



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** March 27, 2009  
**AGENDA DATE:** April 2, 2009  
**PROJECT ADDRESS:** 400 Block South Fairview Avenue (MST2008-00032)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Andrew Bermond, Associate Planner *AB*

### I. SUBJECT

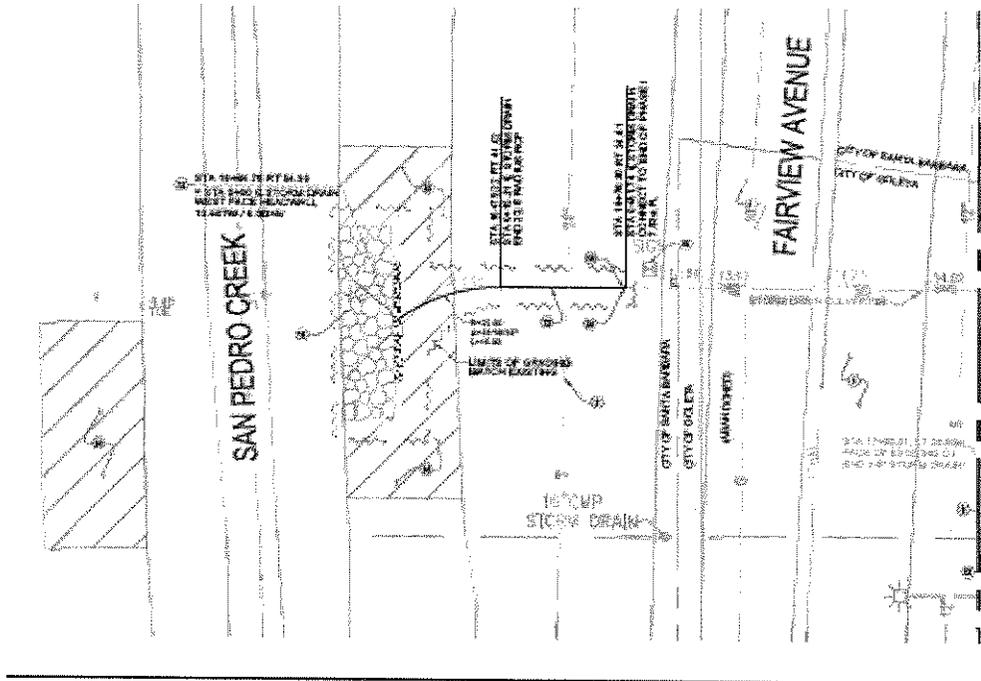
The proposed project would consist of two storm drain outfalls in San Pedro Creek and a new rip rap headwall for one of the two outfalls, involving 250 square feet of permanent creek habitat removal and 1,000 s.f. of habitat restoration on Santa Barbara Airport property. The discretionary application required for this project is a Coastal Development Permit (CDP2008-00020) to allow the proposed installation of two storm drain outfalls and associated rip-rap wall in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

### II. RECOMMENDATION

The proposed project would improve drainage on Fairview Avenue and limit scour at the outfall site. The proposed project is consistent with the plans and policies of the General Plan and the Local Coastal Program. Therefore, Staff recommends that the Planning Commission approve the proposed project, making the findings outlined in Section VIII of this report.



**CULVERT 4 RIP-RAP WALL AND RESTORATION AREA**



**III. PROJECT DESCRIPTION**

The project consists of the installation of two storm drain outfalls and rock rip-rap on the eastern bank of San Pedro Creek in the City of Santa Barbara on Santa Barbara Airport Property along Fairview Avenue. This proposed project would satisfy conditions of approval for the Towbes office development project on the east side of Fairview Avenue, in the City of Goleta.

The northern outfall (culvert 1) would be new construction 70 feet south of the Carson Street/Fairview Avenue intersection. This outfall would enter the creek through a cement wall that reinforces the eastern creek bank between the Hollister Avenue bridge and the former Verhelle Bridge site. This outfall would allow for drainage from a storm drain on Fairview Avenue near the north side of the Towbes project to enter San Pedro Creek.

The southern outfall (culvert 4) would replace an existing rusted outfall with a new storm drain and rip-rap at a location on the creek 40 feet north of the intersection of Daley Street and Fairview Avenue. This project would include a headwall and riprap to secure the creek bank at the outfall site. This would require the installation of 250 square feet of new impervious surface and disturb 250 square feet of creek bank vegetation. The proposed project was sized to minimum design standards consistent with the California Department of Transportation design guidelines to minimize environmental impacts. The slope of the creek bank would be retained in the rotation of the rip rap inward to the outfall. Storm water from Fairview Avenue would be directed directly to this new outfall. Approximately 1,500 square feet of creek bank vegetation would be temporarily disturbed as a part of the installation of the outfall and rip-rap for culvert 4.

The proposed project also includes the restoration of 1,000 square feet of habitat on the bank of San Pedro Creek to mitigate for the permanent loss of riparian habitat associated with the installation of a 250 square foot rip rap headwall. Neither the proposed culvert sites nor mitigation would require work in the Federal Emergency Management Administration (FEMA)-defined creek channel.

**IV. BACKGROUND**

In 2002, the County of Santa Barbara approved the development of a 242,000 square foot commercial office Fairview Corporate Center at 420-500 South Fairview Avenue (Towbes project). This project is currently under construction in the now-incorporated City of Goleta. Conditions of the project required a bioswale and widening of Fairview Avenue. The project plans and permits did not include any work in the City of Santa Barbara to improve erosion control at the drainage outfalls into San Pedro Creek. Currently the site drains through a temporary connection to the existing outfall. With the increase in impervious surfaces associated with the proposed roadway improvements, this outfall is undersized and likely to cause continued undercutting of the creek bank beneath the outfall site.

**V. SITE INFORMATION AND PROJECT STATISTICS**

Applicant:	Gelare Macon, Flowers and Associates	Property Owner:	Karen Ramsdell, City of Santa Barbara
Parcel Number:	073-450-003	Lot Area:	725 acres (project site approximately 1,300 square feet)
General Plan:	Major Public and Institution	Zoning:	A-F, SP-6, S-D-3
Existing Use:	Creek	Topography:	70% at creek bank
Adjacent Land Uses:			
North – Creek		East – Fairview Avenue, Old Town Goleta	
South – Creek, sewage treatment		West – Hangars, runways, and taxiways	

**VI. PLAN AND POLICY CONSISTENCY**

**A. AVIATION FACILITIES ZONE (A-F)**

Both proposed outfall sites are within the Aviation Facilities Zone (A-F) (SBMC 29.15). The intent of this zone is to allow aviation-related uses and exclude non-aviation uses. Non-aviation related uses are permissible if they adhere to Federal Aviation Administration (FAA) regulations and are determined not to be in conflict with adjacent airport use. The purpose of the proposed outfall project is to provide adequate drainage of Fairview Avenue following completion of the roadway improvements required for the project at 420 S. Fairview Avenue in the City of Goleta. The outfalls would be in a creek bank outside of the Airport Operations Area and would not encroach on any runway, taxiway, or overrun area. Therefore the proposed project is consistent with the intent of the A-F.

**B. COMPLIANCE WITH THE LOCAL COASTAL PROGRAM (S-D-3)**

Policy F-3 of the Airport and Goleta Slough Coastal Plan states that new development shall protect and preserve culturally sensitive resources. The proposed project would install two storm drain outfalls and a rip-rap head wall in a zone designated as "low sensitivity" in the Master Environmental Assessment. A surface survey and records search were completed by an archaeologist from Applied Earthworks to assess the potential for cultural resource disturbance. The report concluded that no important archaeological resources are present at the depths of construction proposed and that no further study or mitigation was necessary. The proposed project is sited in an area of San Pedro Creek largely covered with imported fill. Therefore the proposed project is potentially consistent with Policy F-3 by avoiding impacts to cultural resources subject to the Conditions of Approval (Exhibit A) and Mitigation Measure CR-1.

Policy C-12 of the Plan states that new development shall be sited to protect water quality and minimize impacts to coastal waters by limiting disturbance of natural drainage features, vegetation, and storm water quality while also minimizing impervious surfaces. The purpose of the proposed project is to improve flood control in order to protect existing developments and also includes restoration of creek and riparian habitats. The proposed project would install 250 square feet of new impervious surface and disturb 250 square feet of creek bank vegetation. The proposed project was sized to minimum design standards consistent with the California Department of Transportation design guidelines to minimize environmental impacts.

With the implementation of Mitigation Measure BIO-1 and BIO-4, the proposed project would mitigate significant biological impacts by restoring 1,000 square feet of creek bank habitat and avoiding construction while nesting birds are within 300 feet of the proposed project site. This restoration would also remove a nearby stand of the invasive *arundo donax*. No new impervious surface is proposed at the Culvert 1 site and no other disturbance to natural drainage or native vegetation is anticipated to occur. Therefore the proposed project is consistent with Policy C-12 and Sections 30240, 30230, 30231, and 30236 of the Coastal Act as incorporated by reference into the LCP.

**C. COMPLIANCE WITH THE AIRPORT INDUSTRIAL SPECIFIC PLAN (SP-6)**

Policy CR2 of the Airport Industrial Specific Plan requires that an archaeological resources study be prepared prior to any new construction in the Plan Area. The proposed project area is within the Airport Industrial Specific Plan Area. The archaeological report prepared by Applied Earthworks concluded that no further studies were necessary because the proposed project would not impact a known cultural resource. Therefore the proposed project is consistent with Policy CR2.

**VII. ENVIRONMENTAL REVIEW**

Environmental Review of the proposed project is conducted pursuant to the California Environmental Quality Act (CEQA). An Initial Study and Draft Mitigated Negative Declaration were prepared to evaluate the proposed project's potential impacts on the physical environment.

The Initial Study found potentially significant but mitigable impacts to short-term air quality, biological resources, and water quality.

On January 22, 2009 the Planning Commission held a hearing to receive comments on the Initial Study and Draft Mitigated Negative Declaration. Oral and written comments were received and taken into consideration. Comments focused on the type of archaeological analysis conducted and the wording of conditions relating to protection of avian species and aquatic habitats. None of the comments resulted in the identification of a new impact or a change in significance of an impact. The Initial Study and Final Mitigated Negative Declaration respond to these comments and have been revised to include clarification and amplification of information as discovered in the public review process (CEQA Guidelines §15073.5(c)). The Final Mitigated Negative Declaration and its attachments are included as Exhibit C.

Significant environmental effects identified in the Final Mitigated Negative Declaration that are anticipated as a result of the project include impacts related to air quality, biological resources, and the water environment. The Final Mitigated Negative Declaration includes proposed mitigation measures to mitigate potentially significant impacts to a less than significant level. These measures are incorporated into Staff's recommended Conditions of Approval (Exhibit A).

**A. AIR QUALITY**

This project would not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. The proposed project has the potential to cause emit significant levels of PM10 dust particles during grading and earth moving activities. Incorporation of Mitigation Measures AQ-1 through AQ-8 would reduce the potential impact to a less than significant level.

**B. BIOLOGICAL RESOURCES**

The proposed project site contains wetlands, native communities, and endangered species habitat. The proposed project would permanently disturb 250 square feet of creek bank and remove creek bank vegetation including one willow. Mitigation Measure WE-2 reduces impacts to the endangered aquatic species and wetland habitat by restricting construction to the dry season, when there is normally no flow in this section of the creek. Mitigation Measure BIO-4 reduces impacts to migratory birds by prohibiting construction during bird breeding season, unless a qualified biologist determines no nests are within the project area. Finally, Mitigation Measure BIO-1 and BIO-2 require a 4:1 restoration to mitigate for the 250 square feet of habitat that would be removed by the project and replace willow trees at a 3:1 ratio. The implementation of these mitigation measures would reduce the potential impact to less than significant levels.

**C. CULTURAL RESOURCES**

The San Pedro Creek storm drain outfall project area is located in the Native American and low sensitivity zone and the American Period (1870-1920) sensitivity zone as

identified by the Santa Barbara Airport Phase I Archaeological Assessment prepared in 1993. An Archaeological Report was prepared by Applied Earthworks for this project which concluded that no cultural resources are anticipated to be discovered during construction.

Ground disturbing activities with the potential to affect archaeological resources include bank grading and smoothing, and removal of the outfall and installation of the new outfalls and riprap wall. These activities could result in a potentially significant, avoidable impact to archaeological resources, which could be reduced to a less than significant level by the implementation of Mitigation Measures CR-1. This mitigation measure requires that the applicant contract with a City-qualified archaeologist and Native American Monitor to monitor during all earth moving activities. In the event of such an encounter all work would be discontinued until a proper evaluation of the find could take place.

**D. WATER ENVIRONMENT**

Due to its location on San Pedro Creek, the proposed project has the potential to significantly impact surface waters via accidental spill of oil or another construction-related contaminant. Implementation of Mitigation Measures WE-1 and WE-2 would reduce this impact to less than significant levels by requiring a Storm Water Pollution Prevention Plan and by limiting construction to the time of year when San Pedro Creek does not contain surface flows.

**VIII. RECCOMENDATION**

The Planning Commission finds the following:

**A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION (CEQA GUIDELINES §15074)**

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.
2. The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project, as mitigated, will have a significant impact on the environment. The Final Mitigated Negative Declaration dated March 10, 2009 is hereby adopted.
3. The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project.
5. A mitigation monitoring and reporting program for measures required in the

project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.

6. The location and custodian of the documents or other materials 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, California.
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

**B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.060)**

1. The project is consistent with the policies of the California Coastal Act, because it would be a flood control project that has been designed to minimize environmental impacts to the extent feasible as described in Section VII of the staff report (Coastal Act Section 30236).
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because it would be constructed in previously disturbed areas and would not adversely affect cultural or biological resources (Policies F-3 and C-12) as described in Section VII of this staff report.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because it would not introduce a new impediment to public access as it would not impede travel on any existing trail or roadway.

Exhibits:

- A. Conditions of Approval
- B. Site Plans
- C. Mitigated Negative Declaration (with attachments)
- D. Applicant letter dated, January 15, 2008
- E. Relevant Policies

## PLANNING COMMISSION CONDITIONS OF APPROVAL

400 Block South Fairview Avenue  
MST2008-00032, CDP2008-00020  
APRIL 2, 2009

In consideration of the project approval granted by the Planning Commission and for the benefit of the Applicant(s) and occupant(s) of the Real Property, the Applicants 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. **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 \$1,876.75 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.
- B. **Public Works Requirements Prior to Public Works Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Public Works Permit for the project.
  1. **Fairview Avenue Public Improvement Plans.** The Applicant shall submit C-1 public improvement plans for construction of improvements along the property frontage on Fairview Avenue. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), asphalt concrete, concrete pavement on aggregate base, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe and erosion protection (provide off-site storm water BMP plan).
  2. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager.
- C. **Community Development Requirements with Public Works Permit Application.** The following shall be submitted with the application for a Public Works permit and finalized prior to Public Works Permit issuance:
  1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Applicant, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). 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:

- a. The frequency and/or schedule of the monitoring of the mitigation measures.
  - b. A method for monitoring the mitigation measures.
  - c. A list of reporting procedures, including the responsible party, and frequency.
  - d. A list of other monitors to be hired, if applicable, and their qualifications.
  - e. Submittal of monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.
  - f. 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.
  - g. The PEC shall monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District upon request (*Required Mitigation Measure AQ-8*).
2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property Applicants, 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. 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.
3. **Contractor and Subcontractor Notification.** The Applicant shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

4. **Construction Dust Control – Minimize Disturbed Area/Speed.** Amount of disturbed area shall be minimized and on site vehicle speeds shall be limited to 15 miles per hour or less (*Required Mitigation Measure AQ-1*).
5. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall use reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.  

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph (*Required Mitigation Measure AQ-2*).
6. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin (*Required Mitigation Measure AQ-3*).
7. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads (*Required Mitigation Measure AQ-4*).
8. **Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation (*Required Mitigation Measure AQ-5*).
9. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - d. Other methods approved in advance by the Air Pollution Control District (*Required Mitigation Measure AQ-6*).
10. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible after grading unless seeding or soil binders are used (*Required Mitigation Measure AQ-7*).

11. **Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit (*Required Mitigation Measure AQ-9*).
12. **Fleet Owners.** Fleet owners shall comply with to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter and criteria pollutant emissions from in-use off-road diesel-fueled vehicles (*Required Mitigation Measure AQ-10*).
13. **Engine Size.** The engine size of construction equipment shall be the minimum practical size (*Required Mitigation Measure AQ-11*).
14. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time (*Required Mitigation Measure AQ-12*).
15. **Equipment maintenance.** All construction equipment shall be maintained in tune per the manufacturer's specifications (*Required Mitigation Measure AQ-13*).
16. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible (*Required Mitigation Measure AQ-14*).
17. **Diesel Construction Equipment.** 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 (*Required Mitigation Measure AQ-15*).
18. **Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available (*Required Mitigation Measure AQ-16*).
19. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible (*Required Mitigation Measure AQ-17*).
20. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible (*Required Mitigation Measure AQ-18*).
21. **Restoration Plan.** Applicant shall submit final landscaping and restoration plans for the project to be reviewed by City staff. The plans should include restoration of all temporarily disturbed habitat areas with native riparian and wetland species and creation of 1,000 sq. ft. of additional riparian and wetland habitat area onsite to mitigate the permanent loss of 250 sq. ft. of habitat. Initial planting shall occur in concert with or immediately following construction activities associated with the project. Monitoring and reporting shall occur for a period of at least three years

and up to five years following initial planting if the performance criteria are not met. If performance criteria are not met by the end of year 5, then the choice of plants, site conditions, performance criteria, and other factors would be reevaluated by a qualified biologist. A new restoration effort would be implemented with a new 3-5 year monitoring period. Performance criteria for the initial planting effort would be as follows: 85% survival one year after planting, 90% survival two years after planting, 95% survival three years after planting. Weed cover criteria for creek banks (including only noxious weeds, not naturalized non-aggressive plants) would be no more than 10% cover at any time during the monitoring and maintenance period (*Required Mitigation Measure BIO-1*).

22. **Existing Tree Protection.** Applicant shall avoid existing willow and sycamore trees at the project site during construction placing protective fencing around the willow trees or clumps to prevent unauthorized grading or construction activity that could damage trees (*Required Mitigation Measure BIO-2*).
23. **Construction Area Restoration.** Applicant shall restore the construction area to pre-construction grade and conditions using on-site materials to the extent feasible (*Required Mitigation Measure BIO-3*).
24. **Bird Nesting Season Construction Limitation.** Proposed project grading and construction activities, including tree removal and other disturbances to vegetation, shall, to the extent feasible, be limited to periods outside of the breeding bird season (February 1-August 30) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project grading and construction activities cannot feasibly be avoided during the breeding bird season, beginning thirty (3) days prior to the disturbance of suitable nesting habitat the applicant shall conduct daily bird surveys to detect protected native birds in the habitat to be disturbed and other habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent properties allow. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three (3) days prior to the initiation of clearance and/or construction work. Should an active nest be located, clearing and construction within 300 feet of the nest (500 feet for raptor nests), or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.

Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing marking the protected areas 300 feet (or 500 feet) from the nest. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described by this condition to document compliance with applicable State and federal laws pertaining to the protection of native birds (*Required Mitigation Measure BIO-4*).

25. **Archaeological Monitor Required.** The following language shall be reproduced on the construction plans submitted for building plan check and the directives of this mitigation measures followed:
- a. Prior to the issuance of a public works permit, the applicant shall contract with a City-approved archaeologist to provide for monitoring of additional ground disturbing activities, and, as may be determined to be necessary based on the results of the surface survey. The archaeologist shall include a City qualified Native American monitor who shall be required to be on-site during all excavation activities. Contract(s) shall be subject to the review and approval of the Environmental Analyst.
  - b. The General Contractor shall schedule a construction conference. The conference shall include representatives from the Public Works Department, Building Division, Planning Division, the Property Owner and Contractor. 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 associated with past human occupation of the parcel. If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted. 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, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, a Phase 3-recovery program shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. That portion of the Phase 3 program, which requires work on-site, shall be completed prior to continuing construction in the affected area. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.
  - c. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area and a City-approved archaeologist retained by the applicant to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted and State procedures followed. Work in the area may only proceed after authorization is granted by the Environmental Analyst (*Required Mitigation Measure CR-1*).

26. **Herbicide Spill Avoidance.** Herbicides shall be mixed away from the vicinity of the channel and any other waterway in case of a spill (*Required Mitigation Measure HAZ-1*).
27. **Loud Construction Activities Limitation.** Noise generating construction activity shall be prohibited Saturdays, Sundays, all holidays, and between the hours of 4 p.m. to 7 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees (*Required Mitigation Measure NOI-1*).
28. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Sound control devices and techniques such as noise shields and blankets shall be employed as needed to reduce the level of noise to surrounding residents, as determined by the City Building Official (*Required Mitigation Measure NOI-2*).
29. **Construction Site Recycling.** Recycling and/or reuse of demolition/construction and green waste materials shall be carried out and containers shall be provided on site for that purpose during the construction period (*Required Mitigation Measure PR-1*).
30. **Peak Hour Avoidance.** Construction-related truck trips shall not be scheduled during peak hours (7:30 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways (*Required Mitigation Measure TC-1*).
31. **Truck Routing.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager (*Required Mitigation Measure TC-2*).
32. **Haul Route Approval.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Manager (*Required Mitigation Measure TC-3*).
33. **Construction Worker Parking.** Construction parking and storage shall be provided in locations subject to the approval of the Transportation Manager. During construction, free parking spaces for construction workers shall be provided on-site or off-site (*Required Mitigation Measure TC-4*).
34. **Storm Water Pollution Prevention Plan.** The Storm Water Pollution Prevention Plan (SWPPP) utilizing Best Management Practices shall be used for grading and construction activities and approved by the building Division and included on all plans submitted for a public works permit to maintain all sediment on site and out of the drainage system. The plan shall include, at a minimum:
  - a. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.

- b. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
  - c. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - d. Establish fuel and vehicle maintenance staging areas on impervious surfaces located away from all drainage courses, and design these areas to control runoff.
  - e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - f. Minimize the area of bare soil exposed at one time.
  - g. The construction contract shall contain a provision that all motorized equipment shall be maintained and maintenance verified by the Project Environmental Coordinator prior to the commencement of work onsite, as well as regularly checked for leakage of hazardous materials. In addition, the work contract shall contain a provision that spill containment and clean-up materials shall be present at all times at the work site. Crews shall be informed of the importance of avoiding spills in the streams and the riparian area. No equipment maintenance or washing shall occur within the creek or adjacent native riparian vegetation area (*Required Mitigation Measure WE-1*).
35. **Construction During Dry Season.** Construction activity in the area where flows occur in the channel shall be limited to the dry season months of April 15 to November 15. In the event that water is flowing in the San Pedro Creek channel within 50 feet of the proposed project at the time of proposed construction, a biologist approved by City staff shall be on site to monitor for fish species and relocate them as necessary. Water flows shall be diverted to avoid the project site without causing damage to the bed or banks of the creek and providing for fish passage where feasible. Construction activities should be avoided, to the extent feasible, during times when San Pedro Creek is flowing (*Required Mitigation Measure WE-2*).
- D. **Public Works Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Engineering Division for Public Works permits.
- 1. **Mitigation Monitoring and Reporting Requirement.** Applicant shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
  - 2. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance.

If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Applicant		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.
1. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
  2. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
  3. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
    - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
    - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
    - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

- F. **Prior to Project Completion.** Prior to issuance of the Certificate of Occupancy, the Applicant shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) 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. **Manholes.** Raise all sewer and water manholes on easement to final finished grade.
  3. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.
  4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Planning Division within 180 days of completion of the monitoring or prior to the issuance of the Final Inspection, whichever is earlier.
  5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
  6. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
  7. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring.
- G. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Applicant 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/Applicant 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/Applicant 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 the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Applicant 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:**

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.



**CITY OF SANTA BARBARA  
COMMUNITY DEVELOPMENT DEPARTMENT  
FINAL MITIGATED NEGATIVE DECLARATION – MST2008-00032, CDP2008-00020**

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date, this Draft Mitigated Negative Declaration has been prepared for the following project:

**PROJECT LOCATION:** 400 Block Fairview Avenue

**PROJECT PROPONENT:** Gelare Macon, Flowers & Associates

**PROJECT DESCRIPTION:**

The project consists of the installation of two storm drain outfalls and rock rip-rap on the eastern bank of San Pedro Creek in the City of Santa Barbara on Santa Barbara Airport Property along Fairview Avenue. This proposed project would satisfy conditions of approval for the Towbes office development project on the east side of Fairview Avenue in the City of Goleta.

The northern outfall (culvert 1) would be new construction 70 feet south of the Carson Street/Fairview Avenue intersection. This outfall would enter the creek through a cement wall that reinforces the eastern creek bank between the Hollister Avenue bridge and the former Verhelle Bridge site. This outfall would allow for drainage from a storm drain on Fairview Avenue near the north side of the Towbes project to enter San Pedro Creek.

The southern outfall (culvert 4) would replace an existing rusted outfall with a new storm drain and rip-rap at a location on the creek 40 feet north of the intersection of Daley Street and Fairview Avenue. The proposed rip rap and headwall were designed to California Department of Transportation (CalTrans) standards. The slope of the creek bank would be retained in the rotation of the rip rap inward to the outfall. Storm water from Fairview Avenue would be directed directly to this new outfall. Approximately 1,500 square feet of creek bank vegetation would be disturbed as a part of the installation of the outfall and rip-rap for culvert 4.

The proposed project also includes the restoration of 1,000 square feet of habitat on the bank of San Pedro Creek to mitigate for the permanent loss of riparian habitat associated with the installation of a 250 square foot rip rap headwall. Neither the proposed culvert sites nor mitigation would require work in the creek channel.

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**FINAL MITIGATED NEGATIVE DECLARATION FINDING:**

Based on the attached Initial Study prepared for the proposed project, it has been determined that with application of the identified mitigation measures agreed to by the applicant, the proposed project will not have a significant effect on the environment.

  
Environmental Analyst

3/10/09  
Date

CITY OF SANTA BARBARA  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

REVISED INITIAL STUDY CHECKLIST MST2008-00032

PROJECT TITLE: STORMDRAIN AND HEADWALL IN SAN PEDRO CREEK

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

PROJECT DESCRIPTION (See Site Plan, Exhibit 1)

The project consists of the installation of two storm drain outfalls and rock rip-rap on the eastern bank of San Pedro Creek in the City of Santa Barbara on Santa Barbara Airport Property along Fairview Avenue. This proposed project would satisfy conditions of approval for the Towbes office development project on the east side of Fairview Avenue in the City of Goleta.

The northern outfall (culvert 1) would be new construction 70 feet south of the Carson Street/Fairview Avenue intersection. This outfall would enter the creek through a cement wall ~~in a channelized section of the~~ that reinforces the eastern creek bank between the Hollister Avenue bridge and the former Verhelle Bridge site. This outfall would allow for drainage from a storm drain on Fairview Avenue near the north side of the Towbes project to enter San Pedro Creek after flowing through an existing bioswale on the Towbes property.

The southern outfall (culvert 4) would replace an existing rusted outfall with a new storm drain and rip-rap at a new location on the creek 40 feet north of the intersection of Daley Street and Fairview Avenue. The proposed rip rap and headwall were designed to California Department of Transportation (CalTrans) standards, which requires that the rip rap headwall be sized at 250 square feet to prevent damage of the structure from erosion. The slope of the creek bank would be retained in the rotation of the rip rap inward to the outfall. Storm water from ~~the Towbes property that has been treated through an existing bioswale on the Towbes property~~ Fairview Avenue would be directed directly to this new outfall. Approximately 1,500 square feet of creek bank vegetation would be disturbed as a part of the installation of the outfall and rip-rap for culvert 4.

The proposed project also includes the restoration of 1,000 square feet of habitat identified on the site plan on the banks of San Pedro Creek to mitigate for the permanent loss of riparian habitat associated with the installation of a 250 square foot rip rap headwall. Neither the proposed culvert sites nor mitigation would require work in the 25-year floodway of the creek.

BACKGROUND

In 2002, the County of Santa Barbara approved the development of a 242,000 square foot commercial office Fairview Corporate Center at 420-490 South Fairview Avenue (Towbes project). This project is currently under construction in the now-incorporated City of Goleta. Conditions of the project required a bioswale and widening of Fairview Avenue. The project plans and permits did not include any work in the City of Santa Barbara to improve erosion control at the drainage outfalls into San Pedro Creek.

APPLICANT/PROPERTY OWNER NAME AND ADDRESS

<u>Applicant:</u>	Gelare Naderi Flowers and Associates 201 N. Calle Cesar Chavez, Suite 100 Santa Barbara, CA 93103	<u>Property Owner:</u>	Karen Ramsdell, Airport Director City of Santa Barbara Airport 601 Norman Firestone Road Santa Barbara, CA 93117
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PROJECT ADDRESS/LOCATION (See Vicinity Map Exhibit 2)

Culvert 1 would be in San Pedro Creek at Carson Street and Fairview Avenue on Santa Barbara Airport Property.

Culvert 4 would be in San Pedro Creek at Daley Street and Fairview Avenue on Santa Barbara Airport Property.

ENVIRONMENTAL SETTING

The Santa Barbara Airport property is approximately 830 acres and the project area consists of approximately 700 square feet in two locations on the easternmost boundary of Airport property on the east bank of San Pedro Creek.

The new outfalls would be located near Fairview Avenue in San Pedro Creek. Las Vegas Creek flows into San Pedro Creek immediately upstream of the Hollister Avenue bridge north of the project site. The creek then extends south paralleling Fairview Avenue to its confluence with San Jose Creek, then with Tecolotito and Atascadero Creeks, and finally to the Pacific Ocean at Goleta Beach. The entire length of San Pedro Creek consists of a maintained earthen man-made channel. San Pedro Creek is tidally influenced up to the Verhelle Bridge, located approximately 250 feet downstream of the project site.

At the site of proposed culvert 1, San Pedro Creek is a cement channel with no vegetation in the creek bed. At the site of proposed culvert 4, the channel bed has a uniform width of 30 feet. It consists of barren sandy substrate that is colonized by weeds each summer, and then cleared of vegetation in the fall. A mixture of coastal sage scrub and arroyo willows are present at the proposed project site. Occasional high tides may inundate this portion of the channel, but no permanent intertidal pools are present. The outer edge of the bank contains a row of myoporum trees.

PROPERTY CHARACTERISTICS

Assessor's Number:	Parcel 073-450-003	General Designation:	Plan Major and Public Institutional, MPI
Zoning:	Airport Facilities A-F, Special District Coastal Overlay SD-3	Parcel Size:	725 Acres Affected Area: 1,250 square feet
Existing Land Use:	Creek	Proposed Land Use:	Creek
Slope:	Less than 10 percent.		
Surrounding Land Uses:			
North:	City of Goleta, Residential, and Airport Commercial and Industrial Areas.		
South:	San Pedro Creek, Goleta Sanitary District, Goleta Beach.		
East:	City of Goleta Old Town and Industrial areas.		
West:	Santa Barbara Airport.		

PLANS AND POLICY DISCUSSION

The proposed project site is located inside the City of Santa Barbara (City) limits and is subject to City development policies and regulations. The project area is completely within the appealable jurisdiction of the Coastal Zone. The State Coastal Act, the City General Plan, and Airport and Goleta Slough Local Coastal Program development policies and regulations guide development of this area.

The project would require a Coastal Development Permit from the City of Santa Barbara. The project would also require a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG); and may also require a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers; and a CWA Section 401 certification from the RWQCB.

The proposed project appears to be consistent with the Airport and Goleta Slough Local Coastal Program, which ensures that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas (Coastal Act Section 30240). The project description includes restoration and mitigation of wetlands, which is consistent with Coastal Act Section 30230, which states that marine resources shall be maintained, enhanced, and where feasible, restored. As one of the purposes of the project is to restore the areas adjacent to culvert 4, as well as marginally enhance flood capacity, the project also appears consistent with Section 30236 of the Coastal Act, which limits substantial alteration of streams limited to necessary water and flood control projects and improvement of fish and wildlife habitat. Additional analysis of the project's consistency with City plans and policies would be included in the Staff Hearing Officer Staff Report prepared for this project. The Staff Hearing Officer, or Planning Commission or City Council on appeal would make the final determination of the project's consistency with the plans and policies as part of the Coastal Development Permit.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

A Mitigation Monitoring and Reporting Program has been prepared for the subject project in compliance with Public Resources Code §21081.6. The MMRP is attached herewith as Exhibit 3.

ENVIRONMENTAL CHECKLIST

The following checklist contains questions concerning potential changes to the environment that may result if this project is implemented. If no impact would occur, NO should be checked. If the project might result in an impact, check YES indicating the potential level of significance as follows:

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

Potentially Significant: Unknown, potentially significant impacts which need further review to determine significance level.

Significant, Mitigatable: Potentially significant impacts which can be mitigated to less than significant levels.

Less Than Significant: Impacts which are not considered significant.

1. AESTHETICS. Could the project:	NO	YES
		Level of Significance
a) Affect a public scenic vista or designated scenic highway or highway/roadway eligible for designation as a scenic highway?		Less Than Significant
b) Have a demonstrable negative aesthetic effect in that it is inconsistent with Architectural Board of Review or Historic Landmarks Guidelines or guidelines/criteria adopted as part of the Local Coastal Program?		Less Than Significant
c) Create light or glare?	✓	

*Discussion:*

1a. Public Scenic Views

The proposed project site is not located near a State Scenic Highway in the California Highways Master Plan. The proposed project would not have the potential to alter the visual character of the site, nor would it impact any views from the site. Overall, the views Fairview Avenue and Daley Road would improve after the project has been implemented, as there would be new native shrubs and vegetation as part of the restoration included in the project description. These changes would have a **less than significant** impact on public scenic views.

1b. Project Aesthetics

The project site is within the San Pedro Creek corridor. San Pedro Creek flows north-south to Goleta Beach via the mouth of the Goleta slough. The creek in the project vicinity is lined with willows, sycamores, and non-native vegetation. The creek bottom is sandy mud. The project proposes restoration of 1,000 sq. ft. the creek banks and riparian area with native vegetation. The restoration would improve the visual aesthetics of the creek and the overall site. The headwall project would temporarily impact the aesthetics of a small (1,250 sq. ft.) area during the construction phase of the project and until the site is revegetated. The project would permanently convert a 250 sq. ft. area from riparian vegetation to headwall. Given that this area is small and the overall project would result in a net increase in riparian area in the long term, the projects impacts on aesthetics in the San Pedro Creek corridor are considered less than significant.

1c. Lighting

There are no changes to lighting associated with this project.

2. AIR QUALITY		NO	YES
Could the project:			Level of Significance
a)	Conflict with or obstruct implementation of the applicable air quality plan?	✓	
b)	Exceed any City air quality emission threshold? Long-term		Less Than Significant
	Short-term		Potentially Significant, Mitigable
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?		Less Than Significant
d)	Expose sensitive receptors to substantial pollutants?	✓	
e)	Create objectionable odors affecting a substantial number of people?	✓	

*Background:*

Air quality issues involve pollutant emissions from vehicle exhaust and industrial or other stationary sources that contribute to smog, particulates and nuisance dust associated with grading and construction processes, and nuisance odors.

Smog, or ozone, is formed in the atmosphere through a series of photochemical reactions involving interaction of oxides of nitrogen [NO<sub>x</sub>] and reactive organic compounds [ROG] (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<sub>10</sub> and PM<sub>2.5</sub>) include demolition, grading, road dust and vehicle exhaust, as well as agricultural tilling and mineral quarries.

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. Stationary sources of air emission are of particular concern to sensitive receptors, as is construction dust and particulate matter.

Long-Term (Operational) Impact Guidelines: A project may create a significant air quality impact by:

- 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 exposure.
- Creating nuisance odors inconsistent with APCD regulations.
- Emitting (from all project sources, both stationary and mobile) more than 240 pounds per day for ROG and NO<sub>x</sub>, and 80 pounds per day for PM<sub>10</sub>;
- Emitting more than 25 pounds per day of ROG or NO<sub>x</sub> from motor vehicle trips only;
- Contributing more than 800 peak hour trips to an individual intersection (CO);
- Causing a violation of any California or National Ambient Air Quality Standard (except ozone);
- Exceeding the APCD health risks public notification thresholds adopted by the APCD Board; and
- Being inconsistent with the adopted federal and state air quality plans for Santa Barbara.

Short-Term (Construction) Impacts Guidelines: A project would have a significant impact if combined emissions from all construction equipment exceed 25 tons of any pollutant (except carbon monoxide) within a 12-month period.

Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). 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.

Cumulative Impacts and Consistency with Clean Air Plan: If the project-specific impact exceeds the 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 (CAP) 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 CAP, 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 CAP and may have a significant impact on air quality.

Setting: The Santa Barbara Airport is part of the South Central Coast Air Basin (SCCAB). 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 (SBCAPCD) provides oversight on compliance with air quality standards and preparation of the County Clean Air Plan.

The SCAB is considered in attainment of the federal eight-hour ozone standard, and in attainment of the state one-hour ozone standard. The SCAB does not meet the state standard for particulate matter less than ten microns in diameter (PM<sub>10</sub>). There is not yet enough data to determine SCAB attainment status for either the federal standard for particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) or the state PM<sub>2.5</sub> standard, although SCAB will likely be in attainment of the federal 2.5 standard.

#### *Discussion:*

#### 2.a Air Quality Standards

Direct and indirect emissions associated with the project are accounted for in the 2007 Clean Air Plan emissions growth assumptions. Appropriate air quality mitigation measures, including construction dust suppression, would be applied to the project, consistent with CAP and City policies. The project could be found consistent with the 2007 Clean Air Plan; therefore, impacts would be **less than significant**.

#### 2.b Air Pollutant Emissions

##### **Short Term (Construction) Impacts:**

The proposed project would involve trenching and paving, as well as grading and landscaping activities over several weeks. The heavy equipment work would likely be completed after approximately 90 days. The mechanized equipment to be used includes excavators, backhoes, concrete trucks, and motor graders. Hand tools would be used primarily for revegetation efforts. Earth moving and landscaping activities would cause localized dust generation that would potentially result in temporary nuisance effects to surrounding Airport tenants and users, and would contribute incremental increases in particulate matter (PM<sub>10</sub>). This project would result in approximately 35 cubic yards of cut and approximately 50 cubic yards of fill. Dust-related impacts are considered **potentially significant, but mitigable** with application of standard dust control mitigation measures identified below to minimize nuisance dust and particulates.

Construction equipment would also emit NO<sub>x</sub> and ROG. The County of Santa Barbara considers all construction-related NO<sub>x</sub> emissions in the County to represent approximately six percent of annual Countywide NO<sub>x</sub> emissions and therefore construction related emissions are insignificant (1993 Santa Barbara County Rate of Progress Plan). In order for NO<sub>x</sub> and ROG emissions from construction equipment to be a significant environmental impact, a proposed project would need to involve extensive use of construction equipment over an extended period of time. Due to the project's limited scope and duration, impacts would be **less than significant**. Short-term construction emissions from land development projects throughout the South Coast Air Basin have been assumed in the 2001 Clean Air Plan (CAP). A standard mitigation measure below requiring construction equipment to be maintained in tune is recommended to minimize equipment emissions.

##### **Long-Term (Operational Emissions) Impacts:**

Long-term project emissions primarily stem from motor vehicles associated with projects and from stationary sources that may require permits from the APCD. Examples of stationary emission sources include gas stations, auto body shops, diesel generators, dry cleaners, oil and gas production and processing facilities, and water treatment facilities. Other stationary sources such as small wineries, residential heating and cooling equipment, wood burning stoves and fireplaces, or other

individual appliances do not require permits from the APCD and are known as "area sources". The proposed project does not contain any stationary sources that require permits from APCD.

The proposed project, including both elements, does not contain any stationary sources that require permits from APCD. The project is limited to storm drain and headwall construction and would not generate any new long-term vehicle use.

#### **Cumulative Impacts:**

Global Climate Change (GCC) is a change in the average weather of the earth that can be measured by changes in wind patterns, storms, precipitation and temperature. GCC is generally thought to be caused by increased emission of greenhouse gases (GHG) because these gases trap heat in the atmosphere. Common GHG include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, ozone and aerosols. Natural processes and human activities emit GHG and help to regulate the earth's temperature; however, it is believed that substantial emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. California is a substantial contributor of GHG (2<sup>nd</sup> largest contributor in the U.S. and the 16<sup>th</sup> largest contributor in the world), with transportation and electricity generation representing the two largest contributing factors (41 and 22 percent, respectively).

As the project would not result in increased vehicle trips, it is not anticipated to contribute to the generation of GHG emissions.

#### 2.c. Cumulative Emissions

Since project impacts do not exceed any adopted significance thresholds and the project is consistent with the Clean Air Plan, cumulative project emissions impacts would be **less than significant**.

#### 2.d. Sensitive receptors

Sensitive receptors are defined as children, elderly, or ill people who can be more adversely affected by air quality problems. Types of land uses typically associated with sensitive receptors include schools, parks, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and clinics. Stationary sources are of particular concern to sensitive receptors. The project area is not near any sensitive receptors.

#### 2.e. Objectionable Odors

The project does not contain any features with the potential to emit odorous emissions from sources such as cooking equipment, combustion or evaporation of fuels, sewer systems, or solvents and surface coatings.

#### *Required Mitigation Measures:*

**AQ-1 Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.

**AQ-2 Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

**AQ-3 Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin.

**AQ-4 Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads.

**AQ-5 Construction Dust Control – Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

- AQ-6 Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
- A. Seeding and watering until grass cover is grown;
  - B. Spreading soil binders;
  - C. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
  - D. Other methods approved in advance by the Air Pollution Control District.

**AQ-7 Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

**AQ-8 Construction Dust Control – PEC.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District upon request.

The following shall be adhered to during project grading and construction to reduce NOx and diesel PM emissions from construction equipment:

**AQ-9 Portable Construction Equipment.** All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.

**AQ-10 Fleet Owners.** Fleet owners are subject to sections 2449, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of regulations (CCR) to reduce diesel particulate matter (and criteria pollutant emissions from in-use off-road diesel-fueled vehicles). See <http://www.arb.ca.gov/regact/2007/ordiesl07/froal.pdf>.

**AQ-11 Engine Size.** The engine size of construction equipment shall be the minimum practical size.

**AQ-12 Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

**AQ-13 Equipment maintenance.** All construction equipment shall be maintained in tune per the manufacturer's specifications.

**AQ-14 Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

**AQ-15 Diesel Construction Equipment.** 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-16 Engine Timing and Diesel Catalytic Converters.** Other diesel construction equipment, which does not meet CARB standards, shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.

**AQ-17 Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible.

**AQ-18 Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be prohibited; electric auxiliary power units shall be used whenever possible.

*Residual Impact:* With the application of mitigation measures AQ 1-18 above, **potentially significant, mitigable impacts** to biological resources would be reduced to **less than significant** levels.

3. BIOLOGICAL RESOURCES.  Could the project result in impacts to:	NO	YES
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?		Level of Significance Potentially Significant, Mitigable.
b) Locally designated historic, Landmark or specimen trees?	✓	
c) Natural communities (e.g. oak woodland, coastal habitat, etc.).		Potentially Significant, Mitigable
d) Wetland habitat (e.g. marsh, riparian, and vernal pool)?		Potentially Significant, Mitigable
e) Wildlife dispersal or migration corridors?		Less Than Significant

*Discussion:*

Biological resources at the project site are evaluated in a separate study by Watershed Environmental, Inc. (2007) (Exhibit 4). Near the project site, San Pedro Creek consists of a uniform earthen trapezoidal channel with concrete bank protection along limited reaches. The average channel width is about 50 to 60 feet, with a depth of 8 to 10 feet. The bed consists of loose silt and sand sediments. The channel bed is annually cleared of vegetation by Santa Barbara County Flood Control District (CFD). A bulldozer scrapes all vegetation from the channel bed, and then discs the channel bottom to facilitate sediment transport during the winter. San Pedro Creek along Fairview Avenue can convey runoff from a 10 to 25 year storm event. The CFD maintains a sediment basin along San Pedro Creek downstream of the Fowler Road Bridge. The project would result in an addition of approximately 300 square feet of impervious surface at the outfall for culvert 4. The project would result in the permanent loss of 246 square feet of willow scrub and woodland on the banks of the creek. The project site for culvert 1 is entirely paved.

3.a. Endangered, Threatened or Rare Species or Their Habitats

A variety of sensitive plant and wildlife species and their habitats occur on the Airport Property including portions of the Goleta Slough. These species include ones designated as threatened or endangered by the state or federal government, or Species of Special Concern as designated by the California Department of Fish and Game. Sensitive species known to reside, breed, or regularly forage in Goleta Slough include the brown pelican, peregrine falcon, the tidewater goby, and the Belding's savannah sparrow. The southwestern willow flycatcher and the bank swallow may occur as rare migrants in portions of the Slough.

None of the above sensitive species are known to occur in San Pedro Creek, nor are any such species likely to occur in the future. Suitable habitat is not present along the stream channel or banks for the above species except the tidewater goby.

**Tidewater goby**

The tidewater goby is designated an endangered species by the federal Endangered Species Act. The goby has been sited in many South Coast streams. In 2006 the tidewater goby was discovered in the Goleta Slough in the upper reaches of both Carneros and Tecolotito Creeks. This discovery was made during dewatering efforts associated with the relocation of both creeks. Previous studies of the Goleta Slough had concluded that the tidewater goby did not exist in any of the creeks in the Goleta Slough estuary.

Nevertheless, it is possible for transitory, individual tidewater gobies to attempt to migrate upstream on San Pedro Creek during the winter. This occurrence would be considered very unlikely, as suitable spawning and rearing habitat are not known to occur in upper San Pedro or Las Vegas creeks, which contain substantial reaches with concrete lining. Tidewater goby habitats are absent along San Pedro Creek at the proposed project site. However, based on the above information, tidewater gobies are not expected to occur along San Pedro Creek in the project vicinity.

In the event that tidewater gobies were to enter San Pedro Creek, it would likely be during the rainy season. If construction were to occur at such a time, it would result in a **potentially significant, mitigable** impact to endangered species. Mitigation Measure WE-2 would limit construction activity in the channel to the dry months of April 15 to November 15. Mitigation Measure WE-2 also requires water flows to be diverted to avoid the project site should there be water flowing in the creek channel. Should there be water flowing within 50 feet of the proposed project, the applicant would be required to hire a biologist approved by City Staff to monitor for fish species and relocate them as necessary out of the project area.

~~July to October, thus limiting the~~ These measures mitigate any potential impacts to endangered threatened, or rare species or habitats to a **less than significant level**.

### **Steelhead trout**

The southern steelhead trout is designated an endangered species along the South Coast by the National Marine Fisheries Service (NMFS). There are recent incidental observations of steelhead in many South Coast streams such as Carpinteria, Montecito, and Mission Creeks. There have been anecdotal sightings of steelhead on upper San Jose Creek, and confirmed sightings on Atascadero and Maria Ygnacio creeks in the past several years. The latter sightings indicate that steelhead can move into the lower portion of Goleta Slough. However, there have been no sightings or historic records of steelhead along San Pedro Creek.

Nevertheless, it is possible for transitory, individual adult steelhead to attempt to migrate upstream on San Pedro Creek during the winter. This occurrence would be considered very unlikely, as suitable spawning and rearing habitat are not known to occur in upper San Pedro or Las Vegas creeks which contain substantial reaches with concrete lining. Steelhead spawning and rearing habitats are absent along San Pedro Creek at the proposed project site. However, based on the above information, steelhead are not expected to occur along San Pedro Creek in the project vicinity.

It should be noted that NMFS previously designated critical habitat for steelhead and included all streams along the South Coast downstream of any impassable migration barriers. San Pedro Creek was included in the critical habitat designation. However in 2002, NMFS withdrew the critical habitat designation throughout the range of southern steelhead. Therefore, there is no steelhead critical habitat designation for San Pedro Creek.

In the event that steelhead trout were to enter San Pedro Creek, it would likely be during the rainy season. If construction were to occur at such a time, it would result in a **potentially significant, mitigable** impact to endangered species. Mitigation Measure WE-2 would limit construction activity in the channel to the dry months of April 15 to November 15 Mitigation Measure WE-2 also requires water flows to be diverted to avoid the project site should there be water flowing in the creek channel. Should there be water flowing within 50 feet of the proposed project, the applicant would be required to hire a biologist approved by City staff to monitor for fish species and relocate them as necessary out of the project area. ~~July to October, thus limiting the~~ These measures mitigate any potential impacts to endangered threatened, or rare species or habitats to a **less than significant level**.

### **Migratory birds**

The proposed project site is along San Pedro Creek, a tributary to the Goleta Slough and part of the Goleta Slough Ecosystem Management Plan Area. More than 115 birds have been identified as using the Goleta Slough at least part of the year since 2005. However the proposed project site is on a highly disturbed portion of the creek surrounded by urban uses and is therefore less desirable habitat for birds than other portions of the Ecosystem Management Plan Area.

All migratory nongame native bird species are protected by international treaty under the Federal migratory Bird Treaty Act (MTBA) of 1918. The proposed project would disturb vegetation that could result in the abandonment of active nests containing eggs or young native birds if construction were to occur during bird nesting season. The project could, therefore, result in a **potentially significant, mitigable** impact to migratory birds. Mitigation Measure BIO-4 would limit vegetation and ground disturbance to September 1 through February 1, unless a City-qualified biologist determines that no nesting birds are near the proposed project area. Implementation of this measure would limit potential impacts to endangered threatened, or rare species or habitats to a **less than significant level**.

### **3.b. Locally Designated Historic, Landmark or Specimen Trees**

Some willow and myoporum trees would be removed at the project site. The landscaping plans indicate that existing sycamore and willow trees will be retained, where feasible. There are no locally designated historic, landmark, or specimen trees in the project area. Therefore, there would be **no impacts** to Locally Designated Historic, Landmark or Specimen Species.

### **3.c. and 3.d. Natural communities and Wetland Habitat**

The project site at culvert 1 is entirely covered in pavement. The project site at culvert 2 is characterized by an earthen stream channel with riparian habitat vegetating the banks of the stream. The entire riparian habitat in the project area is considered to be "wetlands" as defined by the California Department of Fish and Game (CDFG) and California Coastal Act. Only a portion of the riparian habitat onsite is considered to be wetlands or "waters of the U.S." as defined by the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. The ACOE definition of wetlands is less inclusive

than the CDFG and Coastal Act definitions as explained in the biological report prepared for the project (Watershed Environmental, 2007).

### Temporary Impacts

The total temporary disturbance of wetland and riparian type habitats (including Corps "waters", CDFG and Coastal Act jurisdictional wetlands) due to construction activity is approximately 1,500 square feet of channel banks at the proposed culvert 4 site. This is considered a **potentially significant, mitigable impact** which could be reduced to a **less than significant** level with the incorporation of required mitigation measure BIO-3. BIO-3 requires that the area of construction be restored to pre-construction grade and conditions using on-site materials. The mitigation measure also requires replanting of the area with native riparian vegetation.

### Permanent Impacts

The project would result in the permanent loss of 250 square feet of willow scrub/ woodland, which is considered CDFG stream habitat, and Coastal Act wetlands. The existing outfall at culvert 4 has no erosion control measures and is causing scouring of the creek bank. This permanent loss would result from the construction of a headwall to prevent erosion. This impact would be reduced to a **less than significant** level with the incorporation of 1,000 square feet of habitat restoration on the creek bank just south of the proposed culvert 4 rip-rap headwall.

### 3.e. Wildlife Corridors

The San Pedro Creek area does not represent a wildlife corridor because the channel is underground upstream of the project site. This condition precludes aquatic and terrestrial species from successfully traveling upstream in the watershed from the Goleta Slough mouth via San Pedro and Las Vegas Creeks. The project would construct a storm drain and headwall on the bank of the Creek and thus not create any new barriers to wildlife movement. The proposed restoration with native riparian vegetation would result in beneficial improvements of the creek corridor as wildlife habitat. The project would, therefore, result in **less than significant** impacts to wildlife corridors.

### Required Mitigation Measure(s):

**BIO-1** The applicant shall submit final landscaping and restoration plans for the project to be reviewed by City staff prior to issuance of any public works permit. The plans should include restoration of all temporarily disturbed habitat areas with native riparian and wetland species and creation of 1,000 sq. ft. of additional riparian and wetland habitat area onsite to mitigate the permanent loss of 250 sq. ft. of habitat. Initial planting shall occur in concert with or immediately following construction activities associated with the project. Monitoring and reporting shall occur for a period of at least three years and up to five years following initial planting if the performance criteria are not met. If performance criteria are not met by the end of year 5, then the choice of plants, site conditions, performance criteria, and other factors would be reevaluated by a qualified biologist. A new restoration effort would be implemented with a new 3-5 year monitoring period. Performance criteria for the initial planting effort would be as follows: 85% survival one year after planting, 90% survival two years after planting, 95% survival three years after planting. Weed cover criteria for creek banks (including only noxious weeds, not naturalized non-aggressive plants) would be no more than 10% cover at any time during the monitoring and maintenance period.

**BIO-2** The applicant shall avoid existing willow and sycamore trees at the project site during construction placing protective fencing around the willow trees or clumps to prevent unauthorized grading or construction activity that could damage trees.

**BIO-3** The applicant shall restore the construction area to pre-construction grade and conditions using on-site materials to the extent feasible.

**BIO-4** Proposed project grading and construction activities, including tree removal and other disturbances to vegetation, shall, to the extent feasible, be limited to periods outside of the breeding bird season (February 1-August 30) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project grading and construction activities cannot feasibly be avoided during the breeding bird season, beginning thirty (3) days prior to the disturbance of suitable nesting habitat the applicant shall conduct daily bird surveys to detect protected native birds in the habitat to be disturbed and other habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent properties allow. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three (3) days prior to the initiation of clearance and/or construction work. Should an active nest be located, clearing and construction within 300 feet of the nest (500 feet

for raptor nests), or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.

Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing marking the protected areas 300 feet (or 500 feet) from the nest. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described by this condition to document compliance with applicable State and federal laws pertaining to the protection of native birds.

**WE-2** See Section 12. Water Environment

*Residual Impact:* With the application of mitigation measures BIO 1-4 3 above and WE-2, **potentially significant, mitigable impacts** to biological resources would be reduced to **less than significant** levels.

4. CULTURAL RESOURCES. Could the project:	NO	YES
a) Disturb archaeological resources?		Level of Significance Less Than Significant
b) Affect a historic structure or site designated or eligible for designation as a National, State or City landmark?	✓	
c) Have the potential to cause a physical change which would affect ethnic cultural values or restrict religious uses in the project area?	✓	

*Discussion:*

4.a.c. Archeological Resources, Ethnic/Religious Resources

The Airport Archaeological Site Sensitivity Map prepared by Snetcamp and Associates in 1993 indicates that the project Area of Potential Effect (APE) is within the low potential zone for occurrence of cultural resources. The APE is situated west of Fairview Avenue and roughly corresponds to the location of the former boundary of the Goleta Slough.

Phase I and Phase II archaeological site assessments were completed for the Verhelle Bridge project in October 2003. The Verhelle Bridge project involved the removal of a bridge and the construction of a new bridge on San Pedro Creek near the proposed project sites. These reports found that three cultural resources areas are present within 700 feet of the Area of Potential Effect of the proposed outfalls: San Pedro Creek (which is a channelized stream) (VB-1), the Santa Barbara Packing Company Slaughterhouse (VB-2), and a previously unrecorded prehistoric site (VB-3). Secondary surficial remains of previously recorded prehistoric site CA-SBA-2579 were also identified in the course of the field investigations. None of these sites have been deemed eligible for the California Register of Historic Places (CRHP) or the National Register of Historic Places (NRHP). Additionally, none of these sites are considered "important archaeological resources" as defined in CEQA Sections 15064.5 and 15126.4.

The site assessments for the Verhelle Bridge Project concluded that significant archaeological remains were unlikely to be present in the proposed project site. They recommended field monitoring by a qualified archaeologist and a Native American during construction. Field testing and interviews with Airport staff that have historical knowledge of San Pedro Creek confirm that the proposed project locations (culvert 1 and 4) have been highly disturbed.

A site-specific Phase I Archaeological Resources Report dated January 2009 analyzed the proposed project's Area of Potential Effect. Specifically the Report summarizes an updated records search and field survey of the proposed project area. The Report found no archaeological resources and concluded that discovery during construction would be unlikely but possible and recommended construction monitoring.

Thus, the project would have a **less than significant** impact on archaeological as defined by CEQA guidelines. However, Native American and archaeological monitoring would be carried out during construction to further reduce cultural resources impacts as defined by mitigation measure CR-1.

4.b. Historic Structures

The project site does not contain a site designated or eligible for designation as a National, State or City landmark nor does the site have ethnic cultural or religious significance. The project work is limited to storm drain and headwall construction and creek restoration and therefore does not have the potential to affect an historic resource on site or cause a physical

change that would affect ethnic cultural values or restrict religious uses in the project area. Thus, there would be **no impacts** on historic, ethnic, or religious resources.

*Required Mitigation Measure(s):*

**CR-1** The following language shall be reproduced on the construction plans submitted for building plan check and the directives of this mitigation measures followed:

- a. Prior to the issuance of building permits, the owner shall contract with a City-approved archaeologist to provide for monitoring of additional ground disturbing activities, and, as may be determined to be necessary based on the results of the surface survey. The archaeologist shall include a City qualified Native American monitor who shall be required to be on-site during all excavation activities.~~for consultation in the event prehistoric resources are discovered during the survey and/or monitoring.~~ Contract(s) shall be subject to the review and approval of the Environmental Analyst.
- b. The General Contractor shall schedule a construction conference. The conference shall include representatives from the Public Works Department, Building Division, Planning Division, the Property Owner and Contractor. 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 associated with past human occupation of the parcel. If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted. 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, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, a Phase 3-recovery program shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission. That portion of the Phase 3 program, which requires work on-site, shall be completed prior to continuing construction in the affected area. If prehistoric or other Native American remains are encountered, a Native American representative shall be contacted and shall remain present during all further subsurface disturbances in the area of the find.
- c. If any archaeological artifacts, exotic rock (non-native) or unusual amounts of shell or bone are uncovered during any on-site grading, trenching or construction activities, all work must stop immediately in the area and a City-approved archaeologist retained by the applicant to evaluate the deposit. The City of Santa Barbara Environmental Analyst must also be contacted for review of the archaeological find(s). If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted and State procedures followed. Work in the area may only proceed after authorization is granted by the Environmental Analyst.

*Residual Impact:* With the application of mitigation measures, potential project impacts to archeological resources would be reduced to **less than significant** levels.

5. GEOPHYSICAL.		NO	YES
Could the project result in or expose people to:			Level of Significance
a)	Seismicity: fault rupture?	✓	
b)	Seismicity: ground shaking or liquefaction?		Less Than Significant
c)	Seismicity: seiche or tsunami?	✓	
d)	Landslides or mudslides?	✓	
e)	Subsidence of the land?	✓	
f)	Expansive soils?	✓	
g)	Excessive grading or permanent changes in the topography?		Less Than Significant

*Discussion:*

5.a-c

The closest faults to the project vicinity are the More Ranch Fault and the North Ellwood Fault. The routes of these faults through this area are along the southern edge of Goleta Slough and the northern part of the UCSB main campus. No faults have been identified on the project sight and the probability of rupture is low. Both faults are considered to be potentially active. However, the project area may be prone to ground shaking in the event of a major quake. The proposed storm drain and headwall in San Pedro Creek would result in **less than significant** impacts related to seismic activity.

5.d-f

There is no potential for landslides or mudslides which would affect the project site because the slope and heights of San Pedro Creek bank are too small to allow such events. The construction of rip-rap would prevent small-scale sliding. Additionally, the area would be planted and restored, which would ensure that there would be minimal erosion in storm events. Proposed grading would not likely result in land subsidence, nor are the soils considered to be expansive. Therefore there would be **no impacts** with respect to landslides, mudslides, land subsidence or expansive soils.

5.g

There is minimal grading associated with this project. There would be an estimated cut of 50 cubic yards and an estimated fill of 35 cubic yards. The overall grade of the area would not change substantially as a result of this project. As the restoration plan for the project would reduce the potential for erosion, impacts would be **less than significant**.

*Mitigation Measure(s):* **None.**

*Residual Impact:* **Less than significant.**

6. HAZARDS.		NO	YES
Could the project involve:			Level of Significance
a)	A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?		Less Than Significant.
b)	The creation of any health hazard or potential health hazards?	✓	
c)	Exposure of people to existing sources of potential health hazards?	✓	
d)	Increased fire hazard in areas with flammable brush, grass, or trees?	✓	

*Discussion:*

6. a.-c.

Although areas of previous contamination have been identified on Santa Barbara Airport property, the project site and vicinity is not on the State list of contaminated sites and has no known history of site contamination or known existing site

contamination. The existing and continuing long-term project uses do not involve the use of hazardous materials, other than herbicides, including AquaMaster, for initial weed removal and periodic vegetation maintenance. Herbicide use is proposed for limited, localized applications per manufacturer's directions and general safety procedures, using a hand-held spray and avoiding open water and subject to requirements of the California Department of Fish and Game 1601 Streambed Alteration Agreement. This would involve no substantial health or safety threat to persons, biological resources, or water quality. Mitigation Measure HAZ-1 is recommended to further reduce the potential for accidental release of herbicides. AquaMaster would be the only herbicide used in relation to this project. No potential health hazards would result from this activity. Therefore, hazard-related impacts would be **less than significant**.

6. d.

Native revegetation activities would have no effect regarding fire hazard and would be consistent with City Fire Hazard Landscape Guidelines. **No impacts** pertaining to fire hazards would result.

*Recommended Mitigation Measure(s):*

**HAZ-1** Herbicides shall be mixed away from the vicinity of the channel and any other waterway in case of a spill.

*Residual Impact:* With application of recommended mitigation measure HAZ-1, **less than significant impacts** associated with herbicide use would be further reduced.

7. NOISE.  Could the project result in:	NO	YES
		Level of Significance
a) Increases in existing noise levels?		Less Than Significant (Short-Term)
b) Exposure of people to severe noise levels?		Less Than Significant (Short-Term)

*Discussion:*

7a,b.

**Long Term**

Noise guidelines are established in the City's General Plan Noise Element and in Chapter 9.16 of the Santa Barbara Municipal Code (Noise Ordinance). The Noise Element establishes the maximum acceptable exterior Day-Night Noise Level ( $L_{dn}$ ) for residential uses at 60 dB(A) and at 45 dB(A) for interior noise levels. It is important to note that these guidelines are intended for long-term, permanent land uses, and do not apply to temporary construction activities. The Noise Ordinance regulates construction noise and stationary mechanical equipment noise.

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 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. The project is limited to drainage outfall construction and habitat improvements and involves no changes in the long-term use, and no long-term noise impacts of or to the waterway.

**Short Term (Construction)**

Heavy construction equipment can generate noise levels in the range of 80 to 85 dBA at a distance of 50 feet, while shorter more impulsive noises from other construction equipment can be higher, to over 100 dBA. Noise levels produced by construction equipment vary substantially depending on the type of equipment used and on their operation and maintenance. Some typical examples of construction noise levels are provided in Table 1 below (summarized from Harris, 1979):

**Table 1**

<b>Equipment</b>	<b>Noise Level (dBA at 50 feet)</b>
Compactor (roller)	70-87
Front loaders	70-96
Backhoes	70-94
Tractors	74-96
Scrapers, graders	75-96
Pavers	82-92
Trucks	69-96
Concrete mixers	72-90
Concrete pumps	74-85
Cranes (moveable)	74-95
Cranes (derrick)	85-88
Pumps	69-80
Generators	69-82
Compressors	68-87
Pneumatic wrenches	82-88
Jackhammers and drills	68-105

Construction of the project, including the construction of both out falls, as well as restoration and ongoing maintenance elements may result in temporary increases in noise from earthmoving equipment. However, these potential increases are temporary, and the general Airport area is already subject to noise from existing aircraft.

There are several businesses within 100 to 400 feet of the proposed project location, both on and off Airport property. None of these businesses are noise sensitive receptors. The City's Noise Ordinance limits noise generating construction activities between the hours of 8:00 p.m. and 7:00 a.m.

The high noise generating activities for the outfall replacement project include demolition of the existing outfall, construction of the new outfall and riprap, and restoration planting and maintenance. These activities are expected to occur at different times during the construction period. The total estimated days of heavy equipment use over the 90-day long construction period is expected to be about 15 days. As there are no noise sensitive areas in the vicinity of the project, these impacts are considered **less than significant**. Mitigation measure NOI-2 would further reduce these impacts. Given the short-term and intermittent nature of construction activities and limitation of construction hours, nuisance noise impacts from construction activities are considered adverse but **less than significant**. Recommended mitigation measure NOI-1 is recommended to further restrict the operation of equipment during certain times. Recommended mitigation measure NOI-2, which includes a provision for sound control equipment, would be applied to both project components.

*Recommended Mitigation Measure(s):*

**NOI-1** Noise generating construction activity shall be prohibited Saturdays, Sundays, all holidays, and between the hours of 4 p.m. to 7 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.

**NOI-2** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. Sound control devices and techniques such as noise shields and blankets shall be employed as needed to reduce the level of noise to surrounding residents, as determined by the City Building Official.

*Residual Impact:* Implementation of the recommended mitigation measures would further reduce the temporary, **less than significant impacts** resulting from construction activities associated with the project.

8. POPULATION AND HOUSING.	NO	YES
Could the project:		
		Level of Significance
a) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?	✓	
b) Displace existing housing, especially affordable housing?	✓	

*Discussion:*

The project is limited to storm drain and headwall construction and habitat restoration. The project would not involve extension of major utility infrastructure. No loss of dwellings or new dwelling units are proposed, and no increase in population would result from the project.

*Mitigation Measure(s):* **None.**

*Residual Impact:* **None.**

9. PUBLIC SERVICES.	NO	YES
Could the project have an effect upon, or result in a need for new or altered services in any of the following areas:		
		Level of Significance
a) Fire protection?	✓	
b) Police protection?	✓	
c) Schools?	✓	
d) Maintenance of public facilities, including roads?	✓	
e) Other governmental services?	✓	
f) Electrical power or natural gas?	✓	
g) Water treatment or distribution facilities?	✓	
h) Sewer or septic tanks?	✓	
i) Water distribution/demand?	✓	
j) Solid waste disposal?		Less Than Significant.

*Discussion:*

9a,b,c,d,e,f,g,h,i.

The proposed project is limited to storm drain and headwall construction and habitat restoration. The proposed project would have no impact on fire and police protection, schools, maintenance of public facilities or other government services.

9.j. Solid Waste Disposal

The project would require periodic maintenance to clear overgrown vegetation, which would be completed by airport maintenance personnel under a certified 1601 Streambed Alteration Agreement by the Department of Fish and Game. Therefore, there would be **less than significant** impacts on solid waste from green waste disposal. A standard mitigation measure is recommended below to minimize construction-related solid waste through source reduction, reuse, and recycling.

*Recommended Mitigation Measure:*

**PF-1** Recycling and/or reuse of demolition/construction and green waste materials shall be carried out and containers shall be provided on site for that purpose during the construction period.

*Residual Impact:* The Project would cause **less than significant impacts** to Public Services with the implementation of recommended mitigation measure PF-1 would minimize short-term construction solid waste generation.

10. RECREATION.	NO	YES
Could the project:		
		Level of Significance
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	✓	
b) Affect existing parks or other public recreational facilities?	✓	

*Discussion:*

10.a-b.

The proposed project is limited to storm drain and headwall construction and habitat restoration. Demand for neighborhood or regional parks or other recreational facilities would not be increased, nor would the project affect existing parks or facilities. Therefore, there would be no impact to recreation as a result of the proposed project.

*Mitigation Measure(s):* **None.**

*Residual Impact:* **No recreational impacts would result.**

11. TRANSPORTATION/CIRCULATION.	NO	YES
Could the project result in:		
		Level of Significance
a) Increased vehicle trips?	✓	
b) Hazards to safety from design features (e.g. sharp curves, inadequate sight distance or dangerous intersections)?		Less Than Significant.
c) Inadequate emergency access or access to nearby uses?	✓	
d) Insufficient parking capacity on-site or off-site?		Less Than Significant
e) Hazards or barriers for pedestrians or bicyclists?		Less Than Significant

*Discussion:*

11.a.c.d.

While additional trips are not generated as part of the proposed project, the project would require one southbound lane closure of Fairview Avenue only during part of construction. The lane closure is estimated to take approximately one week to complete. The trenching activity would also cause one bike lane to be temporarily closed. Bicyclists would be routed through the construction site with flags. At all other times during construction, there would be no lane closures. During the paving, the westerly southbound lane of Fairview would be closed. The paving would last for approximately 2 hours between the off-peak hours of 10 a.m. and 2 p.m. Bicyclists and motorists would be flagged through during this period as well. The native riparian restoration would not require any alterations to traffic on Fairview Avenue as there is more room at this area for equipment and personnel. As the construction impacts to Fairview Avenue would be temporary and minimal in nature, impacts to traffic circulation would be **less than significant**.

11 b,e

**Short-Term Impacts**

The project would have no effect on emergency access or parking capacity. Truck trips associated with the project would occur during a 90 day period of earthwork and material removal. The project would have approximately 50 truck trips, which includes trips associated with site clearing and excavation work, rip-rap wall construction, road paving work, and restoration work. The staging area for the project would be located along side the eastern bank of San Pedro Creek near the project area. As this project is limited in scope, and number of truck trips, it would have **less than significant** impacts on traffic, parking, and circulation. Recommended Mitigation Measures TC-1, TC-2, TC-3, TC-4 would further reduce the impacts to traffic by establishing construction trip routes, times, and parking..

**Long-Term Impacts**

The project does not propose any new design features that would create safety hazards related to vehicular travel. No permanent changes would result for bicyclists. Standard measures requiring the City Transportation Operations Division to

review the final construction staging and truck routes are required to assure that the temporary construction process minimizes any temporary disruptions associated with access to circulation for vehicles, pedestrians, or bicycles. As there would be no long-term changes to vehicular, bicycle, or alternative transportation, there would be **no impacts** to hazards from safety design features and barriers for pedestrians and bicyclists.

*Recommended Mitigation Measure(s):*

- TC-1 Construction-related truck trips shall not be scheduled during peak hours (7:30 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
- TC-2 The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
- TC-3 The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
- TC-4 Construction parking and storage shall be provided in locations subject to the approval of the Transportation Manager. During construction, free parking spaces for construction workers shall be provided on-site or off-site.

*Residual Impact:* Project impacts to transportation or circulation would be **less than significant**. The recommended mitigation measure would further reduce temporary construction-related disruptions to circulation.

12. WATER ENVIRONMENT.  Could the project result in:	NO	YES
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?		Level of Significance Less Than Significant
b) Exposure of people or property to water related hazards such as flooding?	✓	
c) Discharge into surface waters?		Potentially Significant, Avoidable
d) Change in the quantity, quality, direction or rate of flow of ground waters?	✓	
e) Increased storm water drainage?		Less Than Significant

*Discussion:*

12.a. Absorption, Drainage, and Runoff

The proposed project would not change the drainage capacity or runoff into San Pedro Creek. The project would result in a minor increase in surface runoff, as there would be an increase of approximately of 200 square feet of impervious surfaces by the installation of the rip-rap headwall. This is an incremental amount, which would have a negligible effect on absorption, runoff, or drainage and thus would be considered a **less than significant** impact to drainage patterns and the rate and amount of surface runoff.

12.b. Exposure of People or Property to Flooding

The proposed project would not increase flood capacity in either storm drain. The Towbes project includes a bioswale and other measures to mitigate flood impacts associated with that project. The outfalls would allow for the bioswale to drain directly into San Pedro Creek, bypassing on-street storm drains. Thus the project would have a marginal **beneficial impact** to the exposure of people or property to flooding.

12.c. Discharge into Surface Waters

The project installation work involves earthwork, repair of the creek bank, restoration of creekside riparian vegetation, and landscaping improvements. ~~The p~~ Project equipment ~~has~~ would have the potential to contaminate the creek water quality or native vegetation in the event of inadvertent oil spillage or leakage during construction equipment use, refueling, maintenance or washing over the five-month construction process.

During construction, this project would have **potentially significant, mitigable impacts** to discharge into surface waters. With application of mitigation measures WE-1-2, potential project impacts would be reduced to **less than significant**

levels. WE-1 requires standard erosion and sedimentation controls as part of the Storm Water Pollution Prevention Plan for this part of the project. The project would be completed in the dry season, so there would be little or no surface water present in San Pedro Creek except during high tides. These measures would limit any impacts to discharge to surface waters.

12.d. Change in Quantity, Quality, or Flow of Groundwater:

The project would not generate any additional drainage or make any subsurface changes that could lead to changes in ground water quality, quantity, or rate of flow.

12.e. Storm Water Drainage:

The project would result in a minor increase in surface runoff, as there would be an increase of approximately of 200 square feet of impervious surfaces in the project vicinity. This is an incremental amount and is considered to be a **less than significant** impact to storm water drainage. Overall, the project would not reduce storm water drainage capacity of San Pedro Creek. Most of the storm water that reaches the channel comes from impervious surfaces. The channel drains to the mouth of the Goleta Slough, and then into the Pacific Ocean.

*Required Mitigation Measure(s):*

**WE-1** The Storm Water Pollution Prevention Plan (SWPPP) utilizing Best Management Practices shall be used for grading and construction activities and approved by the building Division and included on all plans submitted for a public works permit to maintain all sediment on site and out of the drainage system. The plan shall include, at a minimum:

1. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
2. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
3. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
4. Establish fuel and vehicle maintenance staging areas on impervious surfaces located away from all drainage courses, and design these areas to control runoff.
5. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
6. Minimize the area of bare soil exposed at one time.
7. The construction contract shall contain a provision that all motorized equipment shall be maintained and maintenance verified by the Project Environmental Coordinator prior to the commencement of work onsite, as well as regularly checked for leakage of hazardous materials. In addition, the work contract shall contain a provision that spill containment and clean-up materials shall be present at all times at the work site. Crews shall be informed of the importance of avoiding spills in the streams and the riparian area. No equipment maintenance or washing shall occur within the creek or adjacent native riparian vegetation area.

**WE-2** Construction activity in the area where flows occur in the channel shall be limited to the dry season months of April 15 to November 15 ~~July to October~~. In the event that water is flowing in the San Pedro Creek channel within 50 feet of the proposed project at the time of proposed construction, a biologist approved by City staff shall be on site to monitor for fish species and relocate them as necessary. Water flows shall be diverted to avoid the project site without causing damage to the bed or banks of the creek and providing for fish passage where feasible. Construction activities should be avoided, to the extent feasible, during times when San Pedro Creek is flowing.

*Residual Impact:* With the application of mitigation measures, potential project impacts to water resources would be reduced to **less than significant** levels.

MANDATORY FINDINGS OF SIGNIFICANCE.		
	NO	YES
a) 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, 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?	✓	
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	✓	
c) 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)?	✓	
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	✓	

### INITIAL STUDY CONCLUSION

On the basis of this initial evaluation it has been determined that:

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the initial study have been added to the project. A MITIGATED NEGATIVE DECLARATION has been prepared.

Case Planner/Initial Study Preparer: Andrew Bermond \_\_\_\_\_

Environmental Analyst: Melissa Hetrick \_\_\_\_\_

Date: March 5, 2009

### Exhibits

1. Site Plan
2. Vicinity Map
3. MMRP
4. Biological Assessment & Wetland Delineation
5. Response to Comments dated March 5, 2009

## 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 or at the Santa Barbara Airport Administration Building, 601 Norman Firestone Road, Santa Barbara and are available for review upon request.

Biological Assessment & Wetland Delineation for South Fairview Avenue Road Widening & Storm Drainage Improvements

California Environmental Quality Act (CEQA) & CEQA Guidelines

Drainage Calculations prepared by Flowers and Associates, received January 22, 2008

General Plan Circulation Element

General Plan Conservation Element

~~1995 Housing Element~~

General Plan Land Use Element

General Plan Noise Element w/appendices

General Plan Map

General Plan Seismic Safety/Safety Element

Geology Assessment for the City of Santa Barbara

Geotechnical Investigation Report for the Proposed Parking Lot Reconstruction 500 South Fairview Avenue

Institute of Traffic Engineers Parking Generation Manual

Institute of Traffic Engineers Trip Generation Manual

Local Coastal Plan (Main & Airport)

Master Environmental Assessment

Phase I Archaeological Resources Report for the San Pedro Creek Storm Drain Outfall Project

Santa Barbara Municipal Airport Master Phase I Archeological Assessment

Santa Barbara Municipal Code & City Charter

Special District Map

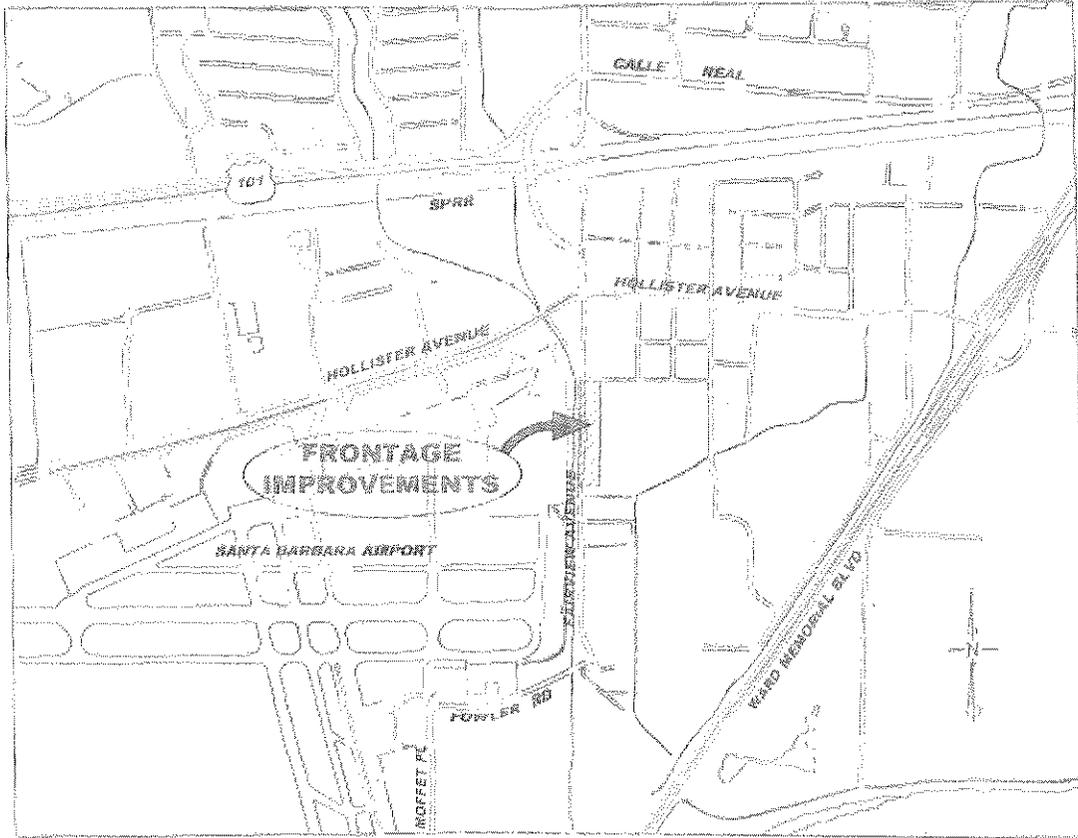
Uniform Building Code as adopted by City

Verhelle Bridge Cultural Resources Report

Zoning Ordinance & Zoning Map



EXHIBIT 2



VICINITY MAP  
NOT TO SCALE

SAN PEDRO CREEK STORM DRAIN AND HEADWALL MST2008-00032

REVISED MITIGATION MONITORING AND REPORTING PROGRAM

PURPOSE

The purpose of the **San Pedro Creek Storm Drain and Headwall** Mitigation Monitoring and Reporting Program (MMRP) is to ensure compliance with all mitigation measures identified in the Initial Study to mitigate or avoid potentially significant adverse environmental impacts resulting from the proposed project. The implementation of this MMRP shall be accomplished by City staff and the project developer's consultants and representatives. 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

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 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.

A. 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, necessary consultants, 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 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 weekly basis during grading, excavation and construction, activities. The reports would document field activities and compliance with project mitigation measures, such as dust control and sound reduction construction.

#### 3. Final Report

A final report shall be submitted to the Planning Division when all monitoring (other than long term operational) 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.

C. MMRP MATRIX

The following MMRP Matrix describes each initial study mitigation measure, monitoring activities and the responsibilities of the various parties, along with the timing and frequency of monitoring and reporting activities. For complete language of each condition, the matrix should be used in conjunction with the mitigation measures described in full in the Initial Study.

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.

**SAN PEDRO CREEK STORM DRAIN AND HEADWALL (MST2008-00032)  
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX**

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	MITIGATION FREQUENCY	MONITORING FREQUENCY	REPORTING FREQUENCY	COMPLIANCE CHECK	VERIFICATION
AQ-1	Do not drive over 15 miles per hour.	Contractor	PEC	Enforce speed limit at construction site.	Daily	Daily	Weekly	Transportation and Parking Manager	
AQ-2	Water exposed soils.	Contractor	PEC	Ensure watering is done twice daily and as needed whenever exposed soils appear dry.	Daily	Daily	Weekly	Public Works Department	
AQ-3	Tarp fill on moving trucks at all times.	Contractor	PEC	Ensure tarps are placed on all trucks carrying fill material prior to movement.	Daily	Daily	Once following construction	PEC	
AQ-4	Install gravel pads at access points.	Contractor	PEC	Ensure installation prior to construction activities.	Daily during construction.	Daily	Once following construction	PEC	
AQ-5	Two-day old stockpiles shall be kept moist. Trucks shall be tarped.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	At building plan check and daily throughout construction period.	Daily	Weekly	Building Safety Division & Planning Div.	
AQ-6	Revegetate, water, and spread soil binders on exposed soils.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	At building plan check and daily throughout construction period.	Daily	Weekly	Building Safety Division & Planning Div.	
AQ-7	Pave all roadways as soon as possible.	Contractor	PEC	Ensure roadway paving is done quickly.	Daily during construction.	Daily	Once after construction.	PEC	
AQ-8	Designate dust monitor and submit that person's contact information to APCD.	Contractor	PEC	Ensure haul routes identified on building plans and carried out on site.	At building plan check and daily throughout construction period.	Daily	Weekly	Transportation and Parking Manager and Building Safety Division	
AQ-9	Register all portable construction equipment with the State.	Contractor	PEC	Ensure construction equipment is maintained in tune per the manufacturer's specifications.	Once prior to construction.	Once prior to construction.	Once prior to construction.	Transportation and Parking Manager and Building Safety Division.	

**SAN PEDRO CREEK STORM DRAIN AND HEADWALL (MST2008-00032)  
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX**

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	MITIGATION FREQUENCY	MONITORING FREQUENCY	REPORTING FREQUENCY	COMPLIANCE CHECK	VERIFICATION
AQ-10	Reduce diesel particulate matter.	Contractor	PEC	Check compliance with applicable regulations.	Daily during construction	Once prior to construction.	Once prior to construction.	PEC	
AQ-11	Use smallest practical engines for construction equipment.	Contractor	PEC	Ensure engine sizes are kept to a minimum.	Once prior to construction.	Once prior to construction.	Once prior to construction.	PEC	
AQ-12	Use the smallest practical number of construction equipment simultaneously.	Contractor	PEC	Ensure phasing of use of construction equipment.	Daily during construction.	Daily	Weekly	PEC	
AQ-13	Maintain equipment to manufacturer's specifications.	Contractor	PEC	Ensure construction equipment is operated through efficient management practices.	Daily during construction.	Weekly during construction.	Weekly during construction.	PEC	
AQ-14	Use catalytic converters if feasible.	Contractor	PEC	Check that diesel engines used in construction are federally mandated "clean" engines.	Once prior to construction.	Once prior to construction.	Once prior to construction.	PEC	
AQ-15	Use CARB Tier 1 or greater diesel engines for all off-road equipment.	Contractor	PEC	Check that diesel engines used in construction are federally mandated "clean" engines.	Once prior to construction.	Once prior to construction.	Once prior to construction.	PEC	
AQ-16	Use two to four degree or pre-combustion chamber engines on all construction equipment.	Contractor	PEC	Check that diesel engines used in construction are federally mandated "clean" engines.	Once prior to construction.	Once prior to construction.	Once prior to construction.	PEC	
AQ-17	Replace diesel power with electric power when feasible.	Contractor	PEC	Check that diesel power is necessary.	Daily.	Daily.	Weekly during construction.	PEC	
AQ-18	Do not idle diesel trucks for more than five minutes.	Contractor	PEC	Check for compliance.	Daily.	Once.	Once after construction.	PEC report to Planning Division.	

**SAN PEDRO CREEK STORM DRAIN AND HEADWALL (MST2008-00032)  
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX**

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	MITIGATION FREQUENCY	MONITORING FREQUENCY	REPORTING FREQUENCY	COMPLIANCE CHECK	VERIFICATION
BIO-1	Replaced and restored habitat shall have 85% native plant ground cover after one year, and 95% after three years. Maintenance and monitoring shall take place for 3-5 years.	Contractor	Qualified Biologist	Check for compliance.	Once during Construction.	Once during, and once after construction. Once a year for at least 3 years and up to 5 years to determine plant survival rate and to replace dead or unhealthy plants.	Once following completion of construction activities. Once a year for at least 3 years and up to 5 years. Reporting may end after three years if performance criteria are met.	PEC report to planning division.	
BIO-2	Fences shall be installed around the project area during construction to avoid impacts to willows.	Contractor	Qualified Biologist	Check for compliance	Once during Construction.	Once during, and once after construction.	Once prior to construction.	PEC report to Planning Division	
BIO-3	Restore grade and revegetate to pre-construction conditions using on-site materials.	Contractor	PEC	Check for compliance.	Once after the temporary bridge is removed.	Once after construction. Once a year for 5 years to determine plant survival rate and to replace dead or unhealthy plants.	Once following completion of construction activities. Once a year for 5 years. Reporting may end after three years if areas remain vegetated.	PEC report to Planning Division.	
BIO-4	Work shall not occur during bird breeding season (February 1- August 15), unless there are no birds are nesting within 300 feet (500 feet for raptors) of the project site.	Contractor	Qualified Biologist	Monitoring of bird behavior.	Before and during construction activities.	Weekly during construction.	Once prior to construction.	PEC report to Planning Division.	
CR-1	Archaeology language shall be shown on all submitted plans.	Contractor/ Owner/ Archaeologist	PEC	Ensure monitoring activities occur on site.	Throughout construction period	At building plan check and throughout construction period.	Weekly, Final Report	Planning Division	

**SAN PEDRO CREEK STORM DRAIN AND HEADWALL (MST2008-00032)  
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX**

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	MITIGATION FREQUENCY	MONITORING FREQUENCY	REPORTING FREQUENCY	COMPLIANCE CHECK	VERIFICATION
HAZ-1	Mix all herbicides away from all waterways.	Contractor	PEC	Inform Workers prior to construction/restoration.	Daily during construction.	Weekly during construction.	Weekly during construction.	Planning division.	
NOI-1	No noise generating work on nights, weekends, and holidays.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	Throughout construction period.	Throughout construction period.	Weekly; Final Report	Planning Division	
NOI-2	Silencing devices, techniques, and maintenance shall be employed as needed.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	At building plan check and daily throughout construction period.	Daily	Weekly	Building & Safety Division and Planning Div.	
PF-1	Recycle and haul out green waste.	Contractor	PEC	Ensure appropriate sized receptacles are available during construction.	Throughout construction period.	Daily	Weekly	PEC report to Planning Div.	
TC-1	Truck trips shall only occur during off-peak hours.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	Throughout construction period.	Daily	Weekly	Transportation Division Manager	
TC-2	Establish route for all construction-related traffic.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	Throughout construction period.	Daily	Weekly	Transportation Division Manager	
TC-3	Establish haul route(s) for all trucks greater than three tons using the site.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	Throughout construction period.	Daily	Weekly	Transportation Division Manager	
TC-4	Free parking shall be provided for workers at an approved location.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	Throughout construction period.	Daily	Weekly	Transportation Division Manager	
WE-1	Prepare a SWPPP.	Applicant	Planning Division	Implement requirements onsite	At building check & final inspection.	Planning & Building & Safety Divisions	Once prior to construction	Planning Division	

**SAN PEDRO CREEK STORM DRAIN AND HEADWALL (MST2008-00032)  
MITIGATION MONITORING AND REPORTING PROGRAM MATRIX**

MITIGATION MEASURE	MONITORING REQUIREMENT	RESPONSIBLE ENTITY	MONITOR	ACTION BY MONITOR	MITIGATION FREQUENCY	MONITORING FREQUENCY	REPORTING FREQUENCY	COMPLIANCE CHECK	VERIFICATION
WE-2	Construction may only occur during the dry season (April 15-November 15 July-October). A biological monitor shall oversee fish relocation and creek flow diversion if San Pedro Creek is still flowing within 50 feet of the construction site.	Contractor	PEC	Ensure requirement shown on building plans and carried out on site.	Throughout construction period.	Throughout construction period.	Weekly; Final Report	Planning Division	

**400 BLOCK SOUTH FAIRVIEW AVENUE  
SAN PEDRO CREEK STORM DRAIN OUTFALL PROJECT  
FINAL MITIGATED NEGATIVE DECLARATION  
RESPONSE TO COMMENTS**

**FEBRUARY 24, 2009**

**INTRODUCTION:**

An Initial Study was prepared for the 400 block South Fairview Avenue San Pedro Creek Storm Drain Outfall project because the California Environmental Quality Act (CEQA) requires that an environmental assessment of the proposed project be provided. The environmental analysis determined that the proposed project could potentially have significant adverse impacts related to air quality, biological resources, and the water environment; however, mitigation measures described in the Initial Study and agreed to by the applicant would reduce potential impacts to less than significant levels. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with cultural resources, geophysical resources, hazardous materials, noise environment, and transportation.

A Draft Mitigated Negative Declaration was prepared for the proposed project, and a public review period was held from December 24, 2008 to February 2, 2009. Comment letters were received from the following members of the public during the comment period:

1. Paula Westbury
2. Frank Arredondo
3. Edmund J. Pert, California Department of Fish and Game

On January 22, 2009 the Planning Commission conducted a public hearing to accept testimony regarding the Draft MND. The following individuals provided verbal comments at the hearing:

1. Frank Arredondo

Responses to the comments received regarding the Draft Mitigated Negative Declaration are provided below, and the comment letters received are attached.

The purpose of this document is to respond to specific comments received pertaining to environmental issues in the Draft MND. While letters of general support or opposition to the project are acknowledged and included in this document for the record, no formal response is provided. In addition, comments received not related to the environmental issues outlined in the Draft MND, such as land use issues and social or fiscal impacts of the project, are outside the scope and not addressed in this document. However, all comments will be forwarded to the Planning Commission for consideration.

**Letter No. 1**  
**Paula Westbury**  
**January 20, 2009**

- 1-1. **Comment:** Voiced opposition to the proposed project.  
**Response:** Comment noted.

**Letter No. 2 and Public Comment at January 22, 2009 Hearing**  
**Frank Arredondo**  
**January 21, 2009**

2-1. **Comment:** A site survey should be completed for the project as it is within a “low potential zone for occurrence of cultural resources.”

**Response:** The Draft IS/MND relied upon the Cultural Resources Report prepared for the nearby Verhelle Bridge Project completed in 2003. This report completed a records search that included the proposed project area at 400 Fairview, however the Area of Potential Effect examined in the site survey did not directly include the project site at 400 Fairview.

City staff recommended that the applicant prepare and submit a Supplemental Phase I Archaeological Resources Study consistent with the recommendations in the Airport-wide Phase I prepared by Snethkamp and Associates in 1993 for the proposed project. A Phase I report prepared by Applied Earth Works, Inc. was submitted to staff on January 19, 2009 for the proposed project. The study concluded that no significant resources are anticipated to be encountered from implementation of the proposed project consistent with the previous findings in the Draft IS/MND. The information contained in the new study have been added to the Final IS/MND for informational purposes.

Page 11 of the Revised Initial Study reflects this clarification.

2-2. **Comment:** The MND does not indicate that the Native American Heritage Commission or other Native American contacts were contacted for the proposed project.

**Response:** The proposed project does not include a general amendment or specific plan. As outlined in the Phase I investigation conducted for the project (Applied Earth Works, January 2009), no significant archaeological resources have been found on the project site. Consultation with contacts on the Native American Heritage Commission or other Native American contacts is not required for this project pursuant to Government Code Section 65352).

2-3. **Comment:** The use of a survey that is not directly in the APE of the proposed project does not meet the review standards required.

**Response:** See Response 2-1.

2-4. **Comment:** The comment period began on December 24, 2008, however because of the holidays the Draft IS/MND was not available until December 29, 2008.

**Response:** At their January 22, 2009 meeting, the Planning Commission directed staff to extend the comment period through February 2, 2009. Notice of the extended comment period was sent to interested parties, adjacent tenants and property owners, and posted on the City’s website.

2-5. **Comment:** The cultural resources section addresses only one of the four questions required by CEQA.

**Response:** The City’s CEQA Checklist has been developed based on the City’s specific resources, the City’s Guidelines for Archaeological Resources and Historic Structures and Sites, and taking into consideration Appendix G of the CEQA Guidelines, which serves as a “sample” environmental checklist for use by agencies as a guidance document.

- 2-6. **Comment:** According to the Cultural Resource Guidelines, the City must contact four tribes in order to determine effect on ethnic cultural values.  
**Response:** See Response 2-2.
- 2-7. **Comment:** Any project located within the boundary of the Goleta Slough should have an archaeologist on site.  
**Response:** Mitigation Measure CR-1 requires a City-qualified archaeologist and Native American monitor during ground-disturbing activities. The language on page 11 has been modified to clarify the details of this requirement.
- 2-8. **Comment:** The Native American monitor and the archaeologist should prepare separate weekly reports submitted to staff.  
**Response:** Comment noted.
- 2-9. **Comment:** Core samples should be taken prior to any construction activities to determine the existence of any deeply buried subsurface cultural resources.  
**Response:** The approved Airport-wide Phase I (Snethkamp, 1993) does not require core sampling in a "low sensitivity" cultural resource zone. The project-specific Phase I Archaeological Resource Study (Applied Earth Works, 2009) assessed the site and reviewed existing records and concluded that no additional sampling is required.
- 2-10. **Comment:** Crews should receive pre-construction training on identification of archaeological cultural resources.  
**Response:** With the requirement that a Native American monitor and City-qualified archaeologist be present on-site for all excavation and grading, any unanticipated finds would be professionally identified. Additionally, it is a standard condition of approval in archaeological sensitivity zone for all onsite workers to be alerted prior to construction as to the potential for finding unanticipated archaeological remains on the site.
- 2-11. **Comment:** Assignment of Native American monitor should be based on a mutual agreement of all parties involved: City, developer, interested Native American parties, and tribes.  
**Response:** The City has established a list of qualified Native American monitors. The project applicant would be required to hire from this list prior to commencement of construction activities. This hiring is subject to City approval.
- 2-12. **Comment:** Consultation requests should be submitted to the tribes listed in the City's Environmental Thresholds Guidelines manual prior to development.  
**Response:** See Response 2-2.

**Letter No. 3**  
**Edmund J. Pert**  
**January 22, 2009**

- 3-1. **Comment:** How much stormwater is anticipated to outlet into the creek?  
**Response:** The applicant prepared drainage calculations that were reviewed by the City's Creeks Division prior to application completeness. In the 25-year storm event, 1.8 cubic feet per second of run-off are anticipated to flow through the Culvert 4. The proposed project site is within the Federal Emergency Management Agency (FEMA)-defined 100-year floodplain. In a 50-yr and 100-yr storm event the storm drain and outfall would be submerged.
- 3-2. **Comment:** What is the scour potential of the stream?  
**Response:** The existing pipe outfall at culvert 4 currently extends several feet out of the creek bank. The pipe was originally installed flush with the bank, but the bank was eroded by storm water outfall from the pipe and caused scour. The proposed riprap would prevent further scour and reduce the risk of upset to Fairview Avenue presented by an unstable creek bank.
- 3-3. **Comment:** What is the justification for the permanent installation of 250 square feet of rip rap along the bank of the creek to minimize scouring?  
**Response:** The proposed rip rap and headwall were designed to California Department of Transportation (CalTrans) standards. These standards provide guidance on the minimum bank protection necessary based on site specific factors such as slope. The slope of the creek bank would be retained in the rotation of the rip rap inward to the outfall. The rip rap would be sized to maintain that slope, which requires 250 square feet.
- 3-4. **Comment:** Will the installation of the rip rap impact/reduce fish passage?  
**Response:** The proposed rip rap would be flush with the slope of the creek bank and located outside of the 25-yr flow in the stream channel. Therefore the project would not present an obstacle to fish passage.
- 3-5. **Comment:** What type of construction equipment would be used?  
**Response:** An excavator or back hoe would be used to dig the trench operated from top of bank. Rock placement would also require heavy equipment. All other work is proposed to be completed using hand tools.
- 3-6. **Comment:** What is the duration and timing of the construction project?  
**Response:** The applicant has proposed to construct the project outside of the rainy season. The Draft IS/MND included restrictions for construction during the rainy season and peak of the avian breeding season (November through June). The Final IS/MND includes modifications to Mitigation Measures WE-2 and BIO-4 based on comments by CDFG to clarify that construction work can not occur during the wet season (November 15 through April 15<sup>th</sup>) and should, to the extent feasible, avoid the avian breeding season between February 1 and August 30<sup>th</sup>. Should work need to be conducted during the avian breeding season, a biological monitor would be required to survey the project area prior to construction to avoid any impacts to nesting birds consistent with guidance from CDFG.
- 3-7. **Comment:** How will the timing and duration impact aquatic species and their life cycles?  
**Response:** As stated in Response 3-6, Mitigation Measure WE-2 has been proposed to minimize impacts to aquatic species by limiting construction activities to the dry season. In the

**Letter No. 3**  
**Edmund J. Pert**  
**January 22, 2009**

- 3-1. **Comment:** How much stormwater is anticipated to outlet into the creek?  
**Response:** The applicant prepared drainage calculations that were reviewed by the City's Creeks Division prior to application completeness. In the 25-year storm event, 1.8 cubic feet per second of run-off are anticipated to flow through the Culvert 4. The proposed project site is within the Federal Emergency Management Agency (FEMA)-defined 100-year floodplain. In a 50-yr and 100-yr storm event the storm drain and outfall would be submerged.
- 3-2. **Comment:** What is the scour potential of the stream?  
**Response:** The existing pipe outfall at culvert 4 currently extends several feet out of the creek bank. The pipe was originally installed flush with the bank, but the bank was eroded by storm water outfall from the pipe and caused scour. The proposed riprap would prevent further scour and reduce the risk of upset to Fairview Avenue presented by an unstable creek bank.
- 3-3. **Comment:** What is the justification for the permanent installation of 250 square feet of rip rap along the bank of the creek to minimize scouring?  
**Response:** The proposed rip rap and headwall were designed to California Department of Transportation (CalTrans) standards. These standards provide guidance on the minimum bank protection necessary based on site specific factors such as slope. The slope of the creek bank would be retained in the rotation of the rip rap inward to the outfall. The rip rap would be sized to maintain that slope, which requires 250 square feet.
- 3-4. **Comment:** Will the installation of the rip rap impact/reduce fish passage?  
**Response:** The proposed rip rap would be flush with the slope of the creek bank and located outside of the 25-yr flow in the stream channel. Therefore the project would not present an obstacle to fish passage.
- 3-5. **Comment:** What type of construction equipment would be used?  
**Response:** An excavator or back hoe would be used to dig the trench operated from top of bank. Rock placement would also require heavy equipment. All other work is proposed to be completed using hand tools.
- 3-6. **Comment:** What is the duration and timing of the construction project?  
**Response:** The applicant has proposed to construct the project outside of the rainy season. The Draft IS/MND included restrictions for construction during the rainy season and peak of the avian breeding season (November through June). The Final IS/MND includes modifications to Mitigation Measures WE-2 and BIO-4 based on comments by CDFG to clarify that construction work can not occur during the wet season (November 15 through April 15<sup>th</sup>) and should, to the extent feasible, avoid the avian breeding season between February 1 and August 30<sup>th</sup>. Should work need to be conducted during the avian breeding season, a biological monitor would be required to survey the project area prior to construction to avoid any impacts to nesting birds consistent with guidance from CDFG.
- 3-7. **Comment:** How will the timing and duration impact aquatic species and their life cycles?  
**Response:** As stated in Response 3-6, Mitigation Measure WE-2 has been proposed to minimize impacts to aquatic species by limiting construction activities to the dry season. In the

vicinity of the proposed project, San Pedro Creek is seasonally dry. During this period, no aquatic species are likely present. By restricting construction activities to this period, impacts to aquatic species and their life cycles can be avoided. Mitigation Measure WE-2 has been revised consistent with CDFG comments to require a diversion of the creek to allow fish passage and water flow if water is present within 50 feet of the proposed project site. Mitigation Measure WE-2 has also been revised in the Final IS/MND to require that a qualified biological monitor be present to monitor fish activity and relocate fish if necessary whenever there is above ground flow in the creek channel within 50 feet of the proposed project site.

- 3-8. **Comment:** The Department recommends the MND disclose the potential for impacts to migratory birds and include adequate avoidance measures.  
**Response:** Section 3a. of the Draft IS/MND addressed impacts to endangered, threatened or rare species or their habitats (Page 8). The Draft IS/MND identified these impacts at Potentially Significant, Mitigable. The Revised IS includes additional discussion of the Migratory Bird Treaty Act to provide clarification. Mitigation Measure WE-2 includes time restrictions meant to reduce impacts to both avian and aquatic species and their habitat. Mitigation Measure BIO-4 is added to the Revised IS pursuant to CEQA Guidelines §15073.5(c)(3) to clarify the proposed protection and avoidance of wildlife. See also response to Comment 3-6.
- 3-9. **Comment:** Provide a restoration plan in the Final MND that describes a plant mix and the removal of invasive species such as *Arundo*.  
**Response:** The applicant has provided a plant mix and designated a site for the proposed mitigation area. A stand of *arundo domax* across the creek from the proposed riprap wall site is to be removed and replaced with native plantings as a part of this project. The plant mix can be found as Attachment 5.
- 3-10. **Comment:** Provide a diversion for fish passage if water is still present.  
**Response:** See Response 3-7.
- 3-11. **Comment:** A qualified biological monitor with permits to move fish should be present during construction activities.  
**Response:** See Response 3-7.
- 3-12. **Comment:** The proposed project would require a Streambed Alteration Agreement (SAA) from the California Department of Fish and Game (CDFG). CDFG is a responsible agency for the project.  
**Response:** Noted.

## **CONCLUSION**

The environmental analysis demonstrates that, with the identified mitigation measures agreed to by the applicant, the project as proposed would not result in significant environmental impacts. The project therefore qualifies for a Mitigated Negative Declaration and no further analysis of alternatives is required as part of the environmental document. However, comments regarding the merits of the project, design alternatives, and cultural resource preservation are forwarded to decision-makers in the context of their consideration of project permits and planning policy consistency.

- Attachments:
1. Notices
  2. Public comments letters (1 through 3)
  3. Applicant letter dated February 9, 2009
  - 4.. Plant mix table

**ATTACHMENT 1**

**Public Notices**



## City of Santa Barbara California

I CERTIFY THAT THIS NOTICE WAS  
MAILED ON 12/19/08  
TO THE ADDRESSES ON THE  
ATTACHED MAILING LABELS

### NOTICE OF INTENT TO ADOPT DRAFT MITIGATED NEGATIVE DECLARATION – MST2008-00032

A Draft Mitigated Negative Declaration has been prepared for the following project, pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

**PROJECT LOCATION:** 400 Block of South Fairview Avenue

**PROJECT DESCRIPTION:** The proposed project would involve the replacement of two storm drain outfalls into San Pedro Creek in the appealable jurisdiction of the Coastal Zone. The two outfalls would be constructed in association with storm drains proposed to be installed under Fairview Avenue from the Fairview Technology Center development at 420-490 S. Fairview.

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**DRAFT ENVIRONMENTAL DOCUMENT:** An Initial Study and a Draft Mitigated Negative Declaration (DMND) have been prepared for this project and are available for review and comment. The DMND examines environmental impacts which may be associated with this project. Significant environmental effects identified in the DMND which are anticipated as a result of the project include impacts related to air quality, biological resources, and the water environment. The DMND includes proposed mitigation measures to mitigate potentially significant impacts to a less than significant level. No hazardous materials are known to exist at the proposed project site

**DOCUMENT AVAILABILITY:** The DMND is available for review starting December 24, 2008 at the Planning Division Office, 630 Garden Street between 8:30 a.m. and 4:30 p.m., and at the Public Library at 40 E. Anapamu Street, during hours of operation, and online at [www.SantaBarbaraCa.gov/eir](http://www.SantaBarbaraCa.gov/eir)

**PUBLIC COMMENT PERIOD:** The City of Santa Barbara encourages the public to provide written comment on this and other projects. The public review period begins on **Wednesday, December 24, 2008**. Comments on the DMND must be submitted by **January 23, 2009, at 4:30 p.m.** Please send your comments to: City of Santa Barbara, Planning Division, Attn: Andrew Bermond, Associate Planner, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to [ABermond@SantaBarbaraCA.gov](mailto:ABermond@SantaBarbaraCA.gov)

**ENVIRONMENTAL HEARING:** Any interested person may request a hearing before the Planning Commission to comment on this document by completing and filing a hearing request with the Planning Division on or before **January 5, 2008**. A hearing will then be scheduled and will appear on the agenda for the next available Planning Commission meeting. If you have any questions, wish to know more about this application, or wish to review the plans, please contact Andrew Bermond, Associate Planner, at (805) 692-6032 between 8:30 a.m. and 4:30 p.m.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at (805) 564-5305. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**FINAL ENVIRONMENTAL DOCUMENT:** Following the end of the DMND public review period, a Final Mitigated Negative Declaration, including responses to comments, will be prepared and any subsequent noticed public hearing will be held at the Planning Commission and City Council to consider actions to approve the project.

If you challenge the permit approval or environmental document in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission, or in a public hearing on the project.



# City of Santa Barbara California

## NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD DRAFT NEGATIVE DECLARATION – MST2008-00032

The public comment period for the Draft Mitigated Negative Declaration has been extended to February 2, 2009. A Mitigated Negative Declaration was prepared for the following project, pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970," as amended to date.

**PROJECT LOCATION:** 400 Block of South Fairview Avenue

**PROJECT DESCRIPTION:** The proposed project would involve the replacement of two storm drain outfalls into San Pedro Creek in the appealable jurisdiction of the Coastal Zone. The two outfalls would be constructed in association with storm drains installed under Fairview Avenue as part of the Fairview Technology Center development at 420-490 S. Fairview.

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**DRAFT ENVIRONMENTAL DOCUMENT:** An Initial Study and a Draft Negative Declaration have been prepared for this project and are available for review and comment. The Draft Negative Declaration examines environmental impacts which may be associated with this project. Significant environmental effects identified in the Draft Mitigated Negative Declaration which are anticipated as a result of the project include impacts related to air quality, biological resources, and the water environment. The Draft Mitigated Negative Declaration includes proposed mitigation measures to mitigate potentially significant impacts to a less than significant level. No hazardous materials are known to exist at the proposed project site

**DOCUMENT AVAILABILITY:** The Draft Mitigated Negative Declaration is available for review at the Planning Division, 630 Garden Street between 8:30 a.m. and 4:30 p.m., and at the Public Library at 40 E. Anapamu Street during hours of operation. And online at [www.SantaBarbaraCa.gov/eir](http://www.SantaBarbaraCa.gov/eir).

**PUBLIC COMMENT PERIOD:** The City of Santa Barbara encourages the public to provide written comment on this and other projects. The public review period began on **Wednesday, December 24, 2008**. The public comment period has been extended to February 2, 2009. Comments on the Draft Mitigated Negative Declaration must be submitted by **February 2, 2009, at 4:30 p.m.** Please send your comments to: City of Santa Barbara, Planning Division, Attn: Andrew Bermond, Associate Planner, P.O. Box 1990, Santa Barbara, CA 93102-1990, or send them electronically to [ABermond@SantaBarbaraCA.gov](mailto:ABermond@SantaBarbaraCA.gov).

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at (805) 564-5305. If possible, notification at least 48

hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**FINAL ENVIRONMENTAL DOCUMENT:** Following the end of the Draft Mitigated Negative Declaration public review period, a Final Mitigated Negative Declaration including responses to comments will be prepared, and subsequent noticed public hearing will be held at the Planning Commission and City Council to consider actions to approve the project.

If you challenge the permit approval or environmental document in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission, or in a public hearing on the project.

**ATTACHMENT 2**

**Comment Letters**

Dear Planning Commission  
This is already done.

The Habitat was destroyed  
The fish were spawning  
The river was flowing  
The world was normal, got it?  
Then someone knew it would  
never ever pass, so they go  
to jail. They are in jail.

They should never have  
allowed this horrendous  
environmental damage ever  
to occur - then they come to  
you to approve it, never ever  
approve it, never ever take it  
out - leave what's there - if  
you have to approve it in order  
to leave it there - work it out -  
never ever allow the illegal people  
to get a real permit, never ever say  
you wanted it when it is horrendous

Jan 20, 2009  
650 Miramonte Rd  
Santa Barbara, Calif  
93105  
Re: 400 Block Santa  
Fairview Ave  
Please read at the  
Hearing site 1-22-09  
Thank you

DISTRIBUTED TO: DATE: 1/22/09  
PLANNING COMMISSION (7)  
SR. PLANNER, ASST. CITY ATTY.  
CASE PLANNER APPLICANT(S)  
AGENT PC SEC, ENTERED AS INT  
PARTY ON DATE:  
BY:

good is in  
an Earthquake  
to bridge -  
bally out of  
apartment  
to area - toxic  
FISH + WILDLIFE  
to Nova even  
conceded - Shell  
never will ever know  
never put more in  
hands do more -  
never ever  
never ever  
Paula Westburg  
PSM & WESTBURG  
Thank you

the land  
be so polluted  
is torture. Stop  
development  
It is crooks,  
one would never  
in a creek. It's  
at the top of  
everybody's  
eyes every part  
the project. Never  
can stand for  
mis use of resources -  
The Holy People out  
live in the area  
of help modern people  
if the creek continues  
to be poisoned, it is  
settling for 4 years -  
so no fast wild coming  
to a whole project

They put you in a difficult spot. Put  
ever ever allow building there. They  
emptied chemical drums full of  
horrific poison into the stream just as  
the Fish finally made it up to  
the Fairview part of the Highway  
& all died last week. It was all  
planned. If the Fish were alive  
they could not ever put the building  
there. The fish are in Heaven. They  
told the story. The Indians understand  
The chemicals filter through to  
the land nearby & was caught  
right away, never poison. The  
World famous organic Farm of S.B.  
Stop the torture of the Indians  
never ever erode S.B. never  
ever be conned. The cop later said  
it's not bad now, is it? 1-2-09

Stop 7 -  
Wee geology  
Stop 8 -  
Shoreline  
Be Well  
In Indian people  
never

Sincere  
Paula  
Westbury  
WESTBURY

Always you  
where they are, Don't move  
Paradise, That is what we  
have, Be Well.

9,000  
sq  
ft  
each  
@ \$1000

Save all yards, never  
develop on these properties at all,  
Save all trees, they almost all  
stopped the Tea Tree from coming  
down the hill or going up the hill -  
The Indians called the police -  
they didn't always respond when  
people called as so many people  
were calling in - They saved many  
animals - They never eat when  
the people were gone - They kept the  
big dogs away at the right time.  
They always help, especially in an  
emergency. These are the oldest trees  
in the world and the City Planners  
need to all meet to see all right  
away, please save them all now  
if they haven't already. Very important

Save our  
natural  
heritage  
The Indians  
need it,  
we need it  
Be Well -  
never develop  
these properties.  
Be Well -  
If its already  
done, leave  
them - Don't  
tear it down -  
too difficult.  
Be Well  
The all world  
time and easier  
much easier  
Be Well

City of Santa Barbara  
Community Development Dept  
Planning Division  
Andrew Bermond, Associate Planner  
630 Garden Street  
Santa Barbara Ca 93101

Frank Arredondo  
Ksen~Sku~Mu  
Chumash  
Cultural Resource Protection Advocate  
PO Box 161  
Santa Barbara, Ca 93102

Re: Draft Mitigated Negative Declaration (DMND) MST2008-00032

400 Block of South Fairview Avenue

Wednesday, January 21, 2009

Honorable Planning Commission,

Haku, I would like to thank you all for allowing me to comment here today. My name is Frank Arredondo; I am Most Likely Descendent of the Chumash Territory, recently submitted to the Native American Heritage commission's listings. I am here speaking on behalf of my ancestors, the Chumash people.

In my review of the Draft Mitigated Negative Declaration (DMND) MST2008-00032, the potential project impacts to archeological resources have not been reduced to less than significant levels.

I have found some discrepancies that should not be present. Some conclusions that are reached are not supported by the evidence, and current application of current reports, do not support the Coastal Commission Land use ordinance. This leads to the likely hood that subsurface cultural resources may be impacted.

The topics to be covered are: Coastal Zone Land Use, Sources of information , Separate APE locations, The APE have not been surveyed, Public Notice, CEQA Checklist, Environmental Guidelines and Thresholds for Evaluating Significant impacts, Monitoring, I will end with my Recommendations.

**PROJECT DESCRIPTION:** The proposed project would involve the replacement of two storm drain outfalls into San Pedro Creek in the appeal able jurisdiction of the Coastal Zone. The two outfalls would be constructed in association with storm drains proposed to be installed under Fairview Avenue from the Fairview Technology Center development at 420-490 S. Fairview.

### **Coastal Zone Land Use**

According to Title 23 Coastal Zone Land use ordinance 23.07.104 defines Archaeological sensitive areas as any area that is delineated on any official map shall be protected and preserved. According to the Airport Archaeological Site Survey Map prepared by Snethcamp and Associates in 1993, it indicates that the projects Area of Potential Effect (APE) is with in an Archaeological sensitive area.

The Mitigated Negative Declaration (MND) states that the APE is within a “low potential zone for occurrence of cultural resources” This comment is true but does not stay true to the meaning of the requirement of Coast Zone Land ordinance. Because the project area APE is listed on the Archaeological Site Survey Map it meets the Coastal Zone Land Use ordinance 23.07.104(1) (A) & (B) requiring a Site Survey with in the APE to be conducted. The conclusion that is provided that because the site’s APE is within a “Low potential zone for occurrence of cultural resources” Does not require the necessary site survey with in the APE to be conducted. Levels of sensitivity are not relevant in determining if a study is to be conducted or not. The fact that a location or site is determined to be sensitive automatically warrants a study to be conducted.

To support this reasoning that a site survey be conducted in the APE one just needs to look at the referenced documents. Airport Archaeological Site Survey Map prepared by Snethcamp and Associates in 1993:

- “Near the edge of slough where many Native American sites are located” (1)
- “The boundaries of many of the sites are poorly known, portions of theses sites have been found in situ buried under Historic construction fill” (pg27 )
- “It is believed that portions of Native American & historical sites may be undisturbed because of portions of Native American Sites often survive under fill and later construction debris.” (pg 30)

The other reasons for conducting a site survey within the APE, is the unknown boundary of the Goleta Slough. Located just south of the project site Culvert 4 a previously unrecorded site was discovered during the Verhelle Bridge Project and the recommendations for that site location was that any ground disturbance that would exceed 70 centimeters (27 inches) should be monitored by an Archaeologist and Native American Monitor.

Just north of the project APE culvert 1 is a documented site CA-SBa-60 that has intact cultural resources which can be found at a depth of 4-7 feet. This provides us a varying landscape where somewhere in-between we should expect to make contact with the ancient slough boundary and likely to encounter cultural resources. It is unclear of the project description will impact any subsurface cultural resources.

It is clear that the Area study done by Snethcamp is outdated and a new site records search is needed to be done in order to properly determine the likelihood of the existing resources.

#### **Sources of information**

The supporting documentation for this project comes from several sources. Many of are from a previous project and previous comments made on that previous project. This project is identified as the Verhelle Bridge project conducted in October 2003. There are references to Site locations from outside commenter's that have never been clarified in this project if they are within the Project site. For example, the MND defers to the Archaeological Site Survey Map prepared by Snethcamp and Associates in 1993, that the sites involved within the area are CA-SBa-46,-52,-59,-60,-1694,-2391, and new site SAIC-93-1. A letter submitted by the Native American Heritage Commission submitted several years ago states that sites CA-SBa-38,-42 are within the area and should be reviewed. They are not part of this current MND.

The previous report also states it has done a sacred site search with the Native American Heritage Commission and found nothing on file, but in fairness it should be understood what the Native American Heritage Commission's stance was provided in a response letter:

“Absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area.”

The MND does not indicate that the CCIC was ever contacted in this specific project. In order to come to the determination that you have adequately completed the MND is a falsehood.

Separate APE locations, The APE have not been surveyed.

The Technical Cultural resources report prepared for the Verhelle Bridge replacement project URS 2003 ( which is the supporting document in this project) states: "The project APE was covered by systematic pedestrian transects at 5 meter intervals" In my review of the accompanying maps provided for the Verhelle Bridge show that this project and the Verhelle project have separate APE locations. Culvert 4 is approximately 200 feet north of the Verhelle survey boundaries. And Culvert 1 is located approximately 700 feet north of the Verhelle Bridge survey boundaries. Technically speaking this projects APE has not been surveyed. The use of a survey that is not directly in the APE of this current project does not meet the review standards required and a fully mapped report should be done. No where in the Verhelle Bridge report does it state the specific area that was surveyed for the San Pedro Creek.

#### **Public Notice**

Lastly this MND document was to be displayed in three locations for public review. The date of release was December 24<sup>th</sup> 2008. The planner was out of office on December 23<sup>rd</sup> 2008 based on answering machine which was called on December 26<sup>th</sup> 2008. The locations for public review were the Planning dept at 430 Garden St. The Santa Barbara Public Library and the Online SB City web site. Because of the Holidays the Planning commission was closed, the Library did not have the document and the online web site did not have the link to the documents posted until Monday December 29<sup>th</sup> 2008. This was a 5 day delay and extension of the timelines should be allowed for public review. 15072(f)(4)CEQA

### **CEQA Checklist**

Under the Cultural Resources section on page 10 of the Initial study it list a grid checklist to indicate the impacts that might take place by the project. It is required by CEQA that 4 questions be asked and answered. Would the project cause substantial adverse change in the significance of;

- 1) Historic resources
- 2) Archaeological resources
- 3) Paleontological resource or site or unique geological feature and lastly
- 4) Disturb any human remains.

What has been presented is;

- 1) Disturb Archaeological resources
- 2) Affect a historic structure or site designated or eligible for designation as a National, State or City Landmark, and
- 3) Potential to cause a physical change which would affect ethnic cultural values or restrict religious uses in the project area.

One out of four is not adequate for CEQA compliance.

### **Environmental Guidelines and thresholds for Evaluating Significant impacts**

The Ethnic Cultural values found in the Environmental Guidelines and thresholds for evaluating significance has not been addressed. According to the Cultural resource guidelines adopted by the City of Santa Barbara it states that in order to address the Ethnic values section the appropriate local government official must contact the 4 tribes listed in order to seek there input on the ethnic element. There is no documentation that any of the 4 tribes listed have ever been contacted. With in the Verhelle Bridge project it does indicate that individuals listed on the Native American Heritage Commissions contact list were sent letters as well as Native American Contact list maintained by the County of Santa Barbara and the City of Santa Barbara Monitors list, but only one letter to one individual was actually found amongst the documents. This is not adhering to the ethnic element as it was meant, which was to address cultural values of a community and not an individual. There is no indication that any Native American group was

ever contacted on this project specifically. The DMND states that ...” does not have the potential to affect an historic resource on site or cause a physical change that would affect ethnic cultural values or restrict religious uses in the project area.” If the local community has not been contacted then how can it be determined that there is no affect on ethnic cultural values?

### **Monitoring**

The Initial study pg 10 states that the recommendation made by the archaeologist from the Verhelle Bridge project was that “field monitoring be a qualified archaeologist and a Native American during construction.” “Thus, the project would have less than significant impact on archaeological as defined by CEQA guidelines.” However Native American and archaeological monitoring would be carried out during the construction to further reduce cultural resource impacts as defined in mitigation measure CR-1. Unfortunately the CR-1 does not read with the same clarity (MND pg 11)

The archaeologist will contract with the developer to provide for “ monitoring of additional ground disturbing activities” It later goes on to state that the “Archaeologist shall include a City qualified Native American Monitor for consultation in the event prehistoric resources are discovered during the surveying and/or monitoring.” This statement implies that only after prehistoric resources are located is a Native American monitor is called out. Also it implies that the archaeologist is only on site for “additional ground disturbing activities”

Any project located with the boundary of the Goleta Slough should always have an archaeologist on site to monitor along with a Native American Monitor.

Along with the monitors presence the Native American monitor and all interested Native American parties should be included in the construction conference. Consultation with just a monitor should not be limited to them alone.

The Native American monitor should keep a daily record separate of the archaeologist and at the end of the week the reports should be turned in and then reviewed and compared by staff for any inconsistencies.

The use of previous reports from a project that was close to the proposed current project to evaluate the impact of this specific project in regards to the ethnic element is not acceptable. Each project should require that the Tribal governments be contacted and the Tribal communities be sought out. All final reports should be presented to any parties included in the consultation process.

**Recommendation:**

- A City Approved Archaeologist & Native American Monitor is present during all grading activities.
- A new study be done within the APE
- “Core samples” are taken prior to any construction activities to determine the existence of any deeply buried subsurface cultural resources.
- Pre-construction Training for Construction crew and equipment handles on identification of archaeological cultural resources.
- Assignment of Native American Monitor based on a mutual agreement of all parties involved, City, developer, Interested Native American Parties, Tribes.
- Consultation request submitted to the Tribes listed in the City’s Environmental Thresholds Guidelines manual prior to development.

The potential project impacts to archeological resources have not been reduced to less than significant levels.

The boundary of the Goleta Slough is currently unknown. It is likely that almost all properties in the area have in some way the potential of impacting Native American resources. The area was inhabited for over 10,000 years; it is very presumptions to think this one spot there was no one living here. We must take care to seek out and preserve any sites that might be present.

There is much work proposed for the area in the near future and if we are to do the best job we can then preparing a document that is complete and co-insides with other reports will allow us to do the best job we can to prevent any impacts to resources currently and in the future.

I thank you for your time and allowing me to comment.

Frank Arredondo  
Ksen~Sku~Mu  
Chumash  
Po Box 161  
Santa Barbara, Ca 93102  
Email Ksen\_Sku\_Mu@yahoo.com  
805-617-6884

## DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>  
South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201



January 22, 2009

Mr. Andrew Bermond  
City of Santa Barbara  
601 Firestone Road  
Santa Barbara, CA 93117

**Subject: Notice of Completion of a Draft Mitigated Negative Declaration for  
San Pedro Creek Storm Drain Outfall Project (SCH #2008121105)**

Dear Mr. Bermond:

The Department of Fish and Game (Department) reviewed the draft Mitigated Negative Declaration (DMND) for the above mentioned project relative to impacts to biological resources.

The proposed project consists of the installation of two storm drain outfalls and rock rip-rap on the eastern bank of San Pedro Creek in the City of Santa Barbara. The northern outfall (culvert 1) would involve new construction and would enter the creek through a cement wall in a channelized section of the creek. Stormwater would be treated through a bioswale prior to entering the culvert. The southern outfall (culvert 4) would replace the existing rusted outfall with a new storm drain and 250 square feet of rip-rap. Stormwater would also receive treatment through a bioswale prior to entering this culvert. Approximately 1,250 square feet of vegetation along the stream bank would be temporarily disturbed during construction and 250 square feet of vegetation would be permanently disturbed for installation of the culvert and rip-rap.

The project has the potential to impact the federal endangered southern California steelhead (*Oncorhynchus mykiss*) and tidewater goby (*Eucyclogobius newberryi*), arroyo willow (*Salix lasiolepis*) riparian community, and 429.95 square feet (0.01 acre) of the Department's Fish and Game Code Section 1600 jurisdictional streambed. Mitigation for the impacts consists of a landscaping and restoration plan for creation of 1000 square feet of additional riparian and wetland habitat; avoidance of existing willow and sycamore trees and installation of protective fencing; and restoration of the construction area using on-site materials.

The Department prepared the following statements and comments pursuant to authority as Trustee Agency with jurisdiction over natural resources affected by the project under the California Environmental Quality Act (CEQA Section 15386) and Responsible Agency (Section 15381) over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. regarding impacts to streams and lakes.

#### Project Description

The project description does not include important information necessary to analyze effects to the environmental baseline presented in the document. The Department would like further clarification on the following information:

*Conserving California's Wildlife Since 1870*

- How much stormwater is anticipated to outlet into the creek?
- What is the scour potential of the stream?
- What is the justification for the permanent installation of 250 square feet of rip rap along the bank of the creek to minimize scouring?
- Will the installation of the rip rap impact/reduce fish passage?
- What type of construction equipment would be used?
- What is the duration and timing of the construction project?
- How will the timing and duration impact aquatic species and their life cycles?

The Department recommends adding this information into the project description in order to facilitate evaluation and review of the environmental impacts (Guidelines, Section 15124).

### **Impacts to Biological Resources**

The project site would impact an arroyo-willow riparian community. Upstream of the project area, San Pedro Creek has been transformed into a concrete channel, and flows underground. On a regional scale, the project area portion of the creek contains a more intact and dense riparian vegetation community, which is suitable habitat for foraging and breeding birds. The project has the potential to affect nesting migratory bird species by clearing the arroyo willow-riparian vegetation during breeding season which is generally February 1<sup>st</sup> through August 30<sup>th</sup>.

All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

Proposed project activities (including disturbances to vegetation) should therefore take place outside of the breeding bird season (February 1- August 30) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, pre-project nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500 foot buffer for all active raptor nests and 300 ft. for other species).

The Department recommends the MND disclose the potential for impacts to migratory birds and include adequate avoidance measures as described above.

### **Proposed Mitigation Measures**

#### BIO-1- restoration plan

This DMND states that mitigation will include restoration of 1,000 sq. ft. in order to mitigate for permanent impacts to 250 sq. ft. of arroyo-willow riparian community, yet, the DMND does not include details of the restoration plan, nor the proposed location of the restoration site. Therefore, it is unclear how the revegetation efforts would adequately mitigate for the impacts to the riparian vegetation. The Department recommends the restoration plan provided in the final MND include a planting palette and location of the proposed restoration site. The restoration plan should include similar riparian species in order to mitigate for species lost as a result of project implementation. The Department also recommends that the restoration plan include removal of giant reed (*Arundo donax*) and any other non-native plant species found onsite.

Andrew Bermond:  
January 22, 2009  
Page 3 of 3

The Water Quality Mitigation section of the DMND recommends that construction activities take place during the dry season- July through October. However, if water is present during this period, the project has the potential to affect tidewater goby and southern steelhead. In order to minimize the potential for take of either of these species, the Department recommends installing a suitable diversion, if construction activities take place within the active, wetted, portion of the stream channel. The diversion must not change the gradient of the stream, nor impede access for the tidewater goby or the southern steelhead.

The Department recommends that a qualified biological monitor with ability/permits to move fish be present during construction activities. The monitor should be tasked with surveying for sensitive and special status fish and wildlife species. The monitor should be charged with halting work if species are discovered in the project area until the species have left the site or relocation measures are implemented, as applicable.

### **Streambed Alteration Agreement (SAA)**

The proposed project would temporarily impact approximately 184.08 sq. ft. and permanently impact approximately 245.87 sq. ft. of DFG jurisdictional streambed, and thus require a Streambed Alteration Agreement (SAA).

The Department's issuance of a SAA may be a project that is subject to CEQA. To facilitate issuance of the Agreement when CEQA applies, the Department as a responsible agency under CEQA may consider Lead Agency's document for the project.

To minimize additional requirements by the Department under CEQA the DMND should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement.

The Department emphasizes that in order to protect sensitive resources substantial revisions to the proposed project may be required in the SAA. Notification forms and additional information can be found on the Department's website at: <http://www.dfg.ca.gov/habcon/1600/>. You may also contact the Department's South Coast Region at (858) 467-4201 for more information on streambed alteration agreements.

Thank you for this opportunity to provide comment. Please include the above concerns and comments into the final MND for the subject project. Please contact Mr. Sean Carlson, Staff Environmental Scientist at (909) 596-9120 for any questions and further coordination.

Sincerely,



Edmund J. Pert  
Regional Manager  
South Coast Region

cc: Helen Birss, Los Alamitos  
Betty Courtney, Santa Clarita  
Natasha Lohmus, Carpinteria  
Martin Potter, Ojai  
Mary Larson, Los Alamitos  
Chris Dellith, USFWS, Ventura  
Anthony Spina, NMFS, Long Beach  
Scott Morgan, State Clearinghouse, Sacramento

**ATTACHMENT 3**

**Applicant and Fish and Game Letters**

**FLOWERS & ASSOCIATES, INC.**  
C I V I L E N G I N E E R S

Robert T. Flowers  
PCE 16534  
Stephen G. Flowers  
RCE 26192  
Vernon E. Williams  
RCE 33690  
Eric L. Flaveil  
RCE 33090

201 NORTH CALLE CESAR CHAVEZ, SUITE 100, SANTA BARBARA, CA 93103

PHONE: 805.966.2224 • FAX: 805.965.3372

www.flowersassoc.com

W.O. 0739

February 9, 2009

Mr. Andrew Bermond  
City of Santa Barbara  
601 Firestone Road  
Santa Barbara, CA 93117

**Re: 400 Block of South Fairview Ave (San Pedro Creek Storm Drain Outfall Project)  
Response to Questions from the Department of Fish and Game**

Dear Mr. Bermond:

We offer the following in response to the questions from Fish and Game as outlined in their letter dated 1/22/09 regarding the Draft Mitigated Negative Declaration for the subject project:

1. *How much stormwater is anticipated to outlet into the creek?*

The existing storm drain #4 that we are proposing to replace has a  $Q_{25} = 1.81$  cfs. There will be no increase in flow with the new storm drain. The proposed storm drain outlet at storm drain #1 will have a  $Q_{25} = 6.38$  cfs.

2. *What is the scour potential of the stream?*

At storm drain #4, the scour potential will decrease over the existing condition with the addition of rock rip-rap to act as an energy dissipater and the new outlet will be constructed at a 45° angle to the flow of the creek to reduce scour.

Storm drain #1 will also be constructed at a 45° angle and in this section of the creek the banks are lined with concrete, thus the potential for scour is minimal.

3. *What is the justification for the permanent installation of 250 square feet of rip-rap along the bank of the creek to minimize scouring?*

Refer to response #2 along with the rock rip-rap transitioning from the outlet head wall to the face of creek bank to prevent scour and erosion at the discharge location.

4. *Will the installation of the rip-rap impact / reduce fish passage?*

There will be no impact to the fish passage. All of the rip-rap will be outside the creek cross section on the bank of the creek set flush or recessed from the face of the existing bank.

5. *What type of construction equipment would be used?*

An excavator or back hoe will be used to dig the trench for the storm drain and footing for the headwall. The tractor will remain on the flat area above the top of bank and not in the creek or on the bank. All other work will be done by hand with minimal assistance from heavy equipment in placing rock.

6. *What is the duration and timing of the construction project?*

Construction will take roughly 1 month during the dry season.

7. *How will the timing and duration impact aquatic species and their life cycles?*

There will be no impact to the aquatic species. The work is taking place on the creek bank at the time of year when creek flows are low and usually the creek bed is dry.

Please let us know if you have any further questions or comments.

Thank you.

Sincerely,  
FLOWERS & ASSOCIATES, INC.

By: 

Gelare Macón

Project Administrator



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201

REC'D BY F & A



JUL 10 2008

W.O. 0739

July 8, 2008

Craig Zimmerman  
The Towbes Group, Inc.  
21 East Victoria Street, Suite 200  
Santa Barbara, CA 93101

Re: Notification of Lake or Streambed Alteration  
Notification No. 1600-2008-0106-R5. Construction of two new outfalls, one which requires a new headwall, the other is located in an existing concrete lined channel in San Pedro Creek, south of Highway 101, east of the Santa Barbara Air Port, along Fairview Avenue, Goleta, Santa Barbara County.

Dear Mr. Craig Zimmerman:

As you are aware, the Department had until June 20, 2008, to submit a draft Lake or Streambed Alteration Agreement to you or inform you that an agreement is not required. Due to staffing constraints, the Department was unable to meet that date. As a result, by law, you may now complete the project described in your notification without an agreement. In doing so, however, the project must be the same one and conducted in the same manner as described in the notification. That includes completing the project within the proposed term and seasonal work period and implementing all mitigation and avoidance measures to protect fish and wildlife resources specified in the notification. (Fish and Game Code section 1602(a)(4)(D).)

If your project differs from the one described in the notification, you may be in violation of Fish and Game Code section 1602. Also, even though you are entitled to complete the project without an agreement, you are still responsible for complying with all other applicable local, state, and federal laws, including, for example, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, you must have a copy of this letter *and* your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact me at (805) 684-6281.

Sincerely,

Natasha Lohmus  
Environmental Scientist

**ATTACHMENT 4**

**Proposed Plant Mix**

## San Pedro Creek Mitigation Plant Palette

BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
<i>Artemisia californica</i>	Old Man Sage	1 gal	5' o.c. sun at top of bank, road edge
<i>Artemisia douglasiana</i>	Mugwort	1 gal	2' o.c. Moist areas above waterline and upland
<i>Baccharis pilularis</i>	Coyote Brush	1 gal	6' o.c. sun at top of bank, road edge
<i>Encelia californica</i>	Bush Sunflower	1 gal	3' o.c. sun, upland areas
<i>Eriogonum fasciculatum</i>	Buckwheat	1 gal	3' o.c. sun, upland areas
<i>Juncus patens</i>	Common Rush	1 gal	2' o.c. moist areas above creek water line
<i>Leymus condensatus</i>	Giant Rye	1 gal	3' o.c. sun/shade
<i>Platanus racemosa</i>	California Sycamore	5 gal	Standard, double stake, deer cage
<i>Rosa californica</i>	California Rose	1 gal	6' o.c. sun
<i>Rubus ursinus</i>	Blackberry	1 gal	6' o.c. shade
<i>Salix lasiolepis</i>	Arroyo Willow	5 gal	3:1 replacement ratio, 8' o.c.
<i>Solanum douglasii</i>	Douglas nightshade	1 gal	4' o.c. sun, upland areas

**FLOWERS & ASSOCIATES, INC.**  
C I V I L E N G I N E E R S

Robert T. Flowers  
RCE 18324  
Stephen G. Flowers  
RCE 21192  
Vernon E. Williams  
RCE 31690  
Eric L. Flavell  
RCE 33000

201 NORTH CALLE CESAR CHAVEZ, SUITE 100, SANTA BARBARA, CA 93103

PHONE: 805.966.2224 • FAX: 805.965.3372

www.flowersassoc.com

January 15, 2008

W.O. 0739

City of Santa Barbara  
Community Development Department  
630 Garden Street  
Santa Barbara, CA 93103  
Attention: Jan Hubbell

RECEIVED  
JAN 21 2008

CITY OF SANTA BARBARA  
COMMUNITY DEVELOPMENT DEPARTMENT

**Re: Fairview Ave Road Widening – Phase II, DART Initial Submittal**

Dear Jan:

As we have discussed, on behalf of The Towbes Group, I am seeking a Coastal Development Permit and need Staff Hearing Officer Review approval for our Fairview Ave Road Widening – Phase II project. The purpose of this project is to extend the storm drain from the new configuration on Fairview Ave between centerline STA 07+92 to STA 17+84 to San Pedro Creek. In an effort to save time, we have phased this project because phase two requires a Coastal Development Permit and this process takes longer than the permitting requirements for the rest of the project. The property owner of this parcel is the City of Santa Barbara Airport, but this project was conditioned by the City of Goleta as part of a condition of approval and Development Agreement for the Fairview Corporate Center, therefore the applicant for this project is The Towbes Group (the centerline of Fairview Ave is also the right-of-way line for the City of Goleta and the City of Santa Barbara).

I have been working with City of Santa Barbara staff (Laurie Owens – Airport and you in Planning) for help in coordinating this submittal and I have attached correspondence related to the requirements of hazardous materials information, preliminary title report, owner mailing labels and affidavit and staff hearing officer review versus planning commission review.

As noted above, we have separated the public improvements of this project into two phases. Phase one consists of all public street improvements including two storm drain connections to existing storm drains that terminate in San Pedro Creek. Phase two consists of replacing a 16" CMP with a 12" RCP extending to near the creek bank, constructing an outlet headwall back from the actual bank of the creek and placing protective, un-grouted rip-rap and restoring vegetation. The impact area for the pipe replacement is approximately 515 square feet, replacing 32 lineal feet of existing storm drain pipe and grading of 50 cubic yards cut and 15 cubic yards fill. Attached to this submittal are our drainage calculations which state that the 12" diameter RCP culvert has a full flow capacity of 4.5 cfs which is 2.5 times the Q<sub>25</sub> of 1.8 cfs.

Exhibit: D

January 18, 2008

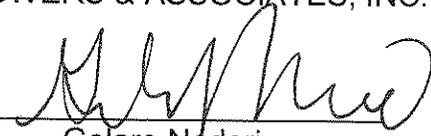
Also attached to this submittal is a Biological Assessment which outlines the vegetation being removed to be restored with native, locally obtained plant materials and the removal of one arroyo willow tree, to be replaced at a 3:1 ratio with new 1-gallon container-size tree saplings.

The contractor intends on starting the Fairview Ave Road Widening – Phase two project directly following the Phase One project. Phase two will take approximately one day of demolition, 2 days of grading and 2 weeks of construction activity. There will be approximately 3 to 5 workers using backhoes, excavator, compaction equipment, etc. (depending on the contractor's needs). The staging area will be in the parking lot of the Fairview Corporate Center across Fairview Avenue in the City of Goleta.

Please review our DART application and Coastal Development Permit application and let us know if you have any questions or comments. I look forward to working with you and getting this project approved.

Thank you.

Sincerely,  
FLOWERS & ASSOCIATES, INC.

By:   
Gelare Naderi  
Project Administrator

Enclosures:

10 sets of our "Fairview Ave Road Widening Plans" (folded to 8 ½" x 11")  
3 copies of the "Biological Assessment and Wetland Delineation" prepared by Watershed Environmental, Inc.  
3 copies of the Geotechnical Report prepared by Pacific Materials Laboratory  
Drainage Calculations prepared by Flowers & Associates, Inc.  
Master Application  
Staff Hearing Officer Submittal Cover Sheet  
Checks for Environmental Review, Coastal Development Permit review (minor) and mailing fee  
Applicant / Agent Authorization Form  
Coastal Development Permit Application  
Correspondence from Jan Hubbell and Laurie Owens  
Vicinity Map  
Photographs  
Engineer's Cost Estimate

**Gelare Naderi**

---

**From:** Owens, Laurie [LOWens@SantaBarbaraCA.gov]  
**Sent:** Monday, January 21, 2008 10:02 PM  
**To:** Hubbell, Jan; Gelare Naderi  
**Cc:** Bermond, Andrew  
**Subject:** RE: Fairview Ave - CDP

I want to clarify that there are no known hazmat issues at this site (I have confirmed it with Leif Reynolds), no title report is needed since it is City property and the planner (Andrew Bermond) already has the resident labels for the Airport as a whole (and the mailing label fee will cover generation of the most current property owner labels). If the mailing label fee is paid, no affidavit is required. So none of these items need to be included or addressed in the submittal. If there is any confusion, please call me.

Laurie Owens, AICP  
Airport Project Planner  
(805) 692-6023

**RECEIVED**  
JAN 22 2008

CITY OF SANTA BARBARA  
PLANNING DIVISION

---

**From:** Hubbell, Jan  
**Sent:** Sunday, January 20, 2008 11:10 AM  
**To:** 'Gelare Naderi'; Owens, Laurie  
**Subject:** RE: Fairview Ave - CDP

Of course. The case planner will most likely be Andrew Bermond (he's at the Airport with Laurie).

*Jan*

---

**From:** Gelare Naderi [mailto:gnaderi@flowersassoc.com]  
**Sent:** Friday, January 18, 2008 4:01 PM  
**To:** Hubbell, Jan; Owens, Laurie  
**Subject:** RE: Fairview Ave - CDP

Hi,

Can I please include our correspondence with my submittal application in order to have the planner up to speed on the haz mat requirements, staff hearing officer review, owner labels and affidavit and title report?

Thanks!

Sincerely,  
Gelare Naderi  
Project Administrator  
Flowers & Associates, Inc.

1/22/2008

**Gelare Naderi**


---

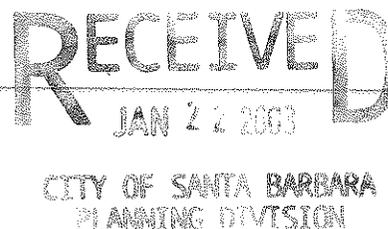
**From:** Hubbell, Jan [JHubbell@SantaBarbaraCA.gov]  
**Sent:** Tuesday, January 08, 2008 11:59 AM  
**To:** Gelare Naderi; Owens, Laurie  
**Subject:** RE: Fairview Ave - CDP

I believe this project is in an Appealable area, which sometimes requires approval by the Planning Commission. However, as I read the exceptions to PC review, this would go to the Staff hearing Officer. Does the Bio Report include a plan? If so, that should be sufficient. If not, there should be at least a conceptual plan. I strongly suspect that Public Works will want the hydrology calculations.

*Jan*

---

**From:** Gelare Naderi [mailto:gnaderi@flowersassoc.com]  
**Sent:** Friday, January 04, 2008 2:13 PM  
**To:** Owens, Laurie  
**Cc:** Hubbell, Jan  
**Subject:** RE: Fairview Ave - CDP



Thank you for your responses. A few more questions, if you don't mind...

1. Can we do a Staff Hearing Officer Review or does this project deem Planning Commission Review?
2. Do we need to submit a Landscape Plan? The Bio Report identifies the vegetation that will be replaced and a loss of one tree with a 3:1 replacement ratio. Will you require a Landscape Plan to go along with that?
3. Will you require hydrology calculations for the replacement of the existing storm drain?

I think that's it for my questions. Thanks again for all your help! I just want to make sure everything is complete before I submit.

Sincerely,  
 Gelare Naderi  
 Project Administrator  
 Flowers & Associates, Inc.  
 201 North Calle Cesar Chavez, Suite 100  
 Santa Barbara, CA 93103  
 (805) 966-2224 p  
 (805) 965-3372 f

---

**From:** Owens, Laurie [mailto:LOWens@SantaBarbaraCA.gov]  
**Sent:** Friday, January 04, 2008 12:12 PM  
**To:** Gelare Naderi  
**Subject:** RE: Fairview Ave - CDP

My time is pretty limited next week as I am going to be out of town Thursday and Friday and out of the office at meetings Tuesday and Wednesday but I can address most of these issues now.

There have been Haz Mat issues in San Pedro Creek due to dumping into storm drains - I will check with Leif Reynolds if any of these have been affected storm drains. One I know has been remediated and the other is being worked on and I'll find out which one. You don't need it for submittal, we'll deal with it and let you know

1/22/2008

Robert T. Flowers  
RCE 16324  
Stephen G. Flowers  
RCE 26192  
Vernon E. Williams  
RCE 33690  
Eric L. Flavell  
RCE 33000

**FLOWERS & ASSOCIATES, INC.**  
C I V I L E N G I N E E R S

201 NORTH CALLE CESAR CHAVEZ, SUITE 100, SANTA BARBARA, CA 93103

PHONE: 805.966.2224 • FAX: 805.965.3372

www.flowersassoc.com

W.O. 0739

September 10, 2007

Mr. Owen Thomas  
Supervising Engineer  
Santa Barbara Municipal Airport  
601 Firestone Road  
Santa Barbara, CA 93117

**Re: Replacement of Storm Drain Culverts – Fairview Avenue**

Dear Owen:

As we discussed, our office is preparing plans for widening and street frontage improvements to the easterly side of Fairview Avenue for the Fairview Corporate Center, City of Goleta. The existing culverts are substandard from the standpoint of materials, depth of cover and proper slope. We have met with Steve Wagner, City Community Development Director and have devised a plan to separate the Fairview Avenue improvements to occur in two phases. The first phase will include all above ground improvements to Fairview Avenue as well as the drainage improvements to an area just west of the existing edge of pavement at Fairview Avenue. The second phase of construction will provide for replacement of the culverts in the paved area of Fairview with extensions to the easterly bank of San Jose Creek. This plan allows for the street improvements to proceed upon plan approval and encroachment permit issuance which satisfies the time constraints imposed on the project and yet allows time for the application for and acquisition of a Coastal Development Permit for the creek area work.

Please find plots of the overall Fairview Corporate Center site, the in-progress plan for Fairview Avenue, and the in-progress plan for the culvert installation. As we discussed, please review this preliminary submittal and provide comment or questions.

Thanks again.

Best Regards,  
FLOWERS & ASSOCIATES, INC.

By: 

Robert T. Flowers, P.E.

Encl.

RTF/rs

CC: Craig Minus w/out attachments  
Laurie Owens w/ attachments  
Steve Wagner w/attachments  
Marti Schultz w/attachments

## RELEVANT POLICIES

### Environmental Review

#### *California Environmental Quality Act of 1970*

#### **15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.
- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
- (f) When a non-elected official or decision making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decisionmaking body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

### Cultural Resources

#### *Airport Industrial Area Specific Plan*

**Policy CR2:** The potential for archaeological resources shall be examined prior to applying for development review for new construction in accordance with the MEA Cultural Resources Section and the Phase 1 Archaeological Resources Study prepared for the Airport.

#### *Local Coastal Program*

**Policy F-3:** New development shall protect and preserve archaeological or other culturally sensitive resources from destruction, and shall minimize and, where feasible, avoid impacts to such resources. "Archaeological or other culturally sensitive resources" include human remains, and archaeological, paleontological, or historic resources.

## **EXHIBIT E**

- Coastal Development Permits for new development within or adjacent to archaeologically or other culturally sensitive resources shall be conditioned upon the implementation of appropriate mitigation measures to minimize and, where feasible, avoid impacts to such resources.
- New development on or adjacent to sites with archaeologically or other culturally sensitive resources shall include on-site monitoring by a qualified archaeologist/s and appropriate Native American consultant/s of all grading, excavation, and site preparation that involve earth-moving operations.

### Biological Resources

#### *California Coastal Act of 1976*

**30240.** (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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

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

**30236.** Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

#### *Local Coastal Program*

**Policy C-12:** New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

- Protect areas that provide important water quality benefits, that are necessary to maintain riparian and aquatic biota and/or that are particularly susceptible to erosion and sediment loss.
- Limit increases of impervious surfaces.
- Limit disturbance of natural drainage features and vegetation.
- Minimize, to the maximum extent feasible, the introduction of pollutants that may result in significant impacts from site runoff from impervious areas. New development shall incorporate Best Management Practices (BMPs) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.

Development

*Zoning Ordinance:*

**COASTAL DEVELOPMENT PERMIT**

**28.44.060**      *Permit Required.*

In addition to any other permits or approvals required by the City, a coastal development permit shall be required prior to commencement of any development in the coastal zone of the City, unless the development involves emergency work subject to the provisions of Section 28.44.100 or the development is subject to one of the exclusions or exemptions specified in Section 28.44.070. (Ord. 5417, 2007.)

**AVIATION FACILITIES ZONE (A-F)**

**29.15.005**      *Legislative Intent.*

It is the intent of this zone classification to establish an area in the immediate vicinity of the flight facilities at the Airport for aircraft and airport related uses and activities and to exclude from this area activities that do not use the flight facilities as an integral and necessary part of their function. (Ord. 3690, 1974.)

**29.15.030**      *Uses Permitted.*

The following uses are expressly permitted in the A-F Zone:

- A. Aircraft chartering and leasing.
- B. Aircraft parking, tie-down and aircraft hangars and shelters.
- C. Aircraft rescue and firefighting station.
- D. Aircraft sales, manufacture, service and related administrative offices.
- E. Air freight terminal.
- F. Auto rentals.
- G. Aviation equipment and accessories sales and/or repair.
- H. Aviation storage.
- I. Executive/General aviation terminal facilities with related offices and food service uses.
- J. Federal Aviation Administration flight service facilities.
- K. Fixed base operations.
- L. Flying schools.
- M. Fly-in offices.
- N. Fueling facilities.
- O. Museums and other cultural displays relating to aviation.
- P. Passenger terminals with accessory uses such as restaurants and gift shops.
- Q. Private parking lot, subject to the issuance of a Conditional Use Permit under Chapter 29.92 of this Title.
- R. Public parking facilities.
- S. Other aviation-related uses determined to be appropriate by the Planning Commission.
- T. Non-aviation related uses consistent with the applicable regulations of the Federal Aviation Administration and determined to not be in conflict with the use of the adjacent Airport buildings as may be determined by the Community Development Director and the Airport Director. (Ord. 5025, 1997; Ord. 3965, 1978; Ord. 3690, 1974.)