



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 24, 2014
AGENDA DATE: October 1, 2014
PROJECT ADDRESS: 1135 San Pascual Street (MST2013-00377)

TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Renee Brooke, AICP, Senior Planner *ALD for RLB*
 Allison De Busk, Project Planner *ALD*

I. PROJECT DESCRIPTION

The proposed project is a four-unit condominium development on an 11,250 square foot lot located at the southwest corner of West Anapamu and San Pascual Streets. The project site is currently developed with a single-family residence and detached garage. Proposed construction includes a new two-story building containing three 1,294 square foot, three-bedroom residential units, each with an attached one-car garage. The existing one-story 1,152 square foot, two-bedroom residence and 385 square foot garage would remain and are proposed to be rehabilitated, and a 300 square foot bedroom addition is proposed for the residence. Driveway access to the garages would be on W. Anapamu Street via three curb cuts (one existing and two new). The project site is adjacent to Old Mission Creek, and the project includes a Habitat Restoration and Enhancement Plan.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Modification to allow the side yard deck (which is greater than ten inches above grade) to encroach into the required 6-foot interior setback (SBMC §28.87.062 and 28.92.026.A); and
- B. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential condominium units (SBMC Chapters 27.07 and 27.13).

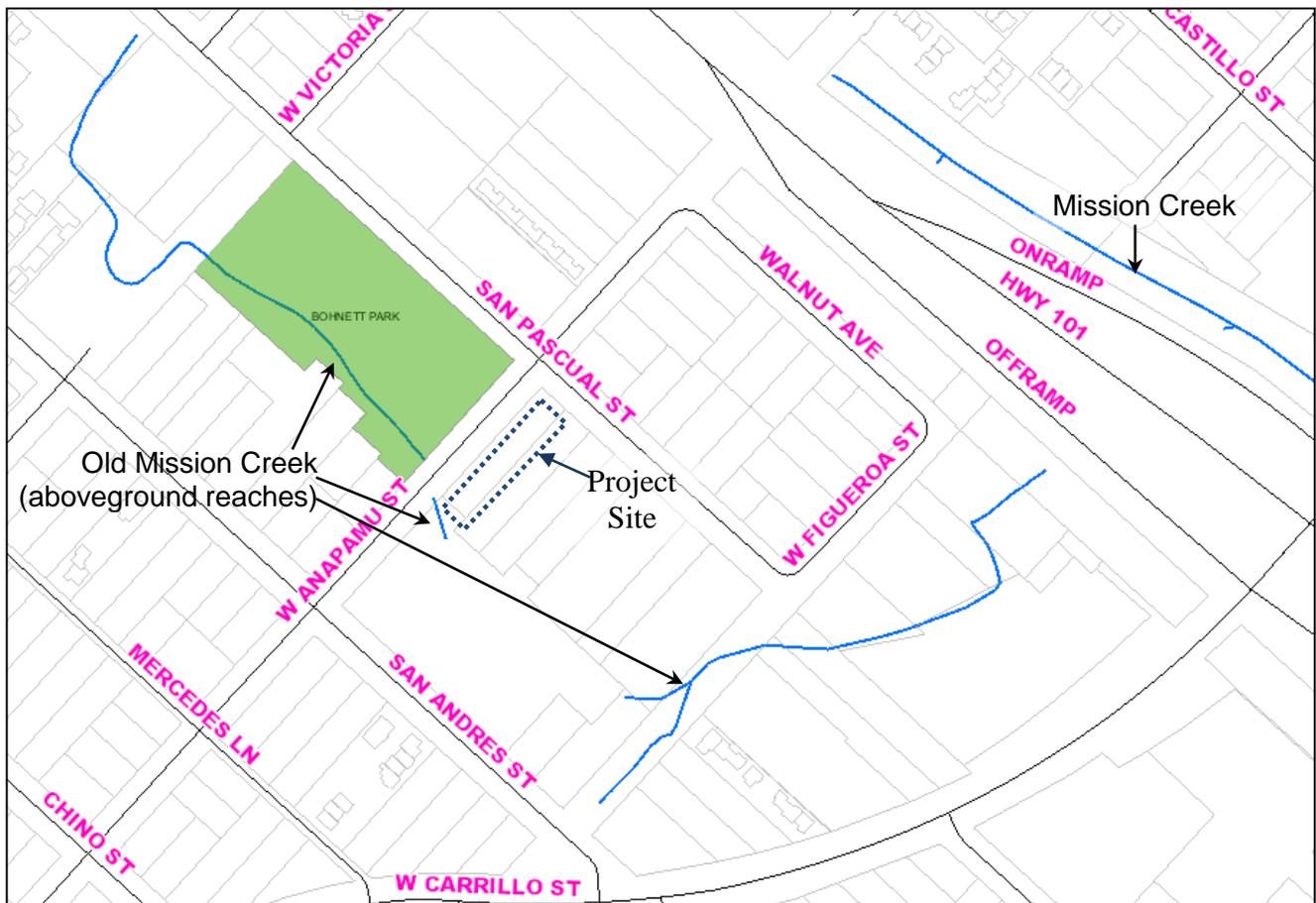
APPLICATION DEEMED COMPLETE: August 28, 2014

DATE ACTION REQUIRED PER MAP ACT: October 17, 2014

III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Staff finds that this is an appropriate location for infill housing. Although there are general benefits gained by a larger creek

location for infill housing. Although there are general benefits gained by a larger creek setback, a larger setback would likely reduce the number of units that could be provided on the site, or would require demolition of the existing residence, a three-story structure and/or removal of existing oak trees. Staff finds that the proposed 25-foot creek setback strikes a reasonable balance between creek protection, infill housing and neighborhood compatibility. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map – 1135 San Pascual Street

IV. BACKGROUND / ISSUES

There are several site constraints that should be considered as part of any development of the subject parcel:

1. Old Mission Creek runs adjacent to the western property line; the eastern bank is on the subject parcel.
2. The site is a narrow (50 feet in width) corner lot with two street frontages and, therefore, has two front setbacks.

3. The project site has been identified as having low levels of soil contamination (lead and hydrocarbons).
4. Several existing oak trees are on site, which are desirable to retain.
5. Although not deemed historic,¹ the existing residence is a good representation of the original development pattern of the neighborhood, and its retention is desirable.

This project was conceptually reviewed by the Staff Hearing Officer and Planning Commission at a joint meeting on May 28, 2014. The primary areas of discussion during that meeting included the setback from Old Mission Creek, the requested interior setback modification, and circulation (vehicles backing out onto the street). These three topics remain as important issues relative to the proposed development and they are addressed within this staff report.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Rich Ridgeway		
Property Owner:	1135 San Pascual, LLC		
Site Information			
Parcel Number:	039-201-003	Lot Area:	11,250 square feet (net and gross)
General Plan:	Medium High Density Residential	Zoning:	R-3 (Limited Multiple-Family Residence)
Existing Use:	single-family residence	Topography:	2% (excluding creek bank)
Adjacent Land Uses			
North – W. Anapamu St., Boys and Girls Club and Bohnett Park		East - Residential	
South – Residential		West – Old Mission Creek and Residential	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,152 square feet	1,294 square feet (Unit 1) 1,294 square feet (Unit 2) 1,294 square feet (Unit 3) <u>1,452 square feet (Unit 4)</u> 5,334 square feet
Garage	385 square feet	296 square feet (Unit 1) 296 square feet (Unit 2) 296 square feet (Unit 3) <u>385 square feet (Unit 4)</u>

¹ Per City’s Urban Historian: The Craftsman bungalow was constructed prior to 1928. The building still has most of its original windows, siding and features so that it retains a high amount of integrity, but does not rise to the level of being individually eligible as a Structure of Merit. There are two other craftsman bungalows on W. Anapamu St.; however, most of the surrounding context has been altered so that the building could not contribute to a historic district. Therefore, the property is not a historic resource.

		1,273 square feet
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VI. ORDINANCE AND POLICY CONSISTENCY

A. ZONING ORDINANCE CONSISTENCY

The subject property is zoned R-3 (Multiple Family Residential), which provides two residential density options for development depending on the number of units proposed: 1) the Average Unit-size Density Incentive Program (AUD), or 2) base density. The proposed four-unit project is using the AUD Program. With a maximum density of 27 dwelling units per acre, use of the AUD program would allow up to six units on this parcel (with a maximum average size of 905 square feet). To provide four units, the maximum average unit size shall not exceed 1,360 square feet. On the project site, AUD provides incentives such as reduced parking (one space per unit), reduced setbacks for third floors, and allowance for a four-story building.

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10'	13' (San Pascual) 0' (Anapamu, garage)	No change to existing, 10' (Anapamu, new)
-Interior	6'	8'	No change to existing, 6' (to new triplex), 0' to new raised deck*
-Rear	6' (1 st floor) 10' (2 nd floor)	144'	36' (1 st and 2 nd floors)
Distance Between Buildings	10' (main bldgs) 5' (any bldg)	11'	15' (main bldgs) 5' (house to garage)
Building Height	45', 4 stories	17'-6", one-story	No change to existing 25'-6" new triplex, two-stories
Vehicle Parking	1 space / unit	1 space (garage)	4 spaces (garages)
Bicycle Parking	1 space / unit	N/A	4 spaces (in garages)
Maximum Average Unit Size	1,360 net sf	N/A	1,221 net sf
Density	15-27 du/acre	4 du/ac (1 unit)	16 du/ac (4 units)
Outdoor Living Space	15% of net lot area (1,688 sf)	56.7% (6,380 sf)	16.8% (1,900 sf)
Lot Coverage			
-Building	N/A	1,510 sf 13%	4,450 sf 39.5%

-Paving/Driveway	N/A	20 sf	1%	1,630 sf	14.5%
-Landscaping	N/A	9,720 sf	86%	5,170 sf	46.0%

*Modification requested

With the approval of the Modification described below, the project would meet the requirements of the Zoning Ordinance.

1. INTERIOR SETBACK MODIFICATION

The project is requesting an interior setback modification because the proposed wood deck located behind Units 1 and 2 would be 12-24 inches in height above existing grade. The deck is being proposed at this height due to the slope of the property and the grade change to the adjacent property to the south, to preserve the existing oak trees by minimizing grading, to prevent direct contact with the soil², and to line up with the elevation of the foundation proposed for the residences. Only decks ten inches or less in height can encroach into required setbacks per SBMC §28.87.062.B.1.

At the joint concept hearing, there was skepticism about the need for this deck, and comments were made that it could not be supported as proposed. In order to make the deck more useful and integral to the project, the applicant modified the floor plans to include direct access to the deck from Units 1 and 2 through their respective kitchens, as well as through their garages.

Given the topography of the site and the desire to protect the existing oaks, staff is supportive of this setback modification request. Given the slightly elevated grade of the adjacent parcel to the south, the height of the deck should not adversely affect the neighbor.

2. MISSION CREEK SETBACK (SBMC §28.87.250)

More than 50 years ago, Mission Creek was routed to the east side of Highway 101, and the channel that remained became known as Old Mission Creek. The watercourse of Old Mission Creek currently serves significantly less drainage area than it did prior to the realignment of Mission Creek, and receives greatly reduced flows. However, Old Mission Creek is subject to the Mission Creek setback identified in SBMC §28.87.250, which was developed to address impacts associated with flooding. The required setback is a minimum of 25 feet from the calculated top of bank. The applicant has submitted calculations identifying this top of bank, and the proposed development would exceed the code-required 25 feet from the calculated top of bank; the proposed setback is a minimum of 36 feet from the calculated top of bank.

However, for the subject parcel, the physical top of bank (as opposed to the calculated top of bank) serves as a more appropriate starting point for establishing the creek setback for biologic and water quality purposes. The proposed development would be set back 25 feet from the physical top of bank. Although the Creeks Division continues to recommend a 50-foot setback from the physical top of bank, at the joint concept hearing, the Planning Commission and Staff Hearing Officer expressed support for the

² In response to the soil contamination on site.

proposed 25-foot setback. See discussion under General Plan Consistency for additional analysis of the creek setback.

Additionally, with regard to flood hazards, the Applicant has worked with the Public Works Department to calculate the 25- and 100-year storm flows for the existing condition and the proposed development, per the City's subdivision Ordinance (SBMC Title 27). The City requires that storm drain design is based on a 25-year storm event and that the 100-year storm is able to pass overland through the site without impact to adjacent private properties. Additional information has been provided to show that the project would not impact adjacent properties related to flooding.

3. **PARKING ORDINANCE**

The City's Parking Design Standards (SBMC §28.90.045) state that backing out of a parking space onto a public street is only permitted for a one-family or two-family dwelling where not more than four parking spaces are provided. In this case, the new triplex is proposing parking for all three units that requires backing out onto the street from their respective one-car garages. A total of four parking spaces would require vehicles to back out onto W. Anapamu Street (via three curb cuts). The Public Works Director can approve a variation of this standard through a waiver. The Transportation Division has reviewed the proposal and is supportive of a waiver in this case due to the available sight lines and existing traffic patterns.

B. SUBDIVISION ORDINANCE CONSISTENCY

The Subdivision Ordinance provides physical development standards required for new condominium projects (SBMC Chapter 27.13). The standards include parking, private storage space, utility metering, laundry facilities, unit size and outdoor living space. The project is designed to meet all applicable standards and the conditions of approval include proper allocation of parking spaces, a prohibition on storage of recreational vehicles, and a waiver of a right to protest the formation of public improvement districts as required by the condominium ordinance.

Street Lighting

Typical street improvement standards for new subdivisions include removing old light fixtures from existing Edison poles, and installing new light poles with decorative City standard street light fixtures. For this subdivision, there are two cobra head style street lights on existing Edison wood poles along Anapamu Street that would be removed from the existing wood poles, and two new City standard street lights would be installed along the property frontage. The applicant is proposing to keep the existing street lighting and use the money that would have been spent on replacing the street lights toward potential lighting improvements at the Boys & Girls Club across Anapamu Street. The Boys & Girls Club building is a City-owned building on park land, leased to the Boys & Girls Club. At the joint concept hearing, decision-makers seemed generally supportive of the idea initiated by the Applicant, in part because of the visual clutter that two new City standard street light poles would add along the subject property's Anapamu Street frontage, and also because lighting at the Boys & Girls Club could improve safety in the neighborhood.

City staff appreciates the creativity of the applicant's proposed off-site improvements, and is generally supportive of providing the most effective and appropriate street lighting for the neighborhood. However, the Public Works Department does not support the applicant's request for the following reasons:

- The standard replacement condition follows the Outdoor Lighting and Streetlight Design Guidelines and City practice to install two City street lights that have been fully designed to provide adequate vehicular and pedestrian lighting. The new City standard street light is designed to cast light downward and onto the street and the sidewalk.
- The City has an interest in keeping street lighting fairly standard and uniform in design and placement.
- City-standard lights provide consistency in terms of maintenance and ownership within the right-of-way.
- There are no lighting projects currently identified for this neighborhood to which the applicant could readily contribute. This means that a new project would need to be planned and designed by City staff.
- The Boys & Girls Club is a tenant of the building, not the owner.

Therefore, staff has included a draft condition of approval that leaves the placement of the new street lights to the discretion of the City Engineer based on the location of adjacent lights. This means that a light could be installed within the right-of-way across Anapamu Street, in front of the Boys & Girls Club, if that makes more sense considering the overall existing street light locations.

Staff estimates that the streetlight replacement cost would be approximately \$30,000.00. Although staff does not recommend forgoing the City standards and providing the savings to make improvements to the Boys & Girls Club, if decision-makers prefer that the lights be placed within the Bohnett Park property, rather than in the right-of-way, these funds could be given to the City Parks Department for lighting improvements at Bohnett Park. Because there are no current plans for lighting improvements for the building or the Park, this would require design and planning by the Parks Department, who may not have staff available to work on such a project.

C. GENERAL PLAN CONSISTENCY

The project site is located in the Westside neighborhood. The Westside is bounded on the north and east by Highway 101, on the south by Carrillo Street and the base of the Mesa Hills, and on the west by the base of the hills containing Bel Air Knolls. The Westside neighborhood is developed with a mix of single family, duplex, and multi-family units. As described in the General Plan, the area between Highway 101 and San Andres Street, including the subject parcel, has the highest density with a Medium High Density General Plan designation and R-3 zoning. The subject parcel is located across Anapamu Street from Bohnett Park and the Westside Boys and Girls Club.

Exhibit D includes a list of relevant, applicable General Plan policies. The pertinent policies are summarized below.

1. LAND USE ELEMENT

The Land Use Element calls for enhancement of community character and includes a possible implementation action to ensure that proposed buildings are compatible with the surrounding built environment by considering the context of the proposed structure in relation to surrounding uses and parcels along the entire block and ensuring the proposed development will not eliminate preservation of key visual assets of the block, including important views of specimen trees and other important visual resources.

The neighborhood immediately surrounding the project site has several large multi-family buildings, including the building to the west (opposite side of the creek), the northeast corner of San Pascual and Anapamu Streets and the south end of San Pascual Street. The proposed new building received very favorable comments from the Architectural Board of Review and was found to be compatible with the surrounding neighborhood and provides design elements and detailing consistent with the existing residence (to remain) and the City's design guidelines.

2. HOUSING ELEMENT

As identified in the Land Use Element of the General Plan, one of the main goals of the 2011 General Plan Update was to encourage smaller rental and workforce housing units close to transit, and within easy walking or biking distance to commercial services and recreational opportunities. This was implemented through adoption of the Average Unit-Size Density (AUD) Incentive Program. The City's Housing Element also includes policies that encourage housing on infill sites.

The proposed units are being developed under the AUD Program. Although the proposed units are being developed as condominiums rather than rental units, the project site is an infill lot located close to commercial and recreational opportunities, and transit. In addition, the applicant would be required to pay an in-lieu fee to the City's Affordable Housing Inclusionary Fund pursuant to the City's Inclusionary Housing Ordinance (SBMC §28.43.070).

3. ENVIRONMENTAL RESOURCES ELEMENT

The Environmental Resources Element provides policies for protection and restoration of creeks and their riparian corridors to improve biological values, water quality, open space and flood control in conjunction with climate change adaptation. It includes implementation actions that call for setbacks of greater than 25 feet from top of bank for new structures adjacent to creeks and consideration of the Santa Barbara County Flood Control District's general recommendation of setbacks for new development of 50 feet from the top of natural creek banks. For new development closer than 50 feet to the top of bank, it calls for creek bank stabilization through planting of native trees and shrubs on and above creek banks. It also calls for siting new development outside riparian woodlands and conditions of approval for habitat restoration of native oak woodlands.

Staff generally discourages reducing existing building setbacks along creeks where reasonable. The existing single family house and garage is set back approximately 130 feet from the top of bank, and the existing creek setback area is landscaped primarily with non-native vegetation. Buildings along Old Mission Creek have varying setbacks with some

less than 25 feet (approximately 21%), some between 25-50 feet (approximately 22%), and most (approximately 57%) more than 50 feet.

In balancing the General Plan policies for creek protection and enhancement with providing additional infill housing with modest amenities (garages, separate entries) within a two-story structure, staff supports the project with the proposed 25-foot creek setback (as measured from physical top of bank) with the habitat restoration and enhancement plan proposed by the Applicant. If the proposed development were to be set back 50 feet from the top of bank, it would result in the loss of a housing unit, or possibly the addition of a third story or demolition of the existing residence in order to retain a four-unit development.

The applicant provided a report concluding that the project, as proposed, would not result in any significant, adverse impact to biological resources. The Applicant has proposed habitat restoration/enhancement as part of the development of the site (Exhibit F – Riparian Habitat Restoration/Enhancement Plan). This restoration would include removal of non-native vegetation (including four eucalyptus trees) and trash, planting new native trees and vegetation on the creek bank and in the setback area, and maintaining these improvements (refer to Exhibit G – Amendment to Riparian Habitat Restoration/Enhancement Plan), which would enhance the quality of the riparian habitat.

The project also proposes to retain the five existing oak trees on site, as well as two acacia trees, consistent with City policies to protect and retain existing trees.

With regard to storm water management, the project qualifies as a Tier 2 project because there is less than 4,000 square feet of new/redeveloped impermeable area (because the new driveway is proposed to be permeable).

VII. ENVIRONMENTAL REVIEW

This four unit project is within the scope of buildout of the 2011 General Plan and the associated Program EIR. The project is consistent with the residential density designated and analyzed in the Program EIR, and potential adverse, significant project-specific environmental effects are addressed with existing development standards and regulations.

Staff has reviewed the following technical reports in support of this exemption:

- Riparian Habitat Restoration/Enhancement Plan prepared by Watershed Environmental, Inc. and dated May 9, 2014
- Amendment to the Riparian Habitat Restoration and Enhancement Plan prepared by Watershed Environmental, Inc. and dated July 28, 2014
- Screening Level Analysis for Fault Surface Deformation Hazard prepared by Earth Systems Pacific and dated November 27, 2013 (Revised December 5, 2013)
- Soils Engineering Report prepared by Earth Systems Pacific and dated January 15, 2014
- Corrective Action Plan prepared by Rincon and dated January 24, 2014
- Letter from Santa Barbara County Public Health Department dated February 18, 2014 conditionally approving the Corrective Action Plan dated January 24, 2014
- Preliminary Drainage Analysis prepared by Flowers & Associates, Inc. and dated December 13, 2013

- Arborist Report prepared by Quality Tree Care and dated September 9, 2013

Based on City staff analysis, no further environmental document is required for this project pursuant to the California Environmental Quality Act (Public Resources Code §21083.3 and Code of Regulations §15183- Projects Consistent with the General Plan) and the CEQA Certificate of Determination (Exhibit I). The City Council environmental findings adopted for the 2011 General Plan apply to this project. A Staff Hearing Officer finding that the project qualifies for the §15183 CEQA determination is required.

VIII. DESIGN REVIEW

This project was reviewed by the Architectural Board of Review (ABR) on April 28, 2014 (meeting minutes are attached as Exhibit E). The ABR had very favorable comments about the project design and size and stated that the requested interior setback modification would have no adverse visual impacts.

IX. FINDINGS

The Staff Hearing Officer finds the following:

A. ENVIRONMENTAL REVIEW

The project has been found to be consistent with the General Plan. Therefore, the project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on the City staff analysis and the CEQA Certificate of Determination on file for this project.

B. INTERIOR SETBACK MODIFICATION

The Interior Setback Modification for the deck to encroach into the six-foot interior setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed deck serves as an outdoor living space for residents of the development, provides a barrier between residents and the contaminated soil below, and is designed to protect the existing oak trees. Given that the deck is less than 24 inches above existing grade, and the grade of the adjacent property to the south is higher than the subject property, the deck is not anticipated to adversely impact the adjacent neighbor to the south.

C. THE TENTATIVE MAP (SBMC §27.07.100)

As described in Section VI of the Staff Report, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara because it provides for four condominium units, creek restoration, and an adequate setback from the top of bank of Old Mission Creek. The site is physically suitable for the proposed development because sufficient lot area is available away from the creek for the proposed development. The project is consistent with the Average Unit-Size Density provisions of the Municipal Code and the General Plan because the average units size is less than 1,360 square feet, and the proposed use is consistent with the vision for this neighborhood of the General Plan because it provides multi-family units at a density of approximately 16 units per acre in the Medium-High density (15–27 units/acre) residential area. The design of the project will not cause substantial environmental damage because the project is required to include construction and post-construction storm water management best management practices, habitat restoration and monitoring, and associated improvements will not cause serious public health problems.

D. NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance, as described in Section VI.B of the Staff Report.
2. The project complies with density requirements, and each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space, as described in Section VI of the Staff Report.
3. The proposed development is consistent with the General Plan of the city of Santa Barbara because it provides three net new residential units, an adequate creek setback, and creek restoration, as described in Section VI of the Staff Report.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Environmental Resources Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood, with measures to protect and restore the riparian corridor, consistent with City policies, as described in Section VI.C of the Staff Report.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources because an appropriate creek setback is provided, adequate parking is provided, and the two-story development is compatible with surrounding development, as described in Section VI of the Staff Report.
6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts because, once the minimal number of new trips (AM and PM peak hour) are added to the street network, there will not be an impact at any of the City's identified year 2030 impacted intersections. The design has been reviewed by the

City's Architectural Board of Review, which found the architecture and site design appropriate, as described in Section VIII of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated September 5, 2014
- D. Joint Planning Commission/Staff Hearing Officer Minutes dated May 28, 2014
- E. ABR Minutes dated April 28, 2014
- F. Riparian Habitat Restoration/Enhancement Plan prepared by Watershed Environmental, Inc. and dated May 9, 2014
- G. Amendment to the Riparian Habitat Restoration and Enhancement Plan prepared by Watershed Environmental, Inc. and dated July 28, 2014
- H. Applicable General Plan Policies
- I. Certificate of Determination

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

1135 SAN PASCUAL STREET
TENTATIVE SUBDIVISION MAP, INTERIOR SETBACK MODIFICATION
OCTOBER 1, 2014

- I. In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Obtain all required design review approvals.
 2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 3. Submit an application for and obtain City Council approval of the Parcel Map and Agreement(s) and record said documents.
 4. Permits following recordation of Parcel Map (details on implementation of these steps are provided throughout the conditions of approval):
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.
- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on October 1, 2014 is limited to a four (4) unit residential condominium project comprised of the existing one-story 1,152 square foot unit with a 300 square foot addition and its existing one-car garage and three new two-story units of 1,294 square feet each, each with an attached one-car garage, and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. The project includes a Habitat Restoration and Enhancement Plan for the area adjacent to Old Mission Creek.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Tree Protection.** The five existing oak trees and two acacia trees shown on the Tentative Subdivision Map shall be preserved, protected, and maintained. The following provisions shall apply to any oak trees to remain on the property:
 - a. No irrigation systems shall be installed within three feet of the drip line of any oak tree.
 - b. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the Habitat Restoration/Enhancement Area (as shown on the Landscape Plan), which drains directly into Old Mission Creek.
7. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

- c. **Parking Space Assignment.** Parking spaces within the project shall be allocated to each condominium unit in accordance with SBMC §28.90.100.G.3.e.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - f. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.
 - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
- 1. **Agreement to Secure Public Improvements.** The Owner shall either 1) complete public improvements, as required by these conditions of approval, prior to recordation of the one lot subdivision map for condominium purposes, or 2) enter into an *Agreement for Land Development Improvements*, that is prepared by the Engineering Division and subject to review by the City Attorney, and provide security acceptable to the City per the Santa Barbara Municipal Code.
 - 2. **Dedication(s).** Easements, as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - a. The subdivision map shall, as required by the City Engineer, dedicate land at the corner of West Anapamu Street and San Pascual Street for the future installation of Dual Directional or Diagonal Access Ramp per Public Works Construction Standard Details.

3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project, concurrently with the Parcel Map.
5. **Drainage and Water Quality.** The project is required to comply with Tier 2 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project.
6. **Public Improvements.** The Owner shall submit C-1 public improvement or Public Works plans for construction of improvements. Plans shall be submitted separately from plans submitted for a Building Permit, and shall be prepared by a licensed civil engineer registered in the State of California. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards:
 - a. Streets – The Owner shall:
 - Retire the two existing Edison cobra head street lights on wood poles at the property frontage along Anapamu Street and replace with two new Edison street lights per City Standard Type B-08. One light shall be located at or near the intersection of San Pascual and W. Anapamu Streets with a 150 Watt lamp and the other shall be a mid block 70 Watt lamp located as approved by the City Engineer based on the location of adjacent street lights.
 - Install new residential City standard driveways in substantial conformance to those shown on the approved tentative map;
 - Install new street trees of size, type and species per the direction of the City Arborist as follows: two new street trees (*Acacia melanoxydon*) on W. Anapamu Street; new tree(s) on San Pascual only if, prior to approval of the public improvement plans, the species is changed (from *Platanus acerifolia*) to a tree that requires less parkway space; and
 - Install new curb and gutter per City standard along the entire frontage of San Pascual Street.

- b. Water – The Owner shall:
 - Install new water meters and box per current City standard for all new and existing residential units; and
 - Install new fire line for fire sprinkler purposes in substantial conformance with that shown on the approved tentative map. The fire line shall include a backflow prevention device located onsite.
- c. Storm Drain
 - Private storm drain laterals shall include a junction box at property line prior to private lateral termination at face of curb.

D. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant project design approval until the following Staff Hearing Officer land use conditions have been satisfied.

1. **Tree Removal and Replacement.** All trees removed, except oak trees, fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved Tentative Subdivision Map shall be preserved, protected, and maintained, in accordance with any related Conditions of Approval.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the ABR.
 - c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site:
 - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree.
 - (2) Any oak trees greater than four inches (4") in diameter at four feet (4') above grade that are removed as a result of the project shall be replaced at a three to one (3:1) ratio, at a minimum five (5) gallon size, from South Coastal Santa Barbara County Stock.
 - (3) No storage of heavy equipment or materials shall take place within five (5) feet of the dripline of any oak tree.
 - (4) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1)

ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.

d. **During Construction.**

- (1) A qualified Arborist shall be present during any excavation beneath the dripline(s) of the tree(s) which are required to be protected. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools.
- (2) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
- (3) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- (4) No heavy equipment, storage of materials or parking shall take place under the dripline of the tree(s).
- (5) All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline, or as far as physically possible away from the tree trunk, for protection.

3. **Riparian Habitat Restoration and Enhancement Plan.** The Riparian Habitat Restoration and Enhancement Plan shall be prepared by a City-approved biologist and the species, spacing and sizes of plants shall be reviewed and approved by the ABR.

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

5. **Location of Dry Utilities.** Dry utilities (e.g. above-ground cabinets) shall be placed on private property unless deemed infeasible for engineering reasons. If dry utilities must be placed in the public right-of-way, they shall be painted “Malaga Green,” and if feasible, they shall be screened as approved by ABR.

E. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any Permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.

1. **Public Works Department.**

- a. **Approved Public Improvement Plans.** Public Improvement Plans as identified in condition C.8 “Public Improvements” shall be submitted to the Public Works Department for review and approval. Upon acceptance of conceptual public improvement plans, a Building permit may be issued if

the Owner has bonded for public improvements and executed the *Agreement for Land Development Improvements*.

- b. **Grading & Drainage.**
 - (1) Grading plan shall be designed and stamped by a licensed engineer and shall incorporate all the recommendations of the soils report.
 - (2) The proposed grading plan shall be certified as reviewed and conforming to the recommendations of the soils report and any addendums by the soils engineer.
 - (3) The grading plan record drawings shall be certified by the soils engineer. The certification shall state that the work was completed in accordance with all the recommendation of the soils report and any addendums and that certification is based on field inspections.
 - (4) The grading plan design and drainage design shall not provide for any un-drained surfaces or increase flows and/or changes in flow direction toward southerly existing residence.
 - (5) The grading design and construction of this project in the area of 100 year flood inundation shall be completed such that there is no gross fill of the area of inundation within this property. This shall be verified by note on the record drawings.
 - c. **Haul Routes Require Separate Permit.** Apply for a Public Works Permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site.
 - d. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
2. **Community Development Department.**
- a. **Recordation of Parcel Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation of the map and agreements to the Community Development Department prior to issuance of building permits.
 - b. **Arborist Report.** Submit an Arborist Report that provides recommendations addressing the removal of the four eucalyptus trees on the property within the creek setback area to ensure that removal of the trees does not jeopardize the structural integrity of the remaining trees on the adjacent parcel. If the Report concludes that it is possible to remove the trees without damaging trees on the adjacent parcel, then the trees must be removed. If the Report concludes that removal will negatively affect the trees on the adjacent parcel, then those trees do not need to be removed.

The City’s Environmental Analyst reserves the right to require a peer review of the Arborist Report.

- c. **Arborist Contract for Monitoring.** A contract with an Arborist for monitoring during construction activities, to ensure the health of all trees to be preserved and to ensure compliance with required conditions of approval related to preservation of the trees, shall be submitted to staff for review and approval.
- d. **Biological Monitoring Contract.** Submit a contract with a qualified biologist acceptable to the City for on-going monitoring of the project (following issuance of a certificate of occupancy) in accordance with the Monitoring Plan (Amendment to 1135 San Pascual Riparian Habitat Restoration and Enhancement Plan) prepared by Watershed Environmental and dated July 28, 2014.
- e. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89), including displacement assistance and right of first refusal.
- f. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section D “Design Review,” and all elements/specifications shall be implemented on-site.
- g. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the 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 Owner		Date
_____	_____	_____
Contractor	Date	License No.
_____	_____	_____
Architect	Date	License No.
_____	_____	_____
Engineer	Date	License No.

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

1. **Construction Contact Sign.** Immediately after Building Permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone.

2. **Construction Hours.** Construction (including preparation for construction work) shall only be permitted Monday through Friday excluding the following holidays:

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

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

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

3. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Transportation Engineer with a Public Works permit.

4. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the

nest(s). Removal or trimming may only occur after the young have fledged from the nets(s).

5. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 - g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
 - h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles.

For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.

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

6. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

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

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

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.
 3. **Inclusionary Housing Fee.** Submit evidence that the Owner has paid the required inclusionary housing fee of \$37,200.00 to the Community Development Department.
 4. **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.
 5. **Riparian Habitat Restoration and Enhancement Plan Installation Confirmation.** A City-approved biologist shall prepare an as-built monitoring report identifying any changes to the approved Plan with photo-documentation of the completed installation.
 6. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department, Planning Division that the private CC&Rs required in Section B “Recorded Conditions Agreement” have been recorded.
- H. **General Conditions.**
1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
 2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the

permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

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

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

II.

NOTICE OF MODIFICATION APPROVAL TIME LIMITS:

The Staff Hearing Officer action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

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

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

1135 San Pascual, LLC
200 E. Carrillo Street, Suite 200
Santa Barbara, California 93101
(805) 962-8989

September 5, 2014

Staff Hearing Officer
c/o City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

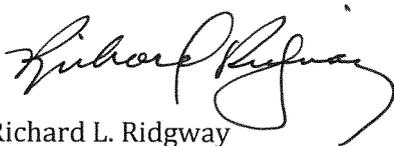
Re: 1135 San Pascual - Project Description

Dear Sir/Madam:

Enclosed please find the project description for my proposed 4-unit development at 1135 San Pascual in Santa Barbara, California. The project description is essentially unchanged from the last submittal, however, there were several issues that came up at the Joint Concept Review Meeting with the Planning Commission back on May 28, 2014. I have discussed those issues on the last page of the project description.

Please review, and let me know if you have any questions.

Very truly yours,



Richard L. Ridgway
Applicant

Encl.

RLR/cr

RECEIVED
SEP 08 2014

CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT C



CITY OF SANTA BARBARA
PLANNING DIVISION

1135 San Pascual - Project Description

The proposed project is located at 1135 San Pascual Street and currently has a small single family residence built at the corner of San Pascual and Anapamu. The balance of the 11,250 square-foot parcel is undeveloped and includes 225 feet of frontage on Anapamu Street.

The surrounding neighborhood is zoned R-3, and most of the neighboring parcels have multiple units built on each lot. To be consistent with the R-3 neighborhood, I am requesting a "one-lot subdivision for condominium purposes" which will include four (4) residential units under the City's AUD program. The proposed plan would be to add three (3) new 1,294 square-foot residential condominiums (in a triplex unit) on the rear two-thirds of the lot and do a remodel/addition to the existing 1,152 square-foot house by adding a new 300 square-foot master bedroom and bath. The free-standing stone one-car garage will be retained.

The property has been red-tagged by the City and the Santa Barbara County Environmental Health/Hazardous Waste Division as having low levels of lead and hydrocarbons in the soil. The previous owner, The United Boys and Girls Club, had plans to develop the site but discovered that the soil was contaminated prior to submitting an application for development to the City. A site remediation plan was developed for the Boys and Girls Club by Rincon Consultants, in conjunction with Environmental Health, which required the top three (3) feet of soil to be removed from much of the site. It would have been a major grading operation because many hundred yards of contaminated dirt was supposed to be hauled off to a "toxic waste" receiver site and then clean fill dirt was to be imported back into the site. The Boys and Girls Club never formally submitted their development plans to the City.

After I purchased the property and discussed the remediation options with Paul McCaw of Environmental Health, he suggested that another method of mitigation might be more appropriate for this site. Since the levels of lead and hydrocarbons are not high and do not migrate or leach into groundwater, the encapsulation option was studied. In fact, Mr. McCaw recommended that we should look into the recently approved City Housing Authority project at the corner of Olive and Cota Streets as an example of how encapsulation could work. It was decided that this method of mitigation would work better for this particular site because there are several large oak trees that border the perimeter of the lot. By encapsulating the contaminated soil in place, we are able to retain all of the large trees on the property. The Boys and Girls Clubs' "approved site remediation plan" would have caused the removal of all three of the oak trees that border the property because over 50% of the oak trees' root zone was being cut and hauled away to a toxic receiver site. Our proposed "Corrective Action Plan" will disturb very little, if any, of the oak trees' root zone. We are not removing soil but rather we are encapsulating the contaminated soil under either permeable pavers, wood decks, a permeable fabric barrier with clean soil on top, or foundations.

This encapsulation plan limits the areas of the site that are available for landscaping but has the least impact on the trees and the neighborhood in general because it involves a much smaller grading operation.

We have proposed permeable pavers in the driveways, and we have proposed that the two backyards of the units closest to the creek have wood decks so that we don't have to do any grading near the trunks of the oak trees. The wood decks create the required barrier for human to soil contact but will also allow the soil around the oak trees to breathe, and the rain water will run straight through the decks and percolate into the soil.

Because of the known soil contamination issues and the desire to encapsulate the contaminated soil while doing very little grading, we had to develop a creative foundation solution. A soils report was prepared by Earth Systems Pacific, which recommends a MAT slab foundation. The concept of a MAT slab is that it is extra thick, contains much more steel, and has shallower footings. The weight of the structure can then be distributed evenly over the entire slab area. Another reason we are proposing a MAT slab foundation is because it requires very little grading under the foundation which also limits conflicts with the root zone of the oak trees which border the perimeter of the property.

I have included a letter from my arborist, Quality Tree Care, which discusses how the proposed grading and remediation plan minimizes conflicts with oak trees.

An existing wood fence separates the subject property from the neighboring property to the east. There are currently two rental houses on the neighboring parcel. The common wood fence is old and is not built on the property line. I have discussed the fence situation with my neighbor, and I have agreed to re-build the fence on the property line once the construction of the new triplex has been completed.

The neighboring property is approximately 2-3 feet higher in elevation along our common property line until it drops off down towards the creek at the southern end of their property. I have discussed the proposed development plans with my neighbor, and we have agreed that I will limit the number of second story windows facing east towards their houses. This way, there should be very little conflict between neighbors looking into each other's homes.

The project went before the Architectural Board of Review on April 30th and received very positive comments from all of the Board members. They appreciated the architectural detailing as it related to the existing single family bungalow that is being retained at the front of the lot. The Board liked the articulation of the front porches, second floor decks, and overall size, bulk and scale of the proposed triplex.

On May 28th, the Planning Commission and Staff Hearing Officer held a joint Concept Review Meeting, mostly to discuss the creek setback issues, but also to hear about the project and discuss other potential impacts. The hearing was an informal "give and take" discussion about the project design, the creek setback, and neighborhood issues in general.

The Planning Commissioners were very supportive of the overall project design as well as the proposed 25' setback from the "Top of the Bank" of Old Mission Creek. They reviewed the site plan, elevations, and floor plans and made suggestions regarding the Riparian Habitat Restoration Plan. Since the May 28th meeting, the only changes to the project description are the addition of

exterior doors in the kitchens to provide direct access to the rear yard patios. The civil engineering improvement plans were re-labeled to be part of the Tentative Map, and some additional cross-sections were added to the grading plans and the drainage exhibit at the request of Public Works.

In addition, an amendment was made to the Riparian Habitat Restoration and Enhancement Plan which required a monitoring program to insure the success of the Restoration Plan (copy included). The riparian restoration area has been designed by the biologist as a passive recreation area for the residents of the project to enjoy. Originally, we had designed a DG path and a viewing bench at the top of the bank, however, Creeks Division did not want those improvements because they would attract the general public to the area and could damage the restoration efforts. The bench and path have been eliminated from the current plan, but if the City decides they would like to see them put back in, I'm willing to install them.

We envision our residents being able to picnic in the setback area or even throw a ball or Frisbee around because a large part of the flat area is planted with Pacific Dune Sedge (*Carex Pansa*) which is a lawn substitute or an unmowed natural meadow. The Restoration Plan for the creek bank and the flat 25' setback is designed as one area with no fencing and has been added to the overall landscape plan for the site.

At the concept review hearing with the Planning Commission, the issue of street lighting was discussed. Public Works routinely looks to bring older street lights that are hung on wood telephone poles up to today's more efficient standards. I would normally expect to be required as a "Condition of Approval" to upgrade the street lights, however, in my case, I am asking for an alternative solution.

I feel that adding two more poles in an already crowded area would create a hazard because the wood power poles remain in place and several large trees already exist along the street frontage. The additional poles will create a blind spot for cars backing out of their driveways. The existing street lights that are on wood power poles are still effective and blend in with the existing street trees. Additional concrete poles will be visually unattractive as well.

The Planning Commissioners seemed to agree and supported the concept of improving the overall lighting plan across the street at the Boys & Girls Club instead. It appeared to them to be a "WIN/WIN" solution. I would propose to obtain a cost estimate for installing the new "City approved" Edison Cobra lights, including the cost of removing the existing lights from the wood poles. I would then write a check to the City for the amount of that cost estimate. In turn, the City would donate the funds to the Boys & Girls Club for specific lighting upgrades that are determined to be necessary at the facility.



City of Santa Barbara

Planning Division

STAFF HEARING OFFICER AND PLANNING COMMISSION *Special Joint Meeting*

May 28, 2014

MINUTES

Staff Hearing Officer:

Susan Reardon, Senior Planner

Planning Commission:

Chair Deborah L. Schwartz
Commissioner Bruce Bartlett
Commissioner Mike Jordan
Commissioner June Pujo

Vice-Chair Addison Thompson
Commissioner John Campanella
Commissioner Sheila Lodge

STAFF PRESENT:

Allison De Busk, Project Planner
Kathleen Goo, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

A. CALL TO ORDER:

Planning Commission Chair, Deborah L. Schwartz, called the meeting to order at 9:00 a.m.

B. ROLL CALL:

All were in attendance.

C. PUBLIC COMMENT: Comments from members of the public pertaining to items not on this agenda. [Due to time constraints, each person is limited to two (2) minutes.]

No public comments were made.

II. CONCEPT REVIEW:

A. APPLICATION OF RICH RIDGEWAY, AGENT FOR 1135 SAN PASCUAL LLC, 1135 SAN PASCUAL STREET, APN 039-201-003, R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (MST2013-00377)

The project consists of the construction of a new two-story building containing three 1,294 square foot three-bedroom units, each with an attached one-car garage, on a 11,250 square foot lot located at the southwest corner of West Anapamu and San Pascual Streets. The project site is currently developed with a single-family residence and detached garage. The existing one-story 1,152 square foot two-bedroom residence and 385 square foot garage would remain and are proposed to be rehabilitated, and a 300 square foot bedroom addition is proposed for the residence. Total proposed development includes four three-bedroom condominiums totaling 5,334 square feet and four one-car garages totaling 1,273 square feet. Driveway access to the garages would be on W. Anapamu Street via three curb cuts (one existing and two proposed). The project site is adjacent to Old Mission Creek.

The purpose of the concept review is to allow the Staff Hearing Officer and Planning Commission, and the public, an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design. The opinions of the Staff Hearing Officer and Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

The discretionary applications required for this project are:

1. A Modification to allow the side yard deck (which is greater than ten inches above grade) to encroach into the required six-foot interior setback (SBMC §28.87.062 and 28.92.026.A); and
2. A Tentative Subdivision Map for a one-lot subdivision to create four (4) residential condominium units (SBMC Chapters 27.07 and 27.13).

Present: Rich Ridgeway, Agent/Co-Owner; Mark De La Garza, Project Biologist; Allison De Busk, Project Planner; Tom Scott, Project Engineer II, and Stacey Wilson, Associate Transportation Planner.

Allison De Busk, Project Planner, gave the Staff presentation and recommendation.

Rich Ridgeway gave the applicant presentation, joined by Mark De La Garza of Watershed Environmental.

The Public Hearing was opened at 9:28 a.m. and, with no one wishing to speak, the Public Hearing was closed.

Chair Schwartz read the statement of intention by the Commission on the proposed project: *"No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project."*... And from the end of the Staff Report: *"Please note that this review is not meant to imply any approval of or formal position on the proposed project."*

As requested by Commissioner Pujo, Mr. De La Garza clarified his professional opinion that staff's recommendation for a 50-foot buffer from top-of-bank is not necessary given the condition of the creek and further, because the proposed project has been redesigned to replace existing Eucalyptus trees with native trees, install new trees in the restoration area, and protect the integrity of the creek.

Responses to Commission questions:

- 1) Staff clarified the Tier 2 Storm Water Management Program (SWMP) requirements and the proposed permeable pavers for the driveway. Staff stated that based on the building footprints, and as long as the driveways remain permeable, then Tier 2 SWMP conditions are required, not Tier 3.
- 2) Staff clarified the parking requirements for the proposed project. Ms. Wilson stated that transportation staff anticipates a reduction of on-street parking along Anapamu Street due to curb cuts and required sight lines. There would be a parking space gained along San Pascual.
- 3) Staff clarified potential privacy impacts associated with the new units and the proposed deck. Staff clarified that the fence will be removed and replaced, with efforts to minimize all other privacy impacts.
- 4) Mr. Scott clarified the standard street lighting requirements regarding fixtures, location, downward-directed lighting, and removal of the existing cobra head street light fixtures from the existing Edison poles and installation of new free-standing light poles with domus fixtures. The standards will shield the light from the creek.
- 5) Commissioner Campanella requested clarification on the method of egress relative to the existing westerly traffic pattern. Ms. Wilson stated that Derrick Bailey, Supervising Transportation Engineer, determined that the existing traffic patterns surrounding the project allow adequate entrance and egress for the proposed project.
- 6) Staff clarified that the creek restoration area counts toward the open living space requirements.
- 7) Staff stated that this project would not result in a large increase in traffic volume and that additional stop signs/lights were not necessary in the proximity of the proposed project. There would be some red curb at the intersection and at the driveways.
- 8) Staff clarified that there is a difference between the Actual Top of Creek Bank and the Calculated Top of Creek Bank. Staff uses whichever is more restrictive; for the proposed project, it's the Actual Top of Bank.

Comments by the Planning Commission and Staff Hearing Officer:

- 1) Commissioner Pujo appreciates the restoration plan and has no issues with the proposed creek setback or the analysis in the Biological Report. She found the removal and replacement of the existing Eucalyptus trees to be

appropriate for the long-term health of the creek. She requested that professional restoration monitoring and assessment of success be part of the restoration plan. She does not think the setback buffer needs to be all restoration area; there should be some useable open space too. Planned street improvements for poles and lighting standards may have an aesthetic impact and that should be considered by the ABR; pedestrian scale lighting is important but the clutter of poles should also be considered.

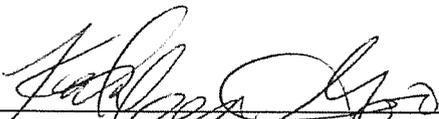
- 2) Commission Thompson stated that the site has many constraints and he finds the proposed design to be an excellent solution. Encapsulating the soil benefits the neighborhood due to reduced construction impacts. The proposed creek setback is more than adequate for Old Mission Creek, which has been relegated to little more than a drainage culvert following the diversion of Mission Creek many years ago. His main concern was cars backing out onto Anapamu Street, but he is not as concerned after the site visit because it should not greatly affect traffic flow in the area. Either retention or replacement of the Eucalyptus trees is not an issue for him, as they can provide habitat too.
- 3) Commissioner Lodge concurred with Commissioner Thompson's comments, except for the eucalyptus trees, which she thinks should be removed and replaced with oaks and sycamores. This is a perfect example of infill development. She supports the deck modification if direct access to it from the units can be provided.
- 4) Commissioner Jordan commented that it's not appropriate to use one General Plan policy to support increased density but ignore policies for creek protection. Disagrees with the argument about matching the creek setback to adjacent development; we should be improving the current situation. He can accept the creek setbacks proposed given the site-specific conditions, but thinks the project should be complying with Tier 3 SWMP since the site is mostly dirt and pervious now. He is concerned with the common open yard area which should be maximized; suggested fencing the creek, but with access, to maximize both useable common open space and creek restoration area. Consistency with General Plan policies is a required finding for condominium development, so there is a higher level of scrutiny.
- 5) Commissioner Bartlett likes the design concept and how it addresses site constraints. Finds the 50-foot recommended creek setback to be excessive for what no longer acts as a creek. Doesn't agree that this needs to be a Tier 3 project, and, given the soil contamination, increased percolation may actually be worse for the creek. The proposed creek setback is more than 50 feet from the water and is more than adequate. The interior setback modification for the deck does not seem necessary since the only access to it is from the garages. May be able to support if there was better access to it from the living areas. Vehicles backing into the street were a concern, but planned efforts to mitigate the issue are acceptable per Transportation Division staff's input. Was concerned about loss of on-street parking, but finds it acceptable because there will be spaces gained along San Pascual. Does not agree with the required street lighting; off-site mitigation at the Boys & Girls Club frontage is a great alternative for the street lighting issue. It's a good project, but he cannot support the deck modification request as

- currently proposed. Suggested that the creek monitoring report could be included as part of the AUD Adaptive Management Program.
- 6) Commissioner Campanella found the 25-foot creek setback acceptable due to the current condition of the creek and the large setback from the water. This is a nice design with more breathing room due to having two front setbacks. Three bedroom units are desired and they will be more moderately priced in this neighborhood. He is okay with the interior setback modification for the deck. Suggested the applicant consider providing a hammerhead turnaround in lieu of the porches, but understands it could negatively impact the aesthetics of the design. He would like staff to consider a four-way stop at the San Pascual/W. Anapamu Street intersection. Suggested staff speak to the Boys Club to hear their thoughts relative to pedestrian, bicycle and vehicle traffic improvements they would like to see.
 - 7) Chair Schwartz supports the proposed 25-foot creek setback; thinks the project will greatly improve the neighborhood and the creek. Not sure if there's a benefit to having a physical separation between undisturbed habitat and more useable open space, as suggested by Commissioner Jordan. Defers to the experts about these specific Eucalyptus trees; we want to maintain a visual screen to/for the adjacent apartments; the Urban Forest Management Plan should also be considered. Safe egress from the site may be an issue with the adjacent Boys & Girls Club facility due to the number of children present; perhaps signage would help; the loss of street parking spaces is not an issue; requested more red curb painting be incorporated along W. Anapamu Street; the deck modification request should be reassessed as there's no strong nexus currently; stated the permeable paving and water runoff contamination assessment is important to protect the public health.
 - 8) Staff Hearing Officer Reardon echoed the comments regarding the interface between the creek restoration area and the open space area, and how that will work.

I. **ADJOURNMENT**

Planning Commission Chair Schwartz adjourned the meeting at 10:40 a.m.

Submitted by,



Kathleen God, Staff Hearing Officer Secretary

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**5. 1135 SAN PASCUAL ST****R-3 Zone**

(4:45) Assessor's Parcel Number: 039-201-003
Application Number: MST2013-00377
Owner: 1135 San Pascual, LLC
Applicant: Rich Ridgway - Investec
Architect: Richard Thorne
Engineer: Flowers & Associates, Inc.

(Proposal to construct three new 1,294 square foot, 3-bedroom condominium units and three new 282 square foot one-car garages within a new two-story building. Also proposed is to rehabilitate an existing 1,152 square foot, one-story, 2-bedroom dwelling unit and existing detached garage, and add a 300 square foot ground floor bedroom addition. The existing 302 square foot one-car garage will remain unchanged. Also proposed is 921 square feet of first- and second-story decks and patios. Total development for the site will be 4,884 square feet of residential floor area. Approximately 125 cubic yards of grading will be balanced on site. This project requires Staff Hearing officer review for a tentative subdivision map and zoning modification.)

(Requires Environmental Assessment and Staff Hearing Officer review.)

Actual time: 5:40 p.m.

Present: Richard Thorne, Architect; and Rich Ridgway, Owner.

Public comment opened at 5:53 p.m. As no one wished to speak, public comment was closed.

Motion: Continued indefinitely to Staff Hearing Officer for return to Full Board with comments:

- 1) The Board had positive comments regarding the project's consistency and appearance, neighborhood compatibility, quality of architecture and materials, and compliance with good neighbor guidelines.
- 2) The Board found the proposed raised deck modification aesthetically appropriate and with no adverse visual impacts, and does not pose consistency issues with the Architectural Board of Review Guidelines. The Board requests the applicant ensure that the area below the raised deck is blocked and sealed from potential animal incursion.
- 3) Applicant to return with additional rear yard area photograph documentation near the proposed triplex, and the adjacent neighborhood.
- 4) Obtain City Creeks staff review and approval of the applicable creek setback requirements and resolve the creek setback issue.
- 5) Provide a landscape plan and tree protection plan prior to final approval of the proposed project.

Action: Poole/Hopkins, 5/0/0. Motion carried. (Zink/Cung absent).

May 9, 2014

**Riparian Habitat Restoration/Enhancement Plan
1135 SAN PASQUAL
SANTA BARBARA, CALIFORNIA**



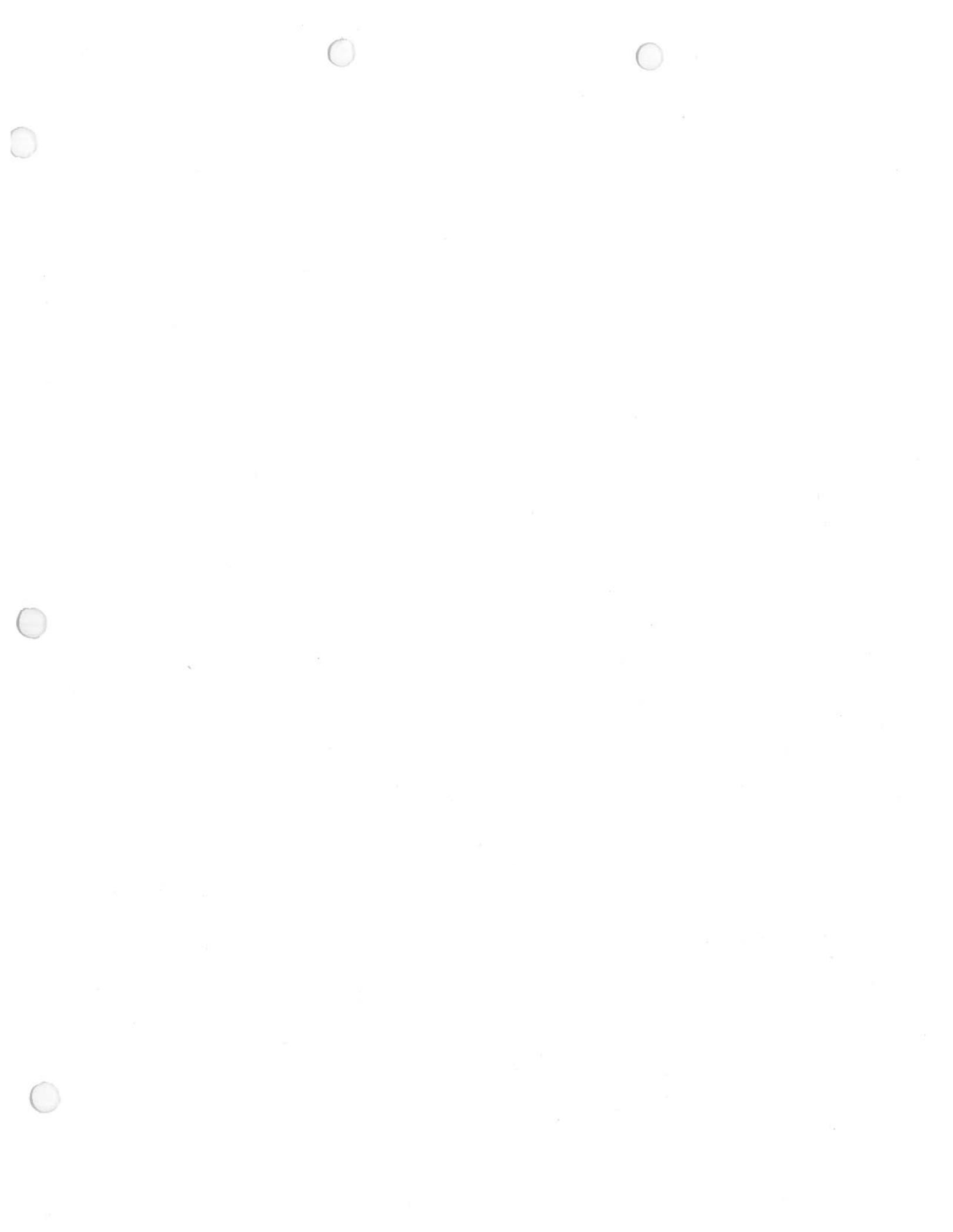
Prepared for:
Investec Inc.
200 E. Carrillo Street, Suite 200
Santa Barbara, CA 93101-2144

Prepared by:
Watershed Environmental, Inc.
3324 State Street, Suite B
Santa Barbara, CA 93105

RECEIVED
MAY 14 2014

CITY OF SANTA BARBARA
PLANNING DIVISION

EXHIBIT F



**Habitat Restoration Plan
1135 SAN PASQUAL
SANTA BARBARA, CALIFORNIA**

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ATTACHMENTS

Attachment 1. Carex Pansa (Pacific Dune Sedge): The sedge with the other name

1.0 INTRODUCTION

This habitat restoration plan was prepared by Mark de la Garza and Melodee Hickman of Watershed Environmental under contract to the property owner Mr. Rich Ridgway of Investec Inc. This version of the plan incorporates changes requested by The City of Santa Barbara in their March 20, 2014 30-day Development Application Review Team (DART) comments-Submittal #2. This restoration plan describes habitat restoration actions that will be undertaken by the property owner in the southern portion of the 11,250 sq. ft. parcel (APN 039-201-003) located at 1135 San Pascual Street, in the City of Santa Barbara (Figure 1). This habitat restoration plan also describes the existing conditions within the creek bank and creek setback area and assesses the adequacy of the proposed 25-27 ft. creek setback from proposed new residential development.

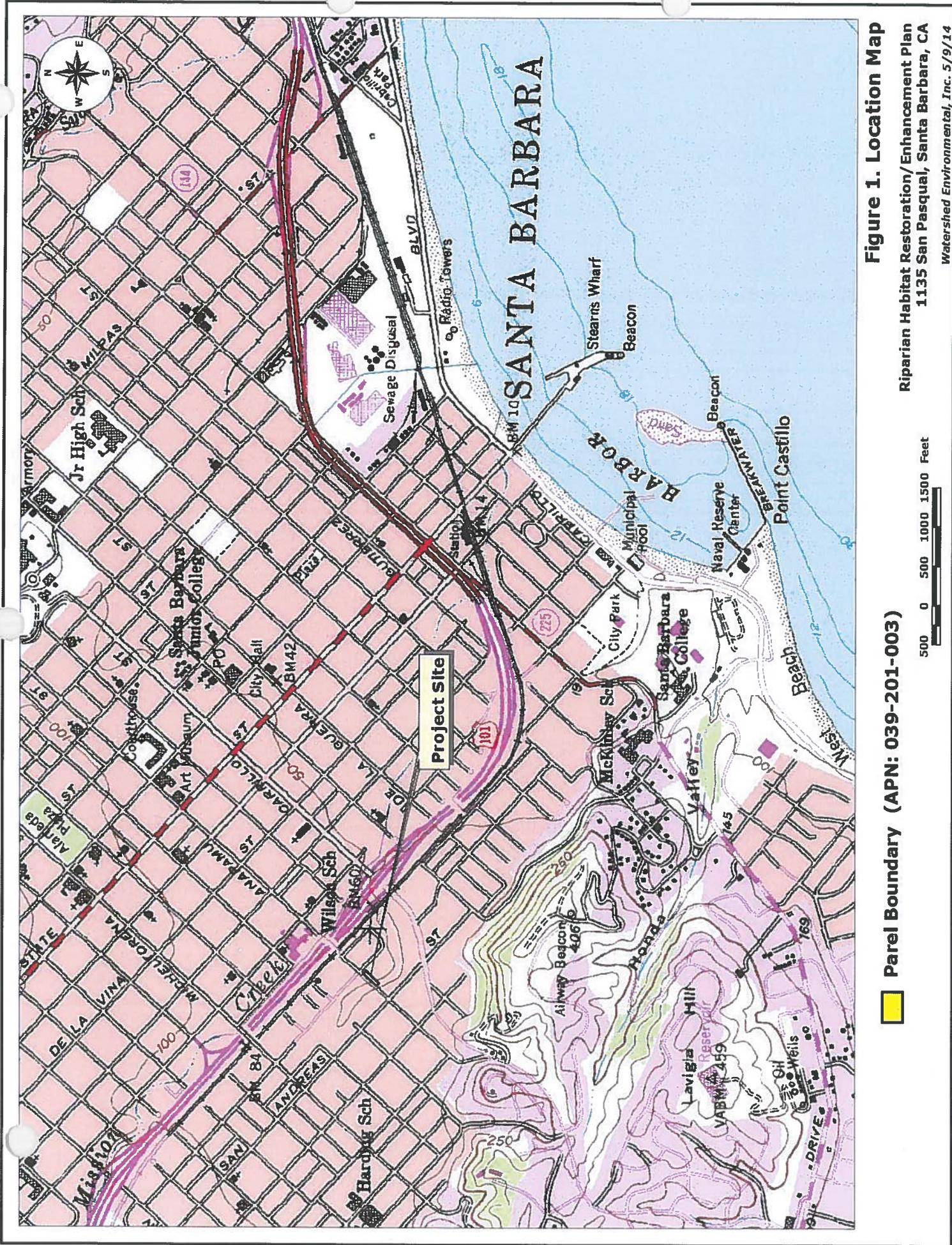
The parcel is zoned for multiple residential units (R-3 zoning) and is located in a residential neighborhood known as the "West Side". Adjacent land use is residential on three sides (north, south, and east), with the Westside Boys and Girls Club and Bohnett Park located to the west. The parcel is approximately 225 ft. long and 50 ft. wide and currently contains a small 1152 sq. ft. craftsman style single-family single story residence, a small one car detached stone garage, a concrete patio, and assorted landscape vegetation. The southern portion of the property extends partially down the historic (old) Mission Creek bank and is currently undeveloped.

2.0 PROJECT DESCRIPTION

The proposed project includes building a 4 unit condominium project on a R3 zoned lot (Figure 2). The existing 1,152 square-foot single family residence and stone single car garage will be retained on the northern portion of the lot and a new condominium triplex will be built on the southern portion of the lot. The existing single family residence will be remodeled and a new master bedroom and bathroom and wooden deck will be added to the southern part of the existing residence. The master bedroom and bathroom will add 300 sq. ft. of living space to the existing 1,152 sq. ft. single family residence.

The triplex condominium unit will be a two story structure containing three 1,294 sq. ft. condominiums with each unit having an attached enclosed single car garage. The condominiums will face West Anapamu Street and vehicle access to the garages will be provided from West Anapamu Street. Each of the condominiums will have a covered porch on the west side and the two southernmost units will have a wooden deck on the east side of the units (refer to Figure 2). The southern most of the three condominiums will be located 25 to 27 ft. from the actual topographic top-of-bank of Old Mission Creek and 36 to 50 ft. from the calculated top-of bank per City ordinance. The entire 2,052 sq. ft. area south of the southernmost condominium up to the southern property line including the 25 ft. creek setback and creek bank will be landscaped with native plant species. As part of the habitat restoration effort, all of the existing non-native vegetation in the creek setback area will be removed. The 2,052 sq. ft. creek buffer zone is designed to comply with the City of Santa Barbara 1997 *General Plan Conservation Element* biological resource protection policies and goals which include: preservation of creek and associated riparian habitat, improvement of wildlife habitat quality, improvement of creek water quality, and prevention of creek bank erosion. This habitat restoration plan describes the actions that will be taken by the project applicant to preserve and improve riparian habitat and prevent erosion in the southern portion of the property adjacent to Old Mission Creek.

Reserve Page
Figure 1. Location Map



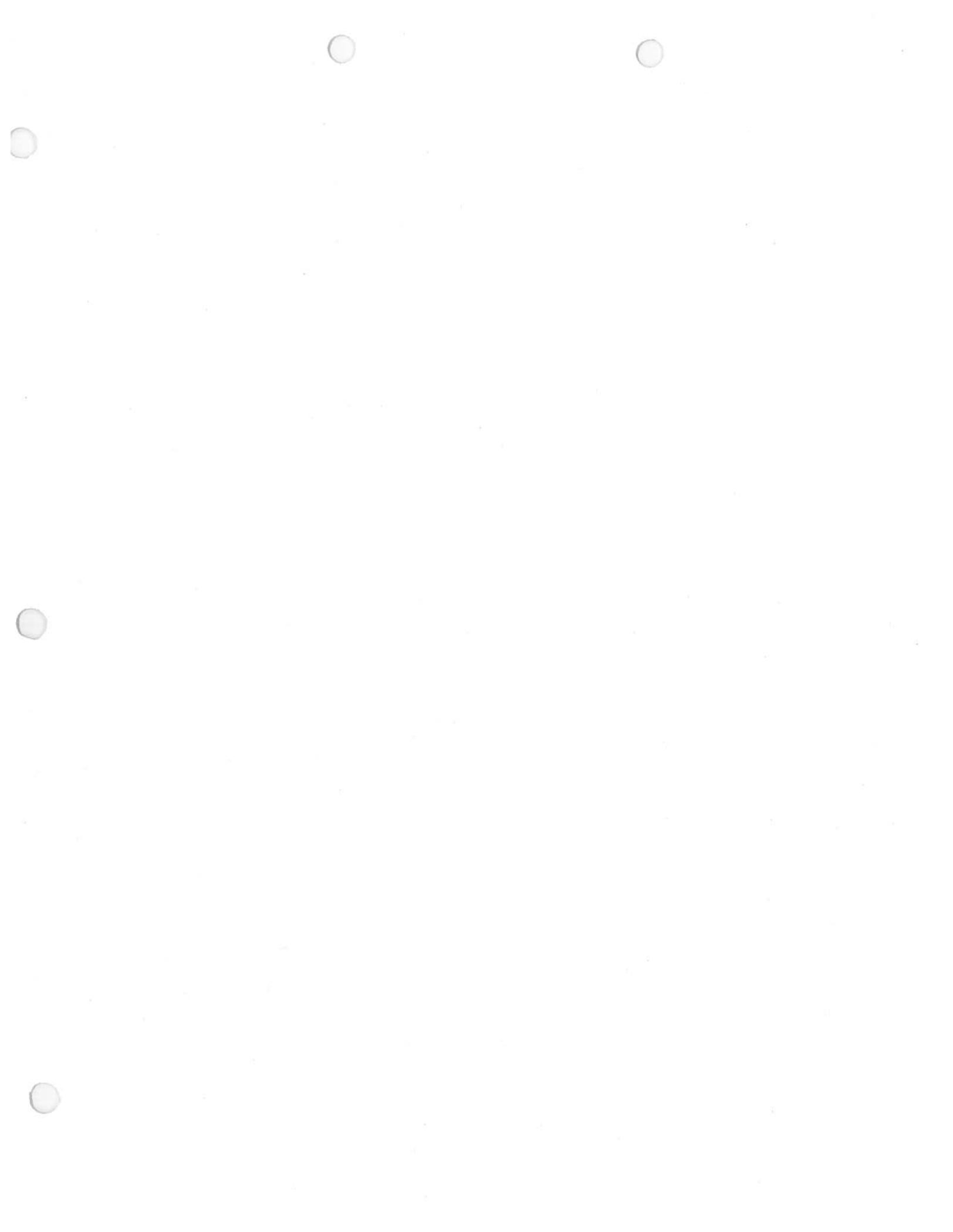
Project Site

Figure 1. Location Map
 Riparian Habitat Restoration/Enhancement Plan
 1135 San Pasqual, Santa Barbara, CA
 Watershed Environmental, Inc. 5/9/14

Parcel Boundary (APN: 039-201-003)

500 0 500 1000 1500 Feet

Reserve Page
Figure 2. Site Plan



3.0 STUDY METHODOLOGY

Watershed Environmental biologist Mark de la Garza and environmental analyst Melodee Hickman performed a survey of the proposed habitat restoration area on November 19, 2013. The survey was performed on foot and included measuring the Diameter at Breast Height (DBH) of all trees within and adjacent the 2,052 sq. ft. habitat restoration area. Field notes were used to record the types of vegetation currently existing in the habitat restoration area and existing conditions and human uses within the area. Photographs within the habitat restoration area were taken to document existing conditions at the time of our survey.

During the performance of our field survey, we also walked across the street to Bohnett Park to view the habitat restoration work that was performed by the City of Santa Barbara in 2002. The purpose of the Bohnett Park site visit was to view the planting pallet that was used in the City's habitat restoration effort, to see which plants are doing well, and to identify plants that would be expected to do well given the site conditions at that 1135 San Pasqual habitat restoration site.

4.0 ENVIRONMENTAL SETTING

4.1 Topography and Soils

The 2,052 habitat restoration area includes a 1,425 sq. ft. relatively flat (less than 2% slope) area located between the topographic top of bank and the proposed southern edge of the triplex condominium building and a 627 sq. ft. steeply sloping (20-25 percent) creek bank. The creek bank contains a variety of construction debris, including: concrete and brick rubble, steel posts, and wooden timbers. These materials appear to have been deposited a long time ago judging from the size of the trees that are growing through the rubble. The soils on the southern portion of the property are known to have low levels of hydrocarbon and lead contamination (City of Santa Barbara 2013). The property owner has met with Mr. Paul McCaw with the City's Environmental Health Department to discuss remediation options and the owner and his engineering consultant (Rincon Consultants Inc.) have devised a Corrective Action Plan that minimizes grading onsite, and encapsulates the contaminated soil by covering it with a permeable fabric barrier and approximately 6 inches of clean fill soil. The Corrective Action Plan also has the added benefit of not requiring removal of the three large coast live oak trees that are in the southern portion of the property and is anticipated to cause very little disturbance to these three coast live oak trees.

4.2 Creek & Streams

Old Mission Creek is a 0.40 mile long remnant section of Mission Creek that begins near the intersection of West Sola and San Pasqual Streets flows through Bohnett Park and ends near the intersection West Figueroa Street and the Southern Pacific Railroad tracks. Old Mission Creek conveys storm water runoff, excess landscape irrigation water, and groundwater seepage from the adjacent neighborhoods and flows into Mission Creek via a culvert that runs under the train tracks and the 101 freeway and enters Mission Creek near the intersection of Carrillo Street and Mission Creek. Old Mission Creek has low volume perennial (year-round) surface water flow most of the year, except during and immediately following rainfall events, when it at times conveys large volumes of surface water runoff to Mission Creek.

In the immediate vicinity of the project site, the Old Mission Creek bed is approximately 10-15 ft. wide, with a sand, gravel, and concrete-rubble bottom. The

creek bank on the 1135 San Pasqual property is a mixture of rubble and soil with a surface layer (6-8 inches thick) of eucalyptus leaf litter. The creek bank on the 1135 San Pasqual property and the area beneath the West Anapamu Street/Old Mission Creek Bridge is occasionally used as a homeless encampment. The creek bank contains a camp site partially concealed by palm fronds and an area that is used as an outdoor toilet containing piles of human feces and toilet paper. The segment of Old Mission Creek west of the project site flows under the West Anapamu Street/Old Mission Creek Bridge, through Bohnett Park and ends at 1319 San Pasqual. The segment of Old Mission Creek east of the 1130 San Pasqual property flows into a 60-inch-diameter by 330 ft. long concrete culvert beneath a large asphalt parking lot that is part of the Palm Garden apartment complex and empties into an open creek channel at the eastern end of the parking lot.

4.3 Vegetation and Land Cover

Vegetation and land cover mapping was performed by identifying the vegetation/landcover types on the ground and mapping the aerial extent on a 1 in. = 8 ft. site plan of the property. The mapped cover types were then scanned and converted into Geographic Information System (GIS) shapefiles so that area calculations and figures could be generated. The majority of the vegetation growing on the property is considered to be landscape vegetation. A few of the trees and shrubs on the property are native, however most are vegetation on the property are non-native ornamentals that were planted as part of the landscaping. The southern undeveloped portion of the property is unmanaged and contains a mixture of invasive exotic plants including: kikuyu grass, fennel, black mustard, cheeseweed, smilo grass, and foxtail.

We identified a total of seven vegetation/land cover types on the property (Table 1).

Table 1. Vegetation/Land Cover

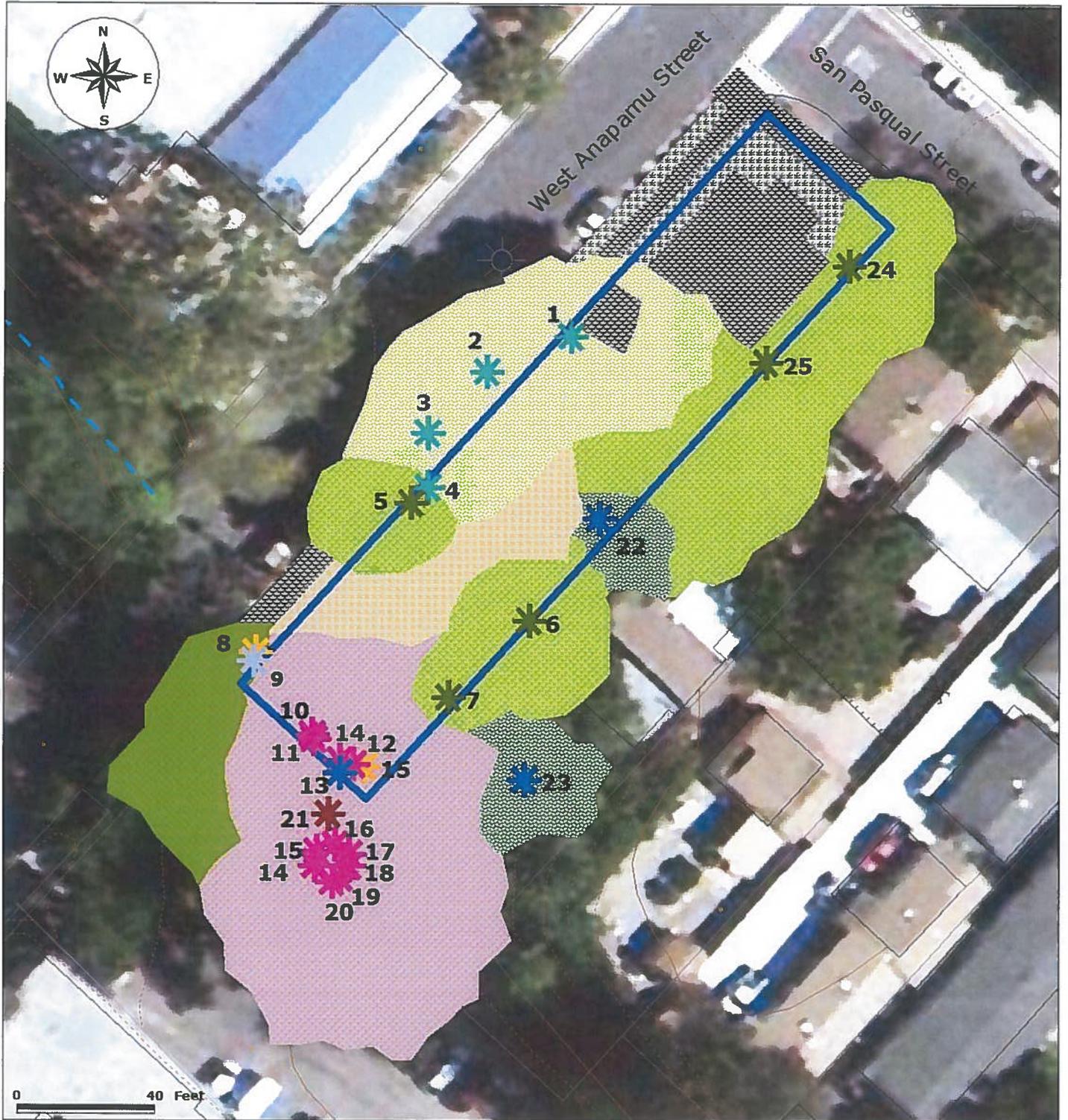
Type	Area* (sq. ft)
Acacia	3,583.10
Ash	639.13
Coast Live Oak	1,922.73
Developed	2,592.22
Disturbed (parking area)	996.22
Eucalyptus	1,309.06
Pittosporum	111.87
Total	11,154.33

**Area calculations are within the property boundaries only.*

A description of each of the vegetation/land cover types is provided below. Figure 3 depicts the location and distribution of vegetation and cover on the property and adjacent areas. Table 2 contains a list of plant species occurring on the property.

Reserve Page

Figure 3. Existing Vegetation & Landcover Types



Existing Tree (Id)

- Ash
- Coast Live Oak
- Pittosporum
- Palm
- Black Acacia
- Eucalyptus
- Walnut

Vegetation/Landcover Type

- Ash
- Coast Live Oak
- Project Site (APN #039-201-003)
- Developed
- Disturbed/Non-Native Grassland
- Eucalyptus
- Mixed Riparian (Pittosporum, Walnut, Ash)
- Ornamental-Blk. Acacia
- Ornamental-Herbs/Shrubs

Figure 3. Existing Vegetation & Landcover Types

Riparian Habitat Restoration/
Enhancement Plan
1135 San Pasqual,
Santa Barbara, CA

Table 2. Vegetation Species List

Scientific Name	Common Name	Native (N) Introduced (I)
<i>Acacia melanoxylon</i>	black acacia	I
<i>Brassica nigra</i>	black mustard	I
<i>Cyperus eragrostis</i>	umbrella sedge	N
<i>Delairea (Senecio) mikanioides</i>	Cape ivy	I
<i>Eucalyptus globulus</i>	blue gum eucalyptus	I
<i>Foeniculum vulgare</i>	fennel	I
<i>Fraxinus uhdei</i>	shamel ash	I
<i>Genista monspessulana</i>	French broom	I
<i>Hordeum murinum</i> subsp. <i>leporinum</i>	foxtail	I
<i>Juglans californica</i>	black walnut	N
<i>Juglans regia</i>	English walnut	I
<i>Malva parviflora</i>	cheeseweed	I
<i>Pennisetum clandestinum</i>	kikuyu grass	
<i>Pittosporum undulatum</i>	pittosporum	I
<i>Plantago lanceolata</i>	narrowleaf plantain	I
<i>Prunus ilicifolia</i> subsp. <i>lyonii</i>	Catalina cherry	N
<i>Quercus agrifolia</i>	coast live oak	N
<i>Ricinus communis</i>	castor bean	I
<i>Stipa (Piptatherum) miliacea</i>	smilo grass	I
<i>Tropaeolum majus</i>	Garden nasturtium	I
<i>Vinca major</i>	periwinkle	I
<i>Washingtonia robusta</i>	Mexican fan palm	I
<i>Yucca elephantipes</i>	yucca	I

Acacia

There are 4 black acacia (*Acacia melanoxylon*) trees along the western portion of the property near the existing residence and garage.

Ash

There is a shamel ash tree (*Fraxinus uhdei*) with a DBH of 8.7 inches in the southeastern portion of the creek bank and an ash tree growing along the eastern property line.

Coast Live Oak

Seven mature coast live oak trees (*Quercus agrifolia*) occur on the property. Four of these trees are single-trunk oaks with a DBH ranging from approximately 14 to 30 inches. Three of the trees have multiple trunks that branch below breast height and have cumulative DBHs of between 8 and 30 inches. There are also several oak saplings on the property. There is very little understory vegetation beneath them, mostly bare ground or weeds. The only notable exceptions to this are a few Catalina cherry (*Prunus ilicifolia* subsp. *lyonii*) shrubs growing on the creek bank.

Developed

Areas identified as developed include existing structures not beneath a tree canopy and landscaped areas such a lawn, planters, and walkways.

Disturbed

The area between the topographic top of bank and the southern edge of existing single family residence is disturbed and largely unmanaged. This areas contains invasive exotic vegetation including: kikuyu grass, fennel, black mustard, cheeseweed, smilo grass, and foxtail, and at the time of our November 2013 survey had about 60 percent bare ground. The disturbed area extends beneath the oak tree and black acacia tree canopy in the central portion of the property.

Eucalyptus

There are 4 blue gum eucalyptus (*Eucalyptus globulus*) trees growing on the banks of Old Mission Creek on the 1135 San Pasqual property. There is also a large multitrunk blue gum eucalyptus tree on the adjacent property to the south and a large single trunk eucalyptus tree on the adjacent property to the east (refer to Figure 3). The eucalyptus trees on the adjacent properties are large and have canopies that overhang the 1135 San Pasqual property and intermingle with the canopy of the eucalyptus trees that are on the 1135 San Pasqual property. Understory vegetation growing beneath the eucalyptus tree canopy along the creek bed and banks include periwinkle (*Vinca major*), smilo grass (*Stipa [Piptatherum] miliaceum*), umbrella sedge (*Cyperus eragrostis*), castor bean (*Ricinus communis*), fennel (*Foeniculum vulgare*), garden nasturtium (*Tropaeolum majus*), cape ivy (*Delairea (Senecio) mikanioides*), Catalina cherry (*Prunus ilicifolia* subsp. *lyonii*), shamel ash (*Fraxinus uhdei*), black walnut (*Juglans californica*), yucca (*Yucca elephantipes*), and pittosporum (*Pittosporum undulatum*). This area is considered to be a severely degraded riparian habitat due to presence of the blue gum eucalyptus trees, the accumulation of eucalyptus leaf litter, and past and current human disturbance.

Pittosporum

The street trees planted along the edge of San Pascual Street in the vicinity of the property are pittosporum (*Pittosporum undulatum*). One of the trees growing on the adjacent property to the east is overhanging the northeast corner of the study area. There is also a small pittosporum sapling growing between the West Anapamu Street Old Mission Creek Bridge and the northeast corner of the 1135 San Pasqual property (refer to Figure 3).

4.4 Wildlife

Wildlife species observed and/or detected onsite include black phoebe (*Sayornis nigricans*), acorn woodpecker (*Melanerpes formicivorus*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), Pacific tree frog (*Pseudacris regilla*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and striped skunk (*Mephitis mephitis*). Domestic cats and dogs are also known to frequent the property.

The following amphibian and reptiles are expected to occur on the property and/or in the immediate vicinity: black-bellied slender salamander (*Batrachoseps nigriventris*), western toad (*Bufo boreas*), Pacific tree frog (*Pseudacris (=Hyla) regilla*), southern alligator lizard (*Elgaria multicarinata*), bullfrog (*Lithobates catesbeianus*) and western fence lizard (*Sceloporus occidentalis*).

Other birds expected to frequent the site include: mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), downy and Nuttall's woodpeckers (*Picoides pubescens*, *P. nuttallii*), western flycatcher (*Empidonax difficilis*), northern mockingbird (*Mimus polyglottos*), California thrasher (*Toxostoma redivivum*), scrub

jay (*Aphelocoma californica*), European starling (*Sturnus vulgaris*), California towhee (*Pipilo fuscus*), song sparrow (*Melospiza melodia*), white-crowned and golden-crowned sparrows (*Zonotrichia leucophrys*, *Z. atricapilla*), lesser goldfinch (*Carduelis psaltria*), purple finch (*Carpodacus purpureus*), American bushtit (*Psaltriparus minimus*), yellow rumped warbler (*Dendroica coronate*), American robin (*Turdus migratorius*), and ruby crowned kinglet (*Regulus calendula*).

Other mammals expected to be found on and in the vicinity of the project site include: broad-footed mole (*Scapanus latimanus*), Botta's pocket gopher (*Thomomys bottae*), Merriam's chipmunk (*Tamias merriami*), western gray squirrel (*Sciurus griseus*), deer mouse (*Peromyscus maniculatus*), brush mouse (*Peromyscus boylii*), California mouse (*Peromyscus californicus*), and black rat (*Rattus rattus*).

The assemblage of wildlife species observed and potentially occurring on the property is limited to those species adapted to an urban environment. The wildlife described above is not intended to be a complete list of all species potentially present on the property. Other species may periodically use and/or visit the site, but are not expected to breed or establish residency there.

4.5 Sensitive Species

Sensitive species considered in this assessment are those protected by the federal Endangered Species Act and/or the California Endangered Species Act, and those species meeting the California Environmental Quality Act definition of "rare." This includes all endangered, threatened, candidates for listing, or species of special concern listed by the federal and state governments and plants listed by the California Native Plant Society (CNPS) as List 1 or List 2, as well as plants listed by the Santa Barbara Botanic Garden (2007) as locally sensitive.

Several sensitive species are known to occur in Mission Creek. Given the fact that the site is adjacent to Old Mission Creek and that Old Mission Creek is a tributary of Mission Creek, we have included in our evaluation all the sensitive species known and potentially occurring in Mission Creek, as well as species mapped in the California Natural Diversity Database (CDFG 2013) within two miles of the property (Table 3).

Table 3. Sensitive Species Potentially Occurring in the Project Area and Evaluation of Occurrence Potential

Common Name	Scientific Name	Status	Occurrence Potential	Comment
Southern California steelhead	<i>Oncorhynchus mykiss</i>	Federally Endangered	None No potential for occurrence	Known to occur in Mission Creek (NMFS 2009); not known to occur in Old Mission Creek due to downstream migration barriers (culverts) between the project site and Mission Creek.
tidewater goby	<i>Eucyclogobius newberryi</i>	Federally Endangered	None No potential for occurrence	Known to occur the small lagoon at the mouth of Mission Creek (USFWS 2005); not known to occur in Old Mission Creek due to downstream migration barriers (culverts) between the project site and Mission Creek.
Southwestern pond turtle	<i>Clemmys marmorata pallida</i>	California species of special concern	None No potential for occurrence	Known to occur in upper Mission Creek not known to occur in lower Mission Creek below the Santa Barbara Museum of Natural History and not known to occur in Old Mission Creek (SBMNH 2013). Species has presumably been extirpated from Old Mission Creek. Urban development, channelized creek banks/bed, and storm drain culverts effectively prevent this species from reaching Old Mission Creek.
California red-legged frog	<i>Rana aurora draytonii</i>	Federally Threatened	None No potential for occurrence	No historic or current records of this species occurring in Mission Creek or Old Mission Creek (SBMNH 2013). Urban development, channelized creek banks/bed, and lack of deep pools effectively preclude this species from occurring in Old Mission Creek.
Santa Barbara honeysuckle	<i>Lonicera subspicata</i> var. <i>subspicata</i>	CNPS List 1B	Moderate potential for occurrence	This large perennial plant is known to occur approximately 340 ft. west of the project site on the banks of Old Mission Creek, but was not found on the 1135 San Pasqual Street property.
Santa Barbara morning glory	<i>Calystegia sepium</i> ssp. <i>binghamiae</i>	CNPS List 1B	None No potential for occurrence	This plant is typically found in freshwater marsh habitat. This plant was last seen near Veronica Springs in the early 1900s and is presumed to have been extirpated from Santa Barbara County (CNDDDB 2013).

No sensitive species are known or anticipated to occur on the property. The lack of suitable habitat, surrounding urban residential development, and barriers to terrestrial and aquatic wildlife movement effectively prevent sensitive wildlife species from reaching and establishing residency in Old Mission Creek. No sensitive plants were found on the property during performance of the November 2013 biological survey.

5.0 SPECIAL STUDIES REQUIRED: ANALYSIS OF BUFFER ADEQUACY

The City of Santa Barbara 2013 Zoning Ordinance Title 28 Chapter 87.250 limits development within 25 feet of the top-of-bank of Mission Creek. The City Creeks Division Senior Planner Mr. George Johnson is interpreting this ordinance to include Old Mission Creek even though this is not explicitly stated in the ordinance (Personal Communication George Johnson 11/25/13). The 25 ft. wide minimum creek setback extends outward from the creek top-of-bank and is intended to: 1) prevent damage or destruction of developments by flood waters, 2) prevent detrimental flood impacts to adjacent or downstream properties, and 3) protect the public health, safety and welfare. The setback also provides wildlife habitat and a transition zone between development and riparian and aquatic habitat. The City of Santa Barbara considers this 25 ft. buffer zone from Mission Creek to be a minimum setback and has on occasion required larger (up to 100 ft.) setbacks from the top of bank on Mission Creek to ensure public safety, and environmental protection. We are not aware of any precedence for this setback policy being applied to Old Mission Creek.

In order to determine if the 1135 San Pasqual Project is meeting the City's biological resource protection goal to: *'Enhance and preserve the City's critical ecological resources in order to provide a high quality environment necessary to sustain the City's ecosystem'* we have looked at the distance that existing development (structures, roadways, and patios) is setback from Old Mission Creek and we have performed an analysis of the existing creek buffer zone conditions on the 1135 San Pasqual property versus the post-project ecosystem functions using the Hydrogeomorphic Assessment methodology developed by the US Army Corps of Engineers (Brinson et. al 1995) for riverine (i.e., rivers, creeks and riparian wetland habitat) wetlands.

5.1 Existing Development Setback from the flowline of Old Mission Creek

Using our ESRI ArcView Geographic Information System software and the data from the 2000 *Creek Inventory & Assessment Study* (City of Santa Barbara), parcel data from the County Assessors office, and the Santa Barbara County Flood Control topographic data, we were able to analyze the distance (linear ft.) that existing permitted buildings are from the flowline of Old Mission Creek. Many of these parcels have parking lots, patios, driveways and other paved surfaces that are located closer to the creek than the buildings that we were able to analyze. There are a total of 37 parcels that are adjacent to Old Mission Creek, including the parcel that contains the 330 ft. long culverted section of the creek and Bohnett Park. Table 4 provides a summary of existing building setbacks from Old Mission Creek.

Table 4. Summary of Existing Development Setbacks from Flowline of Old Mission Creek

Setback Distance	Number of Parcels with Structures in Setback Area	Percent of Parcels with a Building within Setback Area
Greater than 100 ft.	16	43.2
75-100 ft.	5	13.5
50-75 ft.	8	21.6
25-50 ft.	7	18.9
Less than 25 ft.	1	2.7

5.2 Analysis of Pre- and Post-Project Hydrogeomorphic Functions on the Project Site

Hydrogeomorphic riverine wetland functions include:

Hydrologic

- Dynamic Surface Water Storage
- Long-Term Surface Water Storage
- Energy Dissipation
- Subsurface Storage of Water
- Moderation of Groundwater Flow or Discharge

Biogeochemical

- Nutrient Cycling
- Removal of Imported Elements and Compounds
- Retention of Particulates
- Organic Carbon Export

Plant Habitat

- Maintain Characteristic Plant Communities
- Maintain Characteristic Detrital Biomass

Animal Habitat

- Maintain Spatial Structure of Habitat
- Maintain Interspersion and Connectivity
- Maintain Distribution and Abundance of Invertebrates
- Maintain Distribution and Abundance of Vertebrates

5.3 Hydrologic Functions

Hydrologic functions are limited to those that occur within the creek bed, creek banks, adjacent undeveloped areas, and in soil beneath these areas. The ACOE (Brinson et. al 1995) has identified five primary hydrologic functions:

1. Dynamic Surface Water Storage is the capacity of a wetland to detain moving water from overbank flow for a short duration when flow is out of the channel.
2. Long-Term Surface Water Storage is the capacity of a wetland to detain moving water from overbank flow for a short duration when flow is out of the channel
3. Energy Dissipation is defined as the allocation of the energy of water to other forms as it moves through, into, or out of the wetland as a result of

roughness associated with large woody debris, vegetation structure, micro- and macrotopography, and other obstructions

4. Subsurface Storage of Water is the availability of storage for water beneath the wetland surface.
5. Moderation of Groundwater Flow or Discharge is the capacity of a wetland to moderate the rate of groundwater flow or discharge from upgradient sources.

There are no wetlands on the creek banks or creek buffer area and very little ground cover vegetation. The creek is not known to flood or overtop the creek banks onto the 1135 San Pasqual property. However, if the creek were to flood or if the 60-inch diameter stormdrain culvert that conveys creek flow beneath the parking lot southeast of the project site were to become blocked, the creek would overtop the southern creek bank which is lower in elevation than the northern creek bank and flood the parking lot of the Palm Garden Apartments. Overbank flow across the surface of the asphalt parking lot would not provide any dynamic surface water storage or any long-term surface water storage. The proposed condominium project will not affect or change the dynamic surface water storage or long-term surface water storage functions of Old Mission Creek.

Energy dissipation occurs as surface water moves along the creek bed and the energy of the water is dissipated when it hits concrete rubble and other debris that exist within the creek bed and creek bank. The man-made debris in the creek bed and existing structures (retaining walls, bridge abutments, etc.) along the creek banks provides a moderate amount of energy dissipation. The proposed project will not affect energy dissipation within the bed of Old Mission Creek. The flowline of the creek and the creek bed are physically located on the adjacent property to the south of the 1135 San Pasqual project site.

The soils in the southern portion of the 1135 San Pasqual property consist of fill material (silty sand containing concrete, metal, plastic debris) that is 19.5 to 21.5 feet deep. The fill material was probably placed after Mission Creek was realigned to its present location and may include demolition debris from the 1925 earthquake that destroyed much of downtown Santa Barbara. The native soil beneath the fill material is silty/clayey sand that is 2.4 to 10 ft. thick overlying soft sandstone bedrock (Earth Systems Pacific 2013). The creek bed adjacent to the 1135 San Pasqual property flows across the silty sand fill material mixed with concrete, metal, wood and masonry debris. This fill material ranges from loose to medium dense and does not appear to have been compacted or placed in structural lifts when it was placed. Surface water from the creek and from rainfall is able to rapidly percolate through the poorly consolidated fill material and to a lesser degree the underlying native silty/clayey sand soil, but accumulates as a perched 3.5 to 10 ft. thick water table above the sandstone bedrock. The poorly consolidated fill soils on the property and in the project area provide an excellent medium for subsurface storage of water. The proposed project will not have any effect on subsurface water storage as the fill material that exist in the creek bed, creek banks, and southern portion of the project site will remain in place.

Old Mission Creek is a relic of Mission Creek that existed prior to Mission Creek being relocated and channelized in its current location. Old Mission Creek does not receive any surface water flow from Mission Creek but does still receive subsurface flow through alluvium as evidenced by the year round surface water flow of Old Mission Creek.

Almost all of the surface water flow in Old Mission Creek during the dry season is from subsurface discharge with a small component derived from excess landscape irrigation runoff. The existing conditions within Old Mission Creek function very well to moderate groundwater flow from upgradient sources. The proposed project at 1135 San Pasqual will not have any effect on the moderation of groundwater flow functions that Old Mission Creek currently provides.

5.4 Biogeochemical Functions

The ACOE (Brinson et. al 1995) has identified 4 primary biogeochemical ecosystem functions of riverine wetlands and associated riparian habitat:

1. Nutrient Cycling is the abiotic and biotic processes that convert nutrients and other elements from one form to another; primarily recycling processes.
2. Removal of Imported Elements and Compounds is the removal of imported nutrients, contaminants, and other elements and compounds.
3. Retention of Particulates is the deposition and retention of inorganic and organic particulates (>0.45 m) from the water column, primarily through physical processes
4. Organic Carbon Export is the Export of dissolved and particulate organic carbon from a wetland. Mechanisms include leaching, flushing, displacement, and erosion

Nutrient cycling occurs when dead organic matter falls on the ground and is broken down through the process of decomposition. During the decomposition process organic compounds are broken down and released into the atmosphere, soil, and water where they may be stored and become available for reuptake by plants and other organisms. The banks of Old Mission Creek on and adjacent to the 1135 San Pasqual property contain several large eucalyptus trees which drop substantial quantities of leaf litter on the creek banks in the creek bed and on the Palm Garden asphalt paved parking lot. The eucalyptus leaf litter that falls on soil accumulates and is the primary source of dead organic matter consumed in the nutrient cycling process. However, blue gum eucalyptus trees produce several allelochemicals (P-consiaryfomic chlorogenic, gentisic acids, phenolic acids, and terpenes) that are phytotoxins that reduce or eliminate competition from other plants by inhibiting plant growth and seed germination. These phytotoxin allelochemicals are released from fog drip off of leaves, leaching of leaf litter, and volatilization from live and dead leaves, and are adsorbed and retained by soil colloids (Bean and Russo 1986). The net effect of these eucalyptus phytotoxin allelochemicals is that most plants do not grow well beneath the eucalyptus tree canopy or in areas where eucalyptus leaf litter has been allowed to accumulate. The creeks banks of 1135 San Pasqual have a high level of nutrient cycling, that is unfortunately unavailable to most plants because of the eucalyptus phytotoxins and allelochemicals which inhibit plant growth.

5.5 Plant Habitat Functions

The ACOE (Brinson et. al 1995) has identified two primary plant habitat functions in riverine habitat 1) maintain characteristic plant community(s) and 2) maintain characteristic detrital biomass. Plant community functions include maintenance of plant species composition and the physical characteristics of living plant biomass with an emphasis on the dynamics and structure of the plant community(s). Maintenance of detrital biomass includes production, accumulation and dispersal of

dead plant materials from onsite and offsite sources including leaves, twigs, branches, tree trunks, and roots.

The existing plant community within the creek bed, banks and adjacent 25-27 ft. creek buffer zone from the actual topographic top-of bank on the 1135 San Pasqual property is dominated by non-native blue gum eucalyptus trees and other non-native vegetation. The native riparian plant community and species that were presumably once present along Old Mission Creek have been replaced by non-native species commonly found in disturbed areas and by ornamental landscape vegetation some of which appears to have been planted and some of which has escaped from neighboring parcels and is now well established on the 1135 San Pasqual property. The proposed project includes the removal of all non-native vegetation within a 2,052 sq. ft. area that includes the portion of the creek bank and 25-27 ft. wide creek buffer zone this is on the 1135 San Pasqual Street property and the planting of characteristic native riparian plant species.

The existing detrital biomass on the portion of the creek bank on the property consists primarily of eucalyptus tree leaf litter, bark, twigs, and branches. This material has been allowed to accumulate on the creek bank and provides a large quantity of dead plant biomass. The area between the topographic top-of-bank and the outer edge of the 25-27 ft. creek setback has very little detrital biomass and is considered to be disturbed by past land use activities. However, as previously described, detritus from blue gum eucalyptus trees contains phytotoxins and allelochemicals which inhibit seed germination and the growth of other plants except for those with special adaptations to these toxins. The proposed habitat restoration of the creek bank includes the removal of the four eucalyptus trees that are growing on the property, the removal of debris, eucalyptus leaf litter, the addition of clean potting soil at native plant planting locations, and the installation of a biodegradable single-net straw erosion control blanket (BioNet® S75BN™ or equivalent without polypropylene netting).

5.6 Animal Habitat Functions

There are four primary animal habitat functions in riverine ecosystems (Brinson et. al 1995):

1. Maintain Spatial Structure of Habitat is the capacity to support animal populations and guilds (a group of species that use the same resources) by providing heterogeneous (diverse or varied) habitats
2. Maintain Interspersion and Connectivity Interspersion is the degree of intermixing of different *habitat* types. Connectivity is the connection between habitat types. The functional capacity for aquatic and terrestrial organisms to enter and leave riverine habitat and the ability of for organisms to access contiguous habitat areas.
3. Maintain Distribution and Abundance of Invertebrates includes the capacity to maintain characteristic density and spatial distribution of invertebrates (aquatic, semi-aquatic, and terrestrial).
4. Maintain Distribution and Abundance of Vertebrates The capacity for riverine habitat to maintain characteristic density and spatial distribution of aquatic, semi-aquatic, and terrestrial invertebrates.

Blue gum eucalyptus trees have been shown to change the composition of insect and bird communities in locations where they are planted or become established (KQED

2013). Eucalyptus trees in riparian habitat outcompete and displace native trees which in turn effects bird and insect populations that are dependent upon the native vegetation that once existed. In addition eucalyptus leaves that fall or wash into streams and rivers have been shown to change the composition of aquatic macroinvertebrates, which alters the food chain. The change in macroinvertebrates is likely caused by the phytotoxins and allelochemicals chemicals released by eucalyptus leaves.

5.7 Analysis of Proposed Project Buffer Adequacy

No development of any kind is proposed on the creek bank, or within 25-27 ft. setback from the topographic top-of-bank (refer to Figure 4). The creek bank, and setback area between the structure and the actual topographic top-of-bank will be planted with native riparian vegetation. This will create a 2,052 sq. ft. riparian habitat restoration area on the property. The nearest structure will be approximately 55 ft. from the flow line of Old Mission Creek. During the course of our analysis, we found that 21.6% of the parcels adjacent to Old Mission Creek have buildings with a similar setback distance (between 50-75 ft.) from the creek flowline, 22% have a smaller (<50 ft.), setback and 57% have a larger (>75 ft.) setback (refer to Table 4). Our analysis was limited to permitted structures depicted on the City's AutoCAD topographic database, and did not include analysis of the distance of parking lots, patios, driveways and other paved surfaces from the creek. It is apparent from looking at aerial photographs available on Google Earth, that most of the parcels adjacent to Old Mission Creek have paved surfaces that are 50-75 ft. or closer to the flowline of Old Mission Creek. The project proposed setback from Old Mission Creek is more than adequate to ensure protection of the creek ecosystem functions and is consistent with City policies, and neighborhood characteristics.

Constraints

The main constraints to biological functions of the proposed buffer are surrounding land use and human disturbance. The creek in the vicinity of the project site is surrounded by pavement to the south and a bridge to the west. The creek itself enters a 60-in.-diameter by 330 ft. long concrete culvert immediately downstream (east) of the property and there is an asphalt paved parking lot on top of culvert. The creek bank on the southern end of the parcel is the only unpaved surface in the area and as such is a habitat fragment, isolated from upstream and downstream riparian habitat. The vegetation growing in this habitat fragment is predominantly non-native and is of little biological value to wildlife. The utilization of the creek bank by homeless people as an encampment and toilet causes significant disturbance to any wildlife in the area and is a source of trash and bacterial pollution.

Buffer water quality functions of erosion control and nutrient uptake are limited by the surrounding land use and existing condition of the property. The project site in the vicinity of the creek is poorly vegetated and contains large patches of bare ground. In addition, the soils are known to be contaminated with hydrocarbons. The primary source of water pollution to Old Mission Creek is surface water runoff from roadways. The City's street sweeping program is designed to help with this problem. Other sources of pollution in this urban environment include pesticide and fertilizer runoff from landscaping, sediment from construction sites, and human and animal waste.

Opportunities

The site is severely degraded. Any size buffer would be an improvement over the existing conditions, particularly if improvements to the buffer extend below the top of creek bank. The perennial surface water flow in Old Mission Creek also presents a unique opportunity for habitat restoration given that most of the coastal streams in Santa Barbara at lower elevations have intermittent flow. The establishment of a buffer and associated habitat improvements will also create an opportunity to discourage homeless people from using the area.

Considering that the City of Santa Barbara has performed riparian habitat restoration in Bohnett Park immediately upstream of the project and that cleanup and restoration activities are planned downstream, the establishment of a buffer on the property would contribute to the overall health of the system and provide wildlife a habitat link between these two areas.

5.8 Buffer Recommendations

The wildlife and habitat value of a 2,052 sq. ft. habitat restoration area and 25-27 ft.-wide buffer from the topographic top-of-bank is relatively small but significant in an urban area. The purpose of the buffer is to provide wildlife habitat and reduce the effects of human encroachment (i.e., noise, lights, odors, and trash). The project is anticipated to dramatically increase the wildlife and native plant habitat functions and will likely also result in a decrease in the amount of disturbance and pollution caused by homeless people who have set up an encampment on the creek bank.

The water-quality benefit of a 25-27 ft.-wide buffer will be an improvement over the existing conditions. The riparian restoration that will occur in this area will help trap sediment, remove nutrients and pollutants and is consistent with the Natural Resources Conservation Service minimum recommended 25-ft. buffer width.

It is our professional opinion that proposed 25-27 ft. wide buffer from the topographic top of bank will dramatically improve the creek wildlife and native plant ecosystem functions and will ensure protection riparian resources on this property.

6.0 HABITAT RESTORATION/ENHANCEMENT MEASURES

Habitat restoration is usually a three-part process requiring site preparation, planting, and long-term maintenance. These activities are described below:

6.1 Site Preparation

Site preparation will include removal of all non-native vegetation, removal of eucalyptus leaf litter, removal of 4-6 inches of soil from the creek bank contaminated by eucalyptus phytotoxins and allelochemicals, removal of trash, debris, and human feces from the soil surface. Non-native trees and shrubs that are growing on the adjacent neighboring property will not be removed. The semipermeable membrane that will be installed in the southern portion of the property to encapsulate contaminated soil (see Rincon Consultants - *Corrective Action Plan*, and Earth Systems Pacific *Soils Engineering Report* for more details) will be extended down the creek bank to the property line, and approximately 4 inches of clean top soil will be placed over the entire habitat restoration area up to the southern property line. A biodegradable single-net straw erosion control blanket (BioNet® S75BN™ or equivalent without polypropylene netting). will be installed in the restoration area

between the topographic top of bank and the southern property line on the creek bank.

The property owner will be removing the 4 blue gum eucalyptus, shamel ash, and pittosporum trees and other non-native vegetation growing within the 2,052 sq. ft. habitat restoration area. However, there is a large 5 trunk eucalyptus tree growing on the adjacent property with a canopy that extends out over the southern portion of the habitat restoration area. The eucalyptus tree on the neighboring property will continue to shade and drop eucalyptus leaf litter and release eucalyptus phytotoxins and allelochemicals that are detrimental to the habitat restoration effort on the 1135 San Pasqual property.

6.2 Planting Pallet

The applicant is proposing to plant 472 native plants in the 2,052 sq. ft. habitat restoration area including three western sycamore trees and 5 coast live oak trees. The newly planted trees will replace the non-native eucalyptus, shamel ash and pittosporum trees that will be removed and will provide screening of the adjacent property to the south. A variety of native shrubs, herbs, and vines that produce seeds that are eaten by birds will be planted in the habitat restoration area. The vegetation that will be planted on the creek bank will stabilize the creek bank and will replace the non-native vegetation currently growing there. Habitat restoration extends to the southern property line and does not include the lower creek bank or creek bed which are off of the owners property.

The area between the topographic top of bank and the new condominium will contain several different planting areas, and a small native sedge lawn (see Attachment 1). The planters will contain native shrubs and herbs and will be mulched to suppress weed growth, retain moisture, and prevent erosion. Table 5 contains a list of the plants that will be installed within the creek setback/habitat restoration area.

Table 5. Planting Pallet for Creek Setback/Habitat Restoration Area

Common Name	Latin Name	Location	Quantity/Container Size
Trees			
Western Sycamore	<i>Platanus racemosa</i>	creek bank	3 15-gallon
Coast Live Oak	<i>Quercus agrifolia</i>	creek bank & along topographic top of bank	5 15-gallon
Shrubs			
Lemonade berry	<i>Rhus integrifolia</i>	creek bank	5 5-gallon
Bitter gooseberry	<i>Ribes amarum</i>	creek bank	4 1-gallon
Evergreen Current	<i>Ribes viburnifolium</i>	25-27 ft. buffer zone from top-of-bank	21 1-gallon
Common Snowberry	<i>Symphoricarpos albus</i> <i>var. laevigatus</i>	creek bank & along topographic top of bank	15 1-gallon

Common Name	Latin Name	Location	Quantity/Container Size
Herbs			
California blackberry	<i>Rubus ursinus</i>	creek bank	11 1-gallon
Hummingbird Sage	<i>Salvia spathacea</i>	25-27 ft. buffer zone from top-of-bank near base of coast live oak	22 1-gallon
Western sword fern	<i>Polystichum munitum</i>	25-27 ft. buffer zone from top-of-bank near structures	22 1-gallon
Island alum root	<i>Heuchera maxima</i>	25-27 ft. buffer zone from top-of-bank near structures	22 1-gallon
Heart leaved penstemon	<i>Kekiella cordifolia</i>	creek bank & along topographic top of bank	16 1-gallon
Canyon sunflower	<i>Venegasia carpesioides</i>	creek bank & along topographic top of bank	25 1-gallon
Dune sedge	<i>Carex pansa</i>	small lawn area within 25-27 ft. buffer zone from top-of-bank near structures	290 2-4 inch pots or plugs
Vines			
Creek clematis	<i>Clematis ligusticifolia</i>	Creek bank	11 1-gallon
Total			472

6.3 Irrigation

All trees and shrubs will be irrigated using drip irrigation. Trees have 5-gallon per hour drip emitters, and shrubs will have 1-2 gallon per hour drip emitters. The shrubs installed in the planters in the setback area will be watered using 1-2 gallon/hour drip emitters. The hummingbird sage, island alum root, and western sword ferns will be irrigated using 15-25 gallon per hour drip irrigation micro-sprayers on risers. The sedge lawn shall be watered using a conventional lawn sprinkler system. Separate control valves shall be used for the lawn, drip irrigation with 1-5 gallon emitters, and the drip micro-sprayers on risers. We anticipate that the plants in the restoration/creek setback area will need to be watered at least twice a week for 1-2 hours. The irrigation frequency and volume shall be adjusted as needed by the landscape contractor or property owner to maintain the health of the plants.

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Figure 4. Habitat Restoration/Enhancement Planting Locations



Habitat Restoration/Enhancement Area (2,052 sq. ft.)

- Sycamore (Q = 3)
- Coast Live Oak (Q = 5)
- Lemonade berry (Q = 5)
- Bitter Gooseberry (Q = 4)
- Blackberry (Q = 11)
- Snowberry (Q = 15)
- Western Creek Clematis (Q = 11)
- Canyon Sunflower (Q = 25)
- Heart-Leaved Penstemon (Q = 16)
- Buffer Zone Plantings: Groupings of 3-4 by type
 - Evergreen Current (Q = 21)
 - Hummingbird Sage (Q = 22)
 - Western Sword Fern (Q = 22)
 - Island Alum Root (Q = 22)
- Dune sedge (@ 8 in. spacing Q = 290)

Existing Trees (Id)

- Ash
- Coast Live Oak
- Pittosporum
- Eucalyptus
- Walnut
- Tree Removal

- Project Site
- Actual Topographic Top of Bank

Figure 4. Habitat Restoration/Enhancement Area

Riparian Habitat Restoration/
 Enhancement Plan
 1135 San Pasqual,
 Santa Barbara, CA

6.4 Maintenance

Maintenance activities will include weed removal, removal of eucalyptus leaf litter, dead plant replacement, and repair and upkeep of the irrigation system and periodic replacement of wood mulch used in planting areas. We anticipate the maintenance activities will need to be performed at least twice a month while the new plant materials are becoming established. The maintenance frequency may be decreased 6 months after planting to once a month.

7.0 AGENCY PERMITTING REQUIREMENTS IN WETLANDS, WATERS, AND RIPARIAN HABITATS

The portion of Old Mission Creek on the adjacent property to the south is considered "waters of the United States" under jurisdiction of the U.S. Army Corps of Engineers (ACOE) Section 404 of the Clean Water Act. Although a formal wetland delineation was not conducted, the specific area of ACOE jurisdiction includes the channel bed and the lower portions of the creek bank which do not extend onto the 1135 San Pasqual property. The habitat restoration project described in this plan will not require an ACOE 404 permit because the project does not extend off of the property and will not disturb any areas subject to protection under the federal Clean Water Act and regulatory jurisdiction of the ACOE.

The proposed debris, soil, and non-native tree removal on the creek bank is anticipated to require a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). This type of CDFW permit is easily obtainable particularly when the project is a habitat restoration project that will benefit the riparian resources that CDFW regulates. We recommend that prior to performance of any habitat restoration activities on the creek bank, that the applicant and his biologist schedule a pre- Streambed Alteration Agreement application consultation with a representative of the CDFW. The project applicant will obtain a written authorization from CDFW or a 1602 Streambed Alteration Agreement from CDFW prior to performance of any project related activities in the habitat restoration area.

8.0 CONCLUSIONS

The project's proposed 25-27ft.-wide buffer from the actual topographic top-of-bank and performance of habitat restoration within a 2,052 sq. ft. area will dramatically improve the existing severely degraded condition of the creek bank and setback area on the 1135 San Pasqual property. This setback from Old Mission Creek is more than adequate to ensure protection of the creek ecosystem functions and is in our professional opinion consistent with City policies, and neighborhood characteristics. The proposed creek bank clean-up and habitat restoration will significantly improve the hydrogeomorphic functions of the riparian habitat adjacent to Old Mission Creek particularly the native plant and wildlife habitat functions. The project is also expected to improve water quality by reducing three sources of pollution: sediment that washes off of the property, bacteria from homeless encampment human waste, and hydrocarbons from contaminated soils. The proposed project deals with soil contamination and compaction issues in an innovative way, and will have a net positive environmental and social benefit to the community.

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**Attachment 1
Carex Pansa (Pacific Dune Sedge): The sedge with the other name**

Carex pansa (Pacific Dune Sedge): The sedge with the other name

By David Amme

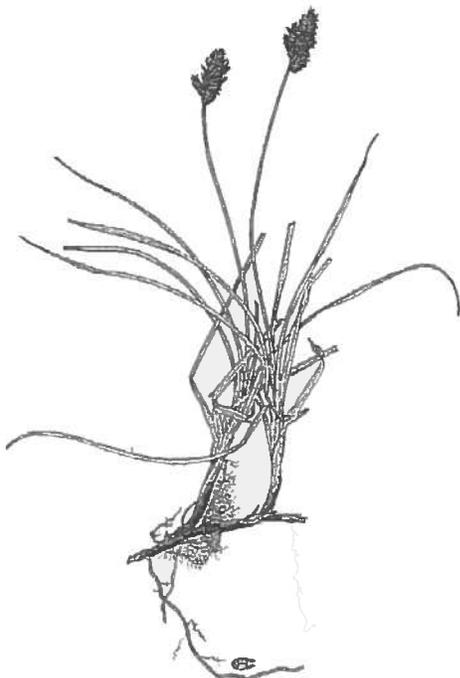


An expansive meadow of Pacific dune sedge growing with coyote brush (*Baccharis pilularis*) and sand reedgrass (*Calamagrostis nutkaensis*) surrounds a six foot wind blown Monterey Pine at Asilomar, Pacific Grove, CA.

Carex pansa (Pacific Dune Sedge): The sedge with the other name

Carex pansa (Pacific dune sedge) is a native creeping, meadow-forming sedge is growing in the horticultural trade in California as a meadow or lawn substitute (Amme 2003). Pacific dune sedge is also known as sand-dune sedge and in the horticultural trade as Western or California meadow sedge that distinguishes it from “meadow sedges” known in the eastern United States. *Carex pansa* is a strong creeping sedge that grows intermittently along the Pacific coast in sand dune swales and meadows immediately beyond the shore. It ranges from British Columbia south to central California dunes complexes north of Point Conception including the Oceano and Guadalupe dunes south of Pismo Beach, and on Santa Rosa Island in the Channel Islands off the coast of Santa Barbara (Howitt and Howell 1964, Eastwood 1941). *Carex pansa* was first identified as a distinct species in 1888 by Liberty Hyde Bailey Jr., the renowned Cornell University botanist and horticulturist, who collected specimens near the mouth of the Columbia River in Oregon and Washington Territory (Bailey 1888, Curto and Fross 2006).

C. pansa is closely related to *Carex praegracilis* (clustered field sedge), which inhabits seasonally moist alkaline or serpentine soils in the prairies and plains throughout most of North America from Alaska, through Canada and the Midwest, and from Washington and Oregon east of the Cascades south throughout California to Mexico and South America (Wilson *et al.* 2008, Hickman 1993). *Carex praegracilis* was named earlier than *C. pansa* in 1884 by botanist William Boott, from material collected near San Diego (Boott 1884). In California *C. praegracilis* is commonly found in wet swales in the valleys and mountain meadows west of the Sierra crest, in moist coastal strand sites, notably along the shore and serpentine soils of San Francisco Bay near Tiburon (Penalos 1963), and along the shores areas of California’s central and south coast (Howitt and Howell 1964, Hickman 1993). It is found in mesic areas in Death Valley and in the desert mountains.



Carex pansa (Mackenzie 1940a)



Carex praegracilis (Mackenzie 1940b)

The two species are distinguished by a number of characters. *Carex pansa* has slightly wider leaves and is shorter in stature than *C. praegracilis*. In the wild, *C. pansa* rarely exceeds 8 inches in height, but may be slightly in protected areas, in wet, mesic areas or in the shade. Natural stands of *Carex praegracilis* are more erect and normally reach 16 to 24 inches in height (Curto and Fross 2006). *Carex pansa* seeds have a glossy dark brown color while the slightly larger *C. praegracilis* seeds are a dull yellow brown in color. The inflorescence of *C. praegracilis* is generally narrower than the more compact *C. pansa* inflorescence. Gene flow is sure to exist between these two closely related species, especially in the Oceano and Guadalupe dune areas (Hoover 1970). In their article "A sedge by another name . . . is confusing", Curto and Fross (2006) lament that the proper name for *Carex pansa* should be *Carex praegracilis*. At some point the fickle rules of nomenclature may submerge *C. pansa* into *C. praegracilis* with a footnote or possibly variety status. The real question is: what does L.H. Bailey's epithet "*pansa*" mean? According to the Latin translation *pansa* means "splay-footed", which suggests a meaning of "to lay flat" or "flat/spreading". The Latin epithet *praegracilis* means "very slender".



Carex pansa sweeping up the white sand dunes windward of the Asilomar State Park surrounding a Monterey pine and overtopping coyote brush.

The most well-known and best example of the native California *Carex pansa* habitat along California's coast is on the northwest facing exposure of the Monterey Peninsula in the granite-white sands and mesic depressions of Asilomar State Park and Spanish Bay between Point Pinos and just beyond Point Joe. Here, *Carex pansa* grows with stunted, wind blown Monterey pines almost identical in appearance to similar settings in Oregon's sand dunes where *Carex pansa* is associated with shore pine and Sitka spruce. It is important to note that *Carex praegracilis* was also identified in the dunes near Elkhorn Slough and on Monterey Peninsula shore dune habitat near Asilomar and in more inland (mesic pine forest) sites (Howitt and Howell 1964). This reflects Robert Hoover's (1970) observations regarding *C. praegracilis*' great variation in the shore dune sites in the Guadalupe dune complex of Monterey County.

Before the street curbs were installed around the Asilomar State Park Campus in the 1980's, vehicles parked on the flat road shoulders clothed with the durable *Carex pansa*. A few cuttings were collected (by the author) on the roadsides and increased through divisions. Eventually the divisions were given to John Greenlee, California's legendary graminoid horticulturist, to be further divided and tested. Greenlee had also selected the taller 'Laguna' cultivar of *Carex praegracilis* from the Laguna Mountains of San Diego County (Curto and Fross 2006). The first 'Asilomar' *C. pansa* meadow was created at Greenlee's coastal test garden in Malibu, California in the late 1980's. Eventually, enough seed was collected to grow and sell many thousands of plugs. Nurseries in the north and south coast area purchased the Asilomar selection and increased their own stocks. The numbers of *C. pansa* plants have been growing exponentially ever since. *Carex pansa* container pots and plugs are currently being produced by well over 22 nurseries and growers from San Diego to Northern California, Washington State and British Columbia (Calflora 2008).

The Asilomar 'ecotype' has been planted in all kinds of sites and settings from Las Vegas to San Diego to the Napa and Sonoma valleys. It is largely untested in the Eastern US but has proven durable in Texas and Colorado and grows well in all parts of California below 3500 ft. (Greenlee 1992). The Asilomar variety has been proven hands-down to be one of the finest sedges for making a lawn substitute or an unmowed natural meadow. Meanwhile, plants with similar characteristics identified as *Carex praegracilis* collected in the South Coast area, have also proven to be extremely effective as unmowed meadows and mowed 'lawns'. One of the oldest and most dramatic examples of a *C. praegracilis* lawn exists in the Leaning Pine Arboretum on the campus of California Polytechnic State University in San Luis Obispo (Curto and Fross 2006). Around the same time an Asilomar *C. pansa* meadow was planted at Sonoma State College on the north side of the campus near the Environmental Technology Center.



A healthy sod of *Carex pansa* 'Asilomar' at the Sonoma State College Environmental Technology Center in Rohnert Park, south of Santa Rosa, CA.

C. pansa is well adapted to the garden setting. Unmowed, it grows up to 8 - 10 inches high. It tolerates a variety of soil types and temperatures, from sandy, exposed seacoasts to clay soils and hot, inland valleys. It tolerates moderate traffic. Like most sedges, it grows well in partial shade. Mowing two to three times per year at 3-4 inches keeps the foliage low, healthy and lawn-like. Unmowed, it makes an attractive natural deep green meadow and remains evergreen in all but the coldest climates.

Establishing *Carex pansa* by broadcast seeding is very difficult because the seed is difficult to collect in large enough amounts, it is very slow to emerge in field conditions, and establishes sporadically with the increasing competition from weeds, fickle irrigation, and dry spells. Pacific dune sedge is established quickly from plugs that are grown from seed or divisions in controlled conditions and planted 6 to 12 inches on center (Greenlee 2000). If planted in the winter and spring with adequate moisture and fertilizer, the plugs will generally close canopy by the end of the first summer. Once established *Carex pansa* will stay green yearlong with occasional irrigation (Greenlee 1992). Plan ahead and reserve or have plugs contract grown.



An unmowed meadow of *Carex pansa* 'Asilomar' in the Napa Valley at the Long Meadow Ranch Rutherford Gardens on Hwy 29.

When planting *C. pansa* plugs for a meadow or lawn it is important that top 5-10 inches of soil is not severely compacted. This is often the case with new home sites after construction. In heavy clay soils, organic amendments and a little extra moisture will be required for successful establishment. Towards the end of the summer *C. pansa* is susceptible to occasional rust. This can be prevented by applying a light application of a soluble NPK fertilizer, mowing, and/or curtailing the irrigation. *C. pansa* grows more slowly and has a lower transpiration rate than turf grass. Occasional deep irrigation during the California dry season is necessary to keep *C. pansa* looking good and prevent dormancy. A *Carex pansa* meadow or lawn only needs a fraction of the water that it takes to support a thirsty transpiring grass lawn.



An unmowed meadow of Pacific dune sedge growing on a partially shaded hillside above a patio in a San Rafael garden.

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John Greenlee with his dog Otis on a lush *Carex pansa* lawn in at the Molly Chapalet Winery on the east side of the Napa Valley.

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Investec Inc.

Attn: Mr. Rich Ridgway
200 E. Carrillo Street, Suite 200
Santa Barbara, CA 93101-2144

July 28, 2014

RE: Amendment to 1135 San Pasqual Riparian Habitat Restoration and Enhancement Plan

Dear Rich,

As directed by the City planning department, I have prepared an amendment to the May 9, 2014 San Pasqual Riparian Habitat Restoration and Enhancement Plan that includes: performance standards and success criteria, biological mitigation monitoring and agency reporting, and a monitoring schedule.

Performance Standards and Success Criteria

Performance standards are a measure of how well a project is meeting the goals and objectives of a program and/or plan. The goals of this riparian restoration/enhancement plan are: preservation of creek and associated riparian habitat, improvement of wildlife habitat quality, improvement of creek water quality, and prevention of creek bank erosion. Success criteria are specific measurable objective standards that are used to determine whether the desired habitat restoration/enhancement has been achieved by the property owner and can be deemed successful by the permitting agencies.

The **performance standards** for this habitat restoration plan are:

- 80 percent survival of the plant materials, 50 percent native vegetation cover and less than 10 percent weeds (excluding non-native grasses and eucalyptus tree canopy) one year after planting.
- 85 percent survival of the plant materials, 70 percent native vegetation cover and less than 10 percent weeds (excluding non-native grasses and eucalyptus tree canopy) two years after planting.
- 90 percent survival of the plant materials 85 percent native vegetation cover and less than 10 percent weeds (excluding non-native grasses and eucalyptus tree canopy) three years after planting.

The **overall success criteria** for this habitat restoration plan are:

- 90 percent survival of plant materials, 85 percent native vegetation cover and less than 10 percent weeds (excluding non-native grasses and eucalyptus tree canopy) three years after planting.

Biological Mitigation Monitoring and Agency Reporting

Biological mitigation monitoring will include quantitative measurements of plant material survival and native vegetation cover and qualitative observations about plant health and a description of any natural or manmade disturbance or activities that need to be addressed. The monitoring survey results shall be described in written reports prepared by a City-approved biologist describing the progress of the restoration site toward attainment of the performance standards and success criteria. The monitoring reports shall be submitted to the City and California Department of Fish and Wildlife per the schedule described below.

Monitoring & Reporting Schedule

- **Post-installation;** verify that plant materials, irrigation, and erosion control materials have been installed per plan within two weeks of the landscape contractor completing the installation work. The monitoring biologist shall prepare an As-Built monitoring report identifying any changes to the plan or substitutions that occurred with photo documentation of the completed installation work. The As-Built monitoring report will be sent to the regulatory agencies (City of Santa Barbara and California Department of Fish and Wildlife) by the monitoring biologist within 1-month of the installation completion.
- **1st year post-installation;** survey the site to determine plant survival, native vegetation cover, and weed cover. Assess overall site conditions, plant health and describe any natural or manmade disturbance or activities that need to be addressed/corrected. The monitoring biologist shall assess project status toward attainment of 1st year post-installation performance standards, progress toward attainment of success criteria, identify any remedial actions needed to meet performance standards, and provide photo documentation of the habitat restoration site. The 1st year post-installation monitoring report shall be sent to the regulatory agencies (City of Santa Barbara and California Department of Fish and Wildlife) by the monitoring biologist within one month of the 1st year anniversary of the As-Built monitoring report.
- **2nd year post installation;** survey the site to determine plant survival, native vegetation cover, and weed cover. Assess overall site conditions, plant health and describe any natural or manmade disturbance or activities that need to be addressed/corrected. The monitoring biologist shall assess project status toward attainment of 2nd year post-installation performance standards, progress toward attainment of success criteria, identify any remedial actions needed to meet performance standards, and provide photo documentation of the habitat restoration site. The 2nd year post-installation monitoring report shall be sent to the regulatory agencies (City of Santa Barbara and California Department of Fish and Wildlife) by the monitoring biologist within one month of the 2nd year anniversary of the As-Built monitoring report.
- **3rd year post installation;** survey the site to determine plant survival, native vegetation cover, and weed cover. Assess overall site conditions, plant health and describe any natural or manmade disturbance or activities that need to be addressed/corrected. The monitoring biologist shall assess project status toward attainment of 3rd year post-installation performance standards, progress toward attainment of success criteria, identify any remedial actions needed to meet performance standards, and provide photo documentation of the habitat restoration site. The 3rd year post-installation monitoring report shall be sent to the regulatory agencies (City of Santa Barbara and California

**Amendment to 1135 San Pasqual Riparian Habitat
Restoration and Enhancement Plan**

Department of Fish and Wildlife) by the monitoring biologist within one month of the 3rd year anniversary of the As-Built monitoring report.

Based on the results of the monitoring, and progress toward attainment of the restoration success criteria the property owner or monitoring biologist may request that the permitting agencies (i.e., City of Santa Barbara and California Department of Fish and Wildlife) allow the property owner to terminate the biological monitoring and reporting at the end of the 2nd year if the overall success criteria have been met. The approval of this request will be up to the individual permitting agencies to grant. If on the other hand, the performance standards and success criteria have not been met at the end of the 3rd year the permitting agencies may require the property owner to perform remedial actions and extend the monitoring and reporting period for one or two additional years.

It is in the property owners financial interests to ensure project success. The owner will have a licensed landscape contractor performing the site preparation, installation, and maintenance of the site. The monitoring biologist will also periodically be onsite during the site preparation and installation phase of the project to ensure project success. If you have any questions regarding this amendment please contact me at (805) 729-1070.

Sincerely,



Mark de la Garza
President, Watershed Environmental

APPLICABLE GENERAL PLAN POLICIES

1135 San Pascual Street

Biological Resources Policies

ER11. **Native and Other Trees and Landscaping.** Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native or Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.

ER12. **Wildlife, Coastal and Native Plant Habitat Protection and Enhancement.** Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitats, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.

Hydrology, Water Quality and Flooding Policies

ER15. **Creek Resources and Water Quality.** Encourage development and infrastructure that is consistent with City policies and programs for comprehensive watershed planning, creeks restoration, water quality protection, open space enhancement, storm water management, and public creek and water awareness programs.

ER16 **Storm Water Management Policies.** The City's Storm Water Management Program's policies, standards and other requirements for low impact development to reduce storm water run-off, volumes, rates, and water pollutants are hereby incorporated into the General Plan Environmental Resources Element.

ER17. **Creek Setbacks, Protection, and Restoration.** Protection and restoration of creeks and their riparian corridors is a priority for improving biological values, water quality, open space and flood control in conjunction with adaptation planning for climate change.

New Housing Development Policies

H10. **New Housing.** Given limited remaining land resources, the City shall encourage the development of housing on vacant infill sites and the redevelopment of opportunity sites both in residential zones, and as part of mixed-use development in commercial zones.

H11. **Promote Affordable Units.** The production of affordable housing units shall be the highest priority and the City will encourage all opportunities to construct new housing units that are affordable to extremely low, very low, low, moderate and middle-income owners and renters.

H12. **Above Moderate Affordable Housing.** Provide incentives for the private sector development of new housing opportunities affordable to households earning more than 120% of the Area Median Income, but not more than 200% of the Area Median Income.

H13. **Non-Subsidized Rental Housing.** Preserve and promote non-subsidized affordable rental housing.

H14. **Sustainable Housing.** Ensure that new market-rate residential development is consistent with the City's sustainability goal, including reduced energy and resource use, and increased affordable housing opportunities.

Conservation and Improvement of Existing Housing Policies

H20. **Property Improvements.** The City shall encourage residential property owners to improve the conditions of their property(ies) to a level that exceeds the minimum standards of the California Building Code and the Uniform Housing Code.



City of Santa Barbara

CEQA CERTIFICATE OF DETERMINATION

To: File: MST2013-00377
1135 San Pascual Street

From: Allison De Busk, Project Planner, (805) 564-5470, ext. 4552

Subject: Certificate of Determination for Exemption from Environmental Review under CEQA Guidelines Section 15183

Project Location: City of Santa Barbara, County of Santa Barbara **General Plan Designation(s):** Medium High Density Residential

Assessor's Parcel Number(s): 039-201-003 **Zone(s):** R-3 (Limited Multiple Family Residential)

Project Applicant: Richard Ridgeway

Project Description: The proposed project is a four-unit condominium development on an 11,250 square foot lot located at the southwest corner of West Anapamu and San Pascual Streets. The project site is currently developed with a single-family residence and detached garage. Proposed construction includes a new two-story building containing three 1,294 square foot three-bedroom residential units, each with an attached one-car garage. The existing one-story 1,152 square foot two-bedroom residence and 385 square foot garage would remain and are proposed to be rehabilitated, and a 300 square foot bedroom addition is proposed for the residence. The project site is adjacent to Old Mission Creek, and the project includes a Habitat Restoration and Enhancement Plan.

Project Environmental Findings: The city of Santa Barbara evaluated the proposed project and made the following determinations:

1. The project is consistent with the density established for the site in the city of Santa Barbara General Plan.
2. A Program Environmental Impact Report was certified for the 2011 General Plan, which identified environmental effects of future citywide development under the General Plan, including significant effects, mitigated effects, and insignificant effects.
3. Pursuant to CEQA and CEQA Guidelines (Public Resources Code Section 21083.3 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15183), environmental review for this project shall be limited to examination of any significant project-specific environmental effects not analyzed in the prior Environmental Impact Report for the 2011 General Plan.
4. Project-specific impacts:
 - The project will not result in significant project-specific environmental effects.
 - Potentially significant project-specific environmental effects will be substantially mitigated by uniformly applied development standards or policies and/or measures proposed as part of the project description, as identified in the *Preliminary Review* documentation. The project will not result in significant project-specific effects.
5. Mitigation measures:
 - Relevant mitigation measures from the General Plan Program EIR have been made part of the project.
 - No mitigation measures from the General Plan Program EIR are relevant or have been made part of the project.
6. A mitigation monitoring and reporting plan [was was not] adopted for this project.
7. A Statement of Overriding Considerations was adopted by City Council for the 2011 General Plan (Resolution 11-079), finding that the significant cumulative environmental effects of citywide development under the 2011 General Plan were outweighed by the benefits of the Plan and therefore deemed acceptable. The Statement of Overriding Considerations remains applicable for the current project.
8. Findings were made pursuant to the provisions of CEQA.

Exempt Status: Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Projects Consistent with Community Plan or Zoning) and CEQA Statute (Section 21083.3 of California Public Resources Code)

The Program Environmental Impact Report for the 2011 General Plan and the record of current project permit review process may be viewed by the public at the City Planning Division office at 630 Garden Street, Santa Barbara.

<i>All DeBusk</i>	<i>Project Planner</i>	<i>9-22-14</i>
Signature (City of Santa Barbara)	Title	Date