increase population or housing demand. The project is limited to a single residence and the project site is located in an urbanized area that is designated and zoned for low density residential use and is currently served by all required infrastructure. Growth-inducing impacts would be *less than significant* and no mitigation is required.

**8.b) Housing Displacement.** The project would not involve any housing displacement, and would result in *no impact* to displacement of housing or persons.

Cumulative Population and Housing Impacts. The project is within the growth assumptions analyzed for cumulative population, employment, and housing effects as part of the Program Environmental Impact Report for the 2011 General Plan. The project would have an incremental effect on population and housing which would not constitute a considerable contribution to cumulative population and housing effects.

## Population and Housing - Mitigation

No mitigation is required.

## Population and Housing – Residual Impact

Project growth-inducing impacts would be *less than significant* (Class 3). The project would have *no impact* associated with housing or population displacement.

| 9. PUBLIC SERVICES AND UTILITIES<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | Class 3 Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative public services and utility impacts of new development to the year 2030. |
| b) Require or result in the construction of new or expanded water treatment or distribution facilities, the construction of which could cause significant environmental effects? | Class 3 Less than significant impact | |
| c) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | Class 3 Less than significant impact | |
| d) Require or result in the construction of new or expanded wastewater treatment or collection facilities, the construction of which could cause significant environmental effects? | Class 3 Less than significant impact | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | Class 3 Less than significant impact | |
| f) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | Class 3 Less than significant impact | |
| g) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | Class 3 Less than significant impact | |
| h) Comply with federal, state, and local statutes and regulations related to solid waste? | Class 3 Less than significant impact | |
| i) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:<br>i. Fire Protection?<br>ii. Police Protection?<br>iii. Schools?<br>iv. Other Public Facilities? | Class 3 Less than significant impact | |

**Public Services and Utilities – Existing Conditions and Project Impacts**

**9. a-b) Potable Water Service and Water Demand.** The site is presently vacant and the existing remnant development on the site has no water demand. The water demand for the proposed project is estimated to be 0.42 acre-foot per year (medium single family lot size of 7000 square feet to one acre), based on the City's Water Demand Factor Report (October 2009). A substantial portion of single family residential water use is typically expended on landscape irrigation. The project proposes restoration and maintenance of existing native vegetation, and landscaping using native and drought-tolerant species, which will substantially reduce project water demand from what would typically occur.

The proposed project site would receive long-term water service from City of Santa Barbara potable water supplies and water treatment and distribution facilities with facility hook-ups for the new development, and no expanded water supplies or treatment/distribution facilities would be needed. The proposed project is within the anticipated growth rate for the City, as analyzed for water supply and facilities under the City

General Plan Program EIR (2011) and Long-Term Water Supply Plan (2011). The City's long-term water supply and existing water treatment and distribution facilities would adequately serve the proposed project and no facility expansions would be required.

Droughts are a cyclical climate phenomenon experienced in California. The City and State have been experiencing a severe drought over the past several years. State and City drought water conservation regulations are in place throughout the City, and the City is actively pursuing supplemental water supplies including activation of the City desalination plant, to assure adequate ongoing and long-term water supply for existing development and a small increment of planned growth in accordance with its Long Term Water Supply Plan. The City has no restrictions of new land use in place associated with the drought or water supply.

The incremental increase in water use from the project would not significantly impact the City's water supply nor require any water supply or facility expansions, and would constitute a *less than significant* impact to the City water supply, treatment, and distribution facilities, and no mitigation is required.

**9.c-e) Wastewater Facilities and Demand.** The site has no current land use and no demand for wastewater collection/treatment. The wastewater collection/treatment demand for the proposed project is estimated to be 0.37 acre-foot per year (approximately 87% of water demand), based on the City's Water Demand Factor and Conservation Study "User's Guide" Document No. 2.

The project site would be served by existing City of Santa Barbara wastewater collection and treatment facilities. The existing Mesa Sewer Trunk Line crosses the project site (just above the proposed residence location) subject to an easement. Project plans identify tie-ins to the City collection system, which would be regulated via City Building and Public Works permits per City standards. The proposed project is within the anticipated growth rate for the City analyzed in the Program EIR for the General Plan (2011) for wastewater collection and treatment capacity. The City's existing wastewater collection and treatment facilities would adequately serve the long-term needs of the proposed project, and no expansion of collection or treatment facilities would be required. The project would involve a minor amount of residential wastewater, and does not have the potential to cause City wastewater treatment to exceed Regional Water Quality Control Board water quality standards.

The incremental increase in wastewater collection/treatment demand of the project can be accommodated by the existing City wastewater collection system and wastewater treatment plant, and would represent a *less than significant* wastewater impact with no mitigation required.

**9.f) Storm Drains**. The project would utilize the existing public storm water collection systems in the adjacent public street, El Camino de la Luz and an on-site storm water control system with water storage tanks. No new public storm drain facilities would be needed to support the project or protect adjacent properties. The project applicant's geology and hydrology reports (CSA 2012, 2015, 2016) analyze site drainage and storm water run-off and identified the design of proposed on-site project drainage facilities to be installed as part of the project. The drainage plan would provide for strict control of all surface water within the grading and structural development envelope to avoid landform saturation and reduce bluff erosion. On-site drainage facilities would include three horizontal below grade drains connecting to on-site water storage tanks, back drains behind retaining walls, and residence sub-floor sub-drains. Design of onsite water storage tank designs would have capacity to contain runoff onsite up to the City peak design storm (25-year, 24 hours, 6.21 inches). Project drainage facilities would be subject to City Building and Public Works permits in accordance with City standards. Project impacts associated with environmental effects of storm drain facility expansions would be *less than significant* and no mitigation is required.

**9.g-h) Solid Waste Generation/ Disposal.** The currently vacant site generates no solid waste. The site is served by City-contracted trash pick-up and disposal at the County Tajiguas Landfill, and recyclables pick up, sorting, and distribution to markets.

*Short-Term Waste Generation (Demolition and Construction).* The project construction process would include site preparation grading and slope stabilization, demolition and disposal of existing remnant facilities on the site (e.g., concrete entry pavement, fencing), disposal of some landslide debris, and installation/construction of foundations, residence, and associated facilities. Grading cut and fill would be balanced on site (1,175 cubic yards).

Demolition debris is estimated at 90 tons (840 square foot concrete entry, etc.). Landslide debris could involve up to an estimated 140 tons (CSA 2015 estimate based on site observations of daylighted debris; building plans for prior residence; CDP for City post-landslide work on the site and neighbor observations during the work; and aerial photography). Waste generation for new construction is estimated to be 88 tons (3500 SF residence/garage x 0.25 tons/SF per City guideline).

Prior to any recycling or diversion, demolition and construction waste is estimated at 318 tons. With implementation of the City's Construction and Demolition Ordinance (SBMC Ch. 7.18) requirement to divert 75% of construction waste, construction process waste requiring landfill disposal is estimated to be 80 tons. Because the project would generate less than the impact significance guideline level of 350 tons of construction and demolition debris, the project would have a *less than significant* impact pertaining to short-term solid waste.

*Long-Term Waste Generation (Operational).* The project use is estimated to generate 2.86 tons per year (TPY) of solid waste (one single-family residence x average 3.01 persons/residence x 0.95 tons/person/year) (County of Santa Barbara solid waste factors). This is less than the 196 TPY project-specific impact significance criteria, and is below the 40 TPY criteria for a considerable contribution to cumulative impacts, and represents a *less than significant* long-term solid waste impact. Resident measures to reduce, reuse, and recycle could further reduce landfill disposal of solid waste.

**9.i) Police, Fire, Schools, and Public Facilities.** The project site is located in an urban area where all public services are available. The project involves only one single-family residence, which would not create a substantial increase in demand on fire or police protection services, schools, library services, or City or County buildings and facilities. The project would be served with connections to existing public services for gas, electricity, and communications at the site, as well as access to existing roads, all of which can accommodate the minor increase in demand generated by the project.

The project site is served by the Santa Barbara Unified School District for elementary and high school, which is not designated as "overcrowded" as defined by the State of California. School impact fees would be applied to the project as required in accordance with State law.

Cumulative Impacts. The project development is within the growth anticipated in the General Plan program environmental impact report (2011) and for existing and planned facilities. The program environmental impact report for the General Plan found no significant impacts to police, schools, and public facilities for existing development together with the small increment of growth forecasted for the City in the timeframe to the year 2030. The small service demand increase associated with the project would not require any public facility expansions in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. A City facilities planning and budget planning process is in place to provide for City services. Project impacts to fire protection, police protection, schools, library services, facilities and services, electrical power, natural gas, and telecommunication utilities would be *less than significant*. and no mitigation is required.

## Public Services and Utilities – Mitigation

No mitigation is required.

## Public Services and Utilities – Residual Impacts

Project impacts associated with water supply and capacity of treatment/distribution facilities, wastewater collection and treatment facilities, storm water facilities, solid waste collection and disposal, and other public facilities and services, including fire and police protection, schools, and other public facilities, services, and utilities would be *less than significant* (Class 3).

| 10. RECREATION | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | Class 3 - Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative parks and recreation impacts of new development to the year 2030. |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | Class 4 – Beneficial impact | |
| c) Would the project result in substantial loss or interference with existing park space or other public recreational facilities (such as hiking, cycling or horse trails)? | Class 3 - Less than significant impact | |

## Recreation – Existing Conditions and Project Impacts

### 10.a-c) Recreational Demand and Existing Project and Public Recreational Facilities.

(a) *Recreational Demand*. As a single residence, the project is minimal in scope and would not have the potential to substantially increase demand or physically deteriorate existing recreational facilities. The certified Final Program EIR for the General Plan Update (2011) concluded that City parks, waterfront, beaches, and recreational facilities are sufficient overall for the projected levels of future population anticipated in the 2030 timeframe. The subject project is within the scope of planned development build out projected and evaluated in the General Plan EIR. The project impact associated with recreational demand would be *less than significant* and would not represent a considerable contribution to a cumulative impact.

(b, c) *Recreational Facilities*. The project residence design includes on-site outdoor recreation areas for private residential use. The project parcel also includes the back beach area between the Mean High Tide Line and the lower cliff. A recorded private access easement exists that provided for a former footpath from 1927 El Camino de la Luz across 1925 El Camino de la Luz to the beach (*Preliminary Title Report, 2015*). The path no longer exists due to the landslide. The general alignment of the proposed California Coastal Trail along the West Mesa area includes the beach and first roads parallel to the coast. The back beach area of the project parcel is included within this general trail alignment. The project proposes a public lateral access easement on the back beach area of the parcel, which would be consistent with its use as part of the public beach and the California Coastal Trail.

Outside of the residence development envelope, the remainder of the 0.45-acre project parcel is proposed to remain in undeveloped open space. This includes the portion of the parcel between the residence and the coastline, which contributes to the natural open space backdrop for public recreational use of the coastal beach and off-shore ocean area resources in the area. The project includes a component proposing an open space easement for the preservation of the open space on undeveloped portions of the property.

As discussed in the Geology section above (Section 5), the project geological studies, which considered accelerated sea level rise conditions, demonstrate that the project would not result in substantial impacts to coastal landforms and processes, and would not require shoreline protective devices during the life of the project.

The project does not include any recreational facility components which could have a substantial adverse effect on the environment. The project would not result in a substantial loss, interference, or deterioration of any such facilities. Project impacts associated with existing public recreational facilities would be *less than significant* and would not constitute a considerable contribution to cumulative impacts. No mitigation is required. The access and open space easements provide a recorded legal assurance of permanent public access across the back beach, and preservation of vegetated open space on the site which is part of the visual open space context of the coast in this area. These legal assurances are beneficial to the public beach and coastal trail and open space recreational resources of this area of the coast, a *beneficial impact*.

## Recreation - Mitigation

No mitigation is required.

## Recreation – Residual Impacts

Project impacts on recreational demand and existing public recreational facilities would be *less than significant* (Class 3). The project component offer for dedication of a public lateral beach access for the property back beach and an open space easement for preservation of natural undeveloped areas of the property would have a *beneficial impact* (Class 4).

| 11. TRANSPORTATION/CIRCULATION<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system and traffic management? | Class 3 – Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative transportation impacts of new development to the year 2030. The City Council adopted findings of overriding consideration for significant citywide cumulative traffic effects associated with General Plan build-out to 2030, deeming the significant effects to be acceptable. |
| b) Conflict with an applicable vehicle congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | Class 3 – Less than significant | |
| c) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | Class 3 – Less than significant impact | |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? | Class 3 – Less than significant impact | |
| e) Result in inadequate emergency access? | Class 3 – Less than significant impact | |
| f) Result in a change in a substantial change in air traffic patterns, including either a substantial increase in traffic levels or a change in location that results in substantial safety risks or conflict with the Airport Land Use Plan? | Class 3 – Less than significant impact | |

## Transportation – Existing Conditions and Project Impacts

**11.a) Conflicts of applicable plans, ordinances, or policies.** Based on the analysis below determining less than significant project effects pertaining to roadway system circulation and safety, and vehicle, bicycle, pedestrian, and bus travel, the project would be consistent with City policies in the General Plan and Local Coastal Plan Circulation Elements, Growth Management Ordinance and Traffic Management Strategy, Bicycle Master Plan, and Pedestrian Master Plan, and would not exceed County Congestion Management Plan standards. The project would have a *less than significant impact* with regard to conflicts with transportation plans and policies.

**11.b) Vehicle Traffic**

*Long-Term Traffic*. The project site is located in the West Mesa neighborhood and is directly accessed from local public roads El Camino de la Luz from Oliver Road. The nearest arterial is Cliff Drive to the north, which provides access to Meigs Road and Carrillo Boulevard to the east and Las Positas Road to the West. Nearby intersections operate at acceptable traffic levels below Level of Service "C" (< 0.77 V/C ratio of traffic volume to roadway capacity) during peak morning and evening commute times (7:00-9:00 a.m. and 4:00-6:00 p.m.).

*Project-specific traffic impact*. The project would be expected to generate approximately ten average daily vehicle trips and one p.m. peak-hour trip. With distribution of these trips to the roadway network, their impact to peak-hour traffic would not exceed 0.01 percent of the capacity of an impacted intersection, and would constitute a *less than significant traffic impact* and no mitigation is required.

*Project contribution to cumulative traffic impacts*. All development projects with net new units or square footage are considered to contribute to citywide cumulative traffic effects. This project's long-term traffic generation would *contribute to significant citywide cumulative traffic effects*. The General Plan program environmental impact report (2011) included a citywide analysis of traffic associated with existing development and additional build-out anticipated to the year 2030 under the General Plan. The analysis identified 27 intersections throughout the City, many at Highway 101 on- and off-ramps, that either were already impacted by traffic levels exceeding 0.77 V/C during peak hours, or were expected to become impacted by 2030 due to the cumulative traffic associated with forecasted development. In adopting the General Plan, the City Council adopted measures toward reducing the cumulative traffic effects, and also adopted findings of overriding consideration that the benefits of the General Plan outweigh the significant

residual traffic effects, deeming the significant traffic effects to be acceptable. Project traffic would not exceed County Congestion Management Plan regional traffic standards.

*Short-Term Construction Traffic*. The project would generate construction-related traffic that would occur over the estimated 22-month construction period, and would vary depending on the stage of construction. The initial stages (four weeks demolition, six weeks grading) would involve trips associated with the arrival and departure of six workers and pieces of heavy equipment, and truck trips for removing existing concrete, fencing, and landslide debris. The remaining work to install/construct foundation, buildings, and infrastructure would typically involve 4-10 workers and truck trips for delivery of materials. Construction equipment and materials staging and parking areas would be used on the project site and by a temporary easement on the adjacent site (1921 El Camino de la Luz), which would reduce the potential for blocking and creating traffic on neighborhood streets. Standard conditions of approval would be applied, including restrictions on the hours permitted for construction truck trips outside of peak traffic hours, approval of routes for construction traffic, and designation of specific construction staging and parking areas (Exhibit C). Temporary construction traffic is generally considered an adverse but not significant impact. In this case, despite the relatively lengthy construction period, given low traffic levels in the vicinity, short-term construction-related traffic impacts would be *less than significant* and no mitigation is required.

**11.c) Bicycle/Pedestrian/Public Transit.** The one replacement residence would not substantially change or increase in the need for new bike lanes, sidewalks, or transit facilities in the project area. El Camino de la Luz in the project vicinity does not have sidewalks or designated bike lanes, and pedestrians and bicyclists would continue to share the existing right-of-way on neighborhood streets. Metropolitan Transit District bus lines 4 (Mesa/SBCC) and 5 (Mesa/La Cumbre) traverse the Mesa along Cliff Drive and connect locations such as Santa Barbara City College (Cliff/Loma Alta), the Mesa Shopping Center (Cliff/Meigs), and Cliff/Los Positas, as well as other South Coast locations via the Downtown transit station. Project impacts associated with pedestrian, bicycle or public transit facilities would be *less than significant* and no mitigation is required.

**11.d-e) Access, Circulation, and Safety** Access to the proposed development would be provided by a single driveway from the El Camino de la Luz public street. Project plans have been reviewed by the City Public Works and Fire Departments. Project access would be adequate consistent with access requirements for City transportation and emergency and fire access standards. Project impacts associated with access would be *less than significant* and no mitigation is required.

El Camino de la Luz, the public street adjacent to the project site, does not have sharp curves, inadequate sight distance, or dangerous intersections. The project does not propose any changes to the existing roadway alignment, lane configurations or medians. The property frontage currently has curb cut along El Camino de la Luz at the project site, which would be improved for the revised driveway in accordance with current standards. The driveway has been designed to provide adequate sight distance to and from the intersection of the driveway with El Camino de la Luz. The project is a residential project to be located in an existing urbanized residential area and involves no incompatible land uses that would result in a vehicle mix that could increase traffic hazards. Project impacts pertaining to circulation and safety would be *less than significant* and no mitigation is required.

**11.f) Air Traffic.** The project is not located near the Airport and would have *no impact* on aircraft traffic patterns or safety or result a conflict with Airport Land Use Plan policies. The project would not substantially increase the air traffic demand in the area, a *less than significant* effect on aircraft traffic levels.

## Transportation – Mitigation

No mitigation is needed.

## Transportation – Residual Impact

Project impacts associated with transportation policy conflicts, vehicle traffic congestion, bicycle, pedestrian, and transit facilities and travel, circulation and safety of transportation networks, and aircraft traffic and safety would be *less than significant* (Class 3).

| 12. WATER QUALITY AND HYDROLOGY<br>Would the project: | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|
| a. Impact groundwater by:<br>i. Substantially depleting groundwater supplies or interfering substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby well would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?<br>ii. Violating any groundwater quality standards/ requirements or otherwise substantially degrading groundwater quality? | Class 3 – Less than significant impact | The General Plan Program EIR (2011) analyzed citywide cumulative hydrology and water quality impacts of new development to the year 2030. |
| b) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | Class 3 – Less than significant impact | |
| c) Substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on- or off-site? | Class 3 – Less than significant impact | |
| d) Violate any surface water quality standards/requirements or otherwise substantially degrade surface water quality? | Class 3 – Less than significant impact | |
| e) Substantially alter a stream or river (either directly or indirectly through encroachment into buffer areas) in a manner which would result in substantial on- or off-site erosion, siltation, flooding, water quality degradation, or impacts to sensitive biological resources? | Class 3 – Less than significant impact | |
| f) Expose people or structures to a significant risk of loss, injury or death involving flooding (including flooding as a result of the failure of a levee or dam), wave action, or surface water erosion? | Class 3 – Less than significant impact | |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | Class 3 – Less than significant impact | |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | Class 3 – Less than significant impact | |
| i) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? | Class 3 – Less than significant impact | |
| j) Sea Level Rise | Class 3 – Less than significant impact | |

## Water Quality and Hydrology – Existing Conditions and Project Impacts

### 12.a) Groundwater Quantity and Quality

i. *Groundwater Supply*. The project is minor in scope and does not include installation of wells or pumping of ground water. The project would not have the potential to substantially deplete or lower groundwater or interfere with groundwater recharge. The project would have a *less than significant impact* on groundwater supply.

ii. *Groundwater Quality*. The project does not include a septic system. Groundwater below the site is at a depth of approximately 25 feet. Due to unstable geologic substructure and soils subject to erosion and landslide, the residence foundation support would utilize a deep caisson system involving drilling to establish caissons within bedrock. This could involve drilling through the groundwater table, with a small potential for this work to result in a minor accidental release of drilling fluids to the groundwater. The work would be done under building code regulations and permit and Regional Water Quality Control Board regulations for the protection of groundwater quality and to address and remediate any accidental release. The project does not have the potential to substantially deplete, interfere with, or degrade groundwater quality, a *less than significant impact* on groundwater quality.

**12.b-d) Drainage, Storm Water Runoff, and Water Quality**

Hydrology reports submitted by the applicant (Cotton, Shires and Associates 6-25-15, 1-6-16) analyze existing and future drainage, storm water run-off, and water quality issues, and propose the design of a project drainage and storm water management system toward contributing to landform stability, maximizing storm water reuse, maximizing on-site storm water retention, maintaining and enhancing storm water quality, and managing long-term function of the storm water system.

***Long Term***

*Current drainage conditions*. The nearest surface water courses are the Pacific Ocean directly south of the parcel and Lighthouse Creek approximately 450 feet to the east of the parcel. The project site contains no creeks. Drainage on the site has been affected by prior grading and paving associated with public infrastructure (e.g., Mesa sewer line crossing property) and the prior residential development (some remnant paving exists), the 1978 landslide, and post-landslide slope grading and slope stabilization activities. Runoff from the parcels fronting both sides of El Camino de la Luz east of Oliver Road is captured by the street pavement, berms, curbs, gutters, and storm drain inlet at the El Camino de la Luz cul-de-sac with outlet to Lighthouse Creek.

The project hydrology report identifies 16 sub-catchment areas in whole or part on the project site. The existing drainage pattern on the project site primarily flows downslope, with some overland flow from adjacent parcels to the west, and some onsite drainage flowing to the parcel to the east. A small concrete V-ditch drains the lower (south) portion of the concrete driveway on the site to the driveway on the 1921 El Camino de la Luz driveway.

*Drainage and storm water policies.* Analysis of project drainage impacts is informed by policies 8.1 and 8.2 of the City Local Coast Program (LCP) certified by the California Coastal Commission. These are policies adopted for the purpose of avoiding or mitigating environmental impacts, and a project conflict with the policies could represent a significant environmental impact.

> LCP Policy 8.1. "All new development of bluff top land shall be required to have drainage systems carrying run-off away from the bluff to the nearest public street or, in areas where the landform makes landward conveyance of drainage impossible, or where additional fill or grading is inappropriate or cannot accomplish landward drainage, private bluff drainage systems are permitted if they are (1) Sized to accommodate run-off from all similarly drained parcels bordering the subject parcel's property lines; (2) The owner of the subject property allows for the permanent drainage of those parcels through his/her property; and (3) The drainage system is designed to be minimally visible on the bluff face."
>
> LCP Policy 8.2. "With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or access ways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach."

Coastal Commission regulations require a drainage and run-off control plan that addresses specified criteria for low impact development (LID) techniques, post-development run-off rates, best management practices, landscape plants, slope stabilization, erosion control, operations, monitoring, maintenance, and repair.

State and City regulations require that onsite capture, retention, and treatment of storm water to manage run-off volume and water quality be incorporated into the design of the project. Pursuant to the City Storm Water Management Plan (SWMP) and associated ordinance and the City's National Pollution Discharge

Elimination System (NPDES) General Permit for Storm Water Discharges, and Best Management Practices guidelines document, the City requires that any increase in storm water runoff (based on a 25-year storm event) be retained onsite and that projects be designed to capture and treat the calculated amount of runoff from the project site for a one-inch storm event, over a 24-hour period. Best management practices are required to treat for water quality. Pursuant to City provisions, the project is subject to a Tier 3 storm water management system.

*Project drainage and storm water management.* The hydrology report analysis (CSA 2015) concludes that the current storm water runoff capacity of the El Camino de la Luz municipal storm drain (pavement, berms, curbs, gutters, and drain inlet) for the 29 parcels fronting on El Camino de la Luz exceeds the runoff rate for fully developed El Camino de la Luz drainage watershed during peak 25-year design storm, extreme event 100-year storm (as evidenced by the lack of flooding of downslope parcels during the 1994-95 storms), and even 1,000-year storm events. To conservatively address any potential for upslope drainage onto the project site during future extreme storm events during the 75-year life of the project, the report recommended and project plans incorporate measures for additional driveway and side yard freeboard (vertical 4 inches above the top of the curb elevation), automatic back-flow control valves in excess storm water outfall at the replacement curb (with regular inspection and maintenance), and street gutter maintenance to prevent buildup of debris that could impede flow along the gutter.

The project technical reports (CSA 2012, 2015, 2016) analyze site drainage and storm water run-off and identify the design of proposed on-site project drainage facilities to be installed as part of the project. The project would require approximately 7,000 square feet of impervious surface and would retain approximately two-thirds of the site as natural open space. The drainage plan would provide for strict control of all surface water within the grading and structural development envelope to avoid landform saturation and reduce bluff erosion. On-site drainage facilities would include three horizontal below grade drains connected to three on-site water storage tanks (total capacity >36,000 gallons), back drains behind retaining walls, and residence sub-floor sub-drains, along with vegetation restoration, landscaping, and roof gardens. Design of onsite water storage tank designs would have capacity to contain runoff onsite up to the City peak design storm (25-year, 24 hours, 6.21 inches). The horizontal drains beneath the structure would also reduce the potential for high pore water pressures that can affect landslide potential (pressure of groundwater held within soil or rock pores, i.e., gaps between particles). Water retained in the tanks would be re-used for non-potable uses in the house, landscape irrigation (lemonade berry restoration), lap pool, and made available for municipal use as needed (fire protection, public works) via a stand-by pipe adjacent to the upper driveway near El Camino de la Luz.

The weight of water by volume is about half that of soil. The geologist analysis concluded that the net loading of the water retention tanks would be less than if there were no tanks at all, and tank placement would not have the potential to destabilize subsurface geology. The tanks are designed to avoid leakage and to withstand seismic events. Horizontal drains beneath the project would collect and pump any subsurface water in the event of any leakage, such that no significant erosion or stability effects would result.

The plan proposes that drainage for two small areas (areas SC-3 and SC-4, Hydrology report 2015) would be piped to adjacent property 1921 El Camino de la Luz (also owned by the project site owner), which would require a permanent drainage easement.

Post construction water quality would not utilize typical infiltration methods due to geological constraints, and water quality would be addressed with alternate structural and operational best management practices, including installation and maintenance of filtration on drain inlets and trench drains, energy-efficient ultra-violet light treatment or a similar process for the water storage tanks, vegetation planting and maintenance to minimize sediment, native vegetation to minimize nutrients and pesticides, and regular sweeping of paved areas to minimize hydrocarbons.

The City Creeks Division reviewed these initial project drainage and storm water management plans for the project and concluded that the plans could comply with City SWMP Tier 3 requirements for run-off volumes, water quality treatment, and BMPs. Project drainage facilities would be subject to standard conditions of approval, City building codes and permit standards, and federal and State regulatory programs established to minimize impacts associated with storm water volume and quality impacts. A final project SWMP requires City approval prior to issuance of grading and building permits.

The project component for use of collected storm water in a seasonal lap pool may need further refinement. Current plans propose water quality treatment using UV light and without chemicals, and discharge to a storm drain. The City Municipal Code (§16.15.10) requires pools to drain to a sewer rather than storm drain. Feasible minor project alterations have been identified by the applicant to connect to a wastewater line rather than storm drain if determined necessary by the City to address this issue (CSA Jan 2016). With regulations and permitting process in place, this issue would not result in a significant impact or policy conflict.

Project impacts associated with drainage, storm water, and surface water quality would be *less than significant*, and no mitigation is required.

A Recommended Measure (below) has been identified to assure implementation of approved drainage and storm water management facilities and operations based on technical study recommendations and consistent with City policies, ordinances, and guidelines.

***Short Term***

Coastal Commission regulations and City SWMP provisions and grading and building ordinances require approval of a construction drainage and storm water management plan prior to grading and building permit issuance to ensure that the grading and construction process would not result in significant temporary drainage, storm water, erosion, or water quality impacts and best management practices are followed. Temporary construction impacts of the project pertaining to drainage, storm water, erosion, and water quality would be *less than significant*, and no mitigation is required.

A Recommended Measure (below) has been identified to assure implementation of approved drainage and storm water management facilities and operations based on technical study recommendations and consistent with City policies, ordinances, and guidelines.

**12.e) Creeks**

The project is minor in scope and is not located near a creek. The site contains no perennial, intermittent, or ephemeral streams (WRA 2012, 2015), As discussed above, the project would incorporate a storm water management system to address volume of run-off and water quality for water that could reach surface water bodies, with the system subject to City and State storm water management policies and regulations. The project will utilize native and drought-tolerant vegetation, which will minimize irrigation and any potential pesticide or fertilizer effects. The project does not have the potential to substantially alter a stream or river directly or indirectly or result in substantial effects to a creek from erosion, siltation, flooding, water quality degradation, or impacts to creek biological resources, a *less than significant impact*.

**12.f-j) Flooding and Inundation**

*Flood Zones*. The coastal beach portion of the site is within Federal Emergency Management Agency (FEMA) Zones VE and AE for coastal high flood risk area subject to storm waves. The project development site is not located in a flood hazard zone or in an area prone to regular flooding. The flooding potential would not change following project construction and occupancy. The project would include drainage and storm water control facilities subject to regulatory provisions and City approval. The project would not substantially alter the course or flow of flood waters, or substantially increase risk to life and property due to flooding or failure of flood control facilities.

*Ocean Waves and Sea Level Rise.* The coastal cliff on the property ends at the beach. Ocean waves during high tides and substantial storms reach the back beach and toe and lower portion of the cliff, and may result in temporary inundation and natural erosive effects. Wave erosion at the toe of the landslide may potentially impact the stability of the entire landslide area. The applicant's technical reports on wave run-up and coastal hazards (GeoSoils, Inc. 7-20-12, 4-9-15) identified that wave run-up and spray periodically reach the lower coastal bluff on the parcel and have resulted in surficial erosion and/or vegetation disturbance of the near-vertical 4-8 foot coastal bluff face, base of the coastal bluff (cobble field) and mid-upper coastal bluff face, with current erosion rates estimated at an annualized average rate of 1.36 inches per year in this location (substantially less than the identified citywide average of 8-12 inches per year).

Upper range scenarios for future accelerated sea level rise of 66 inches and 79 inches by the years 2050 and 2100 due to climate change, (*as identified by 2013-2014 International Panel on Climate Change, US*

*National Climate Change Assessment, California Ocean Protection Council and Coastal Commission, and City of Santa Barbara*) were analyzed for potential wave run-up effects. The analysis concluded that under neither scenario would wave run-up or spray reach the project as the location exists today or is likely to evolve during the 75-year life of the project given geomorphology of the parcel and proposed development design components to avoid landform saturation (CSA 2012, 2015, GSI 2012). No shoreline protective devices are proposed and would not be required during the life of the project. The project development would be located 169 feet upslope (north) from the lower cliff at the 51 foot elevation, and would not have the potential to change the effects of ocean waves on flooding and erosion effects, or result in inundation of the project from ocean waves. Project impacts associated with flood hazards due to ocean waves would be *less than significant*.

*Seiche.* The project site does not include an enclosed water body such as lake that could be subject to seiche (earthquake-induced standing waves). The proposed water tanks/lap pool are small and would not involve a substantial hazard due to seiche. The project would have a *less than significant impact* associated with seiche.

*Mudslide.* The project site is subject to soil erosion and landslide. As discussed further in section 5 (Geology and Soils), the project proposes a foundation tied to underlying stable bedrock and a storm water drainage control system, such that the project development would not have the potential to substantially exacerbate potential risks to life and property due to landslide or mudslide, a *less than significant impact*.

*Tsunami.* The lower portion of the project site below the lower bluff tier (51 foot elevation) is located within the identified City hazard zone for tsunami run-up (seismic sea waves). The probability and public risk associated with tsunami has been rated as low (Griggs 2012). The project involves only one residence, the development envelope would be outside the identified tsunami run-up area, and the project would not substantially exacerbate the existing risk of tsunami. The City has evacuation plans, routes, and public information signs and procedures for parts of the City that could be affected by tsunami, and such plans would be effectuated should a tsunami threat be anticipated. With existing emergency procedures, the project impact associated with risk of inundation by tsunami is considered *less than significant*.

**Cumulative Impacts**. The project development is within the growth assumptions analyzed for cumulative effects associated with flooding, drainage and storm water, and surface and groundwater quality within the Program Environmental Impact Report for the 2011 General Plan, which impacts were found to be less than significant through implementation of regulatory requirements.

## Water Quality and Hydrology – Mitigation

No mitigation is required.

Recommended Measure:

RM WQH-1 *Drainage and Storm Water Management Facilities and Plans*. Final project plans shall incorporate project components for temporary construction erosion and sediment control and water quality facilities and operations, and post-construction permanent drainage and storm water management facilities and operation/maintenance provisions. Approved drainage and storm water facilities and operations/maintenance provisions shall reflect technical study recommendations and be consistent with City policies, ordinances, and guidelines for construction erosion and sediment control, and permanent storm water management addressing water volumes and water quality.

## Water Quality and Hydrology – Residual Impact

Impacts of the project as proposed associated with groundwater and surface water volume and quality, drainage and storm water volume and quality, creeks, flooding and inundation would be *less than significant* (Class 3).

| 13. LAND USE AND PLANNING<br>Would the project: | | Level of Impact Significance | Analyzed in Prior Document |
|---|---|---|---|
| a) | Have significant impacts associated with physically dividing an established community? | Not applicable/no impact | The General Plan Program EIR (2011) analyzed land use policy impacts of new development citywide to the year 2030. |
| b) | Result in a significant impacts due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | Class 3 – Less than significant impact | |

## Land Use and Planning – Existing Conditions and Impacts

**13.a.) Physically Divide Community.** The project does not involve a roadway or other public improvements that have the potential to physically divide the community, and would not close any existing bridges or roadways. The project would connect to the existing street system via a driveway, and would not create any physical barriers that would divide the community. The project would have *no impact* toward physically dividing a community.

**13.b.) Conflicts with Plans for Avoiding Environmental Effect.** While completing each section of this Initial Study, within each resource section and in the Plans and Policy Section. an analysis was undertaken to determine the potential conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purposes of avoiding or mitigating an environmental effect. Required mitigation measures related to biological resources and noise would ensure that the project is consistent with applicable plans and policies for those areas. Section 5 discusses potential conflicts with coastal plan policies for development on coastal bluffs, and concludes that the conflicts would not result in any significant unmitigable environmental impacts. Project environmental impacts pertaining to policy conflicts would be *less than significant*.

**Cumulative Impacts**. The project would not involve or result in a considerable contribution to cumulative impacts associated with physically dividing a community. The project impact analysis identifies the potential for determining a conflict with coastal policies for development setbacks from coastal bluffs, however, because the analysis clearly demonstrates that the project would not result in significant physical impacts, such a determination of policy conflict would not constitute a significant impact under CEQA *(Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005)* or a considerable contribution to cumulative impacts.

## Land Use and Planning – Required Mitigation

See Biological, Geological, and Noise sections. No further mitigation required.

## Land Use and Planning – Residual Impacts

Project impacts associated with land use and planning policies would be *less than significant*.

| MANDATORY FINDINGS OF SIGNIFICANCE. | YES | NO |
|---|---|---|
| Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | | ✔ |
| Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | ✔ |
| Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | ✔ |
| Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals? | | ✔ |

The information and analysis throughout this environmental review document supports the mandatory findings of impact significance. In response to public comment, the following provides further summaries of the information and analysis throughout this document that supports the mandatory findings.

a) **Biological and Cultural Resources**

As discussed in Section 3 (Biological Resources), the project, with the implementation of identified mitigation, would not reduce the habitat of a fish or wildlife species, cause a fish or wildfire population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The biological resources impact analysis was informed by a biological resources report by a qualified biologist. The project site contains existing native habitat and wildlife species within the coastal scrub and coastal bluff scrub vegetative communities and no protected species are known to exist on the site. The project development of a single house is limited in scope and a limited amount of vegetation will be removed. Areas outside of structural development that are disturbed by demolition, grading, or construction activities will be revegetated with native and compatible vegetation. Approximately 2/3 of the site would be retained in native coastal plant species and compatible ornamental landscape vegetation, and protected with an open space easement. A standard mitigation measure agreed to by the applicant would be applied as a project condition of approval to provide that vegetation removal would be avoided during the bird nesting season (February 15 to September 15) and a nesting bird survey would be conducted prior to any construction activities during that period, and that any nests found will be protected and vegetation not removed until after the young have fledged. The residence is within the growth assumptions analyzed for cumulative biological impacts in the Program Environmental Impact Report (EIR) for the 2011 General Plan. The project would have no significant impacts associated with elimination, substantial reduction, or significant impact to native habitat or species or rare or endangered species.

As discussed in Section 4 (Cultural Resources), the project would not eliminate or impact important prehistoric or historic resources. The project site contains no aboveground historic resources. The site is located within an area identified as potentially sensitive for subsurface prehistoric archaeological resources. There are no known archaeological or other cultural resources on the site. The area to be disturbed by the project has been previously disturbed by the prior residential development, landslide, and slope stabilization work, and there is no expectation that subsurface resources would be found during project development. The project is within the growth assumptions analyzed for cumulative cultural resources impacts as part of the Program EIR for the 2011 General Plan. A standard condition of approval per Master Environmental Assessment guidelines would be applied to the project permit establishing procedures in the event of unanticipated discovery of subsurface cultural resources, requiring that potential resources be evaluated and any potentially significant effects associated with important cultural resources be avoided or mitigated to a

less than significant level. The project would not eliminate or substantially impact important prehistoric or historic resources.

b) **Cumulative Impacts**

Sections 1 through 13 of this Initial Study consider potential cumulative impacts to environmental resources. As discussed in these sections, the project, with the implementation of any identified mitigation, would not result in any significant, cumulative impacts on the environment because the project contribution to cumulative impacts would not be considerable. It is noted that the CEQA Guidelines specify that existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

- Visual Resources. The single residence project is minor in scope, with most of the 0.45 acre site remaining in undeveloped open space, and the project constitutes in-fill development within a line of homes in an existing developed urban neighborhood. With substantial viewing distance from the beach and off-shore locations, intervening topography and vegetation, project design features and minimal topographic change, and the locational context within the existing line of homes, the project would be minimally visible and would not substantially change area views from the coast toward the urbanized city and mountains. The existing public ocean view corridor from the street would be maintained through project incorporation of siting location, site preparation/minimal topographic alteration, architectural design features, low-lying landscape, and a public view corridor easement. Project design refinements have been made to further minimize visibility and ensure visual compatibility, thereby further reducing the less than significant impacts, including reduction in residence height and size, architectural changes to further step the structure into the slope, additional vegetation screening; reduced reflective materials, and a color palette to blend the structure into the background context when viewed from a distance. The project is subject to architecture and landscape design review approval per City design guidelines to ensure compatibility with the visual character of the neighborhood and coastal visual resources. Project lighting would be subject to design review approval and Municipal Code lighting provisions to ensure no substantial off-site lighting or glare impacts would result. The project residence is within the growth assumptions for cumulative impact analysis of visual resources in the Program EIR for the 2011 General Plan. The project would have an incremental, less than considerable contribution to cumulative effects associated with scenic views, landform alteration, onsite visual quality, and lighting.
- Air Quality. Direct and indirect air pollutant and greenhouse gas emissions associated with the single project residence are not substantial in accordance with impact significance thresholds, and are accounted for in the cumulative emissions assumptions of the regional Clean Air Plan for the Santa Barbara County air basin and the City Program EIR for the 2011 General Plan and Climate Action Plan. Standard air quality provisions for suppression of construction dust and equipment emissions consistent with recommended measures of the Santa Barbara County Air Pollution Control District would be applied as conditions of project approval, and measures would be monitored throughout the project construction process. The MND analysis (Initial Study section 2) demonstrates that construction and long-term project air pollution emissions and greenhouse gases would not constitute considerable contributions to cumulative air quality impacts.
- Biological Resources. The project is limited to a single residence and would have an incremental impact to natural communities and species, with the majority of the site retained in native vegetation with an open space easement. With project design measures for revegetation of areas of native plant species with native species, and protection of vegetation and nesting birds during the construction process, project impacts to biological resources would not be substantial in accordance with impact significance guidelines. The project development is within the growth assumptions evaluated for cumulative biological impacts as part of the Program EIR for the 2011 General Plan. The MND analysis (Initial Study section 3) demonstrates that, with application of identified mitigation, the project would not have a considerable contribution to cumulative impacts on biological resources.
- Cultural Resources. The project site contains no aboveground historic resources and no known archaeological or other cultural resources on the site. The site is located within an area identified as potentially sensitive for subsurface prehistoric archaeological resources. The area to be disturbed by the project is limited and has been previously disturbed by the prior residential development, landslide, and slope stabilization work, and there is no expectation that subsurface resources would be found

during project development. The project is within the growth assumptions analyzed for cumulative cultural resources impacts as part of the Program Environmental Impact Repart for the 2011 General Plan. A standard condition of approval per Master Environmental Assessment guidelines would be applied to the project permit establishing procedures in the event of unanticipated discovery of subsurface cultural resources, requiring that potential resources be evaluated and any potentially significant effects associated with important cultural resources be avoided or mitigated to a less than significant level. The project would not have a considerable contribution to cumulative impacts on cultural resources.

- Geology. The project parcel is a coastal flag lot with steep slopes in an area subject to slope stability and landslide hazards and erosion. The project development is within the growth assumptions for analysis of cumulative geologic effects within the Program Environmental Impact Report for the 2011 General Plan, with analysis concluding that cumulative geologic hazards associated with development to the year 2030 would be less than significant due to application of regulatory requirements for development. The project was subject to extensive technical geological, geotechnical, and hydrological studies, which demonstrated that the project as sited and designed would not result in project-specific significant impacts or a considerable contribution to cumulative impacts associated with landslide, erosion, or other geologic or seismic hazards. The project construction process is designed to first install slope stability and drainage/erosion devices that would serve to provide for improved stability for the site development process such that no significant slope stability or other geologic or seismic effects to the site or surrounding area or considerable contributions to cumulative effects would result during project development. The project foundation design, using deep caissons (drilled) into bedrock, shear pins, and tie backs along with drainage controls, erosion controls, and vegetation, would also provide for long-term slope stability meeting applicable factor of safety criteria, improved drainage and erosion control. The project development would be subject to further design review and approval of final engineering plans per regulatory standards as part of the demolition, grading, and building permit process, and would require on-site monitoring by inclinometers and a licensed geotechnical engineer during development, such that the project would not result in significant long-term slope stability or erosion hazards or impacts to the site or surrounding area, and would not result in a considerable contribution to a cumulative impact.

- Hazards. The project development is within the growth assumptions used to analyze cumulative hazard impacts within the Program Environmental Impact Report (EIR) for the 2011 City General Plan. The Program EIR found that citywide cumulative impacts of development to the year 2030 would not result in significant cumulative hazards impacts due to extensive Federal, State, and local regulatory requirements in the areas of hazardous materials, accident risks, emergency response, and fire hazard. The project site contains no known hazardous materials contamination and would be subject to standard code provisions and contractor site practices providing for proper disposal of any unanticipated hazardous materials discovered in the course of project development. Removal of landslide debris within the project development envelope identified during the site preparation or construction process would also be subject to proper disposal per State regulations. Landslide debris removal would be directed, monitored, and inspected by a licensed geotechnical engineer as a standard requirement of the building permit. Federal Occupational Safety and Health Administration (OSHA) worker site safety procedures are also standard construction contractor provisions. The project is not located adjacent to facilities with the risk of upset and has no potential for affecting aviation. Staff of City departments reviewed plans for adequacy of site access and circulation improvements and found them adequate to support City requirements for access and evacuation. The project site is not located in a designated high fire hazard area and would be subject to applicable City Fire Code provisions for building materials, water supply, sprinklering, emergency access, and landscape. Project impacts associated with hazardous materials, accident risks, emergency response, and fire hazard would be less than significant and would not constitute a considerable contribution to cumulative impacts.

- Noise. The City Master Environmental Assessment Maps identifies the ambient background noise levels in the project site vicinity as below 60 dBA Ldn, the level identified in the City Local Coastal Plan and General Plan as appropriate for siting single-family residential land uses. Residential land use typically involves low noise generation, and is also subject to City Noise Ordinance provisions for minimizing periodic noise such as from mechanical equipment and sound amplification. An in-fill residence in an established low-density residential neighborhood, the project would not involve a

substantial increase in overall noise levels of the area. Project effects associated with long-term operational noise would be less than significant. Potentially significant temporary construction noise effects to the surrounding neighborhood during the project development process would be mitigated to a less than significant level with mitigation measures for limits on construction hours, requirements for equipment and vehicle noise controls, and neighborhood notification of construction process. The project is within the growth assumptions analyzed for cumulative noise impacts as part of the Program Environmental Impact Report for the 2011 General Plan. With implementation of identified mitigation measures agreed to by the project applicant, the project would not result in significant noise impacts or a considerable contribution to cumulative noise effects.

- Population and Housing. The project is limited to a single residence and the project site is located in an urbanized area that is designated and zoned for low density residential use and is currently served by all required infrastructure. The project would not result in significant growth-inducing effects, such as from a substantial increase or extension of public facilities or services or substantial employment or population growth causing increased housing demand; and the project would not involve housing or population displacement. The project is within the growth assumptions analyzed for cumulative population, employment, and housing as part of the Program Environmental Impact Report for the 2011 General Plan. The project would have an incremental effect on population and housing which would not constitute a considerable contribution to cumulative population and housing effects.

- Public Services and Facilities. The project site is located in an urban area where all public services are available. The project involves only one single-family residence, which would not create a substantial increase in demand on water, wastewater, waste disposal, fire and police protection services, schools, library services, or City or County buildings and facilities. The project would be served with connections to existing public services for gas, electricity, and communications at the site, as well as access to existing roads, all of which can accommodate the minor increase in demand generated by the project. The proposed project is within the anticipated growth rate for the City, as analyzed for water, wastewater, and waste disposal facility and service capacities and existing and planned facilities under the Program Environmental Impact Report for the 2011 City General Plan and Long-Term Water Supply Plan (2011) which found no significant impacts to cumulative public services and facilities with the small increment of growth to the year 2030. The project would have an incremental effect on public services and facilities which would not constitute a considerable contribution to a significant cumulative public services and facilities impact.

- Recreation. The project development of a single residence within an existing neighborhood is minor in scope and does not have the potential for creating substantial demand for recreational facilities, or substantially affecting existing recreational facilities. The project includes an offer to dedicate a public access easement across the back beach area of the project, which benefits public use of the beach. The project includes an offer to dedicate an open space easement across undeveloped vegetated portions of the property, which benefits preservation of the visual backdrop of the beach for public use. The project is within the assumed growth analyzed for cumulative impacts on recreational facilities as part of the Program Environmental Impact Report for the 2011 General Plan. That analysis concluded that the small increment of growth to the year 2030 would not substantially affect existing recreational facilities. Project effects on recreational facilities would be incremental and less than significant and would not constitute a considerable contribution to a significant cumulative effect.

- Transportation. Peak-hour traffic on neighborhood streets and intersections is not considered congested per City standards. Temporary construction traffic and parking would be subject to standard conditions for construction truck trip hours, routes, and parking, and construction traffic impacts would be adverse but not significant, and would not constitute a considerable contribution to a significant cumulative effect. Project plans have been reviewed by City departments and found to be consistent with requirements for transportation access, circulation, and safety. Long-term traffic generation for a single residence is minimal and would not exceed City thresholds for a significant traffic impact. The project development is within the growth assumptions analyzed for cumulative traffic impacts in the Program Environmental Impact Report (EIR) for the 2011 General Plan. The incremental project traffic would contribute to citywide cumulative traffic effects to the year 2030 identified in the Program EIR, for which City Council adopted findings of overriding consideration, deeming the cumulative effects to be acceptable due to the benefits of the General Plan.

- Water. The project development is within the growth assumptions analyzed for cumulative effects associated with flooding, drainage and storm water, and surface and groundwater quality within the Program Environmental Impact Report for the 2011 General Plan, which impacts were found to be less than significant through implementation of regulatory requirements. Temporary construction impacts of the project pertaining to drainage, storm water, erosion, and water quality would be less than significant due to implementation of an approved construction drainage and storm water management plan with best management practices per requirements of the City Storm Water Management Plan ordinance, grading and building code, and Coastal Commission regulations. Plans for long-term storm water management were reviewed by staff of City departments, who found that they could comply with City Tier 3 requirements for run-off volumes, water quality treatment, and best management practices through design of driveway and side yard freeboard, automatic back-flow devices, street gutter maintenance, piping of drainage from a small area to the adjacent property by easement, onsite use of subsurface drains, water storage tanks, drains behind retaining walls, residence subfloor drains, vegetation restoration, landscaping, and roof gardens, filtration on drain inlets and trench drains, UV light or similar water quality treatment, native vegetation to minimize nutrients and pesticides, and regular sweeping of paved areas to minimize hydrocarbons. Project effects associated with drainage, storm water, and water quality to the site and surrounding area would be less than significant and would not constitute a considerable contribution to cumulative impacts. The project development envelope is not located within an area subject to flooding, and the project as designed would not have the potential to exacerbate existing flood risks at the project site or the coastal portion of the property that is subject to storm waves, a less than significant impact and not a considerable contribution to cumulative effects. Project foundation design components for slope stabilization, drainage control, and erosion control would provide that the project would not exacerbate mudslide or landslide risk and potential public safety effects to the project or surrounding area would not be significant and would not constitute a considerable contribution to a cumulative impact. Technical studies which assumed cliff erosion subjected to the effects of accelerated sea level rise by 2050 and 2100 (at the high end of the range of current State and City sea level rise estimates) demonstrate that, given the geomorphology of the site, location of the development far upslope, and project design components to stabilize the slope and control drainage and erosion, the project would not be subject to risk from wave run-up, would not exacerbate wave run-up or erosion, and would not create the need for shoreline protective devises for the life of the project, a less than significant effect associated with wave run-up and sea level rise which does not represent a considerable contribution to cumulative effects..
- Land Use. The project would not involve or result in significant impacts or a considerable contribution to cumulative impacts associated with physically dividing a community. The project impact analysis identifies the potential for determining a conflict with coastal policies for development setbacks from coastal bluffs, however, because the analysis clearly demonstrates that the project would not result in significant physical impacts or a considerable contribution to cumulative impacts, such a determination of policy conflict would not constitute a significant impact under CEQA *(Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005).*

c) **Other Environmental Effects on Human Beings**

As discussed in Sections 1 through 13 of this Initial Study, no significant effects on humans (direct or indirect) would occur as a result of this project. The project for development of one residence is of limited scope. All potentially significant impacts related to biological, geological hazards, and noise would be mitigated to a less than significant level with identified measures agreed-to by the project applicant. Impacts associated with visual resources, air quality, cultural resources, hazards, public services, recreation, transportation, and water would be less than significant with project design components and application of required regulations, policies, and standard conditions of approval. Impacts associated with population, housing, and land use would be less than significant.

d) **Short-Term versus Long-Term Environmental Goals**

The document analysis of project impacts concludes that project impacts would be less than significant or mitigated to less than significant levels with identified measures agreed to by the project applicant. There is no evidence that the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

## INITIAL STUDY CONCLUSION

On the basis of this initial evaluation it has been determined that with identified mitigation measures agreed-to by the applicant, potentially significant impacts would be avoided or reduced to less than significant levels. A Mitigated Negative Declaration will be prepared.

## MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

A Mitigation Monitoring and Reporting Program has been prepared for the project in compliance with Public Resources Code §21081.6 (Exhibit G).

Prepared by: Barbara R. Shelton 8/15/16
Barbara R. Shelton, Project Planner/Environmental Analyst Adopted July 7, 2016

Approved by: Renee Brooke 8/15/16
Renee Brooke, City Planner Adopted July 7, 2016

## EXHIBITS

**A. Project Exhibits (04-25-16)**

- A1 Construction Drainage and Erosion Control Plan and Notes (Plan Sheets A0.01, A0.02)
- A2 Site Plan (Plan Sheet A0.03)
- A3 Site Sections (Plan Sheet A0.04)
- A4 Landscape Plan (Plan Sheet A0.05)
- A5 Floor Plans (Plan Sheet A2.01)
- A6 Elevations (Plan Sheet A4.01)
- A7 Permanent Drainage and Erosion Control Plan (Plan Sheet CD-1)
- A8 Grading Plan Section (Plan Sheet CG-1))
- A9 Grading and Drainage Detail (Plan Sheet CG-2)

**B. Analysis Guidelines for Environmental Impact Topics**

**C. Standard Conditions of Approval Applicable to Project**

**D. Visuals**

- D1 Photo Documentation
- D2 Surrounding Area House Size and Floor Area Ratio Study

**E. Biological Resources Map**

**F. Geologic Exhibits**

- F1 Site Plan and Geologic Map
- F2 Annotated Cross Section
- F3 Area Slope Map
- F4 Applicant Alternatives Study

**G. Mitigation Monitoring and Reporting Program**

**H. Summary of Comments on Draft MND and Topical Responses**

**I. (*Separately Bound Exhibit*) Comment Letters on Draft Mitigated Negative Declaration**

## LIST OF SOURCES USED IN PREPARATION OF THIS INITIAL STUDY

The following sources used in the preparation of this Initial Study are located at the Community Development Department, Planning Division, 630 Garden Street, Santa Barbara and are available for review upon request.

***Project – Specific Information***

Master Application (MST2013-00240) for 1925 El Camino de la Luz (Clay Aurell, AB Design Studio for Emprise Trust, September 23, 2015)

Coastal Development Permit Application, 1925 El Camino de la Luz, Santa Barbara (Clay Aurell, AB Design Studio for Emprise Trust, September 23, 2015)

Pre-Application Review Team (PRT) Comment Letter (City of Santa Barbara Community Development Department, dated August 9, 2013)

PRT Comment Response Letter (AB Design Studio, Inc., September 23, 2015)

Applicant Letter (AB Design Studio, Inc., September 23, 2015)

Project Constraints/Consistency Analysis letter (Dall & Associates, September 2015)

Development Application Review Team (DART) Storm Water Management Program (SWMP) Checklist (September 15, 2015)

Letter regarding Coastal Bluff (Richard Monk, Esq., Hollister & Brace, et. al, September 21, 2015)

Biological Reconnaissance Report for 1925 El Camino de la Luz (WRA Environmental Consultants, Inc., June 2012)

Biological Reconnaissance Report Update for 1925 El Camino de la Luz (WRA Environmental Consultants, April 30, 2015)

Wave Runup & Coastal Hazard Analysis, 1925 El Camino de la Luz (GeoSoils, Inc., July 20, 2012)

Wave Runup & Coastal Hazard Analysis Update, 1925 El Camino de la Luz (GeoSoils, Inc., April 9, 2015)

Coastal Bluff Position Aerial Photographic Analysis 1950-2012, 1925 El Camino de la Luz (Joseph Scepan, September 18, 2012)

Preliminary Geologic and Geotechnical Investigation, 1925 El Camino de la Luz (Cotton, Shires and Associates, Inc., October 29, 2012)

Update Report and Response to City Review Team Comments for 1925 El Camino de la Luz (Cotton, Shires and Assoc., Inc., Sept 2015)Geotechnical/Hydrological Plan Review of Conceptual Project Design, 1925 El Camino de la Luz (Cotton, Shires & Assoc., Inc., 9-17-15)

Hydrology Report, Volumes I and II, 1925 El Camino de la Luz (Cotton, Shires and Associates, Inc., June 25, 2015)

Drainage and Erosion Control Plan and Grading Plan, 1925 El Camino de la Luz (C. L. Grant, Civil Engineer, 2013)

Shear Pin Calculations, 1925 El Camino de la Luz (C. L. Grant, Civil Engineer, March 28, 2014)

Temporary Easement Letter (Gregory R. Lowe, Esq., Attorney for Luz Trust, 1921 El Camino de la Luz, June 24, 2015)

Preliminary Title Report, 1925 El Camino de la Luz (Fidelity National Title Company, May 14, 2015)

Photographs as part of Conceptual Project Design plans set for 1925 El Camino de la Luz; sheets G.01 – G.04 (AB Design Group, September 16, 2015)

Project Plans, Conceptual Project Design plans set for 1925 El Camino de la Luz, including general information, project data, photo documentation, site plan, site sections, drainage and erosion control plan, grading plan, and retaining wall details (AB Design Group, Inc., November 8, 2013).

Project Plans, Conceptual Project Design plans set for 1925 El Camino de la Luz, including general information, project data, site survey, concept construction interim erosion and drainage plan and notes, concept site plan, concept site sections, concept landscape plan, concept floor plans, concept exterior building elevations, concept drainage and erosion control plan, concept grading plan and section, concept retaining wall details, and average slope gradient map (AB Design Group, Inc., September 16, 2015)

Project Plans, Additional Information for 1925 El Camino de la Luz, including for concept site plan, concept site sections, concept drainage and erosion control plan, and concept grading plan and section (AB Design Group, Inc., January 6, 2016)

Project Plans (Revised 04-25-16)

Plan Sheet A0.04B, Extended Site Sections (07-05-16)

CD with digital copies of all project application MST2013-00240 submittals

CEQA Memorandum regarding 1925 El Camino de la Luz project (Dall & Associates, October 18, 2015)

Hollister & Brace Letter regarding 1925 El Camino de la Luz (Richard Monk, Esq., et. al, October 22, 2015)

Hollister & Brace Letter with Doolittle attachments regarding 1925 El Camino de la Luz (Richard Monk, Esq., et. al,10/29/15)

Hollister & Brace Letter regarding 1925 El Camino de la Luz (Richard Monk, Esq., et. al, November 9, 2015)

City Letter finding application complete, 1925 El Camino de la Luz (K. Kennedy, December 8, 2015)

Hollister & Brace Letter with CSA Response Letter (Richard Monk, Esq. et. al, dated 1/5/16,1/6/16)

CSA Response Letter with Geo Maps, 1925 El Camino de la Luz (1/19/16)

Air Quality Calculations for 1925 El Camino de la Luz Residence Project (1/4/16)

***General Sources***

California Building Code as adopted by City

California Environmental Quality Act (CEQA) & CEQA Guidelines

City of Santa Barbara Sea Level Rise Vulnerability Study, Gary Griggs and Nicole L. Russell (University of California, Santa Cruz), 2012, California Energy Commission Publication Number: CEC-500-2012-XXX.

City of Santa Barbara Climate Action Plan (September 2012)

Santa Barbara General Plan (December 2011)

- Land Use Element
- Housing Element
- Open Space, Parks and Recreation Element
- Economy and Fiscal Health Element
- Environmental Resources Element
- Circulation Element
- Safety and Public Services Element

City of Santa Barbara General Plan Map (2011)

City of Santa Barbara General Plan Update Final Environmental Impact Report (2011)

Geology Assessment for the City of Santa Barbara (URS 2009)

Institute of Traffic Engineers Parking Generation Manual

Institute of Traffic Engineers Trip Generation Manual

City of Santa Barbara Long Term Water Supply Plan (2011)

City of Santa Barbara Local Coastal Plan (2004)

City of Santa Barbara Master Environmental Assessment (1981), MEA Guidelines for Archaeological Site and Structures (2002); MEA Maps and Guidelines for Air Quality, Biological Resources, Geological Hazards, Noise (2008-9)

City of Santa Barbara Parking Design Standards

City of Santa Barbara Single Family Residence Design Guidelines

Regional Growth Impacts Study (1980)

Santa Barbara County APCD Scope and Content of Air Quality Sections in Environmental Documents (2015)

Santa Barbara Municipal Code & City Charter

Slope analysis studies excerpt (UCSB Bren School Thesis, City of Santa Barbara Sea Level Rise Vulnerability Study 2015)

Slope analysis study (City Community Development A. Nares 2015)

Special District Map

City of Santa Barbara Storm Water Management Plan (2006), Ordinance provisions (SBMC 22.87), NPDES General Permit (2013), and Best Management Practices Guidance Manual (2013)

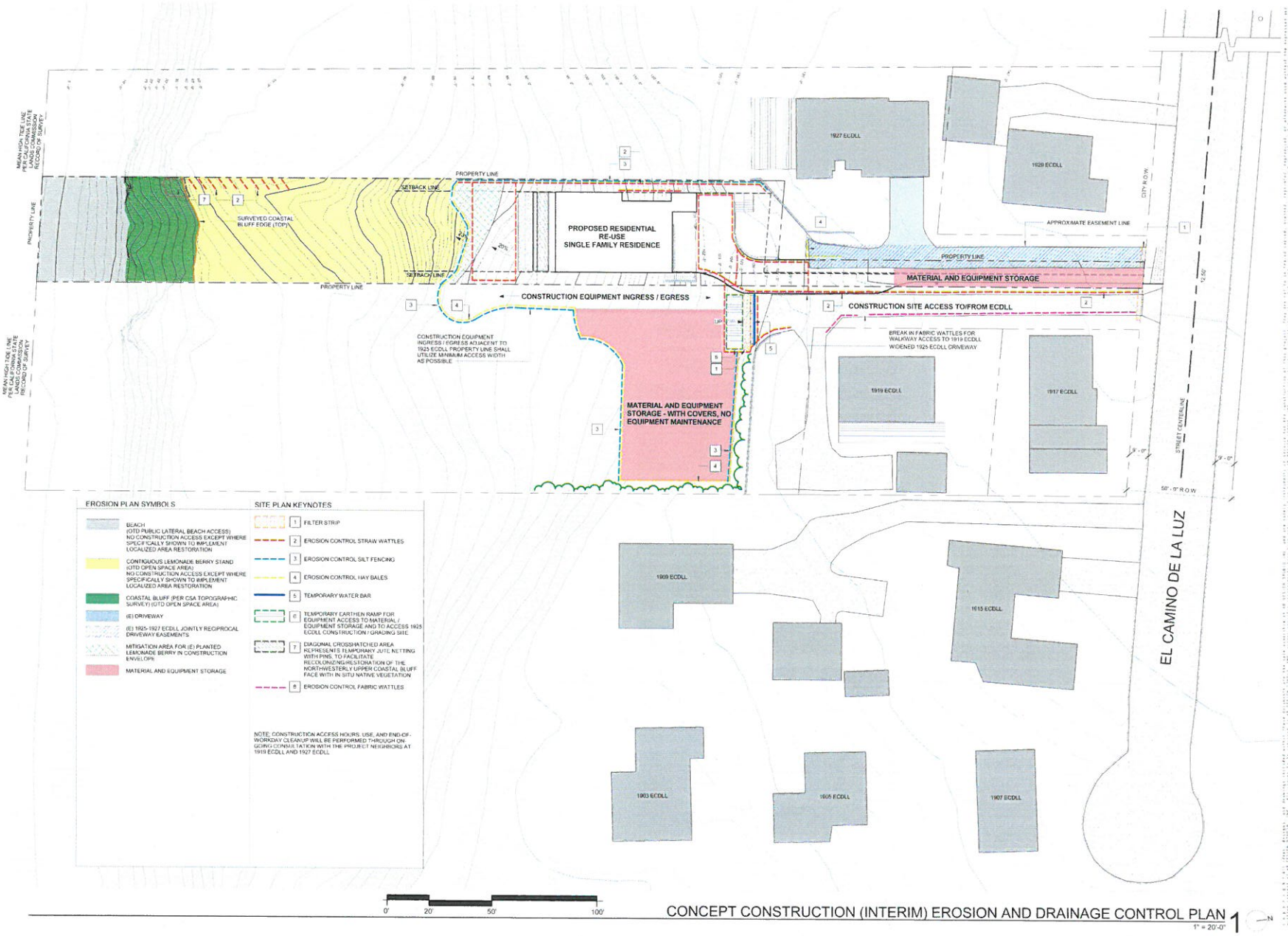
City of Santa Barbara Zoning Ordinance & Zoning Map

California Coastal Act

California Code of Regulations

Establishing Development Setbacks from Coastal Bluffs (Mark Johnsson, Geologist, CA Coastal Commission, 2003)

Geologic Stability of Blufftop Development (CA Coastal Commission, 1977)




CONCEPT CONSTRUCTION (INTERIM) EROSION AND DRAINAGE CONTROL PLAN 1
1" = 20'-0"

AB DESIGN STUDIO


PH 805 963 2100
FX 805 963 2300
528 E HALEY STREET
SANTA BARBARA CALIFORNIA 93101
www.abdesignstudio.com


project team

[COASTAL PROGRAM CONSULTANT]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph: 916.297.0283
e: norbertdall@icloud.com
sdallis9@aol.com

[GEOTECHNICAL ENG/WTR. ENGINEERING LICENSING]
Pat Shires, John Wallace
Cotton, Shires & Assoc, Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cottonshires@mk.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 310.685.3525
e: clgrant@aspnet.com

[BUILDING LPT]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[COASTAL PROCESS, WAVE RUNUP]
David Skelly MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

[GEOLOGY/ COASTAL BLUFF EXPERT]
Joseph Scanlan
GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541.630.3595
e: jscanlan@charter.net

[SURVEYOR]
Paul Cook
L P Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5185
e: pcook@lpcook.com

C-30926

Point / revision

[12-02-2014]
SFDB CONCEPT #2 HEARING

[1-8-2015]
PLANNING COMMISSION HEARING

[PROJECT TITLE]
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93103

[OWNER CONTACT]
EMPRISE TRUST
805.637.9069

A0.01
CONSTRUCTION INTERIM EROSION & DRAINAGE CONTROL PLAN

EXHIBIT A1

## SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT - CONDITIONS

1. STANDARD DUST MITIGATIONS ARE RECOMMENDED FOR ALL CONSTRUCTION AND/OR GRADING ACTIVITIES. SEE COMMENTS UNDER "FUGITIVE DUST CONTROL MEASURES" ON THIS SHEET.

2. THE STATE OF CALIFORNIA CONSIDERS PARTICULATE MATTER EMITTED BY DIESEL ENGINES CARCINOGENIC. THEREFORE, DURING PROJECT GRADING, CONSTRUCTION, AND HAULING, CONSTRUCTION CONTRACTS MUST SPECIFY THAT CONTRACTORS SHALL ADHERE TO THE REQUIREMENTS LISTED UNDER "DIESEL PARTICULATE AND NOx EMISSION MEASURES" ON THIS SHEET TO REDUCE EMISSIONS OF PARTICULATE MATTER FROM DIESEL EQUIPMENT AS WELL AS OF OZONE PRECURSORS.

3. ALL PORTABLE DIESEL-FIRED CONSTRUCTION ENGINES RATED AT 50 BHP OR GREATER MUST HAVE EITHER STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM (PERP) CERTIFICATES OR APCD PERMITS PRIOR TO GRADING/BUILDING PERMIT ISSUANCE. CONSTRUCTION ENGINES WITH PERP CERTIFICATES ARE EXEMPT FROM APCD PERMIT, PROVIDED THEY WILL BE ON-SITE FOR LESS THAN 12 MONTHS.

4. ADVISORY: THE APPLICANT SHOULD DETERMINE WHETHER ANY STRUCTURE(S) PROPOSED FOR DEMOLITION OR RENOVATION CONTAINS ASBESTOS THAT IS FRIABLE OR HAS THE POTENTIAL TO BECOME FRIABLE DURING DEMOLITION OR DISPOSAL. IF ANY STRUCTURE DOES CONTAIN FRIABLE ASBESTOS, THE ASBESTOS SHOULD BE REMOVED BY A CONTRACTOR THAT IS STATE CERTIFIED FOR ASBESTOS REMOVAL. FOR ADDITIONAL INFORMATION REGARDING ASBESTOS IN CONSTRUCTION, PLEASE REFER TO APCD'S WEBSITE AT WWW.OURAIR.ORG/ASBESTOS/.

5. NATURAL GAS-FIRED FAN-TYPE CENTRAL FURNACES WITH A RATED HEAT INPUT CAPACITY OF LESS THAN 175K BTU/HR AND WATER HEATERS RATED BELOW 75K BTU/HR MUST COMPLY WITH THE EMISSION LIMITS AND CERTIFICATION REQUIREMENTS OF APCD RULE 352. PLEASE SEE WWW.OURAIR.ORG/WP-CONTENT/UPLOADS/RULE352.PDF FOR MORE INFORMATION.

6. SMALL BOILERS AND WATER HEATING UNITS (RATED BETWEEN 75K AND 2.0M BUT/HR) MUST COMPLY WITH THE EMISSION LIMITS AND CERTIFICATION REQUIREMENTS OF APCD RULE 360. COMBINATIONS OF UNITS TOTALING 2.0M BTU/HR OR GREATER ARE REQUIRED TO OBTAIN A DISTRICT PERMIT PRIOR TO BUILDING PERMIT ISSUANCE. PLEASE SEE WWW.OURAIR.ORG/WP-CONTENT/UPLOADS/RULE360.PDF FOR MORE INFORMATION AND A LIST OF CERTIFIED BOILERS (NOTE: ANY UNITS FIRED ON FUEL(S) OTHER THAN NATURAL GAS MUST BE CERTIFIED BY THE SBCAPCD ON A CASE-BY-CASE BASIS, EVEN IF THE UNIT IS CERTIFIED WHEN FIRED ON NATURAL GAS).

7. ASPHALT PAVING ACTIVITIES SHALL COMPLY WITH APCD RULE 329, *CUTBACK AND EMULSIFIED ASPHALT PAVING MATERIALS*.

## SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT - DIESEL PARTICULATE AND NOx EMISSION MEASURES

THE FOLLOWING MEASURES ARE REQUIRED BY STATE LAW:

1. ALL PORTABLE DIESEL-POWERED CONSTRUCTION EQUIPMENT SHALL BE REGISTERED WITH THE STATE'S PORTABLE EQUIPMENT REGISTRATION PROGRAM OR SHALL OBTAIN AN APCD PERMIT.

2. 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, 2449), THE PURPOSE OF WHICH IS TO REDUCE DIESEL PARTICULATE MATTER (PM) AND CRITERIA POLLUTANT EMISSIONS FROM IN-USE (EXISTING) OFF-ROAD DIESEL-FUELED VEHICLES. FOR MORE INFORMATION, PLEASE REFER TO THE CARB WEBSITE AT WWW.ARB.CA.GOV/MSPROG/ORDIESEL/ORDIESEL.HTM

3. ALL COMMERCIAL DIESEL VEHICLES ARE SUBJECT TO TITLE 13, 2485 OF THE CALIFORNIA CODE OF REGULATIONS, LIMITING ENGINE IDLING TIME. IDLING OF HEAVY-DUTY DIESEL CONSTRUCTION EQUIPMENT AND TRUCKS DURING LOADING AND UNLOADING SHALL BE LIMITED TO FIVE MINUTES; ELECTRIC AUXILLARY POWER UNITS SHOULD BE USED WHENEVER POSSIBLE.

THE FOLLOWING MEASURES ARE RECOMMENED:

4. DIESEL CONSTRUCTION EQUIPMENT MEETING THE CALIFORNIA AIR RESOURCES BOARD (CARB) TIER 1 EMISSION STANDARDS FOR OFF-ROAD HEAVY-DUTY DIESEL ENGINES SHALL BE USED. EQUIPMENT MEETING CARB TIER 2 OR HIGHER EMISSION STANDARDS SHOULD BE USED TO THE MAXIMUM EXTENT FEASIBLE.

5. DIESEL POWERED EQUIPMENT SHOULD BE REPLACED BY ELECTRIC EQUIPMENT WHENEVER FEASIBLE.

6. IF FEASIBLE, DIESEL CONSTRUCTION EQUIPMENT SHALL BE EQUIPPED WITH SELECTIVE CATALYTIC REDUCTION SYSTEMS, DIESEL OXIDATION CATALYSTS AND DIESEL PARTICULATE FILTERS AS CERTIFIED AND/OR VERIFIED BY EPA OR CALIFORNIA.

7. CATALYTIC CONVERTERS SHALL BE INSTALLED ON GASOLINE-POWERED EQUIPMENT, IF FEASIBLE.

8. ALL CONSTRUCTION EQUIPMENT SHALL BE MAINTAINED IN TUNE PER THE MANUFACTURER'S SPECIFICATIONS.

9. THE ENGINE SIZE OF CONSTRUCTION EQUIPMENT SHALL BE THE MINIMUM PRACTICAL SIZE.

10. 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.

11. CONSTRUCTION WORKER TRIPS SHOULD BE MINIMIZED BY REQUIRING CARPOOLING AND BY PROVIDING FOR LUNCH ONSITE.

NOTE: MEASURES SHALL BE SHOWN ON GRADING AND BUILDING PLANS AND SHALL BE ADHERED TO THROUGHOUT GRADING, HAULING AND CONSTRUCTION ACTIVITIES.

## SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT - FUGITIVE DUST CONTROL MEASURES

1. DURING CONSTRUCTION, USE WATER TRUCKS OR SPRINKLER SYSTEMS TO KEEP ALL AREAS OF VEHICLE MOVEMENT DAMP ENOUGH TO PREVENT DUST FROM LEAVING THE SITE. AT A MINIMUM, THIS SHOULD INCLUDE WETTING DOWN SUCH AREAS IN THE LATE MORNING AND AFTER WORK IS COMPLETED FOR THE DAY. INCREASED WATERING FREQUENCY SHOULD BE REQUIRED WHENEVER THE WIND SPEED EXCEEDS 15 MPH. RECLAIMED WATER SHOULD BE USED WHENEVER POSSIBLE. HOWEVER, RECLAIMED WATER SHOULD NOT BE USED IN OR AROUND CROPS FOR HUMAN CONSUMPTION.

2. MINIMIZE AMOUNT OF DISTURBED AREA AND REDUCE ON SITE VEHICLE SPEEDS TO 15 MPH OR LESS.

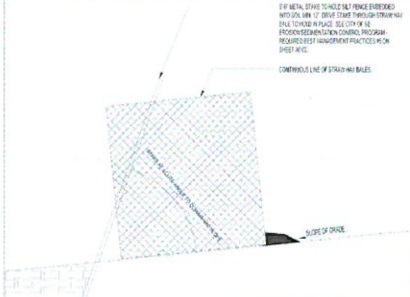
3. IF IMPORTATION, EXPORTATION AND STOCKPILING OF FILL MATERIAL IS INVOLVED, SOIL STOCKPILED FOR MORE THAN TWO DAYS SHALL BE COVERED, KEPT MOIST, OR TREATED WITH SOIL BINDERS TO PREVENT DUST GENERATION. TRUCKS TRANSPORTING FILL MATERIAL TO AND FROM THE SITE SHALL BE TARPED FROM THE POINT OF ORGIN.

4. GRAVEL PADS SHALL BE INSTALLED AT ALL ACCESS POINTS TO PREVENT TRACKING OF MUD ONTO PUBLIC ROADS.

5. AFTER CLEARING, GRADING, EARTH MOVING OR EXCAVATION IS COMPLETED, TREAT THE DISTURBED AREA BY WATERING, OR REVEGETATING, OR BY SPREADING SOIL BINDERS UNTIL THE AREA IS PAVED OR OTHERWISE DEVELOPED SO THAT DUST GENERATION WILL NOT OCCUR.

6. 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 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 MAP RECORDATION AND LAND USE CLEARANCE FOR FINISH GRADING OF THE STRUCTURE.

7. ALL REQUIREMENTS SHALL BE SHOWN ON GRADING AND BUILDING PLANS AND AS A NOTE ON A SEPARATE INFORMATION SHEET TO BE RECORDED WITH MAP. REQUIREMENTS SHALL BE SHOWN ON PLANS OR MAPS PRIOR TO LAND USE CLEARANCE OR MAP RECORDATION. CONDITION SHALL BE ADHERED TO THROUGHOUT ALL GRADING AND CONSTRUCTION PERIODS.




SILT FENCING WITH STRAW HAY BALE CONSTRUCTION DETAIL

SILT FENCING WITH STRAW WATTLE CONSTRUCTION DETAIL

## CITY OF SANTA BARBARA EROSION/SEDIMENTATION CONTROL PROGRAM - REQUIRED BEST MANAGEMENT PRACTICES (BMP's)

1. A GRAVEL CONSTRUCTION ENTRANCE IS GENERALLY REQUIRED WHERE VEHICLE TRAFFIC IS ANTICIPATED OFF OF EXISTING PAVED OR GRAVELED ROADS. THE RESPONSIBILITY FOR FIELD DESIGN TO MEET SITE CONDITIONS, AND MAINTENANCE OF THE CONSTRUCTION ENTRANCES REMAINES WITH THE PROPERTY OWNER OR CONSTRUCTION CONTRACTOR. THE GENERAL CONTRACTOR SHALL REMAIN RESPONSIBLE FOR THE CLEAN-UP OF ANY MUD OR DIRT THAT IS TRACKED ONTO STREETS OR PAVED AREAS, EVEN WITH THE INSTALLATION OF GRAVEL CONSTRUCTION ENTRANCES.

2. A FILTER SYSTEM SHALL BE USED ON THE CATCH BASIN LOCATED AT THE NORTHEASTERLY ARC OF THE ECDLL CUL-DE-SAC, AND PARKING AREAS AS A MEANS OF SEDIMENT CONTROL. ALTERNATE METHODS WILL REQUIRE THE APPROVAL OF THE CITY.

3. FOR ALL PROJECTS, A SILT FENCE OR STRAW WATTLE DIKE SHALL BE INSTALLED ALONG THE DOWN SLOPE EDGE OF THE DISTURBED AREA, PRIOR TO COMMENCEMENT OF GRADING. THE SEDIMENT FILTER STRUCTURES WILL BE LOCATED SO THAT ANY RUNOFF FROM THE CONSTRUCTION SITE IS FILTERED. SEDIMENT SHALL BE REMOVED WHEN THE DEPTH OF SEDIMENT EXCEEDS ONE HALF OF THE HEIGHT OF THE STRUCTURE. SILT FENCES AND STRAW WATTLES SHALL BE INSTALLED ACCORDING TO THE STANDARD REFERENCES CITED.

4. STRAW WATTLES CAN BE USED AS DIKES TO STABILIZE TEMPORARY CHANNEL FLOW LINES OR AS A PERIMETER FILTER BARRIER. STRAW WATTLES MUST BE INSTALLED IN A TRENCH, STAKED AND BACKFILLED IF THEY ARE TO BE EFFECTIVE IN REDUCING FLOW VELOCITY AND FILTERING SEDIMENT FROM RUNOFF. STRAW WATTLES SHOULD NOT REMAIN IN PLACE MORE THAN 12 MONTHS AFTER INSTALLATION UNLESS IT CAN BE DETERMINING SIGNIFICANT DETERIORATION HAS NOT OCCURRED. WHEN USED AS A PERIMETER FILTER, ANY ACCUMULATED SEDIMENT BE REMOVED WHEN IT REACHES A HEIGHT OF THE LOWEST WATTLE OR 6 INCHES, WHICHEVER IS LESS.

5. SILT FENCES SHOULD BE INSTALLED WHERE SEDIMENT FROM SHEET FLOW OR RILL AND GULLY EROSION WILL ENTER DIRECTLY ONTO ADJACENT PROPERTY. WHEN INSTALLING, IT IS IMPORTANT THE FABRIC MATERIAL BE ANCHORED INTO A TRENCH AND BACKFILLED. MAINTENANCE OF FILTER FENCES IS SIMILAR TO THAT OF STRAW WATTLES IN THAT THE FABRIC MUST BE INSPECTED AND NEEDED REPAIRS IMPLEMENTED AFTER ANY STORM EVENT WITH MEASURABLE PRECIPITATION. SEDIMENT DEPOSITS SHALL BE REMOVED WHEN MATERIAL REACHES A DEPTH OF MORE HAN ONE-HALF OF THE FENCE HEIGHT.

6. PLASTIC SHEETING SHALL GENERALLY NOT BE USED AS AN EROSION CONTROL MEASURE OVER LARGE AREAS. PLASTIC SHEETING MAY BE USED TO PROTECT SMALL, HIGHLY ERODIBLE AREAS, OR TO PROTECT TEMPORARY STOCKPILES OF MATERIAL. IF PLASTIC SHEETING IS USED, ALL RESULTING CONCENTRATED WATER FLOW FROM THE PLASTIC MUST BE DIRECTED TO A PROPERTY DESIGNED OR EXISTING DRAINAGE SYSTEM ABLE TO HANDLE THE RUNOFF WITHOUT CAUSING ADDITIONAL EROSION.

7. AS FAR AS IS PRACTICABLE, EXISTING VEGETATION SHALL BE PROTECTED AND LEFT IN PLACE, IN ACCORDANCE WITH THE CLEARING LIMITS SHOWN ON THE APPROVED BUILDING PERMIT OR GRADING PERMIT AND THE APPROVED EROSION CONTROL PLANS. THE EXCEPTION IS WHERE EXOTIC PLANT MATERIALS ARE TO BE REMOVED, OR FIRE FUELS REDUCED IN ACCORDANCE WITH AN APPROVED PLAN. WORK AREAS SHALL BE CAREFULLY LOCATED AND MARKED TO REDUCE UNNECESSARY DAMAGE TO EXISTING VEGETATION.

8. HYDRO-SEEDING ALONE WILL NORMALLY NOT BE CONSIDERED SATISFACTORY EROSION PROTECTION FOR DISTURBED SLOPES STEEPER THAN 4H:1V. DISTURBED SLOPES STEEPER THAN 4H:1V SHALL BE PROTECTED USING STRAW AND TACKIFIER. THE INSTALLATION OF EROSION CONTROL BLANKETS SHALL BE REQUIRED FOR ALL DISTURBED SLOPES STEEPER THAN 2.5H:1V AND GREATER THAN 20 FEET IN SLOPE LENGTH. INSTALLATION OF STRAW WATTLES STAKED ON CONTOUR SHALL BE REQUIRED FOR ALL SLOPES STEEPER THAN 4H:1V WITH SLOPE LENGTHS GREATER THAN 30 FEET. STRAW WATTLES OR SILT FENCING SHALL BE INSTALLED AT THE TOE OF ALL SLOPES STEEPER THAN 4H:1V, AND ALONG (JUST BELOW) TOP OF BANK ALONG ALL CREEKS.

9. DURING ANY CLEARING, EARTH MOVING AND/OR GRADING PHASES OF THE PROJECT, WATER TRUCKS OR SPRINKLER SYSTEMS SHALL BE USED IN SUFFICIENT QUANTITIES TO PREVENT DUST FROM LEAVING THE SITE. IN ADDITION, THE ENTIRE AREA OF DISTURBED SOILS SHALL BE WETTED DOWN DURING THE EARLY MORNING HOURS AND AT THE END OF EACH DAY IN SUCH A MANNER AS TO CREATE A CRUST.

10. DURING THE CONSTRUCTION PHASE OF THE PROJECT, WATER TRUCKS AND SPRINKLER SYSTEMS SHALL BE USED TO KEEP ALL AREAS OF VEHICULAR MOVEMENT DAMP ENOUGH TO PREVENT DUST RAISED FROM LEAVING THE SITE. AS A MINIMUM, THIS WILL INCLUDE THE WETTING DOWN OF SUCH AREAS IN THE LATE MORNING HOURS AND AT THE CLOSE OF EACH DAY'S ACTIVITIES.

11. ALL TRUCKS HAULING SOIL MATERIALS TO AND FROM THE SITE SHALL BE COVERED WITH A TARP TO PREVENT DUST FROM BLOWING OFF THE TRUCK.

12. ALL ALLEYWAYS, CIRCULATION ROUTES, HAUL ROUTES, STREETS AND SIDEWALKS SHALL BE KEPT CLEAN AND CLEAR OF DIRT, DUST AND DEBRIS IN A MANNER ACCEPTABLE TO THE CITY OF SANTA BARBARA'S PUBLIC WORKS DEPARTMENT AS OUTLINED IN THEIR "PROCEDURES FOR THE CONTROL OF RUNOFF INTO STORM DRAINS AND WATERCOURSES". AT A MINIMUM, SAID AREAS SHALL BE CLEANED AT THE END OF EACH WORKING DAY OR MORE OFTEN IF DIRECTED BY CITY PERSONNEL. THE FLUSHING OF DIRT OR DEBRIS TO STORM DRAIN OR SANITARY SEWER FACILITIES SHALL NOT BE PERMITTED. FAILURE TO KEEP THESE AREAS CLEAN WILL RESULT IN THE ISSUANCE OF A "STOP WORK" ORDER, WHICH WILL NOT BE RELEASED UNTIL SUCH TIME AS THE AREA IS CLEANED IN A MANNER ACCEPTABLE TO THE CITY. EARTH MOVING AND GRADING ACTIVITIES SHALL BE LIMITED TO THE HOURS BETWEEN 7:00AM AND 6:00PM OR AS SPECIFIED IN THE APPROVED EROSION CONTROL PLAN OR THE PROJECT CONDITIONS OF APPROVAL.

13. AFTER THE COMPLETION OF THE CLEARING, GRADING, OR EXCAVATION PHASE, THE ENTIRE AREA OF DISTURBED SOIL SHALL BE TREATED TO PREVENT WIND PICK UP OF THE SOIL. ANY ONE OF THE FOLLOWING METHODS MAY ACCOMPLISH THIS:

A. AREAs TO BE VEGETATED WITH REGIONALLY NATIVE LOW STATURE VEGETATION (WRA, 2015) AND PER FIRE DEPARTMENT APPROVAL. LOW STATURE NATIVE PLANTS, WHICH CAN ALSO BE MOWED OR TRIMMED AS NECESSARY TO AVOID (MINIMIZE) FUEL LOAD BUILD-UP.

B. THE SPREADING OF SOIL BINDERS.

C. THE WETTING DOWN OF THE AREA IN SUCH A MANNER AS TO CREATE A CRUST ON THE SURFACE AND THE REPEATED SOAKING OF THE AREA, AS NECESSARY, TO MAINTAIN THE CRUST AND PREVENT SOIL BLOWING.

14. THE CONTRACTOR OR BUILDER SHALL DESIGNATE A PERSON OR PERSONS TO MONITOR THE STORM WATER POLLUTION PREVENTION AND DUST CONTROL PROGRAMS, AND TO ORDER INCREASED WATERING AS NECESSARY TO PREVENT THE TRANSPORT OF DUST OFF-SITE, AND ADDITIONAL BMP'S TO PREVENT STORM WATER POLLUTANTS FROM ENTERING PUBLIC RIGHT-OF-WAY. THIS PERSON'S DUTY SHALL INCLUDE HOLIDAY AND WEEKEND PERIODS WHEN WORK MAY NOT BE IN PROGRESS. THE NAME AND TELEPHONE NUMBER OF SUCH A PERSON OR PERSONS SHALL BE PROVIDED TO THE CITY OF SANTA BARBARA COMMUNITY DEVELOPMENT DEPARTMENT AND THE SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT, AND BE PLACED ON THE PLANS.

15. THE EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL REMAIN IN PLACE AND BE MAINTAINED IN GOOD CONDITION UNTIL ALL DISTURBED SOIL AREAS ARE PERMANENTLY STABILIZED BY INSTALLATION AND ESTABLISHMENT OF LANDSCAPING, GRASS, MULCHING, OR ARE OTHERWISE COVERED AND PROTECTED FROM EROSION.

## CALIFORNIA COASTAL COMMISSION STORM WATER MANAGEMENT CRITERIA - CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP's)

1. ALL SITE GRADING TO BE TAKE PLACE BETWEEN ONLY DURING MAY 1 THROUGH OCTOBER 31.

2. THE EROSION CONTROL MEASURES SHALL BE REQUIRED ON THE PROJECT SITE PRIOR TO OR CONCURRENT WITH THE INITIAL GRADING OPERATIONS AND MAINTAINED THROUGHOUT THE DEVELOPMENT PROCESS TO MINIMIZE EROSION AND SEDIMENT FROM RUNOFF WATERS DURING CONSTRUCTION. ALL SEDIMENT SHOULD BE RETAINED ON-SITE, UNLESS REMOVED TO AN APPROPRIATE, APPROVED DUMPING LOCATION EITHER OUTSIDE OF THE COASTAL ZONE OR WITHIN THE COASTAL ZONE TO A SITE PERMITTED TO RECEIVE FILL.

3. ALL TEMPORARY, CONSTRUCTION RELATED EROSION CONTROL MATERIALS SHALL BE COMPRISED OF BIO-DEGRADABLE MATERIALS AND MUST BE REMOVED WHEN PERMANENT EROSION CONTROL MEASURES ARE IN PLACE. BIO-DEGRADABLE EROSION CONTROL MEASURES MAY BE LEFT IN PLACE IF THEY HAVE BEEN INCORPORATED INTO THE PERMANENT LANDSCAPING DESIGN.

4. NO DEMO OR CONSTRUCTION MATERIALS, DEBRIS, OR WASTE SHALL BE PLACED OR STORED WHERE IT MAY ENTER SENSITIVE HABITAT, RECEIVING WATERS OR A STORM DRAIN, OR BE SUBJECT TO WAVE, RAIN OR TIDAL EROSION AND DISPERSION.

5. NO DEMO OR CONSTRUCTION EQUIPMENT, MATERIALS, OR ACTIVITY SHALL BE PLACED IN OR OCCUR IN ANY LOCATION THAT WOULD RESULT IN IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITAT AREAS, STREAMS, WETLANDS OR THEIR BUFFERS.

6. ANY AND ALL DEBRIS RESULTING FROM DEMOLITION OR CONSTRUCTION ACTIVITIES SHALL BE REMOVED FROM THE PROJECT SITE WITHIN 24 HOURS OF COMPLETION OF THE PROJECT.

7. DEMO OR CONSTRUCTION DEBRIS AND SEDIMENT SHALL BE REMOVED FROM WORK AREAS EACH DAY THAT DEMO OR CONSTRUCTION OCCURS TO PREVENT THE ACCUMULATION OF SEDIMENT AND OTHER DEBRIS THAT MAY BE DISCHARGED INTO COASTAL WATERS.

8. ALL TRASH AND DEBRIS SHALL BE DISPOSED IN THE PROPER TRASH AND RECYCLING RECEPTACLES AT THE END OF EVERY CONSTRUCTION DAY.

9. THE CONTRACTOR SHALL PROVIDE ADEQUATE DISPOSAL FACILITIES FOR SOLID WASTE INCLUDING EXCESS CONCRETE PRODUCED DURING DEMO OR CONSTRUCTION.

10. DEBRIS SHALL BE DISPOSED OF AT A PERMITTED DISPOSAL SITE OR RECYCLED AT A PERMITTED RECYCLING FACILITY. IF THE DISPOSAL SITE IS LOCATED IN THE COASTAL ZONE, A CDP OR AN AMENDMENT TO THIS PERMIT SHALL BE REQUIRED BEFORE DISPOSAL CAN TAKE PLACE UNLESS A DETERMINATION IS MADE THAT NO AMENDMENT OR NEW PERMIT IS LEGALLY REQUIRED.

11. ALL STOCK PILES AND CONSTRUCTION MATERIALS SHALL BE COVERED, ENCLOSED ON ALL SIDES, SHALL BE LOCATED AS FAR AWAY AS POSSIBLE FROM DRAIN INLETS AND ANY WATERWAY, AND SHALL NOT BE DISCHARGED INTO SANITARY OR STORM SEWER SYSTEMS.

12. MACHINERY AND EQUIPMENT SHALL BE MAINTAINED AND WASHED IN CONFINED AREAS SPECIFICALLY DESIGNED TO CONTROL RUNOFF. THINNERS OR SOLVENTS SHALL NOT BE DISCHARGED INTO SANITARY OR STORM SEWER SYSTEMS.

13. THE DISCHARGE OF ANY HAZARDOUS MATERIALS INTO ANY RECEIVING WATERS SHALL BE PROHIBITED.

14. SPILL PREVENTION AND CONTROL MEASURES SHALL BE IMPLEMENTED TO ENSURE THE PROPER HANDLING AND STORAGE OF PETROLEUM PRODUCTS AND OTHER CONSTRUCTION MATERIALS. MEASURE SHALL INCLUDE A DESIGNATED FUELING AND VEHICLE MAINTENANCE AREA, WITH APPROPRIATE BERMS AND PROTECTION, TO PREVENT ANY SPILLAGE OF GASOLINE OR RELATED PETROLEUM PRODUCTS OR CONTACT WITH RUNOFF. THE AREA SHALL BE LOCATED AS FAR AWAY FROM THE RECEIVING WATERS AND STORM DRAIN INLETS AS POSSIBLE.

15. BEST MANAGEMENT PRACTICES (BMP'S) & GOOD HOUSEKEEPING PRACTICES (GHP'S) DESIGNED TO PREVENT SPILLAGE AND/OR RUNOFF OF DEMO OR CONSTRUCTION RELATED MATERIALS, AND TO CONTAIN SEDIMENT OR CONTAMINANTS ASSOCIATED WITH DEMOLITION OR CONSTRUCTION ACTIVITY, SHALL BE IMPLEMENTED PRIOR TO THE ON-SET OF SUCH ACTIVITY.

16. ALL BMP'S SHALL BE MAINTAINED IN A FUNCTIONAL CONDITION THROUGHOUT THE DURATION OF CONSTRUCTION ACTIVITY.

# CONCEPT CONSTRUCTION (INTERIM) EROSION AND DRAINAGE CONTROL PLAN NOTES 1

NOT TO SCALE

AB DESIGN STUDIO
PH | 805 . 963 . 2100
FX | 805 . 963 . 2300
420 E HALEY STREET
SANTA BARBARA | CALIFORNIA 93101

project team

[COASTAL PROGRAM CONSULTANT]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph: 916 392.0283
e: norbertdall@icloud.com
sdall149@aol.com

[GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST]
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cotfonshires@me.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 330.685.3525
e: cigrant@sssnet.com

[BIOLOGIST]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[COASTAL HAZARDS / WAVE RUNUP]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

[HISTORIC COASTAL BLUFF RECESSION]
Joseph Stepan
GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541.690.7595
e: jstepan@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5105
e: prook@lprook.com

C-30928

print / revision

SFDB CONCEPT #2 HEARING

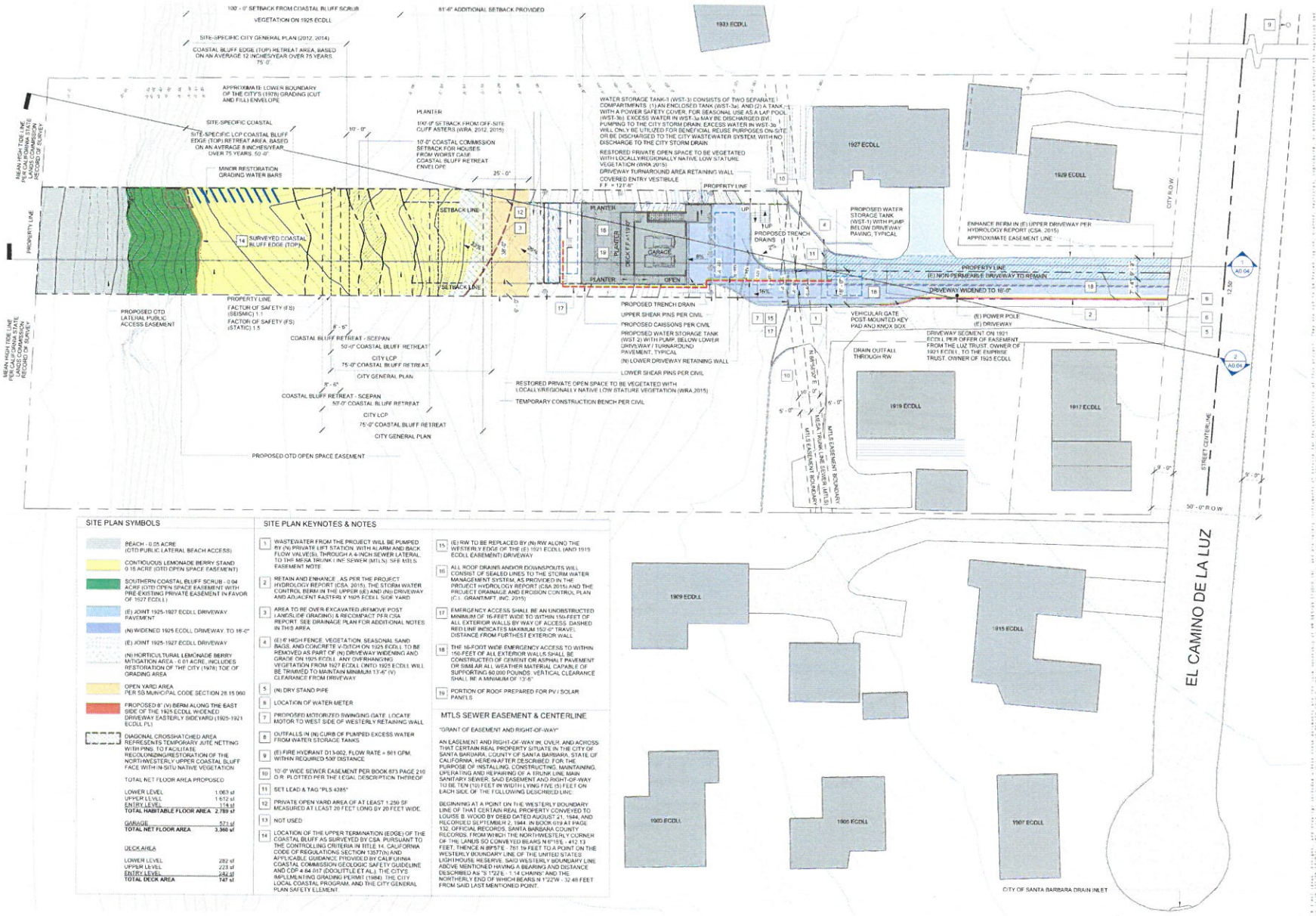
PLANNING COMMISSION HEARING

[PROJECT TITLE]
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

[OWNER CONTACT]
EMPRISE TRUST
805.637.9009

A0.02
CONSTRUCTION INTERIM EROSION & DRAINAGE CONTROL PLAN NOTES




## SITE PLAN SYMBOLS

- BEACH - 0.05 ACRE (OTD PUBLIC LATERAL BEACH ACCESS)
- CONTIOUOUS LEMONADE BERRY STAND 0.15 ACRE (OTD OPEN SPACE EASEMENT)
- SOUTHERN COASTAL BLUFF SCRUB - 0.04 ACRE (OTD OPEN SPACE EASEMENT WITH PRE-EXISTING PRIVATE EASEMENT IN FAVOR OF 1927 ECDLL)
- (E) JOINT 1925-1927 ECDLL DRIVEWAY PAVEMENT
- (N) WIDENED 1925 ECDLL DRIVEWAY, TO 16'-0"
- (E) JOINT 1925-1927 ECDLL DRIVEWAY
- (N) HORTICULTURAL LEMONADE BERRY MITIGATION AREA - 0.01 ACRE, INCLUDES RESTORATION OF THE CITY (1978) TOE OF GRADING AREA
- OPEN YARD AREA PER SB MUNICIPAL CODE SECTION 28.15.060
- PROPOSED 8" (V) BERM ALONG THE EAST SIDE OF THE 1925 ECDLL WIDENED DRIVEWAY EASTERLY SIDEYARD (1925-1921 ECDLL PL)
- DIAGONAL CROSSHATCHED AREA REPRESENTS TEMPORARY JUTE NETTING WITH PINS, TO FACILITATE RECOLONIZING/RESTORATION OF THE NORTHWESTERLY UPPER COASTAL BLUFF FACE WITH IN-SITU NATIVE VEGETATION

TOTAL NET FLOOR AREA PROPOSED

| | |
|---|---|
| LOWER LEVEL | 1,063 sf |
| UPPER LEVEL | 1,612 sf |
| ENTRY LEVEL | 114 sf |
| **TOTAL HABITABLE FLOOR AREA** | **2,789 sf** |
| GARAGE | 571 sf |
| **TOTAL NET FLOOR AREA** | **3,360 sf** |

DECK AREA

| | |
|---|---|
| LOWER LEVEL | 282 sf |
| UPPER LEVEL | 223 sf |
| ENTRY LEVEL | 242 sf |
| **TOTAL DECK AREA** | **747 sf** |

## SITE PLAN KEYNOTES & NOTES

1. WASTEWATER FROM THE PROJECT WILL BE PUMPED BY (N) PRIVATE LIFT STATION, WITH ALARM AND BACK FLOW VALVE(S), THROUGH A 4-INCH SEWER LATERAL TO THE MESA TRUNK LINE SEWER (MTLS). SEE MTLS EASEMENT NOTE
2. RETAIN AND ENHANCE , AS PER THE PROJECT HYDROLOGY REPORT (CSA, 2015). THE STORM WATER CONTROL BERM IN THE UPPER (E) AND (N) DRIVEWAY AND ADJACENT EASTERLY 1925 ECDLL SIDE YARD
3. AREA TO BE OVER-EXCAVATED (REMOVE POST LANDSLIDE GRADING) & RECOMPACT PER CSA REPORT. SEE DRAINAGE PLAN FOR ADDITIONAL NOTES IN THIS AREA
4. (E) 6' HIGH FENCE, VEGETATION, SEASONAL SAND BAGS, AND CONCRETE V-DITCH ON 1925 ECDLL TO BE REMOVED AS PART OF (N) DRIVEWAY WIDENING AND GRADE ON 1925 ECDLL. ANY OVERHANGING VEGETATION FROM 1927 ECDLL ONTO 1925 ECDLL WILL BE TRIMMED TO MAINTAIN MINIMUM 13'-6" (V) CLEARANCE FROM DRIVEWAY
5. (N) DRY STAND PIPE
6. LOCATION OF WATER METER
7. PROPOSED MOTORIZED SWINGING GATE. LOCATE MOTOR TO WEST SIDE OF WESTERLY RETAINING WALL
8. OUTFALLS IN (N) CURB OF PUMPED EXCESS WATER FROM WATER STORAGE TANKS
9. (E) FIRE HYDRANT D13-002, FLOW RATE = 861 GPM, WITHIN REQUIRED 500' DISTANCE
10. 10'-0" WIDE SEWER EASEMENT PER BOOK 873 PAGE 210 O.R. PLOTTED PER THE LEGAL DESCRIPTION THEREOF
11. SET LEAD & TAG "PLS 4385"
12. PRIVATE OPEN YARD AREA OF AT LEAST 1,250 SF MEASURED AT LEAST 20 FEET LONG BY 20 FEET WIDE.
13. NOT USED
14. LOCATION OF THE UPPER TERMINATION (EDGE) OF THE COASTAL BLUFF AS SURVEYED BY CSA. PURSUANT TO THE CONTROLLING CRITERIA IN TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 13577(h) AND APPLICABLE GUIDANCE PROVIDED BY CALIFORNIA COASTAL COMMISSION GEOLOGIC SAFETY GUIDELINE AND CDP 4-84-017 (DOCUTTLE ET AL.). THE CITY'S IMPLEMENTING GRADING PERMIT (1984), THE CITY LOCAL COASTAL PROGRAM, AND THE CITY GENERAL PLAN SAFETY ELEMENT.
15. (E) RW TO BE REPLACED BY (N) RW ALONG THE WESTERLY EDGE OF THE (E) 1921 ECDLL (AND 1919 ECDLL EASEMENT) DRIVEWAY
16. ALL ROOF DRAINS AND/OR DOWNSPOUTS WILL CONSIST OF SEALED LINES TO THE STORM WATER MANAGEMENT SYSTEM, AS PROVIDED IN THE PROJECT HYDROLOGY REPORT (CSA 2015) AND THE PROJECT DRAINAGE AND EROSION CONTROL PLAN (C.I. GRANTMFT, INC, 2015)
17. EMERGENCY ACCESS SHALL BE AN UNOBSTRUCTED MINIMUM OF 16-FEET WIDE TO WITHIN 150-FEET OF ALL EXTERIOR WALLS BY WAY OF ACCESS. DASHED RED LINE INDICATES MAXIMUM 150'-0" TRAVEL DISTANCE FROM FURTHEST EXTERIOR WALL
18. THE 16-FOOT WIDE EMERGENCY ACCESS TO WITHIN 150-FEET OF ALL EXTERIOR WALLS SHALL BE CONSTRUCTED OF CEMENT OR ASPHALT PAVEMENT OR SIMILAR ALL WEATHER MATERIAL CAPABLE OF SUPPORTING 60,000 POUNDS. VERTICAL CLEARANCE SHALL BE A MINIMUM OF 13'-6"
19. PORTION OF ROOF PREPARED FOR PV / SOLAR PANELS

## MTLS SEWER EASEMENT & CENTERLINE

"GRANT OF EASEMENT AND RIGHT-OF-WAY"

AN EASEMENT AND RIGHT-OF-WAY IN, OVER, AND ACROSS THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, HEREINAFTER DESCRIBED, FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, OPERATING AND REPAIRING OF A TRUNK LINE MAIN SANITARY SEWER. SAID EASEMENT AND RIGHT-OF-WAY TO BE TEN (10) FEET IN WIDTH LYING FIVE (5) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY LINE OF THAT CERTAIN REAL PROPERTY CONVEYED TO LOUISE B. WOOD BY DEED DATED AUGUST 21, 1944, AND RECORDED SEPTEMBER 2, 1944, IN BOOK 619 AT PAGE 132, OFFICIAL RECORDS, SANTA BARBARA COUNTY RECORDS, FROM WHICH THE NORTHWESTERLY CORNER OF THE LANDS SO CONVEYED BEARS N 8°15'E - 412.13 FEET, THENCE N 89°5'E - 761.14 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE UNITED STATES LIGHTHOUSE RESERVE, SAID WESTERLY BOUNDARY LINE ABOVE MENTIONED HAVING A BEARING AND DISTANCE DESCRIBED AS "S 1°22'E - 1.14 CHAINS" AND THE NORTHERLY END OF WHICH BEARS N 1°22'W - 32.48 FEET FROM SAID LAST MENTIONED POINT.

AB DESIGN STUDIO


Ph 805 563 2100
Fx 805 563 2300
423 E HALEY STREET
SANTA BARBARA CALIFORNIA 93101
www.abdesignstudio.com


PROJECT TEAM

(COASTAL PROGRAM CONSULTANT)
Norbert Dall, Stephanie Dall
Dall & Associates
530 Florin Road, Suite 200
Sacramento, CA 95831
ph 916.152.0283
e norbertdall@icloud.com
stdall59@aol.com

(GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST)
Pat Shires, John Wallace
Cotton, Shires & Assoc, Inc.
7804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph 805.375.1050
e cs@cottonshires.com
e jwallace@cottonshires.com

(CIVIL ENGINEER)
Charlie Grant, ASCE
ph 330.685.1525
e ctgrant@sssnet.com

(ARCHEOLOGIST)
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph 415.454.8868
e smick@wra-ca.com

(COASTAL HAZARDS WAVE REPORT)
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph 760.438.3155
e dskelly@geosoilsinc.com

(MISSION COASTAL BLUFF RESTORATION)
Joseph Scepan
GeoStrategies
3061 Ruby Drive
Medford, OR 97504
ph 541.690.3595
e jscepan@charter.net

(SURVEYOR)
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph 805.564.5105
e pcook@lpcook.com

C-38926

Point / Revision

SFDB CONCEPT #2 HEARING
07.20.2015

PLANNING COMMISSION HEARING

PROJECT INFO

(PROJECT NAME)
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

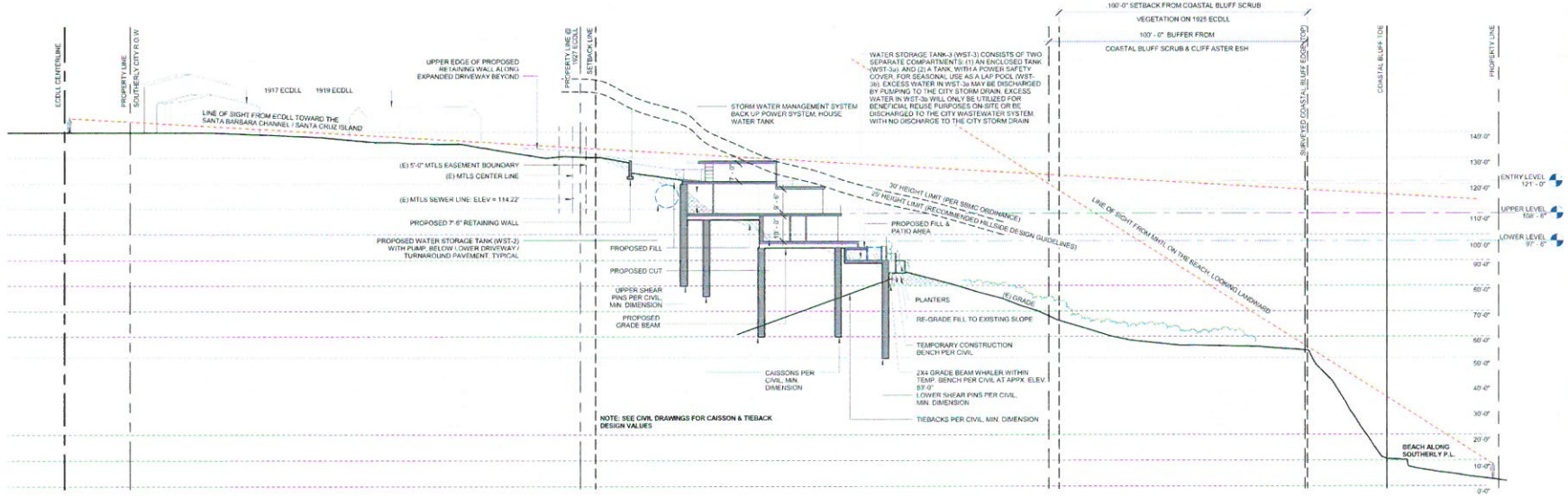
(PROJECT ADDRESS)
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

(OWNER CONTACT)
EMPRISE TRUST
805.637.9009

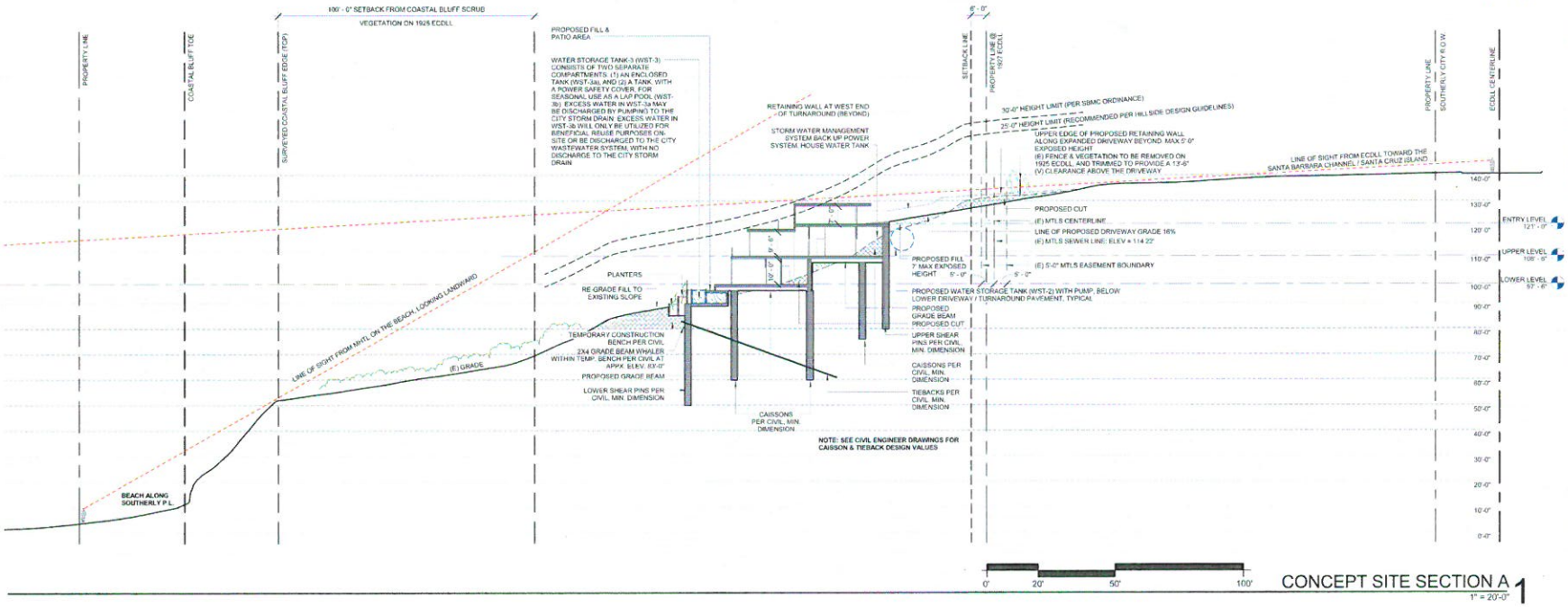
A0.03

CONCEPT SITE PLAN

EXHIBIT A2




CONCEPT SITE SECTION B 2
1" = 20'-0"




CONCEPT SITE SECTION A 1
1" = 20'-0"

AB DESIGN STUDIO


PH 805 963 2300
FX 805 963 2303
420 E HALEY STREET
SANTA BARBARA CALIFORNIA 93101
www.abdesignstudio.com

PROJECT TEAM

[COASTAL PROGRAM CONSULTANT]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph. 916 392 0283
e: norbert.dall@clsave.com
sdall49@aol.com

[GEOTECHNICAL ENGINEER ENGINEERING GEOLOGIST]
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph. 805 375 1550
e: cottonshires@me.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph. 330 665 3525
e: cjgrant@sssnet.com

[BIOLOGIST]
Geoff Smick
WRA, Inc
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph. 415 454 8868
e: smick@wra-ca.com

[GEOLOGIC HAZARDS - WAVE RUNUP]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph. 760 438.3155
e: dskelly@geosoilsinc.com

[GEOLOGIC COASTAL BLUFF EROSION]
Joseph Sorgan
GeoSciences
3661 Ruby Drive
Medford, OR 97504
ph. 541 690 7595
e: jsorgan@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1923 State Street
Santa Barbara, CA 93101
ph. 805 966 5105
e: pcook@lpcook.com


C-30926

PRINT / REVISION

SFDB CONCEPT #2 HEARING
AT 23.2015

PLANNING COMMISSION HEARING

PROJECT INFO

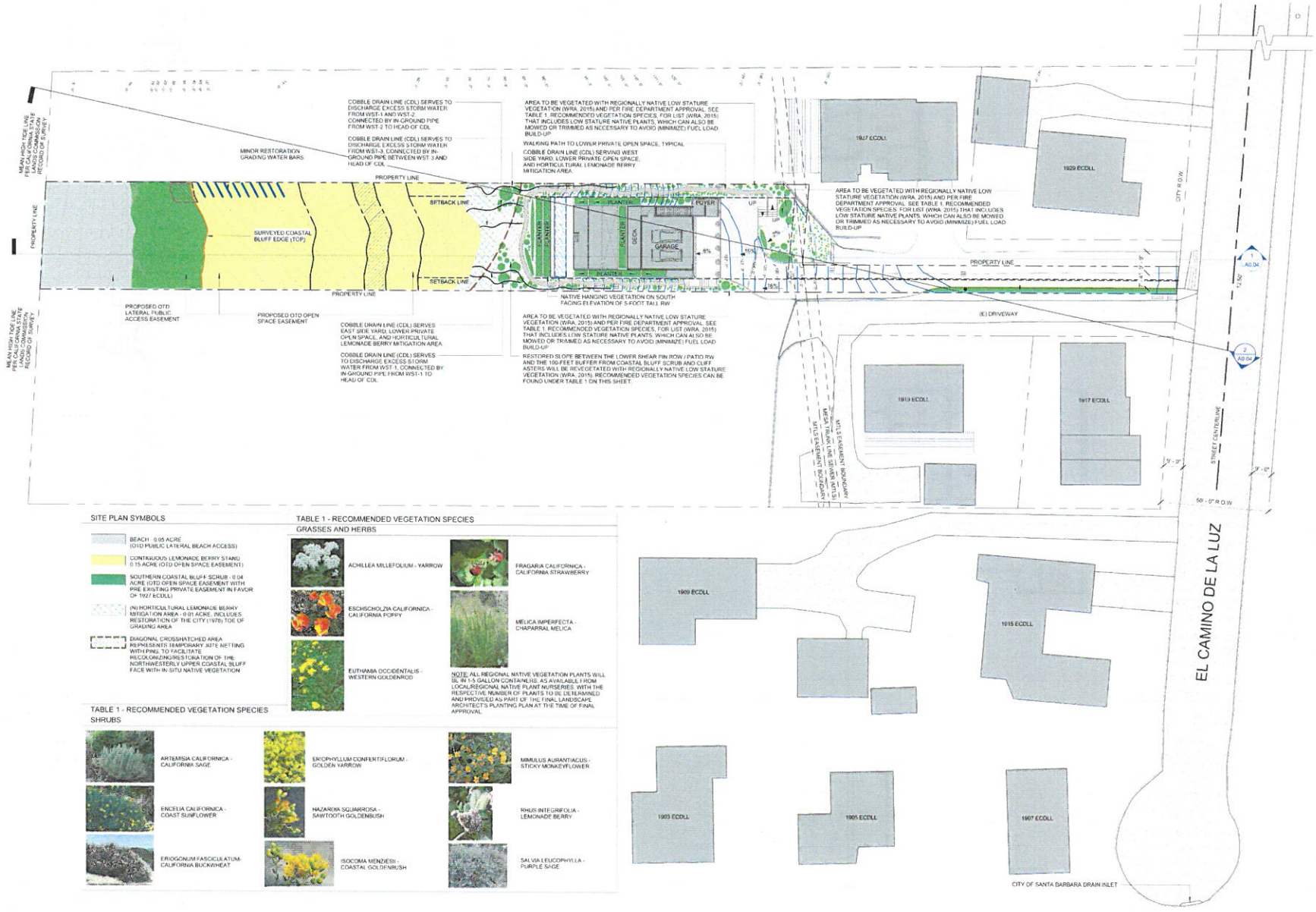
[PROJECT NAME]
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

[OWNER CONTACT]
EMPRISE TRUST
805 637 9009

A0.04
CONCEPT SITE SECTIONS

EXHIBIT A3




SITE PLAN SYMBOLS

- BEACH - 0.05 ACRE (OTD PUBLIC LATERAL BEACH ACCESS)
- CONTIGUOUS LEMONADE BERRY STAND 0.15 ACRE (OTD OPEN SPACE EASEMENT)
- SOUTHERN COASTAL BLUFF SCRUB - 0.04 ACRE (OTD OPEN SPACE EASEMENT WITH PRE EXISTING PRIVATE EASEMENT IN FAVOR OF 1927 ECDLL)
- (N) HORTICULTURAL LEMONADE BERRY MITIGATION AREA - 0.01 ACRE, INCLUDES RESTORATION OF THE CITY (1978) TOE OF GRADING AREA
- DIAGONAL CROSSHATCHED AREA REPRESENTS TEMPORARY JUTE NETTING WITH PINS, TO FACILITATE RECOLONIZING/RESTORATION OF THE NORTHWESTERLY UPPER COASTAL BLUFF FACE WITH IN-SITU NATIVE VEGETATION

TABLE 1 - RECOMMENDED VEGETATION SPECIES

GRASSES AND HERBS


ACHILLEA MILLEFOLIUM - YARROW


ESCHSCHOLZIA CALIFORNICA - CALIFORNIA POPPY


EUTHAMIA OCCIDENTALIS - WESTERN GOLDENROD


FRAGARIA CALIFORNICA - CALIFORNIA STRAWBERRY


MELICA IMPERFECTA - CHAPARRAL MELICA

NOTE: ALL REGIONAL NATIVE VEGETATION PLANTS WILL BE IN 1-5 GALLON CONTAINERS, AS AVAILABLE FROM LOCAL/REGIONAL NATIVE PLANT NURSERIES. WITH THE RESPECTIVE NUMBER OF PLANTS TO BE DETERMINED AND PROVIDED AS PART OF THE FINAL LANDSCAPE ARCHITECT'S PLANTING PLAN AT THE TIME OF FINAL APPROVAL

TABLE 1 - RECOMMENDED VEGETATION SPECIES

SHRUBS


ARTEMISIA CALIFORNICA - CALIFORNIA SAGE


ENCELIA CALIFORNICA - COAST SUNFLOWER


ERIOGONUM FASCICULATUM - CALIFORNIA BUCKWHEAT


ERIOPHYLLUM CONFERTIFLORUM - GOLDEN YARROW


HAZARDIA SQUARROSA - SAWTOOTH GOLDENBUSH


ISOCOMA MENZIESII - COASTAL GOLDENBUSH


MIMULUS AURANTIACUS - STICKY MONKEYFLOWER


RHUS INTEGRIFOLIA - LEMONADE BERRY


SALVIA LEUCOPHYLLA - PURPLE SAGE

CONCEPT LANDSCAPE PLAN 1

1" = 20'-0"

N

AB DESIGN STUDIO


PH 805 963 2100
FX 805 963 2300
429 E. HALEY STREET
SANTA BARBARA, CALIFORNIA 93101
www.abdesignstudio.com


Project Team

[Coastal Program Consultant]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph: 916 392 0283
e: norbert@dallcloud.com
sdall@dall.com

[Geotechnical Engineer, Engineering Geologist]
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805 375 1950
e: cottonshires@me.com
e: jwallace@cottonshires.com

[Civil Engineer]
Charlie Grant, ASCE
ph: 330 685 1525
e: cjgrant@sssnet.com

[Biologist]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415 454 8868
e: smick@wra-ca.com

[Coastal Hazard, Wave Runup]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760 438 3155
e: dskelly@geosoilsinc.com

[Historic Coastal Bluff Profile]
Joseph Sumpan
GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541 690 3595
e: jsumpan@charter.net

[Surveyor]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805 966 5105
e: pcook@lpcook.com

C-30926

Print / Revision

SFDB CONCEPT #2 HEARING

PLANNING COMMISSION HEARING

Project Info

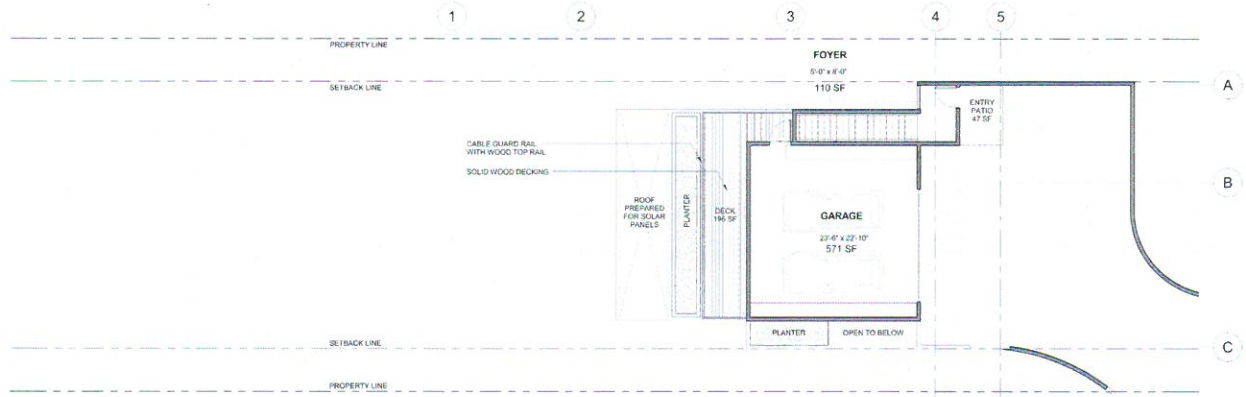
[Project Title]
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

[Project Address]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93105

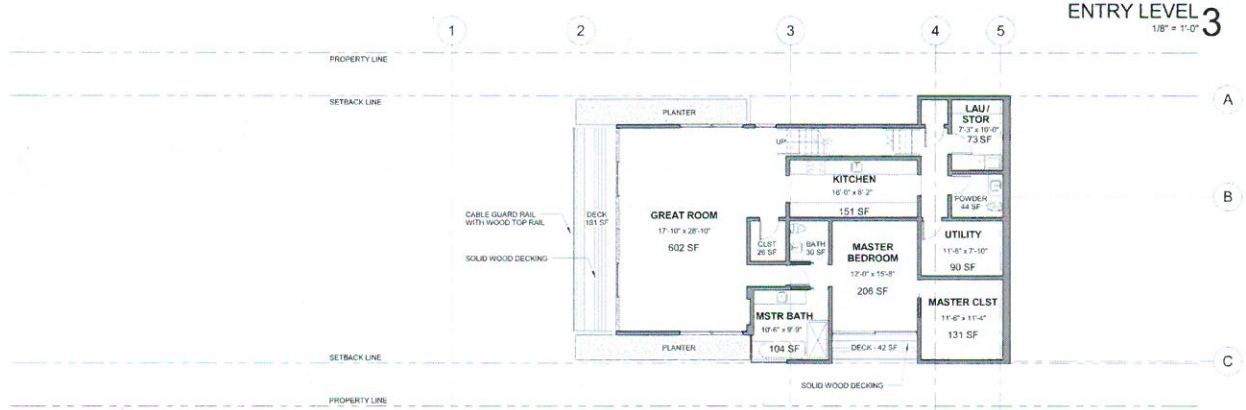
[Owner Contact]
EMPRISE TRUST
805 637 9009

A0.05
CONCEPT LANDSCAPE PLAN

EXHIBIT A4




ENTRY LEVEL 3
1/8" = 1'-0"




UPPER LEVEL 2
1/8" = 1'-0"

LOWER LEVEL 1
1/8" = 1'-0"

AB DESIGN STUDIO


PH 805 953 2100
FX 805 963 2300
520 E HALEY STREET
SANTA BARBARA, CALIFORNIA 93101
www.abdesignstudio.com

project team

[COASTAL PROGRAM CONSULTANT]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph 916 392 0283
e: norberrdall@clsup.com
sdalla1@csi.com

[GEOTECHNICAL ENGINEER ENGINEERING ARCHAEOLOGY]
Pat Shires, John Wallace
Cottton, Shires & Assoc, Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph 805 375 1050
e: cottonshires@mc.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph 330 685 3525
e: cigrant@sssner.com

[BIOLOGIST]
Geoff Smick
WRA, Inc
2169-G East Francisco Blvd
San Rafael, CA 94901
ph 415 454 8868
e: smick@wra-ca.com

[COASTAL HAZARDS / SEA LEVEL RISE]
David Skelly, MS, PE
Geo Soils, Inc
5741 Palmer Way
Carlsbad, CA 92010
ph 760 438 3155
e: dskelly@geosoilsinc.com

[GEOLOGY / SOIL / SEISMIC / SLOPE STABILITY]
Joseph Scepan
GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph 541 690 7595
e: jscepan@charter.net

[SURVEYOR]
Paul Cook
L P Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph 805 966 5165
e: pcook@lpcook.com


C-30928

project / revision

[REVISIONS]
SFDB CONCEPT #2 HEARING

[DATE]
PLANNING COMMISSION HEARING

project info

[PROJECT NAME]
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

[OWNER CONTACT]
EMPRISE TRUST
805 637 9009

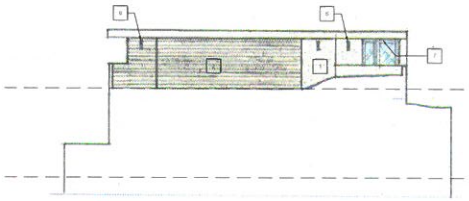
A2.01

CONCEPT FLOOR PLANS

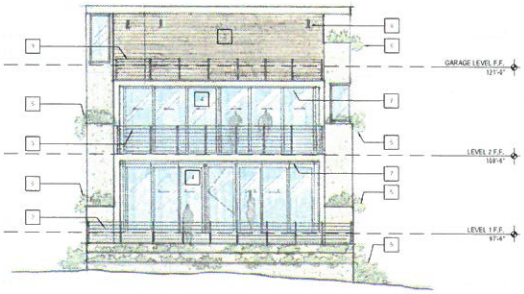
EXHIBIT A5

**keynotes**

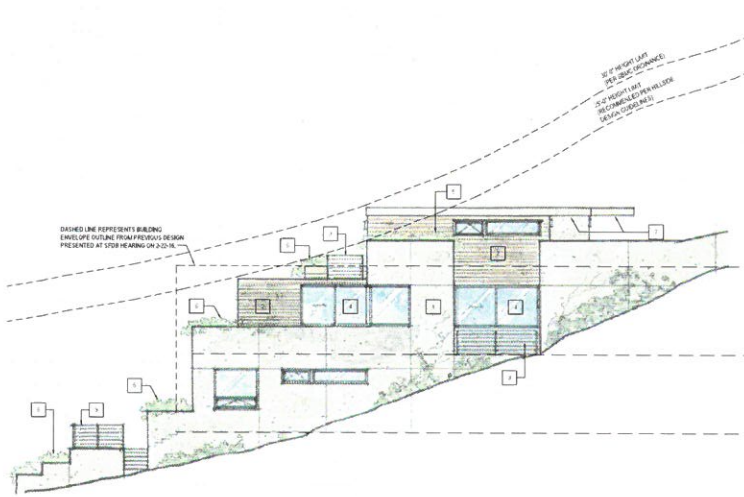
1. PLASTER
2. WOOD SIDING
3. CABLE GUARD RAIL
4. ANODIZED ALUMINUM DOOR & WINDOW SYSTEM
5. (N) NATIVE VEGETATION
6. EXTERIOR DOWN-CASTING WALL SCONCE
7. EXTERIOR DOWN-CASTING RECESSED LIGHT FIXTURE



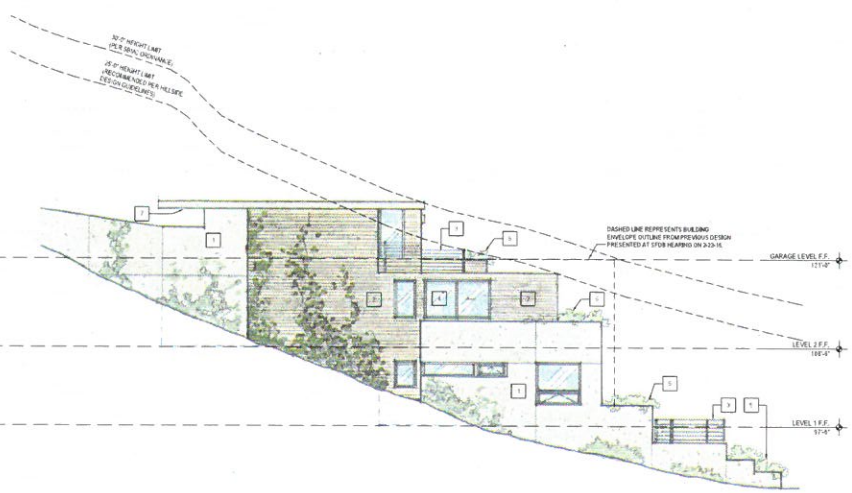
CONCEPT NORTH ELEVATION 4
SCALE 1/8" = 1'-0"




CONCEPT SOUTH ELEVATION 2
SCALE 1/8" = 1'-0"




CONCEPT EAST ELEVATION 3
SCALE 1/8" = 1'-0"




CONCEPT WEST ELEVATION 1
SCALE 1/8" = 1'-0"


AB
DESIGN STUDIO INCORPORATED
PH | 805 . 963 . 2100
FX | 805 . 963 . 2300
420 EAST HALEY STREET
SANTA BARBARA | CALIFORNIA 93101
www.abdesignstudio.com


project team

[CAPITAL CONSISTENCY ANALYSIS]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 208
Sacramento, CA 95831
ph: 916.392.0283
e: norbertdall@icloud.com
sdall49@aol.com

[GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST]
Pat Shires, John Wallace
Cotton, Shires & Assoc., Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cottonshires@me.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 330.685.3525
fx: 330.854.0550
e: clgrant@sshet.com

[BIOLOGIST]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[CAPITAL HAZARDS / HAVE SURVEY]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

[HISTORIC CAPITAL RIGHT POSITION]
Joseph Scepan GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541.690.7595
e: jscepan@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5105
e: pcook@lpcook.com

C-30926

print / revision

SFDB CONCEPT #2 HEARING

PLANNING COMMISSION HEARING

project info

[PROJECT - MITIGATE]
EMPRISE TRUST RESIDENCE
RESIDENTIAL REUSE PROJECT

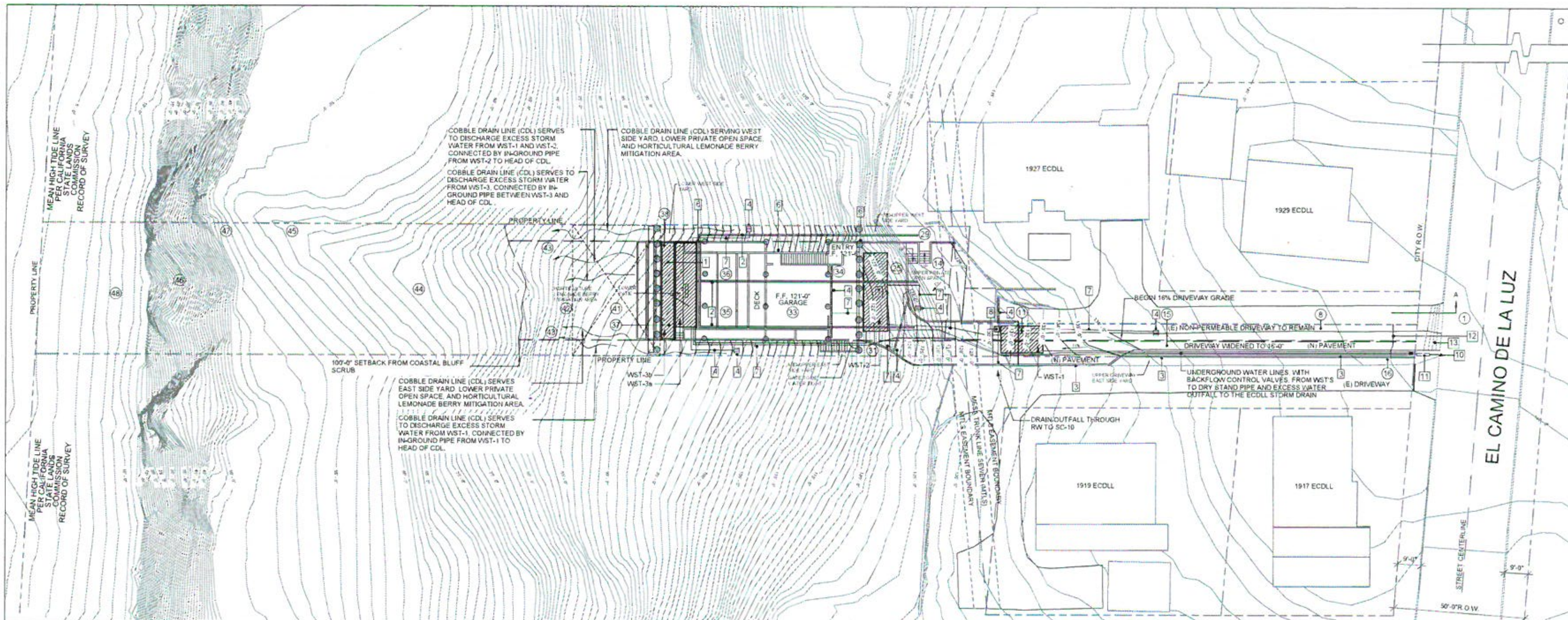
[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

[OWNER CONTACT]
EMPRISE TRUST
805.637.9009

A4.01

CONCEPT
EXTERIOR ELEVATIONS

EXHIBIT A6




**DRAINAGE PLAN NOTES:**

BASED ON RECOMMENDATIONS CONTAINED IN "GEOTECHNICAL INVESTIGATION REPORT" (CSA,2012), SUPPLEMENTAL GEOLOGICAL AND GEOTECHNICAL INVERSTIGATION REPORT (CSA,2015), HYDROLOGY REPORT (CSA,2015), BIOLOGICSL RECONNAISSANCE REPORT (WRA, 2012) AND SPUUPLEMENTAL REPORT (2015).

1. All surface water to be strictly controlled within the grading and structural development envelope to avoid renewed ground saturation and coastal bluff erosion, including though enhancement of the crown in the upper driveway (pavement and side yard) segment, berming along the easterly driveway segment property line, enhanced continuation of storm water drainage from the existing joint 1925-1927 ECDLL driveway pavement, capture and direction of storm water runoff and intercepted groundwater to on-site storm water tanks for beneficial on-site and potential public agency reuse. Specified structural and operational Best Management Practice (BMP), priority use of excess storm water to the City storm drain. See Table of Recommended BMP's in Appendix C of Project Hydrology Report, (CSA,2015).

2. Low stature (fire resistant) deep-rooted locally-regionally genetically native vegetation shall be utilized in residential reuse project landscaping. See Table 1. "Recommended Vegetation Species." in Biological Reconnaissance Report, WRA 2015). Planting of horticultural lemonade berry shrubs in the mitigation area (Sub-Catchment 18) downslope of the lower private open space area shall utilize commercially available stock from a local-regional native plant nursery.

3. All utility lines and trenches on the parcel, including but not limited to the City's Mesa Trunk Line Sewer, shall be checked, and updated (including with double-lining, flexible connections, impervious conduits, backflow control valves, or other similar components) as necessary, to prevent exfiltration of water to the parcel. The base of the overhead utility line pole in the easterly driveway side yard shall be sealed to prevent infiltration along it to/into ground. All doors and gates adjacent to an impervious surface that functions as storm water flor line shall be constructed and maintained to be water-tight to an elevation of 12 inches above the adjacent impervious surface.

4. Three horizontal drains, with connecting discharge pipes to Water Storage Tank-3 and clean-outs, shall be installed, below grade and at a plus 3-degree angle as shown on Section A, north of the lower shear-pin row at approximate 4, 22, and 40 feet east of the westerly parcel property line. Clean-outs shall be installed at the collar of each drain inlet, trench drain, and horizontal drain, with each drain to feed into a collector pipe that discharges into the designated Water Storage Tank (WST-1, WST-2, or WST-3, as applicable) for beneficial reuse. All drain outlets shall be connected to tight line collector pipes. All drains, including incorporated filtration, and storm water management system pumps, inlets, outfalls, and dry stand pipe shall be annually inspected, maintained, and flushed prior to November 1. The three WST's their UVL water quality treatment system, and their pump backup power system shall also be annually inspected and maintained prior to November 1, (refer to the specifications in the Hydrology Report (CSA,2015) for relevant details and schedules).

5. Backdrains shall be constructed behind all retaining walls. The backdrain shall consist of a minimum 12-inch wide continuous blanket of either Caltrans Class 2 Permeable Material or 3/4 inch X ½ inch clean crushed drainrock enclosed in Mirafi 140N (or approved equivalent) filter fabric and extended to within 1 to 1-1/2 feet of the ground surface where an impervious fill and/or asphaltic concrete cap shall be placed. A minimum 4-inch diameter PVC Schedule 40 perforated drain pipe shall be placed near the bottom of the drainrock (perforations down), surrounded by a minimum of 4-inches of drainrock with at least 2-inches of drainrock underlying the pipe. All backdrain pipes shall be sloped to drain at a minimum of 1/2 percent and be collected in 4-inch diameter, non-perforated Schedule 40 PVC pipes which are sloped a minimum of 2 percent and discharged by pipe to the cobble-lined flow channels in the lower private open space and horticultural lemonade berry mitigation areas, and thence to the contiguous lemonade berry shrubs in SC-19. Retaining wall backdrains shall also be collected and drained in a similar manner as the sub-floor slab sub-drain, or combined, if preferred.

6. The slab on grade floor for the house and garage shall be underlain by a minimum 6-inch thick blanket of clean, free draining crushed rock or gravel as specified in Slab on Grade and Concrete Flatwork per the CSA Geological and Geotechnical Investigation Report (2012). The blanket subgrade shall be cut to drain (hydraulically connected) to one of the sub-floor sub drains, which shall be spaced at minimum 30-foot intervals and extend across the entire slab. The sub floor slab sub-drains shall consist of 4-inch diameter perforated Schedule 40 PVC pipe sloped a minimum of 1/2 percent and placed in a minimum 12-inch wide, 6 to 18 inch deep or deeper (depending on the dimensions of the sub-floor) trench filled with crushed rock or gravel and a sheet of filter fabric separating the gravel from the blanket subgrade. There shall be 2 inches of drainrock in the bottom of the trench, below the pipe. The sub-drain pipes shall be collected in 4-inch diameter, non-perforated Schedule 40 PVC pipes sloped a minimum of 2 percent and discharged by gravity flow in a pipe to the cobble-lined flow channels in the lower private open space and horticultural mitigation areas.

7. Grades shall be sloped to drain at a minimum of 2 percent for a distance of at least 10-feet out from structures, where feasible, with runoff directed into the designated drain inlet, trench drain, or cobble-lined flowline. All roof runoff shall be collected in gutters with downspouts, both sized to contain the 100-year recurrence, 1-hour rail fall event at the Project rain gauge reference site (1.84 inches, Santa Barbara County Station 234), tied into tightline pipes (Schedule 40 PVC), that discharge to WST-3, as applicable.

8. CSA recommends water storage tank design capacities to contain runoff from up to and including the City peak design storm (25 year recurrence, 24-hour duration, 6.71 inches) on-site for beneficial reuse or, after the peak of the hydrograph has passed, for limited 25/gpm per tank) pumped discharge to the City storm drain in ECDLL. WST-3 consists of two separate components: (1) an enclosed tank (WST-3a), and (2) a tank, with a power safety cover, for seasonal use as a lap pool (WST-3b). Excess water in WST-3a may be detached by pumping to the city storm drain; excess water in WST-3b will only be utilized for beneficial reuse purposes on-site or be discharged to the city wastewater system, with no discharge to the city storm drain. The storm water Management system protocol for the three WST's including prioritized beneficial reuse of water, consists of (1) a maximum design capacity (represented by a line) for each WST; (2) beneficial reuse of stored water in WST-2 for beneficial in-house (non-portable) use, (3) beneficial reuse of part or all the water stored in WST-3 for lap pool use, provided that the City Fire Department may access this supply during an emergency by the dry stand pipe in the upper east side yard adjacent to the driveway; (4) beneficial reuse of stored water for sustainability of lemonade berry shrubs and native vegetation on the Parcel during a drought or other extended dry season, when rainfall at the Project rain gauge reference site falls below 65% of the long-term annual, quarterly, or monthly mean; (5) automatic gravity outflow of excess water above the maximum capacity line from each OST though one or more outfalls (ports), in pipes, and, as applicable, the cobble-lined flow lines in SC-17 and SC-18 to SC-19; (6) pumped discharge from one WST to either of the other two WST's, as applicable, to balance the water volumes in storage, and/or for discharge to the coble-lined flow lines in SC-17 and SC-18 to SC-19, to both reduce intake water levels(e.g., at the start of the rain season, before a forecast storm event, or in association with required maintenance) and for contiguous lemonade berry sustainability; (7) dry stand pipe access to stored water in WST-1 and WST-3 by the City Fire Department during an emergency, or by the City Department of Public Works by prior arrangement with the Trustee of the Emprise Trust; and (8) pumped discharge from any or all WST's at a rate not to exceed 25/gpm per tank, to the City storm drain in ECDLL prior to the on-set of a forecast rain event, or after the peak of its hydrograph, to further reduce water level(s) in storage.

9. Where concrete or asphalt-concrete curbs are used to isolate landscaping in or adjacent to pavement areas, or prevent overland flow outside the parcel, the curb should extend a minimum of 8-inches into low permeable material below the base rock to provide a barrier against the migration of water into the pavement section or offsite.

## keynotes

1. PROPOSED LOCATION OF UNDERGROUND WATER STORAGE TANK. EACH TANK TO BE EQUIPPED WITH PUMP FOR BENEFICIAL RE-USE ON SITE AND/OR PUMP INTO CITY STORM DRAIN SYSTEM. TANKS TO BE SIZED IN ACCORDANCE WITH PROJECT HYDROLOGY REPORT (CSA 2015).
2. UNDERGROUND HORIZONTAL DRAINS, AS PER THE RECOMMENDATIONS IN THE CSA GEOLOGIC AND GEOTECHNICAL INVESTIGATION REPORT AND SUPPLEMENT (2012,2015) AND HYDROLOGY REPORT (CSA,2015).
3. (N) 6" TALL BERM ALONG THE EASTSIDE SIDE YARD OF THE 1925 ECDLL WIDENED DRIVEWAY EASTERLY SIDE YARD.
4. DRAIN INLETS OR TRENCH DRAINS TO COLLECT SURFACE STORM WATER RUN-OFF FOR DISCHARGE TO WST-1, WST-2, WST-3a, OR OUTFALLS, AS SHOWN BY DRAIN LINES AND DESCRIBED IN THE HYDROLOGY REPORT (CSA,2015).
5. NOT USED
6. DOWNSPOUTS, TYPICAL. ROUTE ALL DOWNSPOUTS TO THE WATER STORAGE TANKS (WST's) PER DRAINAGE PLAN NOTES.
7. UNDERGROUND DRAIN LINES
8. SUBSURFACE DRAINAGE JUNCTION BOX
9. COBBLE DRAIN LINE PER ABds PRELIMINARY CONCEPTUAL LANDSCAPE PLAN, SHOWN ON THIS SHEET FOR REFERENCE ONLY.
10. REPLACEMENT OF (E) CURB AND GUTTER WITH (N) CURB, GUTTER, AND OUTFALLS WITH BACKFLOW CONTROLS FOR PUMPED EXCESS STORM WATER, AS PER THE HYDROLOGY REPORT (CSA,2015) STORM WATER MANAGEMENT PROTOCOL AND VOLUMETRIC LIMITATIONS.
11. (N) DRY STAND PIPE, OPTIONAL
12. RESTORED DRIVEWAY BERM LESS THAN OR EQUAL TO 4 INCHES ABOVE TOP OF CURB
13. REPAVE (E) DRIVEWAY RAMP AND INSTALL (N) HORIZONTAL FILTER STRIP

# CONCEPT (PERMANENT) DRAINAGE AND EROSION CONTROL PLAN

SCALE 1" = 20'

N

## additional keynotes (Hydrology Report BMP#'s)

(1) OPTIONAL CITY CISTERN IN ECDLL RIGHT-OF-WAY
(8) EXISTING DRIVEWAY REPAVEMENT (FLAGSTONES)
(11) EXISTING DRIVEWAY REPAVEMENT (FLAGSTONES)
(14) UPPER PRIVATE OPEN SPACE NATIVE REVEGETATION
(15) WIDENED DRIVEWAY (FLAGSTONES)
(16) SIDEYARD EAST OF DRIVEWAY RESTORATION, WITH DRIVEWAY CROWN
(25) TURNAROUND PAVEMENT (FLAGSTONES)
(29) RESTORED UPPER WEST SIDE YARD NATIVE REVEGETATION
(31) RESTORED UPPER EAST SIDE YARD NATIVE REVEGETATION
(33) NORTH DRAINING ROOF SEGMENT (TO DI-13)
(34) DRAIN INLET 13 (DI-13), FROM NORTH DRAINING ROOF SEGMENT TO WATER STORAGE TANK 2 (WST-2)
(35) SOUTH DRAINING ROOF SEGMENT (TO DI-13)
(36) DRAIN INLET 14 (DI-14), FROM NORTH DRAINING ROOF SEGMENT TO WATER STORAGE TANK 3 (WST-3)
(37) LOWER PATIO
(38) DRAIN INLET 15 (DI-15), DRAIN INLET IN LOWER PATIO TO WATER STORAGE TANK 3 (WST-3)
(41) RESTORED TIE-BACK CONSTRUCTION BENCH (LOWER PRIVATE OPEN SPACE)
(42) HORTICULTURAL LEMONADE BERRY MITIGATION AREA
(43) MULTI-PORT COBBLE-LINED STORM WATER OUTFLOW AREA TO CONTIGUOUS LEMONADE BERRY VEGETATION
(44) CONTIGUOUS LEMONADE BERRY VEGETATION (OPEN SPACE EASEMENT AREA)
(45) TEMPORARY WATER BARS IN DOOLITTLE GRADING AREA
(46) COASTAL BLUFF (OPEN SPACE EASEMENT AREA)
(47) UPPER NORTHWEST COASTAL BLUFF RESTORATION (OPEN SPACE EASEMENT AREA)
(48) COBBLE-SAND BACK BEACH (LATERAL PUBLIC ACCESS EASEMENT AREA)

AB DESIGN STUDIO INCORPORATED
PH | 805.963.2100
FX | 805.963.2300
420 EAST HALEY STREET
SANTA BARBARA | CALIFORNIA 93101

project team

[COASTAL CONSISTENCY ANALYSIS]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph: 916.392.0283
e: norbertdall@icloud.com
sdall49@aol.com

[GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST]
Pat Shires, John Wallace
Cotton, Shires & Assoc, Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cottonshires@me.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 330.685.3525
fx: 330.854.0550
e: clgrant@sssnet.com

[BIOLOGIST]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[COASTAL HAZARDS / WAVE RUNUP]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

Joseph Scepan GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541.690.7595
e: jscepan@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5105
e: pcook@lpcook.com

C-30928

print / revision

SFDB CONCEPT #2 HEARING

PLANNING COMMISSION HEARING

project info

EMPRISE TRUST RESIDENCE
RESIDENTIAL REUSE PROJECT

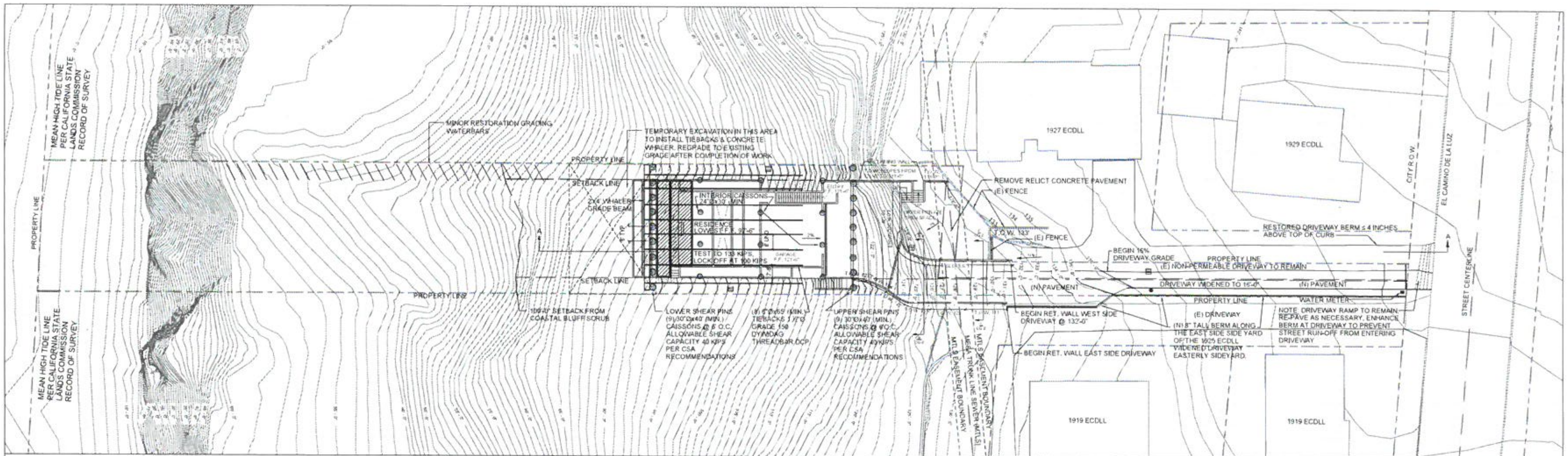
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

EMPRISE TRUST
805.637.9009

CD-1

CONCEPT (PERMANENT) DRAINAGE & EROSION CONTROL PLAN

EXHIBIT A7

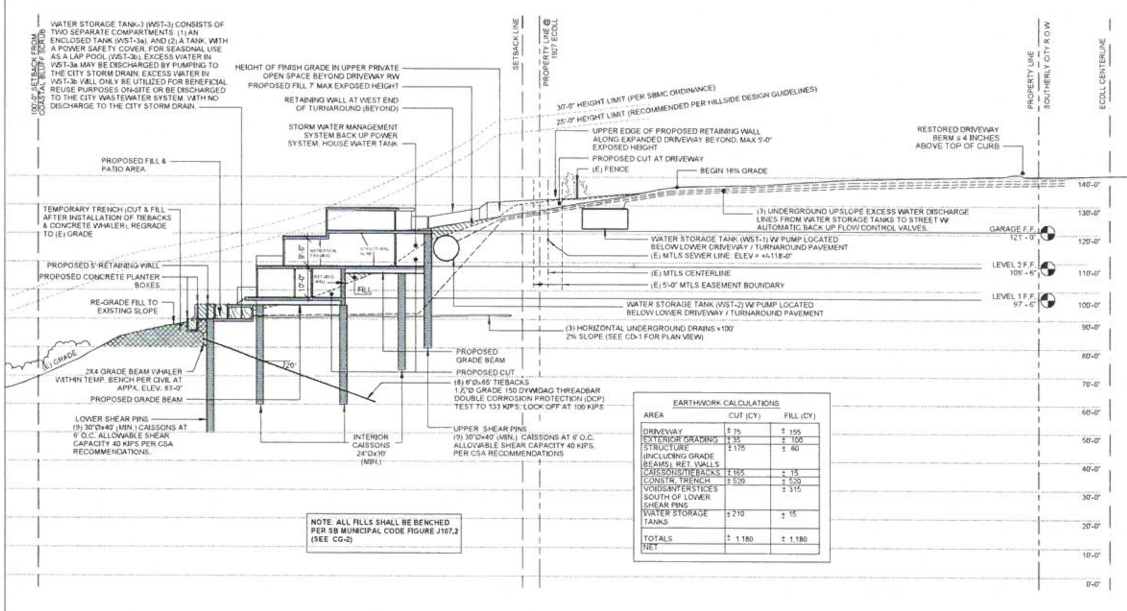



## CONCEPT GRADING PLAN

SCALE 1"=20'-0"

GRADING NOTES:

1. ALL GRADING SHALL COMPLY WITH THE APPROVED FINAL GRADING PLAN, SANTA BARBARA CITY MUNICIPAL CODE: SECTION 22.04.010, J101 "GRADING", AND BE IN ACCORDANCE WITH THE CONCLUSIONS AND RECOMMENDATIONS OF (1) THE GEOLOGIC AND GEOTECHNICAL INVESTIGATION REPORT (CSA, 2012) AND SUPPLEMENTAL REPORT (CSA, 2015), AND (2) THE BIOLOGICAL RECONNAISSANCE REPORT (WRA, 2012) AND SUPPLEMENTAL REPORT (2015).
2. GRADING AND FOUNDATION CONSTRUCTION SHALL BE PERFORMED ONLY DURING THE DRY SEASON, BETWEEN MAY 1 AND OCTOBER 31. PRIOR TO START OF CONSTRUCTION, THE FOLLOWING SHALL BE PERFORMED: (1) THE PRE-GRADING/CONSTRUCTION NESTING AND BUTTERFLY SURVEY RECOMMENDED BY WRA (2012, 2015) AND (2) THE INCLINOMETER AND PIEZOMETER MONITORING, AND DOCUMENTATION OF SURFACE CONDITIONS ON THE PARCEL AS RECOMMENDED BY CSA (2012) AND GSI (2012).
3. THE TOPOGRAPHIC SURVEY MAP OF THE PARCEL, WITH RECORD OF SURVEY BOUNDARIES (CSA, 2015) PROVIDES THE ELEVATIONAL BASIS FOR THIS GRADING PLAN.
4. THIS CONCEPTUAL GRADING PLAN DEPICTS THE NECESSARY GRADING, FOR DEVELOPMENT REGULATORY REVIEW AND APPROVAL, TO IMPLEMENT THE RECOMMENDATIONS OF THE PROJECT GEOLOGICAL AND GEOTECHNICAL, HYDROLOGICAL, COASTAL ENGINEER, BIOLOGICAL, CIVIL ENGINEER, AND ARCHITECTURAL CONSULTANTS. THE APPROVED FINAL GRADING PLAN WILL SHOW OR REFERENCE ALL DETAILS AND SPECIFICATIONS NECESSARY TO PERFORM THE PROPOSED WORK, INCLUDING, BUT NOT LIMITED TO SPECIFIC REQUIREMENTS FOR PERFORMANCE BY THE GRADING CONTRACTOR, PROJECT GEOLOGIST OR GEOTECHNICAL ENGINEER, AND PROJECT BIOLOGIST.
5. TEMPORARY EXCAVATIONS IN EXCESS OF 3.5' (V) SHOULD HAVE THE UPPER PORTION TRIMMED TO 1.5:1 (H:V) IN COLLUVIUM/ ALLUVIUM AND 1:1 IN BEDROCK. TEMPORARY CUT SLOPES SHOULD BE INSPECTED BY A FIELD REPRESENTATIVE OF CSA AT THE TIME OF GRADING AND MONITORED DAILY DURING CONSTRUCTION. EXCAVATION METHODS, SHORING, BRACING, AND SAFETY OF EXCAVATIONS ARE THE RESPONSIBILITY OF THE CONTRACTOR.
6. PRIOR TO PLACEMENT OF FILL MATERIAL THE AREA TO BE GRADED SHALL BE CLEARED OF ALL VEGETATION, ORGANIC MATERIALS, CONCRETE, ROCKS GREATER THAN LIFT THICKNESS, DEBRIS, AND ANY OTHER DELETERIOUS MATERIAL, INCLUDING, BUT NOT LIMITED, TO VOIDS (INTERSTICES). THESE MATERIALS SHOULD BE STRIPPED AND REMOVED FROM THE DEVELOPMENT ENVELOPE ON THE PARCEL, FOR DISPOSAL OFFSITE AND OUTSIDE THE COASTAL ZONE PURSUANT TO APPLICABLE REQUIREMENTS. TOPSOIL AND ANY SUITABLE ON-SITE FILL MATERIAL MAY BE STOCKPILED FOR FUTURE LANDSCAPING. INTERIM CITY/REGIONAL STORMWATER POLLUTION PREVENTION STANDARDS DURING GRADING AND CONSTRUCTION PER THE EROSION CONTROL MEASURES SPECIFIED ON THE INTERIM GRADING/DRAINAGE CONTROL PLAN (ABDS, 2015).
7. IN AREAS TO BE FILLED AT OR UPSLOPE FROM ELEVATION 80 FEET, THE EXPOSED SURFACE SHOULD BE SCARIFIED TO AT LEAST AN 8 INCH DEPTH, MOISTURE CONDITIONED TO AT LEAST OPTIMUM MOISTURE CONTENT AND COMPACTED TO AT LEAST 90 PERCENT RELATIVE COMPACTION BASED ON ASTM D-1557-12. FILL PLACED IN SLOPES SHALL BE KEYED AND BENCHED.
8. EXCAVATED MATERIAL CAN BE RE-USED AS COMPACTED FILL PROVIDED IT IS FREE OF ORGANIC MATTER AND MATERIAL LARGER THAN 4" IN DIAMETER. IMPORTED FILL SHOULD BE FREE OF ORGANIC MATERIAL AND BE CERTIFIED WEED FREE, CONTAIN NO MATERIAL LARGER THAN 4-INCHES, AND SHOULD HAVE A PLASTICITY INDEX (P.I.) OF LESS THAN 16. THE FILL SHOULD BE PLACED IN HORIZONTAL LIFTS NOT EXCEEDING 8 INCHES IN LOOSE THICKNESS, MOISTURE CONDITIONED TO AT LEAST OPTIMUM MOISTURE CONTENT, AND COMPACTED TO AT LEAST 95 PERCENT RELATIVE COMPACTION BENEATH STRUCTURES, SLABS, AND WITHIN 18 INCHES OF THE AGGREGATE BASE ROCK FOR PAVEMENTS, AND 90 PERCENT RELATIVE COMPACTION ELSEWHERE. THE 90 PERCENT LEVEL OF COMPACTION APPLIES TO THE INTERIOR CONCRETE SLABS AS THEY ARE STRUCTURAL AND ARE SUPPORTED ON DRILLED PIERS AND GRADE BEAMS.
9. STRUCTURAL AND PERVIOUS BACKFILL MATERIAL SHALL MEET THE REQUIREMENTS SPECIFIED FOR STRUCTURAL OR PERVIOUS BACKFILL IN SECTION 300-3 OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION "GREENBOOK", 2000 EDITION. STRUCTURAL AND PERVIOUS BACKFILL SHOULD BE COMPACTED TO 90% RELATIVE COMPACTION.
10. AT THE COMPLETION OF COMPACTION, THE STOCKPILED PREVIOUSLY EXCAVATED TOPSOIL OR SUITABLE FILL MAY BE USED FOR FINAL GRADING AS REQUIRED FOR RESTORATION LANDSCAPING.
11. THE PROJECT BIOLOGIST SHALL BE RETAINED PRIOR TO THE START OF GRADING OR CONSTRUCTION, WHICHEVER COMES FIRST, TO MONITOR THE SITE AND ADJACENT AREA AS RECOMMENDED BY WRA (2012, 2015). THE PROJECT GEOLOGIST OR GEOTECHNICAL ENGINEER SHALL BE RETAINED DURING SITE GRADING AND CONSTRUCTION TO OBSERVE COMPLIANCE WITH THE DESIGN COMPONENTS AND GEOTECHNICAL RECOMMENDATIONS BY CSA (2012, 2015) AND TO REVIEW ALL (ANY) PROPOSED DESIGN CHANGES, CONSISTENT WITH ISSUED PROJECT ENTITLEMENTS. IN THE EVENT THAT SUBSURFACE CONDITIONS OR METHODS OF CONSTRUCTION DIFFER FROM THOSE THAT HAVE BEEN OBSERVED, PROVIDED, THAT ANY SUBSTANTIVE CHANGE IN THE VOLUME OR EXTENT (V, H) OF GRADING SHALL REQUIRE PRIOR COORDINATION WITH THE RESPONSIBLE CITY OFFICIAL(S) AND, AS APPLICABLE, THEIR WRITTEN APPROVAL.
12. A TRUE AND COMPLETE COPY OF EACH PROJECT ENTITLEMENT (COASTAL DEVELOPMENT PERMIT, GRADING PERMIT, ETC.) AND A FULL SET OF APPROVED GRADING AND CONSTRUCTION DRAWINGS SHALL BE MAINTAINED AT THE PROJECT SITE FOR USE BY THE CONTRACTOR, INCLUDING ANY SUBCONTRACTORS, DURING THE PROJECT GRADING AND CONSTRUCTION PERIOD.
13. TABLE 1, EARTHWORK CALCULATIONS, CONTAINS THE ESTIMATED PROJECT GRADING VOLUMES.
14. THE DRILLED PIERS AND TIEBACKS THAT MAKE UP THE LOWER AND UPPER SHEAR PINS AND INTERIOR CAISSONS AS SHOWN IN THIS GRADING PLAN ARE PER RECOMMENDATIONS BY CSA AND CONCEPTUAL DESIGN BY THE PROJECT CIVIL ENGINEER, CHARLES GRANT/MIDWEST FOUNDATION TECH, INC.
15. INSTALLATION OF LOWER AND UPPER SHEAR PINS TO BE COMPLETED BEFORE THE TIEBACKS ARE INSTALLED. POST-TENSIONING OF THE TIEBACKS SHALL BE COMPLETED AFTER PLACEMENT OF THE WHALER GRADE BEAM AND THE CONCRETE HAS CURED TO 4000 PSI.
16. RETAINING WALLS SHALL BE SUPPORTED ON DRILLED, CAST-IN-PLACE PIERS OR OTHER APPROVED METHOD IN THE CONSTRUCTION PLANS AND BUILDING/GRADING PERMITS. BACK DRAINS SHOULD BE CONSTRUCTED BEHIND ALL RETAINING WALLS. THE BACK DRAIN SHOULD CONSIST OF 12-INCH WIDE CONTINUOUS BLANKET OF EITHER CALTRANS CLASS 2 PERMEABLE MATERIAL OR 3/4" X 1/2" CLEAN CRUSHED DRAIN ROCK ENCLOSED IN MIRAFI 140N (OR APPROVED EQUIVALENT) FILTER FABRIC, AND EXTENDED TO WITHIN 1' TO 1-1/2' OF THE GROUND SURFACE WHERE AN IMPERVIOUS FILL AND/OR ASPHALTIC CONCRETE CAP SHOULD BE PLACED. A MINIMUM 4" DIAMETER PVC SCHEDULE 40 PERFORATED DRAIN PIPE (PERFORATIONS DOWN) SHOULD BE PLACED NEAR THE DRAIN ROCK SURROUNDED BY MINIMUM 4" OF DRAIN ROCK WITH AT LEAST 2" OF DRAINROCK UNDERLYING THE PIPE. ALL BACK DRAIN PIPES SHOULD BE SLOPED TO DRAIN AT A MINIMUM OF 1/2 PERCENT AND BE COLLECTED IN 4" DIAMETER NON-PERFORATED SCHEDULE 40 PVC PIPES, SLOPED A MINIMUM OF 2 PERCENT. ALL COLLECTED WATER SHALL BE DIRECTED TO THE COBBLE-LINED DRAIN LINES IN THE LOWER PRIVATE OPEN SPACE OR HORTICULTURAL LEMONADE BERRY MITIGATION AREAS.
17. UTILITY TRENCHES SHOULD BE BACKFILLED WITH APPROVED ON-SITE SOIL. BEDDING MATERIALS FOR PIPES SHOULD BE GRADED AND PLACED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. THE BACKFILL SHALL BE COMPACTED TO AT LEAST 90 PERCENT RELATIVE COMPACTION. EQUIPMENT AND METHODS SHOULD BE USED THAT ARE SUITABLE FOR WORK IN CONFINED AREAS WITHOUT DAMAGING TRENCH WALLS OR CONDUITS.
18. VOIDS IN THE CITY'S 1978 GRADING ENVELOPE ON THE PARCEL, SOUTH OF THE PROPOSED SHEAR PIN ROW, WILL BE FILLED AND CAPPED WITH COMPACTED CLEAN FILL MATERIAL AND WITH PLANTING AREAS FOR HORTICULTURAL LEMONADE BERRY MITIGATION SHRUBS, TO THE MAXIMUM EXTENT FEASIBLE FROM SUITABLE EARTHEN MATERIAL EXCAVATED AT THE PROJECT SITE.
19. CONDUITS FOR INFRASTRUCTURE SHALL BE DESIGNED AND CONSTRUCTED TO SEISMIC STANDARDS.
20. THE CONCEPTUAL PERMANENT DRAINAGE PLAN THAT IMPLEMENTS THE PROJECT HYDROLOGY REPORT (CSA, 2015), THE GEOLOGICAL-GEOTECHNICAL INVESTIGATION REPORT (CSA, 2012 AND SUPPLEMENT, 2015) IS PROVIDED ON SHEET CD-1.




EARTHWORK CALCULATIONS

| AREA | CUT (CY) | FILL (CY) |
|---|---|---|
| DRIVEWAY | ± 75 | ± 155 |
| EXTERIOR GRADING | ± 35 | ± 100 |
| STRUCTURE (INCLUDING GRADE BEAMS), RET. WALLS | ± 175 | ± 60 |
| CAISSONS/TIEBACKS | ± 165 | ± 15 |
| CONSTR. TRENCH | ± 520 | ± 520 |
| VOIDS/INTERSTICES SOUTH OF LOWER SHEAR PINS | | ± 315 |
| WATER STORAGE TANKS | ± 210 | ± 15 |
| TOTALS | ± 1,180 | ± 1,180 |
| NET | | |

## CONCEPT GRADING SITE SECTION A

SCALE 1"=20'

AB
DESIGN STUDIO INCORPORATED
PH | 805.963.2100
FX | 805.963.2300
420 EAST HALEY STREET
SANTA BARBARA | CALIFORNIA 93101

project team

[COASTAL CONSISTENCY ANALYSIS]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph: 916.392.0283
e: norbertdall@icloud.com
sdall49@aol.com

[GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST]
Pat Shires, John Wallace
Cotton, Shires & Assoc., Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cottonshires@me.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 330.685.3525
fx: 330.854.0550
e: clgrant@sssnet.com

[BIOLOGIST]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[COASTAL HAZARDS / WAVE RUNUP]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

[COASTAL BLUFF POSITION]
Joseph Scepan GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541.690.7595
e: jscepan@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5105
e: pcook@lpcook.com

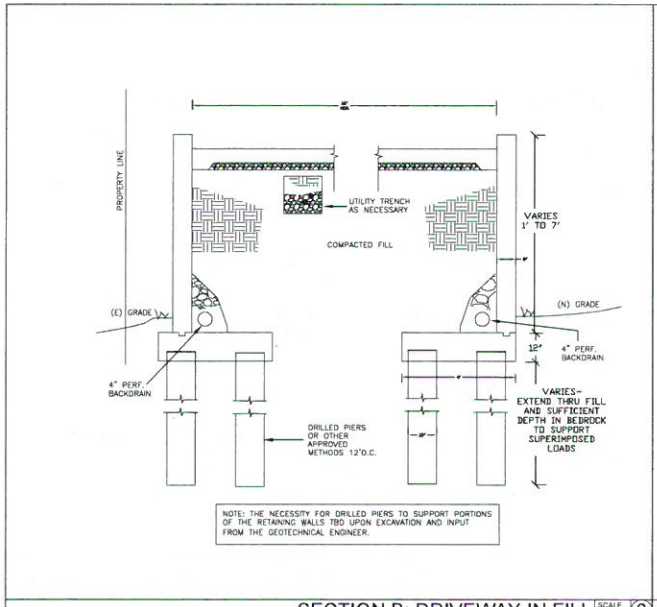
C-30920

print / revision
SFDB CONCEPT #2 HEARING
PLANNING COMMISSION HEARING

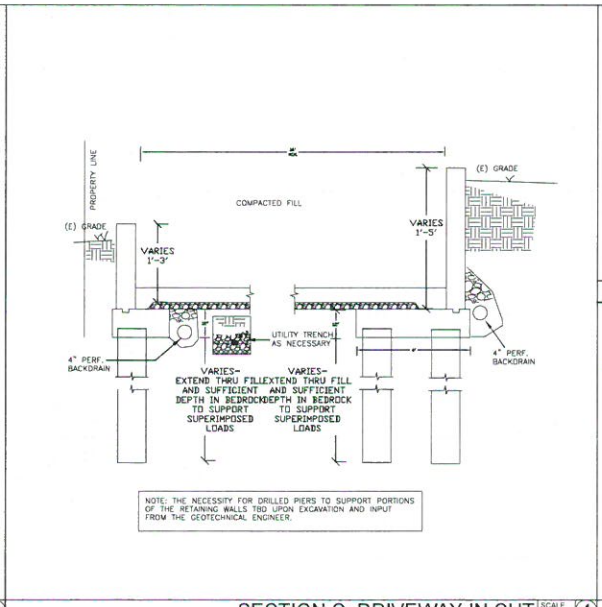
project info
EMPRISE TRUST RESIDENCE
RESIDENTIAL REUSE PROJECT
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109
EMPRISE TRUST
805.637.9009

CG-1
CONCEPT GRADING PLAN & SECTION

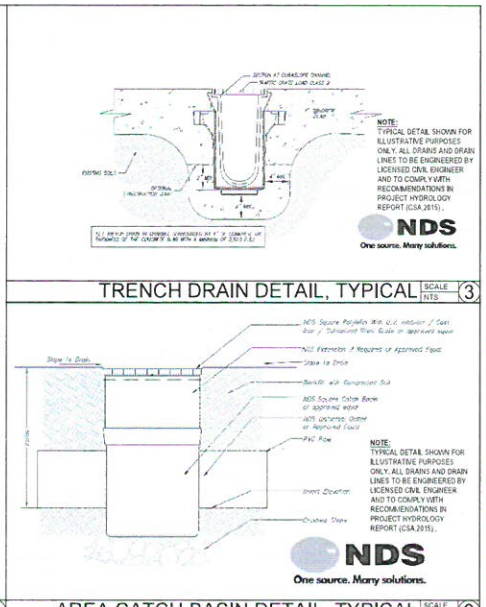
EXHIBIT A8




SECTION B: DRIVEWAY IN FILL SCALE 1/2"=1'-0" 6

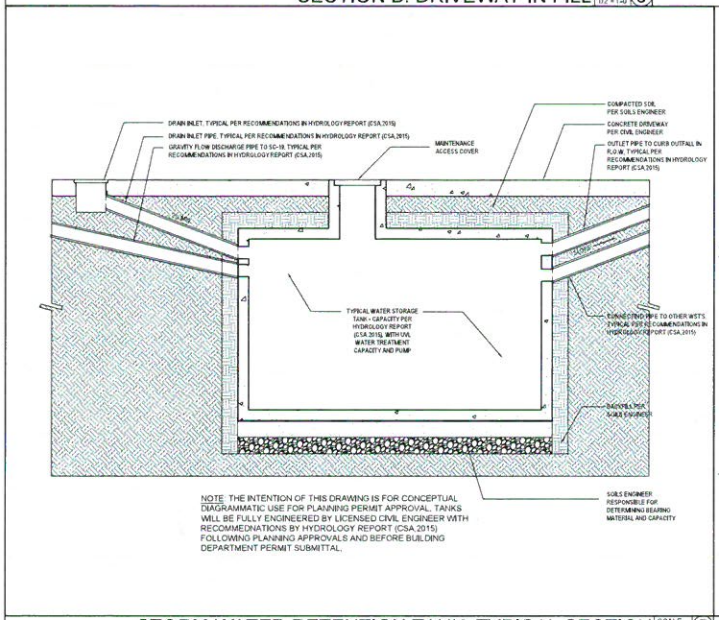



SECTION C: DRIVEWAY IN CUT SCALE 1/2"=1'-0" 4

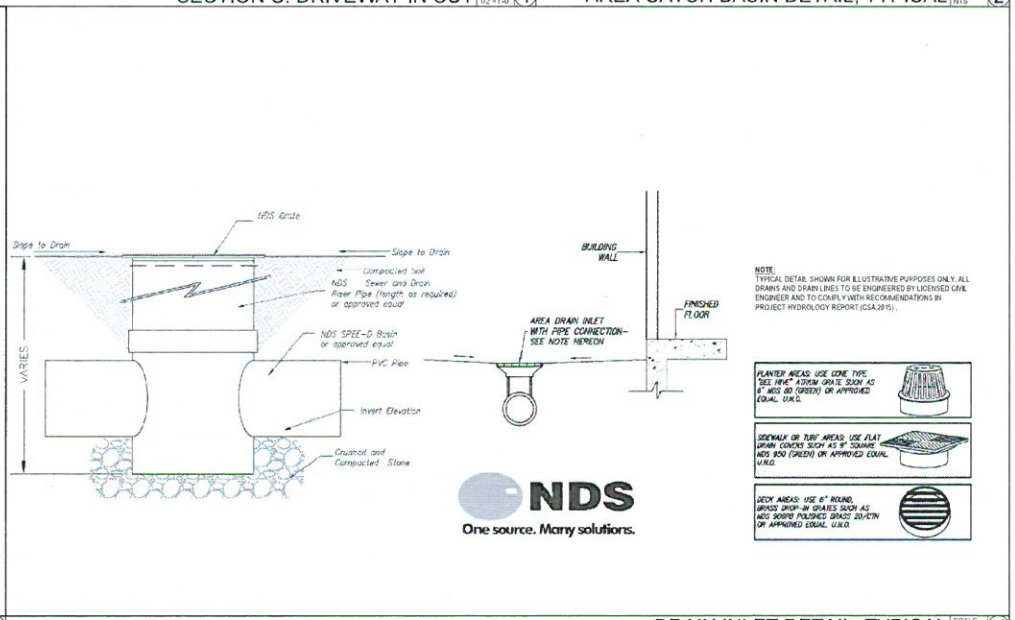



TRENCH DRAIN DETAIL, TYPICAL SCALE NTS 3

AREA CATCH BASIN DETAIL, TYPICAL SCALE NTS 2




STORM WATER RETENTION TANK: TYPICAL SECTION SCALE NTS 5




DRAIN INLET DETAIL, TYPICAL SCALE NTS 1

AB DESIGN STUDIO INCORPORATED
PH | 805 963 2100
FX | 805 963 2300
428 EAST HALEY STREET
SANTA BARBARA | CALIFORNIA 93101

Project Team

[CONSULTING CONSISTENCY ANALYSIS]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Fiorin Road, Suite 200
Sacramento, CA 95833
ph: 916.392.6283
e: norbertdall@icloud.com
sdallsf@aol.com

[GEOTECHNICAL ENGINEER ENGINEERING GEOLOGIST]
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cottonshires@mac.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 930.685.3525
fx: 930.854.0550
e: cjgrant@sisnet.com

[HYDROLOGY]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[COASTAL HAZARDS / WAVE RUNUP]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

[HISTORIC CULTURAL RESOURCES]
Joseph Scappa, GeoSciences
3061 Ruby Drive
Medford, OR 97504
ph: 541.690.7595
e: jscappa@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5105
e: pcook@lpcook.com

C-30020

Project Revisions

[REVISION]
SPDB CONCEPT #2 HEARING
[REVISION]
PLANNING COMMISSION HEARING

Project Info

[PROJECT TITLE]
EMPRISE TRUST RESIDENCE
RESIDENTIAL REUSE PROJECT
[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109
[OWNER CONTACT]
EMPRISE TRUST
805.637.4089

CG-2
TYPICAL GRADING & DRAINAGE DETAILS

EXHIBIT A9

# Summary of Analysis Guidelines for Environmental Impact Topics

## 1. Visual Resources

**Issues:** Issues associated with visual resources and aesthetics include the potential blockage of important public scenic views, project on-site visual aesthetics and compatibility with the surrounding area, and changes in exterior lighting.

**Impact Evaluation Guidelines:** Aesthetic quality, whether a project is visually pleasing or unpleasing, may be perceived and valued differently from one person to the next, and depends in part on the context of the environment in which a project is proposed. The significance of visual changes is assessed qualitatively based on consideration of the proposed physical change and project design within the context of the surrounding visual setting. First, the existing visual setting is reviewed to determine whether important existing visual aesthetics are involved, based on consideration of existing views, existing visual aesthetics on and around the site, and existing lighting conditions. Under CEQA, the evaluation of a project's potential impacts to scenic views is focused on views from public (as opposed to private) viewpoints and larger community wide views (those things visible by a larger community, as opposed to select individuals). The importance of existing views is assessed qualitatively based on whether important visual resources such as mountains, skyline trees, or the coastline, can be seen, the extent and scenic quality of the views, whether the views are experienced from public viewpoints, and how many people can see the views. The visual changes associated with the project are then assessed qualitatively to determine whether the project would result in substantial effects associated with important public scenic views, on-site visual aesthetics, and lighting.

Significant visual resources impacts may potentially result from:

- Substantial obstruction of important public or community wide scenic views.
- Substantial degradation of important public or community wide scenic views or the visual quality of the site through extensive grading and changes in topography, removal of substantial amounts of vegetation and trees visible from public areas without adequate landscaping; or substantial loss of important public open space.
- Substantial damage to scenic resources within a state scenic highway (Highway 154). Impacts to local scenic roads should also be considered. These include Highway 101; Cabrillo Blvd between Highway 101 and Castillo Street; Sycamore Canyon Road (144)/Stanwood Drive(192)/Mission Ridge Road (192)/Mountain Drive to the Old Mission on Los Olivos Street), or Shoreline Drive from Castillo Street to the end of Shoreline Park.
- Substantial negative aesthetic effect or incompatibility with surrounding land uses or structures due to project size, massing, scale, density, architecture, signage, or other design features.
- Substantial light and/or glare that poses a hazard, disrupts sensitive wildlife, or substantially affects day or nighttime views.

## 2. Air Quality

**Issues.** Air quality issues involve pollutant emissions from vehicle exhaust, stationary sources (e.g. gas stations, boilers, diesel generators, dry cleaners, oil and gas processing facilities, etc.), and minor stationary sources called "area sources" (e.g. residential heating and cooling, fireplaces, etc.) that contribute to smog, particulates and nuisance dust associated with grading and construction processes, and nuisance odors. Stationary sources of air emissions are of particular concern to sensitive receptors, as is construction dust and particulate matter. Sensitive receptors are defined as children, elderly, or ill people that can be more

adversely affected by air quality emissions. Land uses typically associated with sensitive receptors include schools, parks, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and clinics.

Smog, or ozone, is formed in the atmosphere through a series of photochemical reactions involving interaction of oxides of nitrogen [NOx] and reactive organic compounds [ROC] (referred to as ozone precursors) with sunlight over a period of several hours. Primary sources of ozone precursors in the South Coast area are vehicle emissions. Sources of particulate matter ($PM_{10}$ and $PM_{2.5}$) include demolition, grading, road dust, agricultural tilling, mineral quarries, and vehicle exhaust.

The City of Santa Barbara is part of the South Coast Air Basin. The City is subject to the National Ambient Air Quality Standards and the California Ambient Air Quality Standards (CAAQS), which are more stringent than the national standards. The CAAQS apply to six pollutants: photochemical ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter, and lead. The Santa Barbara County Air Pollution Control District (APCD) provides oversight on compliance with air quality standards and preparation of the County Clean Air Plan.

Santa Barbara County is considered in attainment of the federal eight-hour ozone standard, and in attainment of the state one-hour ozone standard. The County does not meet the state eight-hour ozone standard or the state standard for particulate matter less than ten microns in diameter ($PM_{10}$); but does meet the federal $PM_{10}$ standard. The County is in attainment for the federal $PM_{2.5}$ standard and is unclassified for the state $PM_{2.5}$ standard.

The APCD has also issued several notifications and requirements regarding toxic air emissions generated from activities such as gasoline dispensing, dry cleaning, freeways, manufacturing, etc., that may require projects with these components to mitigate or redesign features of the project to avoid excessive health risks. Additionally, APCD requires submittal of an asbestos notification form for each regulated structure that is proposed to be demolished or renovated. The California Air Resources Board (CARB) and APCD also recommend buffers between Highway 101 and new residential developments or other sensitive receptors in order to reduce potential health risks associated with traffic-related air pollutant emissions, particularly diesel particulates. Based on analysis in the certified Final Program EIR (2010) for the Plan Santa Barbara General Plan Update, the City established an interim policy limiting the introduction of new residential construction or sensitive receptor uses within 250 feet of Highway 101 (excluding minor additions or remodels of existing homes or the construction of one new residential unit on vacant property), until CARB implements further statewide phased diesel reduction measures and/or the City otherwise determines a satisfactory reduction of diesel reduction risks citywide or on individual projects. Certain projects also have the potential to create objectionable odors that could create a substantial nuisance to neighboring residential areas or sensitive receptors and should be evaluated in CEQA documents.

Global climate change refers to accelerated changes occurring in average worldwide weather patterns, measurable by factors such as air and ocean temperatures, wind patterns, storms, and precipitation. Climate changes are forecasted to result in increasingly serious effects to human health and safety and the natural environment in coming decades, such as from more extreme weather, sea level rise effects on flooding and coastal erosion, and impacts on air and water quality, habitats and wildlife, and agriculture.

There is substantial evidence that accelerated climate change is due to emissions of carbon dioxide and other heat trapping "greenhouse gases"[1] (GHG) from human activities. Natural processes emit GHG to regulate the earth's temperature; however, substantial increases in emissions, particularly from fossil fuel combustion for electricity production and vehicle use, have substantially elevated the concentration of these gases in the atmosphere well beyond naturally occurring concentrations.

---

[1] Greenhouse gases include carbon dioxide, methane, and nitrous oxide, as well as smaller contributions from hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gas emissions are typically measured in metric tons (MT) of carbon dioxide equivalents ($CO_2e$) based on global warming potential, which allows for totaling the emissions.

Carbon dioxide accounts for 85 percent of greenhouse gas emissions within the United States. California is a substantial contributor of GHG (2nd largest contributor in the U.S. and the 16th largest in the world), with transportation and electricity generation representing the largest sources (41 and 22 percent, respectively). In Santa Barbara, direct sources of greenhouse gas emissions are on-road vehicles, natural gas consumption, and off-road vehicles and equipment. Indirect sources (emissions removed in location or time) are electricity consumption (power generation), landfill decomposition (methane releases), and State Water Project transport (electricity use).

California Assembly Bill 32 (2006 Global Warming Solutions Act) required CARB to create a program to reduce statewide greenhouse gas emissions to 1990 levels by the year 2020. Senate Bill 375 (2008 Sustainable Communities and Climate Protection Act) required regional coordination of transportation and land use planning throughout the State to reduce vehicle GHG emissions. CARB established targets for Santa Barbara County to not exceed 2005 per capita vehicle emissions in the years 2020 and 2035. State Senate Bill 97 (enacted in 2007 and amended in 2010) required that project environmental reviews include analysis of greenhouse gas impacts and mitigation, and established that public agencies may provide for a communitywide greenhouse gas emissions mitigation program through an adopted climate action plan.

The City of Santa Barbara Climate Action Plan was adopted in September 2012. Past, present, and forecasted future citywide greenhouse gas emissions were analyzed in the Plan and associated Addendum to the 2011 Final Program EIR for the General Plan Update in comparison to the State and City greenhouse gas emissions targets (2020 total emissions at 1990 level; 2020 and 2035 per capita vehicle emissions at 2005 level). The analysis demonstrates that citywide emissions are decreasing. With continued implementation of existing State and City legislative measures, including measures implemented by new development projects, citywide emissions associated with growth under the General Plan would meet and surpass these State and City emissions targets. Additional Climate Action Plan measures would further reduce citywide emissions. The City Climate Action Plan constitutes a citywide mitigation program for greenhouse gas emissions in accordance with SB 97.

**Impact Evaluation Guidelines:** A project may create a significant air quality impact from the following:

- Exceeding an APCD pollutant threshold; inconsistency with District regulations; or exceeding population forecasts in the adopted County Clean Air Plan.
- Exposing sensitive receptors, such as children, the elderly or sick people, to substantial pollutant concentrations.
- Substantial unmitigated nuisance dust during earthwork or construction operations.
- Creation of nuisance odors inconsistent with APCD regulations.

<u>Long-Term (Operational) Impact Guidelines</u>: The City of Santa Barbara uses the APCD thresholds of significance for evaluating air quality impacts. The APCD has determined that a proposed project will <u>not</u> have a significant air quality impact on the environment if operation of the project will:

- Emit (from all project sources, both stationary and mobile) less than 240 pounds per day for ROC and $NO_x$, and 80 pounds per day for $PM_{10}$;
- Emit less than 25 pounds per day of ROC or $NO_x$ from motor vehicle trips only;
- Not cause a violation of any California or National Ambient Air Quality Standard (except ozone);
- Not exceed the APCD health risks public notification thresholds adopted by the APCD Board; and
- Be consistent with the adopted federal and state air quality plans for Santa Barbara.

Substantial long-term project emissions could potentially stem from stationary sources which may require permits from the APCD and from motor vehicles associated with the project and from mobile sources. Examples of stationary emission sources that require permits from APCD include gas stations, auto body

shops, diesel generators, boilers and large water heaters, dry cleaners, oil and gas production and processing facilities, and wastewater treatment facilities.

Short-Term (Construction) Impacts Guidelines*:* Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter ($PM_{10}$). Substantial dust-related impacts may be potentially significant, but are generally considered mitigable with the application of standard dust control mitigation measures. Standard dust mitigation measures are applied to projects with either significant or less than significant effects.

Exhaust from construction equipment also contributes to air pollution. Quantitative thresholds of significance are not currently in place for short-term or construction emissions for non-stationary sources. However, APCD uses the threshold for stationary sources as a guideline for determining the impacts of construction emissions for non-stationary sources. The stationary source threshold states that a project's combined emissions from all construction equipment cannot exceed 25 tons of any pollutant except carbon monoxide within a 12-month period. Standard equipment exhaust mitigation measures are recommended by APCD for projects with either significant or less than significant effects.

Cumulative Impacts and Consistency with Clean Air Plan: If the project-specific impact exceeds the ozone precursor significance threshold, it is also considered to have a considerable contribution to cumulative impacts. When a project is not accounted for in the most recent Clean Air Plan growth projections, then the project's impact may also be considered to have a considerable contribution to cumulative air quality impacts. The Santa Barbara County Association of Governments and Air Resources Board on-road emissions forecasts are used as a basis for vehicle emission forecasting. If a project provides for increased population growth beyond that forecasted in the most recently adopted Clean Air Plan, or if the project does not incorporate appropriate air quality mitigation and control measures, or is inconsistent with APCD rules and regulations, then the project may be found inconsistent with the Clean Air Plan and may have a significant impact on air quality.

Global Climate Change: In accordance with Appendix G of the CEQA Guidelines, a project may have a significant impact related to global climate change if it would generate substantial greenhouse gas emissions either directly or indirectly, or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases.

Based on the analysis within the City Climate Action Plan and the General Plan Program EIR Addendum, projects within the growth assumptions of the 2030 General Plan and that meet applicable City regulations for greenhouse gas emission reductions:

(1) Would be consistent with the City Climate Action Plan and associated policies and regulations for reducing greenhouse gas emissions;

(2) Would be within the citywide greenhouse gas impact assessment in the Climate Action Plan and associated General Plan Program EIR Addendum, which found that total citywide greenhouse gas emissions and per capita vehicle emissions would meet State and City reduction targets and would not constitute a significant environmental impact; and

(3) Would be within the City Council Climate Action Plan adoption finding that no significant greenhouse gas impacts would result from General Plan build out of the City.

## 3. Biological Resources

**Issues:** Biological resources issues involve the potential for a project to substantially affect biologically-important natural vegetation and wildlife, particularly species that are protected as rare, threatened, or endangered by federal or state wildlife agencies, and their habitats.

**Impact Evaluation Guidelines:** Existing native wildlife and vegetation on a project site are assessed to identify whether they constitute important biological resources, based on the types, amounts, and quality of

the resources within the context of the larger ecological community. If important or sensitive biological resources exist, project effects on the resources are qualitatively evaluated to determine whether the project would substantially affect these important biological resources. Significant biological resource impacts may potentially result from substantial disturbance to important wildlife and vegetation in the following ways:

- Elimination, substantial reduction or disruption of important natural vegetative communities, wildlife habitat, migration corridors, or habitats supporting sensitive species such as oak woodland, coastal strand, riparian, and wetlands.
- Substantial effect on a protected plant or animal species listed or otherwise identified or protected as endangered, threatened or rare.
- Substantial loss or damage to biologically important native trees such as oak or sycamore trees (note that, if applicable, historic or landmark trees are discussed in Section 4. Cultural Resources, and other trees are discussed in Section 1. Visual Resources).

## 4. Cultural Resources

**Issues:** Archaeological resources are subsurface deposits dating from Prehistoric or Historical time periods. Native American culture appeared along the channel coast over 10,000 years ago, and numerous villages of the Barbareño Chumash flourished in coastal plains now encompassed by the City. Spanish exploration and eventual settlements in Santa Barbara occurred in the 1500's through 1700's. In the mid-1800's, the City began its transition from Mexican village to American city, and in the late 1800's through early 1900's experienced intensive urbanization. Historic resources are aboveground structures and sites from historical time periods with historic, architectural, or other cultural importance. The City's built environment has a rich cultural heritage with a variety of architectural styles, including the Spanish Colonial Revival style emphasized in the rebuilding of Santa Barbara's downtown following a destructive 1925 earthquake.

**Impact Evaluation Guidelines:** Archaeological and historical impacts are evaluated qualitatively by archeologists and historians. First, existing conditions on a site are assessed to identify whether important or unique archaeological or historical resources exist, based on criteria specified in the State CEQA *Guidelines* and City Master Environmental Assessment *Guidelines for Archaeological Resources and Historical Structures and Sites*, summarized as follows:

- Contains information needed to answer important scientific research questions and there exists a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with an important prehistoric or historic event or person.

If important archaeological or historic resources exist on the site, project changes are evaluated to determine whether they would substantially affect these important resources.

## 5. Geology and Soils - Discussion

**Issues:** Geophysical impacts involve geologic and soil conditions, and their potential to create physical hazards affecting persons or property; or substantial changes to the physical condition of the site. Included are earthquake-related conditions such as fault rupture, ground shaking, liquefaction (a condition in which saturated soil loses shear strength during earthquake shaking), or seismic waves; unstable soil or slope conditions, such as landslides, subsidence (the downward shifting of the Earth's surface; can result in sinkholes), expansive or compressible/collapsible soils, or erosion; and extensive grading or topographic changes.

**Impact Evaluation Guidelines:** Potentially significant geophysical impacts may result from:

- Exposure of people or structures to risk of loss, injury, or death involving unstable earth conditions due to: seismic conditions (such as earthquake faulting, ground shaking, liquefaction, or seismic waves); landslides; sea cliff retreat; or expansive soils.
- Exposure to or creation of unstable earth conditions due to geologic or soil conditions, such as landslides, settlement, or expansive, collapsible/compressible, or expansive soils.
- Substantial erosion of soils.
- Placement of a septic system in an area with soils not capable of adequately supporting disposal of wastewater or where waste water could potentially cause unstable conditions or water quality problems.

## 6. Hazards and Hazardous Materials

**Issues:** Hazardous materials issues involve the potential for public health or safety impacts from exposure of persons or the environment to hazardous materials or risk of accidents involving combustible or toxic substances.

**Impact Evaluation Guidelines:** Significant impacts may result from the following:

- Siting of incompatible projects in close proximity to existing sources of safety risk, such as pipelines, industrial processes, railroads, airports, etc.
- Exposure of project occupants or construction workers to unremediated soil or groundwater contamination.
- Exposure of persons or the environment to hazardous substances due to improper use, storage, or disposal of hazardous materials.
- Physical interference with an emergency evacuation or response plan.
- Siting of development in a high fire hazard areas or beyond adequate emergency response time, with inadequate access or water pressure, or otherwise in a manner that creates a fire hazard.

Emergency access is discussed in the Section 9. Transportation. Toxic air contaminants are discussed in Section 2. Air Quality.

## 7. Noise

**Issues:** Noise issues are associated with siting of a new noise-sensitive land use in an area subject to high ambient background noise levels, siting of a noise-generating land use next to existing noise-sensitive land uses, and/or short-term construction-related noise. Similarly construction techniques such as pile driving and blasting and land uses such as the railroad can present issues of ground borne vibration. If ground borne vibration is excessive, it can impact the integrity of structures and can affect sensitive land uses.

The primary source of ambient noise in the City is vehicle traffic noise. The City Master Environmental Assessment (MEA) Noise Contour Map identifies average ambient noise levels within the City.

Ambient noise levels are determined as averaged 24-hour weighted levels, using the Day-Night Noise Level ($L_{dn}$) or Community Noise Equivalence Level (CNEL) measurement scales. The $L_{dn}$ averages the varying sound levels occurring over the 24-hour day and gives a 10- decibel penalty to noises occurring between the hours of 10:00 p.m. and 7:00 a.m. to take into account the greater annoyance of intrusive noise levels during nighttime hours. Since $L_{dn}$ is a 24-hour average noise level, an area could have sporadic loud noise levels above 60 dB(A) which average out over the 24-hour period. CNEL is similar to $L_{dn}$ but includes a separate 5 dB(A) penalty for noise occurring between the hours of 7:00 p.m. and 10:00 p.m. CNEL and $L_{dn}$

values usually agree with one another within 1 dB(A).

The Equivalent Noise Level ($L_{eq}$) is a single noise level, which, if held constant during the measurement time period, would represent the same total energy as a fluctuating noise. $L_{eq}$ values are commonly expressed for periods of one hour, but longer or shorter time periods may be specified. In general, a change in noise level of less than three decibels is not audible. A doubling of the distance from a noise source will generally equate to a change in decibel level of six decibels.

Guidance for appropriate long-term background noise levels for various land uses are established in the City General Plan Noise Element Land Use Compatibility Guidelines. Building codes also establish maximum average ambient noise levels for the interiors of structures.

High construction noise levels occur with the use of heavy equipment such as scrapers, rollers, graders, trenchers and large trucks for demolition, grading, and construction. Equipment noise levels can vary substantially through a construction period, and depend on the type of equipment, number of pieces operating, and equipment maintenance. Construction equipment generates noise levels of more than 80 or 90 dB(A) at a distance of 50 feet, and the shorter impulsive noises from other construction equipment (such as pile drivers and drills) can be even higher, up to and exceeding 100 dB(A). Noise during construction is generally intermittent and sporadic, and after completion of the initial demolition, grading, and site preparation activities, tends to be quieter.

The Noise Ordinance (Chapter 9.16 of the Santa Barbara Municipal Code) governs short-term or periodic noise, such as construction noise, operation of motorized equipment or amplified sound, or other sources of nuisance noise. The ordinance establishes limitations on hours of construction and motorized equipment operations, and provides criteria for defining nuisance noise in general.

Aircraft traffic also creates intermittent higher noise levels and is a major source for noise in the communities surrounding the Santa Barbara Airport. The Airport is located outside of the continuous boundary of the City, and areas affected by aircraft noise include several neighborhoods within the City of Goleta, UCSB, and unincorporated areas of the County. The Santa Barbara Airport's Noise Compatibility Program and the Airport Land Use Plan provide noise abatement procedures and policies for the airport to minimize noise; guidelines for placement of noise sensitive land uses near the airport, and mitigation measures to prevent impacts to residential areas from airport noise.

**Impact Evaluation Guidelines:** A significant noise impact may result from:

1. Substantial noise and/or vibration from grading and construction activity in close proximity to noise-sensitive receptors for an extensive duration; or
2. Siting of a project such that persons would be subject to long-term ambient noise levels in excess of the Noise Element land use compatibility guidelines as follows. The guidelines include maximum interior and exterior noise levels.
    a. Interior noise levels are of primary importance for residences due to the health concerns associated with continued exposure to high interior noises. Projects not meeting interior noise levels would have significant noise impacts.
    b. For exterior noise levels, there are two levels of noise:
        ii. "Clearly unacceptable" exterior levels are those levels above which it would be prohibitive, even with mitigation, to achieve the maximum interior noise levels, and the outdoor environment would be intolerable for the assigned use. Projects exceeding the maximum "clearly unacceptable" noise levels would have significant noise impacts.
        iii. "Normally unacceptable" noise levels are those levels which it is clear that with standard construction techniques maximum interior noise levels will be met and there will be little interference with the land use. Projects below the maximum "normally unacceptable" noise

levels would have less than significant noise impacts.

- Projects with exterior noise levels exceeding the "normally acceptable" level and below the maximum "clearly unacceptable" level are evaluated on a case-by-case basis to identify mitigation to achieve the "normally acceptable" exterior levels to the extent feasible, and to determine the level of significance of the noise exposure.
- Commercial (retail, restaurant, etc.) and Office (personal, business, professional): Normally acceptable maximum exterior ambient noise level of 75 dB(A) $L_{dn}$; clearly unacceptable maximum exterior noise level of 80 dB(A) $L_{dn}$; maximum interior noise level of 50 dB(A) $L_{dn}$.
- Residential: Normally acceptable maximum exterior ambient noise level of 60 dB(A) $L_{dn}$ in single family neighborhoods and 65 dB(A) $L_{dn}$ in non-residential or multi-family neighborhoods); clearly unacceptable maximum exterior noise level of 75 dB(A) $L_{dn}$; maximum interior noise level of 45 dB(A) $L_{dn}$

## 8. Population and Housing

**Issues:** Environmental effects associated population and housing involve actions that would induce substantial population growth or displace substantial numbers of homes or persons.

**Impact Evaluation Guidelines:** Issues of potentially significant population and housing impacts may involve:

- Growth inducement, such as provision of substantial population or employment growth or creation of substantial housing demand; development in an undeveloped area, or extension/ expansion of major infrastructure that could support additional future growth.
- Loss of a substantial number of housing units, especially loss of more affordable housing.

## 9. Public Services and Utilities - Discussion

**Issues:** This section evaluates project effects on fire and police protection services, schools, public facility maintenance and other governmental services, utilities, including electric and natural gas, water and sewer service, and solid waste disposal.

**Impact Evaluation Guidelines:** The following may be identified as significant public services and facilities impacts:

- Creation of a substantial need for increased police department, fire department, public facility maintenance, or government services staff or equipment.
- Generation of substantial numbers of students exceeding public school capacity where schools have been designated as overcrowded.
- Inadequate water, sewage disposal, or utility facilities.
- Substantial increase in solid waste disposal to area sanitary landfills.

Sewer: The maximum capacity of the El Estero Treatment Plant is 11 million gallons per day (MGD), with current average daily flows in 2011 of 8 MGD. In 2010, the City certified a citywide Program Final Environmental Impact Report (FEIR) for the Plan Santa Barbara General Plan Update. This FEIR concluded that the increased wastewater flows to El Estero Wastewater Treatment Plant are enough to accommodate the growth planned through 2030 for the City. The FEIR also concluded that the increased wastewater flows into the City's collection systems would not substantially contribute to current problems of offsite inflow and infiltration of wastewater flows from the City's system.

Water: The City of Santa Barbara's water supply comes primarily from the following sources, with the actual share of each determined by availability and level of customer demand: Lake Cachuma and Tecolote Tunnel; Gibraltar Reservoir, Devils Canyon and Mission Tunnel; groundwater; State Water Project Table

A allotment; desalination; and recycled water. Conservation and efficiency improvements are projected to contribute to the supply by offsetting demand that would otherwise have to be supplied by additional sources. On June 14, 2011, based on the comprehensive review of the City's water supply, the City Council approved the Long Term Water Supply Program (LTWSP) for the planning period 2011-2030. The LTWSP outlines a strategy to use the above sources to meet the City's estimated system demand (potable plus recycled water) of 14,000 AFY, plus a 10% safety margin equal to 1,400 AFY, for a total water supply target of 15,400 AFY. The LTWSP concludes that the City's water supply is adequate to serve the anticipated demand plus safety margin during the planning period.

Solid Waste: Most of the waste generated in the City is transported on a daily basis to seven landfills located around the County. The County of Santa Barbara, which operates the landfills, has developed impact significance thresholds related to the impacts of development on remaining landfill capacity. These thresholds are utilized by the City to analyze solid waste impacts. The County thresholds are based on the projected average solid waste generation for Santa Barbara County from 1990-2005. The County assumes a 1.2% annual increase (approximately 4000 tons per year) in solid waste generation over the 15-year period. The County's threshold for project specific impacts to the solid waste system is 196 tons per year (this figure represents 5% of the expected average annual increase in solid waste generation [4000 tons per year]) for project operations. Source reduction, recycling, and composting can reduce a project's waste stream by as much as 50%. If a proposed project generates 196 or more tons per year after reduction and recycling efforts, impacts would be considered significant and unavoidable. Proposed projects with a project specific impact as identified above (196 tons per year or more) would also be considered cumulatively significant, as the project specific threshold of significance is based on a cumulative growth scenario. However, as landfill space is already extremely limited, any increase in solid waste of 1% or more of the expected average annual increase in solid waste generation [4000 tons per year], which equates to 40 tons per year, is considered adverse significant cumulative impact.

The County of Santa Barbara adopted revised solid waste generation thresholds and guidelines in October 2008. According to the County's thresholds of significance, any construction, demolition or remodeling project of a commercial, industrial or residential development that is projected to create more than 350 tons of construction and demolition debris is considered to have a significant impact on solid waste generation. The County's 350-ton threshold has not been formally adopted by the City; however, it provides a useful method for calculating and analyzing construction waste generated by a project.

Facilities and Services: In 2010, the City certified a citywide Program Final Environmental Impact Report (FEIR) for the Plan Santa Barbara General Plan Update. The FEIR concluded that under existing conditions as well as the projected planned development and all studied alternatives, all public services (police, fire, library, public facilities, governmental facilities, electrical power, natural gas and communications) could accommodate the potential additional growth until 2030. The FEIR also determined that growth in the City under the General Plan would not result in a considerable contribution to cumulative impacts on public services on the South Coast.

Schools: None of the school districts in the South Coast have been designated "overcrowded" as defined by California State law. Per California Government Code Section 66000, the City collects development impact fees from new development to offset the cost of providing school services/additional infrastructure to accommodate new students generated by the development.

## 10. Recreation

**Issues:** Recreational issues are associated with increased demand for recreational facilities, or, loss of or impacts to existing recreational facilities or parks.

**Impact Evaluation Guidelines:** Recreation impacts may be significant if they result in:

- Substantial increase in demand for park and recreation facilities in an area under-served by existing

public park and recreation facilities.

- Substantial loss or interference with existing park space or other public recreational facilities such as hiking, cycling, or horse trails.

## 11. Transportation

**Issues:** Transportation issues include traffic, access, circulation and safety. Vehicle, bicycle and pedestrian, and mass transit modes of transportation are all considered, as well as emergency vehicle access. The City General Plan Circulation Element contains policies addressing circulation and traffic in the City. Projects near the City's airport may also be considered for effects to air traffic patterns and safety.

**Impact Evaluation Guidelines:** A proposed project may have a significant impact on traffic and circulation if it would:

Vehicle Traffic

- Cause an increase in traffic that is substantial in relation to the existing traffic load and street system capacity (see traffic thresholds below).
- Cause insufficiency in the transit system, taking into account all modes of transportation.
- Conflict with the Congestion Management Plan (CMP) or Circulation Element or other adopted plan or policy pertaining to vehicle or transit systems.

Circulation and Traffic Safety

- Create potential hazards due to addition of traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or that supports uses that would be incompatible with substantial increases in traffic.
- Diminish or reduce effectiveness, adequacy, or safety of pedestrian, bicycle, or public transit circulation.
- Result in inadequate emergency access on-site or to nearby uses.
- Conflict with regional and local plans, policies, or ordinances regarding the circulation system, including all modes of transportation (vehicle, pedestrian, bicycle, and public transportation).

Air Traffic

- Substantially change air traffic patterns or pose safety risks associated with air traffic.

**Vehicle Traffic Thresholds of Significance:** The City uses Levels of Service (LOS) "A" through "F" to describe operating conditions at signalized intersections in terms of volume-to-capacity (V/C) ratios, with LOS A (0.50-0.60 V/C) representing free flowing conditions and LOS F (0.90+ V/C) describing conditions of substantial delay. The City General Plan Circulation Element establishes the goal for City intersections to not exceed LOS C (0.70-0.80 V/C).

For purposes of environmental assessment, LOS C at 0.77 V/C is the threshold Level of Service against which impacts are measured. An intersection is considered "impacted" if the volume to capacity ratio is .77 V/C or greater.

Project-Specific Significant Impact: A significant project-specific traffic impact would result if a project's net peak- traffic generation would constitute 1% or more of the intersection capacity at one or more of the following intersections:

1. Olive Mill Road & Coast Village Road
2. Coast Village Road Roundabout
3. Milpas Street & Quinientos Street

4. Milpas Street & Haley Street
5. Garden Street & Gutierrez Street
6. Garden Street & Highway 101 Northbound Ramps
7. Garden Street & Highway 101 Southbound Ramps
8. Castillo Street & Haley Street
9. Carrillo Street & Highway 101 Northbound Ramps
10. Carrillo Street & Highway 101 Southbound Ramps
11. Carrillo Street & San Andres Street
12. Mission Street & State Street
13. Mission Street & Castillo Street
14. Mission Street and Bath Street
15. Mission Street & Highway 101 Northbound Ramps
16. Mission Street & Highway 101 Southbound Ramps
17. Mission Street & Modoc Road
18. Meigs Road and Cliff Drive
19. Las Positas Road & Cliff Drive
20. Las Positas Road & Modoc Road
21. Las Positas Road and Highway 101 Southbound Ramps
22. Calle Real & Highway 101 Northbound Ramps
23. Las Positas Road & State Street
24. Hitchcock Way & State Street
25. Hope Avenue & State Street
26. La Cumbre Road & State Street
27. Hope Avenue, Calle Real & Highway 101 Northbound Ramps

Significant Cumulative Contribution: A considerable project contribution to significant cumulative traffic effects would result when a project's net peak-hour traffic together with other cumulative traffic from existing and reasonably foreseeable pending project would cause an intersection level of service to exceed 0.77 volume to capacity (V/C) ratio; or when the project would contribute peak-hour traffic to an intersection already exceeding a 0.77 V/C ratio level of service.

Airport Area: Traffic analysis for projects at the airport and surrounding City parcels will not be subject to the updated threshold because that threshold is specific to specified intersections within the main part of the City jurisdiction. Projects proposed in the airport area shall use the following project-specific traffic threshold: A significant project-specific traffic impact would result if a project's net peak-hour traffic generation would increase the volume-to-capacity (V/C) ratio at an intersection to greater than .77, or would increase the V/C ratio by .01 or more when an intersection is already operating at greater than .77 V/C during peak hours. The City's traffic analysis of projects proposed in the airport area shall be coordinated with County, City of Goleta, and Caltrans traffic thresholds as appropriate under CEQA.

## 12. Water Quality and Hydrology

**Issues**: Water resources issues include changes in surface drainage, creeks, surface water quality, groundwater quantity and quality, flooding, and inundation.

**Impact Evaluation Guidelines:** A significant impact would result from:

Water Resources and Drainage

- Substantially changing the amount of surface water in any water body or the quantity of groundwater recharge.
- Substantially changing the drainage pattern or creating a substantially increased amount or rate of surface water runoff that would exceed the capacity of existing or planned drainage and storm water systems.
- Altering drainage patterns or affecting creeks in a way that would cause substantial erosion, siltation, on- or off-site flooding, or impacts to sensitive biological resources (See Section 3 as well).

Water Quality

- Substantial discharge of sediment or pollutants into surface water or groundwater, or otherwise degrading water quality, including temperature, dissolved oxygen, or turbidity.

The City of Santa Barbara began implementing the Storm Water Management Program (SWMP) in January of 2009. The purpose of the SWMP is to implement and enforce a program designed to reduce the discharge of pollutants to the "maximum extent practicable" to protect water quality. The SWMP addresses discharge of pollutants both during construction and after construction. The water quality treatment requirement is to retain and treat the 1-inch, 24-hr. storm event. The peak runoff discharge rate requirement is that the peak runoff discharge rate shall not exceed the pre-development rate up to the 25 year storm. The volume reduction requirement is to retain on site the volume difference between pre and post conditions for the 25-yr, 24-hr storm or the 1-inch storm (whichever is larger).

Flooding and Inundation Hazards

- Locating development within 100-year flood hazard areas; substantially altering the course or flow of flood waters or otherwise exposing people or property to substantial flood hazard.
- Exposing people or structures to substantial unmitigated risk involving inundation by seiche, tsunami, or mudflow.

# Standard Conditions of Approval Applicable to Project

The following is an initial identification of standard conditions of approval that would be applicable to the project based on the project description and to assure consistency with policies and ordinance provisions. Additional project conditions of approval may be applied, and condition wording may be adjusted for the project based on further project review and decision-maker findings.

## Agreement to Conditions

***Project Plans and Implementation.*** Plans shall show all design, landscape and restoration elements approved by Design Review, and all elements and specifications shall be implemented on site.

***Recorded Conditions Agreement***. The owner shall execute a City-approved written instrument to include the following (items below to be further specified):

- Approved development
- Development rights restrictions and easements
- Building height restriction
- Landscape plan and biological restoration compliance
- Storm water pollution control and drainage systems implementation and maintenance
- Geotechnical and coastal bluff liability limitations

***Mitigation Monitoring and Reporting.*** The owner shall implement the mitigation monitoring and reporting program for the project's mitigation measures outlined in the mitigated negative declaration for the project.

- *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 project 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:
    - The frequency and/or schedule of the monitoring of the mitigation measures.
    - A method for monitoring the mitigation measures.
    - A list of reporting procedures, including the responsible party, and frequency.
    - A list of other monitors to be hired, if applicable, and their qualifications.
    - Submittal of weekly / biweekly / monthly reports during demolition, excavation, grading and footing installation and biweekly / monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
    - Submittal of a Final Mitigation Monitoring Report.
    - 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.
- *Mitigation Monitoring Compliance Reports.* The PEC shall submit _____ reports to the Community Development Department, Planning Division, during demolition, excavation, grading and footing installation and ____ reports on all other construction activity regarding MMRP compliance.

## Visual Aesthetics

***Design Review.*** The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB with project incorporation of Planning Commission land use conditions including:

- Landscape plan and biological restoration measures, including protective measures implemented during construction; appropriate plant materials on bluffs and steep slopes; irrigation systems; landscape screening; screening for utility and foundation stability devices. (items to be further specified)
- Project exterior lighting plans consistent with SBMC provisions to avoid substantial effects to neighboring residents, habitats, and travel safety.

## Air Quality

***Air Quality and Dust Control.*** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- 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 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 of the structure.
- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- 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, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.

- The engine size of construction equipment shall be the minimum practical size.
- 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. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

## Biological Resources

***Fish and Wildlife Fee.*** The California Department of Fish and Wildlife fee shall be paid by the owner immediately upon project approval. A delay in payment will result in a delay in filing the required CEQA Notice of Determination.

***Design Review.*** See item under Visual Resources above for approval of landscape and biological restoration plan, to include measures for establishment of new vegetation.

***Biological Monitoring Contract.*** Submit a contract with a qualified biologist acceptable to City for specified biological monitoring for construction period and establishment of restoration and landscape vegetation and temporary irrigation.

## Cultural Resources

***Unanticipated Archaeological Resources Process and Contractor Notification.*** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to 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. Measures to address resource discovery shall be approved by the Environmental Analyst and implemented by applicant to avoid significant impacts to important resources.

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 Environmental Analyst 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 Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

### Public Services, Facilities, Utilities

***Water Rights.*** The owner shall assign to the City exclusive right to extract ground water under the property.

***Public Improvement Plans.*** Public improvement plans shall be submitted to the Public Works Department for review and approval.

***Dedications.*** Easements shown on plans shall be subject to City approval of easement scope and locations.

## Transportation

***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 Engineer.

***Construction-Related Truck Trips.*** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more 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.) in order to help reduce truck traffic on adjacent streets and roadways.

***Construction Parking.*** During construction, free parking spaces for construction workers shall be provided on-site or off-site in locations subject to the approval of the Transportation Manager.

***Construction Storage/Staging.*** Construction vehicle/ equipment/ materials storage and staging shall be done per specified locations approved by the Transportation Manager. 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.

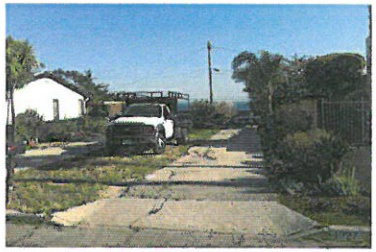
## Water Quality and Hydrology

***Drainage and Water Quality.*** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 for treatment, rate and volume. The Owner shall submit (specified information) prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water BMP Guidance Manual. Project plans for grading, drainage, storm water facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.

For any proprietary treatment devices that are proposed as part of the project's final Storm Water Management Plan, the Owner shall provide an Operations and Maintenance Procedure Plan consistent with the manufacturer's specifications (describing schedules and estimated annual maintenance costs for pollution absorbing filter media replacement, sediment removal, etc.). The Plan shall be reviewed and approved by the Creeks Division for consistency with the Storm Water BMP Guidance Manual and the manufacturer's specifications.

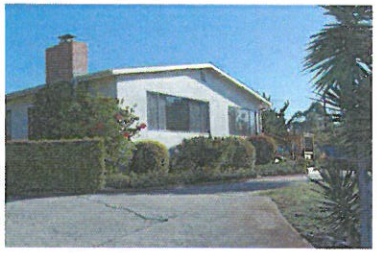
After certificate of occupancy is granted, any proprietary treatment devices installed will be subject to water quality testing by City Staff to ensure they are performing as designed and are operating in compliance with the City's Storm Water MS4 Permit.

EXHIBIT D1



VIEW FROM ECDLL LOOKING DOWN EXISTING DRIVEWAY OF 1925 + 1927 ECDLL (05.23.12) 1

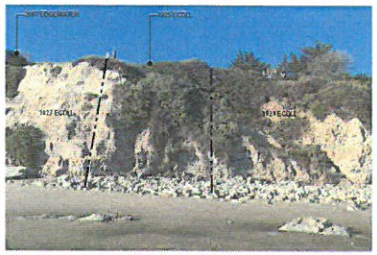
VIEW FROM ECDLL ALONG THE 1921-1919 ECDLL DRIVEWAY TO THE SANTA BARBARA CHANNEL AND SANTA CRUZ ISLAND (05.23.12) 2



VIEW FROM EXISTING 1921 ECDLL DRIVEWAY LOOKING NORTHEAST AT 1919 ECDLL (05.23.12) 3

4

5

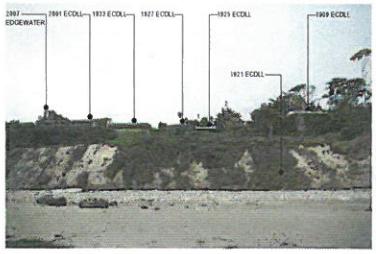



VIEW FROM LOWER LOW TIDE BEACH PLANE LOOKING NORTH AT 1925 ECDLL (03.07.15) 6

VEGETATED COASTAL BLUFF FACE AT 1925 ECDLL, VEGETATION ON COASTAL BLUFF TOP SCREENS ROOF LINE AT TOP OF 1925 ECDLL HOUSE FROM THIS PERSPECTIVE AT LOW TIDE BEACH.

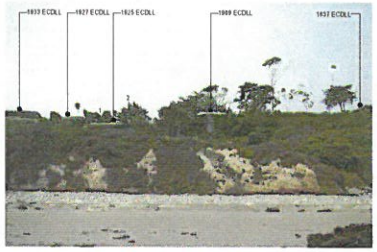
7

8



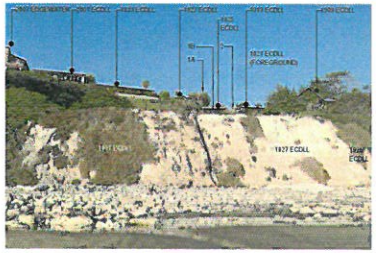

VIEW FROM BEACH LOOKING NORTH TOWARDS PROJECT SITE 9

VIEW FROM DEC. 14, 2012 LOWER-LOW TIDE BEACH TO BACK BEACH, COASTAL BLUFF, AND TOP EDGES OF ROOF LINES OF HOUSES IN THE IMMEDIATE NEIGHBORHOOD, THE DEVELOPMENT ENVELOPE AT 1925 ECDLL IS BELOW AND TO THE RIGHT OF THE TREE AND SHRUBS AT 1 AND TO THE LEFT OF THE TREE AT 2.



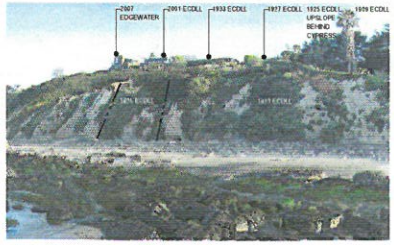

VIEW FROM BEACH LOOKING NORTH TOWARDS PROJECT SITE 10

VIEW FROM THE LOWER-LOW TIDE BEACH (DEC. 14, 2012, MINUS 1.7 FEET MLLW) LOOKING LANDWARD AT THE SAND AND COBBLE BEACH PLANE IN THE LOWER FOREGROUND, COASTAL BLUFF, AND TOP EDGES OF ROOF LINES OF HOUSES (LEFT TO RIGHT) 1933 ECDLL (PARTLY OBSCURED BY VEGETATION) 1927 ECDLL DEVELOPMENT ENVELOPE AT 1925 ECDLL BELOW THE TREE AND SHRUBS AT 1 AND TO THE LEFT AND BEHIND THE TREE AT 2, 1921 ECDLL (PARTLY OBSCURED BY VEGETATION) 1909 ECDLL, AND 1937 ECDLL AT THE RIGHT OF THE PHOTO.




VIEW LOOKING NORTH THROUGH NORTHEAST FROM LOWER LOW TIDE 11

VIEW FROM THE JAN. 17, 2012 LOWER-LOW TIDE BEACH TO THE BACK BEACH, COASTAL BLUFF, AND TOP EDGES OF ROOF LINES OF HOUSES IN THE IMMEDIATE NEIGHBORHOOD, THE DEVELOPMENT ENVELOPE AT 1925 ECDLL IS TO THE RIGHT OF THE TREE AND SHRUBS AT 1A, BEHIND AND SLIGHTLY ABOVE THE SHRUBS AT 1B, AND BEHIND AND SLIGHTLY ABOVE THE SHRUBS AT 2.




VIEW FROM BEACH LOOKING NORTH TOWARDS PROJECT SITE 12

VIEW OF THE PRIMARILY VEGETATED COASTAL BLUFF AT 1925 ECDLL, AS SEEN FROM THE SOUTHERLY PROPERTY LINE (MEAN HIGH TIDE LINE), LOOKING LANDWARD, ON OCT. 12, 2012. THE VERTICAL LINES ILLUSTRATE THE EASTERLY AND WESTERLY PROPERTY LINES OF 1925 ECDLL.

KEY PLAN

AB DESIGN STUDIO INCORPORATED
PH (805) 963-2100
FX (805) 963-2308
420 EAST HALEY STREET
SANTA BARBARA, CALIFORNIA 93101

PROJECT TEAM

(CAPITAL CONSISTENCY ANALYSIS)
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831
ph 916.392.0283
e: norbert@dallcpa.com
sdall@dal.com

(GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST)
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph 805.375.1850
e: cottonshires@hv.com
e: jwallace@cottonshires.com

(CIVIL ENGINEER)
Charlie Grant, ASCE
ph 330.685.3525
fx 330.856.8550
e: cgrant@sssnet.com

(BIOLOGIST)
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd.
San Rafael, CA 94901
ph 415.454.8868
e: gsmick@wra-ca.com

(COASTAL HAZARD / WAVE RUNUP)
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph 760.438.3155
e: dskelly@geosoilsinc.com

(HISTORIC COASTAL BLUFF POSITION)
Joseph Scepan GeoSciences
3861 Ruby Drive
Medford, OR 97504
ph 541.690.3595
e: jscepan@charter.net

(SURVEYOR)
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph 805.966.5105
e: pcook@lpcook.com

C-30626

PROJECT REVISIONS

PLANNING TRANSMITTAL

SFDB CONCEPT #2 HEARING

PROJECT TITLE

EMPRISE TRUST RESIDENCE
RESIDENTIAL REUSE PROJECT

(PROJECT ADDRESS)
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

(OWNER CONTACT)
EMPRISE TRUST
805.637.9089

G.04

PHOTO DOCUMENTATION

# EMPRISE TRUST RESIDENCE

06.03.2016

VIEW KEY

KEY SITE PLAN

N

AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016

VIEW FROM ECDLL LOOKING DOWN EXISTING DRIVEWAY
OF 1925 + 1927 ECDLL

1

AB
DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016

VIEW FROM ECDLL ALONG THE 1921-1919 ECDLL DRIVEWAY TO THE SANTA BARBARA CHANNEL AND SANTA CRUZ ISLAND

2

AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016

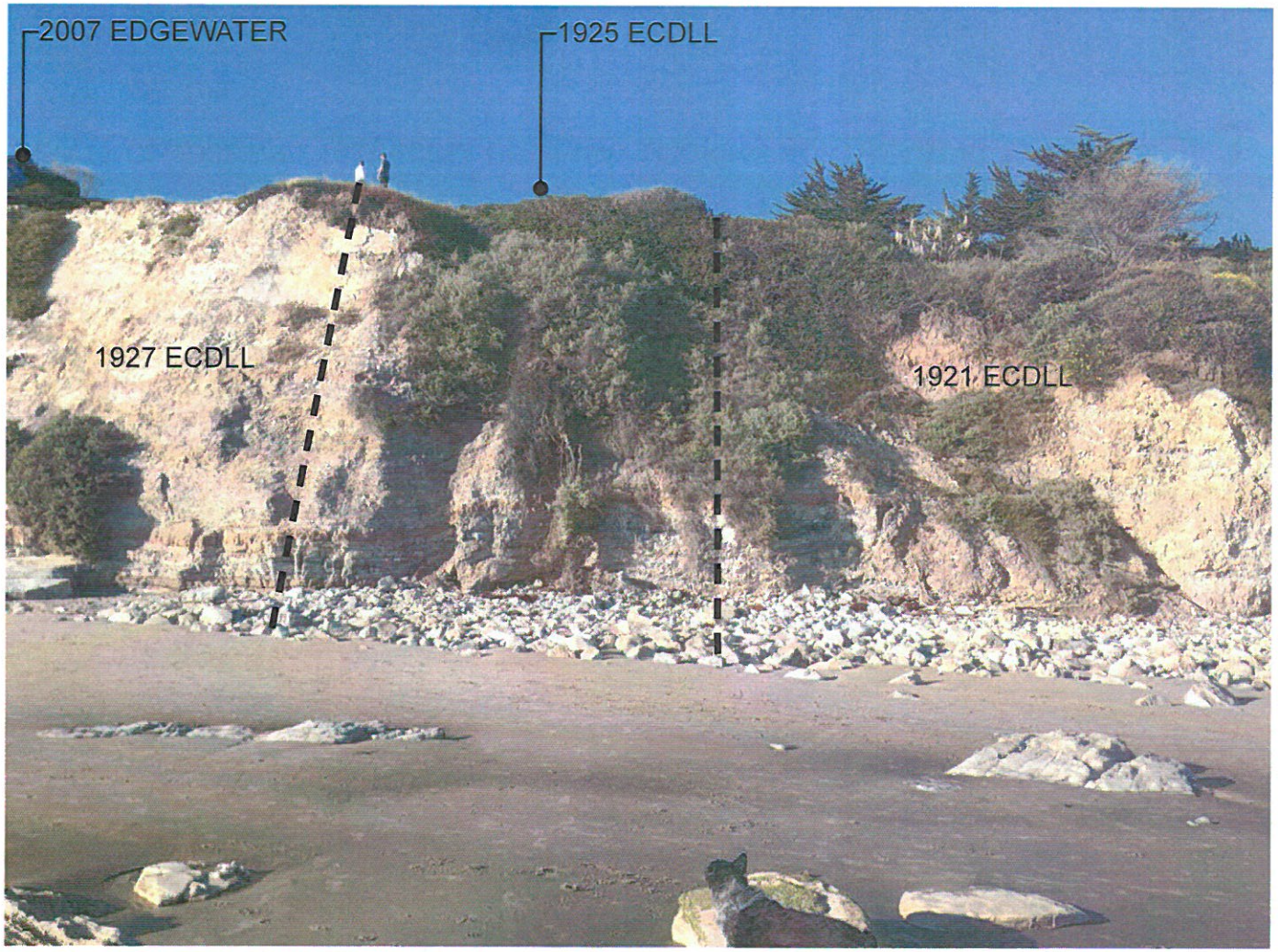
VIEW FROM EXISTING 1921 ECDLL DRIVEWAY LOOKING NORTHEAST AT 1919 ECDLL



AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016




VIEW FROM LOWER LOW TIDE BEACH PLANE LOOKING NORTH AT 1925 ECDLL

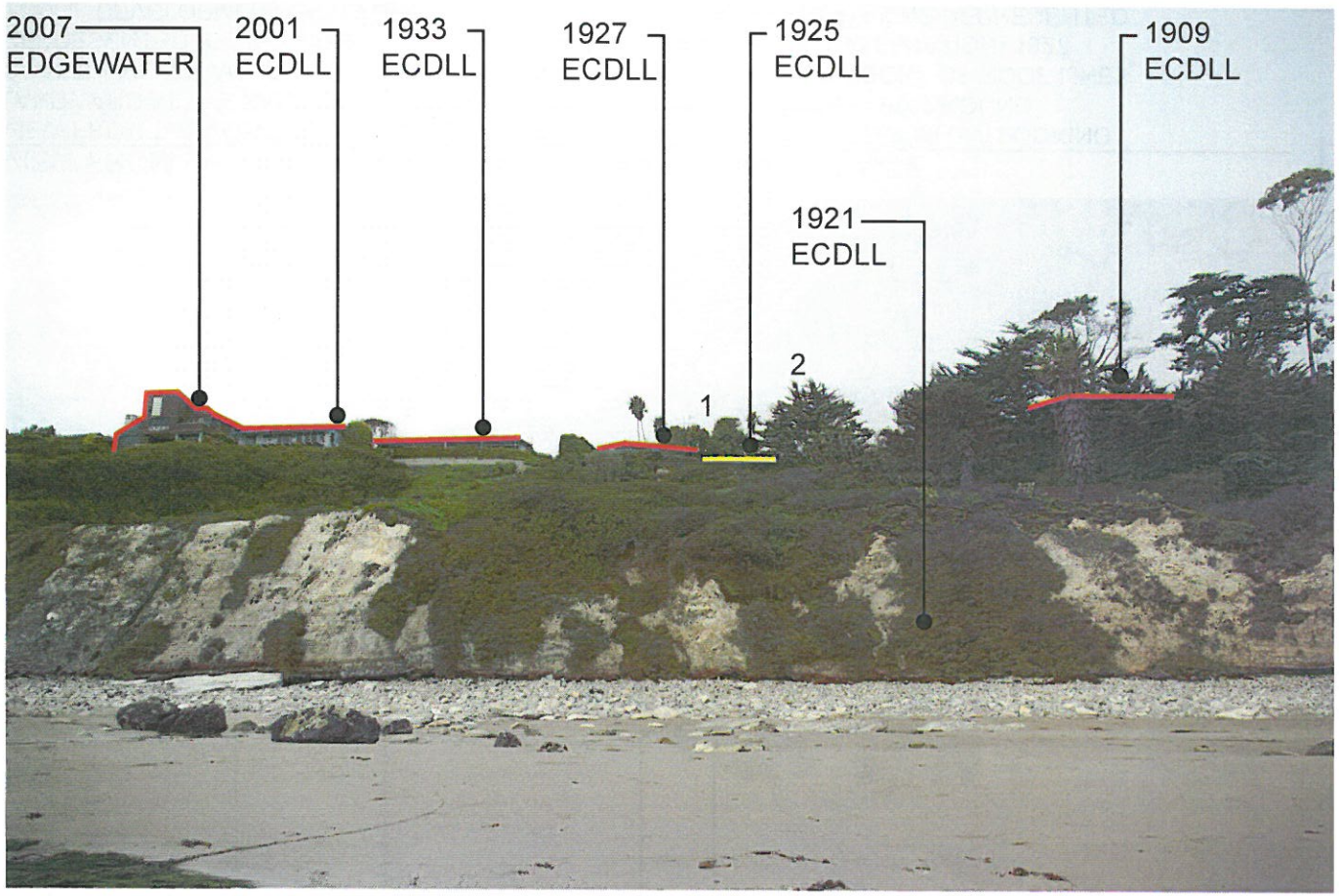
6

VEGETATED COASTAL BLUFF FACE AT 1925 ECDLL. VEGETATION ON COASTAL BLUFF TOP SCREENS ROOF LINE AT TOP OF 1925 ECDLL HOUSE FROM THIS PERSPECTIVE AT LOW TIDE BEACH. VERTICAL LINES ILLUSTRATE THE EASTERLY AND WESTERLY PROPERTY LINES OF 1925 ECDLL.

AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016




VIEW FROM BEACH LOOKING NORTH TOWARDS PROJECT SITE

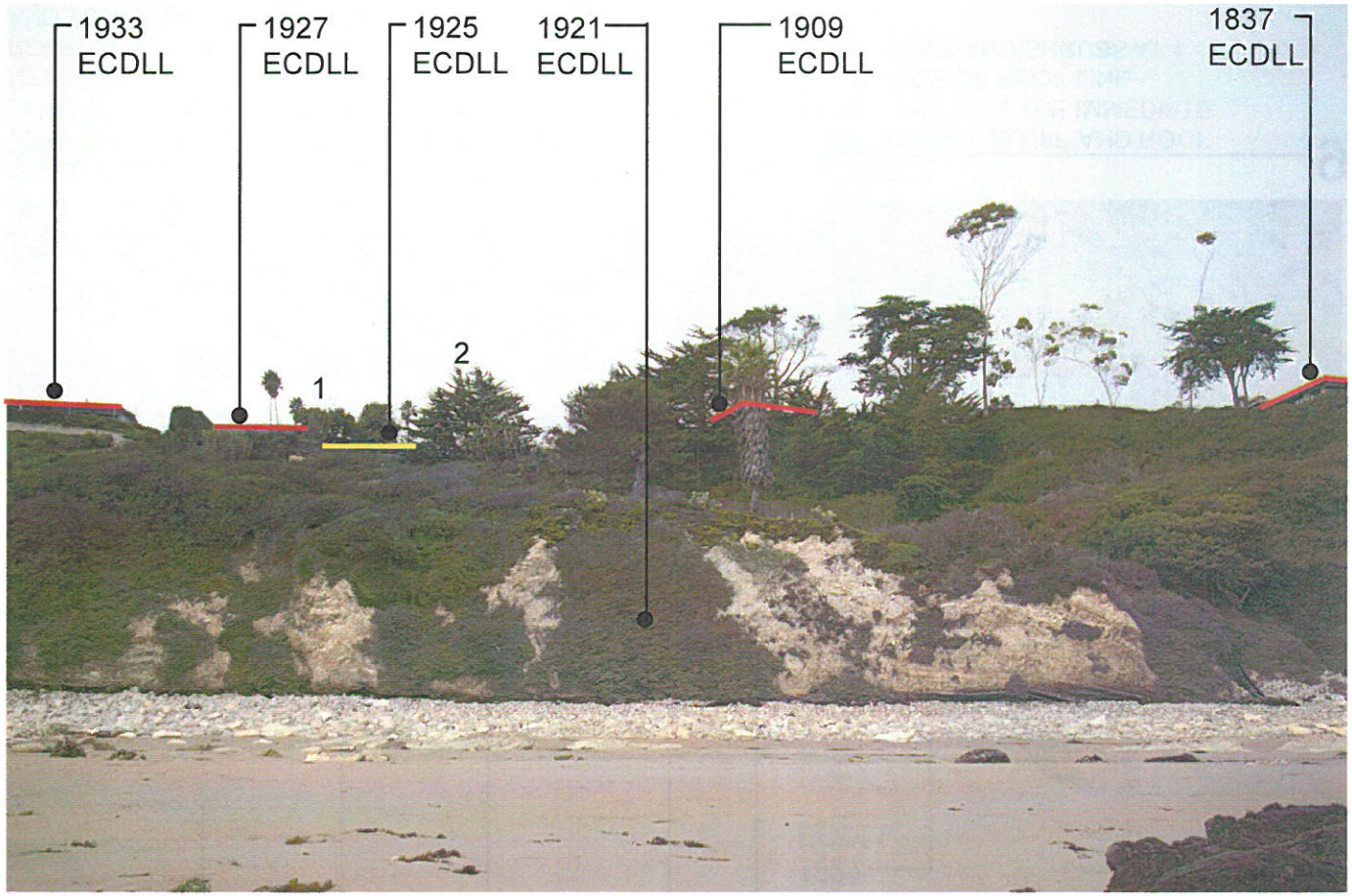
9

VIEW FROM DEC. 14, 2012 LOWER-LOW TIDE BEACH TO BACK BEACH, COASTAL BLUFF, AND ROOF LINES OF HOUSES (TOP EDGES OF ROOF LINES REPRESENTED BY RED LINES) IN THE IMMEDIATE NEIGHBORHOOD. THE DEVELOPMENT ENVELOPE AT 1925 ECDLL (TOP EDGE OF ROOF LINE REPRESENTED BY YELLOW LINE) IS BELOW AND TO THE RIGHT OF THE TREE AND SHRUBS AT 1 AND TO THE LEFT OF THE TREE AT 2.

AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016




VIEW FROM BEACH LOOKING NORTH TOWARDS PROJECT SITE

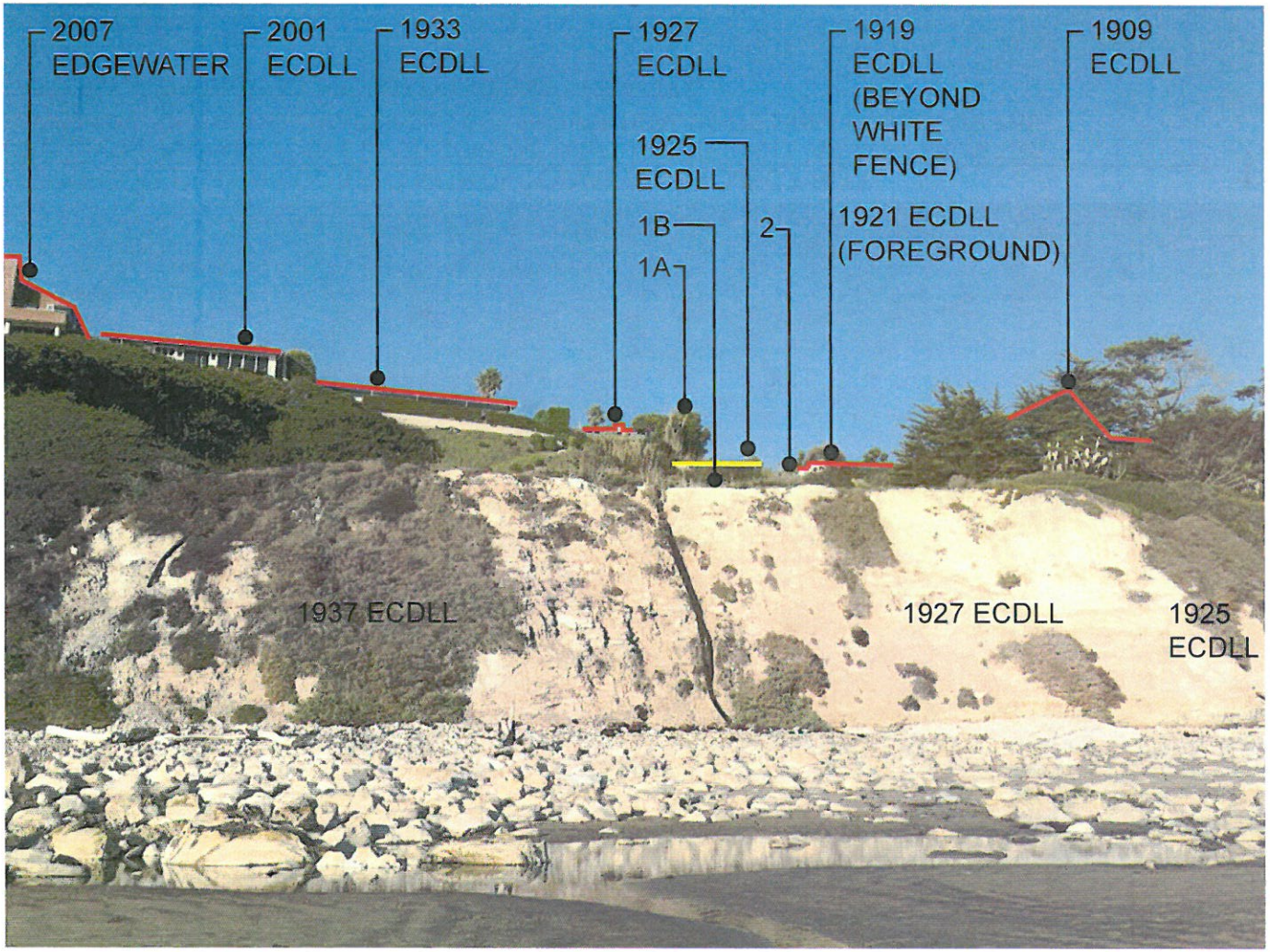
10

VIEW FROM THE LOWER-LOW TIDE BEACH (DEC. 14, 2012, MINUS 1.7 FEET MLLW) LOOKING LANDWARD AT THE SAND AND COBBLE BEACH PLANE IN THE LOWER FOREGROUND, COASTAL BLUFF, AND ROOF LINES OF HOUSES (LEFT TO RIGHT, TOP EDGES OF ROOF LINES REPRESENTED BY RED LINES.) 1933 ECDLL, (PARTLY OBSCURED BY VEGETATION) 1927 ECDLL, DEVELOPMENT ENVELOPE AT 1925 ECDLL (TOP EDGE OF ROOF LINE REPRESENTED BY YELLOW LINE) BELOW THE TREE AND SHRUBS AT 1 AND TO THE LEFT AND BEHIND THE TREE AT 2, 1921 ECDLL, (PARTLY OBSCURED BY VEGETATION) 1909 ECDLL, AND 1837 ECDLL AT THE RIGHT OF THE PHOTO.

AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016




VIEW LOOKING NORTH THROUGH NORTHEAST FROM LOWER LOW TIDE

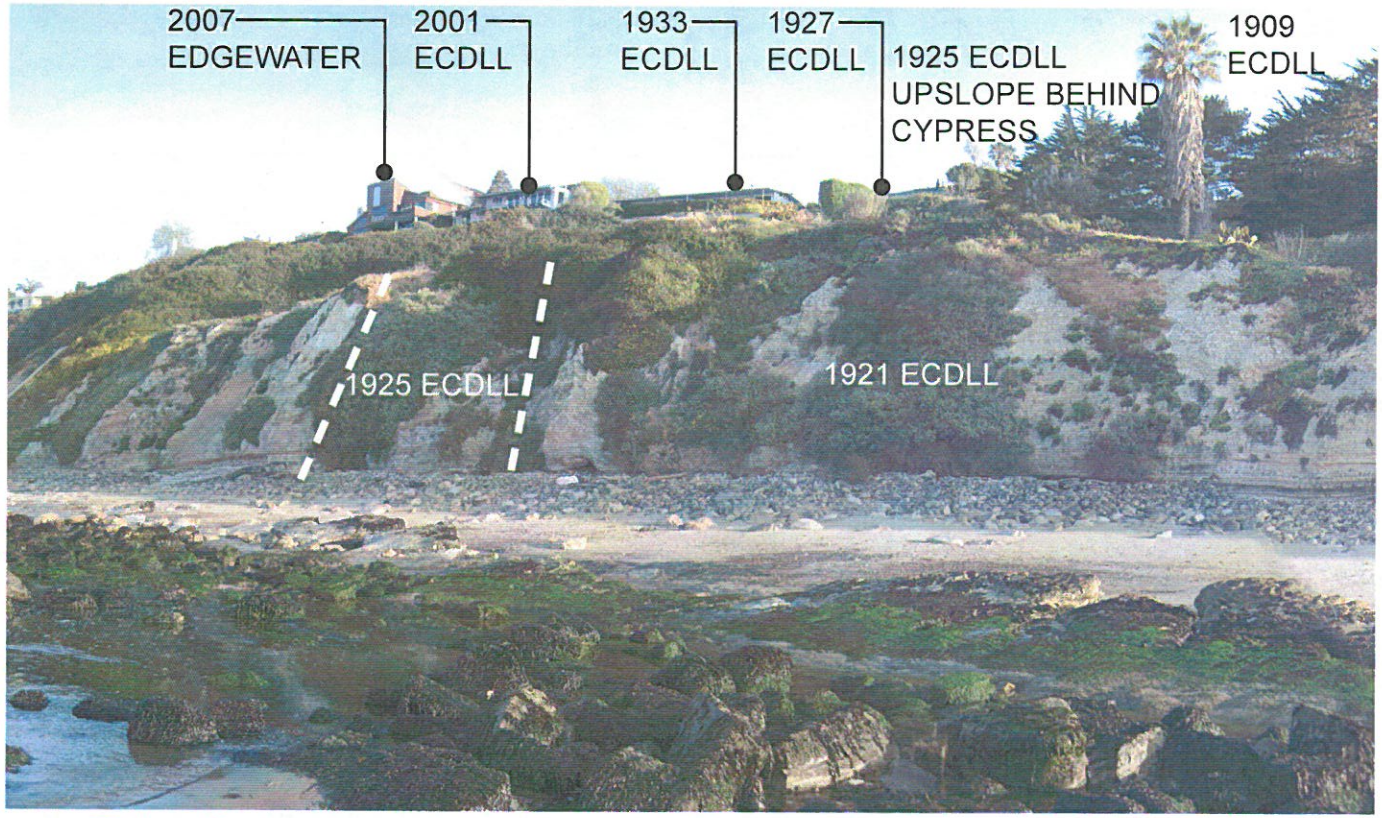
11

VIEW FROM THE JAN. 17, 2012 LOWER-LOW TIDE BEACH TO THE BACK BEACH, COASTAL BLUFF, AND ROOF LINES OF HOUSES (LEFT TO RIGHT , TOP EDGES OF ROOF LINES REPRESENTED BY RED LINES.) IN THE IMMEDIATE NEIGHBORHOOD. THE DEVELOPMENT ENVELOPE AT 1925 ECDLL (TOP EDGE OF ROOF LINE REPRESENTED BY YELLOW LINE) IS TO THE RIGHT OF THE TREE AND SHRUBS AT 1A, BEHIND AND SLIGHTLY ABOVE THE SHRUBS AT 1B, AND BEHIND AND SLIGHTLY ABOVE THE SHRUBS AT 2.

AB DESIGN STUDIO

# EMPRISE TRUST RESIDENCE

06.03.2016




VIEW FROM BEACH LOOKING NORTH TOWARDS PROJECT SITE

12

VIEW OF THE PRIMARILY VEGETATED COASTAL BLUFF AT 1925 ECDLL, AS SEEN FROM THE LOWER LOW TIDE PLANE ON APRIL 24, 2010. THE VERTICAL WHITE LINES ILLUSTRATE THE EASTERLY AND WESTERLY PROPERTY LINES OF 1925 ECDLL.

AB DESIGN STUDIO

To Sort, press all at same time: CTRL+SHIFT+S

## 20 Closest Lots Data Ranked by FAR
## for: 1925 El Camino de la Luz

| Address (Optional) | Data Source (Ex: Co. Assessor's Office) | APN | Lot Size in net sq. ft. | Floors | House | Garage /Carport | Total | FAR | FAR Rank | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1917 El Camino de la Luz | Co. Assessor's Office | 045-100-042 | 5,215 | | 1,658 | 520 | 2,178 | 0.42 | 1 | Largest |
| 2000 El Camino de la Luz | City Street File | 045-100-009 | 6,286 | | 1,520 | 400 | 1,920 | 0.31 | 2 | |
| 1930 El Camino de la Luz | City Street File | 045-100-011 | 14,155 | | 3,523 | 718 | 4,241 | 0.30 | 3 | |
| 2007 Edgewater Way | Co. Assessor's Office | 045-100-066 | 21,726 | | 5,437 | 700 | 6,137 | 0.28 | 4 | |
| 1929 El Camino de la Luz | Co. Assessor's Office | 045-100-041 | 7,349 | | 1,465 | 560 | 2,025 | 0.28 | 5 | |
| 1926 El Camino de la Luz | City Street File | 045-100-012 | 16,400 | | 3,854 | 500 | 4,354 | 0.27 | 6 | |
| 1931 El Camino de la Luz | City Planning File | 045-100-081 | 12,029 | | 2,870 | 193 | 3,063 | 0.25 | 7 | |
| 1919 El Camino de la Luz | City Street File | 045-100-043 | 7,233 | | 1,384 | 400 | 1,784 | 0.25 | 8 | |
| 1915 El Camino de la Luz | Co. Assessor's Office | 045-100-044 | 9,854 | | 1,944 | 440 | 2,384 | 0.24 | 9 | |
| 1907 El Camino de la Luz | City Street File | 045-100-077 | 9,234 | | 1,606 | 440 | 2,046 | 0.22 | 10 | |
| 1936 El Camino de la Luz | City Planning File | 045-100-010 | 14,853 | | 2,722 | 441 | 3,163 | 0.21 | 11 | |
| 1910 El Camino de la Luz | Co. Assessor's Office | 045-100-073 | 8,991 | | 1,335 | 483 | 1,818 | 0.20 | 12 | |
| 1925 El Camino de la Luz | MST Project - Pending/ | 045-100-024 | 20,046 | | 3,101 | 444 | 3,545 | 0.18 | 13 | |
| 1918 El Camino de la Luz | City Street File | 045-100-013 | 23,521 | | 2,805 | 354 | 3,159 | 0.13 | 14 | |
| 1933 El Camino de la Luz | City Street File | 045-100-082 | 16,109 | | 1,784 | 350 | 2,134 | 0.13 | 15 | |
| 1906 El Camino de la Luz | Co. Assessor's Office | 045-100-015 | 13,958 | | 1,158 | 230 | 1,388 | 0.10 | 16 | |
| 1927 El Camino de la Luz | City Planning File | 045-100-025 | 22,973 | | 1,883 | 346 | 2,229 | 0.10 | 17 | |
| 2001 El Camino de la Luz | Co. Assessor's Office | 045-100-027 | 29,832 | | 1,660 | 238 | 1,898 | 0.06 | 18 | |
| 1909 El Camino de la Luz | City Street File | 045-100-022 | 37,581 | | 1,338 | 750 | 2,088 | 0.06 | 19 | |
| 1921 El Camino de la Luz | Co. Assessor's Office | 045-100-023 | 35,770 | | | | | 0.00 | 20 | |
| | Co. Assessor's Office | 045-100-083 | 20,093 | | | | | 0.00 | 21 | Smallest |

Average/Mean Total of House + Garage Size (including project proposal): 2,713
Average/Mean FAR (including project proposal): 0.21

Revised 8-21-07

## 20 Closest Lots Data Ranked by Size
## for: 1925 El Camino de la Luz

| Address (Optional) | Data Source (Ex: Co. Assessor's Office) | APN | Lot Size | Floors | House | Garage /Carport | Total | Rank | |
|---|---|---|---|---|---|---|---|---|---|
| 2007 Edgewater Way | Co. Assessor's Office | 045-100-066 | 21,726 | | 5,437 | 700 | 6,137 | 1 | Largest |
| 1926 El Camino de la Luz | City Street File | 045-100-012 | 16,400 | | 3,854 | 500 | 4,354 | 2 | |
| 1930 El Camino de la Luz | City Street File | 045-100-011 | 14,155 | | 3,523 | 718 | 4,241 | 3 | |
| 1925 El Camino de la Luz | MST Project - Pending/ | 045-100-024 | 20,046 | | 3,101 | 444 | 3,545 | 4 | |
| 1936 El Camino de la Luz | City Planning File | 045-100-010 | 14,853 | | 2,722 | 441 | 3,163 | 5 | |
| 1918 El Camino de la Luz | City Street File | 045-100-013 | 23,521 | | 2,805 | 354 | 3,159 | 6 | |
| 1931 El Camino de la Luz | City Planning File | 045-100-081 | 12,029 | | 2,870 | 193 | 3,063 | 7 | |
| 1915 El Camino de la Luz | Co. Assessor's Office | 045-100-044 | 9,854 | | 1,944 | 440 | 2,384 | 8 | |
| 1927 El Camino de la Luz | City Planning File | 045-100-025 | 22,973 | | 1,876 | 346 | 2,222 | 9 | |
| 1917 El Camino de la Luz | Co. Assessor's Office | 045-100-042 | 5,215 | | 1,658 | 520 | 2,178 | 10 | |
| 1933 El Camino de la Luz | City Street File | 045-100-082 | 16,109 | | 1,784 | 350 | 2,134 | 11 | |
| 1909 El Camino de la Luz | City Street File | 045-100-022 | 37,581 | | 1,338 | 750 | 2,088 | 12 | |
| 1907 El Camino de la Luz | City Street File | 045-100-077 | 9,234 | | 1,606 | 440 | 2,046 | 13 | |
| 1929 El Camino de la Luz | Co. Assessor's Office | 045-100-041 | 7,349 | | 1,465 | 560 | 2,025 | 14 | |
| 2000 El Camino de la Luz | City Street File | 045-100-009 | 6,286 | | 1,520 | 400 | 1,920 | 15 | |
| 2001 El Camino de la Luz | Co. Assessor's Office | 045-100-027 | 29,832 | | 1,660 | 238 | 1,898 | 16 | |
| 1910 El Camino de la Luz | Co. Assessor's Office | 045-100-073 | 8,991 | | 1,335 | 483 | 1,818 | 17 | |
| 1919 El Camino de la Luz | City Street File | 045-100-043 | 7,233 | | 1,384 | 400 | 1,784 | 18 | |
| 1906 El Camino de la Luz | Co. Assessor's Office | 045-100-015 | 13,958 | | 1,158 | 230 | 1,388 | 19 | |
| 1921 El Camino de la Luz | Co. Assessor's Office | 045-100-023 | 35,770 | | | | | 20 | |
| | Co. Assessor's Office | 045-100-083 | 20,093 | | | | | 21 | Smallest |

Average/Mean House Size (including project proposal): 2,577

Revised 8-21-07

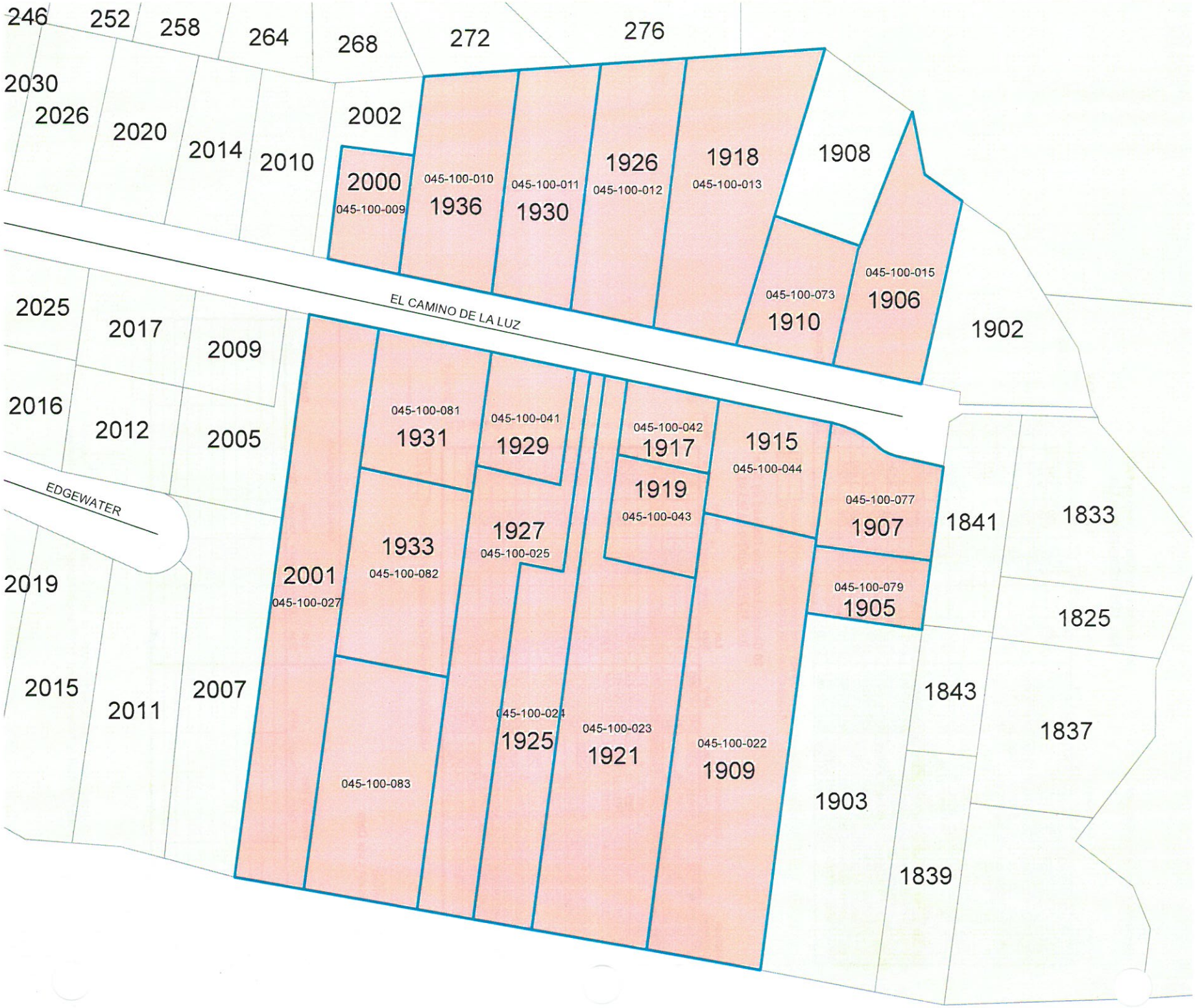
### Parcels Omitted from 20 Closest Lots Data

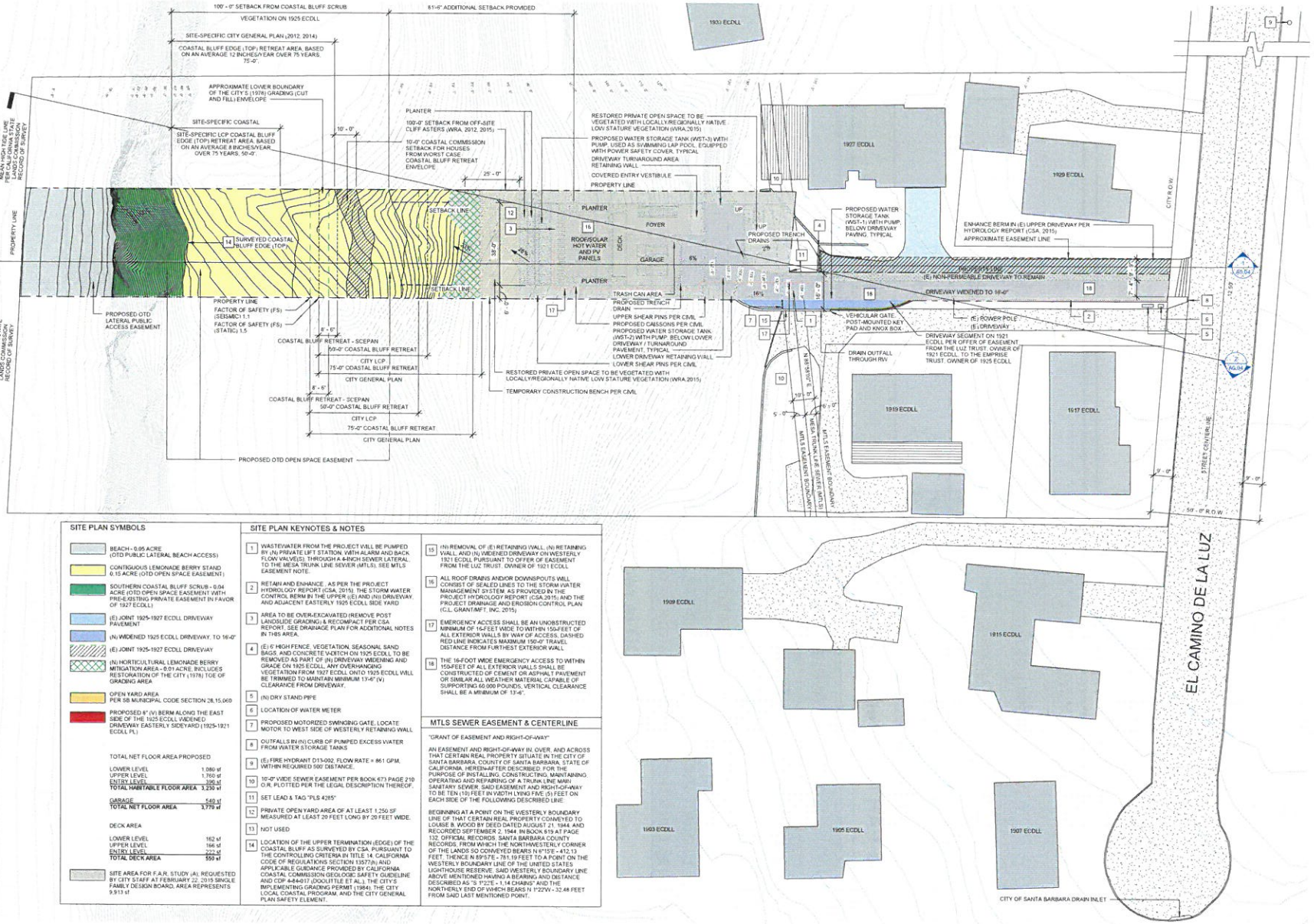
| Address (Optional) | Property Use (Ex. Comm., Multi-Family) | APN | Optional Information: Lot Size | Floors | House | Garage /Carport | Total | FAR | Data Source (Ex. Co. Assessor's) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Form posted 8-20-07

20 closest lots F.A.R. study for project at 1925 El Camino de la Luz; Requested by City Staff at February 22nd, 2015 Single Family Design Board Hearing.

**EXHIBIT D2**


246
252
258
264
268
272
276
2030
2026
2020
2014
2010
2002
2000
045-100-009
045-100-010
1936
045-100-011
1930
1926
045-100-012
1918
045-100-013
1908
045-100-015
1906
045-100-073
1910
1902
EL CAMINO DE LA LUZ
2025
2017
2009
2016
2012
2005
EDGEWATER
045-100-081
1931
045-100-041
1929
045-100-042
1917
1915
045-100-044
1919
045-100-043
045-100-077
1907
1841
1833
1933
045-100-082
1927
045-100-025
2001
045-100-027
045-100-079
1905
1825
2019
2015
2011
2007
1843
1837
045-100-024
1925
045-100-023
1921
045-100-022
1909
045-100-083
1903
1839




## SITE PLAN SYMBOLS

- BEACH - 0.05 ACRE (OTD PUBLIC LATERAL BEACH ACCESS)
- CONTIGUOUS LEMONADE BERRY STAND 0.15 ACRE (OTD OPEN SPACE EASEMENT)
- SOUTHERN COASTAL BLUFF SCRUB - 0.04 ACRE (OTD OPEN SPACE EASEMENT WITH PRE-EXISTING PRIVATE EASEMENT IN FAVOR OF 1927 ECDLL)
- (E) JOINT 1925-1927 ECDLL DRIVEWAY PAVEMENT
- (N) WIDENED 1925 ECDLL DRIVEWAY, TO 16'-0"
- (E) JOINT 1925-1927 ECDLL DRIVEWAY
- (N) HORTICULTURAL LEMONADE BERRY MITIGATION AREA - 0.01 ACRE, INCLUDES RESTORATION OF THE CITY (1978) TOE OF GRADING AREA
- OPEN YARD AREA PER SB MUNICIPAL CODE SECTION 28.15.060
- PROPOSED 6" (V) BERM ALONG THE EAST SIDE OF THE 1925 ECDLL WIDENED DRIVEWAY EASTERLY SIDEYARD (1925-1921 ECDLL PL)

TOTAL NET FLOOR AREA PROPOSED

| | |
|---|---|
| LOWER LEVEL | 1,080 sf |
| UPPER LEVEL | 1,760 sf |
| ENTRY LEVEL | 390 sf |
| **TOTAL HABITABLE FLOOR AREA** | **3,230 sf** |
| GARAGE | 540 sf |
| **TOTAL NET FLOOR AREA** | **3,770 sf** |

DECK AREA

| | |
|---|---|
| LOWER LEVEL | 162 sf |
| UPPER LEVEL | 166 sf |
| ENTRY LEVEL | 222 sf |
| **TOTAL DECK AREA** | **550 sf** |

- SITE AREA FOR F.A.R. STUDY (A): REQUESTED BY CITY STAFF AT FEBRUARY 22, 2015 SINGLE FAMILY DESIGN BOARD. AREA REPRESENTS 9,913 sf

## SITE PLAN KEYNOTES & NOTES

1. WASTEWATER FROM THE PROJECT WILL BE PUMPED BY (N) PRIVATE LIFT STATION, WITH ALARM AND BACK FLOW VALVE(S), THROUGH A 4-INCH SEWER LATERAL TO THE MESA TRUNK LINE SEWER (MTLS), SEE MTLS EASEMENT NOTE.
2. RETAIN AND ENHANCE, AS PER THE PROJECT HYDROLOGY REPORT (CSA, 2015): THE STORM WATER CONTROL BERM IN THE UPPER (E) AND (N) DRIVEWAY, AND ADJACENT EASTERLY 1925 ECDLL SIDE YARD
3. AREA TO BE OVER-EXCAVATED (REMOVE POST LANDSLIDE GRADING) & RECOMPACT PER CSA REPORT. SEE DRAINAGE PLAN FOR ADDITIONAL NOTES IN THIS AREA.
4. (E) 6' HIGH FENCE, VEGETATION, SEASONAL SAND BAGS, AND CONCRETE V-DITCH ON 1925 ECDLL TO BE REMOVED AS PART OF (N) DRIVEWAY WIDENING AND GRADE ON 1925 ECDLL. ANY OVERHANGING VEGETATION FROM 1927 ECDLL ONTO 1925 ECDLL WILL BE TRIMMED TO MAINTAIN MINIMUM 13'-6" (V) CLEARANCE FROM DRIVEWAY.
5. (N) DRY STAND PIPE
6. LOCATION OF WATER METER
7. PROPOSED MOTORIZED SWINGING GATE. LOCATE MOTOR TO WEST SIDE OF WESTERLY RETAINING WALL
8. OUTFALLS IN (N) CURB OF PUMPED EXCESS WATER FROM WATER STORAGE TANKS
9. (E) FIRE HYDRANT D13-002. FLOW RATE = 861 GPM, WITHIN REQUIRED 500' DISTANCE.
10. 10'-0" WIDE SEWER EASEMENT PER BOOK 673 PAGE 210 O.R. PLOTTED PER THE LEGAL DESCRIPTION THEREOF.
11. SET LEAD & TAG "PLS 4285"
12. PRIVATE OPEN YARD AREA OF AT LEAST 1,250 SF MEASURED AT LEAST 20 FEET LONG BY 20 FEET WIDE.
13. NOT USED
14. LOCATION OF THE UPPER TERMINATION (EDGE) OF THE COASTAL BLUFF AS SURVEYED BY CSA, PURSUANT TO THE CONTROLLING CRITERIA IN TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 13577(h) AND APPLICABLE GUIDANCE PROVIDED BY CALIFORNIA COASTAL COMMISSION GEOLOGIC SAFETY GUIDELINE AND CDP 4-84-017 (DOOLITTLE ET AL.). THE CITY'S IMPLEMENTING GRADING PERMIT (1984), THE CITY LOCAL COASTAL PROGRAM, AND THE CITY GENERAL PLAN SAFETY ELEMENT.
15. (N) REMOVAL OF (E) RETAINING WALL, (N) RETAINING WALL, AND (N) WIDENED DRIVEWAY ON WESTERLY 1921 ECDLL PURSUANT TO OFFER OF EASEMENT FROM THE LUZ TRUST, OWNER OF 1921 ECDLL
16. ALL ROOF DRAINS AND/OR DOWNSPOUTS WILL CONSIST OF SEALED LINES TO THE STORM WATER MANAGEMENT SYSTEM, AS PROVIDED IN THE PROJECT HYDROLOGY REPORT (CSA, 2015) AND THE PROJECT DRAINAGE AND EROSION CONTROL PLAN (C.L. GRANT/MFT, INC. 2015)
17. EMERGENCY ACCESS SHALL BE AN UNOBSTRUCTED MINIMUM OF 15-FEET WIDE TO WITHIN 150-FEET OF ALL EXTERIOR WALLS BY WAY OF ACCESS, DASHED RED LINE INDICATES MAXIMUM 150-0" TRAVEL DISTANCE FROM FURTHEST EXTERIOR WALL.
18. THE 16-FOOT WIDE EMERGENCY ACCESS TO WITHIN 150-FEET OF ALL EXTERIOR WALLS SHALL BE CONSTRUCTED OF CEMENT OR ASPHALT PAVEMENT OR SIMILAR ALL WEATHER MATERIAL CAPABLE OF SUPPORTING 60,000 POUNDS. VERTICAL CLEARANCE SHALL BE A MINIMUM OF 13'-6".

## MTLS SEWER EASEMENT & CENTERLINE

"GRANT OF EASEMENT AND RIGHT-OF-WAY"

AN EASEMENT AND RIGHT-OF-WAY IN, OVER, AND ACROSS THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, HEREINAFTER DESCRIBED, FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, OPERATING AND REPAIRING OF A TRUNK LINE MAIN SANITARY SEWER. SAID EASEMENT AND RIGHT-OF-WAY TO BE TEN (10) FEET IN WIDTH LYING FIVE (5) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY LINE OF THAT CERTAIN REAL PROPERTY CONVEYED TO LOUISE B. WOOD BY DEED DATED AUGUST 21, 1944 AND RECORDED SEPTEMBER 2, 1944 IN BOOK 519 AT PAGE 132, OFFICIAL RECORDS, SANTA BARBARA COUNTY RECORDS, FROM WHICH THE NORTHWESTERLY CORNER OF THE LANDS SO CONVEYED BEARS N 6°15'E - 412.13 FEET, THENCE N 89°57'E - 781.19 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE UNITED STATES LIGHTHOUSE RESERVE, SAID WESTERLY BOUNDARY LINE ABOVE MENTIONED HAVING A BEARING AND DISTANCE DESCRIBED AS "S 1°22'E - 1.14 CHAINS" AND THE NORTHERLY END OF WHICH BEARS N 1°22'W - 32.48 FEET FROM SAID LAST MENTIONED POINT.

CONCEPT SITE PLAN-FAR DEVELOPMENT ENVELOPE STUDY (A) 1
1" = 20'-0"


AB DESIGN STUDIO INCORPORATED
PH 805 963 2100
FX 805 963 2300
428 E HALEY STREET
SANTA BARBARA CALIFORNIA 93101
www.abdesignstudio.com

PROJECT TEAM

(COASTAL PROGRAM CONSULTANT)
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 250
Sacramento, CA 95831
ph 916 392 8283
e norbertdall@sbcglobal.com
sdallsb@aol.com

(GEOTECHNICAL ENGINEER, ENGINEERING GEOLOGIST)
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2806 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph 805 375 1550
e cottonshires@msn.com
e jwallace@cottonshires.com

(CIVIL ENGINEER)
Charlie Grant, ASCE
ph 339 485 3525
e clgrant@sisnet.com

(BIOLOGIST)
Geoff Smick
WRA, Inc
2169-G East Francisco Blvd
San Rafael, CA 94901
ph 415 454 8868
e gsmick@wra-ca.com

(COASTAL GEOLOGY, WORK SURVEY)
David Skelly MS, PE
Geo Soils, Inc
5741 Palmer Way
Carlsbad, CA 92010
ph 760 438 3155
e dskelly@geosoilsinc.com

(HISTORICAL/CULTURAL RESOURCE PROFILING)
Joseph Scepan
GeoSciences
3051 Ruby Drive
Medford, OR 97504
ph 541 690 7595
e jscepan@charter.net

(SURVEYOR)
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph 805 966 5105
e pcook@lpcoop.com


C-30926

PROJECT REVISIONS

SEPTEMBER 2015

INITIAL DART SUBMITTAL

6-15-2015

PLANNING TRANSMITTAL

PROJECT DATA

(PROJECT NAME)
1925 E.C.D.L.L.
RESIDENTIAL REUSE PROJECT

(PROJECT ADDRESS)
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

(OWNER CONTACT)
EMPRISE TRUST
805 637 9009

A0.03A
CONCEPT SITE PLAN-FAR DEVELOPMENT ENVELOPE STUDY (A)

# F.A.R. Calculator

**Instructions:** Enter the information in the white boxes below. The spreadsheet will calculate the proposed FAR (floor area ratio), the 100% max FAR (per the Zoning Ordinance), and the 85% max FAR (per the Zoning Ordinance). Additionally it will determine whether a FAR Modification is required.

The **Net Lot Area** does not include any Public Road Easements or Public Road Right-of-Way areas. The proposed **TOTAL Net FAR Floor Area** shall include the net floor area of all stories of all building, but may or may not include basement/cellar floor area. For further clarification on these definitions please refer to SBMC §28.15.083.

| | |
|---|---|
| ENTER Project Address: | 1925 E.C.D.L.L. - SB, CA 93109 |
| Is there a basement or cellar existing or proposed? | No |
| ENTER Proposed TOTAL Net FAR Floor Area (in sq. ft.): | 3,545 |

| | |
|---|---|
| ENTER Zone ONLY from drop-down list: | E-3 |
| ENTER Net Lot Area (in sq. ft.): | 9,913 |
| Is the height of existing or proposed buildings 17 feet or greater? | Yes |
| Are existing or proposed buildings two stories or greater? | Yes |
| The FAR Requirements are: | REQUIRED** |

| | |
|---|---|
| ENTER Average Slope of Lot: | 27.60% |
| Does the height of existing or proposed buildings exceed 25 feet? | Yes |
| Is the site in the Hillside Design District? | Yes |
| Does the project include 500 or more cu. yds. of grading outside the main building footprint? | Yes |
| An FAR MOD is required per SBMC §28.15 | |

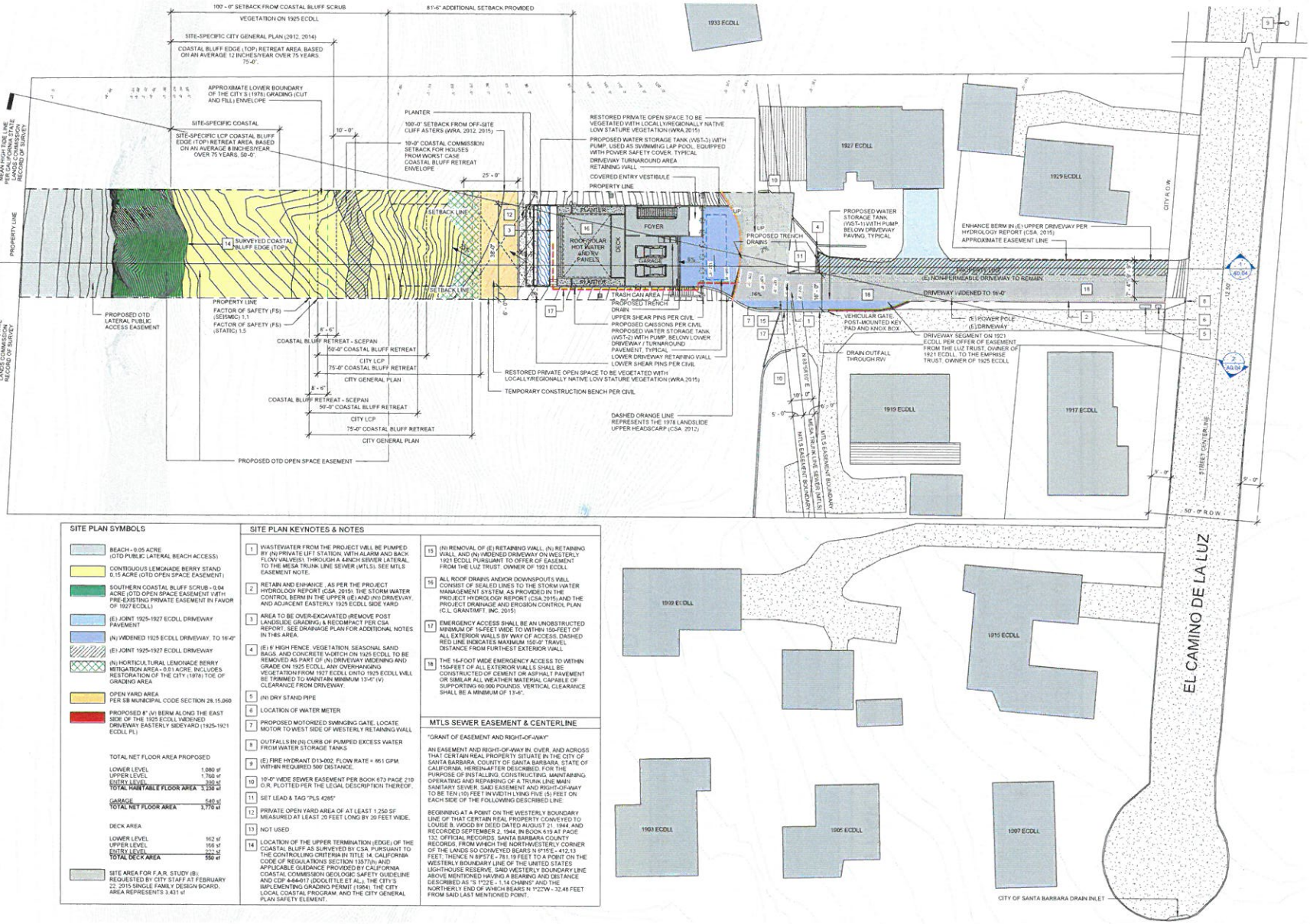
| | |
|---|---|
| FLOOR AREA RATIO (FAR): | 0.357611218 |
| Lot Size Range: | 4,000 - 9,999 sq.ft. |
| MAX FAR Calculation (in sq. ft.): | 1,200 + (0.25 x lot size in sq.ft.) |
| 100% MAX FAR: | 0.371053163 |
| 100% MAX FAR (in sq. ft.): | 3678.25 |
| 85% of MAX FAR (in sq. ft.): | 3126.5125 |
| 80% of MAX FAR (in sq. ft.): | 2942.6 |
| The 3545 square foot proposed total is 97.0% of the MAX FAR.* | |

* NOTE: Percentage total is rounded up.

**NOTE: If your project is located on a site with multiple or overlay zones, please contact Planning Staff to confirm whether the FAR limitations are "Required" or "Guideline".

Acreage Conversion Calculator

| | |
|---|---|
| ENTER Acreage to Convert to square footage: | 1.00 |
| Net Lot Area (in sq. ft.): | 43560 |




## SITE PLAN SYMBOLS

- BEACH - 0.05 ACRE (OTD PUBLIC LATERAL BEACH ACCESS)
- CONTIGUOUS LEMONADE BERRY STAND 0.15 ACRE (OTD OPEN SPACE EASEMENT)
- SOUTHERN COASTAL BLUFF SCRUB - 0.04 ACRE (OTD OPEN SPACE EASEMENT WITH PRE-EXISTING PRIVATE EASEMENT IN FAVOR OF 1927 ECDLL)
- (E) JOINT 1925-1927 ECDLL DRIVEWAY PAVEMENT
- (N) WIDENED 1925 ECDLL DRIVEWAY, TO 16'-0"
- (E) JOINT 1925-1927 ECDLL DRIVEWAY
- (N) HORTICULTURAL LEMONADE BERRY MITIGATION AREA - 0.01 ACRE, INCLUDES RESTORATION OF THE CITY (1978) TOE OF GRADING AREA
- OPEN YARD AREA PER SB MUNICIPAL CODE SECTION 28.15.060
- PROPOSED 8" (V) BERM ALONG THE EAST SIDE OF THE 1925 ECDLL WIDENED DRIVEWAY EASTERLY SIDEYARD (1925-1921 ECDLL PL)

TOTAL NET FLOOR AREA PROPOSED

| | |
|---|---|
| LOWER LEVEL | 1,080 sf |
| UPPER LEVEL | 1,760 sf |
| ENTRY LEVEL | 390 sf |
| **TOTAL HABITABLE FLOOR AREA** | **3,230 sf** |
| GARAGE | 540 sf |
| **TOTAL NET FLOOR AREA** | **3,770 sf** |

DECK AREA

| | |
|---|---|
| LOWER LEVEL | 162 sf |
| UPPER LEVEL | 166 sf |
| ENTRY LEVEL | 222 sf |
| **TOTAL DECK AREA** | **550 sf** |

- SITE AREA FOR F.A.R. STUDY (B): REQUESTED BY CITY STAFF AT FEBRUARY 22, 2015 SINGLE FAMILY DESIGN BOARD. AREA REPRESENTS 3.431 sf

## SITE PLAN KEYNOTES & NOTES

1. WASTEWATER FROM THE PROJECT WILL BE PUMPED BY (N) PRIVATE LIFT STATION, WITH ALARM AND BACK FLOW VALVE(S), THROUGH A 4-INCH SEWER LATERAL, TO THE MESA TRUNK LINE SEWER (MTLS). SEE MTLS EASEMENT NOTE.
2. RETAIN AND ENHANCE, AS PER THE PROJECT HYDROLOGY REPORT (CSA, 2015), THE STORM WATER CONTROL BERM IN THE UPPER (E) AND (N) DRIVEWAY, AND ADJACENT EASTERLY 1925 ECDLL SIDE YARD.
3. AREA TO BE OVER-EXCAVATED (REMOVE POST LANDSLIDE GRADING) & RECOMPACT PER CSA REPORT. SEE DRAINAGE PLAN FOR ADDITIONAL NOTES IN THIS AREA.
4. (E) 6' HIGH FENCE, VEGETATION, SEASONAL SAND BAGS, AND CONCRETE V-DITCH ON 1925 ECDLL TO BE REMOVED AS PART OF (N) DRIVEWAY WIDENING AND GRADE ON 1925 ECDLL, ANY OVERHANGING VEGETATION FROM 1927 ECDLL ONTO 1925 ECDLL WILL BE TRIMMED TO MAINTAIN MINIMUM 13'-4" (V) CLEARANCE FROM DRIVEWAY.
5. (N) DRY STAND PIPE
6. LOCATION OF WATER METER
7. PROPOSED MOTORIZED SWINGING GATE, LOCATE MOTOR TO WEST SIDE OF WESTERLY RETAINING WALL.
8. OUTFALLS IN (N) CURB OF PUMPED EXCESS WATER FROM WATER STORAGE TANKS
9. (E) FIRE HYDRANT D13-002, FLOW RATE = 861 GPM, WITHIN REQUIRED 500' DISTANCE.
10. 10'-0" WIDE SEWER EASEMENT PER BOOK 673 PAGE 219 O.R. PLOTTED PER THE LEGAL DESCRIPTION THEREOF.
11. SET LEAD & TAG "PLS 4285"
12. PRIVATE OPEN YARD AREA OF AT LEAST 1,250 SF MEASURED AT LEAST 20 FEET LONG BY 20 FEET WIDE.
13. NOT USED
14. LOCATION OF THE UPPER TERMINATION (EDGE) OF THE COASTAL BLUFF AS SURVEYED BY CSA, PURSUANT TO THE CONTROLLING CRITERIA IN TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 13577(h) AND APPLICABLE GUIDANCE PROVIDED BY CALIFORNIA COASTAL COMMISSION GEOLOGIC SAFETY GUIDELINE AND CDP 4-84-017 (DOOLITTLE ET AL.), THE CITY'S IMPLEMENTING GRADING PERMIT (1984), THE CITY LOCAL COASTAL PROGRAM, AND THE CITY GENERAL PLAN SAFETY ELEMENT.
15. (N) REMOVAL OF (E) RETAINING WALL, (N) RETAINING WALL, AND (N) WIDENED DRIVEWAY ON WESTERLY 1921 ECDLL PURSUANT TO OFFER OF EASEMENT FROM THE LUZ TRUST, OWNER OF 1921 ECDLL
16. ALL ROOF DRAINS AND/OR DOWNSPOUTS WILL CONSIST OF SEALED LINES TO THE STORM WATER MANAGEMENT SYSTEM, AS PROVIDED IN THE PROJECT HYDROLOGY REPORT (CSA,2015) AND THE PROJECT DRAINAGE AND EROSION CONTROL PLAN (C.L. GRANT/MFT, INC. 2015)
17. EMERGENCY ACCESS SHALL BE AN UNOBSTRUCTED MINIMUM OF 16-FEET WIDE TO WITHIN 150-FEET OF ALL EXTERIOR WALLS BY WAY OF ACCESS. DASHED RED LINE INDICATES MAXIMUM 150-0" TRAVEL DISTANCE FROM FURTHEST EXTERIOR WALL
18. THE 16-FOOT WIDE EMERGENCY ACCESS TO WITHIN 150-FEET OF ALL EXTERIOR WALLS SHALL BE CONSTRUCTED OF CEMENT OR ASPHALT PAVEMENT OR SIMILAR ALL WEATHER MATERIAL CAPABLE OF SUPPORTING 60,000 POUNDS. VERTICAL CLEARANCE SHALL BE A MINIMUM OF 13'-6".

## MTLS SEWER EASEMENT & CENTERLINE

"GRANT OF EASEMENT AND RIGHT-OF-WAY"

AN EASEMENT AND RIGHT-OF-WAY IN, OVER, AND ACROSS THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, HEREINAFTER DESCRIBED, FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, OPERATING AND REPAIRING OF A TRUNK LINE MAIN SANITARY SEWER. SAID EASEMENT AND RIGHT-OF-WAY TO BE TEN (10) FEET IN WIDTH LYING FIVE (5) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY LINE OF THAT CERTAIN REAL PROPERTY CONVEYED TO LOUISE B. WOOD BY DEED DATED AUGUST 21, 1944, AND RECORDED SEPTEMBER 2, 1944, IN BOOK 419 AT PAGE 132, OFFICIAL RECORDS, SANTA BARBARA COUNTY RECORDS, FROM WHICH THE NORTHWESTERLY CORNER OF THE LANDS SO CONVEYED BEARS N 6°15'E - 412.13 FEET; THENCE N 89°57'E - 781.19 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE UNITED STATES LIGHTHOUSE RESERVE, SAID WESTERLY BOUNDARY LINE ABOVE MENTIONED HAVING A BEARING AND DISTANCE DESCRIBED AS "S 1°22'E - 1,14 CHAINS" AND THE NORTHERLY END OF WHICH BEARS N 1°22'W - 32.48 FEET FROM SAID LAST MENTIONED POINT.

CONCEPT SITE PLAN-FAR DEVELOPMENT ENVELOPE STUDY (B)
1" = 20'-0" 1


AB DESIGN STUDIO
PH 805 963 2100
FX 805 963 2300
4281 HALEY STREET
SANTA BARBARA, CALIFORNIA 93101
www.abdesignstudio.com

PROJECT TEAM

[CIVIL ENGINEER CONSULTANT]
Norbert Dall, Stephanie Dall
Dall & Associates
930 Florin Road, Suite 288
Sacramento, CA 95831
ph: 916.392.0283
e: norbertdall@icloud.com
sdallcs@aol.com

[GEOTECHNICAL ENGINEER CONSULTANT]
Pat Shires, John Wallace
Cotton, Shires & Assoc. Inc.
2804 Camino Dos Rios, Ste 201
Thousand Oaks, CA 91320
ph: 805.375.1050
e: cottonshires@mk.com
e: jwallace@cottonshires.com

[CIVIL ENGINEER]
Charlie Grant, ASCE
ph: 330.685.3525
e: clgrant@clshef.com

[BIOLOGIST]
Geoff Smick
WRA, Inc.
2169-G East Francisco Blvd
San Rafael, CA 94901
ph: 415.454.8868
e: smick@wra-ca.com

[COASTAL HAZARDS / WAVE SURVEY]
David Skelly, MS, PE
Geo Soils, Inc.
5741 Palmer Way
Carlsbad, CA 92010
ph: 760.438.3155
e: dskelly@geosoilsinc.com

[HISTORIC COASTAL BLUFF HISTORIAN]
Joseph Scepan
GeoSciences
3861 Ruby Drive
Medford, OR 97504
ph: 541.690.7595
e: jscepan@charter.net

[SURVEYOR]
Paul Cook
L.P. Cook & Company
1029 State Street
Santa Barbara, CA 93101
ph: 805.966.5105
e: pcook@lpcook.com


C-30926

PROJECT STATUS

SEPTEMBER 2015
INITIAL DART SUBMITTAL

6-15-2016
PLANNING TRANSMITTAL

PROJECT INFO

[PROJECT TITLE]
1925 ECDLL
RESIDENTIAL REUSE PROJECT

[PROJECT ADDRESS]
1925 EL CAMINO DE LA LUZ
SANTA BARBARA, CA 93109

[OWNER CONTACT]
EMPRISE TRUST
805.637.9009

A0.03B
CONCEPT SITE PLAN-FAR DEVELOPMENT ENVELOPE STUDY (B)

# F.A.R. Calculator

**Instructions:** Enter the information in the white boxes below. The spreadsheet will calculate the proposed FAR (floor area ratio), the 100% max FAR (per the Zoning Ordinance), and the 85% max FAR (per the Zoning Ordinance). Additionally it will determine whether a FAR Modification is required.

The **Net Lot Area** does not include any Public Road Easements or Public Road Right-of-Way areas. The proposed **TOTAL Net FAR Floor Area** shall include the net floor area of all stories of all building, but may or may not include basement/cellar floor area. For further clarification on these definitions please refer to SBMC §28.15.083.

| | |
|---|---|
| ENTER Project Address: | 1925 E.C.D.L.L. - SB, CA 93109 |
| Is there a basement or cellar existing or proposed? | No |
| ENTER Proposed TOTAL Net FAR Floor Area (in sq. ft.): | 3,545 |

| | |
|---|---|
| ENTER Zone ONLY from drop-down list: | E-3 |
| ENTER Net Lot Area (in sq. ft.): | 3,431 |
| Is the height of existing or proposed buildings 17 feet or greater? | Yes |
| Are existing or proposed buildings two stories or greater? | Yes |
| The FAR Requirements are: | REQUIRED** |

| | |
|---|---|
| ENTER Average Slope of Lot: | 13.50% |
| Does the height of existing or proposed buildings exceed 25 feet? | Yes |
| Is the site in the Hillside Design District? | Yes |
| Does the project include 500 or more cu. yds. of grading outside the main building footprint? | Yes |
| An FAR MOD is required per SBMC §28.15 | |

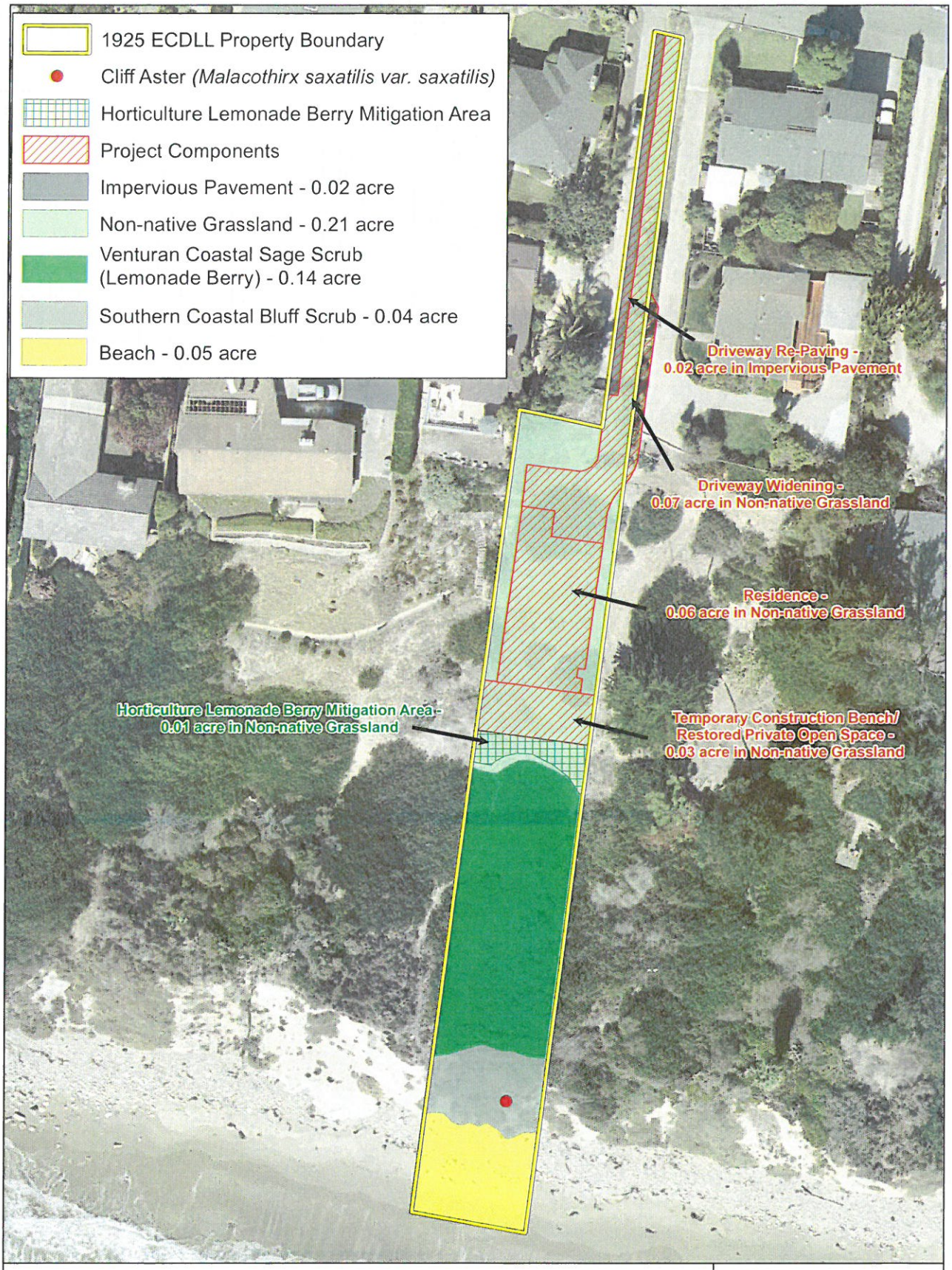
| | |
|---|---|
| FLOOR AREA RATIO (FAR): | 1.033226465 |
| Lot Size Range: | < 4,000 sq. ft. |
| MAX FAR Calculation (in sq. ft.): | 2,200 sq. ft. |
| 100% MAX FAR: | 0.641212474 |
| 100% MAX FAR (in sq. ft.): | 2200 |
| 85% of MAX FAR (in sq. ft.): | 1870 |
| 80% of MAX FAR (in sq. ft.): | 1760 |
| The 3545 square foot proposed total is 162.0% of the MAX FAR.* | |

* NOTE: Percentage total is rounded up.

**NOTE: If your project is located on a site with multiple or overlay zones, please contact Planning Staff to confirm whether the FAR limitations are "Required" or "Guideline".

Acreage Conversion Calculator

| | |
|---|---|
| ENTER Acreage to Convert to square footage: | 1.00 |
| Net Lot Area (in sq. ft.): | 43560 |




Attachment 2. Project Impact and Mitigation Map

wra
ENVIRONMENTAL CONSULTANTS

1925 El Camino de la Luz
Santa Barbara County, California

0 25 50 100 Feet

Date: May 2015
Map By: Michael Rochelle
Aerial: November 2011

Path: L:\Acad 2000 Files\20000\20165\gis\arcmap\May 2015\Project Impacts.mxd

EXHIBIT E

# ATTACHMENT 1 - ANNOTATED MAP DRAFT

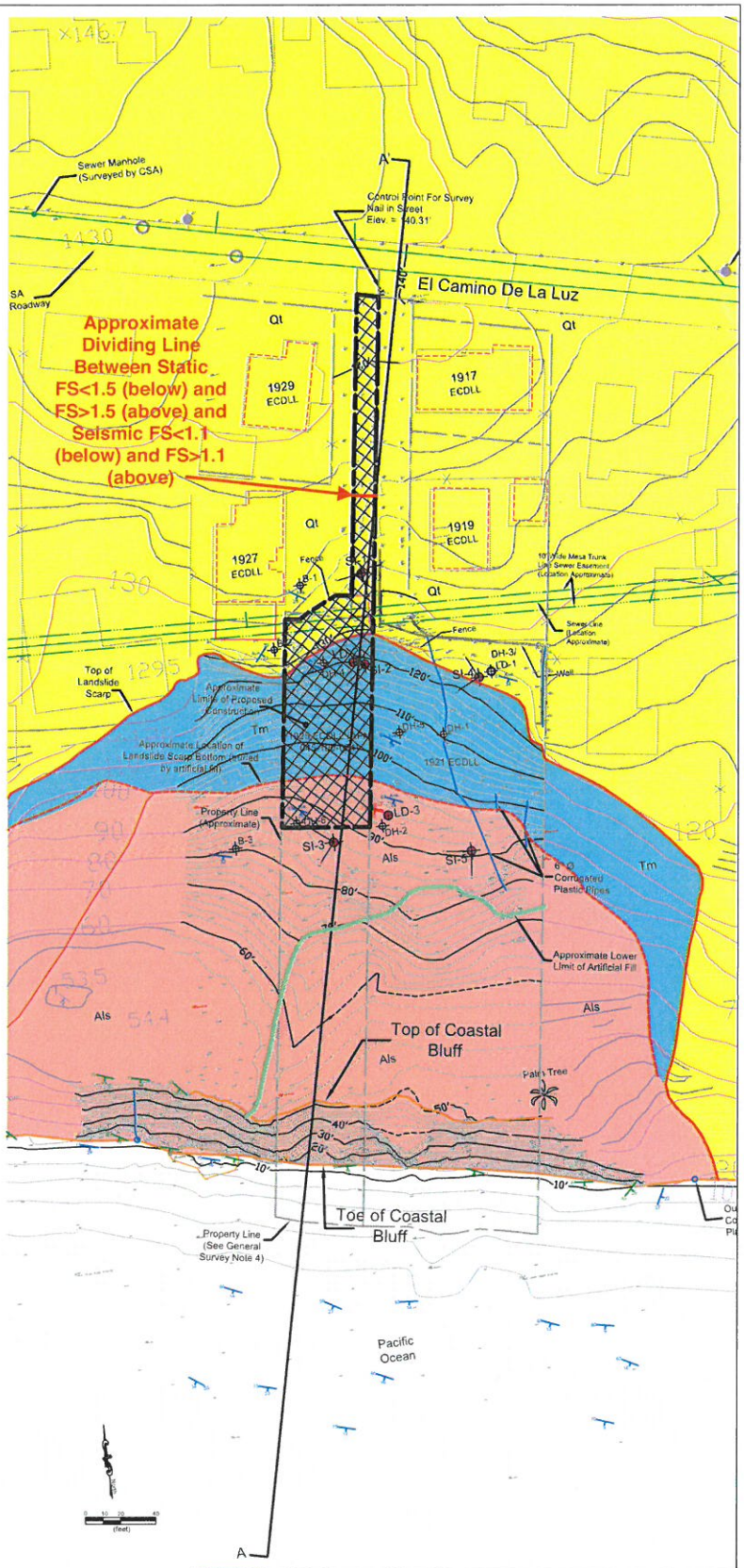
## EXPLANATION

### Earth Materials

- Qt — Quaternary Terrace Deposits
- Tm — Monterey Formation
- Als — Active Landslide

### Map Symbols

- SI-5 — Small-diameter boring with inclinometer casing and piezometers installed by Cotton, Shires and Associates, Inc. in May 2011
- LD-3 — Large-diameter boring drilled and logged by Cotton, Shires and Associates, Inc. in October 2011
- DH-6 — Large-diameter boring drilled by Padre Associates, Inc. in September 2005 (DH-1 and DH-2) and June 2006 (DH-3 through DH-6)
- B-3 — Large-diameter boring drilled by Campbell Geo, Inc. in December 2006
- Stratigraphic bedding orientations collected by Cotton, Shires and Associates, Inc.
- Average stratigraphic bedding orientations collected during the logging of large-diameter borings
- Bedding orientation on landslide basal rupture surface collected in large-diameter boring
- 70' — CSA 10' Contour
- CSA 2' Contour
- CSA 10' Contour (Approximate)
- CSA 2' Contour (Approximate)
- CSA Survey Point
- 60 — City of Santa Barbara 10' Contour
- City of Santa Barbara 2' Contour
- All Lines of This Color Indicate Features From City of Santa Barbara Map, Including, but not Limited to: Houses, Fences, Roads, Vegetation and Power Poles




SURVEY LIMITATIONS NOTES

1. This is not a map of a boundary survey. No property corners have been set as part of this work.

2. Survey monuments found in the course of this mapping are set by others, and have been used only as a reference for the purpose of topographic mapping, without our verification of their agreement with applicable legal descriptions and seniority of deeds.

3. Relation of topographic features (i.e., fences, walls, trees, power poles, etc.) to property lines as shown on this map is subject to the adjustments that a boundary survey may require.

4. This survey was prepared without the benefit of a Title Report. Easements, if shown, should be considered approximate in location.

5. If this map is provided in an electronic format as a courtesy to client, delivery of the electronic CAD file does not constitute delivery of a professional work product. The signed paper print delivered with this electronic CAD file constitutes our professional work product and, in the event the electronic CAD file is altered, the print must be referred to for the original and correct survey information. We shall not be responsible for any modifications made to the electronic CAD file or for any products derived from the electronic CAD file which are not reviewed, signed and sealed by us.

**General Survey Notes**

1) All dashed lines on this map represent features (houses, walls, topography, etc.) that have not been surveyed by Cotton, Shires and Associates and are approximate only.

2. Vertical Datum for CSA topography based on NOAA published value for mean lower low water (MLLW) in Santa Barbara.

3. City of Santa Barbara topography and features taken from map dated 4/10/95 (Revised April 1997) from County of Santa Barbara website (http://www.countyofsb.org/pwd/water/TopoFloodControl1.htm).

4. Southern property lines are based on the MHTL elevation of 4.63 feet above MLLW (MHTL from David Skelly, GeoSoils, Inc., "Wave Runup & Coastal Hazard Analysis, 1921 El Camino de la Luz & 1925 Camino de la Luz, Santa Barbara, Santa Barbara County, California").

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

**Site Plan and Geologic Map**
**1925 El Camino De La Luz**
**APN:045-100-024**
SANTA BARBARA, CALIFORNIA

| GEO/ENG BY | SCALE | PROJECT NO. |
|---|---|---|
| AM/TPS | 1"= 60' | G0058 |
| APPROVED BY | DATE | FIGURE NO. |
| JW | OCTOBER 2012 | 5 |

EXHIBIT F1

# ATTACHMENT 2 - ANNOTATED CROSS SECTION

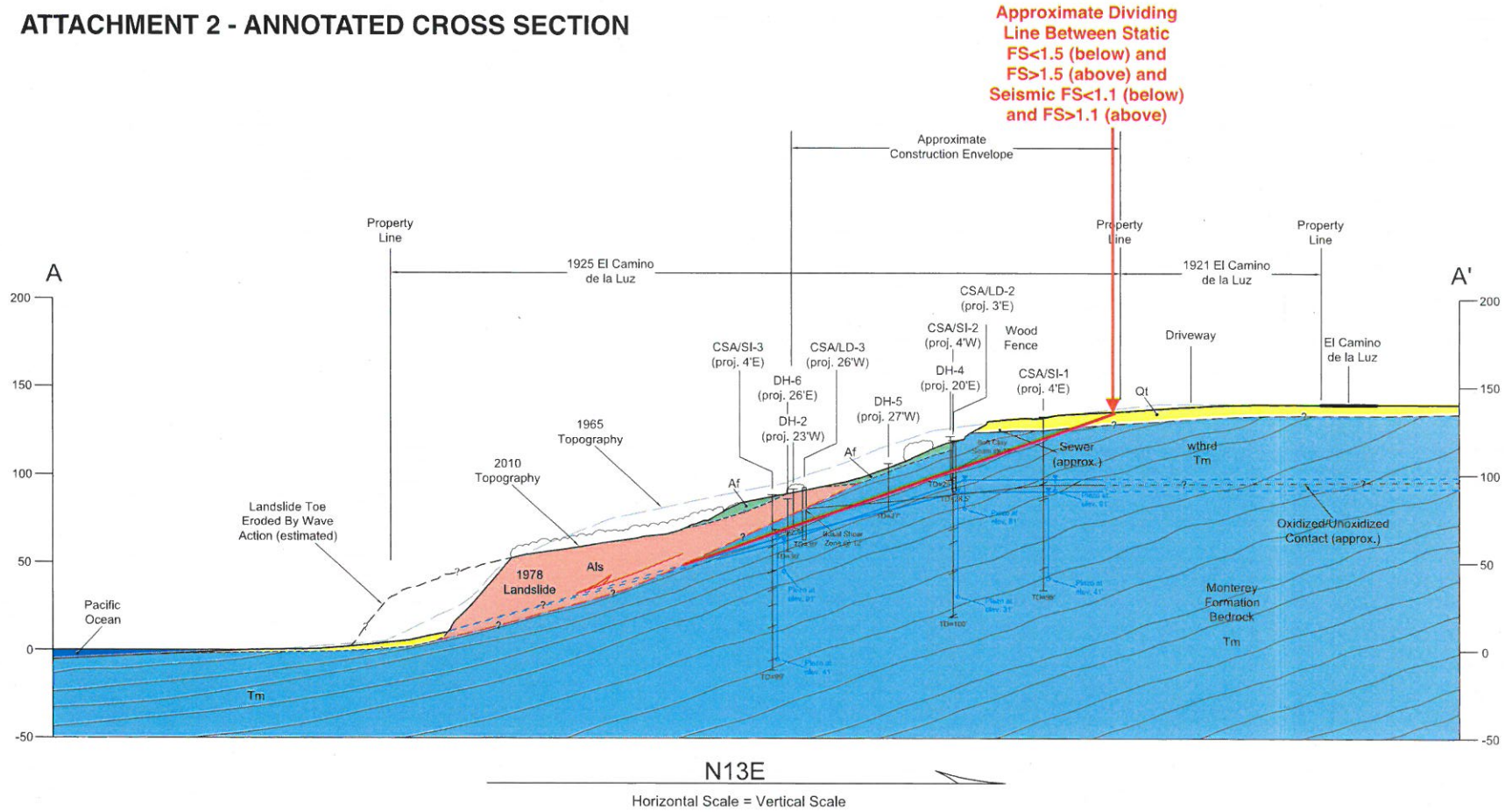


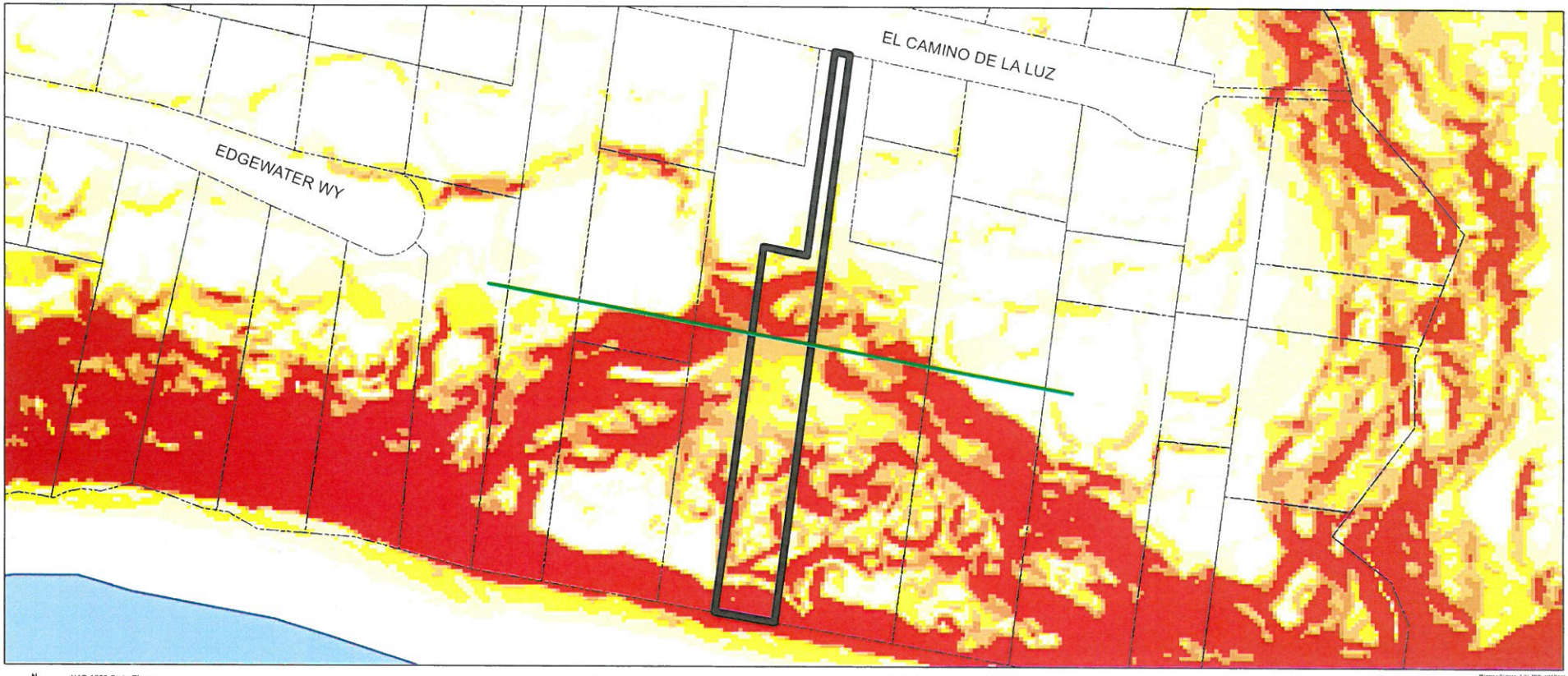

EXHIBIT F2

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

**Engineering Geologic Cross Section A-A'**
1925 El Camino De La Luz
APN:045-100-024
SANTA BARBARA, CALIFORNIA

| GEO/ENG BY | SCALE | PROJECT NO. |
|---|---|---|
| JD | 1"= 60' | G0058 |
| APPROVED BY | DATE | FIGURE NO. |
| JW | OCTOBER 2012 | 6 |

# SLOPE ALONG EL CAMINO DE LA LUZ




NAD 1983 State Plane
California V FIPS 0405 (Feet)

1:1,000

ElCamino500ft

**Slope Percent**

- below 10
- 10 - 20
- 20 - 30
- 30 - 40
- 40 - 50
- 50 and above

Note: The Slope Percent file was created by using 2009-2011
LIDAR data from the Coastal Conservancy in ArcMap using Spatial Analyst.

Source: https://coast.noaa.gov/dataviewer/index.html?redirect=301ocm&action=advsearch&qType=in&qFld=projectid&qVal=1005#

Document Path: Q:\GIS\LCP Maps\Other Maps and Working Files\Slope_usingSpatialAnalyst el camino de la luz_color April 2016.mxd

EXHIBIT F3

## 4. PROJECT ALTERNATIVES ANALYSIS

The Project team considered five project alternatives, in addition to the proposed Project and the "no project" alternative, during Project formulation and analysis: (1) *in situ* replacement of the pre-1978 landslide house, on a deep foundation and with landform stabilization, including the SWMS BMP's; (2) a one-story 1,000 sf house in the upper level location of the proposed house, with the garage, entry, and driveway/turn-around as shown on the plans for the proposed Project; (3) the proposed house with the garage located to the north of the lower driveway; (4) a cantilevered house suspended from caissons and beams in the lower driveway segment of the parcel and located south of the MTLS; and (5) alternative agricultural or group home uses that generally are allowed by the LCP Zoning Ordinance in the E-3 zoning district in which the Parcel is located.

(4.1.) *In situ* House Replacement. Implementation of the first alternative would (1) preclude the restoration of public views from the street to the Santa Barbara Channel and a considerable part of Santa Cruz Island, (2) require extension of the lower shear pin tie-backs beneath the MTLS and onto adjacent property on 1927 El Camino de la Luz that is not owned by others, and (3) produce a house with 1/3 less habitable space than the proposed residence. For reasons of inconsistency with the applicable City LCP, General Plan, and Municipal Code, view blockage, the necessary off-site location of a critical landform stabilization component, and proportionately increased per square foot costs of the Project, Alternative 1 is considered to be infeasible.

(4.2) 1,000 sf Small House Alternative. The second alternative would (1) reduce the habitable space of the house by 2/3, (2) proportionately increase the per square foot costs of the Project, while (3) reducing its quality of life value, (3) expose >14 feet (vertical) of the house foundation and/or lower shear pins, and (4) require walls up to that height along the east and west sides below the lower level of the house to screen them. For reasons of inconsistency with the applicable City LCP, General Plan, and Municipal Code, neighborhood incompatibility, and visual impacts, the minimum likely doubling in per-foot construction cost of the project and the diminished quality of life afforded by a 1,000 $ft^2$ house in comparison to the proposed 3,100 $ft^2$ habitable space, Alternative 2 is considered to be infeasible.

(4.3) Garage Location Alternative. The third alternative, which locates the garage in the proposed turnaround area to the northwest of the house, would (1) unavoidably reduce the turn-around vehicular maneuvering space on the driveway apron to below Municipal Code standards, or (2) in the alternative require extension of the structural development envelope to the south, with resultant intrusion in the proposed public view corridor from El Camino de la Luz to the Santa Barbara Channel. For reasons of inconsistency with the applicable City LCP, and Municipal Code, and neighborhood incompatibility, Alternative 3 is considered to be infeasible.



DALL & ASSOCIATES
Advisors and Consultants in Sustainable Coastal Management, Land Use, and Transportation
930 FLORIN ROAD., SUITE 200, SACRAMENTO, CALIFORNIA 95831 USA
Tel. (Direct): 916.392.0283 Fax: 916.392.0462 Sender's email: norbertdall@icloud.com

(4.4.) Cantilevered House Alternative. The fourth alternative would suspend a light-weight house from horizontal beams that extend south from deep caissons in the parcel's 12.5 feet driveway segment and over the MTLS easement. A tandem two-car garage and entry would be located above the beams adjacent to the lower driveway area. Such a beam-suspended structure could be located at or below elevation 130-132 feet MLLW, or alternately, if built on/ above the beams, extend vertically to at least elevation 140-144 feet MLLW, depending on roof design. Similar cantilevered houses have been constructed elsewhere; additional caissons may be necessary in the Monterey Formation that underlies the driveway. In either version, there would be no landform stabilization shear pins on the post-1978 landslide City (1978) and Doolittle (1984) graded slope near elevation 90, and thus no restoration of the Factor of Safety (FS 1.5 static, FS 1.1-1.2 seismic) in the landslide- and grading-impacted area, with a resultant continued unstabilized manufactured hillside on the Parcel.

Both the above- and below-beam sub-alternatives would (1) be elongated, narrow, and boxy, thus potentially less than fully consistent with the existing single family neighborhood residential character, (2) substantially block the public view from the street toward the Santa Barbara Channel either in the above-grade house configuration or by the tandem garage and entry, or both, and (3) add an additional prominently elevated structure to the line of existing structure to the west and east of the Parcel that are now part of the view shed from the lower beach plane, looking landward. For reasons of inconsistency with the applicable public view standards, neighborhood community character, construction impact minimization, and reduced landform stability protection provisions of the LCP, General Plan, and Municipal Code, alternative 3 is considered to be infeasible.

(4.5) Other Land Uses. The Municipal Code (LCP Zoning Ordinance) generally authorizes two
other land uses in the E-3 zoning district for parcels the size of the Project site: agriculture and group homes. However, the lack of soils, the less than 0.5 acre parcel size, landslide-impacted sloping terrain, absence of an available or affordable on-site water supply for commercial agricultural irrigation, and proximity of houses on the adjacent parcels render both in-ground and greenhouse agricultural use of the parcel infeasible. Similarly, the size, driveway geometry, reciprocal driveway easement limitations, and sloping terrain render the parcel unsuitable for group home development, parking, or emergency vehicle access.

(4.6) No Project Alternative. In the absence of purchase at fair market value of the Parcel by the City (or another public agency), the "no project" alternative would (1) preclude the Emprise Trust's lawful economic use of the parcel, (2) deny its constitutionally protected, substantial investment-backed right to such use, and forego (3) the proposed increased landform stability that benefits both private property and the MTLS, (4) dedication of the lateral beach public access easement, (5) dedication of the proposed public view corridor over the parcel, with



DALL & ASSOCIATES
Advisors and Consultants in Sustainable Coastal Management, Land Use, and Transportation
930 FLORIN ROAD., SUITE 200, SACRAMENTO, CALIFORNIA 95831 USA
Tel. (Direct): 916.392.0283 Fax: 916.392.0462 Sender's email: norbertdall@icloud.com

continued substantially blocked public views from the street to the Channel and Island, and (6) dedication of the coastal bluff and contiguous lemonade berry vegetation open space easement.

The proposed Project, as described in section 3, thus constitutes the regulatory standards-consistent and environmentally preferred alternative residentially developed use of the parcel.



DALL & ASSOCIATES
Advisors and Consultants in Sustainable Coastal Management, Land Use, and Transportation
930 FLORIN ROAD., SUITE 200, SACRAMENTO, CALIFORNIA 95831 USA
Tel. (Direct): 916.392.0283 Fax: 916.392.0462 Sender's email: norbertdall@icloud.com

**1925 EL CAMINO DE LA LUZ RESIDENCE (MST#2013-00240)**

**MITIGATION MONITORING AND REPORTING PROGRAM**

**June 22, 2016**

## PROJECT LOCATION

The project site address is 1925 El Camino de la Luz, located south of El Camino de la Luz, north of Pacific Ocean, in the Mesa neighborhood of the City of Santa Barbara

## PROJECT DESCRIPTION

The project proposal is for development of a 2,789 square foot (net) stepped three-story single-family residence (2,096 square-foot lot coverage, 30 foot maximum height). Associated project improvements would include a two-car garage (571 net square feet), private open space (3,152 square feet), driveway widening and restoration, hardscape and infrastructure improvements, three water storage tanks/ lap pool; drainage and storm water/water quality management system, utility connections, and native vegetation restoration and landscaping.

The development would entail initial demolition and removal of some existing infrastructure and debris (e.g., concrete paving and fencing to be replaced, landslide debris removal), and site stabilization and foundation design utilizing deep caissons into bedrock, shear-pins, and tie backs (drilled and poured in place construction). The project includes offers to dedicate to the City a lateral public recreational access easement across the back beach area of the parcel, an open space easement on the undeveloped portion of the property including slope and native lemonade berry vegetation area south of the development, and an air space public view corridor easement from El Camino de la Luz over the residence toward the Santa Barbara Channel, and access to retained storm water for municipal (non-potable) use. The duration of the demolition, grading, and construction process is estimated at 1.3 years.

## PURPOSE

The purpose of the Mitigation Monitoring and Reporting Program (MMRP) for the 1925 El Camino de la Luz project is to ensure compliance with all mitigation measures identified in the project environmental review documents (Initial Study and Mitigated Negative Declaration) to avoid or lessen potentially significant adverse environmental impacts resulting from the proposed project. The implementation of this MMRP shall be accomplished by project developer and their representative, and confirmed by City staff.

The program shall apply to the following phases of the project:

- Plan and specification preparation
- Pre-construction conference
- Construction of the site improvements
- Post Construction

**EXHIBIT G**

## I. RESPONSIBILITIES AND DUTIES

A qualified representative of the developer, approved by the City Planning Division and paid for by the developer, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of this mitigation monitoring and reporting program to the City. 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 this program.

It is the responsibility of the owner and contractor to comply with all mitigation measures listed in the attached MMRP matrix. Any problems or concerns between monitors and construction personnel shall be addressed by the PEC and the contractor. The contractor shall prepare a construction schedule subject to the review and approval of the PEC. The contractor shall inform the PEC of any major revisions to the construction schedule at least 48 hours in advance. The PEC and contractor shall meet on a weekly basis in order to assess compliance and review future construction activities.

## II. PRE-CONSTRUCTION BRIEFING

The PEC shall prepare a pre-construction project briefing report. The report shall include a list of all mitigation measures and a plot plan delineating all sensitive areas to be avoided. This report shall be provided to all construction personnel.

The pre-construction briefing shall be conducted by the PEC. The briefing shall be attended by the PEC, construction manager, consultants as applicable, Planning Division Case Planner, Public Works representative and all contractors and subcontractors associated with the project. Multiple pre-construction briefings shall be conducted as the work progresses and a change in contractor occurs.

The MMRP shall be presented to those in attendance. The briefing presentation shall include project background, the purpose of the MMRP, duties and responsibilities of each participant, communication procedures, monitoring criteria, compliance criteria, filling out of reports, and duties and responsibilities of the PEC and project consultants.

It shall be emphasized at this briefing that the PEC and project consultants have the authority to stop construction and redirect construction equipment in order to comply with all mitigation measures.

Once construction commences, field meetings between the PEC and project consultants, and contractors shall be held on an as-needed basis in order to create feasible mitigation measures for unanticipated impacts, assess potential effects, and resolve conflicts.

## II. IMPLEMENTATION PROCEDURES

There are three types of activities which require monitoring. The first type pertains to the review of the Conditions of Approval and Construction Plans and Specifications. The second type relates to construction activities and the third to any ongoing monitoring activities during operation of the project.

### A. MONITORING PROCEDURES

The PEC and required consultant(s) shall monitor all field activities. The authority and responsibilities of the PEC and consultant(s) are described in the previous section.

### B. REPORTING PROCEDURES

The following three (3) types of reports shall be prepared:

**1. Schedule**

The PEC and contractor shall prepare a monthly construction schedule to be submitted to the City prior to or at the pre-construction briefing.

**2. General Progress Reports**

The PEC shall be responsible for preparing written progress reports submitted to the City. These reports would be expected on a bi-weekly basis during grading, excavation and construction, activities. The reports would document field activities and compliance with project mitigation measures, such as for dust control and sound reduction.

**3. Final Report**

A final report shall be submitted to the Planning Division when all monitoring (other than long-term operational measures) has been completed and shall include the following:

a. A brief summary of all monitoring activities.

b. The date(s) the monitoring occurred.

c. An identification of any violations and the manner in which they were dealt with.

d. Any technical reports required, such as noise measurements.

e. A list of all project mitigation monitors.

## IV. MMRP MATRIX

The following MMRP Matrix describes each initial study mitigation measure and parties responsible for implementation, along with the timing and provides a checklist for monitoring and reporting activities.

The MMRP Matrix is intended to be used by all parties involved in monitoring the project mitigation measures, as well as project contractors and others working in the field. The Matrix should be used as a compliance checklist to aid in compliance verification and monitoring requirements. A copy of the MMRP matrix shall be kept in the project file as verification that compliance with all mitigation measures has occurred.

## V. TECHNICAL REPORT RECOMMENDATIONS

The recommendations from the technical reports referenced in the MMRP matrix are attached. Attachment 1: Biological Reconnaissance Report & Update (WRA Environmental Consultants, June 2012, April 2015); Attachment 2: Geologic and Geotechnical Investigation (Cotton, Shires & Associates, October 2012); and Attachment 3: Hydrology Report (Cotton, Shires & Associates, June 2015).

# 1925 EL CAMINO DE LA LUZ RESIDENCE PROJECT (MST#2013-00240)
## MITIGATION MONITORING AND REPORTING PROGRAM MATRIX

| MITIGATION MEASURE | PARTIES RESPONSIBLE FOR IMPLEMENTATION | VERIFICATION | | |
|---|---|---|---|---|
| | | DATE | ACCOMPLISHED | COMMENTS |
| **VISUAL RESOURCES** | | | | |
| ***Visual Resources Recommended Measure***<br>**V-1** ***Lighting Design.*** The applicant shall submit a detailed project lighting plan for approval by Single Family Design Board as part of the project preliminary and final design review approvals. | Owner/Applicant | | | |
| **BIOLOGICAL RESOURCES** | | | | |
| **Biological Resources Mitigation**<br>**B-1** **Bird Nesting.** Removal of vegetation shall be avoided during the bird nesting season (February 15 to September 15) where feasible, or a qualified biologist shall conduct a nesting bird survey prior to removal of vegetation scheduled to occur from February 15 through September 15. If nesting is found, a qualified biologist shall establish a protective buffer around the nest as needed, and the vegetation shall not be removed until after the young have fledged. | Owner/Applicant<br>Construction Contractor | | | |
| ***Biological Resources Recommended Measure***<br>**B-2** ***Habitat Restoration and Landscaping.*** Final project plans approved by the Single Family Design Board and shall include project components to implement measures identified by project biologist reports for restoring native species vegetation following project construction and providing compatible landscaping. Final restoration and landscape plans will incorporate biologist–recommended measures for plant species, locations and timing for planting vegetation; local source for native plant species; erosion control, initial irrigation, and other establishment measures; performance criteria; and monitoring and demonstration of establishment success (two years for private open space and lemonade berry mitigation; five years for coastal bluff scrub) with final measures approved by the City prior to issuance of grading and building and occupancy permits. | Owner/Applicant<br>Construction/Landscape /Biologist Contractors | | | |

| MITIGATION MEASURE | PARTIES RESPONSIBLE FOR IMPLEMENTATION | VERIFICATION | | |
|---|---|---|---|---|
| | | DATE | ACCOMPLISHED | COMMENTS |
| **GEOLOGY AND SOILS** | | | | |
| **Geology and Soils Mitigation**<br>**G-1 Slope Stability and Erosion Control.** Final project plans will incorporate measures recommended by project geology reports to ensure long-term slope stability and erosion control, and measures recommended by project geology reports to ensure short-term stability and erosion control during the site preparation and construction process, with final measures approved by the City prior to issuance of grading and building permits. | Owner/Applicant<br>Construction Contractor<br>Geologist Contractor | | | |
| **NOISE** | | | | |
| **Noise Mitigation**<br>**N-1 Construction Hours.** Higher noise-generating construction equipment and activities (use of jackhammers, drilling for caissons, etc.) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. Construction is prohibited on the following holidays: New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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 holiday.*<br>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 City 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. | Owner/Applicant<br>Construction Contractor | | | |

| MITIGATION MEASURE | PARTIES RESPONSIBLE FOR IMPLEMENTATION | VERIFICATION | | |
|---|---|---|---|---|
| | | DATE | ACCOMPLISHED | COMMENTS |
| **NOISE (CONTINUED)** | | | | |
| **Noise Mitigation**<br>**N-2 Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. | Owner/Applicant<br>Construction Contractor | | | |
| **Noise Mitigation**<br>**N-3 Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of the project construction process, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. 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 the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. | Owner/Applicant<br>Construction Contractor | | | |
| ***Noise – Recommended Measure***<br>N-4 ***Construction Hours Limitations.*** Requirements in mitigation measure N-1 are superseded by the following provisions: All construction activities shall be prohibited on weekends and shall be permitted only on weekdays between the hours of 8:30 a.m. and 4:00, with the exception of ten specified holidays when construction activities shall also be prohibited:<br>New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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 holiday.* | Owner/Applicant<br>Construction Contractor | | | |

| MITIGATION MEASURE | PARTIES RESPONSIBLE FOR IMPLEMENTATION | VERIFICATION | | |
|---|---|---|---|---|
| | | DATE | ACCOMPLISHED | COMMENTS |
| **NOISE (CONTINUED)** | | | | |
| ***Noise – Recommended Measure***<br>N-5 ***Construction Equipment Sound Controls.*** Requirements in mitigation measure N-2 are further specified as follows: Equipment and vehicle mufflers and silencing devices shall be operating whenever equipment and vehicles are in use for the project. All diesel equipment shall be operated with closed engine doors. Unnecessary idling of internal combustion engines shall be prohibited during project construction processes. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. | Owner/Applicant<br>Construction Contractor | | | |
| ***Noise – Recommended Measure***<br>N-6 ***Neighbor Notification.*** Requirements in mitigation measure N-3 are augmented as follows: Additional notification of neighbors within 300 feet of the project area shall be provided one week prior to a changed construction schedule. A sign (with minimum font size of 0.5 inch) with the information required by mitigation measure N-1 shall be posted at the point of entry to the site immediately upon building permit issuance and upon any subsequent update notifications. | Owner/Applicant<br>Construction Contractor | | | |
| ***Noise – Recommended Measure***<br>N-7 ***Construction Noise Barriers.*** Stationary construction equipment that generates noise exceeding 50 dBA at the property boundary shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. | Owner/Applicant<br>Construction Contractor | | | |
| ***Noise – Recommended Measure***<br>N-8 ***Building Crack Video.*** Prior to commencement of construction processes, the project permittee shall provide for prior two-week notification of neighbors and video documentation of existing cracks in buildings and other structures within 300 feet of the project site, and shall submit it to the City of Santa Barbara. Prior to issuance of certificate of occupancy, the project permittee shall provide for prior two-week neighbor notification and video documentation of post-construction condition of buildings and other structures, and shall compensate any neighbors for repair of cracks caused by the construction process. | Owner/Applicant<br>Construction Contractor | | | |

| MITIGATION MEASURE | PARTIES RESPONSIBLE FOR IMPLEMENTATION | VERIFICATION | | |
|---|---|---|---|---|
| | | DATE | ACCOMPLISHED | COMMENTS |
| **WATER QUALITY/HYDROLOGY** | | | | |
| ***Water Quality/Hydrology – Recommended Measure***<br>**WQH-1** ***Drainage and Storm Water Management.*** Final project plans shall incorporate project components for temporary construction erosion and sediment control and water quality facilities and operations, and post-construction permanent drainage and storm water management facilities and operation/maintenance provisions. Approved drainage and storm water facilities and operations/maintenance provisions shall reflect technical study recommendations and be consistent with City policies, ordinances, and guidelines for construction erosion and sediment control, and permanent storm water management addressing water volumes and water quality. | Owner/Applicant<br>Construction Contractor | | | |

**1925 EL CAMINO DE LA LUZ RESIDENCE (MST#2013-00240)**
**MITIGATION MONITORING AND REPORTING PROGRAM**
**June 22, 2016**

Recommendations from
Biological Reconnaissance Report (June 2012) and
Biological Reconnaissance Report Update (April 30, 2015)
Prepared by WRA Environmental Consultants, Inc.

**ATTACHMENT I**

## 6.0 RECOMMENDATIONS

WRA recommends that the 1925 El Camino de la Luz parcel restoration and residential reuse project incorporate the following suite of enhancement and conservation measures as part of the project description (e.g., in the regulatory permit application) and as specific project implementation components. The purpose of these specific recommendations is to document, and assure as a matter of project development and use, that the project in fact (demonstrably) will have no significant adverse direct, indirect, or cumulative effects on protected biological resources.

### 6.1 Private Open Space Areas Upslope of the House

Private open space areas between the house and the driveway, and along the east side of the driveway, may be planted with non-invasive and drought-tolerant horticultural species, although locally or regionally genetic native vegetation that meets Fire Department fuel load standards (e.g., can be mowed or trimmed) is preferred. In-ground plants should be planted or seeded, in suitably prepared planting pockets on the restored hillside slope, prior to the start of the local rainy season. Irrigation, if any, should be strictly limited to plants set in containers and sufficiently sized impermeable water retaining bases. Drip irrigation, with automatic shut-off valves, only from on-site beneficial reuse water tank(s) should be allowed only during periods of extended drought or plant establishment. Table 2 contains the recommended species list for this project component; these plants are locally or regionally available from native plant nurseries. Figure 9, the Restoration and Residential Reuse Project Vegetation Plan, illustrates the approximated planting zone for these species. If desired, a local landscape architect may be retained to quantify the number of respective plants required for, and to oversee rigorous implementation of, the Vegetation Plan.

Table 2. Recommended species for use in areas upslope of the house.

| Species | Common Name |
|---|---|
| Grasses and Herbs | |
| *Achillea millefolium* | yarrow |
| *Epilobium canum* | California fuchsia |
| *Euthamia occidentalis* | western goldenrod |
| *Fragaria californica* | California strawberry |
| *Iris douglasiana* | Douglas iris |
| *Melica imperfecta* | chaparral melica |
| *Muhlenbergia rigens* | deergrass |
| Shrubs | |
| *Artemisia californica* | California sage |
| *Encelia californica* | coast sunflower |
| *Eriophyllum confertiflorum* | golden yarrow |
| *Keckiella cordifolia* | climbing penstemon |
| *Salvia leucophylla* | purple sage |

### 6.2 Private Open Space Areas Downslope of the House

The restored slope (private open space) below the house and upslope from the contiguous lemonade berry stand should be prepared and planted with low stature native vegetation consistent with applicable fire safety objectives to avoid the need for irrigation of the restored hillside slope. Table 3 contains the recommended species list for this project component, which are locally or regionally available from native plant nurseries. Replacement lemonade berry shrubs for the three shrubs located within the development envelope should be planted in a suitable location relative to the existing contiguous lemonade berry stand. Figure 9, the Restoration and Residential Reuse Project Vegetation Plan, illustrates the approximated planting zone of this area. If desired, a local landscape architect may be retained to quantify the number of respective plants required for, and to oversee rigorous implementation of, the Vegetation Plan. The replacement lemonade berry shrub should be photo-documented within 15 days of planting, with a concise

monitoring report to be sent electronically within 5 working days thereafter to the City Planning Division, WRA, and Dall & Associates.

Table 3. Recommended species for use in areas downslope of the house

| **Species** | **Common Name** |
|---|---|
| Grasses and Herbs | |
| *Achillea millefolium* | yarrow |
| *Eschscholzia californica* | California poppy |
| *Euthamia occidentalis* | western goldenrod |
| *Fragaria californica* | California strawberry |
| *Melica imperfecta* | chaparral melica |
| Shrubs | |
| *Artemisia californica* | California sage |
| *Encelia californica* | coast sunflower |
| *Eriogonum fasciculatum* | California buckwheat |
| *Eriophyllum confertiflorum* | golden yarrow |
| *Hazardia squarrosa* | sawtooth goldenbush |
| *Isocoma menziesii* | coastal goldenbush |
| *Mimulus aurantiacus* | sticky monkeyflower |
| *Rhus integrifolia* | lemonade berry |
| *Salvia leucophylla* | purple sage |

### 6.3 Pre-Construction Bird Nesting Survey

Although no nesting birds were observed in the contiguous lemonade berry stand or in other vegetation on the parcel during the 2010 and 2011 biological reconnaissance site visits, a pre-construction/pre-grading nesting survey of the contiguous lemonade berry stand and the Southern coastal bluff scrub vegetation should be performed by a qualified biologist if ground disturbance is proposed within 100 feet of the contiguous lemonade berry stand on the parcel during the nesting bird season (February 1 – August 31). If ground disturbance begins outside of this

window no pre-construction survey is needed. If an active nest is located, a suitable buffer should be established specific to the species, the size of which is to be determined by a qualified biologist. No ground disturbance should occur within that buffer until the young in the nest have fledged. This will avoid any potential impacts on avian species that may, following this biological reconnaissance report and City regulatory permit issuance, be nesting on the parcel. An electronic copy of the nesting survey should be transmitted to the City within 5 working days following its completion.

### 6.4 Pre-Construction Monarch Roost Survey

Several large trees are present on the adjacent property to the east (1921 ECDLL) that have the potential to serve as a monarch butterfly roost. Although no monarchs have been observed roosting in the trees and there is not a documented occurrence known from the site, there is a documented occurrence within a quarter mile. Therefore, if construction activities within 100 feet of the trees on adjacent 1921 ECDLL are scheduled from October through February, a monarch winter roost survey is recommended. If any tree within this radius is found to serve as a monarch roost, a qualified biologist will confer with City and California Department of Fish and Game (CDFG) staff to coordinate implementation of applicable significant impact avoidance measures from the restoration and residential reuse project at 1925 ECDLL. Potential mitigation measures include, but are not limited to, limiting project construction to activities to those greater than 100 feet from the roost, installing noise barriers between the construction area and the roost trees to reduce construction noise reaching the roost, having a full-time biological monitor watch the roost during construction activities to observe if disturbance to the monarchs is occurring in which case construction would be postponed until the roost was abandoned.

### 6.5 Southern Coastal Bluff Scrub

During the 75-year economic life of the project, photo monitoring and reporting of the Southern coastal bluff scrub vegetation community on the coastal bluff should be performed and reported to the City prior to the start of construction of the restoration and residential reuse project and thereafter on the 1st-5th, 7th, 10th, and subsequent decadal anniversary dates of City discretionary project approval. The photo documentation shall consist of high resolution color photo imagery from the following photo origination points and along the following headings: (1) From

the southeasterly parcel corner (at the mean high tide line on the beach, as shown by CSA on its September, 2011 topographic survey map), looking north toward the coastal bluff; (2) From a point 25 feet west of the southeasterly corner of the parcel (at the mean high tide line on the beach, as shown by CSA on its September, 2011 topographic survey map), looking north toward the coastal bluff; (3) From the southwesterly parcel corner (at the mean high tide line on the beach, as shown by CSA on its September, 2011 topographic survey map), looking north toward the coastal bluff; (4) From the toe of the coastal bluff at the easterly property line of the parcel, looking west; (5) From the toe of the coastal bluff at the westerly property line of the parcel, looking east; (6) From the top of the coastal bluff along the westerly parcel boundary, as shown by CSA on its September, 2011 topographic survey map, looking east; and (7) From the top of the coastal bluff along, or near, the easterly parcel boundary, as shown by CSA on its September, 2011 topographic survey map, looking west. No storm water drain lines should discharge to, or be located in or on, the Southern coastal bluff scrub vegetation community on the parcel. Any significant changes in the coastal bluff scrub (involving gain or loss of ≥20% in native vegetation coverage on the coastal bluff face, relative to the coverage shown on Figure 8) should be noted and photo-documented on the monitoring report. An electronic copy of the report and photo documentation should be transmitted to the City, WRA, and D&A within 15 working days following its completion.

### 6.6 Tree Planting

No trees should be planted or allowed to become established on the parcel below the elevation of the proposed lower shear pin row (CSA, 2012), to avoid new loading and potential destabilization of the restored hillside.

### 6.7 Invasive Exotic Vegetatio n

Colonizing invasive exotic vegetation (including, but not limited to, pampas grass and ice-plant) should be removed from the parcel prior to the start of grading or construction. Species to be removed include those on the California Invasive Plant Council (Cal-IPC) "High" and "Moderate" list (Cal-IPC 2006). Removal of invasive exotic vegetation from the parcel should be photo-documented within 15 days of its completion, with a concise monitoring report to be sent electronically within 5 working days thereafter to the City Planning Division, WRA, and D&A.

### 6.8 Contiguous Lemonade Berry Fuel Load Management

Consistent with the fuel load management requirements of the City's Fire Code (Chapter 8, Municipal Code), non-mechanical management of lemonade berry basal detritus for fire safety shall be performed consistent with conservation of the adjacent coastal bluff scrub vegetation pursuant to the following recommended criteria: (1) care should be taken to prevent impacting living lemonade berry plants, (2) detritus should be removed by hand or using non-mechanized hand tools, (3) detritus should be removed during the non-breeding season (September 1 to January 31) to prevent potential impacts to breeding birds, and (4) photo-point/area-specific monitoring and reporting should be sent electronically, within 5 working days following its completion, to the City Planning Division, WRA, and D&A.

### 6.9 Rodent Control

Rodents that are presently burrowing into the weathered City (1978) grading envelope should be controlled through best management practices to avoid, to the maximum extent feasible, the establishment of new burrows or tunnels that may function to infiltrate water into the Monterey Formation.

***Native Vegetation and Mitigation Monitoring***

In response to City preliminary review team staff query about the appropriate length of recommended post-project completion biological resources monitoring, WRA, on the basis of the evolved project description (including, but not limited to, the Hydrology Report [CSA, 2015]) clarifies its recommendation in the 2012 Report as follows:

(a) **Section 6.2, Private Open Space Areas Downslope of the House and Horticultural Lemonade Berry Mitigation Area** (2012 Report, pp. 26-27)

The restored slope (private open space) below the house and upslope from the contiguous lemonade berry stand should be prepared and planted with low stature native vegetation consistent with applicable fire safety objectives to avoid the need for irrigation of the restored hillside slope. Table 2 contains the recommended species list for this project component, which are locally or regionally available from native plant nurseries. Replacement lemonade berry shrubs for the three shrubs located within the development envelope should be planted in a suitable location relative to the existing contiguous lemonade berry stand. Planting should occur concurrent with the onset of the fall rainy season to minimize the need for irrigation during the establishment period. Figure 9, the Restoration and Residential Reuse Project Vegetation Plan, illustrates the mitigation planting zones in HR subcatchments 18 (primary), 17, and 5 (secondary, as necessary). If desired, a local landscape architect may be retained to further quantify the number of respective plants required for, and to oversee rigorous implementation of, the Vegetation Plan. The replacement lemonade berry shrubs should (1) be photo-documented within 15 days of planting, and (2) two (2) years after planting, to document establishment success, with a concise monitoring report to be sent electronically within five (5) working days thereafter to the City Planning Division, WRA, and Dall & Associates.

(b) **Section 6.5 Southern Coastal Bluff Scrub** (2012 Report pp. 28-29)

Photo monitoring and electronic reporting of the condition of the Southern coastal bluff scrub vegetation community on the coastal bluff should be performed (1) prior to the start of construction or grading, whichever comes first, of the restoration and residential reuse project, and thereafter (2) on the 1st anniversary of the issuance of the Occupancy Permit for the project, (3) following the occurrence of a rain storm event greater than 6.71 inches/24 hours at Santa Barbara County measurement station 234 within the first five years following the completion of planting, and (4) following the occurrence of any substantial (>100 sf) erosion or other loss of native vegetation on the coastal bluff within the first five years of planting. The photo documentation shall consist of color photo imagery from the following photo origination points and along the following directions: (1) From the southeasterly parcel corner (at the mean high tide line on the beach, as shown on the project topographic survey map), looking north toward the coastal bluff; (2) From a point 25 feet west of the southeasterly corner of the parcel (at the mean high tide line on the beach, as shown on said map), looking north toward the coastal bluff; (3) From the southwesterly parcel corner (at the mean high tide line on the beach, as shown on said map), looking north toward the coastal bluff. Any significant changes in the coastal bluff scrub (involving gain or loss of ≥10% in native vegetation coverage on the coastal bluff face, relative to the coverage shown on Figure 8 of our 2012 Report) should be noted and photo- documented on the monitoring report. An electronic copy of the report and photo documentation should be transmitted to the City, WRA, and D&A within five (5) working days following its completion.

**1925 EL CAMINO DE LA LUZ RESIDENCE (MST#2013-00240)**
**MITIGATION MONITORING AND REPORTING PROGRAM**
**June 22, 2016**

Recommendations from

Geologic and Geotechnical Investigation (October 12, 2012)

Prepared by Cotton, Shires and Associates, Inc.

**ATTACHMENT 2**

## 6.0 GEOTECHNICAL DESIGN RECOMMENDATIONS

### 6.1 Foundation Design Considerations

The principal factors affecting foundation selection are the variable thickness of landslide debris underlying the downslope side of the residential reuse area on the subject parcel, the weaker weathered bedrock, and the potentially weaker bedding planes of both the unweathered and weathered bedrock. We have provided recommendations for protecting the proposed residential reuse envelope (which is primarily upslope of the 1978 landslide) with two (upper and lower) rows of shear pins designed to minimize potential landslide impacts. The lower row of shear pins will include one row of tiebacks, whereas the upper row will not need to be equipped with tiebacks. The upper shear pin row is shown to be at approximate elevation 113 feet, but can be moved upward or downward slightly to accommodate the residence foundation layout (see Figures 7 and 8, Conceptual Slope Stabilization Plan and Conceptual Slope Stabilization Cross Section A-A', respectively). In addition, upslope of the tied-back row of shear pins, we are recommending a drilled, cast-in-place pier and grade beam foundation system for the proposed residence with piers extending a sufficient depth (20 feet) into intact bedrock.

### 6.2 Foundation Design Criteria

**6.2.1 Cast-in-Place Drilled Piers** - The residence and garage should be supported on reinforced concrete piers. The drilled, cast-in-place piers should derive vertical support from adhesion (skin friction) in competent, intact bedrock as determined in the field by the Project Engineering Geologist/Geotechnical Engineer at the time of construction. Residential design may utilize the upper shear pins as part of the foundation support, as deemed appropriate by the Project Structural and Geotechnical Engineers. Piers should be sized according to the following criteria:

Vertical Capacity - minimum three (3) pier-diameter spacing apart
Minimum pier diameter_____18 inches
Minimum pier penetration into competent weathered bedrock____20 feet

Allowable adhesion (skin friction), for reinforced concrete dead plus live loads:
In weathered bedrock_____475 psf

Lateral Passive Resistance - piers [equivalent fluid pressure applied over an effective width of two (2) pier diameters]
Below 2 feet in weathered bedrock material_____450 pcf

The above adhesion value (skin friction) can be increased by 1/3 for seismic loading and should be decreased by 1/2 for uplift. The upper portion of the piers should be formed to create vertical surfaces, and "mushrooming" of pier tops and over-pours around grade beams should be prevented. Drilled pier holes should be machine cleaned of all loose material prior to the placement of steel and concrete. Piers should be steel reinforced with a cage including a minimum of 4, No. 5 bars vertical (with greater reinforcement as required by the Project Structural Engineer). Casing could be necessary to prevent caving, especially in soils or landslide debris.

Water may be present in the pier holes, consequently, prior to placing concrete, the water should be pumped out until the pier holes are dry, or the concrete should be poured by tremie methods to displace the water. All pumped water and/or concrete overspill should be collected so as not to run freely across the ground surface and be disposed of offsite and outside of the coastal zone. All piers should be connected at their tops by a continuous structural slab/mat that in turn will support the structure.

6.2.2 **Shear Pins** – Shear pins should have a minimum diameter of at least 30 inches, and be at least 40 feet long (deep). In addition, the shear pins on the lower row should extend a minimum of 30 feet into unweathered bedrock or beneath the pad subgrade (whichever is deeper). Both shear pin rows (upper and lower) should consist of drilled, cast-in-place reinforced concrete piers that derive passive resistance to lateral forces in firm bedrock material, and be spaced at maximum 6 feet on-centers. Our analysis indicates that the shear pins should be designed to provide a minimum landslide resistant shear capacity of 40 kips (6.67 kips/ft) applied as a point load at a depth of 15 feet below top of shear pin for the lower row and a minimum landslide resistant shear capacity of 50 kips (8.33 kips/ft) 20 feet below top of shear pin for the upper row, or as a uniform load of 444 psf applied over a depth of 15 feet for the lower row and 417 psf applied over a depth of 20 feet for the upper row (analyze for both types of loading separately, and use the most critical case for design for each row).

The lateral loads can be resisted by passive pressure against the side of the shear pins using the Lateral Passive Resistance recommendation provided in Section 6.2.1, Cast-in-Place Drilled Piers, in the preceding recommendations, and tiebacks as described in the

following recommendations. A traffic surcharge of 250 psf uniform pressure should be included and applied against the top 10 feet of the piers and shear pins where the driveway/garage is within a 1:1 projected line up from a depth of 10 feet. Shear pins can be constructed using either wide flange steel beams or reinforcing bars (minimum of 9, No. 9 evenly spaced vertical bars encased by No. 3 spiral with a 3-inch pitch or greater reinforcement as required by the Project Structural Engineer).

6.2.3 **Tiebacks** – Our analysis indicates that the lower shear pin row should be equipped with at least one row of tiebacks located 7 feet below the existing ground surface and have a design capacity of 100 kips, and be tested to 1.33 times the design load. The tiebacks should be declined 20 degrees upslope and into the hillside, have an unbonded length of roughly 35 feet and have a minimum bonded length of 30 feet (or greater as determined by the tieback contractor in order to achieve design and testing capacities) in the unweathered bedrock, and should not extend beyond the east-west property line of 1925 El Camino De La Luz with 1927 El Camino De La Luz which is 117 feet landward of the lower shear pins. The tiebacks should be structurally connected to the shear pins and be double corrosion protected. The design adhesion in the bonded zone should be determined by the tieback contractor.

## 6.3 Mat Floor Foundation

For a mat foundation, the subgrade should be prepared as recommended under Site Grading (Section 6.4). The mat should be at least 12 inches thick and reinforced with minimum No. 4 steel reinforcing bars at maximum 16 inches on center, both ways, and crack control joints should be provided at maximum 12-foot intervals, both ways. Steel reinforcement may be increased and expansion joints may be added as required by the Project Civil or Structural Engineer.

## 6.4 Site Grading

Based on our field investigation, shallow grading excavations should be within the capabilities of heavy-duty excavation equipment (i.e., excavators, dozers, and large drill rigs); however, deeper excavations may require "ripping" and/or a "hoe-ram" to excavate. It should be noted that we encountered high blow counts in our small-diameter borings and very difficult drilling conditions in the large-diameter borehole exploration in the unweathered bedrock material.

6.4.1 **Site Preparation** - All loose material, vegetation, concrete, large rocks, debris, and other deleterious material, without limit, should be stripped and removed from the development envelope on the parcel, for disposal offsite and outside the coastal zone pursuant to applicable entitlement or license. In areas on the parcel to be filled, the exposed surface should be scarified to at least an 8-inch depth, moisture conditioned to at least optimum moisture content and compacted to at least 90 percent relative compaction based on ASTM D-1557-12. The subgrade beneath all fills should be keyed and benched as the fill is placed and brought upslope.

6.4.2 **Compacted Fill** – Excavated on-site material can be re-used as compacted fill provided it is free of organic matter and material (rocks) larger than 4 inches in diameter. Imported fill should be free of organic material and be certified weed free; it should contain no material larger than 4 inches and should have a plasticity index (P.I.) of less than 16. The fill should be placed in horizontal lifts not exceeding 8 inches in loose thickness, moisture conditioned to at least optimum moisture content, and compacted to at least 95 percent relative compaction beneath structures, slabs and within 18 inches of the aggregate baserock for pavements, and 90 percent relative compaction elsewhere based on ASTM D-1557-12.

6.4.3 **Utility Trench Backfill** - Utility trenches should be backfilled with approved, on-site soil. Bedding materials for pipes should be graded and placed in accordance with the manufacturer's recommendations. The backfill should be compacted to at least 90 percent relative compaction based on based on ASTM D-1557-12. Equipment and methods should be used that are suitable for work in confined areas without damaging trench walls or conduits.

6.4.4 **Cut Slope Design** – During the dry season, temporary cut slopes of 1.5:1 (H:V) in soils and 1:1(H:V) in bedrock should be satisfactory provided that they are inspected and approved by our field representative at the time of construction and monitored daily during construction. However, due to the dip slope bedding planes, some cuts may not be stable, and may require shoring regardless of inclination. Excavation methods, shoring, bracing and safety of excavations are the responsibility of the contractor. All excavations should comply with applicable local, State and Federal safety regulations.

## 6.5 Retaining Wall Designs

The following section provides our recommendations for design of site retaining walls.

6.5.1 **Retaining Walls** – Retaining walls should be supported on drilled, cast-in-place piers and designed according to the Foundation Design Criteria (Section 6.2.1) provided above. The retaining walls that are free to rotate should be designed to resist an active lateral equivalent fluid pressure of 50 pounds per cubic foot (pcf) for the existing slope inclination (we should be contacted in the event that backfill inclinations will exceed the existing 2.25:1 slope). The above active lateral fluid pressures should be increased by 50% for walls that are restrained from rotation (residential walls). The lateral loads on the retaining wall can be resisted by passive pressure against the sides of the piers using the lateral passive resistance provided both in foundation design criteria, above. For seismic loading, a dynamic resultant force acting at 1/3H up from the bottom of the wall and equal to an equivalent fluid pressure of 16 pcf should be applied to all residential retaining walls greater than 5 feet in height and any site walls located within a horizontal distance to the residence of the wall height or less.

6.5.2 **Backdrain** - Backdrains should be constructed behind all retaining walls. The backdrain should consist of a minimum 12-inch wide continuous blanket of either Caltrans Class 2 Permeable Material or 3/4-inch x 1/2-inch clean crushed drainrock enclosed in Mirafi 140N (or approved equivalent) filter fabric, and extended to within 1 to 1-1/2 feet of the ground surface where an impervious fill and/or asphaltic concrete cap should be placed. A minimum 4-inch diameter PVC Schedule 40 perforated drain pipe should be placed near the bottom of the drainrock (perforations down), surrounded by a minimum of 4 inches of drainrock with at least 2 inches of drainrock underlying the pipe. All backdrain pipes should be sloped to drain at a minimum of 1/2 percent and be collected in 4-inch diameter, non-perforated Schedule 40 PVC pipes which are sloped a minimum of 2 percent and discharged away from the landslide and in a suitable area which won't result in erosion.

## 6.6 Slabs-on-Grade and Concrete Flatwork

Slabs-on-grade and concrete flatwork subgrades should be prepared as recommended in Site Grading, above. Slab-on-grade floors, including the garage, should be directly underlain by at least 6 inches of clean, crushed drain rock (100 percent passing the 3/4-inch sieve; 0-2 percent passing the No. 4 sieve, and 0 percent passing the No. 200 sieve) except in areas of the bottom floor subdrain which should have a thicker section (See Drainage section below for mat subdrain design). For damp-proofing of the slab, a layer

of Moistop Underslab Vapor Retarder or Stegowrap should be provided over the capillary break (gravel or crushed rock).

Concrete flatwork (sidewalks, patios, etc.) should be supported on at least 6 inches of moist, compacted Caltrans Class 2 Aggregate Base rock material. The 6 inches of compacted base rock material should, in turn, be underlain by compacted fill or firm natural material.

Slabs and flatwork should be steel reinforced with at least No. 4 bars at 18 inches on centers each way (or greater reinforcement as determined by the Project Structural Engineer), and provided with crack control joints at maximum 10 feet on centers, both ways.

## 6.7 Drainage

Because of the detrimental influence of water as it interacts with soil, bedrock, foundations, pavements, and cut and fill slopes, it is important that surface water be controlled. Grades should be sloped to drain at a minimum of 2 percent for a distance of at least 10 feet out from structures with runoff directed into an appropriate catch basin/storm drain system. All roof runoff should be collected in gutters with downspouts tied into tightline pipes (Schedule 40 PVC) that also discharge into a catch basin/storm drain. The catch basin/storm drain should discharge into the property and City storm drainage system.

Where concrete curbs are used to isolate landscaping in or adjacent to pavement areas, we recommend that the curb extend a minimum of 8 inches into low permeable material below the baserock to provide a barrier against the migration of landscape water into the pavement section.

6.7.1 **Sub-Floor Mat/Slab Subdrains** – The mat/slab-on-grade floor should be underlain by a minimum 6-inch thick blanket of clean, free-draining crushed rock or gravel as specified in Slab-on-Grade and Concrete Flatwork sections, above. The blanket subgrade should be cut to drain (hydraulically connected) to one of the sub-floor subdrains which should be spaced at minimum 30-foot intervals and extend across the entire slab. The sub-floor slab subdrains should consist of a 4-inch diameter perforated Schedule 40 PVC pipe sloped a minimum of 1/2 percent and placed in a minimum 12-

inch wide, 6- to 18-inch deep or deeper (depending on the dimensions of the sub-floor) trench filled with crushed rock or gravel and a sheet of filter fabric separating the gravel from the blanket subgrade. There should be 2 inches of drainrock in the bottom of the trench, below the pipe. The subdrain pipes should be collected in 4-inch diameter, non-perforated Schedule 40 PVC pipes sloped a minimum of 2 percent and discharged either directly into the storm drain system by gravity outlet, or drained into a sump(s) equipped with a pump(s) which in turn flow into the property storm drainage system. The retaining wall backdrains should also be collected and drained in a similar manner as the sub-floor slab subdrain, or combined, if preferred. Clean-outs should be provided at both ends of each the sub-floor slab subdrain. Surface water should not be discharged into subdrain pipes.

### 6.8 Seismic Design

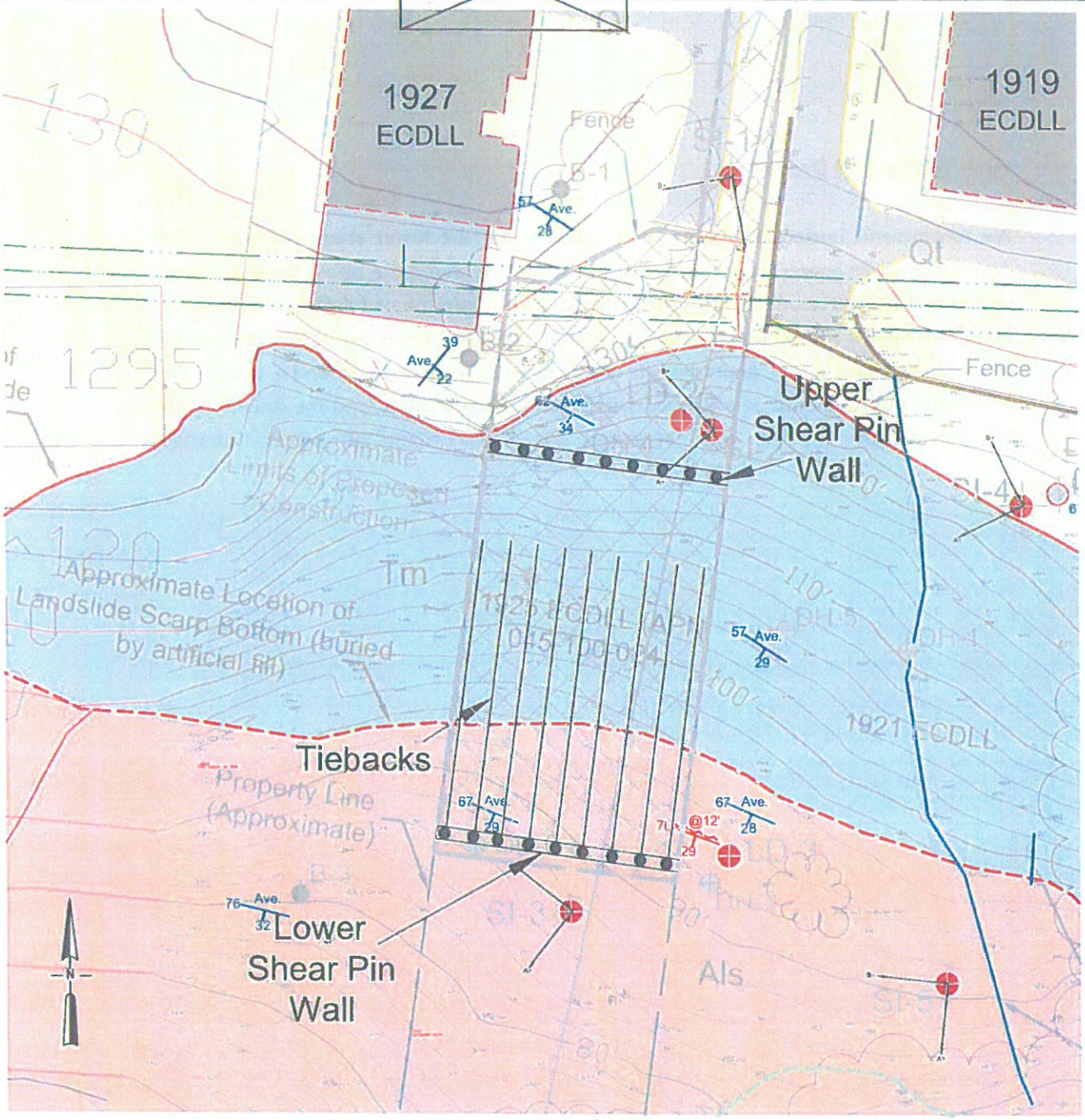
A peak ground acceleration of 0.44 g should be anticipated for design purposes.

Based on our geotechnical investigation, the site location and our interpretation of the 2007 CBC documents related to Earthquake Loads (CBC Section 1613), we are providing the following parameter recommendations from the corresponding figures and tables:

| Parameter | Referenced Table/Figure/Eqn. | Value |
|---|---|---|
| Site Classification | 1613.5.2 | C |
| Mapped Spectral Acc. 0.2 Sec. (g) | 1613.5(3) | $S_S = 1.890$ |
| Mapped Spectral Acc. 1 Sec. (g) | 1613.5(4) | $S_1 = 0.711$ |
| Fa – Site Coefficient | 1613.5.3(1) | 1.0 |
| Fv – Site Coefficient | 1613.5.3(2) | 1.3 |
| Seismic Design Category | 1613.5.6 | D |
| $S_{MS} = F_a S_S$ | 16-37 | 1.890 |
| $S_{M1} = F_v S_1$ | 16-38 | 0.924 |
| $S_{DS} = 2/3\ S_{MS}$ | 16-39 | 1.260 |
| $S_{D1} = 2/3\ S_{M1}$ | 16-40 | 0.616 |

## 6.9 Horizontal Drains

We recommend horizontal drains be installed along the lower shear pin wall. The drains should be spaced approximately 18 feet apart to avoid the upper shear pin wall, be inclined 2-degrees upward upslope, and extend a minimum of 100 feet into the slope. The drain outlets should be connected to tightline collector pipes and discharge into the newly established storm drain system designed to capture the residential runoff. The horizontal drains should be equipped with cleanout access ports, and the drains should be periodically flushed and inspected at a maximum of 5-year intervals.




0' 30' 60'

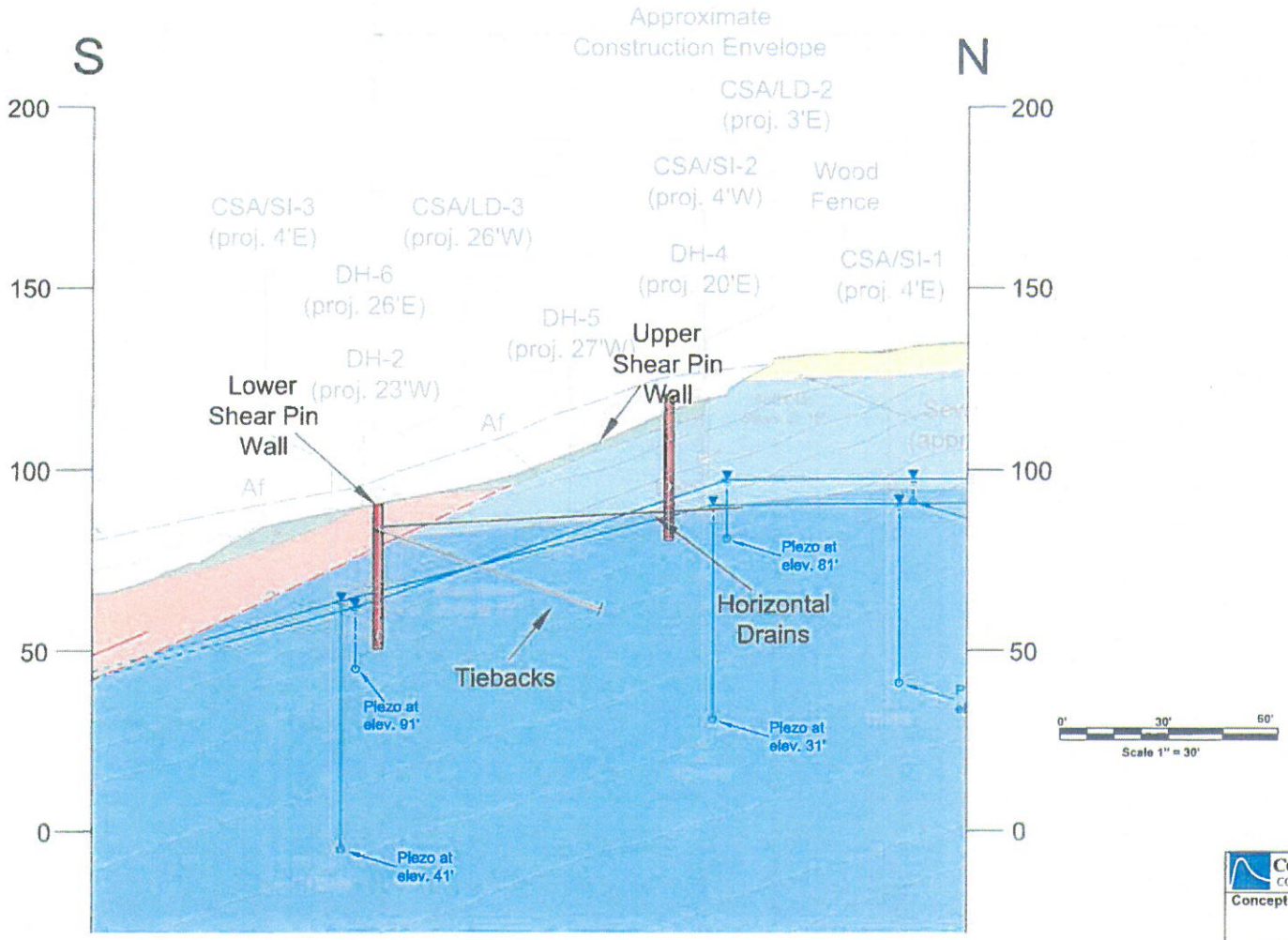
Scale 1" = 30'

**COTTON, SHIRES AND ASSOCIATES, INC.**
CONSULTING ENGINEERS AND GEOLOGISTS

**CONCEPTUAL SLOPE STABILIZATION PLAN**

1925 El Camino De La Luz
Santa Barbara, California

| GEO/ENG BY | SCALE | PROJECT NO. |
|---|---|---|
| JW | 1"=30' | G0058 |
| APPROVED BY | DATE | FIGURE NO. |
| JW | OCTOBER 2012 | 7 |




COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

**Conceptual Slope Stabilization Cross Section A-A'**

1925 El Camino De La Luz
APN:045-100-024
SANTA BARBARA, CALIFORNIA

| GEO/ENG BY | SCALE | PROJECT NO. |
|---|---|---|
| JD | 1"= 30' | G0058 |
| APPROVED BY | DATE | FIGURE NO. |
| JW | OCTOBER 2012 | 8 |

**1925 EL CAMINO DE LA LUZ RESIDENCE (MST#2013-00240)**
**MITIGATION MONITORING AND REPORTING PROGRAM**
**June 22, 2016**

Recommendations from

Hydrology Report (June 25, 2015)

Prepared by Cotton, Shires and Associates, Inc.

**ATTACHMENT 3**

In the following appendix table, we list the recommended BMPs, the Sub-Catchment number to which they apply, their description, the area or diameter (if a pipe), elevations in and out of them and the outflow receiving device.

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 1 | 1 | Cistern in ECDLL ROW (SC-1) below ECDLL pavement, with pipe for pumping excess storm water from WST-1, WST-3. (*Additional Recommendation to City to avoid water waste.*) | TBD | TBD | TBD | City FD/PWD uses. |
| 2 | | Replacement of (E) curb and gutter with (N) curb and gutter in 1925 ECDLL ROW (SC-1), with excess water outflow pipe outfall(s) from WST-1, WST-2, and WST-3. Pipe at outfall to be fitted with automatic backup flow control valves. Curb with stenciled standard City "No Dumping" notice. | As Designed | Varies | Varies | ECDLL municipal storm drain. |
| 3 | | Litter removal, as necessary, adjacent to 1925 ECDLL after each ECDLL curb-side garbage pick-up. | 312 $ft^2$ | Varies | Varies | ECDLL municipal storm drain. |
| 4 | | Monthly gutter sweeping (in ECDLL ROW north of 1925 ECDLL). | 18.75 $ft^2$ | Varies | Varies | ECDLL municipal storm drain. |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 5 | 2 | (N) Repavement of (E) 1925-1927 ECDLL driveway ramp in ECDLL ROW, (N) widening of adjacent 1925 ECDLL drive-way ramp, both with (N) filter strip, and (N) restoration with horticultural native vegetation of the ECDLL ROW green strip (SC-2) adjacent to (east of) the wid-ened 1925 ECDLL driveway ramp. | 86 $ft^2$ | Varies | Varies | ECDLL municipal storm drain. |
| 6 | | (N) Dry Stand Pipe in ECDLL ROW green strip (SC-2), for City FD/PWD access to retained storm water in WST-1, WST 2 | 8 $ft^2$ | TBD | TBD | City FD uses. |
| 7 | | (N) Monthly drive-way ramp filter strip maintenance. | 10 $ft^2$ | As De-signed | As De-signed | Collected filter strip debris to closed trash can in garage. |
| 8 | 3 | (N) Repavement of (E) 1925 ECDLL part of joint 1925- 1927 ECDLL driveway (SC-3, 1,029 $ft^2$) with flag-stone pavers. | 330 $ft^2$ | Varies | Varies | DI CB3P. |
| 9 | | (N) DI CB3P, with trash grate and sediment fil-ter. | | 135.00 | 128.00 | DJB 4.5. |
| 10 | | (N) Monthly driveway sweeping. | 330 $ft^2$ | Varies | Varies | Collected debris to closed trash can in gar-age. |
| 11 | 4 | (N) Repavement of (E) 1925 ECDLL part of joint 1925- 1927 ECDLL driveway (SC-4) with flagstone pav-ers. | 210 $ft^2$ | Varies | Varies | TD CB4P. |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 12 | | (N) Monthly driveway sweeping. | 210 $ft^2$ | Varies | Varies | Collected debris to closed trash can in garage. |
| 13 | 5 | (N) TD CB4P, with trash grate, sediment filter, and 8-inch (v) East-West berm along south edge, to avoid discharge to downslope SC-5. | As Designed | 128.50 | 128.00 | 1921 Driveway. |
| 14 | | (N) Restored Upper Private Open Space, with horticultural native vegetation and steps, 48 $ft^2$. | 884 $ft^2$ | 127.00 | 119.00 | DI CB5P. |
| 15 | 6 | (N) Widened 1925 ECDLL driveway on 1925 ECDLL (SC-6), with flagstone pavers and restored driveway berm at the SC-2/SC-6 boundary (≤4 inches above top of curb). | 1,340 $ft^2$ | Varies | Varies | DI CB6P. |
| 16 | | (N) Restoration with horticultural native vegetation of the 1925 ECDLL driveway east side yard, with a restored crown at the SC-2/SC-6 boundary (min. 4 inches above top of curb). | 275 $ft^2$ | Varies | Varies | DI CB6P. |
| 17 | | (N) 8-inch (v) Berm along the east side of the 1925 ECDLL widened driveway easterly side-yard (1925-1921 ECDLL PL). | 108 $ft^2$ | Varies | Varies | DI CB6P. |
| 18 | | (N) Drain Inlet (DI) CB6P. | As Designed | 128.50 | 128.0 | WST-1. |
| 19 | | (N) Monthly driveway sweeping and DI maintenance. | 1,340 $ft^2$ | Varies | Varies | Collected debris to closed trash can in garage. |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 20 | 6 | (N) Round Pipe Storage Subsurface Water Storage Tank (WST) 1, 1,018 cf (7,615 gallons), w/pump, primary and backup power, oil-grease separator, filtration, UVL water treatment. | D:108 in<br>L: 16 ft | 127.50 | 127.0 | 1. WST-2 (by gravity flow, when warranted).<br>2. Pumped by SBFD via Dry Stand Pipe (as needed in an emergency).<br>3. WST-3 (by gravity flow, when warranted).<br>4. Excess storm water pumped to BMP 1, City Cistern in ECDLL ROW (*if available*).<br>5. Excess storm water by gravity flow in DP P, to Drain Outfall P at SC-18/SC-19 boundary. |
| 21 | 7 | (N) DJB 4.5P | As Designed | As Designed | As Designed | 1921 Driveway. |
| 22 | | (N) Drain Pipe Outfall in easterly Lower 1925 ECDLL Driveway RW. | As Designed | As Designed | As Designed | SC-10 (1921 ECDLL). |
| 23 | | (N) Trench Drain (TD) CB7, with trash grate and sediment filtration. | As Designed | 121.50 | 119.0 | WST-2. |
| 24 | | (N) Monthly driveway sweeping and TD maintenance. | 653 $ft^2$ | Varies | Varies | Collected debris to closed trash can in garage. |
| 25 | 8 | (N) Garage Entry Driveway, House Entry Pavement, Turnaround (SC-8). | 958 $ft^2$ | Varies | Varies | TD CB8. |
| 26 | | (N) Trench Drain (TD) CB8, with trash grate and sediment filtration. | As Designed | 119.50 | 119.0 | WST-2. |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 27 | 8 | (N) Monthly driveway, entry, turnaround sweeping and TD maintenance. | 958 $ft^2$ | | | Collected debris to closed trash can in garage. |
| 28 | | (N) Round Pipe Storage Subsurface Water Storage Tank (WST) 2, 1,909 cf (14,279 gallons), w/pump, primary and backup power, oil-grease separator, filtration, UVL water treatment. | D:108 in<br>L: 30 ft | 110.0 | As Designed | 1. Non-potable water tank in house utility room (ABDS, Sheet A0.01, May, 2015).<br>2. WST-1 (by pumped flow, when warranted).<br>3. WST-3 (by gravity flow, when warranted).<br>4. Excess storm water pumped to BMP 1, City Cistern in ECDLL ROW (*if available*).<br>5. Excess storm water by gravity flow in DP P, to Drain Outfall P at SC-18/SC-19 boundary.<br>6. Excess storm water pumped to drain outfalls in ECDLL curb to municipal storm drain gutter. |
| 29 | 11 | (N) Restored Upper West Side yard (SC-11), with flow line, walkway, horticultural native vegetation plantings. | 500 $ft^2$ | Varies | Varies | DI CB 11P. |
| 30 | | (N) DI CB 11P. | As Designed | As Designed | As Designed | WST-3. |
| 31 | 12 | (N) Restored Upper East Side Yard (SC-12), with flow line, steps from SC-8, walkway, horticultural native vegetation plantings. | 413 $ft^2$ | Varies | Varies | DI CB 12P. |
| 32 | | (N) DI CB 12P. | As Designed | As Designed | As Designed | WST-3. |
| 33 | 13 | (N) North-draining Roof of House Foyer/Entry and Garage, and Foyer Deck. | 1,245 $ft^2$ | 119.0 | 118.50 | DI(s) CB 13P. |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 34 | | (N) DI(s) CB 13. | As Designed | As Designed | As Designed | WST-2 |
| 35 | 14 | (N) South-draining Roof of House, w/Green Roof (West and East Planters, Solar 2H$^2$0 a/o PV Cells). | 945 ft$^2$ | As Designed | As Designed | DI(s) CB 14, |
| 36 | | (N) DI(s) CB 14. | As Designed | As Designed | As Designed | WST-3 |
| 37 | 15 | (N) Lower House Level Patio, with Steps to/from House, Lap Pool. | 461 ft$^2$ | As Designed | As Designed | Patio Deck and House-Patio Steps: DI(s) CB 15P.<br>Lap Pool: Direct. |
| 38 | | DI(s) CB 15P. | As Designed | As Designed | As Designed | WST-3 |
| 39 | | (N) Box Pipe Storage Subsurface Water Storage Tank (WST) 3, W: 96 in; H: 96 in;<br>L: 30 ft; 1,920 cf (14,362 gallons), w/pump, primary and backup power, oil-grease separator, filtration, UVL water treatment. | 240 ft$^2$ | 87.0 | 95.0 | 1. WST-2 (by pumped flow, when warranted).<br>2. WST-1 (by pumped flow, when warranted).<br>3. Excess storm water pumped to BMP 1, City Cistern in ECDLL ROW (*if available*).<br>4. Excess storm water by gravity flow in DP P, to Drain Outfall P at SC-18/SC-19 boundary.<br>5. Excess storm water pumped to drain outfalls in ECDLL curb to municipal storm drain gutter. |
| 40 | 16 | (N) Sub-surface 2° horizontal drains (3), with connector pipe, below SC's 5, 7, 8, 11, 12, 14, 15, 17. | 1-1/2" | As Designed | As Designed | WST 3. |
| 41 | 17 | (N) Restored Temporary Construction Bench/ Lower Private Open Space, with Lower West and East Side Yards, Steps from Lower Patio, Horticultural Native Vegetation Plantings, Flow Lines. | 1,516 ft$^2$ | As Designed | As Designed | Flow Lines, in-situ and to SC-18 boundary. |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 42 | 18 | (N) Horticultural Lemonade Berry Mitigation Area/ Restored City (1978) Toe of Grading Area | 590 $ft^2$ | As Designed | As Designed | Flow Lines, in-situ and to SC-19 boundary. |
| 43 | | (N) Multi-port outfall, w/energy dissipation, along SC-18/SC-19 boundary of excess storm water from WST-1, -2, and/or -3. | As Designed | As Designed | As Designed | Contiguous Lemonade Berry Shrubs (SC-19) |
| 44 | 19 | (E) Contiguous Lemonade Berry Shrubs/Proposed Open Space OTD | 6,361 $ft^2$ | As Designed | As Designed | In-situ. |
| 45 | | (N) Seasonal Earthen Material Water Bars (8) in Re-vegetating/ Closing Surveyor's Path (2005/6) | 80 $ft^2$ | As Designed | As Designed | In-situ and to 1927 ECDLL per Doolittle (1984) grading. |
| 46 | 20 | (E) Coastal Bluff/Proposed Open Space OTD (inclusive of BMP 42 area) | 1,658 $ft^2$ | 52 ft | 11 ft | In-situ and back beach cobble-sand area (SC-21). |
| 47 | | (N) Temporary upper NW coastal bluff face restoration (transient trespass erosion area) | $\pm$50 $ft^2$ | 51 ft | 44 ft | In-situ and to back beach cobble-sand area (SC-21). |
| 48 | 21 | (E) Back Beach (SC-21, Base of Coastal Bluff to MHTL [SLC]) | 2,110 $ft^2$ | 11 ft | ±4 ft | In-situ and to receiving waters of the Santa Barbara Channel of the Pacific Ocean. |
| 49 | 3-20 | (N) Annual Pre-October 1 Inspection and Maintenance/ Repair of all SWMS components. | See BMPs 1-48 | See BMPs 1-48 | See BMPs 1-48 | See BMPs 1-48 |

| BMP # | SC # | STRUCTURAL/ OPERATIONAL BMP DESCRIPTION | AREA/ DIA. | ELEVATION IN | ELEVATION OUT | OUTFLOW RECEIVING DEVICE |
|---|---|---|---|---|---|---|
| 50 | 3-2 | (N) Monitoring and Reporting to City of WST and SWMS performance within 5 business days after (a) ≥100 year recurrence 24 hour rain event at SB County Station 234, or (b) local/regional seismic event ≥6.0M. | NA | NA | NA | NA |

1925 El Camino de la Luz Mitigated Negative Declaration (MND)

**SUMMARY OF COMMENTS ON DRAFT MND AND TOPICAL RESPONSES**

June 22, 2016

The following summarizes public comments on the draft environmental analysis for a project to develop a residence at 1925 El Camino de la Luz *(Draft MND, 02-03-16)*, and overall staff responses by topic. Revisions to the proposed Final MND have been made as applicable. Other comments not addressing the environmental analysis, such as comments in support or opposition to the project, will be forwarded for decision-maker consideration.

**Project Description**

1. ***Project description details.*** *Comments identified corrections and clarifications to the written project description (N. Dall 03-10-16)*

   Response: Some suggested revisions to the written project description in the proposed Final MND (FMND) have been made for clarification and correction, and to reflect the refined project plans submitted by the applicant (04-25-16). The corrections and clarifications pertain to descriptions of, native species vegetation, slope stabilization work, and temporary construction staging (see further detail in item 22 below). These minor revisions do not involve changes to the impact analysis conclusions.

2. ***Construction staging area.*** *Comments requested further detail clarifying proposed construction staging area for equipment, materials, and vehicles on the adjacent property, and its restoration following project construction (N. Brock 02-22-16, 05-02-16; Single Family Design Board 02-22-16, 05-02-16; Planning Commissioners 03-02-16).*

   Response: The construction process including staging areas is discussed in the MND/Initial Study sections on project description, visual resources (§1), air quality (§2), biological resources (§3), geology (§5), noise (§7), public services/solid waste (§9), traffic (§11), and water quality(§12). The text discussions in the proposed FMND have been augmented for clarification.

   Staging areas for the project construction process would be located on the project site, and on the adjacent property at 1921 El Camino de la Luz through a temporary lease agreement (Sheet A0.01 of project plans, 04-25-16).

   On the project site, the existing driveway would be used for materials and equipment staging for work on the project driveway, eastern side yard, and erosion control/runoff filtration components.

   The upper portion of the undeveloped property at 1921 El Camino de la Luz next to the project construction envelope would be used as a staging area for the temporary storage of materials, equipment, and vehicles for project construction activities and would be accessed via the existing driveway . The staging area comprises approximately 5,000 square feet of area that currently has four lemonade berry bushes and other mature vegetation (approximately 6-10 feet in height) along the northerly and easterly boundaries, and a wood fence on a concrete wall along the property lines of 1921 El Camino de la Luz with 1919 and 1909 El Camino de la Luz. The upper portion of the staging area is relatively flat and the lower portion has steeper slopes.

   Preparation of the staging area would include removal of the lemonade berry shrubs and other vegetation, installation of security fencing and erosion control devices (e.g., filter strips, silt fencing, hay bales, straw wattles, and temporary jute netting with pins). A minor amount of grading would be undertaken to establish a temporary earthen ramp providing access between the staging area and the 1925 project construction area. No other grading is proposed. Following completion of

construction activities, the staging area would be cleared of equipment, the temporary ramp would be removed, and the area would be revegetated with native species and drought-tolerant vegetation, including new lemonade berry plants, consistent with an approved landscape plan. Driveway repairs would be made as necessary.

The temporary staging areas and the landscape plan are part of the project subject to approval by the City Planning Commission, with final design approval by the Single Family Design Board (SFDB) consistent with post-construction measures for drainage, water quality control, and revegetation. As identified in the Mitigation Monitoring and Reporting Program (MND Exhibit ) the staging area would be subject to confirmation for installation of design components (e.g., drainage control), and monitoring for control measure compliance throughout the construction process (e.g., for visual, air quality, geology, noise, traffic, water control provisions) by a designated Project Environmental Coordinator (PEC) and City Planning Division and Building Division staff. Post-construction treatment (e.g., revegetation) would be reviewed for compliance prior to final inspection for occupancy.

**Visual Resources**

3. ***Public scenic views from the street.*** *Comments expressed concern that the project would block existing ocean views from El Camino de la Luz at the top of the project site (L. and S. Wiscomb 03-06-16; M. and J. Maybell 03-09-16).*

   Response: As discussed in the MND (Initial Study Section 1a, and attached photographic study exhibit), a scenic view of the ocean is visible from El Camino de la Luz in the distance across the project site, providing a brief glimpse by vehicle, bicycle, and pedestrian travelers. The view corridor includes the project site driveway (an approximately 10-foot wide driveway shared with the 1927 El Camino de la Luz parcel to the west), vegetation, fencing, and overhead utility lines. The project site driveway and the adjacent driveway (for 1919 and 1921 El Camino de la Luz) provide a narrow corridor of approximately 35 feet in width between the adjacent residences to the east and west.

   The project is proposed to be built lower on the parcel (between the 80 foot and 130 foot elevations) than are the other existing homes along El Camino de la Luz, which are built closer to the street. The project has been designed to not be visible from El Camino de la Luz, and would not block the existing ocean view from the public street looking across the site to the ocean. The project would also remove the existing east-west gated fencing located near the base of the existing driveway, which would enlarge the view corridor compared to existing conditions. An offer to dedicate a public view corridor easement to maintain the view through the project site is included as a project component. The project would result in an incremental change and improvement to the existing public scenic view from the street. The Mitigated Negative Declaration analysis concludes that the project effect on the public scenic view from the street would not be substantial, and would not constitute a significant impact, a considerable contribution to a cumulative effect, or a policy conflict.

   *Temporary Construction Staging*. The project proposes to store construction materials and equipment on the existing driveway and on a staging area on the adjacent parcel at 1921 El Camino de la Luz. The project proposes that stored materials be covered with landscape colored material, and equipment would be stored on the staging site at 1921 El Camino de la Luz where it cannot be seen from the street vantage point. The overall project construction process is estimated to last up to 70 weeks (1.3 years). The temporary construction staging areas are subject approval by the Planning Commission and Single Family Design Board as part of the project, and approved plan provisions and permit conditions would be monitored through the construction process. The MND analysis concludes that the impact on public scenic views from the street would be temporary and minimal, and would not

constitute a significant impact, a considerable contribution to a cumulative impact, or a coastal policy conflict.

*Alternatives*. The parcel is a flag lot with a driveway and limited buildable area at the top of the lot as demonstrated by the Floor to Area Ratio (FAR) study (MND Exhibit D2). Moving the development closer to the street would increase public visibility and block existing public ocean views from the street. There is no feasible alternate siting location for the residence that would further reduce visibility or minimize incremental effects on views from the street.

4. ***Public coastal views from the beach and ocean.*** *Comments expressed concern for the project impact on views from the vantage point of the beach and ocean up toward the urbanized city and mountains. (S. Krome & J. Morgan 02-22-16 & 03-06-16; M. and J. Maybell 03-09-16; L. and S. Wiscomb 03-06-16; Planning Commissioners 03-03-16; Coastal Commission 03-10-16)*

   Response: The MND (Initial Study section 1.a) analyzes this issue. The project would be sited between the 80 foot and 130 foot elevations above the beach, 169 feet upslope from the lower bluff step. Intervening topography and existing vegetation would screen its visibility from most locations to the east and west on the beach (approximately 400-600 foot distances) and from offshore in the Santa Barbara Channel (approximate 600-2,500 foot distances). The top portion of the proposed structure (above the vegetation planter boxes to be located around the west, south, and east elevations of the structure) would be partially visible from some locations (from south, southeast, and southwest) on the beach and immediate off-shore Channel area below the project site and lower bluff step (see MND Exhibit D1 photographic study). From some locations further distant off-shore, the residence would be more visible but smaller. This is similar to the other existing residences along Camino de la Luz, with intervening topography and vegetation blocking the view from many shoreline locations and only the tops of residences visible from some locations.

   The project would not result in a substantial change in area views inland from the beach and ocean due to the following factors: (1) the single residence is of a minor scope of development, and most of the 0.45-acre site would remain in undeveloped vegetated open space between the beach and project; (2) the residence would be viewed from a substantial distance, and the project would be an in-fill residence located within the context of a line of numerous single-family residences along several miles of this low-density urbanized area of the coast; (3) intervening topography and existing vegetation screens visibility from many locations and only the top of the residence would be visible from some beach and off-shore locations, similar to other residences in the area; and (4) the residence stepped architecture, materials, earth-tone color palette, and landscaping has been designed to blend into the slope and setting when viewed from a distance and would be subject to design approval for compatibility and visual aesthetics per City design guidelines. The view analysis exhibit using representative locations on the beach and ocean below the project parcel demonstrates limited visibility and supports the conclusion of no substantial change in coastal views. As such, the project impact to existing public coastal views from the beach and ocean would be less than significant, and would not constitute a considerable contribution to a cumulative impact. This component of the project could be found consistent with coastal policies for the protection of public coastal views, and based on the above impact analysis, a decision-maker determination of policy conflict would not constitute a significant environmental impact under CEQA.

   In response to Single Family Design Board concept review comments on February 22, 2016, the applicant made the following revisions to the proposed project (project plans 04-25-16), which were viewed favorably by the Single Family Design Board at the subsequent concept review hearing on May 2, 2016: (a) an overall reduction in the size of the structure from 3,545 square feet (net) to 3,360

square feet (net). The residence was reduced from 3,101 to 2,789 square feet and the garage was increased from 444 to 571 square feet., (b) a reduction in the height of the upper level (level 2 living area) from 30 to 25 feet, with the overall height remaining at 30 feet, (c) architectural modifications to further step the building into the slope and site, (d) increased vegetation screening around the exterior of the residence (planter boxes to break up the west, south, and east structural elevations), (e) reduction of reflective materials (replacement of glass railings with cable rails, reduction of glazing at the staircase element on the west elevation; deletion of the roof-top solar energy component, but retaining area for possible future installation); (f) an earth-tone color palette to blend the project into the site when viewed from a distance; (g) increased landscape screening; and (h) more detail on exterior lighting design. All these measures apply coastal guidelines for minimizing view impacts and further reduce the less than significant project effect on views from the beach and ocean.

*Temporary Construction Staging Area.* Analysis is also provided of views from the beach of the temporary project construction staging area for materials and equipment to be located at 1921 El Camino de la Luz (MND Exhibits D1, A3). The project site is located within an existing urbanized neighborhood, and the view toward the staging area is against the backdrop of existing urban development. The project proposes that stored materials would be covered with landscape colored material, and equipment stored on the site where it cannot be seen from the beach or street vantage points. The analysis demonstrates that the staging area and equipment use would not be visible to a height of 8-10 feet from the beach south of the property at the mean high tide line (MHTL) due to topography and vegetation. Views from the beach to the southwest and southeast of the site would be largely screened by topography and vegetation but would be intermittently visible, and the site would be visible from off-shore. This impact is incremental and temporary, and does not substantially change area coastal views from the beach, a less than significant impact and not a considerable contribution to a cumulative impact.

*Alternatives*. The parcel is a flag lot with a driveway and limited buildable area at the top of the lot as demonstrated by the FAR study (MND Exhibit D2). Moving the development closer to the street would increase public visibility from coastal locations and block existing ocean views from the street. As such there is no feasible alternate siting of the residence that would further reduce visibility or further minimize incremental effects on views from the coast.

5. ***Onsite visual quality and impacts to private views***

*Private Views. Comments expressed concern with the project impact on private views from neighboring residences and suggested that the project be reduced in height and size and/or be sited closer to the street per other homes in the area. (M. and D Smith 02-22-16; J. Dorn 02-22-16; R. Stenson 02-22-16; SFDB 02-22-16). At the concept review meeting held on 02-22-16, the Single Family Design Board comments requested that the building size and height be reduced; the shape of the house be modified to include area within the building elevations allowing additional landscaping to diminish the elevation impacts, particularly to east and west neighbors; more detailed preliminary landscape and irrigation plan be submitted; information be submitted on surrounding home square footages and floor-to-area ratios (FAR) and FAR of any potential buildable area closer to the street; and changes be made to various building materials.*

Response: The MND (Initial Study Section 1.a) addresses this issue. Impacts to private views are not generally considered a significant environmental impact under CEQA unless a project would substantially affect important scenic views from a large portion of the community. Portions of the residence would be partially visible from some other private residences in the surrounding area but not from a large portion of the neighborhood, Mesa community or City due to topography and

vegetation. The project siting at the proposed lower location preserves the public ocean view corridor from the street.

Given the limited scope of the project for developing a single residence, the limited number of private views affected, the context of an in-fill project within an existing line of single-family residences, and the requirement for design review of structures and landscaping per City design guidelines, the project effect on existing private views would not be substantial and would not constitute a significant impact or a considerable contribution to cumulative effects on private views. The project effects could be found consistent with coastal policies for protection of scenic views. Based on the above impact analysis, a decision-maker determination of a policy conflict on this issue would not constitute a significant environmental impact under CEQA.

As stated previously, design refinements have been made to the proposed project (04-25-16 project plans). These project design refinements would further reduce the less than significant view impacts to private residences in the surrounding area.

*Onsite visual quality. Comments question the visual impact of the project with respect to onsite visual character and quality, including concerns with the project size and height, compatibility with neighborhood houses, and location further downslope than other homes along El Camino de la Luz (B. Peterson 02-22-16, M. & D. Smith 02-22-16; J. Dorn 02-22-16, 03-03-16; R. Stenson 02-22-16, 03-02-16; G. & J. Smith 02-22-16; Single Family Design Board (SBDB) 02-22-16, 05-02-16).*

Response: The MND (Initial Study section 1.a) discusses this issue. The project for one residence is limited in scope, with a majority of the site remaining in native vegetation and open space; would be sited as in-fill development within an existing urban neighborhood of other single-family residences; and would be visible from few locations due to topography and vegetation. The project siting, limited grading, architecture, color palette, and landscaping is designed to blend the residence into the site and is subject to design review approval for compatibility and visual character per City design guidelines. As such the project impact to onsite visual character, quality, and compatibility would be less than significant, and would not constitute a considerable contribution to cumulative effects. It would not be expected that the project onsite visual effects would be found in conflict with coastal visual resources policies, and based on the above impact analysis, any such determination of policy conflict would not constitute a significant impact under CEQA.

Based on a study of the sizes and floor-to-area ratios (FAR) of the twenty closest homes (MND Exhibit D2), the project (3,545 SF with garage, 0.18 FAR) would be larger than the average size of homes in the surrounding area (2,713 SF, 0.21 FAR) but within the range of home sizes (including garages) and FARs(1,388 SF to 6,137 SF, .06 - .42 FAR).

Since the initial SFDB concept review on 02-22-16, the project has been modified to reduce the residence size from 3,101 to 2,789 square feet (with garage increased from 444 to 571 square feet); reduce the height of the level 2 living area portion of the building from 30 to 25 feet (while retaining a maximum height of the stepped building at 30 feet); provide for further architectural delineation to step the residence into the site; and landscape screening and earth tone color palette to reduce visual effects of the building elevations to the views of neighboring residences and from public coastal locations. Landscaping with native vegetation has been increased and further detail identified in the preliminary landscape plan. At the SFDB concept review on 05-02-16, SFDB member comments indicated that the project size, height, architecture, color palette, and landscape design were reasonable and in keeping with City design guidelines for visual compatibility. The project design refinements would further reduce less than significant project impacts associated with onsite visual quality.

6. ***Lighting and glare***

*Project glare impacts. Comments express concern about potential project glare impacts to neighbors and coastal visitors (M. and D. Smith 02-22-16; J. Dorn 02-22-16; L. and S. Wiscomb 02-22-16; SFCB 02-22-16, 05-02-16).*

Response: This issue is addressed in the MND (Initial Study section 1.e). Project lighting design is subject to City design review approval of architectural design and materials relative to the *Single Family Residence Design Guidelines*. Exterior lighting is also subject to the Municipal Code lighting ordinance that provides for shielding and directing light to avoid glare effects to off-site locations. As such, no significant glare impacts would result and the project effects would not constitute a considerable contribution to cumulative effects. Project lighting would be potentially consistent with lighting policies and coastal visual resources policies, and based on the above impact analysis, any such determination of policy conflict would not constitute a significant environmental effect under CEQA.

Based on conceptual review comments of the Single Family Review Board (02-22-16), the project design was refined to reduce project components with the potential for reflective glare, including replacement of glass railings with a cable rail system; reduction of glazing at the staircase element on the west elevation; increased landscape screening; deletion of the roof-top solar energy component; and provision of further detail for the location of exterior lighting, all of which further reduce the potential for glare impacts. The project design will be subject to further review by the SFDB for project design review approvals. A Recommended Measure for lighting design is identified below requiring a further detailed lighting plan for review and approval by the SFDB as part of the project's preliminary and final design review.

*Recommended Measure*

RM V-1 *Lighting Design*. The applicant shall submit a detailed project lighting plan for approval by the Single Family Design Board as part of project design review approvals.

7. ***Coastal Commission comment about visual resources***

*Impact to Visual Resources. Comments from Coastal Commission staff included a general statement characterizing visual impact significance, and referencing coastal policies for protection of coastal visual resources, with the opinion that any project visibility and incremental impact to views from the coast could constitute an inconsistency with these policies and thereby a significant environmental impact and that alternatives should be studied to identify a minimal project. (M. Sinkula 03-10-16).*

Response: State and City guidelines for assessing visual impacts (CEQA Guidelines Appendix G, MND Exhibit B) require that identification of a significant visual impact be based on a "substantial" project effect. The CEQA Guidelines provide that impact significance determinations must be specific to the project and assessed based on the environmental context (§15064 (b)). The CEQA Guidelines for determining impact also specify that the existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that a proposed project's incremental effects are cumulatively considerable (§15064 (h).

The MND (Initial Study section 1) addresses impact significance of project visual impacts. As discussed in items 3-6 above, the single residence project is limited in scope, with a majority of the 0.45 acre site remaining in undeveloped open space, and constitutes in-fill development within the context of a line of homes in an existing developed urban neighborhood. With substantial viewing distance from the beach and off-shore locations, intervening topography and vegetation, minimal topographic

change and project design features, and the locational context within the existing residential neighborhood, the project would be minimally visible and would not substantially change area views toward the urban area and distant mountains. The project incorporates siting location, site preparation/minimal topographic alteration, architectural design features, low-lying landscape, and public view corridor easement measures for maintaining the existing public ocean view corridor from the street.

Also as discussed above in items 3-6, project design refinements have been made to further minimize visibility and ensure visual compatibility, thereby further reducing the less than significant impact to views (project plans 04-25-16). The project and these design refinements comport with coastal policy direction for minimizing visibility and view effects by designing structures to blend into the natural setting through stepping buildings and breaking up the mass of structures, reducing heights, minimizing grading, protecting vegetation and incorporating landscape screening, and dedicating view corridor easements. Single Family Design Board comments at the May 2, 2016 concept review hearing indicated that the project size, height, stepped architecture, color palette to visually blend the structure into the setting, and landscape design and screening were reasonable and in keeping with City design guidelines for visual compatibility. The project is subject to further architecture and landscape design review approval per City design guidelines to ensure compatibility with the visual character of the neighborhood and coastal visual resources.

An alternatives analysis is not required for the CEQA document analysis; however, it is also clear that there is no feasible alternative location on the property for the proposed level of development. The parcel is a flag lot with the uppermost portion of the lot accommodating only the driveway. There is a limited area north of the 127 foot upper bluff step elevation of approximately 1312 square feet (105' x 12.5') which meets minimum factor of safety criteria for stability but which is not developable (a portion of the existing driveway, which is shared access with the adjacent parcel and is too narrow to provide for City development standards). There is a limited buildable area of approximately 740 square feet (20' x 37') above the 127 foot elevation between the driveway and proposed building envelope location, which would not be sufficient for a single-family residence and garage development at the proposed level of development, and does not meet factor of safety setback guidelines without stability devices. Moving the project further north would also increase its visibility and block the scenic ocean view in the public view corridor from the street. Decision-makers may however require further project refinements or require alternatives analysis as part of their assessment of policy consistency or as a basis for making findings for action on the project permit.

As demonstrated by the MND analysis, the project would not result in substantial changes to coastal visual resources in the area, including those associated with coastal scenic views, landform alteration, or onsite visual compatibility. The project would therefore not result in a significant visual impact or a considerable contribution to cumulative impacts to visual resources. The project could be found consistent with policies for protecting coastal visual resources.

The Coastal Commission comment does not provide new or conflicting facts as supporting evidence for their assessment of a substantial project impact and/or considerable contribution to a significant cumulative impact to coastal visual resources. The Coastal Commission comment indicates the opinion that any project visibility or incremental impact constitutes a significant project or cumulative impact or policy inconsistency. This is not supported by substantial evidence and does not meet the CEQA Guidelines or Lead Agency impact significance criteria of a substantial change to important scenic views or visual resources.

Consistent with case law, a conflict with a policy adopted for the purpose of avoiding or minimizing significant environmental impacts only constitutes a significant impact under CEQA if the conflict would result in a significant physical impact (*Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005*). Based on the MND impact analysis compared with existing conditions, the project would result in incremental view changes and no significant impact or cumulative contribution associated with views, landform alteration, or visual compatibility, and could be found consistent with coastal policies for protecting visual resources. In the event of a decision-maker determination of project conflict with coastal visual resource policies, such a determination would not constitute a significant impact under CEQA.

The CEQA Guidelines provide that a disagreement among expert opinion is only applied as a basis for making an EIR determination in marginal cases after guidance about substantial evidence in §15064(f) is applied. In this case, application of §15064(f) criteria provides that there is substantial analysis and evidence supporting a conclusion that the project would clearly have only an incremental effect on important visual resources, and would not result in significant visual impacts or a considerable contribution to cumulative visual impacts.

**Air Quality Impacts**

***8. Construction dust***

*Construction air quality controls. Comments request further specification of dust controls during grading and construction to be sure that dust does not affect neighbors (N. Brock 02-22-16, 05-02-16; S. & L. Wiscomb 3-6-16). The comment letter from the Air Pollution Control District (APCD) notes APCD standard dust control measures recommended for grading and construction; measures for diesel engines to reduce particulate matter and ozone precursors; and requirements that portable diesel construction engines rated 50 bhp or greater to have a PERP certificate or APCD permit prior to grading and building permit issuance (K. Nightingale 02-23-16).*

Response: The MND (Initial Study section 2.b-d) addresses temporary dust and equipment emissions generated during project site stabilization, grading, and construction. The City Municipal Code (Building Code) specifies that construction activities implement APCD dust control measures. MND/IS Exhibit C identifies standard measures for dust control, construction equipment emissions, and portable diesel engines based on APCD standard measures, which would be applied to the project as conditions of permit approval. The impact analysis assumes implementation of these measures to reduce emissions, and the CalEEMod emissions calculation demonstrates that temporary construction emissions would not constitute a significant impact using the City and APCD guidelines. As discussed further in the Mitigation Monitoring and Reporting Program, the air quality provisions would be subject to monitoring for compliance throughout construction by a designated Project Environmental Coordinator (PEC) and City Community Development Department staff. Post-construction measures (e.g., revegetation) would be reviewed for compliance per adopted conditions of approval and prior to final inspection clearance for occupancy.

The MND/IS text discussion has been augmented to summarize the control measures identified in the Exhibit C standard conditions of approval, as follows:

Standard measures to reduce grading and construction-related dust and equipment emissions (MND Exhibit C) include water sprinklering (light surface watering for dust only; no subsurface saturation); minimizing disturbed areas; reduced on-site vehicle speeds; treatment of stockpiled soil; tarping of trucked soil; gravel pads at site access points; treatment of disturbed areas; designated dust monitor; registration/permit for portable diesel-powered construction equipment; regulations for off-road

diesel vehicles and mobile equipment; regulations for limiting duration of diesel vehicle engine idling; regulations for diesel engine emissions standards; replacement of diesel equipment with electric equipment when feasible; equipping diesel equipment with catalytic reduction, oxidation catalysts, and particulate filters when feasible; use of catalytic converters on gasoline-powered equipment when feasible; maintaining equipment in tune per manufacturers' specifications; using minimum practical engine sizes for construction equipment; minimizing number of construction equipment operating simultaneously; and reduction of construction worker trips through carpooling and providing lunch on site.

**Biological Resources Impacts**

**9. *Native Vegetation***

*Lemonade berry references. A comment asserts that references in the Mitigated Negative Declaration (MND) to existing and restored lemonade berry vegetation should use the term "horticultural" vegetation rather than "native" vegetation because onsite lemonade berry vegetation was relocated by the landslide or planted following post-landslide grading (Emprise Trust letter, 03-10-16).*

Response: Project impacts associated with natural communities and native plants are addressed in the MND (Initial Study section 3.a and 3.e). The analysis identifies existing lemonade berry plants on the site as native vegetation and references restoration of native vegetation including lemonade berry. In the context of evaluating impacts of the project on important biological resources including existing native plant species, these references pertain to (1) recognizing the *existing status* of lemonade berry bushes on the site at the time CEQA environmental review was initiated, which is the salient factor for considering CEQA baseline conditions, not the timing of its establishment nor party who planted it; and (2) lemonade berry's characteristic as a primary *native plant species* within the coastal scrub and coastal bluff communities of native plants. The City General Plan Program EIR identifies these communities as consisting of low-growing semi-woody shrubs, limited evergreen species, and annual and perennial grasses located on the Mesa, Las Positas Valley, Parma Park, and Hope Ranch areas. In Santa Barbara, dominant native species in these communities include coyote brush (*Baccharis pilularis*), and California sagebrush (*Artemisia californica*), along with lemonade berry (*Rhus integrifolia*), white sage (*Salvia apiana*), black sage (*S. mellifera*), purple sage (*S. leucophylla*), and with ruderal species mixed in. MND/Initial Study references to "native vegetation" have been edited for clarification to read "native species vegetation" or "native plant species". The discussion of the importance of the on-site biological resources references the biologist characterization of the lemonade berry plants as a monoculture not exhibiting diversity of a complete scrub habitat ecosystem, and also recognizes that they contribute to larger area habitat values.

**Geology Impacts**

***10. Temporary construction – slope stability and erosion hazards***

*Grading and construction effects on slope instability and erosion. Comments expressed concerns about the site's geologic hazards of unstable slopes and erosion, the previous landslide, and the potential for project site preparation and construction activities to result in significant geologic hazard impacts. Concerns include whether installation of slope stability measures (e.g., drilling for caissons, installation of shear pins and tie-backs), site grading, heavy equipment, and other construction activities could trigger a landslide, create erosion, cause underground utility breaks (water lines, Mesa sewer trunk line), affecting the stability and safety of areas outside of the project site (J. H. Taylor 02-22-16; D. &*

*M. Smith 02-22-16; J. Dorn 02-22-16; R. Stenson 02-22-16, 3-10-16; S. and L. Wiscomb 03-06-16; M. & J. Maybell 03-09-16; D. Crawford 03-10-16; Planning Commissioners).*

Response: The MND (Initial Study section 5a.v, b, c) addresses short-term construction-related impacts associated with unstable slopes and erosion, based on project geotechnical, engineering, and hydrology reports which demonstrate that temporary activities for demolition of existing facilities on the site, grading and installation of slope stability devices, and project construction would not exacerbate geologic hazards or result in significant effects associated with unstable slopes or erosion.

Following the 1978 landslide, grading and other work in 1979 and 1984 to stabilize the slope did not trigger further landslide or result in significant effects associated with unstable slopes or erosion to the site or surrounding area. Data collection (inclinometer readings to detect subsurface movement) for the project geotechnical and engineering studies identified that since the 1984 grading and slope stability work, the site has been stable and not subject to further slide movement. Recent inclinometer readings on both the 1925 and 1921 El Camino de la Luz sites have confirmed that the slope has remained stable since May 2011. The inclinometers would be preserved for monitoring during the construction process to confirm that the site remains stable.

The project construction process has been designed to avoid the potential for significant geologic hazards to the site or neighboring sites as a result of heavy equipment, grading, drilling and installation of slope stability devices, and project construction. Installation of slope stability devices (shear pins and tie backs) would be done with drilling and poured in place construction, not pile driving. Limited grading would create a temporary bench cut for the drilling rig to drill the shear pins. The initial installation of shear pins would provide immediate slope stability due to increased shear resistance. The tiebacks would be drilled from the temporary bench cut supported by the shear pins. The shear pins and tie backs would improve stability of the site per industry safety factors such that heavy equipment, site grading, and construction would not trigger landslides, cause instability to off-site properties including the adjacent construction staging site, or cause breaks in the sewer main or other underground utilities.

With respect to concern about the Mesa Sewer Trunk line leaking, there is reference to potential prior leakage referenced in a post-landslide investigation report. However, Public Works staff has confirmed that the 10" sewer line that runs through the 1925 El Camino Del La Luz property was rehabilitated in 2006, and there is no evidence of current leakage. (D. Weaver 1978; N. Dall 03-10-16, L. Arroyo 2016).

***11. Long-term slope stability***

*Long–term instability and erosion hazards. Comments expressed concerns about the project's potential for causing slope instability and erosion affecting surrounding area properties or coastal resources over the long-term. Comments referenced prior geologic studies that characterize the geological constraints to development. Concerns include effects from installing caissons into bedrock; heavy water retention tanks that could leak, and the potential need for future coastal armoring. Peer review of project technical studies was suggested. (M. and D. Smith 02-22-16; J. Dorn 02-22-16; Thompson & L. Phillips 02-24-16; S. and L. Wiscomb 03-06-16; M. & J. Maybell 03-09-16; M. Lyons 3-10-16; D. Crawford 03-10-16; Single-Family Design Board 02-22-16; Coastal Commission M. Sinkula 03-10-16; Planning Commissioners 03-03-16)*

Response: The MND (Initial Study section 5a.v, b, c) analysis of long-term project impacts associated with unstable slopes and erosion was based on extensive project geotechnical, engineering, and

hydrology studies, which conclude that the project would not exacerbate these geologic hazards or result in significant long-term impacts associated with these geologic hazards.

*Prior geological reports*. Commenters referenced prior reports that identify the area as subject to unstable slopes and erosion, including the *City Safety Element Technical Report (Rodriguez, Campbell 2012);* and reports associated with the 1984 Doolittle permit for landslide repair work (on 2001, 1933, & 1927 El Camino de la Luz), including *Preliminary Landslide Investigation Report (Pacific Materials Laboratory 1978), Preliminary Landslide Hazards Evaluation (D. Weaver and Associates 1981), Letters (Buena Engineers, Inc. 1983), and Memoranda (Department of Conservation Division of Mines and Geology (1982-1983); Geologic Investigation of 2001 El Camino de la Luz (R. Coudray 1992); Buena report 1983.*

Response: The MND analysis identifies site conditions as subject to unstable slopes, including landslides and erosion, based on the City Master Environmental Assessment geological constraints maps and report (2009), the General Plan Program EIR (2011), the City Safety Element technical report and maps (2013), and the project technical reports.

The project geotechnical, engineering, and hydrology reports were based on detailed site-specific testing and investigations including on-site investigations, core samples and testing, analysis of other geologic studies (including those referenced by commenters), analysis of historic aerial photography in the area, and site monitors. The analysis provided project-specific analysis of the proposed development together with site stabilization and project design components, which informed the MND analysis of project impacts and mitigations. The project technical reports included *Geological and Geotechnical investigations and design review reports (Cotton, Sires and Associates, Inc. 2012, 2015, 2016); Wave Run-Up and Coastal Hazard Analysis (GeoSoils, Inc. 2015); Coastal Bluff Analysis (Scepan 2012); shear pin calculations (C. L. Grant, Civil Engineer 2013); Project Constraints Analysis (Dall & Associates 2015); Hydrology Report (CSA 2015)*; and *Grading, Drainage, & Erosion Control Plans (C. L. Grant, Civil Engineer 2013, 2016).*

The prior geological reports referenced by commenters provide characterization of geological constraints for the area and site based on various levels of technical investigation data and analysis. The prior reports referenced by commenters serve to confirm information in the MND about geological constraints of the site, and do not conflict with the characterization of geologic constraints in the project technical reports. However, the prior reports did not include consideration of post-landslide work, nor analyze impacts of the specific project development proposal together with proposed site stabilization, drainage and erosion control, and vegetation components designed to avoid significant geological effects. The prior reports referenced by commenters do not address or refute the specific project impacts and mitigation analysis provided in the MND and project technical reports.

Several of the prior reports identify the bluff edge at the higher elevation near the street, which is different than stated in the project geological reports. This difference in interpretation of coastal bluff edge location does not change the analysis of physical environmental effects of the project, which is not addressed or disputed by these prior reports. The different assessments of bluff edge location is a matter informing decision-maker policy findings, but does not represent a differing opinion about the physical condition of the site or environmental effects of the project.

*Long term slope stability and erosion effects on surrounding properties. Commenters expressed concern that the project could cause long-term destabilization of the slope affecting neighboring properties, including from caissons drilled into bedrock and heavy water retention tanks.*

Response: The project geotechnical, engineering, and hydrology analyses as described in the response above (CSA 2012, 2013, 2015, 2016), which were based on extensive site investigation including core samples on the adjacent 1921 El Camino de la Luz site and were informed by other geological investigations of surrounding properties, demonstrate that the project slope stability components would improve stability of the site and surrounding area over the 75-year life of the project in comparison to existing conditions, and do not have the potential to destabilize the site or surrounding properties. The use of shear pins and tie backs anchored into bedrock is a proven engineering method for holding the slope together and establishing improved slope stability per industry safety standards, and does not have the potential to destabilize the subsurface geologic substructure.

The weight of water by volume is about half that of soil. The project geologist analysis concludes that the net loading of the water retention tanks would be less than if there were no tanks at all, and that the tanks would not have the potential to destabilize subsurface geology . The tanks are designed to avoid leakage and to withstand seismic events. Horizontal drains beneath the project would collect and pump any subsurface water in the event of any leakage, such that no significant erosion or stability effects would result.

*Long-term cliff erosion, sea level rise, and future coastal armoring. Commenters express concerns that with ongoing cliff erosion and sea level rise below the project, the project could contribute to erosion and the need for future shoreline protective devices.*

Response: The MND analysis identified no significant project impact associated with long-term cliff erosion, sea level rise, and coastal armoring. The MND analysis is based on project technical and design studies that identify that project slope stability, drainage controls, and vegetation components of the project would reduce erosion on the site compared to existing conditions.

Technical study of aerial photography of the period 1950-2010 (*Scepan 2012*) for erosion and landslide activity identified a net range of 10.5 to 33.0 feet southward reposition of the coastal bluff over the 60-year period, with the toe of the lower coastal bluff eroded at a net 4.0 to 6.8 feet during the period for an average annualized rate of 0.8 inches to 1.4 inches. The Wave Run Up Study (*GeoSoils 2012*) identified that within a few years following the landslide, marine processes reestablished the alignment of the lower coastal bluff relative to adjacent segments up and down the coast, with this analysis confirmed by CSA (*2016*) based on State photographic imagery (*Department of Boating and Waterways and Division of Mines and Geology 1979-1993; CSA 2016*).

The project would be located between the 80 foot and 130 foot elevations on the project site, 169 feet upslope (north) of the lower bluff step near the shore. The technical analyses demonstrate that with the low cliff retreat rates gradually increased by maximum scenarios of sea level rise by years 2050 and 2100, erosion of the lower bluff step would not reach the project development during its 75-year life. There is potential that wave run-up at the base of the cliff could potentially affect the stability of the larger landslide area. However, with the proposed project distance from the shoreline and the slope stability, drainage control, erosion control, and vegetation measures, wave run-up and cliff retreat would not represent factors affecting project safety, and the project development would not exacerbate erosion, cliff retreat, sand supply or other shoreline landforms, processes, resources, or hazards. As such, no shoreline protective devices such as seawalls, revetments, jetties, groins, or retaining walls would be required to protect the project during its 75-year life.

*Peer review. Commenters suggested additional peer review of the project geotechnical analysis.*

Response: The extensive project geological and geotechnical analyses were performed, prepared, and stamped by qualified professional experts registered by the State of California (geotechnical engineer

and engineering geologist of the firm Cotton, Shires & Associated, Inc.). The reports were reviewed by City staff of the Land Development Team (Planning Division and Building & Safety Division), and by the Staff Geologist of the California Coastal Commission. The Coastal Commission Staff Geologist identified a differing opinion on policy/bluff edge location issue but not on the geotechnical and safety analysis that supports the environmental impact conclusions. Further review and approval of the geotechnical reports by the Building & Safety Division will occur prior to issuance of a grading or building permit. The Municipal Code provides that supplemental engineering geology reports and data may be required as the Building Official may deem necessary, which may include additional peer review, and that recommendations of the project reports must be approved by the Building Official and incorporated in the project. Staff has determined that, based on the qualifications of the project technical experts, review of technical reports by the Coastal Commission geologist, and no submittal of substantial evidence refuting the environmental impact conclusions of the technical reports, no further peer review is required at this time.

***12. Characterization of site constraints***

*Comments object to MND characterization of the project site as subject to slope instability and erosion and the statement that sea level rise could potentially increase coastal erosion, because the technical analyses conclude no significant project impacts (N. Dall 03-10-16).*

Response: The MND impact analysis starts with identification of existing conditions and potential constraints before evaluating project impacts. The MND statements referenced describe that the site and surrounding area are subject to slope instability, erosion, and sea level rise constraints, based on numerous sources referenced including the City Master Environmental Assessment 2009, General Plan Program EIR 2011, and General Plan Safety Element (2012). The MND statement about sea level rise reflects numerous climate change studies and reports that recognize that forecasted effects of climate change on sea level rise and storm intensity have the potential for increasing rates of coastal erosion from increased storm surge and wave run-up (*UNCHFCCC Report 2015; California OPC 2012; Coastal Commission Sea Level Rise Guidelines 2015; City of Santa Barbara General Plan Program EIR 2011, Climate Action Plan 2012, and Safety Element 2013*).

The MND analysis goes on to recognize prior slope stability and revegetation work following the landslide, which improved stability and erosion conditions, and that the project as designed with slope stability, drainage control, erosion control, and vegetation components would further improve slope stability and safety and reduce drainage and erosion hazards. The analysis based on project technical studies identifies that with expected erosion rates assuming the high range of projected sea level rise and with the project location at a sufficient distance 169 feet upslope from the lower bluff step, the project as designed would not exacerbate erosion and slope stability hazards, the project would meet slope stability safety criteria, and no shoreline protection devices would be required for the life of the project.

***13. Impacts from potential conflict with coastal policies.***

*Edge of bluff at 127 foot elevation and not 51 foot elevation. Comments assert that the top of bluff (bluff edge) should be determined at the 127 foot elevation using current Coastal Commission staff guidelines for applying coastal policies and regulations, and not at the 51 foot elevation identified by the project applicant. Comments maintain that with a bluff edge determination at 127 feet, the project is therefore being proposed on the bluff face and without appropriate safety setback from the edge of bluff, in conflict with coastal policies and regulations for development. Comments assert that this policy inconsistency for project location on the bluff face represents an environmental impact (B.*

*Peterson, 2-16-16; S. Knomme & J. Margan 2-16-16; S. and L. Wiscomb 3-6-16; M. Sinkula 03-10-16; Planning Commissioners 3-3-16)*

Response: The MND (Initial Study section 5.a- b-c) addresses this issue. The determination of the bluff top or bluff edge location (terms used interchangeably) is a qualitative judgment based on consideration of the site topography and application of coastal regulations and guidelines. The purpose of determining the bluff edge location is for subsequently determining an appropriate development setback from the bluff edge, which is intended to direct development to more stable and safe locations and avoid the need for shoreline protective devices over the life of the project (such as seawalls, revetments, jetties, groins, or retaining walls). As is noted in the current Coastal Commission staff guidance document (*M. Johnsson, 2003*), for some sites, this judgment of bluff edge location can be open to differing interpretations. Due to unique variable topographic conditions in this area of the Mesa and the prior landslide on the project site, the project site topography is complicated, and more than one interpretation of bluff edge has been made by geologists analyzing the conditions. The project permit decision-makers make the final determination of bluff edge location for the project for purposes of policy consistency findings.

City Planning staff and Coastal Commission staff identified the bluff as having a step-like condition, with the edge of bluff at the upper step at 127 foot elevation. This bluff edge identification was based on substantial evidence, including review by City planning staff, Coastal Commission analyst, and Coastal Commission geologist (Dr. Mark Johnsson) of the site topography, submitted project plans and technical reports with surveyed topography, geotechnical studies, and hydrology analysis, a site visit by City staff and Coastal Commission staff analyst and Geologist, and analysis/application of the coastal bluff edge policies using current Coastal Commission regulations (*CCR Title 14 §13577*) and guidance *(Mark Johnsson, Establishing development setbacks from coastal bluffs, 2003*).

Additional information supporting this determination includes the following: *General Plan Program EIR* map (2011); *General Plan Safety Element* technical report map (2012); City *Master Environmental Assessment* Maps (2009); recent LiDAR-generated topographic data maps, utilizing remote sensing laser measurement of distance to identify earth contours, which demonstrate the unique pattern of coastal cliffs with multiple steps in this area of the Mesa (*Nares 2015 MND attachment; UCSB Bren 2015*); a contour map depicting the 500-foot distance consideration for making the determination (MND Exhibit F4); archive plan references for adjacent sites identifying top of bluff at the higher elevation (2001 El Camino de la Luz 1961 plans, 1933 El Camino de la Luz 1955 plans, 1909 El Camino de la Luz 1948 plans, 1903 El Camino de la Luz 1954 plans), and prior geologic reports for the area including the preliminary landslide investigation (Weaver 1981/Pacific Materials Laboratory 1978) which identified the landward edge of the landslide scarp at properties at 1839, 1903, 1909, 1919, 1921, 1925, 1927, 1933, and 2001 El Camino de la Luz and 2011 Edgewater Way; and a geologic investigation of 2001 El Camino de la Luz which identified the landslide headscarp as the bluff (R. Coudray 1992).

With a determination of the bluff edge at the 127 foot elevation, the project would be located on the bluff face and therefore, would not provide a development setback from the bluff edge. As such, the MND identifies the project as potentially in conflict with LCP policy 8.2 which precludes most development on the bluff face, and Coastal Act policies, regulations, and guidelines which direct development to be set back from the bluff edge and areas meeting minimum factors of safety for slope stability.

In accordance with California case law, for purposes of CEQA environmental impact review, a project inconsistency with a policy adopted for the purposes of avoiding or reducing environmental effects

represents a significant environmental impact only if the policy conflict results in a significant environmental impact *(Lighthouse Field Beach Rescue v. City of Santa Cruz, 2005*).

The MND analysis, using conservative assumptions, demonstrates that the project at its proposed location and with design components for slope stabilization to meet factor of safety criteria would not exacerbate existing geologic hazards, would improve slope stability and drainage control and reduce existing overland erosion hazards compared to existing conditions, and would not result in significant geologic impacts associated with the temporary grading and construction process, long-term slope stability/safety of the site or surrounding area, or long-term erosion or the need for shoreline protection devices. This is true whether the bluff edge is determined to be located at the 51 foot elevation or 127 foot elevation. Therefore, the potential policy conflict associated with a bluff edge determination at the 127 foot elevation is a policy matter relevant to decision-maker action on the project permit, but does not constitute a significant environmental impact under CEQA.

*Edge of bluff at 51 foot elevation and not at 127 foot elevation. Comments assert that the top of bluff should be determined at the 51 foot elevation and not the 127 foot elevation (N. Dall.03-10-16).*

*(1) Supporting Evidence. The comments note that the determination of bluff edge at the 51 foot elevation is based on a detailed project technical report analysis including historical mapping, aerial photos, and site investigation for surveyed results (Scepan 2012; CSA 2016), which identifies the cliff to be rounded away, with the bluff edge at the 51 foot elevation and no upper step or bluff edge existing, while the staff determination for a bluff edge at 127 foot elevation was not based on a similarly adequate detailed analysis.*

Response: As noted in the response above, the City and Coastal Commission staff determination of bluff edge at the 127 foot elevation was based on substantial evidence and analysis, including expert geologist review of topography, project plans, and technical reports, site visits, and analysis applying coastal bluff edge determination guidance. The following Coastal Commission staff communication with City staff *(Megan Sinkula, Coastal Program Analyst, 05-02-16 email)* further clarifies this point with respect to review by Coastal Commission Staff Geologist Mark Johnsson and his bluff edge determination:

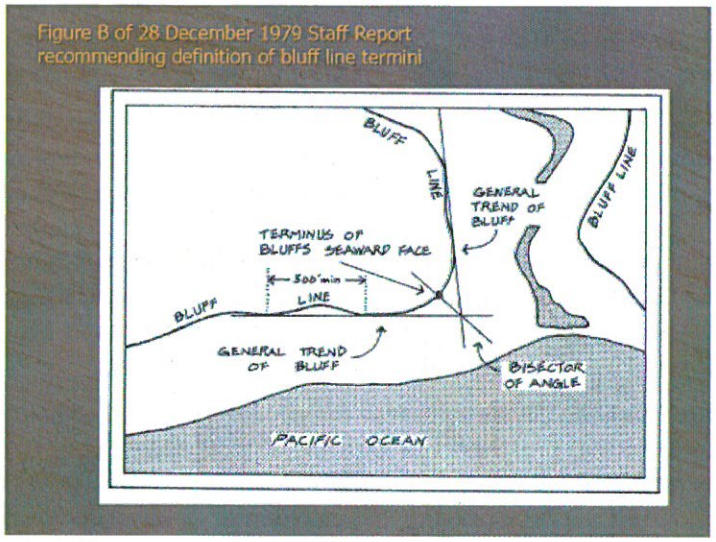
> "...Dr. Johnsson has consulted with the City on numerous occasions regarding the geological issues of the proposed project, visited the proposed site with the City, reviewed the "Geologic and Geotechnical Investigation Report" (CSA, 2012), the "Update Report and Response to City Review Team Comments" (CSA, 2015), as well as the "Supplemental Geological Response and Hydrological Response to City of Santa Barbara Planning Division Letter" dated December 8, 2015 (CSA, 2016), as well as other geologic reports dealing with the geology of the site and nearby environs. Furthermore, Dr. Johnsson has visited the site to observe conditions directly. Dr. Johnsson has, therefore, provided an expert opinion based upon extensive review of the proposed project location and all geologic reports generated for the proposed development, collaboration with the City's analysts and personal expertise from performing many determinations of bluff topographic expression — all before the project has come before the Commission."

*(2) 500 foot distance criterion. The comments assert that the 51 foot elevation for bluff edge would meet the CCR Title 14 §13577 regulation for determining bluff edge, including that the bluff edge distance would meet and exceed the 500-foot criterion, while the landslide headscarp at 127 foot elevation identified by staff would not meet the 500-foot distance criteria of the CCR bluff edge regulation for identifying a bluff edge and cannot be determined to be the bluff edge.*

Response: Coastal Commission staff communication to City staff (*Megan Sinkula, Coastal Program Analyst, 04-20-16, 05-02-16 emails*) confirmed that the 500 foot criterion in CCR 13577 refers to the minimum area to be examined in making a coastal bluff determination, and not the minimum length of a coastal bluff or bluff edge, and that the criterion is used only in distinguishing between the coastal bluff and canyon bluffs. MND Exhibit F4 indicates the 500 foot area considered.

Communication to City staff from Coastal Commission staff (*Megan Sinkula, Coastal Program Analyst, 05-02-16 email)* further explains Dr. Johnsson's analysis for bluff edge determination at the 127 foot elevation with respect to the 500 foot coastal regulation criteria:

> "...Coastal Commission Regulations Section 13577 states, in relevant part: *The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations."*
>
> "This language is best understood by referring to the figure that accompanied the 1979 Staff Report adopting the regulation (Section 13577)."




> "As can be seen, the 500-foot (minimum) trend line is used to define the general trend of the coastal bluff as opposed to a canyon or fluvial-facing bluff. The point on the bluff reached by the line bisecting the angle formed by the coastal bluff trend line and the canyon bluff trend line is the point at which a coastal bluff transitions to a canyon bluff. The 500-foot criterion is meant to assure that minor indentations in a coastal bluff do not constitute a transition to a canyon bluff. That is the only significance of a 500-foot criterion. This language does *not* pertain to whether a landslide scarp constitutes part of a coastal bluff (i.e., some minimum length of bluff needed for a landslide scarp to constitute a coastal bluff.)"
>
> "Therefore, as Dr. Johnsson has provided in his professional opinion, the landslide scarp at 1925 El Camino De La Luz clearly constitutes a coastal bluff edge at this location. The original bluff edge was destroyed by the landslide, and a new bluff edge was established at the headscarp of the landslide."

*(3) Bluff determination guidelines. The comments note that the 51 foot elevation bluff edge location would conform to applicable bluff guidelines (Geologic Stability of Blufftop Development, 1997) which were adopted by the CA Coastal Commission and referenced in the current adopted City Local Coastal Plan, while the staff analysis used the Mark Johnsson staff memo guidelines (2003), which were not adopted by the Coastal Commission and are not applicable to the project.*

Response: The 1997 *Geologic Stability of Blufftop Development* guidelines were part of the Coastal Commission's Statewide Interpretive Guidelines and provided guidance at the time the City's Local Coastal Plan (LCP) was adopted (1981), but were not an LCP attachment nor referenced in the LCP geologic discussion or policies, and are currently outdated. The Mark Johnsson guidelines (*Establishing development setbacks from coastal bluffs, 2003*) provide the current methodology and standard of practice employed by Coastal Commission staff in evaluating setbacks for bluff top development to inform the Coastal Commission, local agencies, and public on application of coastal bluff development policies and regulations to development permit decisions across the state, as noted in the guidelines and confirmed by Coastal Commission staff *(M. Sinkula, 05/02/16)*.

*(4) Prior Coastal Commission decisions. The comments assert that the 51 foot bluff edge determination would be consistent with the Coastal Commission regulation (PRC 30625(c)) that "decisions of the (Coastal) Commission where applicable shall guide local governments ...in their future actions", given that prior Coastal Commission permits for grading and slope restoration in the project vicinity following the landslide identified the work to be inland of the beach and bluff edge and seaward of residences thereby recognizing the lower bluff edge location. The comments state that a staff bluff edge determination at 127 foot elevation would conflict with the Coastal Commission Doolittle permit findings for bluff edge and therefore the Coastal regulation for local governments to follow prior Coastal Commission guidance.*

The prior Coastal Commission permit issued to Doolittle (for sites 2001, 1927, and 1933 El Camino de la Luz) was for limited slope stability repair work following the landslide, and associated findings do not represent binding precedent for new development of a residence on the project site at 1925 El Camino de la Luz. The technical and staff reports for the Doolittle permit clearly state that further analysis and permits would be required for proposed residential development in the area. Analysis for the current permit application appropriately uses the current 2003 Coastal Commission staff guidance for development on coastal bluffs for identification of the bluff edge.

### 14. Coastal Commission comment about geologic hazards

*Impacts associated with geologic hazards. Comments received by Coastal Commission staff included a general statement characterizing geologic resources impact significance, and referencing coastal policies for protection of public safety and coastal resources, with the opinion stated that the project would conflict with these policies, which would constitute a significant impact. (M. Sinkula 03-10-16).*

Response: In a change to CEQA, the recent Supreme Court opinion (*CA Building Industry Association v. Bay Area Air Quality Management District 12-17-15*) held that CEQA generally does not require an agency to consider the effects of existing environmental conditions such as geologic hazards on future residents, except for the potential for the project to exacerbate existing environmental conditions.

The MND (Initial Study section 1) does address the impact significance of project effects associated with geologic hazards and public safety. The analysis identified potentially significant impacts associated with slope instability and erosion. Substantial technical evidence and analysis is provided that supports the conclusion that the project as designed with slope stability and drainage and erosion control elements would improve landform stability, erosion, and drainage conditions compared to

existing conditions and would not exacerbate hazards or result in significant safety or other geologic impacts to the project, surrounding properties, or coastal resources.

The Coastal Commission staff comment does not provide new factual information or other substantial evidence in support of a conclusion of significant impacts. And, as noted in the MND, under CEQA case law, a policy inconsistency only constitutes a significant impact under CEQA if the policy conflict would result in a significant impact. The MND identifies the potential for decision makers to find the project in conflict with coastal policies about development on a bluff face and for incorporating development setbacks from the bluff edge and areas meeting stability factors of safety. Based on the impact analysis, a policy conflict in this instance would not constitute a significant environmental impact for CEQA review purposes.

***15. Other geologic constraints***

*The comment questions potential for environmental effects associated with other geologic-related hazards including seismicity and liquefaction (Planning Commissioner 03-03-16).*

Response: The MND addresses this issue (Initial Study Section 5.a). Geologic formations on the project site are identified as landslide deposits on the lower slope, Monterey Formation mid-slope, and Quaternary Marine Terrace deposits at the upper portion of the property nearest the street. The site is outside identified earthquake fault hazard zones. All California is subject to earthquake ground shaking, and State and City Building Code provisions require appropriate structural design to address ground shaking. The site is identified for low potential for liquefaction (loss of soil strength during earthquake shaking) and expansive soils. The site is not identified with geologic substructure subject to radon hazard. In the event final technical studies prior to building permits identify these risk in any area of the building envelope, building code regulations are in place to adequately address the issues through site design, structural design, and barriers. The project does not have the potential to exacerbate seismic and geologic hazards exposing persons and structures to risk of earthquake fault rupture, earthquake ground shaking, liquefaction, expansive soils, or radon impacts, constituting a less than significant project impact. (*City Master Environmental Assessment and Safety Element maps and guidelines, and project geologic hazard studies*)

**Noise Impacts**

***16. Construction-related noise***

*Temporary noise impacts and controls. Comments expressed concern about the impact of construction-related noise and vibration on the surrounding neighborhood. Sources of noise referenced included heavy equipment, excavation, pile driving, drilling, trenching, paving, and traffic. Potential noise and vibration impacts raised include disturbance to neighbors, damage to neighbors' hearing, and property damage such as cracked pipes, walls, or foundations, and broken glass. Comments pertaining to noise controls suggested further specification of noise controls; a limitation on the overall duration of the construction process; revised construction hours to start later than 7:00 a.m.; and further detail on advance notification to neighbors and monitoring of noise. (N. Brock 02-22-16, 05-02-16; J. H. Taylor 02-22-16; R. Stenson 02-22-16; S. and L. Wiscomb 03-06-16; M. & J. Maybell 03-09-16; D. Crawford 03-10-16)*

Response: Temporary construction-related noise and vibration is addressed in the MND (Initial Study section 7.a, c). The project scope is limited to site preparation and construction of a single residence. Overall duration of the construction process is estimated at 70 weeks (1.3 years) including up to four weeks of demolition and six weeks of site grading.

The MND/Initial Study analysis identifies a potentially significant impact to the surrounding neighborhood associated with temporary grading and construction equipment noise and vibration. Higher noise levels (>80 dBA at 50 feet) and vibration are associated with some processes, such as heavy equipment and vehicles, drilling for poured in place caissons to stabilize slopes, grading, and jack hammers for demolition of existing pavement. (Note that the project does not include pile driving for caisson installation.) These higher noise levels are intermittent and periodic and are limited in overall duration.

Construction processes are regulated through City ordinances and building permit provisions. Requirements of the Santa Barbara Municipal Code Noise Ordinance provide limitations on noise-generating construction equipment to the hours of 7:00 a.m. to 8:00 p.m.

With application of identified mitigation measures N-1 through N-3 further limiting construction days (weekdays only) and hours (to end at 4:00 p.m.) for high noise-generating construction processes, requirements for construction equipment sound controls, and neighbor notification 20 days prior to commencement of the construction process, temporary construction-related noise and vibration impacts of the project would be less than significant. In addition, a pre-construction meeting with contractors is held to review noise mitigation requirements, and monitoring of the implementation of mitigation measures is required by an approved project environmental coordinator (PEC) [see attached Mitigation Monitoring and Reporting Program (MMRP)] with bi-weekly reporting to City staff.

*Recommended Measures*

The project site is located in a quiet residential neighborhood. The following additional measures have been added to the MND as recommended measures that could be applied to the project toward further reducing the less than significant construction-related noise and vibration impacts. As determined necessary to implement noise policies and make required findings for permit approval, the following additional Recommended Measures could be required by decision-makers as project conditions of approval to further limit construction hours, further specify sound controls and neighborhood notification, add sound barriers, and conduct a building cracks survey.

RM N-4 *Further Construction Hours Limitations.* Requirements in mitigation measure N-1 are superseded by the following provisions: All construction activities shall be prohibited on weekends and shall be permitted only on weekdays between the hours of 8:00 a.m. and 4:00, with the exception of ten specified holidays when construction activities shall also be prohibited: New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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.*

RM N-5 *Use of Construction Equipment Sound Controls.* Requirements in mitigation measure N-2 are further specified as follows: Equipment and vehicle mufflers and silencing devices shall be operating whenever equipment and vehicles are in use for the project. All diesel equipment shall be operated with closed engine doors. Unnecessary idling of internal combustion engines shall be prohibited during project construction processes. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

RM N-6 *Neighbor Notification Specifications.* Requirements in mitigation measure N-3 are augmented as follows: Additional notification of neighbors within 300 feet of the project area shall be provided one week prior to a changed construction schedule. A sign (with minimum font size of 0.5 inch) with the information required by mitigation measure N-1 shall be posted at the point of entry to the site immediately upon building permit issuance and upon any subsequent update notifications.

RM N-7 *Construction Noise Barriers.* Stationary construction equipment that generates noise exceeding 50 dBA at the property boundary shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters.

RM N-8 *Structural Crack Survey and Video Reconnaissance.* At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 300 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 300 feet of the project site property line and more than 30 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who elected to participate in the survey shall be prepared. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site. Prior to issuance of certificate of occupancy, Owner shall provide for prior two-week neighbor notification and video documentation of post-construction condition of buildings and other structures, and shall compensate any neighbors for repair of cracks caused by the construction process.

**Recreation Impacts**

***17. Beach access and open space easements***

*Comments request clarification of proposed access and open space easements and question their identification as beneficial to coastal recreational resources (Planning Commissioner 03-03-16)*

Response: The project site includes the back beach area from the lower cliff to the Mean High Tide Line. A recorded private access easement exists that provided for a former footpath from 1927 El Camino de la Luz across 1925 El Camino de la Luz to the beach (*Preliminary Title Report, 2015*). The path no longer exists due to the landslide.The general alignment identified for the proposed California Coastal Trail along the West Mesa includes the beach and closest roads parallel to the coast. The back beach area of the parcel is included within this general identified trail alignment.

The project proposal includes an offer to dedicate a lateral public access easement across the back beach area to the Mean High Tide Line. There is no proposal for a vertical easement from the public beach up to the project site. An offer to dedicate an open space easement over the undeveloped area is also proposed as part of the project, which includes the area below the project development envelope to the coastline.

The easements provide permanent recorded legal assurances of public access across the back beach area, and preservation of vegetated open space and habitat on the site, which is also part of the visual open space backdrop of the public beach and ocean recreational areas. These legal assurances are beneficial to the public beach, coastal trail, and open space recreational resources of this area of the coast.

**Traffic Impacts**

***18. Construction traffic***

*Impacts to neighborhood. Comment expressed a concern for construction-related traffic in the neighborhood (D. Crawford 03-10-16)*

Response: Construction-related traffic impacts of the project are addressed in MND/Initial Study section 11.b. The project is limited to site preparation and construction of one residence. Existing area traffic levels are low.

Traffic generated by the project during the construction process will vary during different phases of work and will include worker trips, deliveries of equipment and materials, and removal of demolition debris and construction waste materials. The project proposes construction equipment and materials staging on the project site and adjacent property at 1921 El Camino de la Luz.

The project would be subject to standard conditions of approval (MND/Initial Study Exhibit C) restricting construction truck trips to outside of peak traffic hours; requiring approval of routes for construction traffic; and requiring approval of specific designated construction staging and parking areas.

Construction-related traffic is temporary and limited and may represent an inconvenience but does not constitute a significant traffic impact per City impact significance thresholds.

**Water Quality and Hydrology Impacts**

***19. Construction process - drainage and water quality***

*Construction impacts to water quality. Comments expressed concerns that the project grading and construction process could cause runoff affecting surrounding properties, or could pollute run-off or groundwater with dust, metals, construction contaminants, leaking of drilling fluids, or landslide debris. Additional detail on temporary drainage and water quality controls was requested (J. Dorn 02-22-16; Single Family Design Board 02-22-16; S. and L. Wiscomb 03-06-16; Planning Commissioners 03-03-16).*

Response: The MND/Initial Study section 12.b-d addresses temporary grading and construction-related impacts associated with drainage and water quality. Coastal Commission regulations and City plans and ordinances require implementation of an approved drainage and storm water management plan for temporary construction activities throughout the project site demolition, stabilization, grading, construction, and landscaping process. The approved plan identifies controls to assure that the construction process would not result in significant temporary impacts associated with drainage, erosion, storm water, groundwater, and water quality. The City Erosion/Sedimentation Control Program (*Building & Safety Division, 2012*) identifies control measures to be included in such plans. Best management practices provide for containment procedures in the event of accidents or spills. Standard air quality conditions of approval also require all equipment to be maintained.

Measures incorporated in the preliminary drainage and erosion control plan for the project construction process (Project plans sheets A0.01 and .02 Construction Drainage Plan and Drainage

Notes; and Drainage and Erosion Control Plan and Grading Plan, 1925 El Camino de la Luz (*C. L. Grant, Civil Engineer, 2013*) include the following: gravel entrance; filter system on catch basin at El Camino de la Luz cul-de-sac and parking areas; control of erosion and drainage with use of silt fencing, straw wattles, fabric wattles, hay bales, plastic sheeting; vegetation protection with temporary jute netting with pins. The plan is subject to review and approval as part of the project by Planning and Creeks Division staff, Planning Commission, and Single Family Design Board. The final plan is subject to review and approval prior to issuance of a grading and building permit, and plan provisions would be monitored by a Project Environmental Coordinator during the construction process as part of the Monitoring and Reporting Plan (attached to MND).

MND/Initial Study sections 9 and 6 address removal of landslide debris within the project development envelope and any hazardous materials identified during the site preparation or construction process. Landslide debris removal would be directed, monitored, and inspected by a licensed geotechnical engineer as a standard requirement of the building permit. Proper disposal of any hazardous materials discovered is required and governed by State regulations. OSHA worker site safety procedures are also standard construction contractor provisions.

***20. Long-term - drainage and water quality***

*Storm water management. Comments requested more detail about the long-term storm water management program for the project, and expressed concerns that the project could adversely affect surrounding properties due to inadequate maintenance of storm water management devices; and potential loading or earthquake cracking of water tanks (J. Dorn 02-22-16; Single Family Design Board 02-22-16; M. Sinkula, Coastal Commission 03-10-16).*

Response: Long-term drainage and water quality management is addressed in the MND (Initial Study section 12.b-d). The project would result in approximately 7,000 square feet of impervious surface and would retain approximately two-thirds of the site as natural open space. State and City policies and regulations require that onsite capture, retention, and treatment of storm water to manage volume and water quality be incorporated into the project. Increased storm water (based on 25-year storm) is captured and retained on site (for a one-inch storm event over 24 hour period) and treated using best management practices (BMP). Project technical reports (CSA 2012, 2015, 2016) provide evaluation of project hydrology and design of on-site drainage facilities and storm water management plans to be installed as part of the project, and project plans (Plan sheet CD-1, 4-25-15) provide the drainage plan. The City Creeks Division has reviewed the current project storm water management plan (SWMP) and concluded that the plans could comply with City Tier 3 SWMP requirements for run-off volumes, water quality treatment, and BMPs. Final plans would be approved prior to issuance of a grading and building permit and installation of SWMP measures prior to final project inspection. The City provides annual reports to the State on implementation of post-construction SWMP measures.

A recommended measure has been added to the FMND to the MND as follows to further ensure implementation of approved plans for drainage facilities and storm water management:

WQH-1 *Drainage and Storm Water Management Facilities and Plans.* Final project plans shall incorporate project components for construction and post-construction permanent drainage and storm water management facilities and operation/maintenance provisions reflecting technical study recommendations and consistent with City policies, ordinances, and guidelines for construction erosion and sediment control, and permanent storm water management addressing water volumes and water quality.

The MND nalysis demonstrates that the project would improve long-term drainage and water quality treatment on the site compared with current conditions. The drainage plan would provide for control of all surface water within the grading and development envelope to avoid landform saturation, reduce erosion, and reduce high pore water pressures. On-site drainage facilities would include three horizontal below grade drains connected to three on-site water storage tanks (total capacity >36,000 gallons), back drains behind retaining walls, and residence sub-floor sub-drains, along with vegetation restoration, landscaping, and roof gardens. Drainage from subareas of the property would be collected in inlet and trench drain devices and directed to on-site subsurface water storage tanks, used for on-site maintenance of lemondade berry restoration areas and landscaping, and any excess water pumped back to the El Camino de la Luz municipal storm drain. Drainage for two small areas (driveway area) would continue to be directed to the adjacent property 1921 El Camino de la Luz with a permanent drainage easement, but with volume reduced through collection of a portion from the project site directed to on-site drain inlet and trench drain collection devices. The site geology is not appropriate for use of infiltration methods for water quality treatment, and the project would utilize filtration on drain inlets and trench drains, UV light treatment or similar method for water tanks, native vegetation to minimize sediment, nutrients, and pesticides, and sweeping of paved areas. On-going maintenance of SWMP facilities and practices is a standard permit requirement.

The proposed subsurface tanks are designed to not leak and to withstand seismic ground shaking. Water weighs about half the weight of a comparable volume of soil. The project geologist analysis concludes that the placement of the water tanks would not result in net weight loading or have the potential to destabilize the site (CSA, 2016).

**21. Environmental document type**

*Mitigated negative declaration vs. environmental impact report. Comments suggest that an environmental impact report rather than mitigated negative declaration should be prepared as the project environmental document. (M.T. Lyons 03-10-16; Planning Commissioners 03-03-16)*

Response: The CEQA and the State CEQA Guidelines provide direction and criteria for Lead Agency determinations of the appropriate type of environmental review document for a given project. An Environmental Impact Report is prepared if there is substantial evidence that the project may have a significant environmental effect. A Mitigated Negative Declaration shall be prepared when project plans and mitigation measures agreed-to by the project applicant would avoid or mitigate potentially significant environmental effects such that clearly no significant effects would result, and there is no substantial evidence in the record that the project may have a significant environmental effect.

Public comment on the draft Mitigated Negative Declaration analysis of project environmental effects stated concerns about project impacts, but provided no substantial evidence that a significant impact may occur. The evidence in the record clearly demonstrates that environmental impacts of the project as proposed would not be significant, or would be mitigated to a less than significant level by mitigation measures agreed-to by the project applicant. There is no substantial evidence in the record to support a finding that the project may result in a significant effect on the environment.

***22. Mandatory Findings of Significance***

*Supporting Evidence. Clarify basis for mandatory findings of significance with further text indicating evidence supporting the findings (Planning Commissioners 03-03-16).*

Response: The MND states that the findings are supported by the analysis throughout the MND. Additional text summarizing the MND analysis and supporting the findings has been added to the FMND.

**Applicant Technical Comments**

23. ***Project Description.*** *Change reference from native vegetation to horticultural vegetation; include reference to proposed temporary construction staging area on 1921 El Camino de la Luz; clarify manner of shear-pin and caisson installation. (N. Dall, 03-10-16 technical comments attachment)*

    Response:

    *Native Vegetation.* Please see item 9. "Native" refers to plant species indigenous to the area, which is not changed by when the vegetation was established on the site or who established it. The text reference has been clarified to reference "native species".

    *Construction Staging.* Please see item 2. A reference to the proposed temporary construction staging area at 1921 El Camino de la Luz has been added to the MND cover sheet summary project description. The DMND full project description included reference to the proposed temporary construction staging area at 1921 El Camino de la Luz based on information provided in the project application. This text description has been augmented in the proposed FMND to reflect additional detail provided with the refined project plans submitted by the applicant (04-25-16 plans).

    *Installation of caissons and shear pins.* The FMND cover sheet summary project description and the FMND full project description have been augmented to state "using drilling and poured in place construction rather than pile driving".

24. ***Environmental Setting****. Revise characterizations of coastal bluff; use Mean Lower Low Water elevation as reference in describing parcel boundary; change references to identify lemonade berry as a horticultural species and not native species; clarify reference to tsunami run-up area; correct references to post-landslide activities on the site in 1978 and 1984. (N. Dall, 03-10-16 technical comments attachment)*

    Response:

    *Coastal bluff characterization.* The commenter's opinion about the location of bluff edge and applicable guidelines for interpreting coastal policies and regulations is noted, and was already summarized in the DMND discussion and in prior responses to comment. Please see item 13 response. The proposed FMND descriptions of existing environmental setting and Geology section impact discussion are edited but continue to recognize that the parcel has complex step-like topography which includes a lower tier cliff near the shoreline and a long bluff sloping up to an upper tier step at the landslide head scarp, consistent with expert opinion of the Coastal Commission staff geologist based on substantial evidence as described, and current guidelines used by the Coastal Commission and City and their staffs for evaluating development setbacks from coastal bluffs and applying coastal development regulations and policies (*M. Johnsson, Establishing development setbacks from coastal bluffs, 2003*).

    *Water elevation reference.* The MND discussion referenced which describes parcel topography for purposes of environmental impact analysis will continue to describe parcel location and boundaries with reference to Mean High Tide Line, which is the measure used routinely by agencies in Santa Barbara County, with the elevation corrected to 4.63 feet. It is noted that these descriptions for environmental review purposes do not represent jurisdictional boundary determinations.

    *Native species references.* Please see item 9 response above. The text provides a brief summary describing native species vegetation existing on the site for the purpose of identifying baseline environmental conditions. Text references have been clarified.

*Tsunami run-up area*. The text in the proposed FMND has been revised to clarify that the identified tsunami run-up area (City MEA 2009) is identified for the lower portion of the project site below the 51 feet elevation of the lower bluff step, and that the project development envelope is outside the identified risk zone.

*Post-landslide activities*. The text in the proposed FMND has been revised to clarify references to post-landslide activities in 1978 and 1984 for this brief summary description of the environmental setting, and later in the Geology impacts discussion.

25. ***Existing Land Use, Access, and Parking***. *Delete use of term "vacant" and clarify existing on-site development and homeless use; include reference to California Coastal Trail alignment and recorded private access easement along back beach area of the parcel. (N. Dall, 03-10-16 technical comments attachment)*

Response:

*Land use description.* The text in the proposed FMND summary of existing land use on the site has been revised to clarify existing on-site remnant development, and added references that the site has no existing residential dwelling or active residential use, and that the site near the lower bluff step has reportedly had unauthorized use by an encampment of homeless persons.

*Coastal Trail.* The proposed FMND access description and Recreation section have been revised to include references to the general trail alignment and recorded private access easement along the back beach area of the project site. Please see item 17 response.

26. ***Plans and Policies discussion***. *Revise discussion of coastal bluff edge policies to recognize bluff edge at 51 foot elevation and not 127 foot elevation. (N. Dall, 03-10-16 technical comments attachment)*

Response: *Bluff edge.* The MND (Initial Study section 5.a- b-c) addresses this issue. Please see item 13 response. The commenter's opinion about the location of bluff edge and applicable guidelines for interpreting coastal policies and regulations is noted, and is already summarized in the MND discussion.

27. ***Note on Supreme Court case opinion***. *Clarify discussion regarding CEQA document scope of review. (N. Dall, 03-10-16 technical comments attachment)*

Response: *CEQA note*. The proposed FMND text is augmented to clarify that the MND/Initial Study document analysis includes full evaluation of impacts associated with environmental hazards. *(N. Dall, 03-10-16 technical comments attachment)*

28. ***Visual Resources***. *Clarify discussion of view impacts from viewing locations on the beach and ocean. (N. Dall, 03-10-16 technical comments attachment)*

Response: *View impacts*. The text discussion in the proposed FMND has been augmented to clarify analysis of project impacts to views from the beach and ocean, with more detail about the existing context of the view and the topographic, vegetation, and project design factors that minimize project visual effects, including project design refinements submitted by the applicant (04-25-16) in response to the comments from the Single Family Design Board concept review.

29. ***Lighting and Glare***. *Clarify discussion of project components. (N. Dall, 03-10-16 technical comments attachment)*

Response: *Lighting effects*. The proposed FMND text discussion has been revised to clarify project components, reference required Single Family Design Board approval of project materials and lighting design, and identify design refinements submitted (04-25-16 project plans) that would further reduce

any potential glare impacts. A Recommended Measure has been added specifying that design review approvals by the Single Family Design Board would include approval of a project lighting plan.

30. ***Biological Communities**. Clarify location references for coastal bluff scrub vegetation and proposed open space easement; revise references to natural community because plants are horticultural; correct analysis that project would not remove any coastal bluff vegetation or cliff aster; include reference to project mitigation of the impact by homeless persons on vegetation. (N. Dall, 03-10-16 technical comments attachment)*

    Response: *Native plant impacts and mitigation*. The text in the proposed FMND Biological section has been revised to clarify the location of the open space easement which is proposed as a component of the project and habitat areas to be protected by the easement; existing native species vegetation and project effects; and to include reference to project mitigation of existing vegetation damage due to unauthorized use of the property.

31. ***Geology and Soils, Existing Site Conditions**. Correct parcel elevations; characterizations of physical processes per technical studies, effects of sea level rise on bluff erosion rate, unsubstantiated references to lower sea cliff and lower bluff location, and setback/factor of safety references for slope stability and erosion discussion; and delete identification of potential policy conflicts based on unsubstantiated bluff edge location at the landslide head scarp. (N. Dall, 03-10-16 technical comments attachment)*

    Response:

    *Parcel elevations*. Please see item 23 response. The parcel elevations utilize reference to Mean High Tide Line, and the shoreline elevation has been corrected.

    *Physical processes*. The impact analysis starts with identification of existing conditions and constraints before evaluating project impacts. The statements referenced describing the site and surrounding area as subject to slope instability and bluff erosion constraints are based on numerous sources referenced including the City *Master Environmental* Assessment *(2009), General Plan Program EIR (2011),* and *General Plan Safety Element (2012)*, as well as the project technical studies. No text change is required.

    The MND analysis then goes on to recognize prior slope stability and revegetation work following the landslide which improved stability and erosion conditions, and that the project as designed with slope stability, drainage control, erosion control, and vegetation components would further improve slope stability and safety and reduce drainage and erosion hazards. The analysis based on project technical studies identifies that with expected erosion rates assuming the high range of projected sea level rise and with the project location at sufficient distance 169 feet upslope from the lower cliff, the project as designed would not exacerbate erosion and slope stability hazards, the project would meet safety criteria for the project, and no shoreline protection devices would be required for the life of the project.

    *Bluff erosion and sea level rise.* Per the DMND discussion of existing site constraints states, *historic* and *current* rates of coastal cliff erosion are first identified, based on the project technical reports. It is noted that sea level rise may result in increased erosion rates from increased frequency and intensity of storm surge and wave run-up .This statement reflects numerous climate change studies and reports which recognize that forecasted effects of climate change on sea level rise and storm intensity have the potential for increasing rates of coastal erosion from increased storm surge and wave run-up (*UNCHFCCC Report 2015; California OPC 2012; Coastal Commission Sea Level Rise Guidelines 2015; City of Santa Barbara General Plan Program EIR 2011, Climate Action Plan 2012,*

*General Plan Safety Element 2013, Griggs-Russell City of Santa Barbara Sea Level Rise Vulnerability Study 2012*). No MND text change is warranted for this existing conditions discussion.

The further MND analysis based on project technical studies identifies that with expected future erosion rates assuming the high range of projected sea level rise, and with the project location at sufficient distance 169 feet upslope from the lower cliff, the project would not be affected by accelerated erosion of the lower cliff, and the project would meet safety criteria for the project and would not exacerbate shoreline erosion, such that no shoreline protection devices would be required for the life of the project.

*Lower bluff step and policy conflicts*. Please see item 13 response. The references to the lower cliff or lower bluff are consistent with the City and Coastal Commission staff identification of the bluff on the site having a step-like feature with several tiers including the lower at 51 foot elevation and the upper at 127 foot elevation. The identification of the bluff edge at the 127 foot elevation by the Coastal Commission staff geologist and City staff is based on substantial evidence as described. A final determination of bluff edge location in connection with coastal policy consistency findings will be made by decision makers for the project permit application. The State CEQA Guidelines §15063 specifies that an Initial Study include an evaluation of project consistency with applicable plans and land use controls. Because there are differing opinions about the location of the bluff edge, the MND included evaluation of policy consistency or conflict for each of the bluff edge locations, including the 51 foot elevation.

*Long-term erosion/ bluff setbacks and factors of safety*. The text is referencing that the project technical report analyses, including the CSA supplemental response, did not entirely follow the current recommended Coastal Commission guidelines methodology for determining development setbacks (*M. Johnsson 2003*), which factors in a development setback from an area that already meets factor of safety criteria. However, the MND also includes the conclusions of the project technical reports that, with the development distance from the lower bluff step and the project design components for stabilizing the development envelope to a level meeting factor of safety criteria, the project during its life would not be affected by shoreline erosion, would not exacerbate shoreline erosion, and would not require shoreline protective devices.

32. ***Hazards/Fire Hazard***. *Correct reference to adjacent open space with native vegetation. (N. Dall, 03-10-16 technical comments attachment)*

    Response: *Urban/Vegetation Interface*. The referenced discussion describes existing conditions with respect to fire hazard. Factors affecting fire hazard include steep slopes and interfaces between urban development and vegetated open spaces. It is a fact that a vegetated open space is located adjacent and downslope of the project development envelope. The term native vegetation refers to plant species indigenous to the area. No text change is required.

33. ***Recreation/Facilities***. *Correct reference to proposed open space easement. (N. Dall, 03-10-16 technical comments attachment)*

    Response: *Open space easement*. The text of the proposed FMND has been edited to clarify the location of the proposed open space easement.

34. ***Water Quality and Hydrology***. *Correct references to owner of adjacent parcel; wave erosion effects on slope stability; development location. (N. Dall, 03-10-16 technical comments attachment)*

Response:

*Owner of adjacent parcel.* The text of the proposed FMND has been edited to correct the reference to the owner of record of the adjacent property at 1921 El Camino de la Luz.

*Wave erosion effects.* The MND discussion of existing baseline conditions is provided to identify potential hazards and constraints on the site. The discussion notes that that wave erosion at the toe of a slope has the potential to affect the stability of a landslide area above. This represents a well-known geologic process, and past geologic studies of the Mesa and past experience of slumps and landslides in the vicinity have documented the potential for wave run-up at the toe of a landslide to create the potential for undermining and activating a landslide. The MND analysis goes on to identify the effects of the project compared to this baseline condition. No text change is required in response to this comment.

*Topography and project location.* The proposed FMND text reference has been edited to clarify the location of the proposed development with respect to the sloping topography of the site.

**35.** *Land Use and Planning. Revise language pertaining to potential policy conflicts. (N. Dall, 03-10-16 technical comments attachment)*

Response: *Bluff location and policy application.* Please see item 13 response regarding discussion of policy consistency analysis as part of the MND document.

**36.** *Mandatory Findings of Significance. Concur with findings; include additional finding. (N. Dall, 03-10-16 technical comments attachment)*

Response: *Additional finding.* The suggested additional finding has been added to the proposed FMND, along with addition discussion summarizing impact analysis of the document that supports the mandatory findings.

**Additional Questions and Comments**

***37. Relation of policy consistency and impact assessment***

*Comments requested further clarification of the relation between the determination for location of bluff edge/policy consistency and the MND assessment of no significant geological impacts (Planning Commissioners 03-03-16)*

Response: Determination of the bluff edge is a qualitative assessment based on site topography and coastal guidelines, and is a factor in applying coastal policies. In areas with complex and variable topography such as the project site, more than one interpretation of the bluff edge is possible.

If the bluff edge is determined at 51 foot elevation as proposed by project applicant, the project would not be located on the bluff face and would not be inconsistent with the LCP policy 8.2 that prohibits most development on the bluff face.

If the bluff edge is determined at the 127 foot elevation as identified by City and Coastal Commission staff, the project could be found as located on the bluff face, and inconsistent with LCP policy 8.2.

In addition, the project siting on a location that does not meet factor of safety criteria without stabilization mechanisms could be found inconsistent with guidelines to apply coastal policies for establishing a development setback from a coastal bluff edge and areas naturally meeting slope stability factor of safety criteria.

The CEQA Guidelines provide for environmental analysis to identify whether a potentially significant impact could occur if a project could conflict with a policy adopted for the purpose of avoiding

significant impacts. Case law for interpreting and applying this CEQA Guidelines provision directs that a policy conflict is only identified as a significant impact under CEQA if the conflict would result in a significant physical effect.

The MND analysis recognizes the project site and area as subject to geological hazards pertaining to slope instability and erosion, and also recognizes that slope repair and revegetation work done following the 1978 landslide improved the stability and reduced overland erosion on the site. The extensive project technical analysis demonstrates that the project as proposed with slope stabilization and drainage and erosion controls would improve slope stability to meet industry factor of safety criteria, would improve the stability of the surrounding area, would improve control of drainage and overland erosion, would not require shoreline protective devices for the life of the project, and would not exacerbate geologic stability and erosion hazards or result in significant short-term or long-term impacts associated with safety, geologic hazards, and coastal resources.

Whether the bluff edge is determined at the 51 foot or 127 foot elevation, the project as proposed would not result in significant physical geologic impacts. Although proposed at a location where factor of safety criteria for slope stability do not currently exist, the project as proposed with slope stability devices would meet minimum factor of safety criteria for stability and would not result in significant physical geologic impacts. As such, any potential policy conflict with LCP Policy 8.2 and/or other coastal policies or guidelines for development setbacks from bluff edge and stable areas do not constitute a significant impact under CEQA.

However, project permit approval requires findings of project consistency with coastal policies. Therefore, potential policy inconsistencies remain a factor for the decision-maker decision on approving or denying the project permit request.

***38. Takings.***

*Comment asks the instances of policy inconsistency determinations with subsequent findings of property takings (Planning Commissioner 03-03-16).*

Response: The comment is not a comment on the draft MND environmental analysis. The Coastal Act (§30010) establishes a policy that local governments and the Coastal Commission shall not grant or deny permits in a manner resulting in a property taking. In such an instance, a permit may be granted for a project with policy consistency to the extent feasible and without full consistency with all coastal policies and guidelines. The Coastal Act taking policy has been occasionally invoked by the Coastal Commission and local agencies across the State to approve projects.

***39. Liability.***

*Comment asks whether there are cases in which a permit is approved, the safety measures subsequently fails, and the owner sues the City (Planning Commissioner, 03-03-16)*

Response: The comment is not addressing the MND analysis. It is standard City practice to apply a condition to permit approval that waives liability to the City. In addition, under the Government Code, the City has tort claims immunity for granting permits.

**Additional Correspondence Received Responding to MND Comments**

The following communications from the project applicant with responses to MND public review comments were received after the end of the public review period for the Draft MND.

*Applicant Responses to Planning Commission Comments at 03-03-16 Hearing (N. Dall, 03-10-16)*

*Applicant Responses to Coastal Commission Letter (N. Dall, 03-30-16).*

*Applicant Responses to Public Comment by M. Lyons, D. Crawford, B. Peterson, M. & J. Maybell, J. and K. Finegold, J. Taylor, N. Brock & T. Morrison, M. Thomas, J. Morgan & S. Krome, S. & L. Wiscomb, R. Stenson (N. Dall 03-31-16)*

*Applicant Responses to Public Comment by J. Taylor, D. & M. Smith, R. Stenson, J. Dorn (N. Dall 04-06-16)*

*Applicant Responses to Public Comment by G. & J. Smith (N. Dall 04-07-16)*

*Coastal Commission staff email (05-02-16)*

# Addendum to Adopted Final Mitigated Negative Declaration MST2013-00240 For the Proposed 1925 El Camino de la Luz Residence Project

**[SCH#2016021035, Dated June 22, 2016, Adopted July 7, 2016]**

## Additional Responses to Public Comment and Clarifications August 15, 2016

**Addendum Procedure.** This addendum to adopted final mitigated negative declaration (FMND) for the residential project proposed at 1925 El Camino de la Luz is prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164. The Guidelines provide that an addendum to an adopted FMND may be prepared for minor changes or additions not involving new or substantially greater significant impacts or new mitigation measures. The Guidelines provide that an addendum need not be circulated for public review, but can be attached to the adopted FMND and is considered by decision-makers with the adopted FMND when considering action on the project permit application.

**Background.** A FMND dated June 22, 2016 for the 1925 El Camino de la Luz residence project was adopted by the Planning Commission on July 7, 2016. Included as adopted FMND Exhibit H is a summary of public comment on the draft MND and topical responses. Additional public correspondence received shortly before the July 7, 2016 Planning Commission hearing and public testimony at the hearing received staff response at the hearing and was considered by the Planning Commission. The following written responses are provided for the record as additions to Exhibit H of the adopted FMND, and minor edits to FMND text for clarification.

## ADDITIONS TO FMND EXHIBIT H, SUMMARY OF COMMENTS AND RESPONSES

### *Further Response to Prior Comments*

**40.** ***Comment summary/ Views from the Ocean:*** *Commenters on the draft MND raised concerns that the project would result in significant impacts to coastal views inland by boaters and kayakers traveling along the ocean.*

*Response:* The following information is added to the adopted FMND Exhibit H topical response to comment 4: The MND concluded that the project would not result in a substantial change to scenic coastal views, including from off-shore viewpoints. However, it is also noted that case law provides that public coastal views subject to impact assessment and protective policies pertain to land-based scenic views from public parks, trails, and vista points, and do

not include views of the coast from offshore ocean-based vantage points. (*Schneider v. California Coastal Commission, 2006*)

## *Public Correspondence following the end of Draft MND public comment period*

41. **R. Stenson email, July 4, 2016; *Comment summary/geologic analysis:*** *Asked whether geologic firm was retained by developer or City. Expressed concern about lack of certainty and public understanding of risks. Asserted that it should be established how surrounding property owners would be compensated for any damage caused by project.*

    *Response: Geologic firm.* Please see MND Exhibit H topical responses to comments 10 and 11. The State CEQA Guidelines (§§15063, 15084) specifically provide for lead agencies to require applicants to submit information needed for environmental document preparation, and that the environmental document may rely on expert opinion supported by facts, technical studies, or other substantial evidence, and may be prepared by the agency staff or applicant consultant subject to agency review. Consistent with City practice, the geologic firm was retained by the project applicant. The firm and geotechnical engineer and engineering geologist that conducted the study are highly qualified experts certified by the State of California. The reports were based on extensive data and analysis and were reviewed by staff and the Coastal Commission geologist. City staff prepared the environmental document based on technical studies submitted and reviewed. Final geotechnical reports would be reviewed and approved by the City Building and Safety Division prior to building permit issuance.

    *Risk.* Please see also FMND section 5 analysis and MND Exhibit H topical responses to comments 10 and 11. The geologic analysis by certified experts and the impact conclusions of the environmental document are based on extensive onsite data collection and testing using professional standards for acceptable levels of public risk per government regulations for geologic analysis and development in areas of geologic conditions. For example, the analysis demonstrates that the project as designed would meet slope stability factor of safety criteria for static and seismic conditions. The project construction process is designed to first stabilize the slope and would incorporate use of inclinometers and groundwater monitors to detect any subsurface movement. The construction process would be directed and overseen by a certified engineering geologist.

    *Compensation for damage.* Please see FMND section 5 analysis and MND Exhibit H topical responses to comments 10 and 11. The analysis concludes that the project would stabilize and not exacerbate geologic hazards compared to existing conditions, and would meet regulatory standards for public safety. The California Government Code provides for City immunity from tort claims associated with development permits issued, and it is standard City practice to apply a condition of permit approval that waives City liability.

42. **L. & S. Wiscomb letter of July 6, 2016; *Comment summary/visual and geologic impacts:*** *Questioned timing of Initial Study and public review of revised MND. Asked how visibility from residences in surrounding area was determined without story poles. Asserted that neighbor submittals identifying upper top of bluff, and project inconsistency with bluff face development policies are substantial evidence of a significant impact.*

*(42. L. Wiscomb comments and responses, continued)*

*Response: Initial Study revisions.* The MND process followed CEQA procedures. The MND comprises a cover sheet and the Initial Study. CEQA provides for a draft document with public review period, and then preparation of a final document with any revisions. A document is only recirculated for public review when there are new potentially significant impacts and mitigations are identified, not when final document revisions involve only refinements and clarifications as is the case here. The proposed final document was made available two weeks prior to the Planning Commission hearing rather than the standard one week, providing an opportunity for public review and comment, as evidenced by the commenter's letter. The environmental document was written by City staff, with the analysis supported by technical studies.

*Project visibility from surrounding residences.* The project development envelope was staked, and visibility from surrounding area homes was reviewed based on project plans, topography and existing development, site sections, and photos. The analysis showed that the project would not be visible from much of the neighborhood.

*Buff top location.* The FMND references evidence from City archive plan files of nearby properties that identified the top of bluff at the upper tier location, and the neighbor submittals are part of the record. The FMND analysis also demonstrates that no significant physical geologic impacts would result from the project regardless of whether the bluff top location is determined at the lower or upper step (i.e., 51 foot or 127 foot elevations respectively).

*Bluff face policy.* Please see FMND Section 5 and MND Exhibit H topical response to comment 13. The FMND discusses that the potential project conflict associated with a bluff edge determination at the 127 foot elevation is a policy matter relevant to decision-maker action on the project permit, but does not constitute a significant environmental impact under CEQA review.

## *Public Comments at July 7, 2016 Planning Commission Hearing*

**43. J. Dorn testimony of July 7, 2016; *Comment summary/CEQA document; geologic analysis:*** *Requested environmental impact report; requested evaluation by City geologist.*

*Response: MND vs. EIR.* Please see FMND Exhibit H topical response to comment 21. The MND analysis demonstrates that the project as designed and with mitigation agreed to by the applicant would not result in significant environmental impacts. When this is the case, the State CEQA Guidelines direct that an MND shall be prepared. There is no substantial evidence in the record that the project may result in a significant impact. As such, under CEQA, an EIR is not required.

*City geologist evaluation.* Please see FMND Exhibit H topical response to comment 11, and response to comment 41 above.

**44. T. Morrison testimony of July 7, 2016; *Comment summary/geologic analysis:*** *Submitted information, including geologic studies identifying upper tier top of bluff locations, and a photograph of the site's steep slope.*

*(44. T. Morrison comments and responses, continued)*

*Response:* Please see FMND Section 5, and Exhibit H topical responses to comments 11 and 13, and response 41 above. Submitted information on file.

**45. N. Brock testimony of July 7, 2016; *Comment summary/geologic analysis:*** *Stated that neighbor concerns have been dismissed as without substantial evidence. Requested facts supporting document assertion that the project will improve slope stability and not impact neighboring properties; the existing conditions do not meet slope stability criteria. Need peer evaluation and to consider other geologic reports that differed on top of bluff and landslide considerations.*

*Response: Neighbor concerns and substantial evidence.* The City has not dismissed neighbor concerns. The project and environmental analysis provides detailed assessment of geologic and public safety issues of concern. However, City identification of environmental impact significance is governed by criteria established by California law and regulations, including the California Environmental Quality Act (CEQA) and Guidelines, and professional criteria and regulations for geologic and public safety analysis and development in areas with geologic constraints. Based on these governing criteria, there is no substantial evidence in the record that the project may result in a significant environmental impact. The State CEQA Guidelines (§15064) include the following criteria:

- The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.
- Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

*Slope stability and impact to neighboring properties; slope stability safety criteria.* For facts supporting the FMND conclusions that the project would not have significant impacts to slope stability and neighboring properties, please see FMND Section 5 analysis and the supporting technical studies, including *Geological and Geotechnical investigations and design review reports (Cotton, Sires and Associates, Inc. 2012, 2015, 2016); Wave Run-Up and Coastal Hazard Analysis (GeoSoils, Inc. 2015); Coastal Bluff Analysis (Scepan 2012); shear pin calculations (C. L. Grant, Civil Engineer 2013); Project Constraints Analysis (Dall & Associates 2015); Hydrology Report (CSA 2015)*; and *Grading, Drainage, & Erosion Control Plans (C. L. Grant, Civil Engineer 2013, 2016),* and FMND Exhibit H response to comment 11. The analysis recognizes that the existing condition of the proposed development envelope does not meet minimum factor of safety criteria for slope stability, and that the proposed project as designed with slope stabilization components would stabilize the slope in a manner exceeding minimum slope stability safety criteria. The slope stability components (e.g., caissons, shear pins, and tie backs) together with drainage controls and vegetation would improve slope stability for the immediate site and neighboring properties compared to existing conditions, and would meet public safety regulations and design criteria.

*(45. N. Brock comments and responses, continued)*

*Peer evaluation; other geologic reports.* Please see FMND Exhibit H response to comments 11 regarding peer review and consideration of other geologic reports, and response to comment 41 above.

**46. B. Peterson testimony of July 7, 2016, *Comment summary/geologic analysis*:** *Objects to applicant representative's comments about top of bluff location. Finds project inconsistency with Coastal Commission guidelines for bluff top location, and City coastal plan policy prohibiting development on the bluff face.*

Response: Please see FMND Exhibit H response to comment 13 regarding top of bluff determination and potential project inconsistency with coastal policies.

## *Applicant Correspondence*

**47. R. Monk letter of July 1, 2016.**

***Comment summary/coastal bluff location:*** *Based on the only surveyed information and consistent with adopted coastal regulations and 1997 guidelines and Coastal Commission 1984 Doolittle CDP decision, the surveyed coastal bluff edge location on the Parcel is between 48-52 feet MLLW.*

*Response:* Please see FMND Exhibit H response to comment 13. *Topographic survey*: Determination of bluff edge location is a qualitative judgment based on consideration of topography and application of coastal regulations and guidelines for the purpose of determining a development setback. *Controlling CCC Guidelines/criteria*: The 1997 Guidelines are not part of the City LCP nor referenced in the LCP geologic discussion or policies, and are outdated. The 2003 guidelines provide the current methodology and standard of practice employed by the Coastal Commission staff for evaluating setbacks for bluff top development to inform the Coastal Commission, local agencies, and public. The 2003 Guidelines are also adopted Appendix K of the 2011 City General Plan. *Prior CCC decisions.* The prior CDP permit issued to Doolittle for limited slope repair work following the landslide on sites 2001, 1927, and 1933 El Camino de la Luz and associated findings do not represent precedent for new development of a residence on the project site at 1925 El Camino de la Luz. The technical and staff reports for the Dolittle permit state that further analysis would be required for residential development in the area, and analysis for the current application appropriately uses the current 2003 Coastal Commission staff guidance.

***Comment summary/staff determination of coastal bluff location:*** *The Coastal Commission staff and City staff suggestion of bluff edge location at 127 foot elevation is unsupported by topographic survey performed pursuant to the controlling criteria, any field notes, or written expert analysis of existing coastal bluff conditions in light of the controlling criteria, which does not meet the CEQA standard for substantial evidence, and would render the property unbuildable.*

*Response:* Please see FMND Exhibit H response to comment 13. City Planning staff and Coastal Commission staff identified the bluff as having a step-like condition, with the edge of bluff at the upper step at 127 foot elevation. This bluff edge identification was based on

*(47. R. Monk comments and responses, continued)*

substantial evidence, including review by City planning staff, Coastal Commission analyst, and Coastal Commission geologist (Dr. Mark Johnsson) of the site topography, submitted project plans and technical reports with surveyed topography, geotechnical studies, and hydrology analysis, a site visit by City staff and Coastal Commission staff analyst and Geologist, and analysis/application of the coastal bluff edge policies using current Coastal Commission regulations (*CCR Title 14 §13577*) and guidance *(Mark Johnsson, Establishing development setbacks from coastal bluffs, 2003*). This determination is also supported by evidence from prior geologist determinations for the area and archive plans for other properties in the area. Dr. Johnsson's professional opinion is that the landslide headscarp is the current coastal bluff edge at this location; as the earlier bluff edge was destroyed by the landslide and the new bluff edge was established at the headscarp of the landslide. Please see Dr. Johnsson's memorandum dated August 9, 2016 on the matter.

***Comment summary/ bluff edge regulation criteria:*** *The 1997 Coastal Commission Guidelines (Geologic Stability of Blufftop Development) incorporated in the City LCP require that any step-like feature have a minimum 10 foot vertical height, and the upslope area of the site does not meet the definition of step-like feature or 10 foot vertical height.*

<u>Response</u>: Please see FMND Exhibit H topical response to comment 13. *Ten-foot vertical height.* The referenced 1997 guidelines state that a bluff has a minimum ten feet vertical height; it does not state that each step of a bluff with a step-like feature must have a minimum vertical height of ten feet. The diagram referenced identifies a bluff with only one step. The project site bluff includes a 10-foot vertical height. Other jurisdictions in California recognize that a bluff with a step-like feature will typically have a steeper section nearest the coast and less steep section at an upper tier, for example the Newport Beach definition based on the statewide interpretive guidelines: "A bluff may consist of a steep bluff face below and a more sloping upper bluff above." *Guidelines.* The 1997 Guidelines are not incorporated in the City LCP, and are outdated. The 2003 Guidelines represent the current methodology employed by the City and Coastal Commission. The FMND analysis and topical response to comment 13 provide evidence of a step-like feature as described in the current, applicable Coastal Commission guidelines.

***Comment summary/ 500 foot bluff edge criterion:*** *The Coastal Commission regulation (Section 13577(h)(2)) for identifying the bluff edge requires a minimum five hundred foot length of bluff edge. This applies to all bluff edge determinations, including for a rounded bluff, a bluff with a step-like feature, and a coastal bluff transition to a canyon bluff. The landslide headscarp on the site does not meet the 500 foot criterion.*

<u>Response</u>: Please see FMND Exhibit H response to comment 13. *500 feet criterion.* Coastal Commission staff explained this 500 foot criterion in the Section 13577(h)(2) regulation to be applied. The phrase "to be used in making these determinations" means the minimum distance to be considered in making a determination of a bluff edge, not the minimum length of a bluff edge. This criterion is used in distinguishing between coastal facing bluffs and inland canyon or river slopes where the two transition and assure that minor indentations in a coastal bluff do not constitute a transition to a canyon bluff.

*(47. R. Monk comments and responses, continued)*

***Comment summary/prior coastal bluff edge, impact, and policy consistency decisions:*** *Prior Coastal Commission and City actions and findings on the Doolittle permit (4-84-17) for post-landslide grading and other work differentiated between the coastal bluff edge location and the landslide headscarp, and found the work consistent with coastal policies and having no significant environmental effects. Per Coastal Act section 30625, decisions of the Coastal Commission shall guide future actions of local governments.*

Response: *Prior decisions.* Please see FMND Exhibit H topical response to comment 13, and response above to *coastal bluff location* item.

***Comment summary/ bluff edge location:*** *The location of bluff edge identified by staff at 127 foot elevation has physical conditions not consistent with a bluff edge per regulations, including earthen buttress of the wastewater trunk line trench and pipe, and remnant fill and pavement from prior residential development.*

Response: *Location of bluff edge at 127 foot elevation.* Please see FMND Exhibit H topical response to comment 13 and response above to *determination of coastal bluff location* item. Coastal Commission Geologist Mark Johnsson identified that the earlier bluff edge was destroyed by the landslide, and a new bluff edge established at the headscarp of the landslide.

***Comment summary/project compliance:*** *The evidence supports the identification of the coastal bluff edge at 48-52 foot elevation, a substantial development setback and a project design addressing geologic constraints consistent with coastal bluff protection policies, such that project approval under the Coastal Act takings avoidance provisions is unnecessary.*

Response: *Project compliance*. Please see MND Exhibit H topical response to comment 13. The FMND evaluation concludes that no significant physical impacts would result regarding geologic and public safety at either a 50-foot or 127-foot elevation bluff edge determination. The final determination for location of the bluff edge and associated policy consistency determinations are a matter for decision-makers as part of their subsequent consideration of the coastal development permit application. In the event that they determine the project as proposed to be inconsistent with coastal policy, they may consider an action under the Coastal Act takings avoidance policy provisions.

***Comment summary/ recommended measures:*** *The Emprise Trust concurred in identified DMND mitigation measures, and also concurs, with clarifications, in additional measures identified in the FMND for biology (RM B-2), construction equipment sound control (RM N-5), neighbor notification (RM N-6), lighting design (RM V-1), and drainage/storm water management (RM WQH-1), and standard archaeological resources condition for unanticipated discovery procedures. However, recommended measures pertaining to construction noise which involve construction start time, construction hours, and noise barriers do not have a nexus of an unmitigated potentially significant environmental effect, would exceed adopted Municipal Code standards, and are likely infeasible and could prevent project implementation, resulting in the City "taking" the Parcel.*

*(47. R. Monk comments and responses, continued)*

*Response: Recommended measures.* As stated in the FMND, recommended measures are not mitigations required to reduce potentially significant impacts. They are actions that may further lessen adverse but not significant impacts, and they are identified for consideration by decision-makers when taking action on the project permit application. Decision-makers are not precluded from applying permit conditions more stringent than standard ordinance provisions if they determine it is needed to implement policies and/or make required findings for permit approval.

***Comment summary/construction start time:*** *The proposed measure RM N-4 would alter the construction start time from the 7:00 a.m. time established in the Municipal Code to 8:30 a.m. This would result in a four-month extension of the construction period and increased costs. This measure is not needed given the buffering of the construction easement area along the north and east with tall vegetation, and retaining walls with closed fencing, and distance of surrounding residences.*

*Response: Construction start time.* As stated in the MND, a further limitation on construction hours would reduce noise effects at the time the noise is occurring, but would also be expected to extend the overall duration of the construction process and associated noise by a few months. Comments were received from Commissioners and neighbors expressing concern about noise effects to neighbors in the quiet residential neighborhood setting, and the construction start time. This measure to establish a later start time toward further reducing noise effects can be considered by decision-makers as part of their deliberations and actions on the project permit request in the context of policy consistency and required findings for permit approval.

***Comment summary/ equipment noise barriers for stationary equipment (RM N-7):*** *The mobile drilling rig cannot be retrofitted to meet the 50 dBA standard at the property boundary, so this measure would preclude project implementation resulting in a taking of the parcel. The applicant would accept a requirement to locate and shield stationary equipment such as compressors and generators to meet City standards.*

*Response:* The recommended measure is identified for consideration by decision-makers to further reduce adverse but less than significant construction noise effects, given the quiet residential setting. The recommended measure provides that stationary construction equipment that generates noise exceeding 50 dBA at the property boundary be shielded with a barrier that meets a sound transmission class (STC) rating of 25, and that air compressors and generators shall be surrounded by temporary acoustical shelters. The measure does not state a requirement for retrofitting a mobile drilling rig; it reflects general wording like "barriers" and "acoustical shelters" as has been used on past project applications for stationary equipment. The decision-makers may adjust the measure requirements as deemed appropriate for feasibility given site and project circumstances. A project may be conditioned for provisions in excess of Municipal Code standards if there is basis for doing so with specific project circumstances, which is determined by the decision-makers.

*(47. R. Monk comments and responses, continued)*

***Comment summary/building crack survey measure (RM N-8):*** *This measure has no basis in an identified potentially significant impact.*

*Response:* The FMND identifies project impacts associated with construction-related vibrations to be adverse but not significant. RM-8 is not a required mitigation measure for reducing a potentially significant impact to a less than significant level; it is a recommended measure for further minimizing an adverse but less than significant impact. It was identified for decision-maker consideration based on neighbor concerns about subsurface components of the project (e.g., deep caisson installation). This measure has been applied to projects in the past when subsurface components such as underground parking are involved, or when a project is near historic structures, to support a finding of a project's consistency with City policies or other required finding for permit approval action. Decision-makers may also adjust the content and/or wording of the measure as they deem appropriate.

**48. N. Dall, July 5, 2016, Comments and Requests for MND Clarifications**

***Comment summary/ project description:*** *1-Lemonade berry: the comment suggests changes to references. 2- View easement: the comment requests clarification to the reference to air space public view easement. 7-Garage: the comment notes that the correct figure for the revised garage size is 571 ft2. 8- Vegetation and easements: the comments are the same as items 1 and 2 comments. 10-Geologic stability components: the comment suggests revised verbiage for describing project slope stability components. 11- Driveway width: the comment requests clarification of MND reference.*

*Response: 1-Lemonade berry references:* please see FMND Exhibit H response to comments 9, 24, and 30. 2-*View easement*: The FMND description has been clarified to state that the proposed easement would be across the entire parcel. *7-Garage:* the FMND project description already identifies the revised garage size as 571 SF. *8-Vegetation and easements:* please see FMND Exhibit H response to comment 9, 24, and 30, and response 2 above. *10-Geologic stability components:* Project geologic stability components are appropriately summarized in the Final MND written project description, with further description detail and discussion provided in the MND geologic analysis section, project plans, attachments, and referenced technical reports. *11-Driveway:* the MND identifies that the project driveway augmentation would involve an additional 540 feet of pavement.

***Comment summary/ MMRP:*** *3-The comment asserts that the MMRP attachment is missing from the MND web site.*

*Response: MMRP.* The commenter is in error. The MND Mitigation Monitoring and Reporting (MMRP) attachment has been posted to the environmental documents web site with the MND since the MND was posted.

***Comment summary/ La Mesa Park:*** *5-The comment notes that the project cannot be seen from La Mesa Park due to intervening homes, trees, and vegetation.*

*Response: La Mesa Park.* Comment acknowledged.

*(48. N. Dall comments and responses, continued)*

***Comment summary/ additional submittals:*** *4-Response to Comments: the comment notes that responses to the MND Attachment H staff responses to comment are provided under separate cover. 6-Photo-documentation and Visual Simulations: the comment notes that additional analysis provided depicts the revised project from viewpoints on the lower beach and up to one mile offshore (Plan Sheet A0.04B Extended Site Sections 07-05-16). 9-Plan submittals: the comment notes that the applicant produced a conformed set of project plans for the Planning Commission hearing on July 7, 2016.*

Response: *4-Additional letter:* please see responses to item #47 letter from R. Monk above. 6 and 9-*Additional submittals:* comments acknowledged. The referenced submittals are part of the Final MND record. Please also see response #40 above regarding views from offshore.

***Comment summary/ environmental setting:*** *12-Bluff: the comment suggests alternate wording for environmental setting with respect to coastal bluff. 13- Coast: the comment suggests MND reference to the coast is too vague and suggests alternate wording. 14-Cliff: the comment objects to use of the term "lower cliff location" and suggests alternate wording. 15-Vegetation: the comment suggests alternate characterization of vegetation and biological resources on the project site. 16- Cliff: the comment objects to use of the term "lower bluff tier" and suggests revised wording. 17- Unstable Slopes: The comment asserts that the project site should not be characterized as subject to unstable slopes. 18- Landslide Debris: The comment asserts that reference to remaining landslide debris on the site should be characterized as landslide structural debris buried by the City.*

Response: *12-Bluff:* please see FMND Exhibit H topical response to comment 13 regarding coastal bluff. *13-Coast:* commenter's opinion is acknowledged. *14-Cliff:* commenter's opinion is acknowledged. Please see FMND Exhibit H topical response to comment 13. *15-Vegetation:* please see FMND Exhibit H topical response to comments 9, 24, and 30 and the FMND Section 3 biological resources analysis regarding on-site vegetation and biological resources. The FMND recognizes and references the biological technical report. *16-Cliff:* please see FMND Exhibit H topical response to comments 9, 24, and 30. *17-Unstable slopes:* please see FMND Exhibit H topical response to comment 12. *18-Landslide debris:* the FMND brief environmental setting summary of existing site characteristics correctly references that some landslide debris remains on the site, which is also noted in various referenced project technical reports. Further discussion is provided in FMND Sections 6 (Hazardous Materials) and 9 (Solid Waste).

***Comment summary/ existing land use:*** [Note: N. Dall correspondence numbering of comments following item 19 skips numbers 20-28 and continues with item 29.] *19-Facilities: the comment suggests further detail be added to the description of remaining facilities on site. 29-Mesa trunk line: the comment objects to word choice in description of the location of the Mesa Trunk Line* [Note: comment ends with incomplete sentence.] *30- Homeless encampment: the comment objects to vague and inaccurate characterization of homeless encampment. 31-Former access path on 1925, 1927 ECDLL: the comment suggests additional detail describing destruction of path due to the landslide and erosion.*

*(48. N. Dall comments and responses, continued)*

Response: *19-Facilities:* the summary description of existing land use includes appropriate reference that remnant public and private infrastructure and the Mesa Trunk Line exist on the site. *29-Mesa trunk line:* the FMND description and attached maps are clear regarding the location of the Mesa Trunk line in relation to the proposed project development. *30- Homeless encampment:* the FMND summary discussion appropriately identifies that the lower portion of the site has been reported to have had unauthorized use as a homeless encampment. *31-Former access path on 1925, 1927 ECDLL:* The FMND appropriately identifies as part of the existing land use discussion that the former foot path no longer exists due to the landslide, and the referenced technical reports are already part of the FMND.

***Comment summary/ neighboring land uses:*** *32-Bluffs and vegetation: the comment objects to verbiage used in describing bluffs and vegetation.*

Response: *32-Bluffs and vegetation:* the commenter's opinion is acknowledged. The MND summary description of characteristics of surrounding land uses appropriately references bluffs and vegetation.

***Comment summary/ property characteristics:*** *33-Slopes: the comment suggests revision to the reference to slope gradients. 34-Surrounding zones south: the comment requests clarification of zoning reference.*

Response: *33-Slopes:* The purpose of the referenced section of the MND is to briefly identify *existing slopes* on the property; not to provide a discussion of the past history of activity on the site that may have affected the topography. *34-Surrounding zones south:* The MND reference is correct. The beach area to the south of the project site presently does not have designated zoning.

***Comment summary/ plans and policies:*** *35-Coastal Act policies: the comment states that applicable Coastal Act policies are those in PRC sections 30210-30224, not the entire Coastal Act.*

Response: *35-Coastal Act policies:* the Santa Barbara Municipal Code 28.44.150 provides the following: "In order to approve a coastal development permit, the following findings shall be made: A. The project is consistent with the policies of the California Coastal Act; ..." The MND discussion on the page subsequent to the referenced page provides initial analysis of key coastal policies in keeping with requirements of CEQA. As part of the staff report on the project CDP request, further analysis will be provided as to project consistency or inconsistency with applicable policies of the California Coastal Act.

***Comment summary/ coastal policies:*** *36-Visual and biological resources: the comment objects to use of the term "native vegetation" as used in the MND. 37-Coastal landforms: the comment requests changing the MND text from "coastal landform resources" to "landforms along bluffs and cliffs". 38-Coastal hazards/bluff edge: the comment disagrees with the MND discussion and basis of bluff edge location as pertaining to coastal policies, and requests that the discussion be deleted from the MND.*

Response: *36-Visual and biological Resources:* please refer to FMND Exhibit H response to comments 9, 24, and 30 with regard to use of the term "native vegetation." *37-Coastal*

*(48. N. Dall comments and responses, continued)*

*landforms:* the commenter's opinion is noted. The language in the MND is appropriate. *38-Coastal hazards/bluff edge:* please refer to FMND Exhibit H topical response to comment 13 with respect to discussion of bluff edge location, and Dr. Johnsson's memo dated 08-09-16.

***Comment summary/ note about CEQA case law:*** *39-Initial Study geologic analysis – the comment objects to a reference to existing geologic hazards.*

Response: *39- Initial Study geologic analysis* – please refer to FMND Exhibit H response to comments12 regarding CEQA evaluation of impacts. The referenced text accurately conveys that the scope of analysis for the project Initial Study includes evaluation of the project for impacts associated with existing geologic hazards.

***Comment summary/ visual resources:*** *40-Visual setting – the comment requests clarification of description of existing views. 41-Scenic view impacts- the comment requests adjustments to the locational description of the project development envelope regarding elevation. 42-View of project from beach and ocean – the comment requests clarification to MND discussion of view impacts to reference the supplemental line-of-site exhibits submitted.*

Responses: *40-Visual setting:* the referenced MND description of existing views has been clarified per the comment. *41-Scenic view impacts:* Based on project plans submitted, the proposed residence and associated development components would be located between the 80 and 130 foot elevations on the property as referenced in the MND. *42-View of project from beach and ocean:* Please see response to comment 48/item 6 above, and response 40.

***Comment summary/wildlife habitat:*** *43- wildlife habitat - the comment objects to the MND characterization of the coastal slopes in the project area as a migratory corridor and nesting site for birds and other wildlife species.*

Response: *43-wildlife habitat*– The FMND biological resources analysis is supported by both the project-specific technical study and other identified references (e.g., City Master Environmental Assessment, General Plan Program EIR). Clearly the coastal slopes of the Mesa provide wildlife habitat and function as a migratory corridor for birds, as is well documented and recognized by the City as well as Federal and State wildlife agencies.

***Comment summary/geology:*** *44- Existing conditions – the comment disputes the FMND characterization of geologic landforms and soils on the site as unstable. 45-Bluff edge location – the comment disputes use of the term "lower sea cliff". 46-Slope stability – the comment disputes the FMND discussion of slope stability factors, asserting that reference to the 1997 Coastal Commission guidance document should be included.*

Response: *Geology. 44- Existing conditions:* Please refer to FMND Exhibit H topical response to comment 12. The project technical studies, as well as the City Master Environmental Assessment, General Plan Safety Element, General Plan Program EIR, and other geological studies in the area, all clearly identify existing landforms and soils on the site and surrounding area as generally unstable, as also evidenced by the past landslide activity. *45- Bluff edge location:* Please refer to FMND Exhibit H topical response to comment 13 regarding bluff edge location. *46-Slope stability:* Please refer to FMND Exhibit H topical response to comment

*(48. N. Dall comments and responses, continued)*

13 regarding outdated and current Coastal Commission guidelines for coastal bluff development and setbacks.

***Comment summary/erosion:*** *47-erosion - the comment disputes the MND discussion that the project geology report analysis of long-term erosion did not factor in a setback from areas naturally meeting factor of safety criteria for slope stability.*

Response: *Erosion.* Please refer to FMND Section 5 Geology analysis, Exhibit H response to comment 13, and project technical memo of January 5, 2016).

**49. N. Dall, July 5, 2016, Proposed Mitigation Measures/Conditions**

***Comment summary/introduction*** *- comment refers to new and revised mitigation measures.*

Response: *Introduction. Mitigation Measures* identified in the MND are measures required to reduce potentially significant impacts to less than significant levels, and the applicant has agreed to incorporate these measures as part of the project. The FMND does not include new or revised Mitigation Measures. As stated in the MND, identified *Recommended Measures* are not mitigation measures required to reduce potentially significant impacts; they are actions that may further lessen adverse but not significant impacts, and may be considered and applied by decision-makers when taking action on the project as determined necessary to implement policies and/or make required findings for the permit action.

***Comment summary/1-RM B-2 native vegetation and landscaping*** *– word correction.*

Response: *Word correction.* In the first line of the measure, the word "and" is deleted.

***Comment summary/2-standard condition for archaeological resources discovery*** *– the comment objects to application of the City standard condition for procedures in the event of unanticipated discovery of archaeological resources during earthwork for project construction.*

Response: The letter dated July 5, 2016 from Richard Monk representing the applicant states that the applicant supports the standard unanticipated discovery condition for archaeological resource protection. Please refer to the FMND Section 4 analysis of project effects associated with archaeological resources. The unanticipated discovery measure is a standard condition applied per Master Environmental Assessment and ordinance procedures in areas identified as potentially sensitive for subsurface archaeological resources. The measure is consistent with and implements the City Master Environmental Assessment procedures, Coastal Act and Local Coastal Plan policies for protection of cultural resources, and the Santa Barbara Municipal Code §22.12. Standard application of the measure supports the FMND finding that no significant project impacts to important subsurface archaeological resources would result from the project.

***Comment summary/2.2 design review*** *– comment requests clarification of scope of design review.*

Response: *Design review.* Design review approval of more detailed plans for landscaping, biological restoration, and exterior lighting would need to be found consistent with Planning Commission direction reflected by the CDP approval action.

*(49. N. Dall comments and responses, continued)*

***Comment summary/2.3 Dept. of Fish & Wildlife fee*** *- comment requests clarification on the timing of DFW fee payment.*

Response: *DFW fee.* Fee payment following project approval is a required item for filing a Notice of Determination at the County Clerk within five working days pursuant to CEQA provisions.

***Comment summary/ 2.4 standards for biological resources design*** *– comment requests clarification of standards for SFDB design review of the biological resources component.*

Response: *Biological resources design.* More detailed project plans and operational notes for biological resources design submitted for design review approval need to reflect the approved project conditions and project biological report recommendations incorporated as part of the project. Please refer to adopted City design guidelines for additional design review standards.

***Comment summary/ 2.5 biologist*** *– the comment requests standards for City determinations of qualified biologists.*

Response: *Biologist qualifications*. Per the MEA Guidelines, the City determines requisite educational, experience, and (as needed) certification qualifications for a biologist commensurate with the project-specific scope of work to be performed and type of biological resources involved.

***Comment summary/ Items 3-9 - Recommended Measures*** *– the comments object to or request clarifications for identified recommended measures for noise, lighting, and water quality/hydrology.*

Response: *Recommended measures.* Please refer to responses to comment 47 above regarding recommended measures.

## CEQA FINDING

In accordance with State CEQA Guidelines Section 15162, no subsequent negative declaration or environmental impact report is required for the current project, because information provided in this addendum to the adopted final mitigated negative declaration (FMND) is not substantial and does not involve new significant impacts or a substantial increase in the severity of previously identified impacts. This addendum provides written documentation for the record of responses to public comment received following the draft public review period, and provides minor wording clarifications to the FMND. The adopted FMND analysis concludes that, as designed and with application of identified mitigation measures agreed to by the applicant, the project will not result in significant environmental impacts. The adopted FMND (SCH#2016021035) together with this addendum constitutes adequate environmental documentation in compliance with CEQA for the current project.

Prepared by: Barbara R. Shelton Date: August 15, 2016
Barbara R. Shelton, Project Planner/Environmental Analyst

Reviewed by Beatriz Gularte Date: August 15, 2016
Beatriz Gularte, Senior Planner

Exhibit: Correspondence about FMND received following DMND public comment period

## Kennedy, Kathleen

**From:** Rodriguez, Julie on behalf of Community Development PC Secretary
**Sent:** Tuesday, July 05, 2016 8:00 AM
**Cc:** Gularte, Beatriz; Vincent, Scott; Kennedy, Kathleen
**Subject:** FW: FMND/2013-00240

Re: 1925 El Camino De la Luz

**From:** robert stenson [mailto:rsten63683@aol.com]
**Sent:** Monday, July 04, 2016 10:51 AM
**To:** Community Development PC Secretary
**Subject:** FMND/2013-00240

To: Planning Commission Secretary
Re: FMND rearding MST2013-00240

1) Was the geologic firm ( Cotton, Shires, and Associates) involved in assessing the geology, surface stability, or build-ability of the site under consideration retained by the City of Santa Barbara or was the firm retained by the developer?
In the past there were indications that the City would be the one to retain geologic services in order to remove any hint of bias engendered by having the developer retain such services.
Was that indeed the fact?'

2} It is in the nature of proposals to deal in future events. As such certainty is ruled out while probability, judgement(subjective), and chance enters. Thru-out this report conditional terms such as "**would**"
are used rather than the definitive term "**wil**l" as in ".... and tie backs **would** improve stability of the site,,,". (P25, pp2)
There is no way for a lay person to understand the risks associated with construction on an inherently unstable slope requiring artificial stability measures to stabilize.
Printed resasurances are one thing but numbers representing stability, the improvement thereof and the +/- uncertainty of such numbers are another. If one cannot give an estimate of the chance of slope slippage
without ties how is one to understand the "improvement" in chance of slippage with ties?

Also noted in the "Short-term construction impacts" (P25, pp2) is the relatively modest assurance given to surrounding properties. It is these properties, constructed years to decades in the past, that will bear the brunt of earth movement, vibration, drilling etc. it is entirely unclear how far stabilization techniques extend into surrounding properties.

The subjective nature of the risk assessment is highlighted by the statement "Short-term project impacts associated with slope stability, landslide, and erosion would be mitigated to a less than significant level." (P25, pp3)
How is anyone supposed to objectively judge less than significant or more than significant or just significant.
It should also be noted that categorizing what is less than significant or more than significant depends not just on technical expertise but also on how much skin in the game the observer has.
So what might be less than significant to a plane designer in Seattle may very well be more than significant to the pilot of the plane or a passenger therein.

3) With these considerations in mind I find it hard to believe that the Planning Commission could permit the development of the slope in question, a slope that past geologists have considered non-buildable.
If a decision is made to proceed thought needs to be given to how to compensate surrounding property owners from
any fallout damages that might result from the proposed construction. Whether this takes the form of bonding or escrow accounts or other alternatives is unclear. However, these issues are, I believe, easier to address before the fact
rather than after the fact.

If in fact construction does proceed, and damages to surrounding properties does occur, the question that will arise regarding the permitting process will be "What Were They Thinking".
Again this is a question that is easier to ask and answer before the fact than after.

Robert Stenson
2007 Edgewater Way
Santa Barbara, Ca
93109

06 July 2016

To: City of Santa Barbara Planning Commission
Re: 1925 El Camino de la Luz Mitigated Negative Declaration (MND)

Dear Planning Commissioners,

We reside across the street from the proposed project at 1925 El Camino de la Luz. We firmly believe that an EIR should be required for the project and make the following comments to support our belief:

1. Our understanding is that the text for the "Initial Study" is to be completed before public hearings (initial hearing held in March) but applicant's initial study has since been revised (in late June) from 37 pages to 59 pages with no opportunity for public comment. This appears to be an inappropriate procedure that justifies a violation of CEQA.

   We are also concerned by the fact that the applicant's extensive revisions to their initial study, submitted on June 22, 2016, and the current Staff Report are now being used as the basis for determining there is no significant environmental impact. This "revised" initial study and current staff report should not be used to determine that only a less rigorous MND is required, rather than an EIR, because the statements in the revised study were written by the applicant and no public comment period was offered.

2. The applicant was not required to install story poles to the proposed height (only building footprint) of the proposed development. Three neighbors, all directly across from 1925 ECdlL, were required to hire surveyors and install story poles to the proposed heights of our respective developments as a condition of seeking permits. Without this information, how is it possible to make the Staff's determination that: *"Portions of the residence would be partially visible from some residences in the surrounding area but not from a large portion of the neighborhood... The project would not result in a significant impact on private views."*

3. Staff's Report states that *"...no substantial evidence was presented in any of the letters, or in any of the public testimony that, with the identified mitigation measures agreed-to by the applicant, the project would have a significant effect on the environment. As stated in the CEQA Guidelines section referenced below, the existence of public controversy without substantial evidence does not require preparation of an EIR."*

   We refer you to the bluff-side residents on ECdlL who brought property deeds to the last meeting that clearly illustrated "top of bluff" on their respective properties with development restrictions therein. It seems this constitutes substantial evidence and *"Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts."*

4. Last, but certainly not least, is determination for the top/face of bluff. Staff states that *"With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry."..."In order to determine whether*

*the proposed project is potentially consistent with Policy 8.2 above, the location of the bluff face and the top of bluff/ bluff edge must first be determined."*

How can an MND be adopted by the Planning Commission when top and face of bluff are in dispute? Should the top of bluff / bluff edge be determined to be at the 127-foot contour as identified by City and Coastal Commission staff, the project would be inconsistent with LCP Policy 8.2.

We are concerned by the staff's reliance on using an MND, when the proposed project calls for a bluff face development that clearly contravenes the state Coastal Act and coastal policies. The environmental documents in the staff report and in the MND claim that determination of the top of bluff and setback are deemed irrelevant to any potential impact on the environment and are therefore being ignored.

In summary, we question the use of a MND when the project violates a statewide and City policy regarding construction on the bluff. That would create a significant adverse environmental impact and trigger the requirement for an EIR. The revisions to the "initial study" are certainly neither the equivalent nor adequate for the applicant to avoid doing an EIR that should have been done in the first place.

Sincerely,

Scott Wiscomb

Lesley Wiscomb

Scott and Lesley Wiscomb
1930 El Camino de la Luz

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS (1916-1988)
GLENN R. WATSON (1917-2010)
HARRY L. GERSHON (1922-2007)

STEVEN L. DORSEY
WILLIAM L. STRAUSZ
MITCHELL E. ABBOTT
GREGORY W. STEPANICICH
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
JAMES L. MARKMAN
CRAIG A. STEELE
T. PETER PIERCE
TERENCE R. BOGA
LISA BOND
ROXANNE M. DIAZ
JIM G. GRAYSON
ROY A. CLARKE
MICHAEL F. YOSHIBA
REGINA N. DANNER
PAULA GUTIERREZ BAEZA
BRUCE W. GALLOWAY
DIANA K. CHUANG
PATRICK K. BOBKO
NORMAN A. DUPONT
DAVID M. SNOW
LOLLY A. ENRIQUEZ
GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
JENNIFER PETRUSIS
STEVEN L. FLOWER
TOUSSAINT S. BAILEY
AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
MARICELA E. MARROQUÍN
SERITA R. YOUNG
SEAN B. GIBBONS
AARON C. O'DELL
AMANDA L. CHARNE
STEPHANIE CAO
PATRICK D. SKAHAN
STEPHEN D. LEE
YOUSTINA N. AZIZ
BRENDAN KEARNS
KYLE H. BROCHARD
NICHOLAS R. GHIRELLI
ISRA SHAH
CHRISTINA L. BROWNING
ISAAC M. ROSEN
ROMTIN PARVARESH
ANDREW R. CONTREIRAS

OF COUNSEL
ROCHELLE BROWNE
TERESA HO-URANO
INDER KHALSA
DIANA H. VARAT

SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901

TEMECULA OFFICE
TELEPHONE 951.695.2373

July 1, 2016

RECEIVED
JUL 05 2016
CITY OF SANTA BARBARA
PLANNING DIVISION

**BY ELECTRONIC MAIL AND HAND DELIVERY**

Hon. John Campanella and Members
City of Santa Barbara Planning Commission
630 Garden Street
Santa Barbara, California 93101
Attn.: Ms. Kathleen Kennedy

**Re: 1925 EL CAMINO DE LA LUZ PROJECT MND -- FURTHER RESPONSE TO PLANNING COMMISSIONER COMMENTS/QUESTIONS OF MARCH 3, 2016**

**HEARING DATE: THURSDAY, JULY 7, 2016**

Dear Mr. Chairman and Commissioners:

We represent the Emprise Trust (Thomas Felkay, Trustee), the applicant for the single-family residential reuse and site restoration project, with its accompanying substantial public benefits, at 1925 El Camino de la Luz ("ECDLL", APN 045-100-024, the "Parcel").[1] Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND, June 22, 2016) for the project, which Staff has recommended for approval.

We concur with Staff's comprehensive analysis in the MND that the project, with its incorporated and agreed-upon mitigations, has no potentially significant individual or cumulative adverse environmental effect(s) generally or, for that matter, on coastal resources.

As further discussed below, the project has now been reduced in size and otherwise enhanced in response to questions/comments raised by your Commission and City

[1] The Parcel is located in the California coastal zone, where the Coastal Act, adopted Coastal Commission regulations, and certified City Local Coastal program (LCP) control over conflicting other City-adopted plans, ordinances, and resolutions (e.g., for adoption of guidelines or similar devices). (Public Resources Code [PRC] section 30103; Coastal Commission-adopted City of Santa Barbara Post-LCP Certification Permit and Appeal Jurisdiction Map, July 17, 1991; LCP Policy 1.3 and Municipal Code section 28.44.030.) To avoid any confusion, the Emprise Trust owns only one other parcel in the City, which is located inland of the coastal zone.

Staff, as well as through Single Family Design Board (SFDB) review and preliminary design approval (May 2, 2016). As further reflected in your Staff's responses, public and public agency comments on the project and draft MND represent argument, speculation, and erroneous interpretations masquerading as "fact", but no substantial evidence - facts, or expert opinion based on facts, or analysis pursuant to the controlling adopted conservation and development standards – of any potentially significant project effects on the environment, or of the environment (e.g., geology) on the project. As you know, controversy, unsupported by substantial evidence, does not require preparation of an EIR. (CEQA (PRC) section 21082.2(b).) Thus, pursuant to CEQA and as your Staff has concluded, the project qualifies for a MND, and does not require preparation of an EIR.

This letter is limited to three items in the MND that we respectfully submit require resolution to avoid the MND's inadvertently (a) resulting in a "taking" of our Client's property, (b) adding clarifying mitigation measures which lack any "nexus" or "rough proportionality," or which exceed adopted standards in the Municipal Code, and therefore would render the project infeasible, and (c) introducing factual-technical errors with regard to the project and site.

We hope to resolve these issues with Staff prior to the hearing. If that is not possible, then we are requesting that the Planning Commission (1) factually clarify Part 5 of the MND Initial Study (Geology), relating to the location of the coastal bluff on the Parcel, in light of the actual physical conditions ("environment") and the controlling coastal bluff determination criteria, (2) clarify the revised "recommended mitigation measures" in the MND, and (3) assure the correction of technical-factual errors in the MND. Further, on that basis, we respectfully ask that your Commission to adopt the recommended Final MND regarding the project. We will transmit our recommended specific revisions, which have been previously addressed in the MND record, to staff for its consideration prior to the hearing.

1. **Project Description.** In response to questions and comments by the Commission, Staff, and the SFDB, the proposed house has been reduced in size to 2,789 $ft^2$ (with a 571 $ft^2$ attached garage). It has further been stepped to decrease its bulk, designed with fewer and smaller windows (with non-reflective glass) on the east and west sides, and provided with additional screening vegetation. (ABDS, Plg. Com. Hrg. Project Plan Set, June, 2016.) The roofline (below the elevation of the existing base of the driveway) and position of the proposed house in its setting (adjacent houses,

tree lines, topography), as seen from the lower beach and Santa Barbara Channel, has been both photo-simulated (ABDS Sheet G.04, June, 2016) and is shown in scaled (1:50) section view (profile) up to one mile offshore, looking landward. (ABDS, Extended Site Sections, Sheet A0.04-B, June, 2016. ABDS will deliver electronic and 12 printed copies of these Sections to Ms. Kennedy on Tuesday morning.) No deed restriction burdens the Parcel. (Fidelity National Title Insurance Company, Preliminary Title Report, 1925 ECDLL, 2015.

In coordination with Staff, the on-site stormwater management water storage tank (WST) 3 has been redesigned to consist of two separate tanks, with provision that water in the seasonal lap pool component will be beneficially reused on site and not be discharged under any circumstance to the City storm drain. Other retained stormwater will continue to be available to beneficial reuse by the City Fire Department and Public Works Department via a dry stand pipe at the head of the driveway, adjacent to ECDLL. (ABDS, Sheets A0.03 and A0.04, June, 2016.)

The temporary construction access and storage easement area on 1921 ECDLL has been clarified to maintain the existing screening mature horticultural vegetation along the existing retaining walls/property line fences to the north and east (as well as the other tall vegetation to the South). Horticultural vegetation within the area will be replanted in place and kind following completion of construction. Earthen material from the temporary ramp at the base of the 1921 ECDLL driveway will be reused on 1925 ECDLL as part of balanced on-site (landscape restoration) grading. (ABDS, Sheet A0.01, June, 2016.) Construction equipment travel along the 1921 ECDLL driveway (to which 1919 ECDLL has a non-exclusive ingress/egress easement) and along the joint (reciprocal easement) 1925-1927 ECDLL driveway will be coordinated with the neighbors; the easement granted by the Luz Trust, owner of 1921 ECDLL, requires repair of any damage to that driveway, and the project proposes new pavement on 1925 ECDLL, also in coordination with the neighbors at 1927 ECDLL.

2. **Coastal Bluff Location.** It is important to understand that geologist/geotechnical engineer-surveyors at Cotton, Shires & Associates have conducted the only topographical survey of the coastal bluff location and its upper termination (bluff edge) on the Parcel and the adjacent area, pursuant to controlling criteria in Section 13577(h) of the Coastal Commission's adopted regulations (Tit. 14, Cal. Code Regs.) and the Coastal Commission's adopted "Guidelines for the Geologic Stability of

Blufftop Development," which have been incorporated in the City's certified LCP. (CSA, 2012; verified, 2015.) Applying that criteria, the surveyed coastal bluff edge location on the Parcel is between 48-52 feet MLLW. It is, moreover, on the trend line of the coastal bluff established on substantial evidence by the Coastal Commission when it approved and issued CDP 4-84-17 (Doolittle) on the basis of the clear distinction between the coastal bluff (and its bluff edge) and the headscarp of the City co-activated 1978 ECDLL landslide. The proposed residence is set back a minimum of 169 feet from the surveyed coastal bluff edge. (ABDS, Sheet A0.03, June, 2016; CSA, 2012, verified, 2015.)

Coastal Commission staff and City staff (simply uncritically accepting the Commission staff's view) have suggested instead that the coastal bluff edge on the Parcel is at "127 feet" (without any datum that would specify the location). Not only would such a determination render the property unbuildable, but, importantly, it is unsupported by any topographic survey performed pursuant to the controlling criteria, any contemporaneous field notes from the January, 2013 site visit (in which CSA and other Emprise Trust project team members participated), or any written expert analysis of existing coastal bluff conditions in light of the controlling criteria. (*See,* letter, dated May 2, 2016, from new coastal staff analyst Sinkula to City Staff.) As City staff revealed shortly after the 2013 site visit, the Coastal Commission staff/City staff suggestion of a coastal bluff at 127 feet on the parcel is based on "belief".[2] The staff suggestion of such an elevated coastal bluff on the Parcel simply does not meet the standard for substantial evidence pursuant to CEQA, which includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (PRC § 21082.2.) "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence." (Id.)

In its comments on the MND, the Coastal Commission's staff intentionally glosses over or misstates the criteria for determining the location of the coastal bluff edge. Section 13577(h)(2) of the Commission's regulations states: "In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser

---

[2] City of Santa Barbara Planning Division, Pre-Application Review Team Comments, 1925 El Camino de la Luz, MST2013-00240, APN: 45-100-024, August 9, 2013, at 1: "...both City and Coastal Commission Staff believe that the bluff edge is located further inland (at approximately the 127-foot contour)."

shall be taken to be the cliff edge." The regulation does not define the term "step-like feature at the top of the cliff face," but the Coastal Commission's Guidelines for the "Geologic Stability of Blufftop Development," which are incorporated in the City's LCP, exemplifies the geometry of such a feature. Those Guidelines require that any step-like feature have a minimum vertical height of ten (10) feet. (Guidelines, p. 2.) This is never addressed by the Coastal Commission's staff or City Staff. It is, however, uncontroverted that the coastal bluff at 1925 ECDLL does not extend landward (upslope) through rounding associated with marine erosion, stepping, or the presence of a nearby minimum 10 feet vertical height escarpment. (CSA, 2012, 2015; GeoSoils, 2012, 2015; Scepan, 2012; D&A, 2015; Monk and Kaufmann, 2015.) In other words, there is no evidence of a step-like feature, as defined in the controlling criteria, on the Parcel.

Further, Section 13577(h)(2) of the Commission's regulations also provides that "[f]ive hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations." Even if the remaining landslide headscarp were somehow deemed to be a step-like feature or upper riser (which the Coastal Commission in CDP 4-84-17 determined it is not), the headscarp east of 1927 ECDLL has a length substantially less than the minimum 500 feet required by the coastal bluff regulation – 297 feet long when measured on the upper headscarp line, or 103 feet long when measured in an east-west horizontal dimension (CSA, 2012).

In response to the MND, the Coastal Commission staff analyst's May 2, 2016 email asserts that the five hundred foot requirement applies only in a limited instance – only to determine the intersection of a seaward-facing and canyon/perpendicular bluff. As support, the analyst provides a partial and incomplete quote of Section 13577(h) and a graphic. The plain construction of the 500 foot requirement (as well as the trend line illustration in the graphic) demonstrates that the minimum 500 feet length necessarily applies to <u>each</u> of the coastal bluff determination criteria set forth in section 13577(h). Section 13577(h)(2) provides in relevant part (we have underscored the only portion selectively quoted by the Commission analyst):

> "Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or

> less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at to the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. **Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.**" (Again, the underscored part is the only portion quoted by Commission staff.)

Viewing the regulation as whole, Section 13577(h)(2) clearly sets forth 3 coastal bluff determination criteria: (1) "where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes," (2) "where there is a steplike feature at to the top of the cliff face," and (3) where a coastal bluff transitions to a canyon bluff. By its plain terms, the 500 foot requirement applies to all three "determinations." If there were no such requirement, then almost anything in the 1,100-mile long coastal zone would qualify as a "coastal bluff," such as a 10-foot long rounded away feature or a 50-foot long steplike feature. And, the effort to define when a coastal bluff intersects a canyon bluff would have no meaning if the supposed bluff feature were only 100 feet long (i.e., less than 500 feet). In other words, it would not qualify as a coastal bluff.

Still further, Coastal Act section 30625 states that "decisions of the Commission … shall guide local governments . . . in their future actions" under the Coastal Act. Here, the coastal bluff edge surveyed by CSA is congruent with the coastal bluff trend line established by the Coastal Commission in its Doolittle decision (CDP 4-84-17). In that decision, the Coastal Commission clearly differentiated between the coastal bluff/bluff edge and the headscarp in CDP 4-84-17 (on which the City relied in issuing Doolittle the required building/grading permit for 16,900 $yd^3$ of grading as well as house caisson, tiebacks, and other stormwater management construction) on the four adjacent parcels to the west of 1925 ECDLL. That not only conforms to the controlling criteria and the trend line illustration provided by the Coastal Commission analyst, but the Coastal Commission specifically found in Doolittle that project (landward of finished elevations ~50 feet MLLW) to be located on the blufftop, to have no significant effects on the environment, and to be consistent both with certified City Local Coastal Plan Policy 8.2 and Coastal Act Policy 30253.

Finally, the Coastal Commission staff's's erroneous coastal bluff edge at "127 feet" on the parcel is, depending on the datum, on the locally runoff eroded City-constructed (1978) earthen buttress of the Mesa Trunk Line Sewer trench and pipe, the relict concrete pavement edge and inches-thin overlying artificial fill at the base of the 1925 ECDLL driveway, turnaround, and former house entry, or in voids (air space) below that concrete pavement. These existing conditions simply do not, and cannot, constitute a coastal bluff edge pursuant to the controlling criteria, which the Emprise Trust has previously addressed in our March 30, 2016 letter to Staff on the MND.

**3. Supplemental Project Site Analysis.** In response to City staff inquiries, CSA (2015, 2016) has further analyzed and described the enhanced slope Factor of Safety (under static and seismic conditions) provided through the proposed project in-bedrock shear-pins, tiebacks, and comprehensive storm/ground water management system. These substantial Factor of Safety improvements provide not only the stable basis for the proposed house and appurtenances, consistent with City Municipal Code environmental construction requirements, but, importantly, also greatly benefit the stability of City infrastructure, the downslope landform affected by the 1978 ECDLL landslide, and adjacent upslope parcels with existing developed uses. In response to Planning Commission, Single Family Design Board, and City staff inquiries, ABDS (June, 2016) has reduced the bulk, tiered height, and added potential associated visual effects of the proposed house through a series of incorporated mitigations. As a result, Staff correctly concludes that the house will not have a significant adverse impact on public views from the low tide beach and Santa Barbara Channel, looking landward, or from ECDLL, looking toward the Channel and Santa Cruz Island. No beach or nearshore white water views exist under any conditions from ECDLL (or any other public view origination point) across the Parcel.

**4. Project Compliance.** Because the factual, criteria-based, and coastal program-consistent surveyed coastal bluff/edge location on the Parcel is at elevations 48-52 feet MLLW, and not at 127 feet (in any datum), the location of the proposed house a minimum of 169 feet landward of the coastal bluff edge is fully consistent with the coastal bluff protection requirement of City Local Coastal Plan Policy 8.2. Reliance on the Coastal Act takings avoidance provision (PRC section 30010), which the Coastal Commission has utilized in numerous other CDP regulatory actions, is therefore unnecessary. Similarly, the project by design, on site-specific analysis in the project technical studies, is fully consistent with the requirement of the Coastal

Act, incorporated by reference in the City Local Coastal Plan, that "new development shall ... minimize risk to life and property in areas of high geologic, flood, and fire hazard (and) assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural conditions along bluffs and cliffs." (PRC section 30253; CSA, 2012, 201, 2016; GeoSoils, 2012, 2015; D&A, Project Consistency Analysis, 2013, Project Consistency/Constraints Analysis, 2015.[3])

Prior to completion of the draft MND, the Emprise Trust concurred in City staff's proposed project mitigation measures, and now also concurs in staff's additional/clarified suggested mitigation measures RM B-2 (biology, subject to typographical correction), RM N-5 (construction equipment sound control specifications), RM N-6 (Neighbor Notification, with the clarification that "project area" means the project site), RM V-1, Lighting Design, and RM WQH-1, Drainage/Stormwater Management. The Emprise Trust also supports archeological resource protection, which the MND references as a prospective project condition (although archeological surface or near-surface resources are unlikely to occur in the landslide-impacted terrain), but without identifying an ascertainable specific proposed mitigation measure. However, the staff-recommended Final MND contains several substantively revised "recommended mitigation measures" for which the MND identifies no threshold unmitigated potentially significant environmental effect, that exceed adopted Municipal Code standards, and that are likely infeasible and could prevent project implementation, resulting in the City "taking" the Parcel. Specifically:

**a) <u>Construction Start Time</u>.** The Municipal Code establishes the start of work on weekdays at 7 am. (SBMC section 9.16.040.) **RM N-4** (MND page 35/59), however, proposes to delay the start of work on weekdays from 7 am to 8:30 am, with a resultant 84 day (4 construction month) increase in the construction period, likely conflict with construction period limitations, and associated delays, requirements for extended construction easement time/use on 1921 ECDLL, and

[3] The "protective devices" that could alter natural conditions along bluffs and cliffs" referenced in PRC section 30253 encompass structures on the terrestrial environment, whereas the revetments, breakwaters, seawalls, etc. (collectively, "shoreline [protective] structures") encompass construction in and immediately adjacent to nearshore marine (littoral) environment.

increased costs. Construction is already generally precluded by the Municipal Code (Title 9, Noise Ordinance) on weekends, holidays, and certain subsequent days, and the construction easement area is already buffered along its north and east sides with mature tall horticultural vegetation and retaining walls, with continuous closed fencing on top of them. Further, the side yards at 1909 and 1919 ECDLL result in the houses some 30-140 feet and 45-170 feet, respectively, from the temporary construction access and storage easement area (i.e., no construction equipment will be operating or be parked beneath, or next to, any room, window, or patio at either house. As proposed, the project complies with the adopted Municipal Code. This changed requirement, however, would amount to a de facto amendment of the Code, would treat this application different from other single-family residential applications, and is unsupported by any evidence.

**(b) Stationary Construction Equipment. RM N-7** (MND page 35/59) would require that undefined "stationary construction equipment" be shielded (STC rating 25) to prevent noise generation at the "property boundary" from exceeding 50 dBA. The mobile drilling rig required for bore hole excavation to facilitate construction of the shear-pins and house foundation caissons necessary to meet Factor of Safety standards cannot feasibly be retrofitted to meet that 50 dBA standard, which exceeds the adopted Municipal Code noise standard. Consequently, imposition of this recommended noise standard on the drilling rig would preclude implementation of the project, resulting in a "taking" of the Parcel. To address this concern, stationary equipment (e.g., compressor/s, generator/s) can be located and shielded to meet City standards, and the applicant would accept such a requirement.

**(c) Video Crack Survey. RM-8** (MND page 35/59) would require the Emprise Trust to notify neighbors of pre- and post-construction video recording of existing fractures (cracks) in "buildings and other structures" within 300 feet of the project site, and additionally to compensate "any neighbors for repair of cracks caused by the construction process." This particular mitigation has no basis in any identified potentially significant project adverse environmental effect. Further, it is vague, extremely intrusive of the neighbors' house interiors, foundations, and other structures, and likely incapable of pre-construction implementation. It also would require the Emprise Trust to be liable, without limit or specification of civil procedure, for repair of cracks asserted to be caused by construction activities. While we emphasize that there is no evidence that this is a problem with the proposed project, this mitigation measure could put the City in the middle of neighbor

disputes that are more civil, than regulatory, in nature. The project already proposes new pavement of the widened 1925 ECDLL driveway (in coordination with 1927 ECDLL), and the terms of the temporary construction easement on 1921 ECDLL provide for repair and restoration of any construction damage on that parcel (e.g., the driveway on which 1919 ECDLL holds a non-exclusive ingress/egress easement). Further, the project includes perimeter monitoring for vibrations with construction seismometers, with provision for immediate implementation of construction vibration impact avoidance measures.

With respect to the above mitigation measures, we will be separately forwarding our requested revisions to City staff prior to the hearing.

**5. <u>Conclusion</u>**

The staff report correctly concludes that the record of the MND as a whole contains no substantial evidence that the project, with the incorporated and agreed-upon mitigations, has any potential for a significant direct, indirect, or cumulative effect on the environment, or of the environment on the project. Further, the project has no environmental effects that will, directly or indirectly, cause any substantial adverse effects on humans, and also does not have the potential to achieve short-term environmental goals to the detriment of long term environmental goals. The project, by careful and responsive design, is consistent with all applicable adopted City and Coastal Act mandatory standards of review and guidelines. (D&A, PCA, 2013; PC/CA, 2015.) The requested MND revisions, which have previously been addressed in the record or are of a technical nature, correct factual and typographical errors, clarify the project's impact avoidance and consistency with applicable environmental and coastal resource standards, and adequately specify the scope of mitigation measures in light of the applicable standards.

For all the foregoing reasons, the Emprise Trust respectfully requests that the Planning Commission adopt the recommended Final MND regarding the project. As noted, we will transmit our recommended specific revisions to the above-referenced mitigation measures, which have been previously addressed in the MND record, to staff for its consideration prior to the hearing.

Thank you for your consideration, and we look forward to discussing the MND further with you at the July 7, 2016 hearing.

Very truly yours,

Richards, Watson & Gershon,
A Professional Corporation

By: _____
Steven H. Kaufmann

Hollister & Brace,
A Professional Corporation

By: _____
Richard C. Monk

cc: T. Felkay
Planning Commission Secretary
Ariel Pierre Calonne Esq., City Attorney
Scott Vincent, Esq., Deputy City Attorney
Barbara R. Shelton, Environmental Analyst
Kathleen Kennedy, Associate Planner
Clay Aurell, AB Design Studio
Patrick Shires, Cotton, Shires & Associates
Norbert and Stevie Dall, Dall & Associates

12877-0002\1972437v1.doc

## COMMENTS AND REQUESTS FOR CLARIFICATION BY THE EMPRISE TRUST

---

Note: All references herein are to the electronic pagination (pp. 1-59 of 59) of the City staff-proposed final Mitigated Negative Declaration in markup format (June 22, 2016, the "MND"), posted to the City's environmental documents web site at http://www.santa barbaraca. gov/civicax/ filebank /blobdload.aspx?BlobID=172746 (last accessed on February 2, 2016).

1. Project Description, Page 1/59, Lines 10-11: The MND representation that the project offers to dedicate "an open space easement on the undeveloped portion of the property, including areas of native species lemonade berry vegetation" is factually incorrect and unsupported by any substantial evidence in the MND record as a whole. The proposed open space easement (ABDS, Site Plan, Sheet A0.03, June, 2016), consists of two areas: (a) the surveyed coastal bluff, between elevations 10-52 feet MLLW (CSA, 2012; verified, 2015), and (b) the matured contiguous monoculture of horticultural lemonade berry shrubs, which the City co-activated 1978 ECDLL landslide repositioned from (primarily) 1927 ECDLL to 1925 ECDLL, and post-landslide grading by the City (1978) and Doolittle (1984) further repositioned and concentrated, including through hydromodification, on 1925 ECDLL. (CSA, 2012, 2015; WRA, 2012, 2015; D&A, 2013, 2015.) Such grading, hydromodification, and landscaping constitutes development of the parcel, which is located in the California coastal zone. (*See,* PRC section 30106; SBMC section 22.44.040.H; CDP 4-84-17 (Doolittle).) The MND record as a whole contains no substantial evidence whatsoever that the extant lemonade berry shrubs on 1925 ECDLL consist of "native species lemonade berry vegetation". The Emprise Trust thereon requests that the reference be clarified accordingly.

2. Project Description, Page 1/59, Lines 12-13: The MND representation that the project offers to dedicate "an air space public view corridor easement from El Camino de la Luz over the top of the residence toward the Santa Barbara Channel and Santa Cruz Island" is factually incomplete, in that the proposed air space open space easement extends across the entire parcel, and is not limited to the air space above the residence. (ABDS, Site Plan, Sheet A0.03, and Site Sections, Sheet A0.04, June, 2016.) The MND record as a whole contains no substantial evidence to support the incomplete representation In the MND. The Emprise Trust thereon requests that the reference be clarified accordingly.

3. Attachments: Mitigation Monitoring and Reporting Program (["MMRP"], 02-04-16, Revised June 22, 2016), Page 1/59, Line 2: This MMRP, required by PRC section 21081.6, is listed as an attachment to the MND, but omitted from the MND posted by the City to its environmental documents web site. The Emprise Trust requests City staff to attach the revised MMRP to the MND posted to the City web site, and produce a copy thereof to the Emprise Trust.

4. Initial Study/Environmental Checklist, Page 3/59, Paragraph 3, Lines 2-3: The

## COMMENTS AND REQUESTS FOR CLARIFICATION BY THE EMPRISE TRUST

---

Emprise Trust will provide responses to City staff's Exhibit H, responses to comments on the Draft MND, under separate cover and, as necessary, at the July 7, 2016 public hearing on the MND.

5. Project Address/Location Map, Page 3/59: The project location map *inter alia* depicts the parcel, marked in yellow, in relation to La Mesa Park, marked in green. Unchallenged substantial evidence in the MND record as a whole indicates that, as a result of intervening houses and mature trees and other horticultural vegetation, the parcel, the proposed residential reuse project development envelope cannot be seen from La Mesa Park.

6. Project Description, Exhibit D1 Photo-Documentation and Project Visual Simulation, referenced on Page 4/59, Pargaraph 1, Line 1: In addition to the complete Project Plan Set (MND Exhibit A, ABDS, June, 2016, 16 sheets) and the Site Photo-Documentation/Project Visual Simulation (MND Exhibit D1, ABDS, June, 2016), ABDS (July 5, 2016) in addition submitted Sheet A0.04B, Extended Site Sections (1:50 scale), which locate the stepped, reduced size, and further terrain-harmonized house in its setting, relative to background adjacent houses and trees, as seen from specified view origination points on the lower beach plane and up to one mile offshore the Mean High Tide Line on the Santa Barbara Channel.

7. Project Description, Page 4/59, Paragraph 3, Line 1: The correct (571 $ft^2$) garage size conforms to the ABDS DART submittal project plans (September, 2015); the former 444 $ft^2$ garage size was inadvertently carried forward on the 2015 project plan set title sheet from the 2013 ABDS project plan set. Please clarify the MND accordingly.

8. Project Description, Page 4/59, Paragraph 3, Lines 3-7: The in parts erroneous description of the vegetation species and proposed offers to dedicate specified open space and air space easements repeat the errors identified in comments 1 and 2, above. The Emprise Trust requests that the references be clarified to conform to those requested in these two prior comments.

9. Project Description, Page 4/59, Paragraph 4, Line 1: In addition to the revised project plans dated April 25, 2016, prepared in response to Planning Commissioner, Single Family Design Board, and City staff comments, ABDS at City staff's request has produced the conformed set of project plans for the Planning Commission Hearing on July 7, 2016.

10. Project Description-Site Preparation and Construction Process, Page 4/59, Paragraph 6, Lines 3-4: Substantial evidence in the MND record indicates that the project proposes slope stabilization of the site to greater than the SBMC Factors of Safety 1.5 (static) and 1.1 (seismic) through the poured-in-place installation of shear-

pins (to a minimum depth of 40 feet in bedrock), tiebacks (lower shear pin row), and comprehensive surface/subsurface water management, with beneficial effects on adjacent areas that include the City MTLS and developed private parcels. (CSA, 2012, 2015, 2016; C. L. Grant, 2013; ABDS, Project Plan Set, 2016.) The proposed deep caisson and grade beam foundation of the house (CSA, 2012, 2015, 2016; C. L. Grant, 2013; ABDS, Project Plan Set, 2016) additionally contributes to the stability of the site and area. (CSA, 2015.) Please clarify the MND accordingly.

11. Project Description-Site Preparation and Construction Process, Page 4/59, Paragraph 6, Line 6: To meet the City's minimum 16-feet driveway width, the project proposes to augment the existing driveway pavement on 1925 ECDLL by an addition ____ **ft$^2$**, rather then 540 ft$^2$. (ABDS, Site Plan, Sheet A0.03, June, 2016.) Please clarify the MND accordingly.

12. Environmental Setting-Summary of Existing Site Characteristics Page 5/59, Paragraph 1, Lines 1-2: Substantial evidence in the MND record as a whole indicates that the project parcel's south property line is along the Mean High Tide Line of the Santa Barbara Channel of the Pacific Ocean, a location that provides for the long term protection of the parcel against direct attack by open Pacific Ocean waves, and hence the persistent long term location of the coastal bluff at this location. (GeoSoils, 2012.) The MND record as a whole contains no substantial evidence to support staff's contention that "the property ... incorporates a coastal sea cliff *and* bluff" (emphasis added). Rather, the only topographic survey of the site (conducted pursuant to the controlling criteria at 14 CCR 13577(h), informed by the Geologic Stability of Blufftop Development Guideline, and congruent with Coastal Commission's established coastal bluff trend line based on its differentiation of the coastal bluff and the 1978 ECDLL landslide (CDP 4-84-17, Doolittle)) identifies the coastal bluff on the parcel to extent between 10 feet and 52 feet MLLW. (CSA, 2012; verified, 2015.) There is no substantial evidence in the MND that locates a "coastal sea cliff" on the parcel pursuant to the controlling criteria, and none exists. Please clarify the MND accordingly.

13. Environmental Setting-Summary of Existing Site Characteristics Page 5/59, Paragraph 3, Line 5: The reference to "coast" in this context is unnecessarily vague and unsupported by substantial evidence in the MND record as a whole. The correct reference is to the "south property line along the Mean High Tide Line of the Santa Barbara Channel." (GeoSoils, 2012.) Please clarify the MND accordingly.

14. Environmental Setting-Summary of Existing Site Characteristics Page 5/59, Paragraph 3, Lines 6-7: The substantial evidence in the MND record as a whole locates the proposed residence between 97.6 feet (not 80 feet) MLLW and 129.5 feet MLLW, a minimum of 169 feet upslope from the surveyed coastal bluff edge (upper termination, not the "lower cliff location". (ABDS, Site Sections, Sheet A0.04, June,

2016; CSA, 2012, verified 2015; ABDS, Site Plan, Sheet A0.03, June, 2016.) There is no substantial evidence in the MND record as a whole to support staff's contention that the project parcel contains a "lower cliff". Please clarify the MND accordingly.

15. Environmental Setting-Summary of Existing Site Characteristics, Page 5/59, Paragraph 4, Lines 1-3: The characterization of the flora on the "undeveloped slope below the previous and proposed development location ... (with) native species vegetation in the coastal sage scrub (0.14 acre, predominately lemonade berry ... plant communit[y])" is (a) unsupported by any evidence in the MND record as a whole that the matured repositioned horticultural lemonade berry shrubs on 1925 ECDLL constitute a native species, and (b) contrary to the site-specific biological analysis, which identified the contiguous lemonade berry vegetation as a monoculture that lacked community structure (as the MND itself notes at page **X/59**). (WRA, 2012, 2015. Please clarify the MND accordingly.

16. Environmental Setting-Summary of Existing Site Characteristics Page 5/59, Paragraph 5, Lines 2-3: The MND record as a whole contains no substantial evidence to support staff's contention of a "*lower* bluff tier" (emphasis added), and in fact, none exists on the parcel. (CSA, 2012; verified, 2015; GeoSoils, 2012, 2015; Scepan, 2012; D&A, 2015; Monk and Kaufman, 2015.) The correct reference in this context, regarding potential tsunami runup, is to "the back beach and lower coastal bluff face." (GeoSoils, 2012.) Please clarify the MND accordingly.

17. Environmental Setting-Summary of Existing Site Characteristics, Page 5/59, Paragraph 8, Lines 1-5: Rather than generally characterizing the site "as subject to unstable slopes", the substantial evidence in the MND record based on site-specific geological and geotechnical investigation indicates varying slope Factors of Safety (below FS 1.5/1.1) in the areas of the parcel affected by the City co-activated 1978 ECDLL landslide and subsequent cut and fill grading, hydromodification, and repositioning of horticultural lemonade berry vegetation by the City (1978) and Doolittle (1984). (CSA, 2012, 2015, 2016; D&A, 2015; WRA, 2012.) There is no substantial evidence in the MND record as a whole that the 1978 ECDLL landslide – rather than "a 1978 landslide" – "swept away" the previous house on 1925 ECDLL. In fact, the house at 1925 ECDLL, which was constructed on shallow slab and perimeter foundations in a notched (cut and filled) split-level building pad pursuant to a City-approved/issued combined building, grading, and drainage permit, failed when saturation of the dipslope oxidized Monterey Formation and overlying soil/artificial fill by water discharged from upgradient City infrastructure between 2001 ECDLL and 1903 ECDLL reactivated a pre-historic US topographical mapping landslide on these parcels. (CSA, 2012; City Permit F3833 (1955); D&A, 2013, 2015.) Please clarify the MND accordingly.

18. Environmental Setting-Summary of Existing Site Characteristics, Page 5/59,

---

Paragraph 9. Line 2: The characterization that "some landslide debris remains on the site" is vague, whereas substantial evidence in the MND record characterizes it as landslide structural debris buried by the City (1978). (CSA, 2012, 2015; D&A, 2013, 2015.) Please clarify the MND accordingly.

19. Existing Land Use, Page 5/59, Paragraph 12, Lines 2-5: Substantial evidence in the MND record indicates that, in addition to the development listed, the parcel is also developed with the City's (1978) Mesa Trunk Line Sewer earthen buttress, drainage facilities initially installed by the City (1978) that serve 1927 ECDLL and 1929 ECDLL, as well as part of the joint 1925-1927 ECDLL driveway, relict concrete house entry and carport turn around pavement with a thin artificial fill layer at elevation 130 feet MLLW (near elevation 127 feet MSL), matured City- (1978) and Doolittle- (1984) planted (repositioned) horticultural lemonade berry shrubs, and other horticultural lemonade berry shrubs planted by unknown third parties for erosion control. (CSA, 2012, 2015; D&A, 2013, 2015; WRA, 2012, 2015.) Please clarify the MND accordingly.

29. Existing Land Use, Page 5/59, Paragraph 12, Lines 4-5: The characterization in the MND of the existing MTLS "wastewater line" as crossing the site "above" the proposed residence location constitutes overstatement. Substantial evidence in the MND indicates that the invert elevation of the MTLS pipe, at/near 111 feet Santa Barbara Datum (minus 6 feet MSL),

30. Existing Land Use, Page 5/59, Paragraph 12, Lines 6-7: The characterization in the MND of a homeless encampment on the "lower portion of the site", "accessed from the coast", is vague and in part inaccurate. Substantial evidence in the MND record indicates that an unauthorized (trespass) recent homeless encampment in the contiguous horticultural lemonade berry vegetation in the biological Study Area has been accessed from the beach along the surveyed coastal bluff face, including on 1925 ECDLL. (D&A, 2015; WRA, 2012, 2015.) Please clarify the MND accordingly.

31. Existing Land Use, Page 6/59, Paragraph 1, Lines 8-9: The characterization in the MND of the reason for the loss of the pre-1978 ECDLL landslide coastal bluff access path on 1925 ECDLL (and adjacent 1927 ECDLL) between the coastal bluff top and the beach is incomplete. Substantial evidence in the MND record indicates that this path was destroyed in part by the southerly distension of earthen material up to 83 feet across the beach plane by the1978 ECDLL landslide, and subsequently eroded by post-1978 ECDLL landslide marine erosion of this material. (GeoSoils, 2012; Scepan, 2012; D&A, 2013, 2015.) Please clarify the MND accordingly.

32. Neighboring Land Uses and Characteristics, Page 6/59, Paragraph 3, Lines 1-2: The characterization in the MND of "vegetated" coastal bluffs "sloping down to the beach and ocean" south of the line of residences on the seaward side of ECDLL is in

parts vague and incorrect. Substantial evidence in the MND record as a whole indicates (a) that the coastal bluff on the four parcels immediately west of 1925 ECDLL is located along (near) the 50 feet MLLW trend line (CDP 4-84-17, Doolittle; CSA, 2012; D&A, 2013, 2015; Monk and Kaufmann, 2015), and thus does not slope down from the line of residences; (b) while some coastal bluff segments (subareas) to the west and east of 1925 ECDLL (in WRA's Study Area between Oliver Road and the Lighthouse Creek drainage) are vegetated, many others are unvegetated (GeoSoils, 2012, 2015; CSA, 2012; WRA, 2012, 2015; ABDS, Photo-Documentation Sheet G.04 Key Plan and Frames 6 and 9-12, June, 2016); and (c) whereas the base of the coastal bluff west and east of 1925 ECDLL is located at the rear (landward edge) of the beach plane, nowhere within the Study area does the coastal bluff slope under current environmental conditions down to the landward edge of the Santa Barbara Channel of the Pacific Ocean along the MHTL. Please clarify the MND accordingly.

33. Property Characteristics-Slope, Page 6/59: The substantial evidence in the MND record indicates that the current slope gradients on the parcel are the result of (a) the City co-activated 1978 ECDLL landslide (below elevation 130 feet MLLW); (b) subsequent grading and hydromodification by the City (1978) and Doolittle (1984) variously between elevations 50 and 130 feet MLLW; (c) rilling erosion of the City-constructed (1978) MTLS earthen buttress; (d) marine, aeolian, and chemical weathering erosion of the seaward-distended coastal bluff following the 1978 ECDLL landslide, and (e) fill/excavation grading of the existing driveway, house entry, and carport turnaround areas by the 1955-1956 developer of the previous house at 1925 ECDLL. Please clarify the MND accordingly.

34. Property Characteristics-Surrounding Zones, South, Page 6/59: The MND indicates that no zoning is available ("N/A") to the south of the parcel, although the current (6/25/2013) City Zoning Map posted to the City's web site (at: http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17450 ) depicts an unclassified white polygon between the R-3 zoning on part of the parcel (that apparently does not extend to include the area of the surveyed coastal bluff [CSA, 2012; verified, 2015) and an unidentified seaward boundary line (that apparently is not congruent with the State's surveyed MHTL in this area). The unclassified white polygon in the area of the parcel is substantially similar, but not identical, to the Recreation-Open Space: Beach land use designation depicted on the current (5/2/2014) City Coastal Zone Land Use Designations Map (at: http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=40353 ). The City corporate limits in the Santa Barbara Channel seaward of the parcel extend to 3 nautical miles offshore the MHTL, and thus this area is within the required City LCP jurisdictional area. (PRC section 30500(a). ["Each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction.]) ase clarify the MND accordingly.

---

35. Plans and Policy Discussion, Page 6/59, Paragraph 7, Lines 2-4: Substantial evidence in the MND record indicates that the applicable Coastal Act conservation and development standards of review for the project consist of PRC sections 30210-30224 and 30253, rather than the entire Coastal Act (Chapter 3). (D&A, 2013, 2015.) Please clarify the MND accordingly.

36. Coastal Policies-Visual and Biological Resources, Page 7/59, Paragraph 2, Line 10: The MND record contains no substantial evidence that "two-thirds" of the parcel is, or would on project completion be or remain, in "native vegetation". Rather, the site-specific biological analysis indicates that native vegetation occurs on parts of the surveyed coastal bluff and on the immediately adjacent coastal bluff top near the 1925-1927 ECDLL property line. (WRA, 2012, 2015.) Please clarify the MND accordingly.

37. Coastal Policies-Coastal Hazards, Page 7/59, Paragraph 3, Line 5: PRC section 30253 requires the proposed project to have no significant adverse impact on "natural landforms along bluffs and cliffs", rather than "coastal landform resources." (DA, 2013, 2015.) Please clarify the MND accordingly.

38. Coastal Policies-Coastal Hazards, Page 7/59, Paragraph 4, Lines 1-7: There is no substantial evidence in the MND record as a whole to support staff's speculation about a potential coastal bluff edge at (an unspecified datum) 127 foot elevation. In fact, such elevation on the parcel consists of concrete decking (in MLLW), voids (interstices below the concrete decking) and the rilling-eroded City (1978) constructed earthen buttress for the MTLS trench and pipe (MSL and Santa Barbara Datum), which pursuant to the controlling criteria geomorphological and dimensional criteria do not – and cannot – constitute an "upper bluff edge determination". (CSA, 2012 [*see,* Figure 2, Topographic Section A-A'), 2015, 2016; GeoSoils, 2015 [*see,* Exhibit D]; D&A, 2013, 2015; Monk and Kaufmann, 2015.) Moreover, the controlling criteria at 14 CCR 13577(h) and in the Geologic Stability of Blufftop Development Guideline, both incorporated by the City in its General Plan and LCP, respectively, set forth specific geomorphological and dimensional standards for determination of the coastal bluff edge location through careful on site- and area-specific field work, rather than on "belief", as City staff described its and Coastal Commission staff's unverifiable and inapplicable methodology. (PRT Letter, 2013.) Coastal Commission staff's emailed further characterization of its methodology simply corroborates that it can produce none of the required geomorphological or dimensional technical analysis and mapping to support a coastal bluff edge at 127 feet elevation (under any datum) on the parcel. (Email from M. Sinkula, Coastal Program Analyst I, to L. Kennedy, May 2, 2016, 2 pp.) In direct contrast, CSA (2012, 2015) surveyed, mapped, and verified the coastal bluff edge on the parcel based on the controlling criteria (CSA, 2012, 2015, 2016), and the 48-52 feet MLLW elevation of that bluff line is congruent with the coastal bluff trend line

established when the Coastal Commission differentiated between the coastal bluff/bluff edge and the 1978 ECDLL landslide headscarp on the four adjacent similarly situated parcels. (CDP 4-84-17, Doolittle; D&A, 2013, 2015; Monk and Kaufmann, 2015.) Pursuant to PRC section 30625(c), that Coastal Commission determination constitutes applicable guidance to the City for adjacent 1925 ECDLL, there is no (potential or actual) project inconsistency with certified LCP Policy 8.2 (as the Coastal Commission also found in Doolittle with regard to grading and construction on the four similarly situated adjacent parcels), and Paragraph 4, the related discussion in Paragraph 5, and in IS Part 5 are therefore surplusage that should be deleted from the MND. Please clarify the MND accordingly.

39. Note re California BIA v Bay Area AQMD, Page 8/59. The substantial evidence in the MND record indicates, on-site specific expert analysis, impact avoidance by project design, and on the basis of incorporated mitigation measures (including comprehensive monitoring and reporting), that there are no potentially significant adverse effects of the physical environment on the project. (CSA, 2012, 2015, 2016; GeoSoils, 2012, 2015; WRA, 2012, 2015; C. L. Grant, 2013; ABDS, Project Plan Set, June, 2016; D&A, 2013, 2015.) Please clarify the MND accordingly.

40. Visual Resources-Existing Setting, Page 9/58, Paragraph 2, Lines 7-8: There is no substantial evidence in the MND record that views of the "beach" are visible "from the adjacent street (ECDLL) in the distance across the site". Please clarify the MND accordingly.

41. Impacts to Scenic Views, Page 9/59, Paragraph 3, Lines 2-3: The project (as described in the DART Application [2015] and ABDS Site Plan and Section Plans [June, 2016] is located between the MHTL, 4.63 feet MLLW, and the southerly edge of the ECDLL right-of-way, near 140 feet MLLW. The proposed replacement house is located between elevations 97.5 feet MLLW (FFE) and 129.5 feet MLLW (roofline). Please clarify the MND accordingly.

42. View of project from beach and ocean, Pages 10-11/59: Supplemental ABDS Extended Site Sections Sheet A0.04-B, 1:50 scale (June, 2016) depicts the proposed stepped and reduced-size house in its setting, relative to adjacent existing houses on the urbanized West Mesa, trees, shrubs, and topography/terrain, as seen from the beach plane and up to one mile offshore in the Santa Barbara Channel, looking landward. The Extended Site Sections demonstrate that the house will not have a potentially significant direct or cumulative effect on visual quality, and that the house is consistent also in this regard with the visual protection standard of certified LCP Policy 9.1. Please clarify the MND accordingly.

43. Wildlife Corridors and Nesting Sites, Page 20/59: The MND record contains no

substantial evidence that the 1978 ECDLL landslide-impacted terrain between elevations 48-50 feet MLLW and the southerly edge of City (1978) post-landslide grading constitutes, or pursuant to the controlling coastal bluff determination criteria can constitute "lower portions of the coastal cliffs slopes in the project area (that) contain open space with native vegetation that provides a migratory corridor for birds and other wildlife species." (WRA, 2012, 2015.) Please clarify the MND accordingly.

44. Existing Site Conditions, Page 25/59, Paragraph 2, Line 5: There is no substantial evidence in the MND record that "the geologic landforms and soils on the property [parcel] are generally unstable". (*See*, CSA, 2012, 2015, 2016.) Please clarify the MND accordingly.

45. Project long term impacts, Page 25/59, Paragraph 3, Lines 2-3: There is no substantial evidence in the MND record that a "lower sea cliff" is located at 51 feet elevation. Rather, the surveyed coastal bluff, pursuant to the controlling determination criteria, extends between elevations 10 and 52 feet MLLW on the parcel, and there is no other escarpment on the parcel that constitutes a coastal bluff pursuant to any of the criteria in either 14 CCR 13577 or the Geologic Stability of Blufftop Development Guideline. (CSA, 2012, 2015; GeoSoils, 2015; D&A, 2013, 2015; Monk and Kaufmann, 2015.) Please clarify the MND accordingly.

46. Project long term impacts, Page 25/59, Paragraph 5, Lines 1-3: For completeness and accuracy, the first sentence should read: "However, the proposed development site does not meet the minimum stability factors of safety (1.5 static and 1.1 seismic) for development without slope stability measures per industry standards, incorporated into the certified LCP through the Geologic Stability of Blufftop Development Guideline, set forth in the Municipal Code (Title 22), and further incorporated into the General Plan (2014) by the Coastal Commission staff geologist's 2003 conference paper/ memorandum." Please clarify the MND accordingly.

47. Long term erosion, Page 26/59, Paragraph 2, Lines 6-11: The MND errs in its statement that "The analysis submitted by the applicant of long-term erosion at the lower bluff location at 51 feet in elevation does not factor in a setback from areas naturally meeting factor of safety criteria for slope stability purposes pursuant to the current Coastal Commission geologist analytic guidelines...." The CSA supplemental memorandum of January 5, 2016, in response to City staff inquiries, at pp. 1-6 specifically addresses this point (without acquiescing in staff's "lower bluff location" characterization), and demonstrates that the proposed house is adequately set back also from extant FS contours that meet the applicable standards. As a result of the City co-activated 1978 ECDLL landslide and subsequent grading, there are no extant "natural slope areas" on the parcel between elevations 48-50 feet and 130 feet MLLW. Please clarify the MND accordingly.

---

Prepared by Norbert H. Dall, Dall & Associates.

1925 EL CAMINO DE LA LUZ RESIDENTIAL REUSE PROJECT, NEW CITY STAFF PROPOSED MITIGATION MEASURES/CONDITIONS IN THE STAFF-PROPOSED FINAL MND (JUNE 22, 2016)

## COMMENTS BY THE EMPRISE TRUST

---

City staff has proposed nine new or revised mitigation measures in the Draft final MND (pfMND, June 22, 2016). This memorandum addresses each of the new/revised mitigation measures. The Emprise Trust requests the opportunity to discuss the comments below with City staff prior to the Planning Commission hearing.

**1. Recommended Mitigation Measure: RM B-2 Native Vegetation and Landscaping.** (pfMND electronic page 21/59)

*Final project plans approved by the Single Family Design Board and* ***[omitted word/s]*** *shall include project components to implement measures identified by project biologist reports for restoring native species vegetation following project construction and providing compatible landscaping. Final restoration and landscape plans will incorporate biologist–recommended measures for plant species, locations and timing for planting vegetation; local source for native plant species; erosion control, initial irrigation, and other establishment measures; performance criteria; and monitoring and demonstration of establishment success (two years for private open space and lemonade berry mitigation; five years for coastal bluff scrub) with final measures approved by the City prior to issuance of grading and building and occupancy permits.*

1.1. In Line 1, after "Single Family Design Board and", one or more words are missing.

**2. Recommended Standard Condition.** (pfMND electronic pages 22-23/59)

*There is no evidence of subsurface historical resources based on prior development activities and numerous technical site evaluations conducted on the property. The standard condition for procedures in the event of unanticipated discovery of important subsurface resources would be applied as a condition of project approval to assure that any resources discovered are evaluated and, as needed, mitigation applied such that no significant impact would result (see Exhibit C). … Based on prior development activities and numerous technical site evaluations conducted on the property, there is no evidence that the site contains any subsurface human remains. Standard conditions of approval for the project would include required procedures per State regulations for the unanticipated discovery of human remains to assure that no significant impact would result (see Exhibit C). … The area to be disturbed for the project has been previously disturbed by the prior residential development, landslide, and slope stabilization work. Based on prior development activities and numerous technical site evaluations conducted on the property, there is no evidence that the site contains any unique paleontological resources. The standard condition for procedures in the event of unanticipated discovery of important resources during project earthwork would be applied to this project to assure that any resources discovered are evaluated and, as needed, mitigation applied such that no significant impact would result (see Exhibit C).*

---

*... The project site has been previously developed with a single-family home and has not been identified by local tribes as an important tribal cultural resource of religious or other cultural significance. The standard condition for procedures in the event of unanticipated discovery of subsurface resources during project earthwork would be applied to this project (see Exhibit C).*

In relevant parts, Exhibit C, City Standard Conditions of Approval Applicable to Project, further provides as follows:

*Visual Aesthetics*

*Design Review. The project, including public improvements, is subject to the review and approval of the Single Family Design Board (SFDB with project incorporation of Planning Commission land use conditions including:*

□ *Landscape plan and biological restoration measures, including protective measures implemented during construction; appropriate plant materials on bluffs and steep slopes; irrigation systems; landscape screening; screening for utility and foundation stability devices. (items to be further specified)*

□ *Project exterior lighting plans consistent with SBMC provisions to avoid substantial effects to neighboring residents, habitats, and travel safety. (Exh. C, at 2.)*

*Biological Resources*

*Fish and Wildlife Fee. The California Department of Fish and Wildlife fee shall be paid by the owner immediately upon project approval. A delay in payment will result in a delay in filing the required CEQA Notice of Determination.*

*Design Review. See item under Visual Resources above for approval of landscape and biological restoration plan, to include measures for establishment of new vegetation.*

*Biological Monitoring Contract. Submit a contract with a qualified biologist acceptable to City for specified biological monitoring for construction period and establishment of restoration and landscape vegetation and temporary irrigation. (Exh. C, at 2-3.)*

2.1. Because there is no identified potentially significant effect of the project on cultural resources, there is no basis to require the proposed "standard" cultural resource condition above.

2.2. The Design Review "standard" condition, as stated, is unclear as to whether the

SFDB is to (a) review and approve the Planning Commission's precedent action on the MND, regarding the project landscape plan, biological restoration, and exterior lighting, or (b) incorporate the Planning Commission's action on the MND with regard to these components into the SFDB decision. Please clarify.

2.3. Please clarify the requirement that "The CDFW fee shall be paid by the owner immediately upon project approval", specifically with regard to the terms (a) "immediately", and (b) "project approval" in relation to staff's proposed timing of City Planning Commission action on the CDP 60 days after action on the MND, with provision that it is appealable.

2.4. The Design Review "standard" biological resources design review condition, as stated, is also unclear as to what City-adopted standards, if any, the SFDB may require the project to implement (document) establishment of planted new vegetation, and whether the latter term includes establishment of proposed in-situ horticultural vegetation mitigation. Please clarify the relevant adopted standards for the SFDB biological resources design review standards.

2.5. Please (a) also provide us with, and include as part of the MND, a copy of the relevant adopted standards for City determination of "a qualified biologist acceptable to City", and (b) clarify whether this "standard" condition is precedent or subsequent to City issuance of (or action on) the CDP.

**3. RM N-4, Construction Hours Limitations**. (dfMND at electronic page 35/59)

*Requirements in mitigation measure N-1 are superseded by the following provisions: All construction activities shall be prohibited on weekends and shall be permitted only on weekdays between the hours of 8:30 a.m. and 4:00, with the exception of ten specified holidays when construction activities shall also be prohibited: New Year's Day (January 1st); Martin Luther King Jr Day (3rd Monday in January); President's 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); Day Following Thanksgiving Day (Friday following Thanksgiving); 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.*

3.1. Given that the City has adopted generally applicable limitations on hours of construction (to erect, construct, demolish, excavate for, alter or repair any building or structure) in SBMC Section 9.16.040 (Noise Ordinance), which prohibit construction at night, between the hours of 8 pm and 7 am, please clarify what site-specific noise

generation, ambient noise level, noise receptor standards, or data indicate a potentially significant adverse project (construction) effect that requires the staff-recommended limitation of construction to the specified weekdays between 8:30 am and 4 pm? Fundamentally, this staff-recommended mitigation measure requires a clear identification of any potentially significant adverse effects, before related and roughly proportional mitigation measures can be identified to reduce any such effects, if they were to occur, to below a level of significance.

3.2. Delay of the start of construction by even 1.5 hours on each of the available weekdays, e.g., from a 7 am to an 8:30 am construction starting time, would add more than four calendar months to the construction schedule, with associated potential conflicts with the long-term rainy season, seasonal biological avoidance periods or limitations, the availability of specialized equipment and workers, and resultant increased project costs. The staff-recommended delay in the starting construction hour is on its face unreasonable, given the considerable horizontal separation (30-145 feet) between the construction site and the nearest houses, the temporary construction equipment and material storage area and the nearest houses, and intervening retaining walls, continuous wooden fencing above them, and adjoining mature horticultural vegetation buffers. The Emprise Trust therefore requests that the available weekday construction hours be set to between 7:00 am and 4:00 pm.

**4. RM N-5, Construction Equipment Sound Controls**. (dfMND at electronic page 35/59)

*Requirements in mitigation measure N-2 are further specified as follows: Equipment and vehicle mufflers and silencing devices shall be operating whenever equipment and vehicles are in use for the project. All diesel equipment shall be operated with closed engine doors. Unnecessary idling of internal combustion engines shall be prohibited during project construction processes. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.*

**N-2: Construction Equipment Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

4.1. The Emprise Trust concurs with this additional recommended mitigation, based on the understanding that the referenced mufflers, silencing devices, and engine doors constitute those required by state or federal law, or regulations promulgated pursuant thereto. If this understanding in any manner differs from that of the City, please clarify the City's understanding of these referenced terms. Thank you.

---

**5. RM N-6, Neighbor Notification**. (dfMND at electronic page 35/59)

*Requirements in mitigation measure N-3 are augmented as follows: Additional notification of neighbors within 300 feet of the project area shall be provided one week prior to a changed construction schedule. A sign (with minimum font size of 0.5 inch) with the information required by mitigation measure N-1 shall be posted at the point of entry to the site immediately upon building permit issuance and upon any subsequent update notifications.*

**N-3: Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of the project construction process, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. 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 the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.

5.1. In Mitigation Measure N-3, the term "project construction process" is vague, and to be able to be implemented should be clarified as "project construction, commencing with demolition, grading, preparation of the construction storage area, or construction of any permanent structure on 1925 ECDLL or the driveway widening area in the driveway easement on the westerly 1921 ECDLL side yard, whichever comes first."

5.2. In Mitigation Measure N-3, the reference to "businesses" is vague, and to be able to be implemented should be clarified as "businesses that are reasonably known through on-site signage, listing on the mail box, or licensed to operate on a developed parcel in private ownership within 300 feet of the perimeter of the parcel at 1925 ECDLL".

5.3. In Mitigation Measure N-6, the reference to "neighbors" is vague, and to be implementable should be clarified as "property owners and known residents, as indicated by names on the mail box of each house".

**6. RM N-7, Construction Noise Barriers.** (dfMND at electronic page 35/59)

*Stationary construction equipment that generates noise exceeding 50 dBA at the property boundary shall be shielded with a barrier that meets a sound transmission class (STC) rating of 25. Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters.*

6.1. The Emprise Trust requests City staff to define the term "stationary construction equipment", specifically that mobile drilling rigs, cranes, trucks, and similar equipment do not constitute such equipment. Enclosure of mobile construction equipment to control noise with a barrier that meets an STC rating of 25 is generally not feasible. (CSA, 2016.)

6.2. Requirement by the City for the staff-recommended (above) enclosure of mobile drilling rigs, cranes, trucks, and similar equipment would likely render such equipment unavailable for project construction, and thereby render project construction infeasible, with a resultant unconstitutional taking of the private property.

6.3. Generators and compressors will be positioned during construction as far as feasible from noise sensitive receptors on adjoining developed parcels, and be provided with STC-25 Acoustical Barrier Blankets or similar noise attenuation barriers.

**7. RM N-8, Building Crack Video**. (dfMND at electronic page 35/59)

*Prior to commencement of construction processes, the project permittee shall provide for prior two-week notification of neighbors and video documentation of existing cracks in buildings and other structures within 300 feet of the project site, and shall submit it to the City of Santa Barbara. Prior to issuance of certificate of occupancy, the project permittee shall provide for prior two-week neighbor notification and video documentation of post- construction condition of buildings and other structures, and shall compensate any neighbors for repair of cracks caused by the construction process.*

7.1. The term "commencement of construction process" is vague, and to be able to be implemented should be clarified as "project construction, commencing with construction equipment ingress/egress on the 1921 ECDLL driveway to the temporary construction equipment and material storage and ingress/egress area".

7.2. There is no substantial evidence in the MND record as a whole that previous construction equipment ingress/egress on the 1921 ECDLL driveway (with a non-exclusive right for ingress/egress by 1919 ECLL), the joint (reciprocal easement) 1925-1927 ECDLL driveway, or construction equipment operation on any parcel that has been accessed by either driveway has resulted in any fracturing (cracking) of any building or other structure within 300 feet of 1925 ECDLL.

7.3. The staff-recommended mitigation measure provides for no method by which the City will require property owners (or tenants) within 300 feet of the perimeter of 1925 ECDLL to allow video documentation of the inside, outside, and foundation of their

buildings or other surface and subsurface structures, but irrespective of any methodology to establish liability, would require the Emprise Trust to compensate any neighbors, without limit, for repair of cracks, without limit, identified by a second round of inspection and video-taping and in some undescribed manner considered to be caused by the construction process. Discussions by Emprise Trust project team members with adjoining neighbors at 1917, 1919, and 1927 ECDLL in 2011 identified no observed vibrations or cracking during, or as a result of, City grading equipment transit in 1978 along the 1921 ECDLL driveway and operations on both 1921 and 1925 ECDLL; Doolittle's grading equipment transit in 1984 along the 1921 ECDLL driveway and on 1927, 1933, 1933, and 1937 ECDLL; a neighbor's subsurface geological/geotechnical investigation borings in 2006; Padres' subsurface geological/geotechnical investigation borings on 1921 CDLL; or CSA's large and small diameter subsurface geological/geotechnical investigation borings in the side yards between 1921 ECDLL and 1925 ECDLL, as well as at seven other locations on these latter parcels.

7.4. The staff-recommended mitigation measure is vague, unavoidably intrusive, and infeasible, given (a) the undefined key terms ("construction processes", "other structures", "any neighbors", "cracks caused by the construction process"), (b) the previously demonstrated unwillingness of many of the same property owners to allow review of merely their respective building foundation and construction plans on file with the City, and (c) imposition on the Emprise Trust of financial liability for cracks without first establishing a methodology for determining whether any cracks, if they could be found to exist, were in fact caused by any construction activity. A civil process exists to address such issues, should any cracks be shown to have been caused by construction at 1925 ECDLL, rather than others factors.

7.5. Moreover, the staff-recommended mitigation measure is unnecessary because the project has already incorporated (a) impact avoidance measures through proposed placement and monitoring of appropriately calibrated construction seismometers at the perimeter of the construction site, with a responsive methodology to avoid any (unanticipated) construction-related vibration at the perimeter of the site (CSA, January, 2016), (b) repavement of the 1925 ECDLL driveway (ABDS, Site Plan, Sheet A0.03, June, 2016) in coordination with the owner of the 1927 ECDLL driveway, and (c) repair and restoration of the construction easement area on 1921 ECDLL, pursuant to the offer of a temporary construction easement by the Trustee of the Luz Trust. The Emprise Trust requests City staff's concurrence with these reasonable mitigation measures.

**8. Recommended Measure*:* RM V-1 Lighting Design**, (dfMND electronic page 13/59)

*The applicant shall submit a detailed project lighting plan for approval by Single Family*

*Design Board as part of the project preliminary and final design review approvals.*

8.1. Although the MND indicates that project visual impacts associated with scenic views, visual character, visual quality, grading, topography, lighting, and glare would be less than significant (Class 3), and thereby identifies no nexus or requirement for roughly proportionate mitigation, recommended mitigation measure V-1 would further reduce less-than-significant project impacts associated with lighting. The Emprise Trust requests clarification from the City regarding the CEQA basis for this staff-proposed mitigation.

**9. Recommended Measure: RM WQH-1 Water Quality and Hydrology: Drainage and Storm Water Management Facilities and Plans.** (dfMND electronic page 49/59)

*Final project plans shall incorporate project components for temporary construction erosion and sediment control and water quality facilities and operations, and post-construction permanent drainage and storm water management facilities and operation/maintenance provisions. Approved drainage and storm water facilities and operations/maintenance provisions shall reflect technical study recommendations and be consistent with City policies, ordinances, and guidelines for construction erosion and sediment control, and permanent storm water management addressing water volumes and water quality.*

9.1. Although (a) the project description and plans include a comprehensive storm water management program, including during construction and post-construction project operations, that have been designed specifically to address and meet the applicable adopted City and State drainage and water quality protection requirements, (b) the MND identifies no potentially significant adverse effects of the project on drainage and storm water management, or on any other aspect of the environment, and (c) the MND indicates that the project requires no drainage and storm water management facility/plan mitigation measures, the MND nonetheless requires project compliance with a vaguely worded set of drainage water quality requirements that do not provide or reference clear, implementable standards for specific project compliance. The Emprise Trust requests clarification from the City regarding the basis for this staff-proposed mitigation measure or condition.

Thank you.

Prepared by Norbert H. Dall, Dall & Associates, Consultant to the Emprise Trust.