



# City of Santa Barbara California

## ARCHITECTURAL BOARD OF REVIEW STAFF REPORT

**REPORT DATE:** April 16, 2012  
**AGENDA DATE:** April 30, 2012  
**PROJECT ADDRESS:** Sycamore Creek, Punta Gorda Street (MST2009-00374)  
Lower Sycamore Creek Channel Widening and Punta Gorda Street  
Bridge Replacement Project

**TO:** Architectural Board of Review

**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *DK*  
Kathleen Kennedy, Associate Planner *KK*

### I. PROJECT DESCRIPTION

The project involves Lower Sycamore Creek and the Punta Gorda Street Bridge. The project begins at the north side of the U.S. Highway 101 Sycamore Creek Bridge and extends upstream to a point approximately 75 feet beyond the Punta Gorda Street Bridge. The southerly portion of the project is located within the Caltrans right-of-way. Only the improvements located north of the Caltrans right-of-way line are analyzed in the Final Mitigated Negative Declaration and are under consideration by the Architectural Board of Review (ABR) on April 30, 2012. The improvements that are located within the Caltrans right-of-way are being evaluated and processed separately, under the existing Highway 101 Operational Improvements Project Coastal Development Permit.

*Channel Improvements:* Currently, the distance between the top of banks for this portion of Lower Sycamore Creek varies between 25 and 50 feet. The width of the channel bottom varies between 9 and 12 feet. The project includes widening the creek to approximately 60 feet between the top of banks, which would match the existing public right-of-way width of 60 feet. Widening of the creek would involve removing all materials (e.g., cement, pipe, wire) within the creek area and grading the creek so that the bottom of the channel would be 28 feet wide (20-foot-wide earthen channel bottom, plus 4 feet of riprap on each side buried by soil). All new earthen banks would have a bank face of approximately nine feet in height. A six-foot high black chain link fence is proposed along the length of the top of bank on both sides of the creek.

*Creek Restoration:* The existing vegetation along Sycamore Creek is a mix of non-native species, landscape and ornamental vegetation, and native riparian species. The creek widening would result in the removal of most of the existing vegetation in the project area. The creek restoration plan involves the planting of native species on the newly constructed creek banks for the length of the project, except for where new walls would replace earthen banks adjacent to the Highway 101 Sycamore Creek Bridge. The plan consists of four planting zones on each side of the creek (Water's Edge, Riprap, Riprap Edge, and Upper Bank Zones) as shown on the landscape plans.

*Punta Gorda Street Bridge Replacement:* Channel widening necessitates removal and replacement of the Punta Gorda Street Bridge. The existing bridge is a concrete box culvert with a 21-foot wide span, 7.5 foot rise and concrete channel bottom. The proposed bridge would have a 50-foot wide span, nine-foot rise and earthen bottom. The new bridge would be larger and centered more closely within the right-of-way than the existing bridge. The new bridge would have six-foot wide sidewalks.

Also, the Green Mobile Home Park driveway entrance on Punta Gorda Street, located within the public right-of-way just to the east of the proposed bridge, would be removed as part of this project. New curb, gutter and sidewalks would be constructed on Punta Gorda Street to the east and west of the bridge. In addition, two overhead utility poles would be relocated by Southern California Edison, and one communication pole would be relocated by Verizon. The existing five foot wide pedestrian path located along the eastern top of bank, connecting Punta Gorda Street and Liberty Street to the north, would remain.

## **II. REQUIRED APPLICATIONS**

The discretionary application required for this project is Design Review Approval by the Architectural Board of Review (SBMC Chapter 22.68).

Also, the Architectural Board of Review (ABR) will consider adoption of the Final Mitigated Negative Declaration prepared for the project pursuant to the California Environmental Quality Act Guidelines Section 15074.

## **III. RECOMMENDATION**

Staff recommends that the Architectural Board of Review adopt the Final Mitigated Negative Declaration, making the findings outlined in Section VI of this report, and grant Project Design Approval for the project, subject to the conditions of approval in Exhibit A.

The Planning Commission recommends additional conditions of approval that would require a no trash dumping sign, an anti-dumping notice with the City water bill, use of graffiti-proof paint and native landscaping. Native landscaping is already included in the creek restoration plan.

## **IV. ENVIRONMENTAL REVIEW**

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. A Draft Initial Study and Mitigated Negative Declaration (MND) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: Biological Resources, Noise, Public Services, and Water Environment. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with Air Quality, Cultural Resources, and Transportation/Circulation.

The Draft MND was available for public review from November 8 to December 8, 2011. Four comment letters were received. A public hearing was held by the Planning Commission on December 1, 2011. No members of the public were present. The Planning Commission found the document to be adequate and did not have any environmental comments; however, concerns were

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expressed about the dumping of trash and graffiti in the creek area. The public comment letters and Planning Commission minutes are included in the Response to Comments section of the proposed Final Mitigated Negative Declaration (see Exhibit P). The analysis concludes that with the implementation of the required mitigation measures, the proposed project would not result in any significant environmental impacts.

#### **V. DESIGN REVIEW**

This project was reviewed by the Architectural Board of Review (ABR) on April 4, 2011. No members of the public were present. The Board provided the following favorable comments: 1) The Board finds the project moving in a positive direction; 2) Return with additional information about the bridge wing walls, detailing, and color of the proposed concrete structure; and 3) A majority of the Board likes the proposed design scheme similar to that of the Ortega Street Bridge.

#### **VI. FINDINGS**

Prior to granting Project Design approval of the project, the Architectural Board of Review must make the following findings per the California Environmental Quality Act:

#### **FINAL MITIGATED NEGATIVE DECLARATION ADOPTION**

1. The Architectural Board of Review has considered the proposed Final Mitigated Negative Declaration, dated April 16, 2012, for the Lower Sycamore Creek Channel Widening and Punta Gorda Street Bridge Replacement Project (MST2009-00374), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the Board's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated April 16, 2012, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6 is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.

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6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included, which requires the applicant to pay the fee within five days of project approval.

Exhibits:

- A. Conditions of Approval
- B. The Final Mitigated Negative Declaration (previously distributed to the Architectural Board of Review) is available at the Community Development Department at 630 Garden Street, the Main Library at the corner of Anapamu and Anacapa Streets, and online at:  
[http://www.santabarbaraca.gov/Resident/Environmental\\_Documents/Sycamore\\_Creek\\_and\\_Punta\\_Gorda](http://www.santabarbaraca.gov/Resident/Environmental_Documents/Sycamore_Creek_and_Punta_Gorda)

## ARCHITECTURAL BOARD OF REVIEW CONDITIONS OF APPROVAL

### LOWER SYCAMORE CREEK CHANNEL WIDENING AND PUNTA GORDA STREET BRIDGE REPLACEMENT PROJECT DESIGN REVIEW APPROVAL APRIL 30, 2012

- I. In consideration of the project approval granted by the Architectural Board of Review 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. **Approved Development.** The development of the Real Property approved by the Architectural Board of Review on April 30, 2012 is limited to the Lower Sycamore Creek Channel Widening and Punta Gorda Street Bridge Replacement project and the improvements shown on the plans on file at the City of Santa Barbara.
- B. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Pay Fish and Game fee immediately upon Project Design Approval by the ABR. Delays in payment will result in delays in filing the required Notice of Determination.
  2. Obtain Final Approval from the ABR.
  3. **Other Agency Approvals.** Prior to issuance of building or public works permit, all necessary permits and consultations with the Army Corps of Engineers, California Department of Fish and Wildlife Service, California Regional Water Quality Control Board, National Marine Fisheries Service, and United States Fish and Wildlife Service shall be complete. (BIO-5)
  4. **Permits.** Obtain a Building Permit (BLD) or Public Works Permit (PBW) for construction of approved development. Comply with condition E "Construction Implementation Requirements."
- Details on implementation of these steps are provided throughout the conditions of approval.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The ABR shall not grant Final project design approval until the following conditions have been satisfied.
1. **Screened Backflow Device.** The backflow devices for irrigation systems shall be provided in a location screened from public view as approved by the ABR.
  2. **Biological Resources – Revegetation.** Final restoration and revegetation plans shall be submitted for review and approval of the City of Santa Barbara Creeks Division prior to final design review approval of the project. (BIO-3.1)
- 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. **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 Public Works Transportation Manager. (T-1)

2. **Community Development Department.**

- a. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified independent consultant to act as the Project Environmental Coordinator (PEC). Both the PEC and the contract are subject to approval by the City's Environmental Analyst. The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
- (1) The frequency and/or schedule of the monitoring of the mitigation measures.
  - (2) A method for monitoring the mitigation measures.
  - (3) A list of reporting procedures, including the responsible party, and frequency.
  - (4) A list of other monitors to be hired, if applicable, and their qualifications.
  - (5) Submittal of biweekly reports during all 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. (BIO-1)
- b. **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.

- c. **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.
- d. **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.
- e. **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.
- f. **Mitigation Monitoring and Reporting Requirement.** Note on the plans that the Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as outlined in the Mitigated Negative Declaration for the project.
- g. **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 construction, 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 Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. (N-2)
  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, (Landscape Architect, Biologist, 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) name, contractor(s) and PEC's telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone. (N-3)
  4. **Acoustical Insulation Material.** Acoustical insulation material shall be attached to the construction fence and shall extend from the top of the fence (8 feet high) to the ground. Also, a movable acoustical curtain shall be used to shield the residential areas from construction noise. The curtain shall be designed to completely block the line of sight from the adjacent residences during construction of the bridge foundation support piles. Noise levels shall be closely monitored for compliance within the allowable limits. (N-1)
  5. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays between the hours of 9:00 a.m. and 4:00 p.m., excluding the following holidays:



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

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

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number. (N-4)

6. **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. (T-2)
7. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging in the public road right-of-way shall be limited to the extent feasible and shall be subject to review and approval by the Public Works Transportation Manager. (T-3)
8. **Air Quality.** 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. (AQ-1)
  - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-2)

- 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. (AQ-3)
- d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads. (AQ-4)
- 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. (AQ-5)
- 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. (AQ-6)
- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit. (AQ-7)
- 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](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm). (AQ-8)
- 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. (AQ-9)
- 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. (AQ-10)
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible. (AQ-11)

- 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. (AQ-12)
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-13)
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications. (AQ-14)
  - o. The engine size of construction equipment shall be the minimum practical size. (AQ-15)
  - 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. (AQ-16)
  - q. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite. (AQ-17)
9. **Biological Resources - Construction Mitigation Measures.** The applicant shall adhere to the following construction mitigation measures, unless modified during permitting and consultation activities with California Department of Fish and Game (CDFG), Army Corps of Engineers (ACOE), United States Fish and Wildlife Service (USFWS), or the National Marine Fisheries Service (NMFS). These measures should be printed on the final project plans.
- a. A qualified biologist shall conduct environmental training for all construction personnel prior to their commencing work on the project. This includes all new crews as they arrive to work at the site. The training shall include: a description of the tidewater goby, steelhead, and other sensitive environmental resources; the habitats where these species are found; protocols to follow when any individuals of sensitive species are found; measures that are part of the project to protect these resources; boundaries of the project; and penalties for violations of the Endangered Species Act and permit conditions.
  - b. The construction contractor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for each phase of the project. Best Management Practices (BMPs) to reduce erosion, minimize the discharge of sediment, and eliminate the discharge of non-storm water pollutants to the creek shall be included in the SWPPP. All BMPs shall be maintained by the construction contractor in good working order throughout the project duration.
  - c. A qualified biologist shall monitor: 1) construction activities in stream habitat, and 2) performance of sediment control/detention devices to identify or reconcile conditions that could adversely affect steelhead,

tidewater gobies, or their habitat. The biological monitor shall be present during all construction activities that have the potential to adversely affect environmental resources.

- d. Trash and debris from the construction site will be collected daily and disposed in covered dumpsters within the staging area.
- e. If sensitive wildlife species are identified within the work area, such as southwestern pond turtle, all construction shall stop and the individual shall be given time to move out of the area. Alternatively, the biological monitor, with the appropriate regulatory authority, may move individuals out of harm's way to the closest similar habitat that can be avoided by project activities. If feasible, blocking nets can be set to prevent return of the species to the work area.
- f. Work in the creek shall be scheduled for July 1 to November 1 for minimal flow in the creek and to avoid peak breeding season for tidewater goby (late April through June).
- g. Removal of vegetation shall be avoided during the nesting season (February 15 to September 15) where feasible. A qualified biologist shall conduct a nesting bird survey prior to removal of any trees or vegetation scheduled to occur from February 15 to September 15. If any nesting is found, the trees/vegetation shall not be removed until after the young have fledged and the biologist should establish a protective buffer around the nest as needed.
- h. Work outside the creek channel can occur before July 1 as long as measures to prevent sediment, trash, and debris from entering the creek are implemented.
- i. Materials used to isolate the dewatered area shall be clean and inert materials that will not cause turbidity or release toxic materials to the water. They shall be installed with minimal disturbance of the creek bed and after the area has been cleared of tidewater gobies and any other sensitive aquatic species.
- j. All pumped water with visible turbidity (relative to undisturbed water in the creek) shall be settled and/or filtered prior to discharge into the creek downstream of the work area. Energy dissipation shall be used at the discharge of the diversion and the dewatering return to prevent channel bed scour.
- k. All pump intakes shall be screened with 1/8-inch mesh that is securely fastened. In addition, screening of the same mesh size shall be placed around the intake at a distance where water velocity caused by the pump is below the level that could suck fish against the screen.

- l. The biological monitor shall inspect pump intake screens daily when in use to ensure that screens are intact and functioning properly. Any deficient screens shall be repaired or replaced immediately by the contractor.
- m. A biological monitor shall be present throughout the dewatering and water diversion operation with the authority to halt work if injury or mortality of listed fish species is observed. Prior to implementation of the plan, the U.S. Fish and Wildlife Service shall be notified.
- n. Small pits shall be excavated in the creek bed as needed to collect seepage into the dewatered area so it can be pumped out. These pits, and any other ponded water within the dewatered area, shall be inspected by the biological monitor at least daily (at the beginning of construction activities) for the presence of native fish. Any found will be captured and relocated by a qualified biologist.
- o. The contractor shall inspect and maintain the dewatering system 7 days a week while in operation.
- p. The qualified biologist shall inspect the dewatered area daily to ensure that the diversion remains intact and that no tidewater gobies or other fish have entered the work area. Erosion control measures shall also be inspected.
- q. An initial survey for the tidewater goby shall be completed within one week prior to the start of construction activities in the creek. If tidewater gobies are found, isolate the area to be dewatered using fish block nets (1/8-inch mesh) inflowing water or silt fence in stagnant water.
- r. All steelhead, tidewater gobies, and other special status species shall be captured and relocated to suitable downstream habitat. The number of steelhead and tidewater gobies observed, number relocated, and date and time of capture and relocation shall be recorded. Seine, dip net, throw net, minnow trap, and hand can be used to capture the species. Fish captured shall be held in clean buckets with creek water in the shade for the minimum time needed to clear the work area.
- s. Concrete shall not be poured in the channel or in the channel area that could be exposed to runoff if rain is forecast to occur within 15 days after the pour.
- t. Sediment collected in erosion control or sediment detention devices shall be disposed of offsite and will not be allowed to reenter the creek channel.
- u. Stockpiled materials, such as excavated soils, shall be stored at least 30 feet from the top of bank if being stored for more than two days and contained with BMPs (e.g., straw bales, Visqueen, gravel bags, and fiber rolls) to prevent wind or water erosion and runoff to the creek.

- v. All concrete pours shall be contained so that wet concrete does not come in contact with surface or groundwater. The contractor shall have spill contingency materials on site and personnel trained in their use when concrete is poured. This includes pumps and equipment to measure pH in the water to 0.1 unit as well as water containment (e.g., baker tank or truck) equipment to immediately remove contaminated water during concrete pours.
- w. Any water within the work area that has or may have come in contact with wet concrete or grout shall be tested for pH. If the pH is greater than 8.5 or more than 0.5 unit above that of the adjacent creek water, pump the water out and treat prior to disposal where it cannot affect surface or groundwater.
- x. Concrete trucks shall only be allowed to wash out into a Baker tank in the staging area. The washout material shall be disposed of offsite.
- y. Equipment used within the dewatered creek channel shall be inspected daily for leaks by the monitor. If any are found, a drip pan shall be placed under the leak and it shall be repaired immediately by the contractor.
- z. If the dewatered creek bed is too soft for equipment/personnel to work in without disturbing sediments to a depth of more than a few inches, the contractor shall use creosote free, clean timber mats (or other inert platform) typically used in wetland construction BMPs.
- aa. Refueling of construction equipment shall be in an area at least 50 feet from the top of bank that is bermed and has an impermeable surface unless there is a secondary containment method implemented.
- bb. Spill containment and cleanup materials (e.g., shovels, absorbent pads, plastic bags) shall be on site, and construction personnel shall be trained in their use.
- cc. All equipment maintenance and cleaning shall be offsite or within a staging area over an impermeable surface. All residues of such activities shall be disposed of offsite.
- dd. All fuel, lubricants, paints, and other construction liquids shall be stored in sealed containers within a bermed containment area at least 100 feet from the creek unless there is a secondary containment method implemented.
- ee. All debris and other construction materials shall be cleared from Sycamore Creek prior to reintroduction of stream flows to the channel following removal of the diversion dams.
- ff. Remove and bag all cape ivy prior to general clearing and dispose offsite to prevent its spread (can grow from a piece 1 inch [2.5 centimeters] long).

- gg. Remove and bag all seed heads from castor bean and sticky eupatorium prior to general clearing and dispose offsite.
  - hh. A low-flow channel 2 to 3 feet wide and 6 to 12 inches deep (with more at 12 inches than shallower) shall be installed at the end of project construction activities. This channel shall connect to the existing upstream and downstream low-flow channel. (BIO-2)
10. **Biological Resources - Revegetation:** Revegetation with native riparian plants shall occur in available space along and at the top of the banks to facilitate soil stabilization and restoration of the riparian corridor along Sycamore Creek consistent with the revegetation plans submitted October 24, 2011 or as modified in the future by the Architecture Board of Review or other state and federal agencies (CDFG, ACOE, USFWS, or NMFS). Consistent with the project's proposed restoration plan, all oak and sycamore trees with a diameter at breast height (dbh) of 6 inches (15 centimeters) or more shall be replaced at a minimum ratio of 10:1 surviving after five years while trees smaller than that shall be replaced at a ratio of 5:1. Willows shall be replaced at a minimum ratio of 10:1 or to produce a canopy at least as large as that removed after five years. Oak and sycamore trees will be planted at or within approximately two feet (0.6 meter) of the bank top, depending on location of adjacent structures (including roads). Vines (e.g., blackberry) and herbaceous species will be planted between and below the trees for soil stabilization. Willows will be planted from the top of the riprap to the oaks and sycamores. These will be limbed as they grow to allow flood water passage. (BIO-3.2)
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. (CR-1)

12. **Mitigation Monitoring Compliance Reports.** The PEC shall submit biweekly reports on all construction activity regarding MMRP compliance to the Community Development Department Planning Division.

F. **Prior to Completion of the Bridge and Channel Improvements.** Prior to Completion of the Bridge and Channel Improvements, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, including utility service undergrounding and installation of street trees and street lights, shall be completed.
3. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
4. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.



- G. **Revegetation Monitoring and Maintenance.** The planted area shall be monitored and maintained by the City in concert with a restoration specialist for a period of 5 years. Minimum success criteria should reflect those performance standards outlined in the submitted revegetation plans dated October 24, 2011 or as modified in the future by the Architecture Board of Review or other state and federal agencies (CDFG, ACOE, USFWS, or NMFS). (BIO-3.3)
- H. **Creek Maintenance.**
1. Maintenance of the creek by the City within the first five years following construction shall be limited to monitoring, watering, weed control, replacement of plants that fail to establish, erosion repair, and pruning of willows at the edge of the channel to minimize dense growth that can impede high flows and increase the potential for flooding.
  2. If the County Flood Control District has to remove accumulated sediment from the channel at any time in the future, a low-flow channel shall be installed as part of that project. This channel shall connect to the existing upstream and downstream low-flow channel.
  3. The following measures shall apply to any regular channel maintenance for flood control purposes conducted by the City or Santa Barbara County Flood Control District in the project area following construction of the project:
    - a. Native vegetation clearance should be minimized to the extent feasible for the life of the project.
    - b. Native plantings in the Riprap Edge Zone or Upper Bank Zone shall not be removed by the City or County Flood Control District as part of regular channel maintenance for flood flow purposes.
    - c. Willow plantings in the Riprap Zone shall not be removed by the City or County Flood Control District as part of regular channel maintenance for flood flow purposes. If trimming is needed, willow plantings should be trimmed to encourage upward (canopy) growth and discourage low branches that could reduce stream flow.
    - d. Any vegetation clearing during maintenance activities shall be conducted such that no visible turbidity enters the adjacent undisturbed channel.
    - e. Maintenance activities within the channel bottom should be planned for July 1 to November 1 to avoid the peak breeding season of the tidewater goby and the wet season to the extent feasible. Maintenance of the channel or banks should be scheduled outside of the nesting season for birds (February 15 to September 15) to the extent feasible. If work needs to be conducted within the bird nesting season, a qualified biologist shall conduct a survey to determine if any birds are breeding, and if so, will establish a protective buffer around the nest. Work outside the creek channel can occur

before July 1 as long as measures to prevent sediment, trash, and debris from entering the creek are implemented.

- f. Any herbicide use shall be limited to Aquamaster™ or any herbicides recommended by the California Department of Fish and Game for use in stream habitats.
- g. Measures to prevent the spread of non-native invasive species (plant and wildlife) shall be implemented to the extent feasible such as making sure that all equipment working in the creek is clean and free of invasive species. This includes boots and hand tools used in the creek. Procedures for preventing introduction of non-native invasive species include:
  - (1) Inspect all equipment, trucks, and engines to ensure they are clean of weed seeds.
  - (2) Ensure that all equipment and personal gear are free of New Zealand mudsnails. Cleaning methods can be found at:
    - (a) <http://www.dfg.ca.gov/invasives/mudsnail>,
    - (b) <http://seagrant.oregonstate.edu/sgpubs/onlinepubs.html> and
    - (c) [http://www.anstaskforce.gov/Documents/NZMS\\_MgmtControl\\_Final.pdf](http://www.anstaskforce.gov/Documents/NZMS_MgmtControl_Final.pdf) (BIO-4)

**I. 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 improvements shall be located substantially as shown on the plans approved by the Architectural Board of Review.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the City 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 Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee required is \$2,101.50 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game. Please note that a filing fee of \$50.00 is also required to be submitted with the Fish and game fee in the form of a separate check payable to the County of Santa Barbara.

**NOTICE OF APPROVAL TIME LIMITS:**

Per Santa Barbara Municipal Code §22.68.110, a Project Design Approval by the Architectural Board of Review is valid for three years from the date of the Project Design Approval unless a time extension has been granted or a building permit has been issued.