



**CITY OF SANTA BARBARA  
COMMUNITY DEVELOPMENT DEPARTMENT  
DRAFT MITIGATED NEGATIVE DECLARATION – PLN2019-00425**

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

**PROJECT LOCATION:** 1100 E. Cabrillo and 1414 Park Place; Andrée Clark Bird Refuge, East Beach, and Municipal Tennis Court Center

**PROJECT PROPONENT:** George Johnson, Creek Supervisor

**PROJECT DESCRIPTION:** The project proposes to improve water quality and restore habitat for aquatic and avian wildlife through the replacement of the Andrée Clark Bird Refuge Lagoon weir and weir gate, removal of approximately 23 non-native trees, recontouring portions of the lagoon shoreline, recontouring the mouth of the lagoon on the beach side (adjacent to the volleyball courts), seasonal lowering of the sand berm at the mouth of the lagoon on the beach side, and installation of native plants and rock clusters along the margin of the lake, islands and mouth of the lagoon. Construction of a bio-retention basin would also occur at the Municipal Tennis Center property, located at 1414 Park Place. The properties are zoned P-R/S-D-3, with a Coastal Land Use Plan designation of Parks and Open Space.

**IDENTIFIED MITIGATION:**

- BIO-1      Ensure that all coconut matting and other erosion control material used for the project does not contain plastic netting. Materials shall be all-natural fiber. Biodegradable plastic is not acceptable.
  
- BIO-2      Impacts to nesting birds shall be avoided by conducting a pre-construction and/or pre-maintenance activity nesting bird survey. If any native nesting birds are located within 100 feet of the active work site, project construction shall be delayed until the birds have fledged.
  
- BIO-3      Impacts to common and special-status wildlife species shall be minimized by over-sight by the Onsite Environmental Coordinator (OEC) who shall monitor all project construction and maintenance activities. If wildlife species are encountered or is otherwise exposed to risk, the OEC shall implement measures to reduce exposure risk, including halting work, fencing, or wildlife removals. The OEC or designee shall attempt to move the animal outside the construction site in a manner consistent with regulatory requirements. At the OEC's discretion, construction can resume even if the animal has not been relocated (e.g. animal cannot be caught safely, animal cannot be located, etc.). Non-native wildlife shall be removed from the site to the

extent feasible.

- BIO-4 Impacts to globous dune beetles shall be avoided by conducting a preconstruction and/or pre-maintenance activity beetle survey. If any globous dune beetles are found, they shall be relocated to a safe area on-site or to the closest suitable habitat.
- BIO-5 A preconstruction survey within the work zone for tidewater gobies shall be conducted within approximately one week prior to the commencement of vegetation/sediment removal activities, or dewatering. If gobies are present, a U.S. Fish and Wildlife Service-approved biologist shall conduct fish rescue and relocation where feasible prior to the start of work in order to clear work areas of tidewater goby. It should be noted that it may not be feasible in some areas to conduct a fish survey or rescue if the water is too deep or the bottom is too muddy to be able to conduct seining. If this is the case at the weir location, the area may first need to be set up for dewatering and water levels reduced until seining can be conducted to relocate fish out of the work zone. In areas that shall not be dewatered but seining is not feasible then attempts shall be made to flush fish out of the area prior to working with heavy equipment.
- BIO-6 A U.S. Fish and Wildlife Service-approved biologist shall capture, handle, and relocate tidewater gobies from the work area using ¼-inch seine and dip nets and aerated buckets of water from the refuge to a designated relocation area outside the work area. The relocation area shall be located within suitable habitat and the shortest distance from the disturbance area. Areas with brackish water, emergent vegetation, and sandy substrate shall be the preferred relocation areas. Relocation areas should be upstream of the weir construction or may be downstream once the weir construction is complete.
- BIO-7 In work areas that shall not be dewatered such as the islands, marsh lobes, and lagoon that may contain water, fish should be moved from the area using seine and dip nets where feasible, or flushed by walking or using vibrations/noise from construction equipment. Then a silt curtain shall be deployed as feasible by securing with t-posts and zip ties and fastening weights to the bottom at approximately a 5-foot buffer from the construction boundary to reduce turbidity when working in the water. If turbidity is not an issue, block nets with ¼-inch mesh, weights tied to the bottom and secured with t-posts and zip ties may be used instead of silt curtains to keep fish out of work areas where feasible.
- BIO-8 A U.S. Fish and Wildlife Service-approved biologist shall conduct a worker environmental awareness training for all project personnel prior to the start of project activities. The training shall include a description of tidewater goby and its habitat including a photograph of the species. It shall describe the ESA and penalties if provisions of the Act are violated. It shall outline the project boundaries and minimization and mitigation measures that all construction personnel must follow to avoid impacts to and protect the species.
- BIO-9 A U.S. Fish and Wildlife Service-approved biologist shall monitor the dewatering efforts for the weir construction to minimize impacts to tidewater gobies. If sheet piles are used for the dewatering, it is assumed that the vibrations and noise would flush fish out of the area. However, as the area is dewatered, sufficient time shall be allowed for the U.S. Fish and Wildlife Service-approved biologists to capture and relocate any tidewater gobies that may be trapped within the dewatering area prior to continuing work activities. Once the area is cleared of tidewater goby the qualified biologist shall conduct periodic inspections of the area and be present when the dewatering system is removed.
- BIO-10 The results of any tidewater goby preconstruction survey or relocation shall be documented and submitted in a report to the regulatory agencies.

- BIO-11 Impacts to tidewater goby shall be minimized from oversight by the Onsite Environmental Coordinator (OEC) who shall monitor project construction. If special status wildlife species are encountered, the OEC or designee shall stop work until the animal has moved outside the construction site. The OEC shall contact a local expert if assistance is needed.
- BIO-12 Clearly define work limits, keep equipment within work zone, and keep work zone to a minimum within the water.
- BIO-13 Water-based sediment and vegetation removal activities associated with recontouring the islands, marsh lobes, and lagoon, shall be limited to August 1 through November 1, to avoid prime breeding season of tidewater goby, and take advantage of low water levels in the lagoon and minimize work within the water.
- BIO-14 Conduct a preconstruction survey of the refuge in areas of preferred tidewater goby habitat for which to compare with post-construction monitoring for tidewater goby. Monitoring would also include sampling of water quality to ensure brackish water habitat has not been reduced from pre-project conditions. The results would be submitted in a minimum of three annual reports to the regulatory agencies for preconstruction and at least two years following construction.
- BIO-15 Impacts to legless lizards shall be minimized by Onsite Environmental Coordinator monitoring of soil disturbance within the sandy dune habitat. If any legless lizards are detected, they shall be captured by a qualified biologist and either relocated to a safe location and released immediately or secured in a 5-gallon bucket half-filled with sand until a safe location is available (not to exceed five days).
- BIO-16 Impacts to pond turtles shall be minimized by Onsite Environmental Coordinator monitoring of vegetation removal especially within the northeastern and northwestern portions of the Bird Refuge. Pond turtles shall be relocated out of work areas and promptly released back into the open water (ideally in the northwestern portion of the refuge). Any red-eared sliders captured during construction activities shall not be released.
- BIO-17 Impacts to pond turtles shall be minimized by the installation of “reversed” silt fencing along the edges just outside the water. The silt fence shall be set to allow turtles to push under to exit work areas but stop them from entering the work areas. The “reverse” silt fencing shall be set with the loose tail of the silt fencing toward the water loosely anchored which allows wildlife to push under; animals approaching from the outside (water side) shall be blocked by the silt fence and rarely would figure out how to push under the loose tail portion of the silt fence. The silt fence shall be installed only in areas where turtles are anticipated, namely the northwestern portion and on the islands. If block nets and/or silt curtains are already employed, the Onsite Environmental Coordinator shall determine if “reverse” silt fence is needed.
- BIO-18 A U.S. Fish and Wildlife Service-approved biologist or Onsite Environmental Coordinator monitor shall conduct a worker environmental awareness training for all project personnel prior to the start of project activities. The training shall include a description of the pond turtle and red-eared slider including a photograph of each species. It shall outline the project boundaries and minimization and mitigation measures that all construction personnel must follow to avoid impacts to and protect the pond turtles.
- BIO-19 If a California brown pelican is found within the work area, the Onsite Environmental Coordinator (OEC) shall slowly approach the bird to determine if it is ill or injured. If ill or injured, an effort shall be made to contact the Santa Barbara Wildlife Care Network or other appropriate wildlife care organization to capture and treat the bird. The OEC should not try to capture the bird unless directed by an appropriate organization. If healthy, the OEC should

slowly approach the bird until it leaves the work zone.

- BIO-20 All construction shall be conducted during the dry season, to minimize work in the open water and potential for erosion.
- BIO-21 Temporary construction fencing shall be placed, as feasible, in areas of wetland vegetation adjacent to the construction footprint to minimize impacts to existing native wetland plants on site.
- BIO-22 During construction, silt fencing shall be installed in areas where grading is near open water to prevent sediment from entering the refuge/lagoon.
- BIO-23 All equipment shall be stored, maintained, and fueled a minimum of 50 feet from open water.
- BIO-24 After construction is completed, all areas of disturbance on the edges of the weir shall be covered with coconut fiber matting and planted with native plants; the banks near the outflow shall be stabilized using a layer of un-grouted rip-rap boulders and strategic plantings to reduce erosion. Coconut fiber matting shall be placed on slopes greater than 3:1 above the Mean Higher-High Water elevations to control erosion.
- BIO-25 Trimming of native trees to be retained shall be conducted by a certified arborist.
- BIO-26 The Onsite Environmental Coordinator shall monitor construction activities in wetland areas to keep the disturbance area within the project footprint and ensure the erosion control measures are functioning.
- BIO-27 Willow trees removed may be used by taking cuttings to propagate for revegetation. Native understory plant species impacted shall be salvaged by collecting plant materials and soil for use in restoration to the extent feasible.
- BIO-28 Implement an adaptive management vegetation monitoring program to track wetland vegetation response to the changes in water dynamics to ensure there is no net loss of wetlands.
- BIO-29 If unanticipated impacts to coast live oaks occur during construction, the owner shall plant 10 coast live oak trees obtained from acorns collected from within 10 miles of the project site for every oak tree removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. The trees shall be planted in one-gallon size containers or equivalent, gopher fenced and irrigated (drip irrigation on a timer) for a five-year maintenance period.
- BIO-30 Any encroachment within the critical root zone of native trees shall adhere to the following standards (tree is considered damaged if more than 20% encroachment into the critical root zone):
- i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
  - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
  - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- BIO-31 Five trees or shrubs obtained from material collected from within 10 miles of the project site shall be planted for every native tree or large shrub removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. They shall be in one-gallon size containers or equivalent, gopher caged and irrigated (drip irrigation on a timer) for a five-year

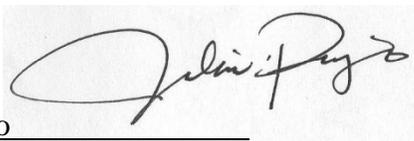
maintenance period.

- BIO-32 One native tree obtained from material collected from the South Coast between Rincon Creek and Gaviota Creek shall be planted for every non-native tree removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. They shall be in one-gallon size containers or equivalent, and irrigated (drip irrigation on a timer) for a five-year maintenance period.
- BIO-33 Prior to construction, a rare plant survey should be conducted in the spring season during the blooming period of potential special status species to determine whether or not the special status species with potential to occur on site are present within the work zone or 10-foot buffer area. If special status plant species are found on site they shall be avoided, if feasible, by clearly marking the area around the plants and the Onsite Environmental Coordinator shall monitor construction crews to ensure the plants are protected. If the plants cannot be avoided, they shall be replaced by collecting seeds and/or cuttings from the plants and/or relocation on site as appropriate, propagating in one gallon size container plants in a nursery, and outplanting in the restoration areas. If special status plants are installed, they shall be incorporated into the restoration monitoring plan to ensure survival.
- BIO-34 (Recommended) Include native narrow-leaf milkweed (*Asclepias fascicularis*) in the habitat restoration plant pallet to help mitigate for indirect impacts to monarch butterflies. Where appropriate, the City should include native narrow-leaf milkweed and educational signage talking about monarchs, their life cycle, and the importance of milkweed to this species.
- BIO-35 Temporary construction fencing shall be placed, as feasible, in areas of riparian vegetation adjacent to the construction footprint to minimize impacts to existing riparian habitats on site.
- BIO-36 Cuttings shall be taken from willows needing trimming or removal. Cuttings shall be installed either directly to restoration areas that have supplemental irrigation or shall be propagated in a nursery for future outplanting in the restoration areas.
- BIO-37 If feasible, protect existing native dune habitat areas by fencing these areas during construction. If the areas must be graded, then the plant materials and/or seeds of the native vegetation present should be salvaged/collected for use in the dune restoration efforts.

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**MITIGATED NEGATIVE DECLARATION FINDING:**

Based on the attached Initial Study prepared for the proposed project and the mitigation measures identified, it has been determined that the proposed project will not have a significant effect on the environment after the above revisions are made to the project and are agreed to by the project proponent.



Julia Pujo  
Environmental Analyst

October 29, 2020  
Date

CITY OF SANTA BARBARA  
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION



**INITIAL STUDY/ ENVIRONMENTAL CHECKLIST**

**PROJECT TITLE: ANDRÉE CLARK BIRD REFUGE COASTAL RESTORATION**

**APPLICATION NUMBER: PLN2019-00535**

**OCTOBER 30, 2020**

This Initial Study has been prepared in accordance with CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 et seq.). This Initial Study has been completed for the project described below because the project is subject to review under the California Environmental Quality Act (CEQA), and was determined not to be exempt from the requirement for the preparation of an environmental document. The information, analysis, and conclusions contained in this Initial Study determine whether the project could have significant environmental impacts and if preparation of a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) is required to further analyze project impacts and significance levels.

**LEAD AGENCY**

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

Contact Person Phone Number and Email:

Megan Arciniega, AICP, Project Planner (805) 560-7587, [MArciniega@SantaBarbaraCA.gov](mailto:MArciniega@SantaBarbaraCA.gov)

**APPLICANT/ PROPERTY OWNER**

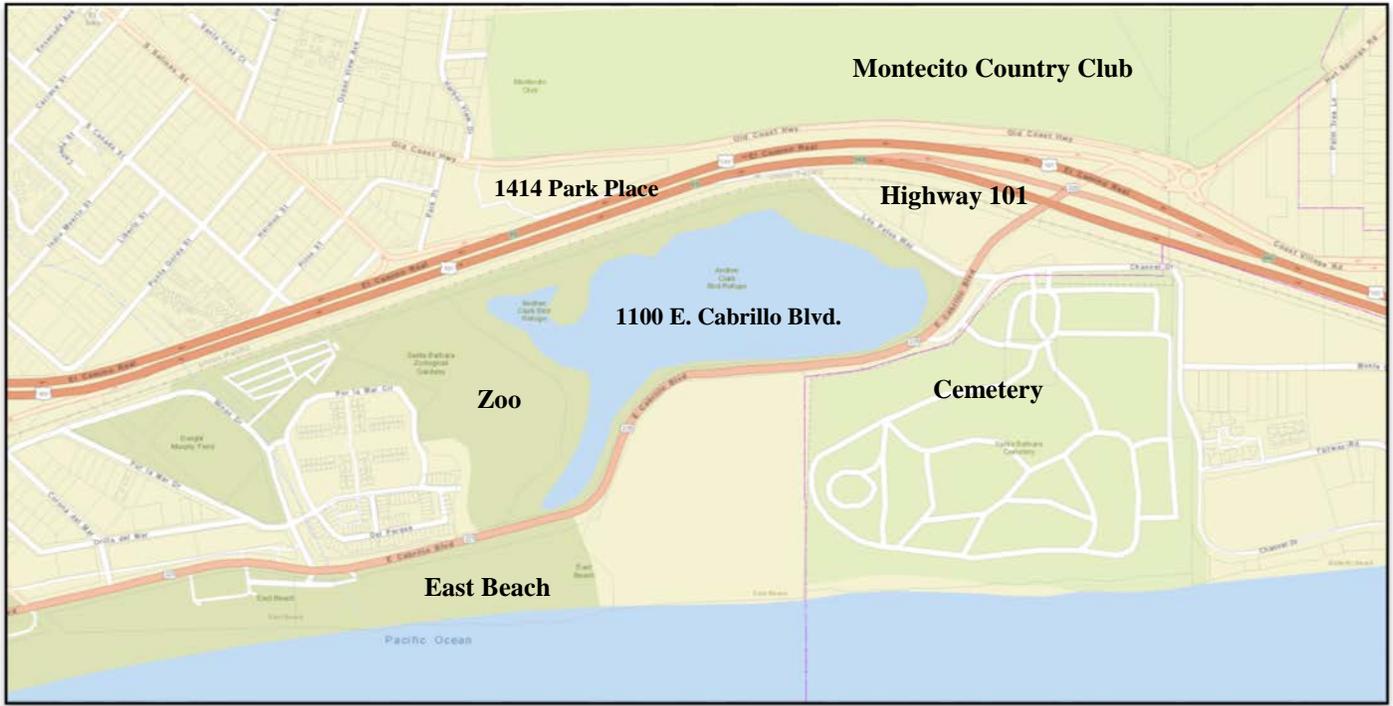
Applicant: City of Santa Barbara Creeks Division

Applicant Representative: George Johnson, Creeks Supervisor

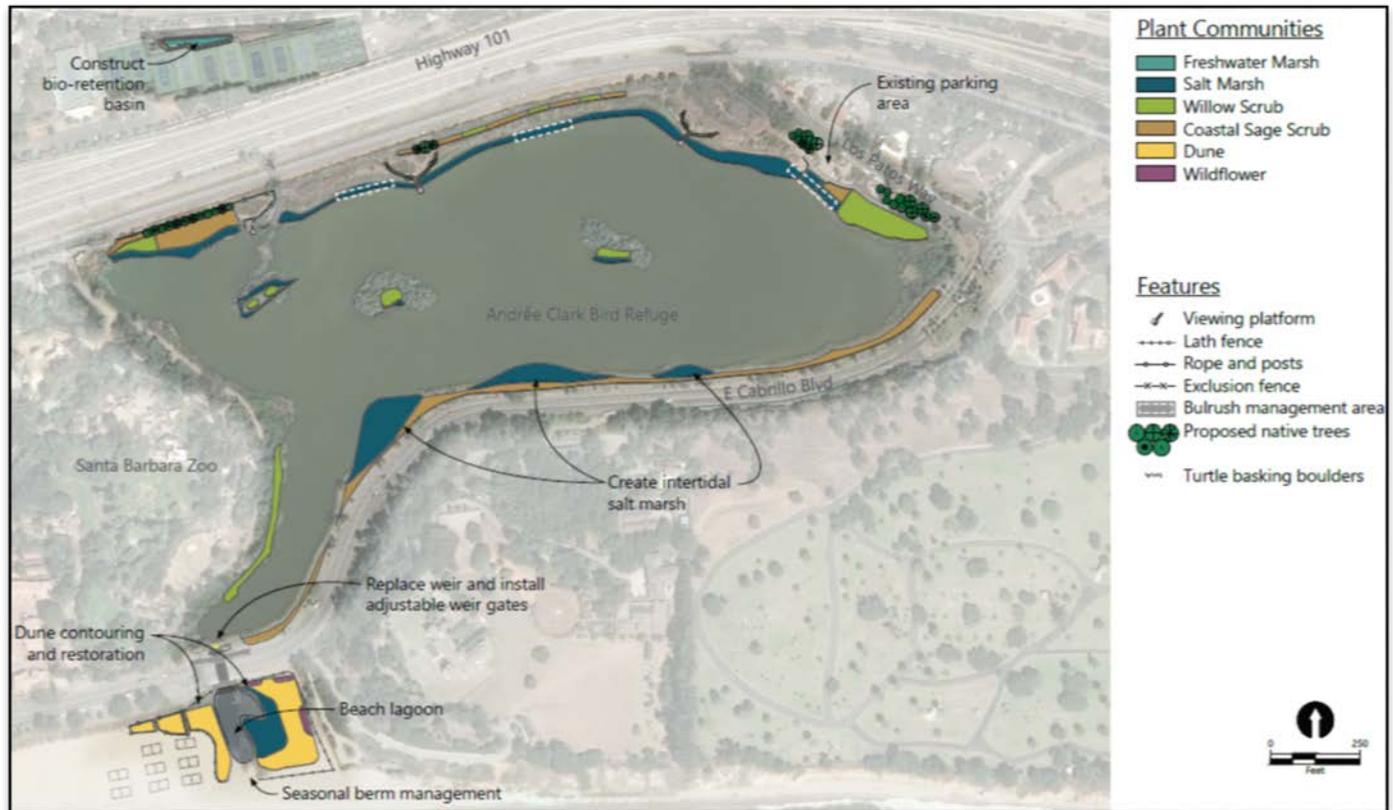
Owner: City of Santa Barbara

**PROJECT ADDRESS/LOCATION**

The project involves the Andrée Clark Bird Refuge located at 1100 E. Cabrillo Boulevard, Santa Barbara, CA including the lagoon mouth at East Beach, and the Municipal Tennis Center property located at 1414 Park Place, Santa Barbara, CA. Please refer to Vicinity Map and Project Map below.



Vicinity Map



Project Map

## PROJECT DESCRIPTION

The project proposes to improve water quality and restore habitat for aquatic and avian wildlife through the replacement of the Andrée Clark Bird Refuge Lagoon weir and weir gate, removal of approximately 23 non-native trees, recontouring portions of the lagoon shoreline, recontouring the mouth of the lagoon on the beach side (adjacent to the volleyball courts), seasonal lowering of the sand berm at the mouth of the lagoon on the beach side, and installation of native plants and rock clusters along the margin of the lake, islands and mouth of the lagoon. Construction of a bio-retention basin would also occur at the Municipal Tennis Center property, located at 1414 Park Place.

See *Exhibit A*- Project Plans

### Project Components

Key components of the restoration project include:

- 1) Construction of a 6,000-square-foot, vegetated, low-flow water treatment basin (“bio-retention basin”) in an open space area within the Municipal Tennis Center (1414 Park Place). The open space area is currently vegetated with non-native grasses and non-native trees. Removal of one 24-inch acacia tree is proposed to accommodate the new bio-retention basin; the eight other existing trees within the project area would be protected in place. The bio-retention basin would be designed to remove nutrients from dry season low flow and improve water quality within the lake.
- 2) Removal and replacement of the concrete weir/dam and weir gate at Cabrillo Boulevard. The weir currently blocks lake water from flowing into the lagoon/ocean (except during very large rain events). Removal and replacement of the weir would allow better management of water flow between the lake and lagoon/ocean, and improved flushing of nutrients. It would also allow for adaptive management related to sea level rise and habitat conditions within the lake. The new weir and weir gate would occupy the same approximate footprint as the existing weir.
- 3) Restoration of approximately 1.4 acres of dune, salt marsh, and mudflat habitat around the beach lagoon. The beach lagoon on the south side of East Cabrillo Boulevard would be reshaped and re-contoured to provide better refuge for tidewater goby during breaching events and approximately 1.2 acres of non-native dominated vegetation surrounding the beach lagoon would be cleared, grubbed and replanted. All plant species installed would be native to Southern California dunes and wetlands. The restored dunes would be fenced to discourage trampling while allowing public access and viewing around the perimeter. Two types of fencing/barrier would be used for the restored dune area: 4-foot tall wooden lath sand fencing (approximately 1,100 linear feet), and a rope barrier with 4-foot tall wooden posts (approximately 435 linear feet). Interpretive signage would also be installed.
- 4) Seasonal breach priming of the sand berm at the mouth of the lagoon. The breach priming would involve mechanically lowering the elevation of the sand berm (using a small front-end loader or similar equipment) prior to rain events to allow the lagoon to fill, overtop, and flow into the ocean. In addition to increasing flushing and tidal exchange in the lake and lagoon, this would help reduce flooding of Cabrillo Blvd. Breach priming would occur approximately 3-4 times per rainy season (depending on rain events). No modifications to the sand berm would be conducted during the dry season months (May-September).
- 5) Restoration of habitat around the perimeter of the lake and on the islands. This would include removal of non-native plant species including non-native trees and replacement with native species as well as re-contouring along the lake margin and islands. Approximately five acres of vegetation would be thinned/removed and replanted. In addition, approximately 500 linear feet (2,500 square feet) of bulrush would be cleared and maintained as unvegetated shoreline to provide improved foraging habitat for birds. Approximately 25,000 native plants would be installed. Habitat restoration would also include installation of interpretive signage and replacement of exclusion fencing along the northern property line. The Bird Refuge currently has 6-foot high chain-link exclusion fencing along the north side of the lagoon, along the railroad property. However, to address ongoing trespassing issues and ensure the

restored habitat area is not trampled, the project would replace and reconfigure approximately 625 linear feet of this fencing with taller (8-foot high chain-link) exclusion fencing and a maintenance gate.

### Demolition/Construction

The primary construction equipment and supply staging areas would be on the beach east of the lagoon, along the existing dirt trail on the north side of the Bird Refuge, within the parking lot off of Los Patos Way, and within the storage yard adjacent to the Municipal Tennis Courts. All equipment would be stored, maintained, and fueled a minimum of 50 feet from wetlands.

Surface water is typically present in the lake and beach lagoon during the dry season; therefore, minor temporary workspace dewatering would be required for replacement of the existing weir and gate. Portions of the lake and beach lagoon would be dewatered. The dewatering area would be approximately 1,500 square feet (a 20' by 50' wide area on the lake side and a 10' by 50' area on the lagoon side of Cabrillo Blvd.). The dewatering would require installation of a temporary barrier such as sheetpile or a cofferdam adjacent to the weir and the existing culverts under E. Cabrillo Blvd. The culverts would also be temporarily plugged to allow the workspace to be dewatered more efficiently. Excavation would be shallow (less than 6 feet) and, from preliminary site investigations, it is anticipated that ground water would be encountered during excavation. Surface and ground water within the work area would be removed from the work site and discharged into a settling pond. The water would then be discharged back into the lake outside of the work area. All discharged water would be clear and free of excessive sediment loads. Prior to grading/filling, turbidity curtains would be installed around the weir location, the habitat lobes, and the grading areas within the beach lagoon to prevent sediment from migrating outside the work zones.

Approximately 25,000 native plants and trees would be installed at the site (1,500 5-gallon, 3,500 1-gallon, and 20,000 4-inch). Landscaping work would be conducted using hand tools, a small "Ditch Witch", and a motorized posthole digger. The grading would be performed using an excavator, backhoe, and/or front-end loader. The project also includes non-native tree removal. A total of 114 *myoporum laetum* bushes, 70 *myoporum laetum* trees (4'-12' diameter at breast height (DBH)), three *melaluca nesophilia* (12'-20" DBH), and one *Acacia melanoxylom* (24' DBH) would be removed as part of the restoration project. The planting plan includes a tree replacement ratio of 1:1 with 75 native trees and 2,000 large bushes.

Areas of soil disturbance would occur at the following locations throughout the project site: 1) On the beach east of the lagoon (reshape wetland and create dunes); 2) The weir and outlet gate structure; 3) The Municipal Tennis Center (grade the bio-retention basin) 4) The islands; 5) The habitat lobes on the south shore of the lake; and 6) The post holes for new fencing on the north side of the lake. Additional minor soil disturbance would occur in the plant restoration zones for installation of 1-gallon container plants, surface and subsurface irrigation lines, vegetation removal, and stakes for fencing. Landscaping work would be conducted using hand tools, a small "Ditch Witch", and a motorized posthole digger. The grading would be performed using an excavator, backhoe, and/or front-end loader. In areas adjacent to trees, sensitive vegetation, or water, silt fencing and/or construction fencing would be installed to protect the resources during construction.

Total grading quantities would be approximately 4,900 cubic yards (CY) (2,400 CY of cut and 2,360 CY of fill). Approximately 1,600 CY of soil would be imported to the site and approximately 400 CY of debris and soil would be exported off-site for reuse, recycling, or disposal. Soil and debris would be transported using semi-trailer end dump trucks or 10-wheel dump trucks. The project would only generate temporary construction related vehicle trips. Soil and debris would be transported using semi-trailer end dump trucks or 10-wheel dump trucks. There would be a total of approximately 290 truck trips during the five-month construction period. Equipment to be used in the project includes: backhoe, excavator, front end loader, dozer, semi end dump, tractor trailer, telescopic boom fork truck, roller/compactor, wood chipper, and boat/barge (16-20 feet) for island access. Typically, 3-5 workers would be present during construction with a maximum of 5-7 workers.

Traffic control at the site would consist of temporary (less than 5 minutes) closures of the Class 1 bike path and single lane closures of Cabrillo Boulevard during loading and unloading of equipment and materials. The lane closures would be controlled using signage, cones, and traffic control flaggers. No permanent lane closures or detours would be required during construction. The construction contractor would design the final traffic control plan for approval by Public Works prior to

building permit issuance. Freeway access to the site for truck trips would be via Milpas Street, Los Patos Ave, or Hot Springs Road.

Estimated durations for each work phase are as follows: Grading work on the beach would require 2 weeks, at the weir 2-3 days, grading the lobes would require 1 week, the treatment wetland 2 weeks, and the islands 2-3 days. The total time required for project grading would be approximately 6 weeks.

#### Project Construction Schedule

Mobilization	1 week
Clearing and Grubbing	1 week
Demolition	1 week
Grading	6 weeks
Weir Construction	4 weeks
Planting and Erosion Control	4 weeks
Demobilization	1 week
Total Construction Time	18 weeks (4-5 months)*

\*Portions of Grading, Weir Construction, and Planting would occur concurrently.

Days and hours of construction would be Monday through Friday 7 am -5 pm. No work on holidays or weekends.

#### Required Discretionary Actions

Planning Commission approval of a Coastal Development Permit is required for the portion of the project within the City's coastal permit jurisdiction. However, since the majority of the project is located within the original permit jurisdiction of the Coastal Commission, the application is proceeding as a consolidated Coastal Development Permit. Rather than the City permitting a very small portion of the project, the City would authorize the Coastal Commission to review the entirety of the project. The Planning Commission's consent to proceed as a single consolidated permit would take place at a Planning Commission hearing, along with their recommendation to the Coastal Commission on the Coastal Development Permit within the Coastal Commission's jurisdiction.

#### Other Public Agency Approvals Required

Other required approvals and permits would be required from responsible and trustee agencies. This includes the following:

- A Coastal Development Permit from the California Coastal Commission is required for project elements within the Coastal Commission's jurisdiction. The Coastal Commission requires a recommendation from the City Planning Commission prior to their review.
- An Army Core of Engineers Nationwide/Individual Permit is required to authorize activities in wetlands or other waters regulated by Section 404 of the Clean Water Act.
- A California Department of Fish and Wildlife Streambed Alteration Agreement is required for activities occurring in streambed channels.
- A Regional Water Quality Control Board Section 401 Water Quality Certification is required to verify compliance with water quality requirements for activities taking place within waters of the U.S.

## PROPERTY CHARACTERISTICS

<b>Assessor's Parcel Numbers:</b> 017-381-001; 017-382-001; 017-383-001	<b>General Plan/LCP Designation:</b> Parks and Open Space
<b>Zoning:</b> P-R/S-D-3	<b>Parcel Size:</b> 63 acres (combined)
<b>Existing Land Use:</b> Open Space Park and Municipal Tennis Courts	<b>Proposed Land Use:</b> No change
<b>Slope:</b> <1%	
<b>SURROUNDING ZONING:</b>	
<b>North:</b> A-2/S-D-3	
<b>South:</b> Pacific Ocean	
<b>East:</b> HRC-2/PUD-3.0/S-D-3	
<b>West:</b> P-R/S-D-3	

## ENVIRONMENTAL SETTING

The project site is located within the Andrée Clark Bird Refuge (Bird Refuge). The Bird Refuge is a 42-acre open space park owned by the City of Santa Barbara that includes a 30-acre brackish lake. The lake, located on the east end of Santa Barbara, is a historic coastal salt flat that was dredged in the late 1920's to provide a year round water feature and to improve habitat for open water bird species.

The Bird Refuge is a unique feature of the City and provides wildlife habitat as well as recreational open space for the community. The project site is used for passive recreation including bird watching, walking/running, and bike riding. The project site also includes a portion of East Beach (approximately 1.8 acres) extending from the eastern end of the volleyball courts to the western border of the Clark Estate and a small open field (5,000 square feet) within the City Municipal Tennis Center.

### Existing Site Characteristics

#### Topography:

The topography of the project site is generally level, with some areas gently sloping down towards the lagoon or the Pacific Ocean.

#### Seismic/Geologic Conditions:

The project site is relatively flat (<1%) with a geologic makeup of estuarine and alluvial deposits. The soils consist of Milpitas-Positas fine sandy loam and orthents. The area is subject to expansive soils, moderate erosion potential, and potentially shallow groundwater. No slope failures or fault zones are identified within the area.

#### Flooding/Fire Hazard:

The project site is located within Zone X and Zone AE of the Federal Emergency Management Agency (FEMA) flood zone maps; indicating an area of "minimal" annual risk of flooding (0.2% chance) and "moderate" annual risk of flooding (1%

chance) respectively. The site is not within a designated High Fire Hazard zone.

#### Creeks/Drainage:

Historically, the Bird Refuge was connected to Sycamore Creek (located to the west) via a lagoon on the beach. Construction of Cabrillo Boulevard modified the shape of the lagoon and restricted water flow. Except for a small remnant, the lagoon on the beach has been replaced by Cabrillo Boulevard and the East Beach volleyball courts. Under the historic configuration, there was more freshwater input (the Sycamore Creek watershed is almost four times larger than the current Bird Refuge lake watershed). This resulted in more frequent breaching of the beach berm during rain events, which resulted in more frequent freshwater and tidal exchange.

The current watershed for the Bird Refuge is approximately 817 acres. Runoff from the watershed enters the lake at various locations but the primary water source is from a large culvert that travels from the City Municipal Tennis Center, under Highway 101 and the Union Pacific Railroad tracks, where it empties into the lake through a concrete channel on the north shore of the Bird Refuge. The water flows from the lake into the ocean underneath Cabrillo Boulevard via five 36-inch concrete culverts. Before reaching the ocean, the water flows into a lagoon on the beach side of Cabrillo Boulevard. Water flow is restricted between the larger lake north of Cabrillo Boulevard and the smaller beach lagoon by a concrete weir/dam. High flows overtop the weir and travel through the culverts when the lake is filled during rain events. The restricted flow can cause flooding on Cabrillo Boulevard during very large rain events. Before the lake and lagoon can drain into the ocean, flood waters have to breach the natural sand berm on the beach at the mouth of the lagoon. Breaching of this sand berm under current conditions is rare and takes extreme rain events. The berm has only breached twice in the last eight years. The berm also contributes to the flooding problem on Cabrillo Boulevard by restricting flow into the ocean.

#### Biological Resources:

Despite the poor water quality, a number of important wildlife species depend on the Bird Refuge. The federally endangered tidewater goby inhabits the lake and lagoon. The lagoon also provides habitat for the South Western pond turtle, which is designated as a species of special concern by the California Department of Fish and Wildlife. Several bird species of federal concern are present at the Bird Refuge including black skimmer, oak titmouse, Alan's hummingbird, yellow warbler, whimbrel, and peregrine falcon. In addition to individual species, the project area also includes a number of sensitive natural communities including coastal brackish marsh, coastal salt marsh, freshwater marsh, arroyo willow scrub, coastal sage scrub, southern foredunes and open water habitat.

Before 2002, tidal exchange allowed for ocean going fish species—such as mullet—to use the Bird Refuge for breeding and rearing habitat. Mechanical breaching of the lagoon, which helped maintain water quality, was practiced until 2002 when it was prohibited by regulatory agencies. Since that time, ocean going fish species have died off and are no longer found in either the lake or lagoon.

#### Archaeological Resources:

The proposed project is located within the mapped “Prehistoric-Drainage Areas, Bluff Edges, Coastline, Estuaries” archeological sensitivity area. Ephemeral hunting, fishing, or vegetation gathering may have occurred in the estuary during prehistoric eras. Subsequently, in the 1870s and early 1880s the estuary was filled to create Bradley's Race track, where horse racing and training occurred. In 1906 the site was purchased by a group of public citizens, including what later became the Municipal Tennis Courts, in order to hold the land for public use as a “Lake Park.” However, little was done until the late 1920s when the salt pond was dredged, disconnected from the ocean, and improvements were added including planting of vegetation and installation of walk paths.

#### Historic Resources:

The Andrée Clark Bird Refuge located at 1100 E Cabrillo Boulevard and the Municipal Tennis Center property located at 1414 Park Place, are on the City's List of Potential Historic Resources as they are eligible for designation as historic resources. The Andrée Clark Bird Refuge is part of the California State East Cabrillo Boulevard Parkway Historic District,

designed by the Olmsted Brothers. The Tennis Center building, courts and sandstone walls around courts are eligible as Structures of Merit as they were a Works Progress Administration project in 1937.

Noise:

Average ambient noise levels in the area range from 60 decibels to >75 decibels (dBA CNEL scale) per the City Master Environmental Assessment noise map, due to the proximity to Highway 101.

Existing Land Use

Existing Facilities and Uses:

There are no habitable structures located within the Bird Refuge and no habitable structures are proposed for construction as part of the restoration effort. An existing concrete weir located at the outlet of the lake would be demolished and replaced.

Access and Parking:

The Bird Refuge currently has one parking lot with 15 parking spaces including one handicap parking space. Additional on-street parking is located at East Beach and on Los Patos Way. No additional parking spaces are being proposed as part of the project.

Neighboring Land Uses and Characteristics

Land uses adjacent to the project site include a golf course, zoo, cemetery, public beach, the Clark Estate (“Bellosguardo”), low density residential development, and a small commercial area. The Southern Pacific Railroad and U.S. Highway 101 also run in close proximity (100-200 feet) to the northwest margin of the lake.

Land Use and Zoning Designations

The use of the site as an open space park, wildlife habitat, and municipal tennis facilities is consistent with the site zoning of Parks and Recreation (P-R) and Coastal (S-D-3), and land use designation of Parks and Open Space.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project.

<input type="checkbox"/> Aesthetics and Visual Resources	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality and Greenhouse Gas Emissions
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural and Tribal Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Land Use and Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population and Housing
<input type="checkbox"/> Public Services and Utilities	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation and Circulation
<input checked="" type="checkbox"/> Water Quality and Hydrology	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

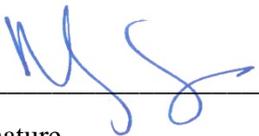
**DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

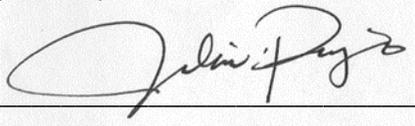
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by:

  
\_\_\_\_\_  
Signature

10/29/20  
Date

Approved by:

  
\_\_\_\_\_  
Signature

10/29/20  
Date

## ENVIRONMENTAL CHECKLIST

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

**Significant:** Known substantial environmental impacts. Further review is needed to determine whether there are feasible mitigation measures and/or alternatives to reduce the impact.

**Potentially Significant:** Unknown, potentially significant impacts that need further review to determine significance level and whether any impacts identified as potentially significant can be mitigated.

**Less than Significant with Mitigation:** Potentially significant impacts that are avoided or reduced to less than significant levels with identified feasible mitigation measures.

**Less than Significant:** Impacts that are not substantial or significant.

**Beneficial Impact:** Impacts would improve environmental conditions.

**No Impact:** Project would not cause this type of impact.

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
  - a. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - b. Earlier Analysis Used. Identify and state where they are available for review.
  - c. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- 5) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

<b>1. AESTHETICS AND VISUAL RESOURCES</b> Except as provided in Public Resources Code Section 21099* (CEQA provisions for Transit-Oriented In-Fill Projects), would the project:	<b>Level of Significance</b>
a) Have a substantial adverse effect on a public scenic vista or a private scenic vista visible to a large portion of the community?	Less than Significant
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	Less than Significant
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than Significant
d) Create a new source of substantial light or glare which would adversely affect surrounding areas or important public day or nighttime views in the area?	No Impact

\* CEQA California A Public Resources Code §21099(d)(1): “Aesthetic and parking impacts of a residential, mixed-use, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. (2)(A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies. (B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.”

Aesthetics and Visual Resources – Discussion

**Issues:** Issues associated with visual resources and aesthetics include the potential blockage or substantial alteration of important public scenic views, project on-site aesthetic character and compatibility with the surrounding area, substantial changes in exterior lighting and shade/shadow, and introduction of substantial new sources of glare.

**Impact Evaluation Guidelines:** Aesthetic quality, whether a project is visually pleasing or unpleasing, may be perceived and valued differently from one person to the next, and depends in part on the context of the environment in which a project is proposed. The significance of visual changes is assessed qualitatively based on consideration of the proposed physical change and project design within the context of the surrounding visual setting. First, the existing visual setting is reviewed to determine whether important existing visual aesthetics are involved, based on consideration of existing public views, existing visual aesthetics on and around the site, and existing lighting conditions. Under CEQA, the evaluation of a project’s potential impacts to scenic views is focused on views from public (as opposed to private) viewpoints and larger community wide views (those things visible by a larger community, as opposed to select individuals). The importance of existing public views is assessed qualitatively based on whether important visual resources such as mountains, skyline trees, or the coastline, can be seen, the extent and scenic quality of the views, whether the views are experienced from public viewpoints, and how many people can see the views. The visual changes associated with the project are then assessed qualitatively to determine whether the project would result in substantial effects associated with important public scenic views, on-site visual aesthetics, or lighting.

Significant visual resources impacts may potentially result from:

1. Substantial obstruction of important public or communitywide scenic views. This includes, but is not limited to, the following scenic resources: Pacific Ocean, Stearn’s Wharf, the Harbor, Douglas Family Preserve, Montecito Country Club, Andrée Clark Bird Refuge, Bellosguardo, Santa Barbara Zoo, coastal bluffs and shoreline, creeks, estuaries, lagoons, riparian areas, parks and open space, historic structures, sites, and trees important for their visual quality, Channel Islands, Foothills, Riviera, and Santa Ynez Mountains.
2. Substantial damage to scenic resources within a state scenic highway (Highway 154). Impacts to local scenic roads should also be considered. These include Highway 101; Cabrillo Boulevard between U.S Highway 101 and Castillo Street; Sycamore Canyon Road (144)/Stanwood Drive (Highway 192)/Mission

Ridge Road (Highway 192)/Mountain Drive to the Old Mission on Los Olivos Street, or Shoreline Drive from Castillo Street to the end of Shoreline Park.

3. Substantial negative aesthetic effect or incompatibility with surrounding land uses or structures due to project size, massing, scale, density, architecture, signage, or other design features.
4. Substantial degradation of important public or communitywide scenic views or the visual quality of the site through extensive grading and changes in topography, removal of substantial amounts of vegetation and trees visible from public areas without adequate landscaping; or substantial loss of important public open space.
5. Substantial light and/or glare that substantially affects offsite properties, safe travel, or sensitive wildlife, or substantially affects important public views.

#### Aesthetics and Visual Resources – Existing Conditions and Project Impacts

##### **1.a-c) Scenic Views, Highways and View Corridors; Visual Character and Quality**

The project site is a highly scenic area in the community—encompassing many designated scenic resources including the East Beach shoreline area, the Andrée Clark Bird Refuge, Bellosguardo, Santa Barbara Zoo, Montecito Country Club, and the Santa Ynez Mountains. For this reason, Cabrillo Boulevard between U.S Highway 101 and Castillo Street is considered to be a local scenic road and view corridor.

“The Andrée Clark Bird Refuge is a 42-acre open space park, which includes a 29-acre lake and an artificially modified estuary that supports brackish wetlands. Three islands are located in the lake. The eastern and southern perimeter of the Andrée Clark Bird Refuge includes a multi-modal path around the lake that extends from the Andrée Clark Bird Refuge along the ocean and Harbor to Shoreline Park. The Andrée Clark Bird Refuge includes walking paths along the northern shore and three viewing platforms that provide excellent opportunities for bird and other wildlife observation. In addition, a small parking lot, shore area, and stretching equipment are located at the refuge’s east end, adjacent to Los Patos Way.

Near the eastern boundary of the Coastal Zone is the Montecito Country Club. Its highly visible, green rolling hillside terrain and architecturally and historically significant clubhouse rising above the green offer a scenic backdrop to the Andrée Clark Bird Refuge and nearby areas. The Santa Barbara Zoo is located on 30 acres of lush botanic gardens overlooking the Pacific Ocean and Andrée Clark Bird Refuge. Bellosguardo is a privately owned 23-acre oceanfront estate located at the eastern end of the City’s East Beach and directly across from the Bird Refuge. The large mansion sits atop a bluff, and the eucalyptus and cypress trees, along with the topography, shield the mansion from public view.” (City of Santa Barbara Local Coastal Program Coastal Land Use Plan, 2019, Chapter 4.3, page 2). The Montecito Country Club and Golf Course are also visible from the portion of the project site at 1414 Park Place.

##### Short-Term (Construction) Visual Impacts:

Construction activities would result in an approximately four-month period of construction equipment, construction personnel, temporary fencing, dewatering barriers, dump trucks for soil exportation, and traffic control measures within the project area. Additionally, the removal of non-native vegetation and replacement with habitat-appropriate species would result in a period of perceived denudation of portions of the lagoon area—replacing old growth vegetation with new plantings. However, per the biological report, “The proposed native species should become established relatively quickly, minimizing the temporary disruption.” The Willow Scrub chosen to replace the non-native *Myoporum* trees which currently dominate the islands is known for its fast growth rate, reaching heights of 15 to 25 feet in as little as 3 years. Visual simulations were prepared that demonstrate the condition of the vegetation immediately after construction, and with five years of growth. Although the vegetation removal is noticeable from the public viewing areas, it is limited to only portions within the lagoon and islands; the majority of the vegetation remains intact. Further minimizing the perceived visual change, is that the vegetation contributing to the expansive scenic view extends far beyond the subject area—it encompasses vegetation and trees along Highway 101, the Montecito Golf Course, Montecito Country Club, the zoo, Bellosguardo, and Cabrillo Boulevard; of which the vegetation within the lagoon is only one component. This condition, coupled with the

relatively fast growth of replacement plantings results in *less than significant* short-term impacts to scenic views.

Long-Term (Operational) Visual Impacts:

As discussed above, the project proposes to replace existing non-native vegetation with native vegetation appropriate for the habitat. It is also the intention of project to recontour shoreline areas, including portions of the islands, to expand the mudflat and salt marsh habitat “to increase access to the islands for larger and/or less gracious species such as ducks, gulls, terns, shorebirds and grebes which currently are blocked from accessing the islands by the dense growth of the *Myoporum* trees.” This expansion of mudflat and salt marsh habitat would result in a visual change—an increase in shallow “beach-like” areas void of vegetation along the lagoon shorelines.

One 24-inch Acacia tree at 1414 Park Place would be removed to accommodate the new bio-retention basin. However, the basin would be vegetated—appearing to the onlooker as open greenspace—and surrounded by landscape plantings. The proposed vegetation would blend the bio-retention basin into the vegetated area surrounding it.

None of the alterations would block or degrade scenic views; plantings would be consistent with the biological communities existing in the area, and would serve to enhance the resource and extend its longevity. Therefore long-term impacts to scenic views would be *less than significant*.

**1.d) Lighting and Glare**

No permanent or temporary lighting is proposed. No impact.

Aesthetics and Visual Resources – Mitigation

No mitigation is required.

Aesthetics and Visual Resources – Residual Impacts

Less than Significant.

2. AGRICULTURE AND FORESTRY RESOURCES	Level of Significance
Would the project:	
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest land?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest land?	No Impact

Agricultural and Forestry Resources – Discussion

**Issues:** There are no agricultural designated lands or lands under Williamson Act contracts within the City; however, agricultural lands exist adjacent to the City boundary. Agriculture and forestry resource issues include land use compatibility with nearby agricultural operations and forested lands, and potential indirect impacts that could result in a loss of agriculture and forestry resources (for example, annexation of lands with agricultural resources). Increased density and intensity of land uses have the potential affect the productivity of nearby agricultural lands.

**Impact Evaluation Guidelines:** A significant impact could occur from projects that result in the conversion of lands suitable for agriculture to non-agricultural uses, or result in a disruption to surrounding agricultural operations.

Agriculture and Forestry Resources – Existing Conditions and Project Impacts

**2.a-e) Agriculture and Forestry Resources**

There are no existing agricultural uses or lands zoned for agricultural use within, or in the vicinity of the project site and the project site is not under a Williamson Act contract. The project site is designated as Urban and Built-up Land by the Department of Conservation Farmland Mapping and Monitoring Program and does not contain Important Farmland (Department of Conservation 2016). The site does not include active farmland, forest land, or protected agricultural soils, and the project would not conflict with zoning for agriculture or forest use. Therefore, there would be *no impact* to important agricultural or forestry resources.

Agriculture and Forestry Resources – Mitigation

No mitigation is required.

Agriculture and Forestry Resources – Residual Impacts

No impact.

3. AIR QUALITY AND GREENHOUSE GAS EMISSIONS	Level of Significance
Would the project:	
a) Conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is designated in non-attainment under an applicable federal or state ambient air quality standard?	Less than Significant
c) Expose sensitive receptors to substantial pollutants?	Less than Significant
d) Result in other emissions such as those leading to odors adversely affecting a substantial number of people?	Beneficial Impact
e) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant
f) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	Less than Significant

Air Quality and Greenhouse Gas Emissions – Discussion

**Issues:**

*Air Quality:* Air quality issues involve pollutant emissions from vehicle exhaust, stationary sources (e.g. gas stations, boilers, diesel generators, dry cleaners, oil and gas processing facilities, etc.), and minor stationary sources called “area sources” (e.g. residential heating and cooling, fireplaces, etc.) that contribute to smog, particulates, nuisance dust associated with grading and construction processes, and nuisance odors. Emissions of harmful air pollutants are of particular concern to sensitive receptors. Sensitive receptors are populations who are more susceptible to the effects of air pollution than the population at large and include children, persons over 65 years of age, athletes, and persons with cardiovascular or chronic respiratory diseases. Land uses typically associated with sensitive receptors include residences, schools, parks, playgrounds, recreation facilities, childcare centers, retirement homes, convalescent homes, hospitals, and health care facilities and clinics.

Smog, or ozone, is formed in the atmosphere through a series of photochemical reactions involving interaction of oxides of nitrogen (NO<sub>x</sub>) and reactive organic compounds (ROC) (referred to as ozone precursors) with sunlight over a period of several hours. Primary sources of ozone precursors in the South Coast area are vehicle emissions. Sources of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) include demolition, grading, road dust, agricultural tilling, mineral quarries, and vehicle diesel exhaust.

The City of Santa Barbara is part of the South Coast Air Basin (Santa Barbara County area). The City is subject to the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The CAAQS apply to seven pollutants: photochemical ozone (O<sub>3</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), coarse particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), and lead (Pb). There are also established state standards for other criteria pollutants including sulfates, hydrogen sulfide (H<sub>2</sub>S), and visibility reducing particulates. The Santa Barbara County Air Pollution Control District (APCD) provides oversight on compliance with air quality standards and preparation of the County Clean Air Plan (2013) and the Ozone Plan (2019).

Santa Barbara County is currently in attainment of most federal and state standards. The County does not presently meet the state PM<sub>10</sub> standard. See Table 1 below.

Table 1. County Attainment Status of Federal and State Ambient Air Quality Standards (2019)

Criteria Pollutant	Federal Attainment Status	State Attainment Status
O <sub>3</sub> 8-hour	Attainment	Attainment
O <sub>3</sub> 1-hour	No standard	Attainment
PM <sub>10</sub>	Attainment	<b>Nonattainment</b>
PM <sub>5</sub>	Unclassified	Unclassified
CO	Attainment	Attainment
Pb	Attainment	Attainment
SO <sub>2</sub>	Unclassified	Attainment
NO <sub>2</sub>	Unclassified	Attainment
S <sub>x</sub>	No Standard	Attainment
H <sub>2</sub> S	No Standard	Attainment
Vinyl Chloride	No Standard	Unclassified
Visibility Reducing Particulates	No Standard	Attainment

The APCD has analysis and permitting requirements regarding toxic air contaminants (TACs) generated from activities such as gasoline dispensing, dry cleaning, freeways, manufacturing, etc., and may require projects with high TAC emissions to mitigate or redesign features of the project to avoid excessive health risks. The APCD requires submittal of an asbestos notification form for each regulated structure that is proposed to be demolished or renovated. CARB and APCD also recommend 500-foot buffers between Highway 101 and new residential developments or other sensitive receptors in order to reduce potential health risks associated with traffic-related air pollutant emissions, particularly diesel particulates. Based on analysis in the certified Final Program EIR for the Plan Santa Barbara General Plan Update (2011; herein referred to as the General Plan EIR), the City established an interim policy (SBMC 22.65) limiting the introduction of new residential sensitive receptor structures or uses within 250 feet of Highway 101 (excluding minor additions or remodels of existing homes or the construction of one new residential unit on vacant property), until CARB implements further statewide phased diesel reduction measures and/or the City otherwise determines that project design measures satisfactorily address highway exhaust effects. Certain projects also have the potential to create objectionable odors that could create a substantial nuisance to neighboring residential areas or sensitive receptors and should be evaluated in CEQA documents.

Greenhouse Gases: Global climate change refers to accelerated changes occurring in average worldwide weather patterns, measurable by factors such as air and ocean temperatures, wind patterns, storms, and precipitation. Climate change is forecasted to result in increasingly serious effects to human health and safety and the natural environment in coming decades, such as more extreme weather, drought, wildfire, sea level rise effects on flooding and coastal erosion, and impacts on air quality, water quality and supply, habitats and wildlife, and agriculture.

Substantial evidence identifies accelerated climate change due to emissions of carbon dioxide and other heat trapping greenhouse gases<sup>1</sup> (GHGs) from human activities. Natural processes emit GHGs to regulate the earth's temperature; however, substantial increases in emissions, particularly from fossil fuel combustion for electricity production and vehicle use, have substantially elevated the concentration of these gases in the atmosphere well beyond naturally occurring concentrations.

Carbon dioxide accounts for 81 percent of greenhouse gas emissions within the United States. California is a substantial contributor of GHGs, with transportation and industrial uses representing the largest sources (41 and 24 percent, respectively). In Santa Barbara, direct sources of GHG emissions are on-road vehicles, natural gas consumption, and off-

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<sup>1</sup> GHGs include carbon dioxide, methane, and nitrous oxide, as well as smaller contributions from hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gas emissions are typically measured in metric tons (MT) of carbon dioxide equivalents (CO<sub>2</sub>e) based on global warming potential, which allows for totaling the emissions.

road vehicles and equipment. Indirect sources (emissions removed in location or time) are electricity consumption (power generation), landfill decomposition (methane releases), and State Water Project transport (electricity use).

California Assembly Bill 32 (2006 Global Warming Solutions Act) sets a target to reduce statewide GHG emissions to 1990 levels by the year 2020. Senate Bill 375 (2008 Sustainable Communities and Climate Protection Act) requires regional coordination of transportation and land use planning throughout the State to reduce vehicle GHG emissions. CARB established targets for Santa Barbara County to not exceed 2005 per capita vehicle emissions in the years 2020 and 2035. State Senate Bill 97 (enacted in 2007 and amended in 2010) requires that project environmental reviews include analysis of GHG impacts and mitigation, and establishes that public agencies may provide for a communitywide GHG emissions mitigation program through an adopted climate action plan.

The City of Santa Barbara Climate Action Plan was adopted in September 2012 and is currently undergoing updates. Past, present, and forecasted future citywide GHG emissions are analyzed in the Plan and associated Addendum to the Final Program EIR for the Plan Santa Barbara General Plan Update (2012) in comparison to the State and City GHG emissions targets (2020 total emissions at 1990 level; 2020 and 2035 per capita vehicle emissions at 2005 level). The analysis demonstrated that citywide emissions are decreasing. With continued implementation of existing State legislative, City programmatic, and private sector efforts, citywide emissions associated with growth under the General Plan are expected to meet these State and City emissions reduction targets. Implementation of additional Climate Action Plan measures would further reduce citywide emissions.

The City Climate Action Plan constitutes a citywide mitigation program for GHG emissions in accordance with Senate Bill 97 for existing and forecasted future growth to the year 2030 under the adopted General Plan.

**Impact Evaluation Guidelines:** A project may create a significant air quality impact associated with criteria air pollutants from the following:

- Exceeding an APCD pollutant threshold; inconsistency with District regulations; or exceeding population forecasts in the adopted County Clean Air Plan (2013) or Ozone Plan 2019.
- Exposing sensitive receptors, such as children, persons over 65 years of age, or persons with cardiovascular or respiratory conditions, to substantial pollutant concentrations.
- Placement of sensitive land uses within 250 feet of Highway 101.
- Substantial unmitigated nuisance dust during earthwork or construction operations.
- Creation of nuisance odors inconsistent with APCD regulations.

Long-Term (Operational) Air Quality Impact Guidelines: The City of Santa Barbara uses the APCD thresholds of significance for evaluating air quality impacts. In accordance with the APCD Environmental Review Guidelines (2015), the APCD does not consider a proposed project to a significant air quality impact on the environment if operation of the project would:

- Emit (from all project sources, both stationary and mobile) less than 240 pounds per day for ROC and NO<sub>x</sub>, and 80 pounds per day for PM<sub>10</sub>;
- Emit less than 25 pounds per day of ROC or NO<sub>x</sub> from motor vehicle trips only;
- Not cause or contribute to a violation of any CAAQS or NAAQS;
- Not exceed the APCD health risks public notification thresholds adopted by the APCD Board; and
- Be consistent with the adopted federal and state air quality plans applicable to the Santa Barbara Air Basin.

Substantial long-term project emissions could potentially stem from stationary sources which may require permits from the APCD and from motor vehicles associated with the project and from mobile sources. Examples of stationary emission sources that require permits from APCD include gas stations, automobile repair body shops, diesel generators, boilers and large water heaters, dry cleaners, oil and gas production and processing facilities, and wastewater treatment facilities.

Short-Term (Construction) Impacts Guidelines: Projects involving grading, paving, construction, and landscaping activities may cause localized nuisance dust impacts and increased particulate matter (PM<sub>10</sub>). Dust-related impacts can be mitigated

and less than significant with the application of standard dust control mitigation measures pursuant to APCD rules and regulations (e.g., Rule 345, Control of Fugitive Dust from Construction and Demolition Activities) and City ordinance provisions (SBMC 22.04.020), such as dampening graded areas and soil stockpiles. Exhaust from construction equipment also contributes to air pollution.

Quantitative thresholds of significance are not currently in place for short-term or construction emissions for non-stationary sources because cumulative basin-wide effects are not identified as significant. However, APCD uses a criterion for stationary sources, which is also considered a guideline for evaluating impacts of construction emissions for non-stationary source projects. The criterion states that a project's combined emissions from all construction equipment not exceed 25 tons of any pollutant except carbon monoxide within a 12-month period. Standard equipment exhaust mitigation measures are recommended by APCD to be applied to projects.

Cumulative Impacts and Consistency with Clean Air Plan (2013) and Ozone Plan (2019): Consistency with the Clean Air Plan and Ozone Plan means that emissions associated with the project are accounted for within each Plan's emissions growth assumptions, land use and population projections, and that the project is consistent with policies adopted within each Plan. If the project-specific impact exceeds the ozone precursor significance threshold, it is also considered to have a considerable contribution to cumulative impacts. If a project would exceed the Clean Air Plan growth projections, then the project's impact may also be considered for whether it represents a considerable contribution to cumulative air quality impacts. The Santa Barbara County Association of Governments and CARB on-road emissions forecasts are used as a basis for vehicle emission forecasting. If a project provides for increased population growth beyond that forecasted in the most recently adopted Clean Air Plan and Ozone Plan, or if the project does not incorporate appropriate air quality mitigation and control measures, or is inconsistent with APCD rules and regulations, then the project may be found inconsistent with the Clean Air Plan and may constitute a significant impact on air quality.

Greenhouse Gas Emission Impact Guidelines: In accordance with Appendix G of the CEQA Guidelines, a project may have a significant impact related to GHG emissions if it would generate substantial GHG emissions either directly or indirectly, or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases. Analysis should include a quantification of GHG emissions from all project sources, including direct and indirect, as applicable. This includes energy usage, water conveyance, waste disposal, and vehicle trips.

Based on the analysis within the City Climate Action Plan (2012) and the General Plan Program EIR Addendum (2012), projects within the growth assumptions of the Plan Santa Barbara General Plan (2011) and that meet applicable City regulations for GHG emission reductions:

- Would be consistent with the City Climate Action Plan and associated policies and regulations for reducing greenhouse gas emissions;
- Would be within the citywide GHG impact assessment in the Climate Action Plan and associated General Plan Program EIR Addendum (2012), which found that total citywide GHG emissions and per capita vehicle emissions would meet State and City reduction targets and would not constitute a significant environmental impact; and
- Would be within the City Climate Action Plan adoption finding that less than significant GHG impacts would result from General Plan build out of the City.
- Would the project emit more than the screening significance level of 10,000 metric tons per year (MT CO<sub>2</sub>e).

#### Air Quality and Greenhouse Gas Emissions – Existing Conditions and Project Impacts

##### **3.a) Clean Air Plan**

Due to the open space use of the project, direct and indirect emissions associated with the project would not be substantial and would generally be from short-term construction emissions and fugitive dust during limited grading, as well as very limited operational emissions associated with periodic maintenance. Such limited emissions are accounted for in the 2013 Clean Air Plan and 2019 Ozone Plan emissions growth assumptions for the Air Basin. Appropriate air quality conditions, including construction dust suppression, would be applied to the project, consistent with Clean Air Plan, Ozone Plan, APCD rules, and City policies and ordinance provision, and are identified in *Exhibit C* as standard conditions of approval. The

project is found consistent with the 2013 Clean Air Plan and 2019 Ozone Plan; therefore, project impacts would be less than significant.

### **3.b-c) Air Pollutant Emissions and Cumulative Impacts**

#### Short-Term (Construction) Emissions:

The project would generate temporary construction related emissions from heavy equipment, grading, and construction vehicle trips. Total grading quantities would be approximately 4,900 cubic yards (2,400 cubic yards of cut and 2,360 cubic yards of fill). Approximately 1,600 cubic yards of soil would be imported to the site and approximately 400 cubic yards of debris and soil would be exported off-site for reuse, recycling, or disposal. Soil and debris would be transported using semi-trailer end dump trucks or 10-wheel dump trucks. Soil and debris would be transported using semi-trailer end dump trucks or 10-wheel dump trucks. There would be a total of 290 truck trips during the five month construction project. Equipment to be used in the project include approximately 1 backhoe, 1 excavator, 1 front end loader, 1 dozer, 1 semi end-dump, 1 tractor trailer, 1 telescopic boom fork truck, 1 roller/compactor, 1 wood chipper, and 1 boat/barge (16-20 feet) for island access. Typically, 3-5 workers would be present during construction with a maximum of 5-7 workers. Grading work on the beach would require 2 weeks, at the weir 2-3 days, grading the lobes would require 1 week, the treatment wetland 2 weeks, and the islands 2-3 days. The total time required for project grading would be approximately 6 weeks.

The proposed grading could result in emissions of pollutants due to grading dust, fumes, and vehicle exhaust. Visitors to the public park property during the construction period, including sensitive receptors such as children, persons over 65 years of age, athletes, and persons with cardiovascular or chronic respiratory diseases, could be exposed to limited quantities of construction emissions. However, the construction would be less than a year in duration (estimated to be 4-5 months total, only 6 weeks of which would include grading activities). In addition, the project would comply with state and local regulations pertaining to air quality emissions, which further limits the generation of construction emissions. This includes CARB and APCD regulations requiring all off road diesel engines to meet emission standards, to minimize engine idling, and to manage fugitive dust through covering and watering stock piles. Such actions would further limit the generation of PM<sub>10</sub> and NO<sub>x</sub>. Due to the limited quantity of grading, short construction schedule, number of anticipated truck trips, and size of the project, construction emissions are expected to be well below the APCD construction emissions threshold of 25 tons per year of criteria air pollutants. The project, is projected to result in less than significant impacts related to construction emissions. Dust control measures are required for the project as standard conditions of approval and are identified in *Exhibit C*. Additionally, APCD recommends conditions for equipment exhaust to minimize cumulative impacts from construction projects. These are also identified in *Exhibit C* as standard conditions of approval for the project.

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

The project would not result in a substantial change in existing operational motor vehicle trips. A *de minimus* number of trips may be generated for seasonal maintenance of the sand berm. The project does not exceed the APCD Screening Table within the 2017 Scope and Content for Environmental Documents Guide, and project operational emissions would be well below the thresholds for operational emissions. No changes to visitor facilities are proposed. The Bird Refuge, Municipal Tennis Courts and East Beach would continue to operate as they currently function as parks. Therefore the project would have less than significant impacts on long-term air quality.

### **3.d) Odors**

Poor water quality conditions and strong odors at the lake have been problematic at the Bird Refuge since the 1920's when it was dredged and disconnected from Sycamore Creek. In the past ten years, the poor water quality (low dissolved oxygen levels, cyanobacteria blooms, poor water clarity, and strong odor) has continued to deteriorate due to the accumulation of nutrients, lack of flushing storm events, and drought conditions. The Bird Refuge is unique when compared to other small lagoons/lakes for three primary reasons: 1) it is very shallow; 2) it does not flush on a regular basis; and 3) nutrient levels are very high. Because of these characteristics, most of the water quality improvement techniques that often work for small

lagoons/lakes would be, or have proven to be, ineffective in the Bird Refuge.

In an effort to develop a long-term solution to the deteriorating water quality, wildlife habitat, and periodic odor events, the Creeks Division started intensive water quality monitoring of the Bird Refuge in August of 2012. The water quality monitoring has provided valuable data for assessing potential solutions. During this time, Creeks Division staff also evaluated past efforts for improving water quality and reducing odor events at the Bird Refuge (chemical treatment, supplemental water, mechanical mixing, and microbial augmentation). Staff evaluation concluded that these techniques were either not habitat friendly, cost effective, or successful in the long-run.

During 2015-2018, Creeks Division staff continued their efforts to find a solution to the degraded water quality and habitat conditions at the Bird Refuge. A number of potential techniques for improving water quality were evaluated including extensive literature review and coordination with several technical experts. Eight alternatives were identified for preliminary consideration. The alternatives employed different strategic combinations of dredging/filling, aeration, mixing, flushing, probiotics, and hydrologic restoration. During 2017, two of these alternatives were studied by a consultant (Anchor QEA) in more detail. In 2018, through a public and stakeholder review process that the final restoration design was developed.

The environmental goals of the restoration project are to improve wildlife habitat (aquatic and avian), water quality, aesthetics, and reduce odors while maintaining current flood protection and passive recreation. The primary element for restoring wildlife habitat and water quality at the Bird Refuge is to increase flushing of the lake/lagoon by improving the connection between the ocean and the lake/lagoon through a combination of drainage modifications and management of the beach berm. As a result, the project would have a *beneficial* impact to odors.

### **3.e-f) Greenhouse Gases**

Sources of direct carbon dioxide and other GHG emissions that could result from the project include a small amount of project-related traffic, operation of construction equipment, and landscaping/maintenance equipment.

Project-generated GHG emissions are anticipated to be an incremental contribution to citywide emissions generation due to the limited scope of construction activities and the open space use of the project. Following project completion, GHG emissions would be largely similar to that generated by the existing use.

The proposed project is consistent with the General Plan land use designation and is within the General Plan nonresidential growth assumptions through the year 2030. The project would be subject to existing regulations and design guidelines that reduce GHG emissions in the areas of energy efficiency and green building, renewable energy, travel and land use, vegetation, waste management, and water conservation.

The project would be consistent with applicable plans, policies, and regulations for reducing GHG emissions. Project GHG emissions would be part of the citywide emissions identified in the City Climate Action Plan and General Plan Program EIR Addendum, which were determined to comply with State and City emission reduction targets and thereby constitute a *less than significant* cumulative impact and contribution to global climate change. The project would be consistent with applicable plans, policies, and regulations for reducing GHG emissions.

#### Air Quality and Greenhouse Gas Emissions – Mitigation

No mitigation is required. Refer to **Exhibit C** for Standard Conditions of Approval Applicable to Project.

#### Air Quality and Greenhouse Gas Emissions - Residual Impacts

Less than significant.

4. BIOLOGICAL RESOURCES	Level of Significance
Would the project:	
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S Fish and Wildlife Service?	Less than Significant with Mitigation
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than Significant with Mitigation
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than Significant with Mitigation
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Less than Significant with Mitigation
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

Biological Resources – Discussion

**Issues:** Biological resources issues involve the potential for a project to substantially affect biologically-important natural vegetation and wildlife, particularly species that are protected as rare, threatened, or endangered by federal or state wildlife agencies, and their habitats.

**Impact Evaluation Guidelines:** Existing native wildlife and vegetation on a project site are assessed to identify whether they constitute important biological resources, based on the types, amounts, and quality of the resources within the context of the larger ecological community. If important or sensitive biological resources exist, project effects on the resources are qualitatively evaluated to determine whether the project would substantially affect these important biological resources. Significant biological resource impacts may potentially result from substantial disturbance to important wildlife and vegetation in the following ways:

1. Elimination, substantial reduction or disruption of important natural vegetative communities, wildlife habitat, migration corridors, or habitats supporting sensitive species such as oak woodland, coastal strand, riparian, and wetlands.
2. Substantial effect on a protected plant or animal species listed or otherwise identified or protected as endangered, threatened or rare.
3. Substantial loss or damage to biologically important native trees such as oak or sycamore trees (note that, if applicable, historic or landmark trees are discussed in Section 5, Cultural Resources, and other trees are discussed in Section 1, Aesthetics and Visual Resources).

Biological Resources – Existing Conditions and Project Impacts

**4.a, d) Endangered, Threatened, or Rare Species and Wildlife Migration**

A Biological Site Assessment was prepared for the project by Kisner Restoration and Ecological Consulting, Inc., dated

May 2020, based on extensive research of prior biological work, as well as conducting vegetation and wildlife surveys in 2017-2018. The report noted that despite the poor water quality, a number of important wildlife species depend on the Bird Refuge, including federally and state listed special status species. The federally endangered tidewater goby inhabits the lake and lagoon. The restoration project would improve connectivity between the lake and the beach lagoon on the south side of Cabrillo Boulevard. This would significantly expand habitat and improve the ability for gobies to adapt to sea level rise. The lagoon also provides habitat for the South Western pond turtle, which is designated as a species of special concern by the California Department of Fish and Wildlife. The restoration project would improve habitat for the turtle through improved water quality and expanded foraging and basking areas within the lake and lagoon.

Several bird species of federal concern are present at the Bird Refuge including black skimmer, oak titmouse, Alan's hummingbird, yellow warbler, whimbrel, and peregrine falcon. Increased bird diversity and population density is anticipated with restoration. Having greater exchange with the ocean would produce dynamic water levels and more diverse foraging habitat. Additional native plant and tree species would provide better roosting, nesting, and foraging habitat, and re-contouring the banks of the lake and islands would increase foraging area.

Increased tidal exchange would also allow for ocean-going fish species to use the Bird Refuge for breeding and rearing habitat. Mechanical breaching of the lagoon, which helped maintain water quality, was practiced until 2002 when it was prohibited by regulatory agencies. Before 2002, ocean going fish such as mullet, were present in the lake and lagoon. Since that time, ocean going fish species have died off and are no longer found in either the lake or lagoon.

The primary environmental impact resulting from the restoration project would consist of short-term (construction) impacts to biological resources described below. However, all of these potential impacts are relatively minor and would be *less than significant with mitigation*. Long-term effects to these habitats, plants, and wildlife are considered to be *beneficial* as the project would restore and enhance the biological resources of the area.

#### Common Wildlife Species Impacts:

Common wildlife species such as birds, rodents, frogs, lizards, or snakes could be temporarily impacted by construction activities and may be wounded or killed by heavy equipment; however, mitigation measures would reduce this impact. Coconut matting and other erosion control materials if containing plastic netting could entrap and kill wildlife; however, the mitigation measure BIO-1 described below would avoid this impact by ensuring that all coconut matting does not contain plastic material. Additionally, birds that may be nesting in the area may be disturbed by noise from construction and/or maintenance activities, or nests could be harmed by tree and vegetation removal; however, this temporary impact would be reduced by implementing mitigation measure BIO-2 below, which would require pre-construction and pre-maintenance nesting bird surveys for any activities conducted within the bird nesting season. In addition, mitigation measure BIO-3 requires an Onsite Environmental Coordinator to monitor construction activities and attempt to remove wildlife species from construction sites. Impacts to common wildlife species during construction would be *less than significant with mitigation*.

#### Special Status Wildlife Species Impacts:

##### **Globose Dune Beetles**

Due to the level of disturbance to the dune habitat south of Cabrillo Boulevard, the globose dune beetle is not expected to be present in this area. However, in order to ensure that the beetles are not present during construction, and avoid potential impacts to them, mitigation measure BIO-4 requires a biologist familiar with the globous dune beetle and their habitat requirements to visually examine the area prior to disturbance. Impacts to the globose during construction would be *less than significant with mitigation*. In the long-term, the project would greatly increase habitat value for the globose dune beetle in particular, with the creation of diverse foredune and backdune habitat, and fencing that would decrease the level

of disturbance to the habitat. Therefore long-term impacts to the globose dune beetle would be *beneficial*.

### **Monarch Butterfly**

Currently, there are no milkweed plants nor suitable stands of eucalyptus or oak groves within the project site for breeding or wintering monarchs. Transient monarchs may pass through the project site, but they are expected to be able to navigate around short-term project-related disturbances (e.g. excavator moving dirt or removal of non-native trees) and should not be adversely affected by the proposed project. Therefore, impacts to monarchs would be *less than significant*. However, mitigation measure BIO-34 is recommended to reduce potential adverse, but less than significant impacts to transient monarchs the maximum extent feasible by including native narrow-leaf milkweed in the habitat restoration plant pallet. The addition of milkweed plants would result in *beneficial* long-term impacts to monarch butterflies.

### **Tidewater Goby**

Tidewater goby is likely most abundant in the beach lagoon, and would, therefore, be most impacted by construction activities in the lagoon area—the weir replacement and vegetation and sediment removal activities. Although vibrations and noise underwater plus turbidity from the aquatic construction equipment tends to disperse fish (including tidewater goby) out of work areas, tidewater goby could become stranded during dewatering activities associated with the weir replacement. Tidewater goby could also potentially be injured by cutting and removal of emergent wetland vegetation where they may hide, particularly coastal brackish marsh habitat around the lagoon, islands, and edges of the refuge, where present in the work locations. To prevent tidewater goby becoming stranded, BIO-5 through BIO-11, require presence-absence surveys be conducted prior to construction, prescribe appropriate relocation methods to be conducted by a qualified biologist when found, and identify tidewater goby training and monitoring requirements. To reduce potential injury during sediment and vegetation removal activities associated with recontouring the islands, marsh lobes, and lagoon, mitigation measures require construction work zones within the water be kept to a minimum, clearly defined, and conducted outside of prime breeding season of tidewater goby (BIO-12 through BIO-13).

Work outside of the lagoon, such as the sand berm priming is not expected to impact tidewater goby directly because work would be conducted only in sand that is not inundated during low tide. With the implementation of measures BIO-5 through BIO-13, impacts to tidewater goby during construction would be *less than significant with mitigation*.

However, long-term impacts of the sand berm priming has the potential to shift the water to more tidal and less brackish which could reduce or shift preferred habitat for tidewater goby. To this end, BIO-14 requires water quality monitoring ensure brackish water habitat has not been reduced from pre-project conditions. Therefore the long-term impacts to tidewater goby would be *less than significant with mitigation*.

### **Silvery Legless Lizard**

Legless lizards may be directly and indirectly impacted by soil disturbance within areas of loose sandy soils, the dune areas in particular. Although removal of non-native vegetation would likely improve the habitat for this species, if grading activities extirpate the species, recolonization of this area is not likely to occur due to the species fossorial nature and a lack of connecting suitable habitat. To ensure any silvery legless lizards are preserved if they are present, mitigation measure BIO-15 requires an Onsite Environmental Coordinator monitor soil disturbance within the sandy dune habitat, and a qualified biologist capture and relocate legless lizards that are found. Having safe relocation protocol in place for the potential to encounter legless lizards would reduce potential impacts to less than significant. Therefore the construction impacts to legless lizards would be *less than significant with mitigation*. Although there are no known records for legless lizards at the Bird Refuge, the sandy dune habitat could support a small population of this elusive species. In the long-term, the restoration and enhancement of the dune habitat would improve potential habitat for the silvery legless lizard. Therefore, long-term project impacts would be *beneficial*.

## **Southwestern Pond Turtle**

The proposed activities may have both short-term and long-term effects on the southwestern pond turtle. While the restoration efforts would create better basking areas (approximately 15 CY of “basking boulders”) and a more diverse native upland, and more extensive wetlands, the changes at the mouth of the estuary and weir may change the aquatic climate for this amphibious species. The project will likely increase the salinity of the southern portion of the refuge, but it may also decrease siltation and increase the longevity of the freshwater portions of the estuary. Since freshwater portions of the estuary would not only continue to remain, especially in the northeastern and northwestern areas where there are the highest freshwater inputs, but would be enhanced with additional basking areas, the changes in salinity are anticipated to be a less than significant impact to southwestern pond turtles. Therefore, long-term impacts to pond turtles would be less than significant.

During construction, pond turtles could be found in construction zones with open water habitat or in the surrounding upland areas. Mitigation measures require monitoring of work areas by an Onsite Environmental Coordinator and relocation of pond turtles to open water away from heavy equipment activities if found (BIO-16). Installation of “reversed” silt fencing would prevent pond turtles from entering the work areas, but still allow them to exit work areas on their own by pushing under (BIO-17). Currently, the red-eared slider (*Trachemys scripta elegans*), a non-native turtle common in the central coast area, competes with pond turtles for food and preferred basking locations. Prior to the start of construction, the Onsite Environmental Coordinator would conduct a worker environmental training on both the pond turtle and red-eared slider (BIO-18). If red-eared sliders are captured during construction activities, they would not be released back into the Bird Refuge in order to reduce competition for food and basking sites and improve conditions for the pond turtles in the refuge (BIO-16). Construction impacts to the pond turtle would be less than significant with mitigation.

### Breeding Birds:

The majority of potential direct impacts to special status bird species would be avoided because construction would begin at the end of the breeding season; however, the timing of maintenance activities should also be timed to minimize impacts to nesting birds. Some birds may still be breeding when construction begins, therefore, mitigation measure BIO-2 would be implemented to reduce this potential impact. Therefore, project impacts to breeding birds would be less than significant with mitigation. Restoration efforts would likely improve the habitat quality for all species of special status birds found on site. Restoration of the site with native vegetation and with a more complex vegetative structure would likely improve the habitat value of the project area for breeding birds. Therefore, the project’s long-term impacts to breeding birds would be beneficial.

## **California Brown Pelican**

In this area, California brown pelicans nest on the Channel Islands and frequent the mainland shores nearly year-round. They forage in the Pacific Ocean diving from great heights to crash headfirst into the waters. They roost on piers, boats, and other structures near and/or over water and can become quite tame. Occasionally, they will roost on a quiet stretch of beach or in an estuary individually or with a mixed flock of birds, but are not expected to occupy estuary or lagoon areas during any extended period of time. Therefore, California brown pelicans are not expected to be impacted by construction activities. If a pelican is found within the work area, mitigation measure BIO-19 should be employed to encourage it to vacate the area. Therefore, project impacts to California brown pelicans would be less than significant with mitigation.

## **Black-Crowned Night Heron Nesting Colony**

No breeding evidence for black-crowned night herons was detected during the recent (2017-2018) surveys, though up to two individuals were detected during the fall, spring, and winter. However, breeding colonies for black-crowned night herons have historically been confirmed at the Bird Refuge. The three islands or along the western portion of the bird refuge are the areas with the highest probability of a nesting colony; portions of these areas would be revegetated as part of the project—removing non-native species and replacing it with native species. The removal of non-native vegetation would reduce breeding opportunities for a few years while the native vegetation becomes established and grows; however, based

on historical breeding behavior, breeding by black-crowned night herons is irregular and has not occurred in the last ten years. Because construction and de-vegetation efforts are proposed to be scheduled outside of the bird breeding season, no potential impacts to a black-crown night heron nesting colony are anticipated. Additionally, the overall habitat quality of the bird refuge would improve for this species. Therefore black-crowned night heron nesting colony impacts would be less than significant.

### **Cooper's Hawk**

The project site currently is a suitable year-round hunting ground for Cooper's hawk; and a Cooper's hawk was seen during the fall and winter during the 2017-18 surveys of the site. However, Cooper's hawks tend to breed in wooded areas especially within riparian areas on a horizontal branch between 20 and 60 feet off the ground. Based on the current vegetation structure in the area, there are no riparian trees with enough height and the proper structure for Cooper's hawks to breed within the project site. However, some of the coast live oaks in the surrounding area could be suitable nest trees. Even though Cooper's hawk are unlikely to breed the project site, if they were present, the pre-construction surveys required by BIO-2 and monitoring by the Onsite Environmental Coordinator BIO-3, would result in impacts to Cooper's hawks being less than significant with mitigation. The long-term effect of the improved quality and quantity of habitat for prey species (e.g. birds and small mammals) would be a beneficial impact, as it would improve foraging opportunities for Cooper's hawk within the project area.

### **Western Snowy Plover**

The Pacific coast population of the western snowy plover breeds primarily on coastal beaches from southern Washington to southern Baja California, Mexico. The population breeds between March 1 and September 30, above the high tide line on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries. The project area lacks the habitat quantity for a population to survive. As such, snowy plovers have not historically been known to breed in this area; nor are they expected to during construction of the project. That said, it is possible snowy plovers may winter in the dune habitat area, though unlikely. In order to ensure that snowy plovers are not present during the project construction or ongoing sand-berm priming maintenance activities, mitigation measure BIO-2 requires a nesting bird survey be conducted prior to construction and/or maintenance activity. Additionally, monitoring by the Onsite Environmental Coordinator as required by BIO-3 would help ensure that sick or injured plovers are not directly impacted by construction. Therefore, impacts to snowy plover during construction would be less than significant with mitigation. In the long-term, the restoration and enhancement of the estuary mouth and dune habitats would improve habitat quality for the snowy plovers, and BIO-2 would ensure maintenance activities avoid impacts to snowy plovers should they inhabit the area in the future. Therefore, long-term project impacts would also be less than significant with mitigation.

### **California Least Tern**

California least terns breed along the West Coast from San Francisco south along Baja California and the Sea of Cortez. They usually nest in colonies on the ground (sometimes on flat gravel rooftops) in a scrape in the soil. They forage low over open water and hunt for small fish, crustaceans and invertebrates. Least terns not known to, nor expected to, breed in this area, and no least terns were detected during the 2017-2018 bird surveys. Additionally, this species is only expected to migrate through the central coast region, as the least tern winters in the tropics. Monitoring by the Onsite Environmental Coordinator required by BIO-3 would help ensure that sick or injured terns are not directly impacted by construction. Therefore construction impacts to least terns would be less than significant with mitigation. Overall, the restoration and enhancement of the estuary mouth and dune habitats would improve habitat quality for the terns. Considering that this species is detected at Devereux Slough during the spring and fall migrations, restoration efforts that increase available prey may result in more sightings of this species at the Bird Refuge lagoon. Therefore, long-term impacts to least terns would be beneficial.

### **Merlin (wintering)**

Merlin breed mostly in the coniferous woodlands and prairie groves in Canada and the northcentral US, but they winter in

the western portion of the US and east and southeast coastal regions. During the winter the merlin will utilize more open areas including grasslands and coastal marshes, and some have learned to survive in larger cities. Prior surveys indicate the merlin are present at the refuge between August and April; one merlin was detected during the winter during the 2017-2018 bird surveys. Although merlin are primarily winter visitors, it is possible they may be present in the area during construction activities. However, merlin are unlikely to remain in an area with a high human presence, so it is anticipated that there would be little or no impact from construction activities. If they are present, monitoring by the Onsite Environmental Coordinator required by BIO-3 would help ensure that merlin are not impacted by construction. Therefore construction impacts to least terns would be *less than significant with mitigation*. The long-term impacts from the project are likely to benefit merlin by improving the habitat of various species the merlin prey upon, such as small shorebirds; thus increasing foraging opportunities for merlin. Therefore, long-term impacts to merlin would be *beneficial*.

### **American Peregrine Falcon**

Peregrine falcons breed throughout the western portion of the United States. They breed within most of California where suitable cliffs or high ledges are available and they can be found throughout the state during the winter. Anywhere along the central coast of California that has sizeable populations of birds (shorebirds, ducks, pigeons, and gulls in particular) is likely to have periodic peregrine falcons during the winter months and year-round, if near a breeding site. Peregrine falcons may use this site irregularly throughout the course of the year but are not likely to be present on a regular basis since they often have large territories. If they are present, monitoring by the Onsite Environmental Coordinator required by BIO-3 would help ensure that peregrine falcons are not impacted by construction. Therefore construction impacts to least terns would be *less than significant with mitigation*. The long-term effect of the improved quality and quantity of habitat for prey species (e.g. shorebirds and ducks) would be a *beneficial impact*, as it would improve foraging opportunities for peregrine falcons within the project area.

### **Long-billed Curlew, Whimbrel, Marbled Godwit, and Short-billed Dowitcher**

The long-billed curlew, whimbrel, marbled godwit, and short-billed dowitcher are all non-breeding shorebirds that may winter within the estuary mouth, dune habitat, and shoreline areas south of Cabrillo Boulevard. In order to ensure that these shorebirds are not present during the project construction or ongoing sand-berm priming maintenance activities, mitigation measure BIO-2 requires a bird survey be conducted prior to construction and/or maintenance activity. Additionally, monitoring by the Onsite Environmental Coordinator as required by BIO-3 would help ensure that sick or injured shorebirds are not directly impacted by construction. Therefore, impacts to shorebirds during construction would be *less than significant with mitigation*. In the long-term, the restoration and enhancement of the estuary mouth and dune habitats would improve habitat quality for shorebirds, and BIO-3 would ensure maintenance activities avoid impacts to shorebirds that may be present. Therefore, long-term project impacts would also be *less than significant with mitigation*.

### **Allen's Hummingbird**

Allen's hummingbirds are a migratory hummingbird that can be found in most of western California and southwestern Oregon during the breeding season. There has been a recent increase in the number of Allen's hummingbirds that "over winter" on the central coast, but Andrée Clark Bird Refuge and surrounding area is not likely to be an important wintering location for this species and the majority of the habitat that this bird is likely to utilize is not going to be directly impacted by the project. However, Allen's hummingbirds are known to occur in the area, and are expected to be found within the project area throughout the course of the year. Wintering and or nesting Allen's hummingbirds should be expected in most years at a relatively low level. Preconstruction surveys required by BIO-2 and monitoring by the Onsite Environmental Coordinator required by BIO-3 would protect nesting birds should they be present. Therefore construction impacts to least terns would be *less than significant with mitigation*. The restoration of the northern section of the project area with native plants would increase the amount of area where these hummingbirds may breed and over winter.

### **Oak Titmouse**

The preferred habitats of the oak titmouse include oak woodlands, mixed riparian, and wooded suburban areas. Oak titmice

breed in natural or woodpecker-made cavities or nest boxes which the female selects. For this reason, oak titmice are more likely to be found on the mesa south of the project area where oaks trees are more abundant; however, oak titmice do occasionally forage in the project area. However, until there are suitable nesting cavities in the refuge area, oak titmice are expected to continue to breed on the mesa and only occasionally enter the refuge area—as this area is not high quality habitat for this species. The project schedule and Onsite Environmental Coordinator monitoring required by BIO-3 would protect any oak titmice nests, should any exist within the project construction areas. Therefore, construction impacts to the oak titmouse would be *less than significant with mitigation*. While the restoration of the site with more native vegetation likely would not provide new oak woodland habitat for this species, it should increase potential foraging opportunities. Therefore, long-term impacts for the oak titmouse would be *beneficial*.

#### **Belding's Savannah Sparrow**

The Belding's savannah sparrow is a year-round resident associated with dense pickleweed in the coastal salt marshes of southern California. Based on the habitat requirements—namely a lack in sizeable pickleweed mats—and specialization of the Belding's savannah sparrow, a sub-species of savannah sparrow, it is highly unlikely that a Belding's savannah sparrow would be found on-site prior to or during construction activities. However, if they are present, monitoring by the Onsite Environmental Coordinator required by BIO-3 would help ensure that they are not impacted by construction. Therefore construction impacts to least terns would be *less than significant with mitigation*. Regular tidal flushing made possible by the project should help support a healthy pickleweed population and potential foraging opportunities for Belding's savannah sparrows. As a result, there is a slim chance that this species may visit or even colonize the Bird Refuge if a large enough patch of pickleweed becomes established. Therefore, long-term impacts for the Belding's savannah sparrow would be *beneficial*.

#### **Yellow Warbler**

The yellow warbler is a neo-tropic migrant that nests in dense riparian vegetation or shrubs and woodlands adjacent to swampy areas. They do not seem to breed or winter in or near the Bird Refuge, but they do pass through in the spring and fall. The majority of the work would be in habitats that are not attractive to this species, however construction activities may have a minor, temporary impact on the species as they pass through. Given the lacking suitable habitat for the yellow warbler to breed or winter, the brief duration migratory presence, and brief duration of construction activities, construction impacts would be *less than significant*. The restoration along the northern portion of the refuge with native shrubs and trees could mature into an area where this species could breed and would offer higher quality habitat during migration. Therefore, long-term impacts to the yellow warbler would be *beneficial*.

#### **Tricolored Blackbird (nesting colony)**

Tricolored blackbirds breed in large colonies in freshwater cattail or bulrush wetlands. Currently, it is highly unlikely that the tricolored blackbird would attempt to breed in the Bird Refuge because the cattail beds are too small, there would be competition with red-wing blackbirds and greatailed grackles for the better breeding areas, and the grackles may predate the eggs and/or young tricolored blackbirds. Therefore construction impacts to tricolored blackbird nesting colonies would be *less than significant*. With restoration and enhancement of the reed beds, there may be an opportunity for tricolored black birds to colonize the area but this is still highly unlikely to be used for breeding since there would still likely be grackles, red-wing blackbirds, and no large, suitable upland foraging areas. Therefore long-term impacts to tricolored blackbird nesting colonies would be *less than significant*.

#### **4.b-c) Natural Communities; Wetland and Riparian Habitats**

Construction activities would impact the natural communities and habitats at the Bird Refuge. However, the all of these potential impacts are minor and would be *less than significant with mitigation*. Long-term effects to these habitats, plants,

and wildlife are considered to be beneficial and the project would restore and enhance the biological resources of this area.

Wetland Habitat Impacts:

The creation of the bio-retention basin and bio-retention swale, expansion of the lagoon, improvement of the existing pathways, replacement of the weir, restoration of the dune habitat, and periodic sand berm priming, is expected to result in creation and enhancement of 3 acres of wetlands, but would require temporary construction impacts to approximately 0.8 acres of wetlands present on site. Potential construction impacts include the potential for erosion and siltation during vegetation removal and grading activities, and potential for additional wetland vegetation loss should activities not be contained within the define work areas. However, mitigation measures BIO-20 through BIO-27 would serve to reduce erosion, siltation, and vegetation loss impacts to less than significant levels. Therefore, short-term impacts from construction would be less than significant with mitigation.

The long-term beach-berm priming south of the beach lagoon to allow the lagoon to fill, overtop, and flow into the ocean 3-4 times per rainy season would not directly impact any vegetated wetlands. However, the indirect effects of this action are difficult to assess due to the fluctuating water dynamics. It is generally expected that the water in the lagoon would be less fresh and more tidally influenced when the berm is breached. Therefore, vegetation is generally expected to remain wetland species but shift from more freshwater species such as California bulrush to more saltmarsh species such as pickleweed, which is the historical habitat of the area. Due to some uncertainty in the vegetation response to the changes in water dynamics there is a potential impact to wetland vegetation but this would be mitigated through BIO-28 which would ensure there is no net loss of wetland vegetation. Therefore long-term impacts to wetland habitat would be less than significant with mitigation.

Riparian Habitat Impacts:

The creation of the bio-retention basin would have no impact on riparian vegetation. The existing stone and mortar channel has some native vegetation within the channel, predominately cattails, but this vegetation would likely not be affected by construction of the off-channel treatment area and would likely be removed by regular channel maintenance activities.

The replacement of the weir would require the temporary removal of no more than 0.01-acres (500 square feet) of wetland habitat adjacent to the existing weir with riparian vegetation and has the potential to directly impact one small willow. In addition, construction activities and staging could impact adjacent riparian habitat. In order to avoid indirect impacts to adjacent riparian habitat, mitigation measure BIO-35 would require construction fencing. Therefore, construction impacts to riparian habitat would be less than significant with mitigation. Mitigation measure BIO-36 would require the planting of riparian habitat with use any willow cuttings or trimmings. Long-term impacts to riparian habitat would be less than significant with mitigation.

Dune Habitat Impacts:

Approximately 1.2 acres of southern foredune habitat, much of which is non-native vegetation, would be impacted south of Cabrillo Boulevard. These temporary impacts would be mitigated by creating, restoring and/or enhancing approximately 0.4 acres of foredune habitat, and 0.5 acres of backdune habitat plus 0.1 acres of native wildflower habitats as part of the backdune area. In addition, adjacent habitats including 0.3 acres of salt marsh near the beach lagoon and 0.2 acres of open water/intertidal mudflat below the Mean Higher-High Water elevation would be created and enhanced resulting in a more natural ecological system. Additionally, the project would be installing sand fencing and educational signs to reduce impacts to the restored areas, and revegetating the dune habitat with native plants from the local area.

Due to the existing levels of human disturbance (e.g. walkers, dogs, volleyballs, etc.) and nonnative vegetation, the existing southern foredune habitat is of poor quality and is too small to support breeding by sensitive birds such as snowy plovers or least terns. Additionally, the coastal salt and brackish marsh habitats are very narrow and offer little habitat for native wildlife and native plant species. Mitigation measure BIO-37 would reduce potential impacts to dune habitat to the

maximum extent feasible. Construction impacts to dune habitat would be less than significant with mitigation.

Though the level of human impact in the dune habitat area would be decreased by protective fencing, it is not likely to be reduced to a level that would allow for successful breeding by ground-nesting birds such as killdeer, snowy plovers, or least terns. However, the revegetated and “fenced” dune habitat patches would likely be of use as a roosting area (especially in public “low-use” periods such as winter) and would allow easy access to the foraging areas along the beach or edges of the beach lagoon. The expansion of the beach lagoon and periodic lowering of the beach berm (periodic berm priming) would increase the quality and quantity of habitat available for the shorebirds that specialize on these coastal interfaces, and adaptive management of the water levels in the Bird Refuge could prove to be very beneficial to migratory birds, in particular. Therefore long-term impacts to the dune habitat would be beneficial.

#### Coast Live Oak Tree Impacts:

No coast live oak trees are expected to be directly or indirectly impacted by the project. Some oaks are within the project area and these would be fenced during construction to be protected, if near work areas and/or laydown areas. If unanticipated impacts to oak trees occur, the mitigation measures BIO-29 and BIO-30 would reduce the impacts to a less than significant level. Therefore construction impacts to coast live oak trees would be less than significant with mitigation. The proposed restoration plantings include some coast live oaks. The addition of coast live oaks to the area would serve to increase diversity of the structure of the restoration plantings. Therefore long-term impacts would be beneficial.

#### Native Tree Impacts:

Potential impacts and mitigation for one small arroyo willow tree are discussed in the Riparian Habitat section above. Similarly, potential impacts and mitigation to coast live oak trees are discussed in the Coast Live Oak Trees section above. There are native trees including Mexican elderberry and California sycamore (*Platanus racemosa*) on the northern edge of the site that would be protected. No other impacts to native trees are anticipated. However, if native trees are removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater mitigation BIO-31 would reduce the impacts to less than significant. Therefore construction impacts to native trees would be less than significant with mitigation. Long-term impacts to native trees less than significant.

#### Non-Native Tree Impacts:

The project would result in the removal of 74 “mature non-native trees” from the three islands, the northwestern portion of the Bird Refuge and from near the tennis courts. These trees consist of 70 *Myoporum laetum* (greater than four inches DBH), three *Melaluca nesophilia* trees, and one *Acacia melanoxylo*m tree. Fifty-four of these trees are found on the three islands, 15 are in the northwestern area, 4 are on the eastern shoreline, and the one *Acacia* tree is located near the tennis courts north of Highway 101. None of the non-native trees proposed for removal are biologically valuable, such as a eucalyptus grove used by monarch butterflies. These non-native trees do not have a special role in the ecosystem, and the proposed native habitat restoration would enhance the habitat value of the project area and increase the biological functions and values of the Bird Refuge.

The removal of the 74 non-native trees would have a localized, temporary impact on wildlife within the areas of the tree removal that is less than significant. Since the tree removal is in six smaller areas (not one large area) and in some cases entails removal of only 1 to 4 trees, it is expected that wildlife would be able to shift to other nearby vegetated areas with little effort. Once the non-native trees are removed, native trees and understory vegetation would be planted and maintained until the native vegetation becomes established. The proposed native species should become established relatively quickly, minimizing the temporary disruption to wildlife. The western island is the exception since all of the non-native vegetation would be removed; this potential temporary, localized impact would be reduced to less than significant with implementation of mitigation measure BIO-32. Therefore, construction impacts to non-native trees would be less than significant with

mitigation.

The California Invasive Plant Council (2020) identifies *Myoporum laetum* as “a prolific seeder and a fast-growing and poisonous species that can outcompete native species” and was classified as “high potential risk” by the Cal-IPC Plant Risk Evaluator. The Andrée Clark Bird Refuge Bird Survey Report 2017-2018 also found a significant positive correlation for both bird abundance and bird species richness with higher habitat quality. Reducing non-native plants, increasing plant species diversity, and increasing the total amount of vegetation would increase total habitat quality and should increase both abundance and species diversity of birds. Therefore, long-term impacts of non-native tree removal would be beneficial.

Special Status Plant Species Impacts:

In the Santa Barbara quadrangle CNPS Rare and Endangered Plant Inventory database (2017), CNDDDB search (2017), other literature searches, and field observations for the project site, 27 sensitive plants were identified as having potential to occur. Of the 27 CNPS listed species, no species are known to be present on site currently. Two species, Coulter’s saltbush and Davidson’s saltscale, have moderate potential to occur because they historically occurred within five miles of the project site or suitable habitat is present. One locally rare species, the slender aster, has been documented to occur on site.

There are potential impacts to Davidson’s saltscale, Coulter’s saltbush, slender aster, and seacoast bulrush. Potential impacts include removal of special status plants during grading or trampling during project construction and restoration activities such as non-native tree removal or planting of native species. With the implementation of mitigation measure BIO-33 these impacts would be less than significant. Therefore construction impacts to special status plant species would be less than significant with mitigation.

**4.e, f) Local, Regional, or State Habitat Conservation Plans and Local Ordinances**

Although the federally endangered tidewater goby (*Eucyclogobius newberryi*) can occur in the Andrée Clark Bird Refuge and its outflow lagoon near Cabrillo Boulevard, the U.S. Fish and Wildlife Service has not designated it as “critical habitat” for the tidewater goby. However, the Andrée Clark Bird Refuge is a designated Environmentally Sensitive Habitat Area in the City’s Local Coastal Land Use Plan.

The environmental goals of the restoration project are to improve wildlife habitat (aquatic and avian), water quality, aesthetics, and reduce odors while maintaining current flood protection and passive recreation. The primary element for restoring wildlife habitat and water quality at the Bird Refuge is to increase flushing of the lake/lagoon by improving the connection between the ocean and the lake/lagoon through a combination of drainage modifications and management of the beach berm. While there are potential short-term impacts to riparian habitat, coast live oaks, native trees, special status plants, special status wildlife, common wildlife, and dune habitats, all of these potential impacts are minor and would be less than significant with mitigation. Long-term effects to these habitats, plants, and wildlife are considered to be beneficial and the project would restore and enhance the biological resources of this area.

Biological Resources – Mitigation

The following measures were identified in the Biological Site Assessment prepared by Kisner Restoration and Ecological Consulting, Inc., dated May 2020, to reduce potential impacts to the maximum extent feasible.

- BIO-1 Ensure that all coconut matting and other erosion control material used for the project does not contain plastic netting. Materials shall be all-natural fiber. Biodegradable plastic is not acceptable.
- BIO-2 Impacts to nesting birds shall be avoided by conducting a pre-construction and/or pre-maintenance activity nesting bird survey. If any native nesting birds are located within 100 feet of the active work site, project

construction shall be delayed until the birds have fledged.

- BIO-3 Impacts to common and special-status wildlife species shall be minimized by over-sight by the Onsite Environmental Coordinator (OEC) who shall monitor all project construction and maintenance. If wildlife species are encountered or otherwise exposed to risk, the OEC shall implement measures to reduce exposure risk, including halting work, fencing, or wildlife removals. The OEC or designee shall attempt to move the animal outside the construction site in a manner consistent with regulatory requirements. At the OEC's discretion, construction can resume even if the animal has not been relocated (e.g. animal cannot be caught safely, animal cannot be located, etc.). Non-native wildlife shall be removed from the site to the extent feasible.
- BIO-4 Impacts to globous dune beetles shall be avoided by conducting a preconstruction and/or pre-maintenance activity beetle survey. If any globous dune beetles are found, they shall be relocated to a safe area on-site or to the closest suitable habitat.
- BIO-5 A preconstruction survey within the work zone for tidewater gobies shall be conducted within approximately one week prior to the commencement of vegetation/sediment removal activities, or dewatering. If gobies are present, a U.S. Fish and Wildlife Service-approved biologist shall conduct fish rescue and relocation where feasible prior to the start of work in order to clear work areas of tidewater goby. It should be noted that it may not be feasible in some areas to conduct a fish survey or rescue if the water is too deep or the bottom is too muddy to be able to conduct seining. If this is the case at the weir location, the area may first need to be set up for dewatering and water levels reduced until seining can be conducted to relocate fish out of the work zone. In areas that shall not be dewatered but seining is not feasible then attempts shall be made to flush fish out of the area prior to working with heavy equipment.
- BIO-6 A U.S. Fish and Wildlife Service-approved biologist shall capture, handle, and relocate tidewater gobies from the work area using ¼-inch seine and dip nets and aerated buckets of water from the refuge to a designated relocation area outside the work area. The relocation area shall be located within suitable habitat and the shortest distance from the disturbance area. Areas with brackish water, emergent vegetation, and sandy substrate shall be the preferred relocation areas. Relocation areas should be upstream of the weir construction or may be downstream once the weir construction is complete.
- BIO-7 In work areas that shall not be dewatered such as the islands, marsh lobes, and lagoon that may contain water, fish should be moved from the area using seine and dip nets where feasible, or flushed by walking or using vibrations/noise from construction equipment. Then a silt curtain shall be deployed as feasible by securing with t-posts and zip ties and fastening weights to the bottom at approximately a 5-foot buffer from the construction boundary to reduce turbidity when working in the water. If turbidity is not an issue, block nets with ¼-inch mesh, weights tied to the bottom and secured with t-posts and zip ties may be used instead of silt curtains to keep fish out of work areas where feasible.
- BIO-8 A U.S. Fish and Wildlife Service-approved biologist shall conduct a worker environmental awareness training for all project personnel prior to the start of project activities. The training shall include a description of tidewater goby and its habitat including a photograph of the species. It shall describe the ESA and penalties if provisions of the Act are violated. It shall outline the project boundaries and minimization and mitigation measures that all construction personnel must follow to avoid impacts to and protect the species.
- BIO-9 A U.S. Fish and Wildlife Service-approved biologist shall monitor the dewatering efforts for the weir construction to minimize impacts to tidewater gobies. If sheet piles are used for the dewatering, it is assumed that the vibrations and noise would flush fish out of the area. However, as the area is dewatered, sufficient time shall be allowed for the U.S. Fish and Wildlife Service-approved biologists to capture and relocate any tidewater gobies that may be trapped within the dewatering area prior to continuing work activities. Once the area is cleared of tidewater goby

the qualified biologist shall conduct periodic inspections of the area and be present when the dewatering system is removed.

- BIO-10 The results of any tidewater goby preconstruction survey or relocation shall be documented and submitted in a report to the regulatory agencies.
- BIO-11 Impacts to tidewater goby shall be minimized from oversight by the Onsite Environmental Coordinator (OEC) who shall monitor project construction. If special status wildlife species are encountered, the OEC or designee shall stop work until the animal has moved outside the construction site. The OEC shall contact a local expert if assistance is needed.
- BIO-12 Clearly define work limits, keep equipment within work zone, and keep work zone to a minimum within the water.
- BIO-13 Water-based sediment and vegetation removal activities associated with recontouring the islands, marsh lobes, and lagoon, shall be limited to August 1 through November 1, to avoid prime breeding season of tidewater goby, and take advantage of low water levels in the lagoon and minimize work within the water.
- BIO-14 Conduct a preconstruction survey of the refuge in areas of preferred tidewater goby habitat for which to compare with post-construction monitoring for tidewater goby. Monitoring would also include sampling of water quality to ensure brackish water habitat has not been reduced from pre-project conditions. The results would be submitted in a minimum of three annual reports to the regulatory agencies for preconstruction and at least two years following construction.
- BIO-15 Impacts to legless lizards shall be minimized by Onsite Environmental Coordinator monitoring of soil disturbance within the sandy dune habitat. If any legless lizards are detected, they shall be captured by a qualified biologist and either relocated to a safe location and released immediately or secured in a 5-gallon bucket half-filled with sand until a safe location is available (not to exceed five days).
- BIO-16 Impacts to pond turtles shall be minimized by Onsite Environmental Coordinator monitoring of vegetation removal especially within the northeastern and northwestern portions of the Bird Refuge. Pond turtles shall be relocated out of work areas and promptly released back into the open water (ideally in the northwestern portion of the refuge). Any red-eared sliders captured during construction activities shall not be released.
- BIO-17 Impacts to pond turtles shall be minimized by the installation of “reversed” silt fencing along the edges just outside the water. The silt fence shall be set to allow turtles to push under to exit work areas but stop them from entering the work areas. The “reverse” silt fencing shall be set with the loose tail of the silt fencing toward the water loosely anchored which allows wildlife to push under; animals approaching from the outside (water side) shall be blocked by the silt fence and rarely would figure out how to push under the loose tail portion of the silt fence. The silt fence shall be installed only in areas where turtles are anticipated, namely the northwestern portion and on the islands. If block nets and/or silt curtains are already employed, the Onsite Environmental Coordinator shall determine if “reverse” silt fence is needed.
- BIO-18 A U.S. Fish and Wildlife Service-approved biologist or Onsite Environmental Coordinator monitor shall conduct a worker environmental awareness training for all project personnel prior to the start of project activities. The training shall include a description of the pond turtle and red-eared slider including a photograph of each species. It shall outline the project boundaries and minimization and mitigation measures that all construction personnel must follow to avoid impacts to and protect the pond turtles.
- BIO-19 If a California brown pelican is found within the work area, the Onsite Environmental Coordinator (OEC) shall slowly approach the bird to determine if it is ill or injured. If ill or injured, an effort shall be made to contact the

Santa Barbara Wildlife Care Network or other appropriate wildlife care organization to capture and treat the bird. The OEC should not try to capture the bird unless directed by an appropriate organization. If healthy, the OEC should slowly approach the bird until it leaves the work zone.

- BIO-20 All construction shall be conducted during the dry season, to minimize work in the open water and potential for erosion.
- BIO-21 Temporary construction fencing shall be placed, as feasible, in areas of wetland vegetation adjacent to the construction footprint to minimize impacts to existing native wetland plants on site.
- BIO-22 During construction, silt fencing shall be installed in areas where grading is near open water to prevent sediment from entering the refuge/lagoon.
- BIO-23 All equipment shall be stored, maintained, and fueled a minimum of 50 feet from open water.
- BIO-24 After construction is completed, all areas of disturbance on the edges of the weir shall be covered with coconut fiber matting and planted with native plants; the banks near the outflow shall be stabilized using a layer of ungrouted rip-rap boulders and strategic plantings to reduce erosion. Coconut fiber matting shall be placed on slopes greater than 3:1 above the Mean Higher-High Water elevations to control erosion.
- BIO-25 Trimming of native trees to be retained shall be conducted by a certified arborist.
- BIO-26 The Onsite Environmental Coordinator shall monitor construction activities in wetland areas to keep the disturbance area within the project footprint and ensure the erosion control measures are functioning.
- BIO-27 Willow trees removed may be used by taking cuttings to propagate for revegetation. Native understory plant species impacted shall be salvaged by collecting plant materials and soil for use in restoration to the extent feasible.
- BIO-28 Implement an adaptive management vegetation monitoring program to track wetland vegetation response to the changes in water dynamics to ensure there is no net loss of wetlands.
- BIO-29 If unanticipated impacts to coast live oaks occur during construction, the owner shall plant 10 coast live oak trees obtained from acorns collected from within 10 miles of the project site for every oak tree removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. The trees shall be planted in one-gallon size containers or equivalent, gopher fenced and irrigated (drip irrigation on a timer) for a five-year maintenance period.
- BIO-30 Any encroachment within the critical root zone of native trees shall adhere to the following standards (tree is considered damaged if more than 20% encroachment into the critical root zone):
- i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
  - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
  - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- BIO-31 Five trees or shrubs obtained from material collected from within 10 miles of the project site shall be planted for every native tree or large shrub removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. They shall be in one-gallon size containers or equivalent, gopher caged and irrigated (drip

irrigation on a timer) for a five-year maintenance period.

- BIO-32 One native tree obtained from material collected from the South Coast between Rincon Creek and Gaviota Creek shall be planted for every non-native tree removed, relocated or damaged with a diameter at breast height (DBH) of four inches or greater. They shall be in one-gallon size containers or equivalent, and irrigated (drip irrigation on a timer) for a five-year maintenance period.
- BIO-33 Prior to construction, a rare plant survey should be conducted in the spring season during the blooming period of potential special status species to determine whether or not the special status species with potential to occur on site are present within the work zone or 10-foot buffer area. If special status plant species are found on site they shall be avoided, if feasible, by clearly marking the area around the plants and the Onsite Environmental Coordinator shall monitor construction crews to ensure the plants are protected. If the plants cannot be avoided, they shall be replaced by collecting seeds and/or cuttings from the plants and/or relocation on site as appropriate, propagating in one gallon size container plants in a nursery, and outplanting in the restoration areas. If special status plants are installed, they shall be incorporated into the restoration monitoring plan to ensure survival.
- BIO-34 (Recommended) Include native narrow-leaf milkweed (*Asclepias fascicularis*) in the habitat restoration plant pallet to help mitigate for indirect impacts to monarch butterflies. Where appropriate, the City should include native narrow-leaf milkweed and educational signage talking about monarchs, their life cycle, and the importance of milkweed to this species.
- BIO-35 Temporary construction fencing shall be placed, as feasible, in areas of riparian vegetation adjacent to the construction footprint to minimize impacts to existing riparian habitats on site.
- BIO-36 Cuttings shall be taken from willows needing trimming or removal. Cuttings shall be installed either directly to restoration areas that have supplemental irrigation or shall be propagated in a nursery for future outplanting in the restoration areas.
- BIO-37 If feasible, protect existing native dune habitat areas by fencing these areas during construction. If the areas must be graded then the plant materials and/or seeds of the native vegetation present should be salvaged/collected for use in the dune restoration efforts.

#### Biological Resources – Residual Impacts

Less than significant.

5. CULTURAL AND TRIBAL CULTURAL RESOURCES	Level of Significance
Would the project:	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA §15064.5?	Less than Significant
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA §15064.5?	Less than Significant
c) Disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant
d) Cause a substantial effect on an important tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with important cultural value to a California Native American tribe, and that is: <ul style="list-style-type: none"> <li>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1.1(k), or</li> <li>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence and within consideration of the views of California Native American tribes, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1?</li> </ul>	Less than Significant

Cultural and Tribal Cultural Resources – Discussion

**Issues:**

Archaeological Resources are subsurface deposits dating from prehistoric or historical time periods. Native American culture appeared along the channel coast over 10,000 years ago, and numerous villages of the Barbareño Chumash flourished in coastal plains now encompassed by the City. Spanish exploration and eventual settlements in Santa Barbara occurred in the 1500’s through 1700’s. In the mid-1800’s, the City began its transition from Mexican village to American city, and in the late 1800’s through early 1900’s experienced intensive urbanization.

Historic Resources are above-ground structures and sites from historical time periods with historic, architectural, or other cultural importance. The City’s built environment has a rich cultural heritage with a variety of architectural styles, including the Spanish Colonial Revival style emphasized in the rebuilding of Santa Barbara’s downtown following a destructive 1925 earthquake.

Tribal Cultural Resources are defined in Public Resources Code (PRC) Section 21074.1 as sites, features, places, cultural landscapes, sacred places, and objects that have cultural value to Native American tribes. A tribal cultural resource can be included on or eligible for a national, state, or local register of historical resources. In addition, the City can determine that a tribal cultural resource is significant even if it has not been evaluated as eligible for a national, state, or local register.

**Impact Evaluation Guidelines:** Archaeological, historical, and tribal cultural impacts are evaluated based on review of available cultural resource documentation, data gathered from records searches, and consultation with tribal representatives. Existing conditions on a site are assessed to identify whether important or unique resources exist, based on criteria specified in the State CEQA Guidelines §15064.5 and City Master Environmental Assessment Guidelines for Archaeological Resources and Historical Structures and Sites, summarized as follows:

1. Contains information needed to answer important scientific research questions and there exists a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with an important prehistoric or historic event or person.
4. Is depicted on the City's Archeological Resources Reports Location Map.
5. Is designated, or meets criteria for inclusion on a national, state, or local landmark or historic resource register. This includes, but is not limited to, the National Register of Historic Places, National Historic Landmarks, California Register of Historical Resources, California Registered Historical Landmarks, City of Santa Barbara Landmarks, and City of Santa Barbara Structures of Merit.
6. Is associated with a traditional way of life important to an ethnic, national, racial, or social group, or to the community at large; or illustrates the broad patterns of cultural, social, political, economic, or industrial history.
7. Is determined by the City to be significant, based on substantial evidence.
8. Constitutes a tribal cultural resource based on statutory criteria and/or consultation with Native American tribal representatives.

If important resources exist on the site, project changes are evaluated to determine whether they would substantially affect important resources. A project could have a significant impact if it may cause a substantial adverse change in the characteristics of a resource that convey its significance or justify its eligibility for inclusion in a national, state, or local register. Impacts may include physically damaging, destroying, or altering all or part of a resource, altering the characteristics of the surrounding environment that contribute to the resource's significance, neglecting the resource to the extent that it deteriorates or is destroyed, or the incidental discovery of a resource without proper notification and protocols.

#### Cultural and Tribal Cultural Resources – Existing Conditions and Project Impacts

##### **5.a) Historical Resources**

The Andrée Clark Bird Refuge and the Municipal Tennis Center property are both on the City's List of Potential Historic Resources as they are eligible for designation as historic resources. The Andrée Clark Bird Refuge is part of the California State East Cabrillo Boulevard Parkway Historic District, designed by the Olmsted Brothers. The Tennis Center building, courts and sandstone walls around courts are eligible as Structures of Merit as they are considered "excellent examples" of a Works Project Administration project completed in 1937.

The City's Architectural Historian, Nicole Hernandez, reviewed the project components for potential impacts to the historic resources. The historian determined that the project maintains the integrity of the Bird Refuge and Cabrillo Boulevard Parkway, and does not impact the building, courts or sandstone walls around courts at the Municipal Tennis Center. Therefore impacts to historical resources would be *less than significant*.

##### **5.b) Archaeological Resources**

The project area falls within the City's designated "Prehistoric Sites and Water Courses" archeological sensitivity area. As such, a Phase I Archeological Resources Investigation was conducted for the project by David Stone, RPA, dated January 2020. The historical research indicates that all proposed improvements would occur within the previous estuarine salt marsh extending from East Beach north of the Union Pacific Railroad. However, the potential for prehistoric occupation within the project site itself is considered highly unlikely, as only ephemeral hunting, fishing, or vegetation gathering would have occurred in the estuary. Any artifacts deposited within the tidal channel within beach sands would have been transported through alluvial erosion. No temporary camps or special use activity areas with associated artifacts would occur within these marsh areas. Therefore, the possibility for potentially significant cultural resources and potential for unrecorded archaeological resources to exist within the project site is remote.

Although two prehistoric archaeological sites, CA-SBA-20 and CA-SBA-1776, were recorded within 1/8-mile radius of the project site, the records search reaffirmed that no prehistoric or historic archaeological sites were recorded within the project

site.

The potential for encountering historic-era structural remains, including foundations predating the 20th century, is also considered extremely unlikely based on the absence of residential and commercial use throughout the 19th century and the substantial disturbance of soils. In the 1870s and early 1880s the estuary was filled to create Bradley's Race track, where horse racing and training occurred. In 1906 the site, including what later became the Municipal Tennis Courts, was purchased by a group of public spirited citizens in order to hold the land for public use. In 1909 a city election approved the expenditure to acquire the park site. The city created the "Lake Park Improvement Fund" in 1910; however, little was done until 1928. In August of that year, Huguette M. Clark, owner of the nearby Clark Estate, agreed to give the city \$50,000 for use on the site. In the late 1920s, the salt pond was dredged, disconnected from the ocean, and improvements were added including planting of vegetation and installation of walk paths.

Based on the background historic archival research, previous extensive ground disturbances, and the intensive archaeological surface survey undertaken with very reliable conditions, the potential for subsurface prehistoric archaeological resources to exist within the project site is very low.

While unlikely, there remains the possibility that unidentified archaeological resources that may qualify as significant or unique resources could be encountered as a result of project-related ground-disturbing activities. Standard conditions of approval for the project include procedures pursuant to State regulations for the unanticipated discovery of archeological resources. Therefore, project impacts on prehistoric resources are *less than significant*. It is also extremely unlikely that any significant historic archaeological resources would be encountered during grading. Therefore, impacts on these types of resources would be *less than significant*.

#### **5.c) Human Remains**

There is no evidence that the site contains any human remains. Standard conditions of approval for the project include procedures pursuant to State regulations for the unanticipated discovery of human remains. To minimize or avoid potential impacts, if any human remains are discovered, all construction activities would cease, and the Santa Barbara County Coroner would be contacted in accordance with 14 California Code of Regulations (CCR) Section 15064.5(e). If the coroner determines that the human remains are of Native American origin, the Native American Heritage Commission (NAHC) would be notified to determine the Most Likely Descendent (MLD) for the area. The MLD would make recommendations for the arrangements for the human remains per Public Resources Code (PRC) Section 5097.98. Therefore, impacts on human remains would be *less than significant*.

#### **5.d) Tribal Cultural Resources**

The City provided an opportunity for Native American tribal consultation regarding the potential effects of the project on tribal cultural resources to tribes that had requested notification by the City on CEQA projects, in compliance with Assembly Bill 52. In addition to the initiation of Native American consultation, the City submitted a request for review of the Native American Heritage Commission's (NAHC's) Sacred Lands Inventory File. Tribal consultation and review of these files concluded that no known tribal cultural resources are within the vicinity of the project site. Standard conditions of approval for the project include procedures pursuant to State regulations for the unanticipated discovery of tribal cultural resources. Therefore, impacts on tribal cultural resources would be *less than significant*.

#### Cultural Resources – Mitigation

No mitigation is required. Refer to *Exhibit C* for Standard Conditions of Approval Applicable to Project.

#### Cultural Resources – Residual Impacts

Less than significant.

<b>6. ENERGY</b> Would the project:	<b>Level of Significance</b>
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less Than Significant
b) Conflict with a state or local plan for renewable energy or energy efficiency?	Less Than Significant

Energy – Discussion

**Issues:** Issues include the potential for the project to result in impacts on energy conservation and/or consumption. A project may have the potential to cause such impacts if it would result in the inefficient, wasteful, or unnecessary consumption of energy from sources including construction and operational equipment, electricity, natural gas, and transportation fuel supplies and/or resources.

**Impact Evaluation Guidelines:** A project has the potential to result in a significant impact if it would:

1. Use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner;
2. Constrain local or regional energy supplies, affect peak and base periods of electrical or natural gas demand, require or result in the construction of new electrical generation and/or transmission facilities, or necessitate the expansion of existing facilities, the construction of which could cause significant environmental effects;  
or
3. Conflict with existing energy standards, including standards for energy conservation.

Energy – Existing Conditions and Project Impacts

**6.a-b) Energy Conservation and Consumption**

Both the Bird Refuge and Municipal Tennis Courts are low energy-use sites with minimal energy infrastructure—consisting mainly of street lighting at the Bird Refuge, and court lighting and a 2,000-square-foot office building at the Tennis Courts. The project would not alter or change the existing lighting or recreational functions. The replacement weir gate at the Bird Refuge would be mechanized, but would be low-power and so intermittently used (approximately once a month) it would have a negligible demand on energy resources. Therefore the project would have a *less than significant impact* on energy resources.

Energy – Mitigation

No mitigation is required.

Energy – Residual Impacts

Less than significant.

7. GEOLOGY AND SOILS	Level of Significance
Would the project:	
a) Earthquake Hazards: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic conditions: <ul style="list-style-type: none"> <li>i. Rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure, including liquefaction?</li> <li>iv. Tsunami?</li> </ul>	Less Than Significant
b) Geologic or Soil Instability: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, collapse, or sea cliff failure? Be located on expansive soils, as defined the Uniform Building Code, creating substantial direct or indirect risk to life or property?	Less Than Significant
c) Erosion: Result in substantial soil erosion or the loss of topsoil?	Less Than Significant
d) Septic System: Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact
e) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

Geology and Soils – Discussion

**Issues:** Geophysical impacts involve geologic and soil conditions, and their potential to create physical hazards affecting persons or property; or substantial changes to the physical condition of the site. Included are earthquake-related conditions such as fault rupture, ground shaking, liquefaction (a condition in which saturated soil loses shear strength during earthquake shaking), or seismic waves; unstable soil or slope conditions, such as landslides, sea cliff retreat, subsidence (the downward shifting of the Earth’s surface; can result in sinkholes), expansive or compressible/collapsible soils, or erosion; and extensive grading or topographic changes.

Erosion is the movement of rocks and soil from the Earth’s surface by wind, rain, or running water. Several factors influence erosion, such as topography, the size of soil particles (larger particles are more prone to erosion), and vegetation cover, which prevents erosion. Projects in areas with high erosion potential could reduce natural ground cover, create exposed cut or fill slopes and increase loss of surface soils and downstream sedimentation. Removal of vegetation and increased earthwork would potentially expose soils to erosion.

Unique geologic features are features that are unique to the field of geology and typically embody distinct characteristics of a geological principle, provide important information to the field of geology, and/or are the best example of its kind locally or regionally. Paleontological resources include fossils, which are the preserved remains or traces of animals, plants, and other organisms from prehistoric time (i.e., the period before written records). Fossils and traces of fossils are preserved in sedimentary rock units (formed by the deposition of material at the Earth’s surface) and are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance or natural causes, such as erosion by wind or water.

**Impact Evaluation Guidelines:** Potentially significant geophysical impacts may result from:

1. Exposure of people or structures to risk of loss, injury, or death involving unstable earth conditions due to: seismic conditions (such as earthquake faulting, ground shaking, liquefaction, or seismic waves); landslides; sea cliff retreat; or expansive soils.
2. Exposure to or creation of unstable earth conditions due to geologic or soil conditions, such as landslides, settlement, or expansive, collapsible/compressible, or expansive soils.
3. Substantial erosion of soils.
4. Placement of a septic system in an area with soils not capable of adequately supporting disposal of waste water or where waste water could potentially cause unstable conditions or water quality problems.
5. Loss or damage to a unique geological feature or paleontological resource.

#### Geology and Soils – Existing Conditions and Project Impacts

##### **7.a-b) Seismic and Geologic Hazards**

###### Fault Rupture:

The maintenance and restoration project would occur in a location where there are no known faults. Therefore, ground rupture is not anticipated; there would be no impacts due to fault rupture.

###### Ground Shaking and Liquefaction:

According to California Geological Survey maps showing the earthquake shaking potential in California, there is a medium to high intensity of ground shaking and damage potential that could occur from future earthquakes (California Geological Survey 2016).

According to the City's MEA, the liquefaction potential of estuarine deposits around the perimeter of the lake is high. The maintenance and restoration are in areas already exposed to liquefaction and the removal of less than an acre of vegetation in the 29-acre lake would not expose more people to a liquefaction risk. Therefore, impacts of liquefaction in the project area would be less than significant.

###### Tsunami:

According to the City's MEA, the proposed project is within the tsunami run-up area. The 2010 General Plan Update Certified EIR states that "Modeling suggests that purely earthquake generated tsunamis could result in local run-up of up to seven feet in elevation..." and goes on to say that landslide induced tsunamis could be even higher. The annual probability of such tsunami is not provided but is on the order of 100 or more years. The project area lake is generally eight feet in elevation or less. The restoration areas are already exposed to tsunami or wave action (seiche) and the project improvements would not expose more people to the tsunami or seiche risk. Therefore, impacts of tsunami or seiche in the project area would be less than significant.

###### Landslides and Subsidence:

The 2011 MEA map shows that erosion and landslide potential ranges from moderate (lake and culverts) to very high (southern lawn area) at the Bird Refuge. Landslide potential near the lawn is likely associated with the adjacent Clark Estate slopes. Erosion is associated with the unconsolidated soils of the Bird Refuge. The majority of the soil disturbance from maintenance would occur beneath the lake waters and is contained within the site due to the downstream closed weir. Although there is a moderate to high potential for landslide or erosion, no habitable structures are proposed for the project and the work would not expose people to a greater risk of landslide or erosion. Therefore, impacts associated with landslide and erosion would be less than significant. Subsidence, or the sinking of the earth's surface, has the potential to result from liquefaction. As stated in the liquefaction discussion above, impacts would be less than significant.

###### Expansive Soils:

The City's MEA identifies that the soil shrink swell potential of expansive soils is high in the Bird Refuge. However, the weir and weir gate would be designed to address the soil types at the project site and would be constructed in compliance

with building codes. No habitable structures are proposed and the project would not expose people to a greater risk from expansive soils. Therefore, impacts would *be less than significant*.

#### **7.c) Soil Erosion**

The City's MEA map classifies the erosion potential as ranging from moderate (lake and culverts) to very high (near the weir gate and at East Beach) with soils consisting of Milpitas-Positas fine sandy loam and orthents. However, the project site is relatively flat (<1%) and the project activities would result in the installation of boulders and habitat-appropriate vegetation that would serve to prevent erosion overall. Therefore impacts would be *less than significant*.

#### **7.d) Septic Systems**

The proposed project would not include the use of any septic tanks or alternative wastewater disposal systems. *No impact* would occur regarding the adequacy of soils to support a septic and alternative wastewater systems.

#### **7.e) Unique Geological Features and Paleontological Resources**

There is only one known location of any paleontological significance in the City's Coastal Zone. The remainder of the Coastal Zone, including the project area, is of low sensitivity for paleontological resources. There remains a very low potential that previously unknown resources could be exposed during construction activities. Standard conditions for the unanticipated discovery of resources would apply, which includes protocols in the unlikely event that paleontological resources are encountered. Therefore *less than significant* impacts to unique geological features or paleontological resources is anticipated.

#### Geology and Soils – Mitigation

No mitigation is required. Refer to *Exhibit C* for Standard Conditions of Approval Applicable to Project.

#### Geology and Soils – Residual Impacts

Less than significant.

8. HAZARDS AND HAZARDOUS MATERIALS	Level of Significance
Would the project:	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than Significant
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less Than Significant
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact
e) For a project located within the SBCAG Airport Land Use Plan, Airport Influence Area, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact

Hazards and Hazardous Materials – Discussion

**Issues:** Hazardous materials issues involve the potential for public health or safety impacts from exposure of persons or the environment to hazardous materials or risk of accidents involving combustible or toxic substances. Hazards issues include the exposure of people or structures to airport hazards or other types of hazards.

**Impact Evaluation Guidelines:** Significant impacts may result from the following:

1. Siting of incompatible projects in close proximity to existing sources of safety risk, such as pipelines, industrial processes, railroads, airports, etc.
2. Exposure of project occupants or construction workers to unremediated soil or groundwater contamination.
3. Exposure of persons or the environment to hazardous substances due to the improper use, storage, transportation, or disposal of hazardous materials.
4. Physical interference with an emergency evacuation or response plan.

Emergency access is discussed in the Section 15, Transportation and Circulation. Toxic air contaminants are discussed in Section 2, Air Quality and Greenhouse Gas Emissions. Wildland fire hazards are discussed in Section 17, Wildfire.

Hazards and Hazardous Materials – Existing Conditions and Project Impacts

**8.a-e) Public Health and Safety**

The transport, use, and disposal of hazardous materials used or removed during proposed project activities would be conducted in compliance with applicable federal, state, and local laws pertaining to the safe handling, transport, and disposal of hazardous materials, including the Federal Resource Conservation and Recovery Act (RCRA), which includes requirements for hazardous solid waste management; the California Department of Toxic Substances Control (DTSC) Environmental Health Standards for the Management of Hazardous Waste (CCR Title 22, Division 4.5), which includes

standards for generators and transporters of hazardous waste.

Hazardous Materials Exposure:

Copper has been detected in Bird Refuge sediment and one measurement had elevated levels, as reported in City 2008-2009 sediment testing (City 2010). Toxicity tests from each site had “nontoxic” results and, according to the analysis conducted by the City, the Bird Refuge is “unlikely to cause toxicity.”

The State Water Resources Control Board Geotracker website (<http://geotracker.swrcb.ca.gov>) does not report any actively leaking underground fuel tank, land disposal, military or other cleanup cases on the project site. Construction contractors and equipment would be subject to the City’s Best Management Practices and standard conditions to address particulate matter and fugitive dust from construction, including measures related to the use of fuels and petrochemicals onsite.

Project construction would involve the need for mechanized equipment requiring refueling. The project would require a Nationwide/Individual Permit from the Army Corps of Engineers (ACOE) and Section 401 Water Quality Certification from Regional Water Quality Control Board (RWQCB) to regulate activities that could result in discharge of dredged or fill material into waters of the U.S. and the project would be required to eliminate or reduce pollutant discharges into the stormwater system. The project would also develop a Stormwater Pollution Prevention Plan (SWPPP) that would include best management practices to control the discharge of materials from construction areas. This includes material and construction storage, fuel storage, proper trash disposal, and erosion control and fugitive dust containment techniques. All equipment would be stored, maintained, and fueled a minimum of 50 feet from wetlands. Standard best management practices to avoid spills and provide preventative clean-up of the project area would be strictly followed and routinely monitored; potential impacts to relating to hazardous materials would be *less than significant*.

Public Safety:

The project site is not located within the SBCAG Airport Land Use Plan, Airport Influence Area. Although the project site is over a quarter mile from any existing or proposed schools, the project site is public park land. However, the project does not present potential for any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. *No impact* would result from the project.

**8.f) Emergency Evacuation and Response**

The project does not conflict with any existing emergency evacuation or response plans, as it involves restoration of the existing park uses. As discussed in Section 16 Water Quality & Hydrology, the project would reduce flooding along East Cabrillo Boulevard, which may result in improving evacuation routes during large storm events. *No impact* would result from the project.

Hazards and Hazardous Materials – Mitigation

None required.

Hazards and Hazardous Materials – Residual Impacts

Less than significant.

9. LAND USE AND PLANNING	Level of Significance
Would the project:	
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental impact?	Less than Significant

Land Use and Planning – Discussion

**Issues:** Certain land uses have the potential to result in incompatibility with existing surrounding land uses or activities. Typically, development applications for General Plan Amendments, Rezones, Conditional Use Permits, Performance Standard Permits, and certain modifications have the greatest potential to result in land use compatibility issues. Incompatibility can result from a proposed project’s generation of noise, odor, safety hazards, traffic, visual effects, or other environmental impacts.

**Impact Evaluation Guidelines:** Significant impacts may result from a project that would create a physical barrier that would substantially impact circulation within an established neighborhood. Significant impacts may result from a project where an inconsistency with the General Plan, Municipal Code, or Coastal Land Use Plan (if applicable) would result in an adverse environmental effect. Analysis should focus on regulations, standards, and policies that relate to avoiding or mitigating environmental impacts, and an assessment of whether any inconsistency with these standards creates a significant physical impact on the environment.

Certain land uses have the potential to result in conflicts with existing surrounding land uses or activities. Typically, development applications for General Plan Amendments, Rezones, Conditional Use Permits, Performance Standard Permits, and certain Modifications have the greatest potential to result in land use compatibility issues. Conflicts can result from generation of noise, odor, safety hazards, traffic, visual effects, or other environmental impacts.

Land Use and Planning – Existing Conditions and Project Impacts

**9.a) Physically Divide a Community**

The project would result in habitat and infrastructure improvements to existing park land owned by the City of Santa Barbara. No physical barriers to the community would result, and therefore the project would not physically divide an established community. There would be *no impact*.

**9.b) Conflict with a Plan or Policy that would Avoid or Mitigate an Environmental Impact**

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

City of Santa Barbara Coastal Land Use Plan:

The City’s Coastal Land Use Plan (Section 4.2 Water Quality) identifies impaired water bodies and sources of water quality problems in the City, and provides policies that identify City planning efforts and program aimed at protecting water quality. Water Quality Improvement Policies 4.2-8 and 4.2-9 specifically call for water quality improvement, habitat restoration, and maintenance of the Andrée Clark Bird Refuge. The proposed project would implement these policies by addressing the long-standing water quality issues that have negatively impacted the biological habitat and implementing maintenance activities (beach berm priming) that would serve to ensure the long-term success and preservation of the resources for public benefit, as envisioned. The Coastal Land Use Plan Policy 4.1-15 also identifies the Bird Refuge and portions of East Beach as a designated Environmentally Sensitive Habitat Area (ESHA) and sets forth policies on the protection and enhancement of these ESHA areas. Policy 4.1-16 identifies the type of development allowed in ESHA areas; habitat creation, restoration, and/or enhancement activities, as well as fences or natural barriers necessary for restoration, protection of habitat, or water

quality improvement are explicitly allowed. Policies 4.1-27 and 4.1-29 state that non-native vegetation removal and restoration within ESHAs shall be encouraged. Policies 4.1-13, 4.1-19, 4.1-20, 4.1-22 specify mitigation requirements for impacts to ESHA including planting types and fencing allowed in ESHA—of which the project construction elements and planting plan were designed to comply. Coastal Land Use Plan Policy 4.1-8 specifically addresses requirements for projects that involve breaching coastal lagoons, noting that breaching or pumping water from coastal lagoons or estuaries shall be prohibited unless necessary for allowed activities, such as restoration. Lastly, Policy 4.2-23 requires the minimization of water quality impacts during construction. As discussed in Water Quality/Hydrology section below, the proposed project would be subject to codes and federal/state regulatory programs that have been established to minimize impacts to water quality resulting from construction operations, consistent with this policy.

Coastal Land Use Plan policies concerning recreation, coastal access, recreational facilities, scenic resources/visual quality, and coastal hazards, also apply to the project. The policies require the protection and enhancement of coastal resources such as the Bird Refuge, Municipal Tennis Court and East Beach, for not just scenic resources, but also as recreational as well. As discussed in Aesthetics/Visual Resources Section above, and Recreation Section below, the project preserves the scenic and recreational value of the properties. Therefore the project would have a less than significant impact.

Ordinance Provisions:

The project would comply with applicable City Municipal Code provisions for development, including zoning requirements, development permitting procedures, grading, and landscape design, energy efficiency, provision of public improvements and utilities, construction provisions, storm water management, fire code provisions, and noise ordinance. Impacts are anticipated to be less than significant.

Land Use and Planning – Mitigation

No mitigation is required.

Land Use and Planning – Residual Impacts

Less than significant.

10. MINERAL RESOURCES	Level of Significance
Would the project:	
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Impact

Mineral Resources – Discussion

**Issues:** A mineral is a naturally occurring chemical element or compound formed from inorganic processes (not biological in origin). Minerals include metals, rock, sand, petroleum products, and geothermal resources. The City has no active aggregate operations within its jurisdiction, and no quarry or mine operations are pending reactivation or initiation.

**Impact Evaluation Guidelines:** A significant impact could occur from projects that result in the loss of known mineral resources, or loss of mineral resource recovery sites including quarries and petroleum extraction sites.

Mineral Resources – Existing Conditions and Project Impacts

**10.a-b) Loss of Known Mineral Resource or Mineral Resource Recovery Site**

The project site contains no known important or protected mineral resources. The project site is located within a highly urbanized area of the City and the potential for mineral resources to occur onsite is low. Therefore, the project would not result in the loss of availability of a mineral resource or a mineral resource recovery site and no impact would occur.

Mineral Resources – Mitigation

No mitigation is required.

Mineral Resources – Residual Impacts

No impact.

11. NOISE	Level of Significance
Would the project result in:	
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than Significant
b) Generation of excessive ground borne vibration or ground borne noise levels?	Less than Significant
c) Siting of a land use in an area with noise levels exceeding City General Plan noise policies and land use compatibility guidelines?	No Impact
d) For a project located within the vicinity of a private airstrip or the SBCAG Airport Land Use Plan/Airport Influence Area, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

**Noise – Discussion**

**Issues:** Noise issues are associated with siting of a new noise-sensitive land use in an area subject to high ambient background noise levels, siting of a noise-generating land use next to existing noise-sensitive land uses, and/or short-term construction-related noise. Similarly construction techniques such as pile driving and blasting and land uses such as the railroad can present issues of groundborne vibration. If groundborne vibration is excessive, it can impact the integrity of structures and can affect sensitive land uses.

The primary source of ambient noise in the City is vehicle traffic noise. The City Master Environmental Assessment (MEA) Noise Contour Map identifies average ambient noise levels within the City.

Ambient noise levels are determined as averaged 24-hour weighted levels, using the Day-Night Noise Level ( $L_{dn}$ ) or Community Noise Equivalence Level (CNEL) measurement scales. The  $L_{dn}$  averages the varying sound levels occurring over the 24-hour day and gives a 10 decibel penalty to noises occurring between the hours of 10:00 p.m. and 7:00 a.m. to take into account the greater annoyance of intrusive noise levels during nighttime hours. Since  $L_{dn}$  is a 24-hour average noise level, an area could have sporadic loud noise levels above 60 dBA which average out over the 24-hour period. CNEL is similar to  $L_{dn}$  but includes a separate 5 dB(A) penalty for noise occurring between the hours of 7:00 p.m. and 10:00 p.m. CNEL and  $L_{dn}$  values usually agree with one another within 1 dB(A). The Equivalent Noise Level ( $L_{eq}$ ) is a single noise level, which, if held constant during the measurement time period, would represent the same total energy as a fluctuating noise level.  $L_{eq}$  values are commonly expressed for periods of one hour, but longer or shorter time periods may be specified. In general, a change in noise level of less than three decibels is not audible. A doubling of the distance from a noise source would generally equate to a change in decibel level of six decibels.

Guidance for appropriate long-term background noise levels for various land uses are established in the City General Plan Noise Element Land Use Compatibility Guidelines. Building codes also establish maximum average ambient noise levels for the interiors of structures.

High construction noise levels occur with the use of heavy equipment such as pile drivers, scrapers, rollers, graders, trenchers and large trucks for demolition, grading, and construction. Equipment noise levels can vary substantially through a construction period, and depend on the type of equipment, number of pieces operating, and equipment maintenance. Construction equipment may generate noise levels of more than 80 or 90 dBA at a distance of 50 feet, and the shorter impulsive noises from other construction equipment (such as pile drivers and drills) can be even higher, up to and exceeding 100 dBA at a distance of 50 feet. Noise during construction is generally intermittent and sporadic, and after completion of the initial demolition, grading and site preparation activities, tends to be quieter.

The Noise Ordinance (Chapter 9.16 of the SBMC) governs short-term or periodic noise, such as construction noise, operation of motorized equipment or amplified sound, or other sources of nuisance noise. The ordinance establishes

limitations on hours of construction and motorized equipment operations, and provides criteria for defining nuisance noise in general.

Aircraft traffic also creates intermittent higher noise levels and is a major source for noise in the communities surrounding the Santa Barbara Airport. The Airport is located outside of the continuous boundary of the City, and areas affected by aircraft noise include several neighborhoods within the City of Goleta, UCSB, and unincorporated areas of the County. The Santa Barbara Airport's Noise Compatibility Program and the Airport Land Use Plan provide noise abatement procedures and policies for the airport to minimize noise; guidelines for placement of noise sensitive land uses near the airport, and mitigation measures to prevent impacts to residential areas from airport noise.

**Impact Evaluation Guidelines:** A significant noise impact may result from:

Project Noise Generation: Substantial noise and/or vibration from project operations (such as stationary mechanical equipment) or grading and construction activities (such as the use of pile drivers) in close proximity to noise-sensitive receptors for an extensive duration. Exposure to noise levels of 100 dBA for longer than 15 minutes, or 85 dBA for more than 8 hours, has the potential to result in harmful health effects. A vibration study is required for projects that will use pile drivers.

Ambient Noise Levels: Siting of a project such that persons would be subject to long-term ambient noise levels in excess of the Noise Element land use compatibility guidelines as follows. The guidelines include maximum interior and exterior noise levels.

1. Interior noise levels are of primary importance for residences due to the health concerns associated with continued exposure to high interior noises. Projects not meeting interior noise levels would have significant noise impacts.
2. For exterior noise levels, there are two levels of noise:
  - a. "Clearly unacceptable" exterior levels are those levels above which it would be prohibitive, even with mitigation, to achieve the maximum interior noise levels, and the outdoor environment would be intolerable for the assigned use. Projects exceeding the maximum "clearly unacceptable" noise levels would have significant noise impacts.
  - b. "Normally unacceptable" noise levels are those levels which it is clear that with standard construction techniques maximum interior noise levels will be met and there will be little interference with the land use. Projects below the maximum "normally unacceptable" noise levels would have less than significant noise impacts.
  - c. Projects with exterior noise levels exceeding the "normally acceptable" level and below the maximum "clearly unacceptable" level are evaluated on a case by case basis to identify mitigation to achieve the "normally acceptable" exterior levels to the extent feasible and to determine the level of significance of the noise exposure.

The following are the maximum interior and exterior noise levels for common land uses in the City:

- Commercial (retail, restaurant, etc.) and Office (personal, business, professional): Normally acceptable maximum exterior ambient noise level of 75 dBA L<sub>dn</sub>; clearly unacceptable maximum exterior noise level of 80 dBA L<sub>dn</sub>; maximum interior noise level of 50 dBA L<sub>dn</sub>.
- Residential: Normally acceptable maximum exterior ambient noise level of 60 dBA L<sub>dn</sub> in single family zones and 65 dBA L<sub>dn</sub> in non-residential or multi-family residential zones); clearly unacceptable maximum exterior noise level of 75 dBA L<sub>dn</sub>; maximum interior noise level of 45 dBA L<sub>dn</sub>.

Aircraft Noise: Project site location near the Airport that would result in excessive noise exposure for project residents or employees.

## Noise – Existing Conditions and Project Impacts

### **11.a-b) Increased Noise Level from Project**

#### Temporary Construction Noise and/or Vibration:

Construction of the project would require the use of mechanize equipment as described in the project description. However, the construction duration is anticipated to be fairly short (approximately 4-5 months) and all machinery would be equipped with the required air pollution control and noise abatement devices (catalytic convertors, mufflers, etc.).

A temporary dewatered workspace would be required for replacement of the existing weir and gate. The dewatering would require installation of a temporary barrier such as sheetpile or a cofferdam adjacent to the weir and the existing culverts under E. Cabrillo Boulevard. Depending on the type of barrier used by the contractor, pile driving may be required to install the barrier. Installation of a cofferdam is estimated to require a maximum of 2-3 working days. Given that the installation of the barrier (e.g. sheet pile) would be brief, and would not result in vibration over an extended period of time noise and vibration impacts related to its installation would be less than significant.

Additionally, no noise-sensitive land uses such as schools, hospitals, rest homes, long-term medical or mental-care facilities exist within the project vicinity. The closest residences are over 200 feet away from project construction activities—both at the Bird Refuge and Municipal Tennis Courts. Construction would occur during daytime hours, there are no listed terrestrial species in the project site, and resident species are already accustomed to other loud noise sources from Highway 101, the railroad, and Cabrillo Boulevard already exist in the vicinity. Where feasible, construction would avoid the bird nesting season. Impacts would be less than significant.

#### Long-Term Operational Noise:

Periodic breach priming of the sand berm at the mouth of the lagoon would involve mechanically lowering the elevation of the sand berm using a small front-end loader (or similar equipment) prior to rain events to allow the lagoon to fill, overtop, and flow into the ocean. Breach priming would occur approximately 3-4 times per rainy season, depending on rain events. No modifications to the sand berm would be conducted during the dry season months (May-September). Maintenance equipment would create periodic temporary noise but all machinery would be equipped with the required air pollution control and noise abatement devices (catalytic convertors, mufflers, etc.). Impacts would be less than significant.

### **11.c) Exposure to High Noise Levels**

The project site straddles Highway 101, which is a high-level noise source. The City Noise Contour Map shows large portions of the Bird Refuge and Municipal Tennis Court as having ambient noise levels exceeding 70 L<sub>dn</sub>. However, no sensitive land uses are proposed with the project; the properties would continue to operate as public park spaces with no habitable facilities. No impact would occur.

### **11.d) Aircraft Noise**

The project is not located within the vicinity of the Santa Barbara Airport nor any private airstrip. No impact would occur.

#### Noise – Mitigation

No mitigation is required.

#### Noise – Residual Impact

Less than significant.

12. POPULATION AND HOUSING	Level of Significance
Would the project:	
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure)?	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

Population and Housing – Discussion

**Issues:** Population and housing issues include induced population growth that would strain environmental resources within the City or require new infrastructure or development, the construction of which could result in environmental impacts. The loss of housing units would displace populations and increase demand for housing within the City.

**Impact Evaluation Guidelines:** A potentially significant population and housing impact may occur if:

1. Growth inducement, such as provision of substantial population or employment growth or creation of substantial housing demand; development in an undeveloped area, or extension/ expansion of major infrastructure that could support additional future growth.
2. Loss of a substantial number of people or housing units, especially loss of lower cost housing.

Population and Housing – Existing Conditions and Project Impacts

**12.a) Growth-Inducing Impacts**

The project would have no change in the existing land uses, and would not require the installation or extension of water or sewer lines or roads that would facilitate other growth in the area. The project would not involve employment growth that would increase population or housing demand. No impact would result from the project.

**12.b) Housing Displacement**

The project would not involve any displacement of people or housing. No impact would result from the project.

Population and Housing – Mitigation

No mitigation is required.

Population and Housing – Residual Impact

No impact.

13. PUBLIC SERVICES AND UTILITIES	Level of Significance
Would the project:	
a) Require or result in the relocation or construction of new or expanded storm water drainage facilities or expansion of water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	Less than Significant
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than Significant
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than Significant
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than Significant
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than Significant
<p>f) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> <li>i. Fire Protection?</li> <li>ii. Police Protection?</li> <li>iii. Schools?</li> <li>iv. Parks?</li> <li>v. Other Public Facilities?</li> </ul>	No Impact

Public Services and Utilities – Discussion

**Issues:** This section evaluates project effects on fire and police protection services, schools, public facility maintenance and other governmental services, utilities, including electric and natural gas, water and sewer service, and solid waste disposal.

**Water:** The City of Santa Barbara's water supply comes primarily from the following sources, with the actual share of each determined by availability and level of customer demand: Lake Cachuma and Tecolote Tunnel; Gibraltar Reservoir, Devils Canyon and Mission Tunnel; groundwater; State Water Project Table A allotment; desalination; and recycled water. Conservation and efficiency improvements are projected to contribute to the supply by offsetting demand that would otherwise have to be supplied by additional sources. The Long Term Water Supply Program (LTWSP) for the planning period 2011-2030 outlines a strategy to use the above sources to meet the City's estimated system demand (potable plus recycled water) of 14,000 acre-feet per year (AFY), plus a 10 percent safety margin equal to 1,400 AFY, for a total water supply target of 15,400 AFY. The LTWSP concludes that the City's water supply is adequate to serve the anticipated demand plus safety margin during the planning period.

**Sewer:** The maximum capacity of the El Estero Water Resource Center is 11 million gallons per day (MGD), with current average daily flows in 2020 of 6 MGD. In 2010, the City certified a citywide Program FEIR for the Plan Santa Barbara

General Plan Update. This FEIR concluded that the increased wastewater flows to El Estero Wastewater Water Resource Center are enough to accommodate the growth planned through 2030 for the City. The FEIR also concluded that the increased wastewater flows into the City's collection systems would not substantially contribute to current problems of offsite inflow and infiltration of wastewater flows from the City's system.

Solid Waste: Most of the waste generated in the City is transported on a daily basis to seven landfills located around the County. The County of Santa Barbara, which operates the landfills, has developed impact significance thresholds related to the impacts of development on remaining landfill capacity. These thresholds are utilized by the City to analyze solid waste impacts. The County thresholds are based on the projected average solid waste generation for Santa Barbara County from 1990-2005. The County assumes a 1.2 percent annual increase (approximately 4,000 tons per year) in solid waste generation over the 15-year period. The County's threshold for project specific impacts to the solid waste system is 196 tons per year (this figure represents 5% of the expected average annual increase in solid waste generation [4000 tons per year]) for project operations. Source reduction, recycling, and composting can reduce a project's waste stream by as much as 50 percent. If a proposed project generates 196 or more tons per year after reduction and recycling efforts, impacts would be considered significant and unavoidable. Proposed projects with a project specific impact as identified above (196 tons per year or more) would also be considered cumulatively significant, as the project specific threshold of significance is based on a cumulative growth scenario. However, as landfill space is already extremely limited, any increase in solid waste of 1% or more of the expected average annual increase in solid waste generation (4,000 tons per year), which equates to 40 tons per year, is considered adverse significant cumulative impact.

The County of Santa Barbara adopted revised solid waste generation thresholds and guidelines in October 2008. According to the County's thresholds of significance, any construction, demolition or remodeling project of a commercial, industrial or residential development that is projected to create more than 350 tons of construction and demolition debris is considered to have a significant impact on solid waste generation. The County's 350 ton threshold has not been formally adopted by the City; however, it provides a useful method for calculating and analyzing construction waste generated by a project.

Facilities and Services: In 2010, the City certified a citywide General Plan EIR. The EIR concluded that under existing conditions as well as the projected planned development and all studied alternatives, all public services (police, fire, library, public facilities, governmental facilities, electrical power, natural gas and communications) could accommodate the potential additional growth until 2030. The FEIR also determined that growth in the City under the General Plan would not result in a considerable contribution to cumulative impacts on public services on the South Coast.

Schools: None of the school districts in the South Coast have been designated "overcrowded" as defined by California State law. Per California Government Code Section 66000, the City collects development impact fees from new development to offset the cost of providing school services/additional infrastructure to accommodate new students generated by the development.

**Impact Evaluation Guidelines:** The following may be identified as significant public services and facilities impacts:

1. Inadequate water, sewage disposal, or utility facilities or capacity to serve the project.
2. Substantial increase in solid waste disposal to area sanitary landfills that would result in a disproportional use of remaining landfill capacity.
3. Creation of a substantial need for increased police department, fire department, public facility maintenance, or government services staff or equipment.
4. Generation of substantial numbers of students exceeding public school capacity where schools have been designated as overcrowded.

#### Public Services and Utilities – Existing Conditions and Project Impacts

##### **13.a-c) Water and Sewer**

###### Water:

The revegetated areas would be watered with a temporary drip irrigation system connected to existing recycled and potable water service provided by the City of Santa Barbara. The irrigation system would be removed after the native plants have

become established (typically 3-5 years).

Proposed parkway landscaping and habitat mitigation plantings would consist of native or drought tolerant plantings, which would require minimal or no irrigation over the long-term.

Typical water demand for one acre of native or drought tolerant landscaping is approximately one acre foot per year (AFY), or 325,000 gallons. Approximately six acres of vegetation would be planted for the project, resulting in approximately 6 AFY during the 3-5 year establishment period. The incremental increase in water use from the project would not significantly impact the City's water supply nor require any water supply or facility expansions, and would constitute a *less than significant* impact to the City water supply, treatment, and distribution facilities.

Sewer:

No sewer services exist at the Bird Refuge. The Municipal Tennis Courts building has sewer service, but the project elements would not affect this service as the proposed project does not require sewer services. *No impact* to wastewater treatment facilities would result from the project.

**13.d-f) Solid Waste Generation/ Disposal**

The project is not anticipated to generate large volumes of solid waste either during construction or operation. Primary construction waste would include any vegetation removed; such vegetation would be chipped and composted. Other construction waste would include demolition and disposal of the existing weir gate. However, the City's Construction and Demolition Ordinance (SBMC Ch. 7.18) requires diversion of 75% of total construction waste to recycling; resulting in minimal solid waste generation during construction. No change to the long-term solid waste generation is anticipated as the project would not change or intensify the existing uses. Therefore, project impacts associated with solid waste generation and disposal are considered *less than significant*.

**13.g) Police, Fire, Schools, and Public Facilities**

Due to the nature of the project—water quality/habitat improvements to an existing recreational facility—the project would not create an increase in demand on fire or police protection services, schools, library services, or City and County buildings and facilities. The project site is located in an urban area where all public services are available and basic services, such as fire and police protection, in addition to maintenance services are currently provided by the City. The project proposes no new housing and is not anticipated to result in any increase in demands for schools or other public services.

Therefore, *no impacts* to fire protection, police protection, schools, library services, City buildings and facilities, electrical power, natural gas, telephone, and cable telecommunication services are anticipated.

Public Services and Utilities – Mitigation

No mitigation is required.

Public Services and Utilities – Residual Impacts

No impact.

14. RECREATION	Level of Significance
Would the project:	
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact
c) Result in substantial loss or interference with existing park space or other public recreational facilities (such as hiking, cycling or horse trails)?	Less than Significant

Recreation – Discussion

**Issues:** Recreational issues are associated with increased demand for recreational facilities, or, loss of or impacts to existing recreational facilities or parks.

**Impact Evaluation Guidelines:** Recreation impacts may be significant if the project would result in:

1. Substantial increase in demand for park and recreation facilities in an area under-served by existing public park and recreation facilities.
2. Substantial loss or interference with existing park space or other public recreational facilities such as hiking, cycling, or horse trails.

Recreation – Existing Conditions and Project Impacts

**14.a-b) Recreational Demand**

The project would not alter the existing visitor-serving uses. The project would not increase the use of these existing park facilities, nor would it induce growth such that additional facilities are needed. All project improvements would serve to improve water quality and habitat areas. *No impact* on recreational demand would result.

**14.c) Existing Recreational Facilities**

The project would enhance existing park space by improving water quality and habitat areas. No changes to the visitor-serving elements (e.g. trails, parking, viewing decks) are proposed, therefore no long-term impacts are anticipated. Although construction activities would require temporary closure of portions of the Bird Refuge lagoon area for grading and planting activities, these closures would be temporary in nature and impacts would be *less than significant*.

Recreation – Mitigation

No mitigation is required.

Recreation – Residual Impacts

Less than significant.

15. TRANSPORTATION AND CIRCULATION	Level of Significance
Would the project:	
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less than Significant
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 (Determining the Significance of Transportation Impacts)?	Less than Significant
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant
d) Result in inadequate emergency access?	Less than Significant

Transportation and Circulation – Discussion

**Issues:** Transportation issues include traffic, access, circulation and safety. Vehicle, bicycle and pedestrian, and mass transit modes of transportation are all considered, as well as emergency vehicle access.

The City General Plan Circulation Element contains policies addressing circulation, vehicle traffic, and alternative mode travel in the City. Vehicle traffic and alternative mode policies are also contained in other adopted City planning documents, including the Nonresidential Growth Management Ordinance, Pedestrian Master Plan, Bicycle Master Plan, Upper State Street Plan, etc., as well as regional transportation plans.

**Impact Evaluation Guidelines:** State legislation Senate Bill (SB) 743 revises the approach for analyzing transportation impacts of projects under CEQA. The legislation identifies the use of vehicle miles traveled (VMT) or similar approaches as the most appropriate measure for determining transportation impacts as alternative metrics for assessing the environmental impact of vehicle transportation (as an air quality and GHG impact) transportation impacts in CEQA reviews. The change to VMT is meant to focus development in urban centers and to encourage land use and transportation planning decisions that reduce and minimize VMT, which is GHG emissions generator.

The State provides screening criteria to quickly identify projects not expected to result in transportation impacts under the VMT methodology. Consistent with State CEQA Guidelines §15064.3, projects in areas that are already well served by a major transit stop are presumed to have less than significant transportation impacts. A major transit stop is defined in the State CEQA Guidelines as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. Projects located within a high quality transit corridor as identified by SBCAG are presumed to have less than significant VMT impacts. Projects that would generate less than 110 vehicle trips per day are presumed to be less than significant, as well as infill development projects with 100 percent affordable units. Transit and active transportation projects are also presumed to have a less than significant impact on VMT.

In accordance with the Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA (2019), a proposed project may have a significant impact on transportation if it would:

Vehicle Miles Traveled:

1. For Residential and Office Uses: Exceeds a level of 15 percent below existing regional or Citywide VMT per capita. A 15 percent reduction is consistent with SB 743's direction to achieve State goals for GHG reduction.
2. For Retail Uses: Result in a net increase in VMT.
3. For Transportation Roadway Projects: Increases roadway capacity in congested areas and/or increases vehicle lane miles.

Circulation and Traffic Safety:

4. Create potential hazards due to addition of traffic to a roadway that has design features (e.g., narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or that supports uses that would be incompatible with substantial increases in traffic.
5. Diminish or reduce effectiveness, adequacy, or safety of pedestrian, bicycle, or public transit circulation.
6. Result in inadequate emergency access on-site or to nearby uses.
7. Conflict with regional and local plans, policies, or ordinances regarding the circulation system, including pedestrian, bicycle, and public transportation.

Transportation and Circulation – Existing Conditions and Project Impacts

**15.a) Bicycle/Pedestrian/Public Transit**

Transit stops exist at the corner of Cabrillo Boulevard/Los Patos and Cabrillo Boulevard/Channel Drive. MTD's Lines 14 and 20 serve the area with frequent headways. Old Coast Highway and Cabrillo Boulevard have dedicated bike lanes, and Cabrillo Boulevard also has a multiuse path that would continue to serve the area's pedestrian needs. The proposed water quality and habitat improvements would not result in an increase in the need for new transit facilities, bike lanes or sidewalks in the area. However, construction access near the Bird Refuge weir gate, East Beach lagoon mouth, and Municipal Tennis Courts would require temporary rerouting of bike and pedestrian paths. However, required traffic control measures would ensure continued access by the public. Therefore, project impacts associated with pedestrian, bicycle or public transit facilities would be less than significant.

**15.b) Vehicle Miles Traveled**

The project improvements are limited to enhancement of water quality and habitat areas; no changes or intensification of use are proposed. Therefore, the project would generate fewer than 110 trips per day, same as under existing conditions. Per the Office of Planning and Research Technical Advisory on Evaluating Traffic Impacts in CEQA (2018), these types of projects may be assumed to cause a less-than-significant transportation impact, with no further analysis of vehicle miles traveled required. Therefore, impacts to vehicle miles traveled would be less than significant.

**15.c-d) Access/ Circulation/ Safety Hazards**

Short-Term Construction Access and Circulation:

The project would generate construction-related traffic that would occur over the four- to five-month construction period and would vary depending on the stage of construction. Temporary construction traffic is generally considered an adverse but not significant impact. In this case, given traffic levels in the area and the duration of the construction process, short-term construction-related traffic would be a less than significant impact. Standard conditions of approval would be applied, including restrictions on the hours permitted for construction trips during peak traffic hours, approval of routes for construction traffic, and designation of specific construction staging and parking areas (*Exhibit C*).

Operational Access and Circulation:

Cabrillo Boulevard and Old Coast Highway are arterial roadways that are fully improved along the project frontages. The project does not propose any changes to the existing roadway alignment, lane configurations or medians. Access to the Bird Refuge would continue to be provided off of Los Patos Way, and access to the Municipal Tennis Courts would continue to

be provided off of Park Lane. The parking lots and driveways have been designed to provide adequate sight distance to and from the intersection of the driveways with Los Patos Way and Park Lane. In addition, the project site is located in an urbanized area and there are no incompatible uses that would result in a vehicle mix that could increase traffic hazards. The City Fire Department has determined that adequate emergency and fire access is provided for the properties. Therefore, proposed project impacts associated with vehicular access, circulation and evacuation related to the new driveway location and access to and from the new residence would be less than significant because it has been reviewed and found adequate by the City's Public Works, Engineering and Transportation Divisions, and Fire Department.

Transportation and Circulation – Mitigation

No mitigation is required. Refer to *Exhibit C* for Standard Conditions of Approval Applicable to Project.

Transportation and Circulation – Residual Impact

No impact.

16. WATER QUALITY AND HYDROLOGY Would the project:	Level of Significance
a) Groundwater: <ul style="list-style-type: none"> <li>i. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</li> <li>ii. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade groundwater quality?</li> </ul>	No Impact
b) Surface Water: <ul style="list-style-type: none"> <li>i. Substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion, siltation, or flooding on- or offsite?</li> <li>ii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</li> <li>iii. Substantially affect water quality within a creek?</li> <li>iv. Conflict with or obstruct implementation of a water quality control plan?</li> </ul>	Less than Significant with Mitigation
c) Flood Risk: In flood hazard zones: <ul style="list-style-type: none"> <li>i. Substantially exacerbate existing hazard conditions to persons or property?</li> <li>ii. Risk release of pollutants due to project inundation?</li> <li>iii. Conflict with floodway or floodplain regulations?</li> </ul>	Beneficial Impact

Water Quality and Hydrology – Discussion

**Issues:** Water resources issues include changes in surface drainage, creeks, surface water quality, groundwater quantity and quality, flooding, and inundation.

**Impact Evaluation Guidelines:** A significant impact would result from:

Water Resources and Drainage:

1. Substantially changing the amount of surface water in any water body or the quantity of groundwater recharge.
2. Substantially changing the drainage pattern or creating a substantially increased amount or rate of surface water runoff that would exceed the capacity of existing or planned drainage and storm water systems.
3. Altering drainage patterns or affecting creeks in a way that would cause substantial erosion, siltation, on- or off-site flooding, or impacts to sensitive biological resources. See also Section 4, Biological Resources.

Water Quality:

4. Substantial discharge of sediment or pollutants into surface water or groundwater, or otherwise degrading water quality, including temperature, dissolved oxygen, or turbidity.

The City of Santa Barbara has an approved Storm Water Management Program (SWMP) in 2008, which is implemented through City ordinance provisions. The purpose of the SWMP is to implement and enforce a program designed to reduce

the discharge of pollutants to the “maximum extent practicable” to protect water quality. The SWMP addresses discharge of pollutants both during construction and after construction. The water quality treatment requirement is to retain and treat the 1-inch, 24-hour storm event. The peak runoff discharge rate requirement is that the peak runoff discharge rate shall not exceed the pre-development rate up to the 25-year storm. The volume reduction requirement is to retain on site the volume difference between pre- and post-conditions for the 25-year, 24-hour storm or the 1-inch storm (whichever is larger).

Flooding and Inundation Hazards:

5. Locating development within floodway or 100-year flood hazard area; substantially altering the course or flow of flood waters or otherwise exacerbating flood hazard to persons or property.
6. Exposing people or structures to substantial unmitigated risk involving inundation.

Water Quality and Hydrology – Existing Conditions and Project Impacts

**16.a) Groundwater Quantity and Quality**

No new impervious surfaces are proposed; all improvements would be limited to water quality and habitat improvements including the construction of a 6,000-square-foot low-flow, vegetated, water treatment basin (“bio-retention basin”) on the Municipal Tennis Center property. The wetland would be designed to remove nutrients from dry season low flow and improve water quality within the lake. Therefore no impact to groundwater quantity or quality is anticipated.

**16.b) Drainage, Stormwater Runoff, and Water Quality and Creeks**

Short-Term (Construction) Water Quality Impacts:

The direct impacts to water quality could include siltation during construction, increased water temperature, and deoxygenation of the water. These impacts would be temporary and localized to active construction areas. Provisions in the SWMP and standard conditions for construction permits would minimize runoff during construction. Impacts to water quality would be minimized by following the wetland habitat mitigation measures BIO-20 through BIO-27 which serve to reduce erosion, siltation, and vegetation loss. Additionally, the project is subject to standard conditions of approval, building codes, and federal and state regulatory programs that have been established to minimize impacts to water quality resulting from construction operations (i.e. Nationwide/Individual Permit from the Army Corps of Engineers (ACOE), Section 401 Water Quality Certification from Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife Streambed Alteration Agreement). Therefore, the potential short-term impact to water quality would be less than significant with mitigation.

Long-Term (Operational) Water Quality Impacts:

The creation of the bio-retention basin, replacement of the weir, and seasonal sand berm priming, is expected to have a positive effect on water quality. The proposed bio-retention basin would create an 0.08-acre shallow wetland to remove nutrients from dry season low flow and improve water quality within the lagoon. This bio-retention basin would be periodically maintained and mowed to remove trash and excess vegetation and to maintain water conveyance capacity.

The removal and replacement of the existing weir is expected to improve water circulation and water quality, and the overall health of the wetlands north of the weir. In order to facilitate the increased flushing, the project proposes priming of the sand berm south of the beach lagoon to allow the lagoon to fill, overtop, and flow into the ocean up to four times per rainy season.

The proposed restoration efforts, specifically replanting with native wetland species, would likely improve water quality in the area. The native plants should be able to uptake pollutants and nutrients before they enter the Bird Refuge’s water body and reduce siltation following storm events.

The project would establish a stronger and more frequent connection to the ocean and associated increase in volume of water leaving and entering the lagoon. As well, the new bioretention basin would improve water quality. The project would also be restoring approximately 3.6 acres of riparian and wetland habitat thus improving water quality in this area. Therefore, the project would have a beneficial impact related to long-term water quality.

## 16.c) Flooding

The project site is within the 100-year flood zone (FEMA Flood Zone AE and VE). During extreme storm events, portions of East Cabrillo Boulevard near the Bird Refuge currently experience flooding. According to the Coastal Hazards Report prepared for the project by Anchor QEA in May 2020, the area is also expected to be further impacted by coastal flooding in the future with sea level rise.

While the proposed restoration is not likely to eliminate this possibility, there is potential for localized flooding to be reduced according to the Coastal Hazards Report. The proposed weir and water level control gates would provide greater conveyance of water flowing out of the Bird Refuge and increased and more reliable control of flows because there would be multiple adjustable water level control gates. The proposed debris rack structure would be less prone to clogging compared to the existing structure and would be easier to maintain and clear of debris. The proposed weir also includes increased grating to allow high water levels within the lake that overtop the weir and control gates to flow into the culverts under the road rather than flowing over the road. The existing weir has a relatively small opening and a non-functional gate, which limit conveyance of water from the lake. In addition, the opening of the existing weir is prone to clogging with debris and vegetation during large rainstorms, which contributes to localized flooding of East Cabrillo Boulevard.

In the near term, the localized flooding during rain events presents a greater and more frequent hazard to East Cabrillo Boulevard than projected sea level rise over the next 50 years. The proposed weir and water level control gates would improve the conveyance of water through the Bird Refuge under East Cabrillo Boulevard compared to the existing structure. The improved conveyance combined with operational measures implemented, such as lowering the beach berm and opening the gates prior to large rainfall events, would help reduce localized flooding of East Cabrillo Boulevard in the project area. Therefore, the project is expected to have a *beneficial impact* on flooding.

### Water Quality and Hydrology – Mitigation

See BIO-20 through BIO-27.

### Water Quality and Hydrology – Residual Impact

Less than significant.

17. WILDFIRE	Level of Significance
If the project is located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, or thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Less than Significant
c) Require the installation or maintenance of associated infrastructure (such as roads, fuelbreak, emergency water sources, power lines, or other utilities) that may exacerbate fire risks or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding, landslides, or mud flows, as a result of runoff, post-fire slope instability, or drainage changes?	Beneficial Impact

Wildfire – Discussion

**Issues:** Wildfire issues include exposure of persons and structures to wildfire, air pollutants, and post-wildfire slope instability. Structural losses or damage from wildfires often result from inappropriate siting of development within or adjacent high fire hazard areas, the use of inappropriate construction materials or landscaping, and presence of biofuel mass. Recent wildfire events in California indicate that wildfire behavior is changing, and the duration and frequency of wildfire events are increasing. The 2017 Thomas Fire in Santa Barbara and Ventura Counties was the largest wildfire in California history and burned over 250,000 acres. This ultimately led to the subsequent debris flow event in January 2018, which gravely impacted the Montecito community.

The California Department of Forestry and Fire Protection (CALFIRE) defines fire hazard severity zones based on the presence of biofuel mass, climate, topography, assets at risk (high population centers), and an agency’s ability to provide fire protection services to an area. The City contains state responsibility lands within the Very High Fire Hazard Severity Zone (VHFHSZ) within the Santa Barbara foothills. In addition, the City has also designated areas within the City as high fire hazard severity zones within the Community Wildfire Protection Plan (CWPP).

**Impact Evaluation Guidelines:** A significant impact would result from:

1. Siting of development in a very high fire hazard severity zone or beyond adequate emergency response time, with inadequate access, infrastructure, or water pressure, or otherwise in a manner that creates a fire hazard.
2. Impairment or conflict with the Community Wildfire Protection Plan or other emergency response plan.
3. Exposing people or structures to post-fire slope instability, mud or debris flows.

Wildfire – Existing Conditions and Project Impacts

**17.a-c) Wildfire Risk and Consistency with Existing Emergency and Wildfire Plans and Regulations**

The project is not within a High Fire Hazard Zone and would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. None of the project components would impair emergency response or require the installation of infrastructure. However, there is an increased short-term potential for fire hazard with the introduction of construction equipment in with the vegetation on the northern shore of the lagoon. Fire Station 2, located at 819 Cacique St approximately 1.4 miles away, would respond to the Bird Refuge and response time would be less than five minutes. Additionally, best management practices during construction would prevent wildland fires that may result from construction

equipment onsite. Therefore, project impacts due to fire hazard are *less than significant*.

#### **17.d) Post-wildfire Flooding or Mud Slides**

As a low-lying wetland habitat, the project area is not prone to post-wildfire slides. The drainage system at the Municipal Tennis Courts, the Bird Refuge lagoon, and the lagoon mouth on East Beach make up the final discharge components of the watershed above. Should an increase in flooding occur in the watershed above due to wildfire, the project area would continue to serve as a means to bring water to the ocean. As discussed above, the proposed weir and water level control gates would actually improve the conveyance of water through the Bird Refuge under East Cabrillo Boulevard compared to the existing structure. Therefore, the project would have a *beneficial impact* to post-wildfire flooding and slides.

#### Wildfire – Mitigation

No mitigation is required.

#### Wildfire – Residual Impacts

Less than significant.

<b>18. MANDATORY FINDINGS OF SIGNIFICANCE.</b>	<b>YES</b>	<b>NO</b>
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)		✓
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓

**18.a) Biological and Cultural Resources**

As discussed in Section 4, Biological Resources, the project, with the implementation of the identified mitigation, would not reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As discussed in Section 5, Cultural and Tribal Cultural Resources, the project would not eliminate or impact important prehistoric or historic resources.

**18.b) Cumulative Impacts**

Sections 1 through 17 of this Initial Study consider potential cumulative impacts to environmental resources. As discussed in these sections, the project, with the implementation of any identified mitigation, would not have a considerable contribution to cumulative impacts, and would not result in any significant, cumulative impacts on the environment.

**18.c) Other Environmental Effects**

As discussed in Sections 1 through 17 of this Initial Study, no significant effects on humans (direct or indirect) would occur as a result of this project. All potentially significant impacts related to Biological Resources and Water Quality can be mitigated to a less than significant level. In addition, mitigation measures are recommended to further reduce adverse but less than significant impacts associated with Biological Resources.

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

A draft Mitigation Monitoring and Reporting Program has been prepared for the project in compliance with Public Resources Code §21081.6. The draft MMRP will be included with the Final Mitigated Negative Declaration.

## **EXHIBITS:**

- A. Project Plans**
- B. Standard Conditions Applicable to Project**
- C. Project Site Photos**
- D. Biological Site Assessment**
- E. Coastal Hazards Analysis**

## **REFERENCES**

The following sources used in the preparation of this Initial Study are located at the Community Development Department, Planning Division, 630 Garden Street, Santa Barbara and are available for review upon request.

### **Project-Specific Sources**

Coastal Hazards Analysis for Andrée Clark Bird Refuge, prepared by Anchor QEA, dated May 6, 2020

Andrée Clark Bird Refuge Biological Site Assessment, prepared by Kisner Restoration and Ecological Consulting, Inc., dated May 2020

Phase 1 Archaeological Resources Investigation, Andrée Clark Bird Refuge Restoration Project, prepared by David Stone of Wood Group Environmental & Infrastructures Solutions, Inc., dated January 2020

### **General Sources**

California Building Code as adopted by City

California Emissions Estimator Model (CalEEMod)

California Environmental Quality Act (CEQA) Statute & Guidelines

City of Santa Barbara Climate Action Plan and EIR Addendum (2012)

Envirostor web site, State Department of Toxic Substances Control

Erosion/Sediment Control Program, City of Santa Barbara (2012)

Farmland of Statewide Importance Map, California Resources Agency

General Plan, City of Santa Barbara, and General Plan Map

General Plan Certified Final Environmental Impact Report (2011) and Addenda

Geology Assessment for the City of Santa Barbara

Geotracker website, State Water Resources Control Board

Institute of Traffic Engineers Trip Generation Manual

Long Term Water Supply Plan (2011)

Local Coastal Plan (*Main or Airport*)

Master Environmental Assessment, MEA Guidelines, and MEA Maps

Regional Growth Impacts Study (1980)

Santa Barbara County APCD Scope and Content of Air Quality Sections in Environmental Documents (2017)

Santa Barbara Municipal Code & City Charter

Special District Map

Water Demand Factors Update Report (2009)

Zoning Ordinance & Zoning Map