CALIFORNIA COASTAL COMMISSION
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Staff:	L. Otter
Staff Report:	1/22/09
Hearing Date:	2/4/09

STAFF REPORT: REGULAR CALENDAR

APPLICATION No.: 4-07-116

APPLICANT: California Dept. of Transportation (Caltrans) & City of Goleta, co-applicants

PROJECT LOCATION: Highway 101, at Hollister Avenue and Cathedral Oaks Road, City of Goleta (includes portion of APN 079-210-48), Santa Barbara County. Also includes a small adjacent area within APN 079-090-20 in the unincorporated area of Santa Barbara County.

PROJECT DESCRIPTION: Reconstruct the existing Hollister Avenue/Highway 101 intersection, including replacement of the existing overpass structures over the highway and Union Pacific Railroad (UPRR), and realignment with Cathedral Oaks Road.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval of CDP 4-07-116** with **eight (8) special conditions**. The project will replace two outmoded concrete spans with a more efficient alignment of the roadway intersection, including two new spans that will provide for bicycle and pedestrian access. The recommended special conditions specify that this comprises a **consolidated coastal permit** that includes a small portion of the project in the unincorporated area of Santa Barbara County, outside the City of Goleta. The conditions also provide for implementation of recommended habitat protection and mitigation measures; environmental monitoring reports to be submitted during the construction phase; final landscaping/habitat enhancement plans; implementation of water quality best management practices (BMPs); and, implementation of measures to reduce greenhouse gas (GHG) emissions associated with the project. The City of Goleta does not have a certified Local Coastal Program. Therefore, the Chapter 3 policies of the Coastal Act comprise the standard of review for the entire project. As conditioned, the proposed project will be consistent with the applicable policies of the Coastal Act. The motion and resolution are on **page 4** of this report.

LOCAL APPROVALS RECEIVED: Goleta Planning Commission Resolutions 07-03 & 07-05 (inc. 32 conditions of approval), 9/10/07; Advisory Design Review (Design Review Board Permit No. 05-037-DRB), City of Goleta, 7/22/08. Consent to process as consolidated CDP, County of Santa Barbara Planning Dept., 10/29/08.

SUBSTANTIVE FILE DOCUMENTS: Natural Environment Study (NES) report, Caltrans, May 2005; Hollister Avenue Overcrossing Replacement—Initial Study with Mitigated Negative Declaration, Caltrans, March 2006; Addendum to Mitigated Negative Declaration, 9/4/07; project application; project plans, received 6/26/08 & 7/11/08.

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EXHIBITS

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I. STAFF RECOMMENDATION ON CDP APPLICATION

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

APPROVAL WITH CONDITIONS

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-07-116 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Revised Project Plans.

A. PRIOR TO ISSUANCE of this coastal development permit (CDP), four sets of final project plans shall be submitted for review and approval by the Executive Director. The revised construction plans shall show the adjusted road configuration/design southeasterly of the (future) intersection of Hollister Avenue and the extended Cathedral Oaks Road, as modified to achieve maximum feasible retention of existing large trees in accordance with Special Condition no. 2.d(6), below. Specifically, the revised construction plans shall show that trees numbered 9 and 11-15 will be retained—unless, for any particular tree, permittee demonstrates to the satisfaction of the Executive Director that such retention is not feasible (Ref.: previously-submitted tree removal plan, file document "Project Development/Sheet Q-4," plotted Jan.12, 2009).

B. The permittee (Caltrans & City of Goleta) shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. Environmental Avoidance, Minimization & Mitigation requirements.

a. Incorporation of City conditions. The permittee shall comply with all environmental avoidance, minimization, and mitigation measures identified in the project *Natural Environment Study* (*NES*), Caltrans District 5, May 2005, and referenced by the City of Goleta's approval (Conditions of Approval attached, as Exhibit 5). By reference, conformance with these mitigation measures is required as a condition of this permit, unless otherwise modified by any other condition of this permit including, but not limited to, changes to mitigation measures identified below regarding bat roosts, nesting bird habitats, tree retention, and modification of landscaping plans to serve as a habitat enhancement plan.

b. Exclusion of construction activities from adjacent ESHAs. The project's identified environmental avoidance measures provide for exclusion of construction impacts to nearby environmentally sensitive habitat areas, including upland habitat for *Santa Barbara honeysuckle* and a culvert outlet scour pool that may periodically function

as *California red-legged frog* (CLRF) habitat. Ecologically sensitive area (ESA) designations, excluding all construction equipment and personnel, will be established around each.

Direct impacts to aquatic habitat are neither proposed nor authorized. To minimize upland disturbances, the ESA will be applied to contiguous vegetated habitat areas that will be retained within 300 ft. of the scour pool, as delineated in the above-referenced *NES* report. The *NES* report also lists 18 additional specific measures for CRLF protection, reflecting the Endangered Species Act Section 7 consultation with the U.S. Fish & Wildlife Service. Permittee agrees to observe all identified CRLF protection measures.

c. Measures to protect bat roosts. The *NES* report includes specific measures for replacement of bat roosting habitat found within the existing railroad overhead structure. These measures, detailed in the attached Findings, shall be supplemented, or modified, as follows:

1) *Replacement bat roosting habitat required*. The proposed new railroad overcrossing shall be designed with sufficient crevice and cavity capacity on the underside of the bridge to accommodate the entire peak period bat population(s) from the existing railroad overcrossing (approx. 2,000 animals). The dimensions and total surface area of the crevices shall be optimized for the two species known to occupy the site, the Mexican free-tailed bat and pallid bat; and, shall in other respects approximately replicate the habitat conditions of the existing bat roost area.

Unless sufficient crevice space is integral to the new bridge design, the required capacity shall be obtained through installation of bat habitat units of an appropriate proven design (e.g., the “Oregon Wedge” or the “Type 1/Type 2 Bat Habitat”), which shall be affixed to or within the bridge structure. See Exhibit 7, attached.

2) *Alternate bat roosting habitat measures*. If biological monitoring reveals that in-bridge bat habitat replacement measures will not be sufficient to fully offset the removal of the existing roosting habitat, alternate bat roost devices may be used, subject to approval of the Executive Director. Such alternate device shall be of a proven design that will provide the same level of suitable roosting environment required by these species of bats.

Potentially acceptable alternate devices include, but are not limited to, off-bridge free-standing bat roost structures. Any such free-standing mitigation structure shall provide equal or greater roosting habitat than that which would be afforded on-bridge; shall be installed on publicly-owned lands or railroad right of way or conservation easement within the immediate vicinity of the project limits; and, shall be permanently marked to prevent removal or disturbance (e.g., “Mitigation Structure—Do Not Disturb”). Prior to installation, the design and location of the

mitigation structure shall be submitted for review and approval by the Executive Director, in consultation with the City of Goleta.

d. Red-tailed hawk and other nesting bird protection measures. The nearest observed hawk nest is in a large eucalyptus tree approximately 150 ft. distant from the area to be cleared for the proposed Cathedral Road extension (Exhibit 11, attached). Other eucalyptus trees on the site, near the observed nesting site, serve as buffers and sentinel trees, and represent *potential* nesting habitat for raptors and other birds. The *NES* report recommends that disturbance of nesting raptors be avoided during nesting season. According to best available information, this period is Feb.15-Aug.15 of each year. Consistent with this information, permittee shall implement enhanced measures for protecting bird nesting habitat within the eucalyptus stand, as follows:

1) *Pre-construction bird surveys required*. Permittee shall ensure that a qualified biologist, with experience in conducting bird surveys, shall conduct bird surveys 30 calendar days prior to construction activities to detect any active bird nests in the eucalyptus trees to be impacted, and any other such habitat within 500 feet of the construction area (exclusive of the freeway itself and other areas that can not be safely or legally accessed on foot). The last survey must be conducted 3 calendar days prior to the initiation of clearance/construction.

2) *Construction Monitoring*. The permittee shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications as the biological monitor. The biological monitor shall be present during all construction activities within 300 ft. (500 ft. for raptors) of an identified nest that is actively used by raptors or federally or state-listed species, state fully-protected species or state species of concern. A qualified biologist shall be present at all relevant construction meetings and during all significant construction activities to ensure that nesting birds are not disturbed by construction related noise. The qualified biologist shall be onsite monitoring birds and noise every day at the beginning of the project during the period of concentrated heavy equipment use.

3) *Disturbance during nesting prohibited*. If an active raptor, rare, threatened, endangered, or species of concern nest is found, clearing/construction activities within 300 ft. (500 ft. from any identified raptor nest) shall be postponed until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting.

If an active nest of a raptor, federally or state-listed species, state fully-protected species or state species of concern is found, Caltrans will notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. Caltrans will notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

Construction activities may occur within 300 ft. (500 ft. for raptors) from an active nest of any raptor, rare, threatened, endangered, or species of concern only if noise levels generated by the construction activities will not increase noise levels beyond **80 dB** at any active nesting sites. If construction noise exceeds **80 dB** sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of muffler, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft for raptors) of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

4) *Temporary exclusionary fencing*. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing, except where already within a fenced ESA. The 300/500 foot temporary buffer areas may be adjusted to exclude barren and/or non-contiguous areas not part of the potential nesting habitat, such as the freeway, railroad, surface streets, quarry (borrow) sites, and residential neighborhoods separated by the freeway. Construction personnel shall be instructed on the sensitivity of the area, and the importance of staying outside the exclusionary fencing around the ESA.

5) *Documentation of compliance*. Permittee Caltrans shall ensure that the project biologist records the results of the recommended protective measures described above, to document compliance with applicable State and Federal laws pertaining to protection of nesting birds.

6) *Maximum feasible tree retention*. In the vicinity of the new Cathedral Oaks-Hollister Avenue intersection, modification of the curb and gutter design, installation of protective guardrails between the trees and motor traffic, retaining walls, grading adjustments or other appropriate measures shall be employed to achieve maximum feasible retention of existing large mature trees near the nesting site. These identified large trees near this future intersection are numbered 9 & 11-15 on the previously-submitted tree removal plan (file document “Project Development/Sheet Q-4,” plotted Jan.12, 2009).

   PRIOR TO ISSUANCE of this Coastal Development Permit, a revised table of trees to be removed shall be provided, together with plan detail to identify the measures to be employed to protect each of these identified trees (or an explanation of why retention of the identified tree is not feasible). Feasibility considerations shall include, but not be limited to, public safety standards, operational requirements, public access needs, aesthetics, tree sustainability during project life, relative habitat value, and cost in proportion to benefit. This requirement shall be fulfilled concurrently with Special Condition 1, above, regarding submittal of revised construction plans.

7) *Habitat enhancement plan*. To achieve maximum feasible tree cover near the observed raptor nesting site, a *habitat enhancement plan* shall be submitted for Executive Director review and approval PRIOR TO COMMENCEMENT OF SITE CLEARING OR OTHER DEVELOPMENT. The project Landscape Planting and Revegetation Plan, as revised in accordance with Special Condition 4 below, may be submitted in satisfaction of this requirement.

3. Environmental Monitoring.

Permittee shall submit environmental monitoring reports documenting installation and effectiveness of the avoidance, minimization, and mitigation measures identified in the above-referenced *NES* report, for review and approval of the Executive Director. These reports shall be prepared by the USF&WS-approved biologist (i.e., the Project Biologist) assigned to the project. The required reports shall be in writing, brief, and submitted consistent with the following timing and informational requirements:

a. commencing with a baseline conditions report prior to commencement of site clearing work, documenting any changed conditions since May 2005, and including any updated recommendations for bat roost replacement;

b. after installation of sediment containment measures and equipment exclusion barriers near drainageways, but prior to commencement of clearing or grading;

c. while construction is in progress, prior to the onset of the rainy season (Nov. 1 of each year, unless another date is specified by the Executive Director);

d. while construction is in progress, following the end of the wet season (March 31 of each year, unless another date is specified by the Executive Director);

e. after bat habitat mitigation measures are in place, but prior to demolition of the existing railroad overhead structure;

f. upon completion of project; and,

g. each year, at the height of bat roosting activity, for purposes of determining the effectiveness of the installed bat habitat mitigation measures (for three years following installation of the measures). Such annual reports shall also report success of the approved landscape plan/habitat enhancement plan required to offset loss of raptor nesting habitat.

The submitted monitoring reports shall also identify any adjustments needed to effectively achieve the adopted mitigation objectives. Any substantive modifications of the mitigation program shall be subject to prior review and approval by the Executive Director. Any such adjustment requiring modification of project design will potentially necessitate amendment of this permit.

4. Final Landscaping & Revegetation Program.

a. Revised Landscape Planting and Revegetation Plans. PRIOR TO COMMENCEMENT OF SITE CLEARING OR OTHER DEVELOPMENT, permittee shall submit a revised Landscape Planting and Revegetation Plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the criteria set forth below:

1) The required final Landscape Planting and Revegetation Plans shall encompass all areas of the project site, including, but not limited to, areas of the site within City of Goleta right-of-way as well as the Caltrans right-of-way. Separate plan sheets may be submitted for the City's portion.

2) The final Landscape Planting and Revegetation plans shall provide for mulching, erosion control and replanting of all exposed natural soil areas remaining within (60) days after construction is completed. These requirements shall also apply to: the on-site quarry (borrow) area; areas along the southbound on/off ramps; and the area seaward of the railroad (UPRR) right of way, including the road surfaces to be vacated and scarified.

3) The final Landscape Planting and Revegetation Plans shall provide for enhancement of woodland and raptor habitat on site by providing for new woodland habitat within the quarry area ("borrow site"), the vacated southbound off-ramp, and the vacated portions of Hollister Avenue.

In particular, the plan shall provide for strategic tree retention and planting in the vicinity of the known raptor nesting site, to enhance the overall quality of nesting habitat. Existing mature trees shall be retained to the maximum extent feasible, and new plantings provided at appropriate densities. In addition, larger tree plantings (e.g., 36" box size) shall be intermingled with the permanent (smaller) tree plantings, as appropriate, to provide for *interim* raptor habitat enhancement until the smaller plantings are well-established.

The total woodland habitat area shown for replanting on the final Landscape Planting and Revegetation Plans shall offset the cleared woodland area at a ratio of 2:1 or better (so that the total area replanted will include at least 2.74 acres of tree species suitable for red-tailed hawk nesting). All such plantings shall be within lands or conservation easements owned or controlled by either permitee. The total crown area of the trees to be planted, together with existing trees to be retained within the site's biologic study area (BSA) as defined in the *NES*, shall be at least 6.62 acres or more at tree maturity.

4) Selection of species and varieties of plantings shall emphasize drought tolerance and compatibility with native plant habitats nearby, and should complement the aesthetic treatment approved for the Highway 101 overpass structure, consistent with the recommendations by the City of Goleta.

Except for tree replacement intended to supplement or provide monarch butterfly habitat, landscaping shall consist primarily of native plant species that are appropriate to the surrounding region (e.g., sycamore or oak) and shall be of local genetic stock. Consistent with recommendations by the City of Goleta, these indigenous plantings may be augmented by selected specimens of other California native tree species known to be utilized by red-tailed hawks and other raptors (e.g., Bigleaf maple, Monterey cypress). The redbud species listed for the preliminary plan shall be corrected to indicate the local native variety. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the landscaped areas of the site.

5) The submitted landscape and revegetation plans shall specify reliance on reclaimed water as the primary plant establishment and irrigation measure. Any permanent irrigation installations shall be identified.

6) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

b. Conformance with approved plans. All development shall conform to the approved landscaping, revegetation and erosion control plans. Permittee shall undertake site revegetation in accordance with the approved final Landscape Planting and Revegetation Plans. Any changes to the approved plans shall be reported to the Executive Director. No changes to the approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

c. Monitoring of landscape/habitat enhancement plantings. Five years from the date after construction is completed, the permittee shall submit to the Executive Director, a Landscaping and Revegetation Program Monitoring Report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

5. Interim Erosion Control & Construction Best Management Practices Plan

A. PRIOR TO COMMENCEMENT OF SITE CLEARING OR OTHER DEVELOPMENT, permittee shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1) *Erosion Control Plan*

(a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas to be protected on the site (i.e., the ESAs) shall be clearly delineated on the plan and on-site with fencing or survey flags.

(b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.

(c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.

(d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.

(e) The erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

2) *Construction Best Management Practices*

(a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

(b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

(c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

(d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

(e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

(f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

(g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

(h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

(i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

(j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

(k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

6. Supplemental GHG Analysis & Minimization Measures.

Permittee shall implement all minimization measures listed in the supplemental Supplemental Greenhouse Gases (GHG) Analysis (Exhibit 12), including: 1) use of reclaimed water, to reduce electricity demand; 2) landscaping, to reduce surface warming and promote photosynthesis; 3) use of special Portland cement formulations containing fly ash, to reduce GHG emissions resulting from cement production; and, 4) installation of energy-efficient lighting fixtures. A final landscaping and revegetation program, specifying the use of reclaimed water, shall be implemented over the entire project area (see Special Condition 4, above). Special fly-ash Portland cement formulations shall be utilized, as proposed by permittee. Further, the permittee shall coordinate with the applicable electrical power utility to encourage the installation of LED traffic signals and other energy-efficient fixtures.

7. Conformance with Plans

The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Such reportable changes include any alteration that could potentially affect the kind, location, intensity or other substantive aspect of the approved development, or any avoidance, minimization or mitigation measure to be employed in conjunction with the approval.

In event the proposed change will require modification of the development approved by this permit, or modification of the mitigation measures required under the terms of this permit, permittee shall submit a timely request for Executive Director review of materiality, as provided by Commission Regulations (Section 13166(b)). If the change is determined to be material, then it shall be reviewed in accordance with the process prescribed for amendments of coastal development permits, as detailed in Commission Regulations, Sections 13164 & 13166.

8. Required Agency Approvals

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including the California Department of Fish and Game, Regional Water Quality Control Board and the U.S. Army Corps of Engineers).

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION AND BACKGROUND

1. Project Location & Land Use Context

The project location is the existing Cathedral Oaks Road/Hollister Avenue/U.S. Highway 101 freeway intersection, at the upcoast (northwesterly) edge of the City of Goleta, in Santa Barbara County. The project site encompasses both the existing Hollister Avenue overpass bridge over U.S. Highway 101 and the overhead bridge over the parallel Union Pacific Railroad (UPRR) tracks--as well as the seaward extension of Cathedral Oaks Road. The project limits range from PM 26.2 to PM 27.4 along Highway 101.

This segment of Highway 101 comprises a 4-lane freeway that is the main motorized transportation corridor along this part of the California Coast. It generally lies well back from the shoreline, on the broad, partially urbanized coastal terrace that supports the cities of Goleta, Santa Barbara, and Carpinteria. The intersection itself marks the beginning of this urbanized corridor, and is located about 0.4 mile from the shoreline.

Between the project site and the bluff edge is the gently rolling green expanse of the Sandpiper Golf Course. To the southeast, extensive visitor services are located along Hollister Avenue, which provides one of several access routes to the University of California Santa Barbara campus, the Goleta Amtrak station and the Santa Barbara Municipal Airport. And, to the southwest is the Bacara Resort development. Inland, to the northeast, are a few visitor services along the Calle Real frontage road, backed by an extensive area of residential development within the City of Goleta.

2. Project Description

The proposed project includes:

- the removal of the existing, outmoded Highway 101 overpass and railroad overhead bridges;
- construction of new bridges to align with the existing terminus of Cathedral Oaks Road; and,
- revision of connecting streets, on-ramps, off-ramps and freeway landscaping to accommodate these improvements.

The proposed overpass (U.S. Highway 101) and overhead (UPRR) bridges include a 12-foot vehicle lane in each direction, one 12-foot center left turn pocket lane/median, 5-foot shoulders/bike lanes in each direction, and a 6-foot wide raised sidewalk located along the westerly (upcoast) side of the replacement bridge structures.

The project site comprises about 14.4 acres. About 5.2 acres of pavement and structures will be removed. Upon completion, 5.6 acres will be paved and 8.8 acres will be landscaped. Also, about 105 non-native trees of various sizes—mostly eucalyptus of various sizes--have been identified for removal. Preliminary landscape plans propose replacement with about 161 California native trees. Estimated earthwork volumes are approximately 18,800 cubic yards of cut, and 34,800 cubic yards of fill. The additional fill

will be obtained from an existing borrow site (elsewhere referenced as the "quarry"), generally paralleling the southbound on-ramp.

The project application was filed by the California Department of Transportation (Caltrans), with the City of Goleta joining as co-applicant. The project is designed to substantially improve traffic movements, safety and structural longevity. No additional through lane capacity is being added.

The Caltrans need and purpose statement explains that the original project impetus was seismic safety, as the existing overcrossing structures are deteriorated due to age and [chemically] reactive concrete. Subsequently, realignment of the intersection to Cathedral Oaks Road was suggested by the County of Santa Barbara, to improve local circulation. This realignment of the intersection is supported as well by the co-applicant, City of Goleta.

3. Consolidated CDP: Local Coastal Program jurisdictions & standard of review

Except for a small area on the inland side of Highway 101 and the Calle Real frontage road, at the corner of Cathedral Oaks Road, the entire project is within the City of Goleta. Because the city is relatively new, there is no certified Local Coastal Program (LCP). Therefore, the standard of review is the California Coastal Act, particularly the Policies contained in Chapter 3 of the Act.

The small non-City fraction of the project falls within the scope of the certified Santa Barbara County LCP. The coastal development permit authority for this unincorporated area has been delegated to the County, and the LCP is (ordinarily) the standard of review. For such split-jurisdiction circumstances, Section 30601.3 of the Coastal Act provides, in part:

> ***(a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:***
>
> > ***(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.***
> >
> > ***(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.***
>
> ***(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section 30200), with the appropriate local coastal program used as guidance. …***

In this case, Caltrans and the City of Goleta, as co-applicants, have indicated their wish to pursue a consolidated CDP in accordance with Coastal Act Section 30601.3. The

County has consented to having the Coastal Commission process the joint application—see Exhibit 6, attached. Because the adjacent owners that are receiving notice are no different, it can be reasonably concluded that public participation will not be substantially impaired by the consolidated review process. Therefore, the proposed development is being reviewed as a consolidated CDP application.

Under the provisions of Section 30601.3, the policies of the California Coastal Act will comprise the standard of review for the entire project. The applicable provisions of the certified Santa Barbara County LCP have been consulted for guidance, and are identified in the table included with Exhibit 6.

Conclusion: This *joint* Caltrans-City of Goleta coastal development permit (CDP) applies to those portions of the project located within the City of Goleta, as well as a small adjacent area of unincorporated Santa Barbara County at the northwesterly corner of Cathedral Oaks Road and Calle Real. The County, which has a certified Local Coastal Program (LCP) for its portion of the coastal zone, has consented to a *consolidated* CDP process pursuant to the provisions of Coastal Act section 30601.3. Accordingly, this consolidated CDP covers all of the proposed development, and no separate CDP will be required from the County of Santa Barbara.

B. PUBLIC ACCESS

The protection and provision of public access is a cornerstone purpose of the California Coastal Act. This policy priority is reflected in the Coastal Act's requirements for new development. For example, Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3."

The proposed project comprises an improvement to an existing intersection on Highway 101. At this point, that portion of the highway westerly of the existing Hollister Ave. intersection represents the through public road nearest the sea. Once the existing Highway 101 overpass is demolished, the extended Cathedral Oaks Road will become, for a very short distance, the through public road nearest the sea. Therefore, many of the improvements associated with this project are already or will be seaward of the first through public road, and are subject to the Coastal Act's mandatory public access provisions.

Coastal Act Sections 30210 through 30214 and 30220 through 30224, together with Section 30240(b), specifically protect public access and recreation. In particular, the following apply to this project:

Section 30210:

> ***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and***

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a):

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects…

1. Context

Highway 101 as a regional public access corridor.

For southbound travelers on Highway 101, Goleta is the gateway city for the Southern California Coast and all its shoreline recreational destinations. The existing Hollister Ave. intersection is where the southbound motorist first encounters the urbanized Santa Barbara area.

For the northbound traveler, Highway 101 is the only highway access to the northern Channel Coast beaches. These include State Park System units at El Capitan, Refugio, and Gaviota. The Hollister Ave. intersection represents the last opportunity to access gasoline, overnight lodgings and other visitor services before proceeding northward.

Beach access "footprint" signs are posted for both directions on Highway 101. Several shoreline public accessways are available in Goleta—the nearest to the intersection being about 0.7 mile distant, off of Hollister Ave., adjacent to the Bacara Resort complex. At that location, a wheelchair-accessible public beach access path leads from the parking lot to Haskell's Beach.

Coastal rail line as a regional public access corridor.

Northwards from Goleta, the highly scenic Union Pacific (formerly Southern Pacific) rail line hugs the rugged shoreline for many miles, continuing around Pt. Conception and through Vandenberg AFB. This segment of the UPRR system is generally considered the scenic highlight of Amtrak's daily northbound and southbound Coast Starlight service. Amtrak also operates the twice-daily (in each direction) Pacific Surfliner service between San Diego and San Luis Obispo, with a stop in Goleta.

Seating on the seaward side of the train is never vacant. Many hundreds of passengers every day enjoy views that can not be seen by any road-bound traveler. And, due to private land holdings in the Hollister Ranch area and security restrictions in Vandenberg AFB, there is no through coastal trail access north of Gaviota State Park. For a distance of approximately 50 miles, these passenger rail services comprise the only through public access mode parallel to--and within sight of--the sea.

Bicycle access to and along the coast

Hollister Ave. is the primary bicycle route connecting shoreline access points and visitor services located along the Goleta coastal terrace. The avenue runs parallel to the coast, but is separated from the shoreline by intervening developed uses. In the vicinity of the Hwy.101 intersection, it supports significant bicycle use on paved shoulders, and is designated as a "Class II" bikeway.

On the north (inland) side of Highway 101, a separate Class I bikeway parallels Cathedral Oaks Road, providing access from inland neighborhoods in the City of Goleta. The coastal access function of this facility, however, is impaired by the lack of a safe connection across the 101 freeway and UPRR tracks. Because the existing overcrossings lack safe shoulder width, bicycles must share the roadway with fairly heavy motor vehicle traffic.

Pedestrian access to and along the coast

At the seaward edge of the project, substantial numbers of hikers and joggers can be seen along the wide shoulders of Hollister Ave. Pedestrians can take advantage of the local bus transit service as part of their experience: an existing stop is already available at the intersection.

On the inland side of the 101 freeway, good quality sidewalks and a universal access-standard bikeway provide pedestrian access along Cathedral Oaks Road. However, the existing freeway and UPRR overcrossing structures lack sidewalks. Pedestrians are forced to closely share space with motor traffic. There are no other alternatives in the western part of the city for getting across the freeway and fenced railroad right of way. Coastal access from the inland half of Goleta is therefore a dicey proposition.

Also, improved lateral access along the intersecting Calle Real frontage road was proposed in the Goleta Trails Implementation Study (Santa Barbara County, May 1995). But, the existing, inadequate Calle Real shoulder is an impediment to safe non-motorized access. The project would correct this deficiency. See table attached to Exhibit 6 for further details regarding public access for that portion of the project within unincorporated Santa Barbara County.

Relationship to the California Coastal Trail

An important Coastal Commission goal is to create a continuous trail along the length of the California Coast. The actions needed to implement this vision are outlined in the 2003 Coastal Conservancy report, *Completing the California Coastal Trail*. An important alignment principle expressed in the report is that the California Coastal Trail (CCT) should be located wherever possible within sight and sound of the sea, well-separated from motor traffic.

However, it is not always feasible to achieve such separation. In variety of locations there is no walkable beach or blufftop trail, or the way is blocked by existing development or other obstacles. In such cases, the right of way of the public road nearest the coast will need to be considered for CCT purposes. An additional consideration is the need for access from inland areas *to* the CCT and shoreline destination points.

Therefore, provision of hiking and walking opportunities will be an increasingly important consideration in the review of new transportation projects along the coast. Unless it is evident that a better trail route is (or will be) available off-roadway, new projects will need to incorporate separated pedestrian walkways or otherwise provide CCT accommodation.

The existing intersection provides access to beach access trailheads via Hollister Ave. All likely CCT alignments would be along, or seaward of the Hollister Avenue corridor. South of the project site, a walkable beach route and bluff trails provide access along the Goleta shoreline. North of the Bacara Resort, the future alignment of the CCT is not clear. In any case, access across the freeway and UPRR tracks to the future CCT is impaired by the existing deficient overcrossing structures, as identified above.

2. Issue Analysis

Highway 101 coastal access corridor: The project is designed to replace an existing but deficient overpass that carries Hollister Ave. over Highway 101. The replacement structure will facilitate entry to Goleta from the 101 corridor, by eliminating a “dogleg” movement now required via the Calle Real frontage road. This will improve access from the highway to the shoreline and visitor services in Goleta, and to this extent will benefit the recreational motorist.

As designed to replace the existing, outmoded overpass structure, the project will maintain the functionality of Highway 101 for reaching public access opportunities along the Santa Barbara County coast.

Scenic rail corridor: The project includes replacement of the overhead crossing structure that bridges the Union Pacific Railroad (UPRR) tracks. Safe grade separation of motor traffic and rail traffic will be maintained, without impairment of the unique recreational experience available by rail travel along the northern Santa Barbara County coast.

Bikeway access: A key benefit of the project will be the provision of new overcrossing structures with adequate shoulder width for bicycle use (5 ft. in each direction). Via the Cathedral Oaks bikeway, the inland areas of Goleta will become connected to the Hollister Ave. bike route. The outcome will be a significant enhancement of opportunities for bicycle access within the western part of the city.

Pedestrian access: Another key benefit of the project will be the provision of a raised sidewalk, 6 ft. in width, on the two new overcrossing structures. This will allow direct,

safe pedestrian access across the freeway and railroad to Hollister Avenue. This will significantly enhance the opportunity to walk or jog from inland parts of the city to shoreline destinations. Additionally, the shoulder improvements to the Calle Real frontage road will significantly improve safety for non-motorized use along the inland side of the Highway 101 freeway.

Coastal Trail considerations: All likely CCT alignments are seaward of Highway 101 and the UPRR tracks at this location. Therefore, the project will not prejudice the ability to complete the CCT on a preferred alignment. And, by design, the project would facilitate the use of the CCT by providing a safe route for pedestrians and bicyclists to reach the CCT from the inland parts of Goleta.

3. Conclusion

The project will replace existing, degraded overcrossing structures. Reconstruction of this intersection will assure that Highway 101 will continue its essential function as a corridor for access along the California Coast and its shoreline recreational destinations. Similarly, replacement of the railroad overhead crossing structure will insure that this mode of recreational access will not be impaired by future structural failure.

The project has been designed to accommodate both bicyclists and pedestrians in the reconstructed interchange. For non-automotive users, this feature will provide the vital "missing link" between the inland parts of Goleta and coastal access routes (including the future likely CCT alignment). Therefore, the proposed development is in conformity with, and will serve to carry out the applicable public access and public recreation policies of Coastal Act Chapter 3.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHAs) from disruption and degradation, as follows:

> ***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.***
>
> ***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.***

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area:

> ***"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special***

> ***nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.***

Additionally, certain habitats constitute vulnerable coastal resources, but are not necessarily "environmentally sensitive habitat areas" within the meaning of Section 30240. Protection for such coastal resource features is nonetheless afforded by Coastal Act Section 30250 (a), which states in part:

> ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. …***

1. Context

Project Description and Site Specific Biological Resource Information

The approximately 14-acre development site is an existing freeway intersection and railroad corridor, located within a substantially urbanized coastal terrace area. Nonetheless, several sensitive biologic features were identified in proximity to the project site. As identified in the project Natural Environment Study (NES), these include:

- A seasonal bat roost, comprised of crevices in the existing overhead structure above the railroad;
- The nearby Devereux Creek drainageway, where a single red-legged frog was spotted in the scour pool at a freeway culvert outlet in September 2001;
- An adjacent undeveloped chaparral and grassland area along Calle Real, outside the City limit, where about two dozen specimens of the CNPS 1B-listed Santa Barbara honeysuckle were found;
- Nesting habitat used by red-tailed hawks, in dense eucalyptus thickets along the UPRR right of way; and,
- The major migratory Monarch butterfly roost sites in mature eucalyptus trees at Ellwood Grove, about 0.7 mile distant along lower Devereux Creek.

Bat habitat in the railroad overhead structure

Two bat species are known to be present: the pallid bat, and Mexican free-tailed bat. Under the California Fish & Game Code rules for non-game mammals, both species are protected from taking without permit. The pallid bat also is listed by the California Dept. of Fish & Game (CDFG) as a Special Concern species.

Site-specific bat survey results. A substantial number of roosting individuals were discovered in the crevices beneath the existing railroad overhead structure, which was constructed in 1934 and is in need of replacement. These winter-dispersing species find day-roosts in sheltered locales such as abandoned buildings, dead trees, and under

bridges. They apparently are present in greatest numbers under this bridge during the spring-summer season. The NES report estimates that as many as 1500-2000 bats may occupy the bridge during the peak summer period.

Replacement of the existing structure is essential for seismic safety purposes, because the aged concrete in the structure is breaking apart as the internal rebar oxidizes. However, demolition will eliminate a locally important roost favored by both bat species, and displace a Mexican free-tailed bat maternity colony. The *NES* posits that the roost may also have regional significance for migrating bats enroute from colder areas. For these reasons, while the railroad overhead may not merit designation as an environmentally sensitive habitat area (as such), it is appropriate to treat the bat roost under the decaying bridge structure as a coastal resource that is vulnerable to impacts, within the meaning of Coastal Act section 30250(a).

Alternatives considered. The *NES* observes that "…the best option would be to leave the bridge in place." However, both Caltrans and Commission staff agree this is not a feasible option in the long run, due to the continuing and unrepairable decay of the internal bridge structure, and the danger that falling concrete presents to trains running beneath. Over extended time, failure of the bridge and loss of the bat roost will be unavoidable.

Nearby wetland features and California red-legged frog habitat

The California red-legged frog is a Federally-designated threatened species. A breeding population is found in the Bell Canyon riparian corridor, approximately 0.3 mile upcoast from the project. According to the NES, this species is capable of overland movements of up to 2 miles.

Adjacent to the southwesterly limit of the project, a headwater branch of a different coastal terrace drainage, Devereux Creek, emerges from beneath the freeway. A small scour pool, about 10 ft. in width, has formed at the culvert outlet. The drainageway appears to be fed by urban runoff from the Winchester Commons neighborhood on the inland side of the freeway. A single red-legged frog was spotted here in September 2001.

This location was not listed on the California Natural Diversity Database (Oct.2004 data set), nor is it within the area proposed by the U.S. Fish & Wildlife Service as critical habitat for the species. No other red-legged frogs have been found in the historic Devereux Creek watershed. Nonetheless, a Federal Endangered Species Act Section 7 consultation was conducted, and a wetland delineation was conducted by qualified Caltrans biologists. The wetland delineation confirmed that the scour pool, although of relatively poor habitat quality, constitutes a wetland. Regardless, no development is proposed within the delineated wetland area adjacent to the project site.

A number of follow-up frog surveys have been conducted by qualified Caltrans biologists, including structured protocol surveys in August and September 2004.

However, no California red-legged frogs have been found at the scour pond, nor elsewhere within the project limits.

Commission staff also surveyed the scour pool to confirm these findings[1]. The pool was observed to be entirely under the cover of surrounding blue gum eucalyptus saplings. It contained standing water, nearly black in color and acidic (as sampled with pH test strips). The margin was almost completely barren. No frogs or other vertebrate life forms could be seen. It appeared that the degraded state of the pool was the result of either contaminants in the urban runoff, or tannic acid leachate from the eucalyptus trees, or likely both.

Based on comparison to more intact red-legged frog habitat observed elsewhere in the Coastal Zone, this site offers only minimal habitat value for California red-legged frogs. Nonetheless, in an abundance of caution, it is appropriate to protect the culvert scour pool in accordance with the policies for wetland and environmentally sensitive habitat areas (ESHAs).

Santa Barbara honeysuckle habitat

The NES reported the discovery of habitat for a CNPS 1B-listed plant, the Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*), on an undeveloped parcel at the northwesterly extremity of the project limits. According to the California Native Plant Society, this endemic plant variety is actually on List 1B.2, meaning that it is "fairly endangered in California." Therefore, its habitat would appear to meet the definition for "environmentally sensitive area" within the meaning of Coastal Act Section 30107.5.

Habitat mapping revealed the presence of 25 Santa Barbara honeysuckle plants on this corner parcel. This location, near the intersection of Cathedral Oaks Road and the Calle Real frontage road, is characterized as part of a much more extensive chaparral and grassland area, to the north and west of Goleta.

The mapped habitat site lies within the Coastal Zone but outside the City limit. Accordingly, it falls within the area covered by the certified Santa Barbara County Local Coastal Program (LCP). The policies of this LCP protect environmentally sensitive habitat areas (ESHAs) in a manner parallel to the Coastal Act sections cited above.

The project includes a modest realignment of Cathedral Oaks Road and the existing bikeway that runs along its westerly margin. Project plans show that the right of way needed to realign the road and bikeway would encroach into this undeveloped corner parcel. As originally conceived, the project would have resulted in the loss of ESHA; however, the original project plans were modified by the applicant to steepen the adjoining fill slopes in order to avoid the mapped rare plant locations. Therefore, as now proposed, no part of the project will extend into the portions of the parcel where the listed honeysuckle plants were found.

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[1] L. Otter, Coastal Program Analyst, August 8, 2008.

Raptor (and potentially other bird) nesting in the eucalyptus thickets

The southerly portion of the project site, seaward of the 101 freeway, is well-wooded. Over 6 acres of planted and "volunteer" eucalyptus trees dominate that portion of the project site seaward (south) of the 101 freeway. These include both mature eucalyptus trees, and dense thickets of eucalyptus saplings. A few native live oaks, willows and sycamores can be seen in the project vicinity as well. The total tree count, including saplings, numbers in the thousands.

The eucalyptus stand is tightly bracketed by the existing freeway, railroad corridor, and Hollister Ave. Where the eucalyptus stand forms a continuous crown, virtually no other plant life can be seen, except for few struggling strands of poison oak. Other than the culvert outlet scour pool identified above, there are no adjacent wetlands or bodies of open water. Accordingly, this woodland lacks the characteristics that would qualify it as an ESHA.

Surveys conducted in 2004 and 2008 identified only a single red-tailed hawk nest located in a mature eucalyptus tree more than 150 feet from the location of the proposed railroad overcrossing. The proposed project will not result in the loss of any identified nesting trees. However, as reported by the *NES*, the trees within the vicinity of the project site still function as a *potential* nesting area for raptors, in particular, red-tailed hawks.

Nesting season for red-tailed hawks falls between February 15 and August 15. Although not reported in the *NES*, it is possible that owls, white-tailed kites and songbirds might also utilize the eucalyptus thicket for seasonal nesting. In supplemental communication[2], with respect to replanting plans for the area, Caltrans has assembled the following information regarding red-tailed hawks and nesting habitat:

> Red-tailed hawks (*Buteo jamaicensis*) are one of the most common and widespread hawks in North America. Red-tails breed throughout California, and are categorized by the California Department of Fish and Game as "adaptable, common, and widespread."
>
> Red-tailed hawks use a wide variety of habitats, using grasslands, open brush habitats, open stands of deciduous and conifer forests, croplands, fields, and pastures (Zeiner et al. 1990)[3].

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[2] Memorandum dated Jan.13, 2009.

[3] California Department of Fish and Game Technical Bulletin: Red-tailed hawk. 1990. Adapted from species life history accounts in California's Wildlife, Zeiner, D.C., W.F. Ludenslayer Jr., K.E. Mayer and M. White eds. California Department of Fish and Game, Sacramento, CA.

Red-tailed hawks are flexible in their choice of nest sites, occasionally using human-made structures, cliffs, low ledges, shrubs and cacti (Timosi and Barret 1995)[4]. In southern California, Wiley (1975)[5] found them nesting primarily in sycamores and oaks. In a 1997 paper by Tietje et. al.[6], the authors describe nest site characteristics for red-tailed hawks in Central California. The study located red-tailed hawk nests in a variety of tree species, including blue, valley and coast live oaks, western sycamore, grey pine, cottonwood and eucalyptus. In the discussion, the authors note that "tree species is probably unimportant to nest-site selection, as long as the tree' s growth form, size and location in the landscape permit accessibility and vigilance."

The location of the observed nest at the Hollister IC site fits a known pattern of red-tailed hawks to establish nests in large trees near openings in woodlands. The open areas adjacent to the nest site occur to the west and also north of Highway 101, and will not be impacted by this project.

Potential project impacts on red-tailed hawk nesting. Although the project will not result in the removal of any identified nesting trees, the proposed development would remove a number of eucalyptus trees and clear a corridor to make way for the extension of Cathedral Oaks Road. According to the *NES*, about 21% of the 6.62 acres of eucalyptus cover on the site would be removed. Submitted plans indicate that 106 trees (105 non-native & one willow) will be removed, although most of the saplings north of the UPRR tracks, adjacent to the quarry site, will remain. Commission staff is in agreement with Caltrans staff that it is not feasible to redesign the proposed overcrossings in a manner that would avoid removal of the above referenced eucalyptus trees due to the necessary alignment of the road system.

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[4] Timosi, I.C. and R.H. Barret 1995. Habitat suitability models for use with ARC/INFO: Red-tailed hawk. California Department of Fish and Game, CWHR Program, Sacramento CA CWHR Tech. Report No. 19. 25 pp

[5]Wiley, J.W. 1975. The nesting and reproductive success of red-tailed hawks and red-shouldered hawks in Orange County, California. Condor 77 (2): 133-139

[6] Tietje, W.D., P.H. Bloom and J.K. Vreeland 1997. Characteristics of red-tailed hawk nest sites in oak woodlands of Central California. In: Pillsbury, Norman H.; Verner, Jared; Tietje, William D., technical coordinators. 1997. Proceedings of a symposium on oak woodlands: ecology, management, and urban interface issues; 19–22 March 1996; San Luis Obispo, CA. Gen. Tech. Rep. PSW-GTR-160. Albany, CA: Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture; p. 365-372

One raptor nest has been observed during the current season, about 150 ft. from Hollister Avenue and the proposed Cathedral Oaks Road extension[7]--see Exhibit 11, attached. This location is not within the 1.36 acres of eucalyptus slated for removal. Nonetheless, even where there is no direct impact from tree removal, clearing, pile driving (if any), and earthwork in the quarry area could potentially disturb nesting birds close by.

Noise impacts at the nesting tree. Caltrans has provided a supplementary memorandum that addresses the potential for increased traffic noise to disturb the nesting birds, relative to existing measured sound levels. The extended Cathedral Oaks Road will be approximately the same distance from the observed nest (about 150 ft.) as is the current alignment of Hollister Ave. (which will be realigned slightly farther away). The following additional information is provided by applicant[8]:

> The project area includes a strip of ruderal land between Highway 101 and the Union Pacific railroad tracks [and Hollister Avenue]. Surveys conducted in 2004 and 2008 identified one red-tailed hawk nest located in a mature eucalyptus tree approximately 150 feet from the location of the proposed railroad overhead.
>
> Current peak-hour traffic noise levels at the observed nest location are estimated to be 68 decibels (sound level over a one-hour period, Caltrans Noise Assessment Analysis, December 2008). This result includes traffic on Highway 101 (approximately 250 feet to the north), traffic along Hollister Blvd (approximately 150 feet to the south) and activity on the Union Pacific Railroad tracks (located less than 50 feet from the observed raptor nest). Passing freight and passenger trains currently result in temporary but substantial increases in noise and vibration at this site several times per day. Given the surrounding conditions, it is reasonable to conclude that birds nesting in this area are acclimated to higher baseline levels of noise and disturbance than those nesting in open space or in agricultural areas.
>
> In 2006, a noise prediction model was used to determine the increase in ambient noise levels due to Alternative 2 [the selected project design] for residences in the Winchester Commons Development and Sandpiper Golf Course (Caltrans Mitigated Negative Declaration, March 2006). These developments lie to the north and west, respectively, of the observed nest location. The model determined that Alternative 2 would raise noise levels an additional 2 decibels in the vicinity of the new interchange only. The results of the noise modeling indicate that noise levels resulting from Alternative 2 would not be significant, and that the relocation of the interchange would not result in any significant noise impact on nearby noise-sensitive receptors. Given that the locations where noise

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[7] Site survey by Caltrans biologist, Dec.12, 2008; confirmed by further joint survey with Coastal Commission staff ecologist, Dec.18, 2008.
[8] Memorandum of Jan.13, 2009.

was measured are in fairly close proximity to the nest location, it is not likely that relocation of the interchange will result in significant noise impact at the nest site.

This analysis focuses on the longer-term impacts of increased traffic noise, rather than the temporary impacts of construction noise. Moreover, in regards to long-term impacts from noise, the analysis finds that due to the proximity of the new road/overpass improvements in relation to the location of existing highway, road, and railroad tracks, the proposed project is not expected to result in any significant increases in noise levels within raptor habitat areas.

The effects of highway and construction noise upon birds are not well known, however, significant noise levels may impact birds in a number of ways. Continuous noise above the ambient environment or single or multiple loud impulse noise may produce changes in bird foraging and reproductive behavior; mask signals birds use to communicate; mask biological signals impairing detection of sounds of predators and/or prey; decrease hearing sensitivity temporarily or permanently; and/or increase stress and alter reproductive and other hormone levels.[9] Dooling and Popper prepared a review report in 2007 for Caltrans titled, "The Effects of Highway Noise on Birds".[10] In this report they review the literature for studies that evaluate the impacts of traffic and construction noise on birds. They list three classes of potential effects of noise on birds: (1) physiological and behavioral effects; (2) damage to hearing from acoustic over-exposure; and (3) masking of important bioacoustic and communication signals all of which may also lead to dynamic behavioral and population effects.

Much of the information regarding impacts of noise on birds has been extrapolated from studies involving the influence of noise on humans and other mammals. A relatively small number of studies have focused directly on impacts of noise on birds and those studies have been performed on a limited number of bird species; to date no studies of noise impacts have been performed on wading bird species. Dooling and Popper (2007) state that, "Generally, humans have better auditory sensitivity (lower auditory thresholds) both in quiet and in noise than does the typical bird." Mammals in general have much greater auditory sensitivity than birds. Birds are more resistant to both temporary and permanent hearing loss or to hearing damage from acoustic overexposure than are humans and other mammals that have been tested.[11]

Sixty decibels (60 dB) is a widely used threshold for projects involving heavy equipment in areas supporting sensitive bird species. This threshold criterion is used by many agencies and consultants as the noise threshold, above which, birds may be adversely impacted. While this decibel range appears to be widely accepted and employed for

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[9] Longcore, T. & C. Rich. 2001. A Review of the Ecological Effects of Road Reconfiguration and Expansion on Coastal Wetland Ecosystems. The Urban Wildlands Group

[10] Dooling, R.J. & A.N. Popper. 2007. The Effects of Highway Noise on Birds. Prepared for: The California Department of Transportation, Division of Analysis. Prepared by: Environmental BioAcoustics LLC, Rockville, MD

[11] Op. Cit. Dooling & Popper 2007

projects involving potential noise impacts upon birds, its use is without well founded scientific justification.[12] Noise levels in quiet outdoor rural areas range from 40 to 45 dB(A)[13] and from 50-55 dB(A) in quiet suburban areas.[14] The 60 dB criterion stems from taking average ambient environment noise measurements and determining at what noise level, beyond that measured in the natural environment, would one expect to see adverse effects on avian vocal communication.[15] And while this criterion is valuable as a starting point for it is conservative and protective, ambient environment noise levels must also be analyzed and figured into the decibel thresholds applied to projects on a case by case basis. Rural areas will have much lower exposure to significant ambient noise compared to urban areas. And while all projects have specific and unique circumstances, those with the potential to adversely impact sensitive bird species due to increased noise levels must minimize those noise impacts to the maximum extent possible.

Dooling and Popper, in their 2007 report, present a table with guidelines for potential noise effects on birds at relative distances from the source based on a synthesis of the available literature. Hearing damage can potentially result from single impulses at or above 140 dB(A) or multiple impulses at or above 125 dB(A) when birds are close to the source. At greater distances from the noise source, where noise levels fall below 110 dB(A), birds may experience a temporary loss of hearing (known as a temporary threshold shift) from continuous noise above 93 dB(A). Masking may occur at decibels above and below 93 dB(A) depending on ambient noise levels. At even greater distances from the noise source, where the noise is still above ambient levels, masking may occur. Dooling and Popper suggest that noise levels below 50 to 60 dB(A) are unlikely to cause masking.

In regards to the proposed project, the identified raptor nesting site is located between an existing, heavily used highway and railroad tracks which generate significant levels of ambient noise. In this case, given the relatively high ambient background noise levels which characterize the project site and surrounding area, the Commission staff biologist has determined that a maximum 80 dB is an appropriate noise threshold to apply to projects in this type of setting.

Therefore, Special Condition 2.d. prohibits clearing/construction activities within 300 ft. (500 ft. from any identified raptor nest) from any senstive bird species nest unless such construction activities will not increase noise levels beyond 80 dB at any active nesting sites. If construction noise exceeds 80 dB sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of

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[12] James, R.A. 2006. California innovation with highway noise and bird issues. In: Proceedings of the 2005 International Conference on Ecology and Transportation, Eds. Irwin CL, Garrett P, McDermott KP. Center for Transportation and the Environment, North Carolina State University, Raleigh, NC: p. 569.

[13] dB(A) – a weighted decibel average

[14] Ouis, D. 2001. Annoyance from road traffic noise: a review. Journal of Environmental Psychology. Vol. 21, pgs. 101-120.

[15] Op. Cit. Dooling & Popper 2007

muffler, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft for raptors) of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete. Special Condition 2.d. further requires that the permittee shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications as the biological monitor which shall be present during all construction activities within 300 ft. (500 ft. for raptors) of an identified nest that is actively used by raptors or federally or state-listed species, state fully-protected species or state species of concern.

Nesting birds: regulatory context. The California Fish & Game Code prohibits taking of occupied nests, as does federal law. Specifically, the Federal Migratory Bird Treaty Act (16 USC §703-711.), 50 CFR 10, and Fish & Game Code §3503, §3513, and §3800, protect migratory and nongame birds, their occupied nests, and their eggs.

In previous Commission reviews, nesting areas for protected bird species have been regarded as representing vulnerable, protected coastal resources. Further, active nesting trees utilized by red-tailed hawks have been regarded as sensitive coastal resources and potential environmentally sensitive habitat areas (ESHAs) as defined by Coastal Act section 30107.5.

In this case, preliminary observations have identified a particular nesting tree (Exhibit 11), which would ***not*** be directly impacted by the project. Nonetheless, while neighboring mature eucalyptus trees and weedy thickets of eucalyptus saplings may not merit designation as an environmentally sensitive habitat area (as such), these surrounding trees provide a buffer for the nest tree.

While the nesting tree lies outside the project perimeter, ill-timed clearing or construction work nearby could adversely impact nesting activity. For this reason, it is appropriate to treat the known nesting tree as an ESHA, and the entire raptor nesting area as a sensitive coastal resource that is vulnerable to impacts, within the meaning of Coastal Act section 30250(a). Protection of the neighboring trees would therefore be appropriate under the provisions of Coastal Act section 30240(b), which requires that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas.

Monarch butterfly habitat

Goleta's Sperling Preserve features one of California's largest Monarch butterfly overwintering sites. This migratory species aggregates in large numbers in favored, sheltered trees, locally known as "butterfly trees." These are often, but not necessarily, mature eucalyptus trees. Good examples can be seen in the Ellwood Mesa complex, approximately 0.7 mile distant along lower Devereux Creek. Such trees are generally considered to be ESHAs within the meaning of Coastal Act Section 30240.

Due to the presence of eucalyptus trees, and its proximity to known butterfly trees, the project site was surveyed for Monarch aggregations in 1998, 1999, 2004 and 2005, at the appropriate times of the year. None were found. Thus, as proposed, the project is not expected to result in any adverse impacts to Monarch butterfly habitat.

2. Issue Analysis

Bat roost: impacts and proposed mitigation

The existing railroad overhead (bridge structure over the UPRR rail line) provides daytime roosting habitat for up to an estimated 1500-2000 bats. These include both crevice-dwelling Mexican free-tailed bats, and a few cavity-dwelling pallid bats (a protected special-status species). Due to the deteriorated state of the existing railroad overhead, demolition of the overhead and the loss of the existing special status bat habitat is unavoidable, as explained above. Project plans call for the new railroad overhead—a potential replacement roost site--to be constructed about 260 ft. distant from the existing structure.

As proposed by the applicant, the existing, degraded structure will not be demolished until mitigation measures to relocate the bat colony can be implemented. These measures, described and illustrated in greater detail in the referenced *NES* report, are essential to offset the effect of demolishing the existing, degraded railroad overhead. Replacement roosts would be created by using a bridge construction technique that leaves crevices of the desired dimension on the underside of the bridge, and/or by leaving suitable voids within the new bridge's box girders. Special bolt-on bat roost panels of a proven design (e.g., "Oregon Bridge Wedges") would be attached to the new bridge if the final bridge construction method does not have enough crevice space to accommodate relocation of the entire bat colony. Prior to demolition of the existing bridge, during the bat "off season" period (Oct.-Nov., at night), any returning bats would be excluded from their original location by filling their crevices with a foam sealant.

Subsequent to publication of the *NES*, the proposed mitigation measures have been refined by Caltrans. Bat roosting box specifications have been prepared—see Exhibit 7, attached. As currently described:

> …for meeting mitigation requirements, the on-bridge bat boxes were designed to replace 247 square feet of occupied crevice space at a 2:1 ratio. The four "crevice design" boxes (Type 1) provide this 2:1 mitigation ratio for crevice roost space that will compensate for unknown variables, such as potential differences in temperature at different locations within the bridge. In terms of occupancy estimates, a conservative estimate for each Type 1 box is 1500 bats. The two "cavity design" boxes (Type 2) provide habitat for cavity roosters, which can include pallid bats. Pallids represented a small percentage of bats observed during initial surveys (~3%). A conservative estimate for each Type 2 box is 160

bats, which should readily accommodate the smaller proportion of cavity roosters at this site.

Implementation of the above mitigation measures will protect both bat species by providing replacement roosting habitat. As provided by **Special Condition 2**, implementation of these measures is required by this permit, by reference to the City of Goleta's Conditions of Approval (attached as Exhibit 5).

Further biological surveys will be done to monitor the bat population. Additional special-status bat species could be discovered. One potential recommendation may be to install a free-standing mitigation structure, purpose-built and optimized as a replacement bat roost. In any case, the ongoing surveys will recommend any needed adjustments to the proposed mitigation measures. **Special Condition 2** specifies that any such adjustments, including substitution of a free-standing bat mitigation structure, shall be submitted for Executive Director review and approval.

So that Coastal Commission staff may stay abreast of these ongoing studies and implementation of mitigation measures, **Special Condition 3** requires the applicant to submit periodic environmental monitoring reports for the review and approval of the Executive Director. It is expected that disruption of vulnerable bat habitat will therefore be reduced sufficiently to avoid significant adverse impacts, within the meaning of Coastal Act Section 30250(a).

Wetland delineation & avoidance of potential California red-legged frog habitat

The wetland delineation performed by Caltrans biologists found that the existing culvert outlet scour pool constitutes a wetland. Although the pool constitutes wetland habitat, the culvert outlet scour pool constitutes a relatively degraded habitat. No red-legged frogs have been observed in the pool since the September 2001 sighting. Nonetheless, it is the sole aquatic habitat in the immediate vicinity of the development site, and is close enough to the Bell Canyon breeding population to be potentially recolonized in the future. Therefore, as *potential* habitat for this Threatened species, it constitutes an ESHA within the meaning of Coastal Act Section 30240.

The project itself would not directly alter the culvert outlet scour pool. But, indirect impacts could result from excavation in the nearby quarry site and construction activity to relocate the adjacent southbound on-ramp (to within 40 ft. of the scour pool culvert outlet). Specifically, if by chance red-legged frogs are present during construction, they could be disturbed and would possibly vacate the scour pool.

The project plans have already been modified to eliminate a culvert extension that would have intruded into the scour pool. The NES identifies a substantial number of additional avoidance and minimization measures that will be undertaken to protect this ESHA fragment. These measures include:

- designation of an Environmentally Sensitive Area (ESA) around the entire scour pond and outlet channel;

- erection of exclusionary fencing to keep construction vehicles and personnel out of the ESA;
- implementation of water quality best management practices (BMPs) to preclude the indirect impacts of sediment entering the scour pool;
- rescue of any red-legged frogs that may be encountered at the work site, and relocation to suitable habitat at Bell Canyon; and,
- 18 additional measures detailed through the USF&WS Section 7 consultation.

These additional measures include, for example, a mandatory training session for all construction personnel prior to commencement of construction activities, ongoing monitoring by a USF&WS-approved biologist, authority to halt work that could adversely affect any red-legged frogs that are encountered, equipment fueling restrictions to prevent contamination by accidental spills, revegetation with locally-collected native riparian and upland plants, elimination of any exotic aquatic predators such as bullfrogs, and avoiding work to the maximum extent practicable during the seasons when the frogs would most likely be present.

The avoidance and minimization measures identified above will assure that any environmentally sensitive habitat values at the culvert outlet scour pool will be protected from significant disruption. Implementation of these measures is a requirement of this permit, as provided in **Special Condition 2**. And, to confirm that the protective measures are taken at the appropriate times and in the appropriate ways, periodic informal monitoring reports will be forwarded to Coastal Commission staff, as specified by **Special Condition 3**. Accordingly, ESHA for the California red-legged frog will be protected in conformance with the requirements of Coastal Act Section 30240.

In addition, the Commission finds that potential adverse effects of the proposed development on wetland and aquatic habitats may be further minimized through the implementation of an interim drainage and runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled. Interim erosion control measures implemented during construction and post-construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Further, implementation of an interim erosion control plan will serve to avoid any indirect impacts of sediment entering the culvert scour pool. Therefore, the Commission finds that **Special Condition Five (5)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

ESA designation & avoidance of Santa Barbara honeysuckle habitat

Chaparral habitat supporting the CNPS 1B-listed Santa Barbara honeysuckle is located on an undeveloped corner adjacent to the area to be disturbed by the proposed development. But, the project “footprint” will not extend into the mapped locations of the 25 plants recorded by the NES. Nonetheless, disruption of this environmentally

sensitive area *could* result if construction activities were to inadvertently stray beyond project limits.

Caltrans proposes to *avoid* impacts to this ESHA by applying their Environmentally Sensitive Area (ESA) designation. Applicable ESA protection measures include erection of exclusionary fencing before construction starts; employment of erosion control best management practices (BMPs) to prevent sediments from reaching the mapped rare plant locations downslope **(Special Condition 5)**; and regular monitoring, inspection and maintenance of these measures. The ESA will be off-limits to all construction equipment and personnel. While all of the mapped rare plants are outside the city limit line, some parts of the above-identified preventative measures will be located approximately astride the city limit line.

Because this permit application is being reviewed under the provisions of Coastal Act section 30601.3 for consolidated coastal development permits, the policies contained in Chapter 3 of the Coastal Act comprise the standard of review, with the appropriate local coastal program used as guidance. In this case, the certified Santa Barbara County LCP provides for protection of ESHAs in a manner congruent with Coastal Act Section 30240—including avoidance of significant habitat disruption.

The project design has been modified to avoid disruption of the known locations of Santa Barbara honeysuckle plants, and to establish a fenced ESA that will exclude construction impacts. These avoidance measures, identified by the *NES,* are consistent with the guidance provided by the Santa Barbara County LCP, and are necessary to protect the adjacent ESHA from disruption—irrespective of jurisdictional boundaries. Therefore, implementation of these measures, and concurrent monitoring, are required as conditions of this permit **(Special Conditions 2 and 3)**. Together, these measures will assure conformance with Coastal Act Section 30240.

Red-tailed hawk (and potentially other bird species) nesting habitat

Despite its relatively noisy location, within 250 ft. of heavy freeway traffic and only about 50 ft. from the mainline railroad tracks, an existing mature eucalyptus tree provides observed nesting habitat for red-tailed hawks (see Exhibit 11 for location). This nest exists in the context of a measured area of 6.62 acres that comprises the eucalyptus stand within the project's biologic study area (BSA). The project would eliminate more than an acre of blue gum eucalyptus, as well as several larger sugar gums planted adjacent to the existing southbound on-ramp. Project plans show a total of 106 trees proposed for removal; only one of these, a 16-inch willow, is a native species. The areas to be cleared are shown on Exhibit 8, attached.

In this case, because of necessary engineering and safety considerations for the proposed road realignment, most of the proposed tree removal is unavoidable. However, applicant, at staff's direction, has agreed to review and revise as feasible the proposed plans in order to retain large mature trees proposed for removal along the seaward side of Hollister Avenue. The 6 trees to be reviewed are numbered 9 and 11 through 15 on the project tree removal list. Available techniques for retaining large trees

adjacent to roadways include, but are not limited to, modification of curb and gutter design, installation of protective guardrails between the trees and motor traffic, retaining walls, grading adjustments, and exceptions to design standards for tree setbacks. These measures will serve to maximize retention of significant trees, and minimize project impacts on the identified sensitive resource. It is recognized that application of these techniques will likely necessitate revision of project construction plans, and may not in all instances be feasible.

The *NES* recommends that site clearing be avoided during the August 15-February 15 nesting season. For visual resource reasons, replacement tree and understory plantings are proposed as well. The abandoned alignment of the existing overcrossings will be restored and replanted. More than 5 acres of eucalyptus will remain, even before the proposed replanting. Preliminary landscaping plans show about 161 new trees, including California sycamore and Coast live oak—see Exhibit 9, attached. Assuming a mean crown diameter at maturity of 25 ft., these plantings will amount to an estimated 1.81 acres—thereby offsetting the loss of 1.37 acres of eucalyptus thicket. While the planted tree species will be more diverse than the existing situation, Red-tailed hawk nesting (and other bird nesting) is not limited to eucalyptus species.

Subsequent to the *NES* publication, Caltrans has represented that it will be applying its standardized Bird Protection Specification, which provides the following in construction contracts:

> When migratory or nongame bird nests are discovered which may be adversely affected by construction activity, or when a bird is found injured or killed as a result of construction activity, immediately stop work within [blank] feet of the nest or bird and notify the [Project] Engineer. Work must not resume until the Engineer provides written notification that work may resume at that location.

Overall, expert field observations demonstrate that a portion of the project site functions as environmentally sensitive nesting habitat. But, the nesting tree itself is approximately 150 ft. from the area that will be cleared for the Cathedral Oaks Road extension—about the same as the existing separation from Hollister Avenue.

Both the nesting tree and the adjoining trees constitute a sensitive coastal resource. It is appropriate to consider the nesting tree as an environmentally sensitive habitat feature, which under Coastal Act section 30240(a) must be protected from significant disruption. The surrounding trees provide a buffer, and may constitute sentinel trees utilized by the hawks. In particular, the existing large eucalyptus trees planted along Hollister Avenue, southeasterly of the proposed intersection with the extended Cathedral Oaks Road, may provide these habitat functions. Coastal Act section 30240(b) requires development in areas adjacent to environmentally sensitive habitat areas to be sited and designed to prevent impacts which would significantly degrade the protected ESHA.

Therefore, to ensure that potential raptor nesiting areas are protected during construction, **Special Condition Two (2)** requires the applicant to ensure that a

qualified biologist, with experience in conducting bird surveys, shall conduct bird surveys 30 calendar days prior to construction activities to detect any active bird nests in the eucalyptus trees to be impacted, and any other such habitat within 500 feet of the construction area. This condition also requires a qualified monitor to be present during all construction activities that could potentially disturb nesting raptors and other protected nesting bird species. A noise threshold of 80 dB is defined, above which noise attenuation measures must be employed. If such measures are unsuccessful in reducing noise impacts to the 80 dB level, clearing/construction activities will need to be suspended within 300 feet of the nest(s), until the nest is vacated and the juveniles have fledged and there is no evidence of a second attempt at nesting. For nesting raptors, this radius is increased to 500 ft.

In addition to the required pre-construction expert bird surveys, construction monitoring and avoidance of disturbance during the nesting season, **Special Condition Two (2)** also requires placement of exclusionary fencing, plan revision to maximize feasible retention of specified large buffer trees along Hollister Avenue, and tree replacement through a habitat enhancement plan.

Retention of additional large buffer trees will be addressed through revision of the tree removal table, as provided by **Special Condition Two (2)**; and, by submittal of revised construction plans for this purpose, as required by **Special Condition One (1)**. The habitat enhancement plan will provide for additional tree planting to achieve a 2:1 ratio of trees planted to replace trees removed, and incorporation of several larger (36" box) trees to provide interim additional tree cover. This condition may be satisfied through submittal of the revised Landscape Planting and Revegetation plans required by **Special Condition Four (4)**.

Taken together, these measures will avoid significant disruption of red-tailed hawk nesting habitat. Therefore, the project will appropriately protect this sensitive coastal resource, consistent with the provisions of Coastal Act sections 30240 and 30250(a).

Monarch butterfly roosts
Appropriate biologic surveys have been conducted, as reported by the NES. No Monarch butterfly aggregations ("butterfly trees") were found. Therefore, with respect to this category of ESHA, the project raises no issue of conformance with Coastal Act Section 30240.

3. Conclusion

The project as proposed includes a variety of measures to protect biologic resources, including existing overcrossing structures that harbor a seasonally-fluctuating bat population and nearby environmentally sensitive habitat areas. Appropriate avoidance, minimization and mitigation measures are detailed in the project's environmental document. **Special Condition 2**, above, requires conformance with these biological resource protection measures, through reference to the City of Goleta Conditions of Approval (attached as Exhibit 5) and additional measures included as conditions of this permit approval. And, **Special Condition 3** requires that the site be monitored during

and after construction, with reporting to Coastal Commission staff so that they may confirm that the proposed measures are having their intended effect.

In summary, the proposed development will avoid construction within known environmentally sensitive natural habitat areas; will protect against significant disruption of other sensitive habitat values in man-made structures and exotic landscape plantings; and, through additional measures including designation of ESAs, exclusionary fencing during construction, and installation of water quality best management practices, will prevent impacts that would otherwise degrade nearby environmentally sensitive habitat areas. Therefore, as conditioned, the proposed intersection reconstruction will be in conformance with the applicable policies contained in Sections 30240 and 30250(a) of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

> ***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. …***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

1. Context

Overall, Highway 101 represents the primary scenic highway experience along the Santa Barbara County coast. The Hollister Avenue intersection marks the point at which southbound motorists depart the open expanses of the Gaviota coast and enter the urbanized environment of Goleta, Santa Barbara and Carpinteria. Nonetheless, because of careful attention to landscaping and highway aesthetics over the years, this urban corridor presents an attractive, parkway-like appearance.

Structural design treatment. The existing overcrossing structures are nondescript concrete bridge structures that attract little notice from passing motorists and rail passengers. These are proposed for replacement by new concrete bridging structures, on an alignment several hundred feet to the south (downcoast) of the existing Highway 101 intersection.

The City of Goleta has reviewed the project and has provided specific recommendations for the aesthetic treatment of the proposed Highway 101 overpass structure (see Exhibit 5, attached). These recommendations reflect this intersection's role as a symbolic

regional gateway. The recommended colors, textures and detailing of the structure complement the aesthetic treatment accorded the other portions of the Highway 101 the Santa Barbara urban corridor (Carpenteria through Goleta). Construction plans have been augmented to incorporate the City's recommendations; illustrative examples are attached as Exhibit 10 ("Architectural Details"), and shall be considered as part of project plans as approved.

Landscaping. Existing plant cover around the intersection is dominated by two different eucalyptus species, and several shrub varieties. These plantings soften the view from the highway, and provide substantial screening of the developed landscape nearby.

The blue gum eucalyptus in this location exhibit an extremely invasive habit, and the number of individual sapling-sized trees in the right of way between the freeway and the UPRR tracks probably numbers in the thousands. To accommodate the project, more than an acre of this existing eucalyptus stand will be removed. However, many of the large, specimen-sized eucalypts planted in the highway right of way will be retained.

Provisional landscaping plans—Exhibit 9, attached--show replacement with 161 new trees, and associated landscaping. The net landscaped area will be 8.8 acres out of the project site total of 14.4 acres. The City's advisory design review specifies that Monterey cypress trees be substituted for the proposed Sugar gum eucalyptus plantings. Neither kind of tree is indigenous to the Goleta area. Thousands of eucalyptus trees will remain, consistent with the U.S. Highway 101 Design Guidelines. According to information recorded in the minutes of the City's Design Review Board approval, these guidelines refer to "…the preservation of specimen Eucalyptus trees for thematic and historical consistency."

In any case, Caltrans has Caltrans has provided a revised landscape planting plan that relies on California native species, and provides habitat enhancement through a substantial increase in total trees and tree cover. However, this plan does not cover the City-owned portion of the project, seaward of the UPRR tracks.

2. Issue Analysis

In recognition of the intersection's contribution to the visual quality of the Highway 101 corridor, Caltrans and the City of Goleta are collaborating to insure that the appearance of the new overcrossing structures (and their landscaped context) will do justice to this "gateway" location. Recommendations have been provided by the City, through advisory design review, regarding the treatment details for color, surface texture, and architectural ornamentation details. These features include surface treatments to resemble the traditional ballister railings formerly used on concrete bridges, and stylized representations of the City's butterfly logo; see Exhibit 10, attached, for illustrative examples.

Similarly, the final landscaping plans should complement the selected aesthetic treatment of the reconstructed intersection. As co-applicants, Caltrans and the City will each plan for the landscaping of their respective rights of way within the project site.

The project's provisional landscaping plans, covering the portion of the project on Caltrans right of way, show that the replacement plantings will complement and enhance the setting, and offset entirely the trees that must be removed.

The City's conditions of approval provide for submittal and review of corresponding final landscape plans. These plans will apply to the balance of the project, in the City's own right of way along Hollister Avenue, the extended Cathedral Oaks Road, and in the existing roadway areas to be vacated. The City's landscaping plans are expected to be ready within the year.

It will be necessary to verify that the City's selected landscape treatment will be compatible with the visual qualities of the Highway 101 coastal corridor, as exemplified by the preliminary landscaping and replanting plan submitted by Caltrans. Therefore, it is appropriate to condition this permit to require that permittee submit a final Landscaping and Revegetation Program, to include the City's landscape planting plan, for Executive Director review and approval prior to site clearing or other development pursuant to this coastal development permit **(Special Condition 4)**.

3. Conclusion

The proposed project, as conditioned for review of final landscaping and revegetation plans, will reflect the existing visual qualities that contribute to the pleasing aesthetic character of the urbanized Highway 101 corridor in Goleta. Grading and landform alterations will be minimal. This will insure compatibility as well with the adjacent unincorporated areas, as addressed by the policies of the Santa Barbara County LCP (see table attached to Exhibit 6).

The surface treatment of the replacement overcrossing structures, and the proposed enhanced landscape plantings will together protect the scenic qualities of the area. In particular, the massed existing and additional tree plantings will function as landscape screening along the highway corridor. Accordingly, these plantings will protect views from the highway and insure that the highway improvements will be visually compatible with the character of surrounding areas. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. ENERGY CONSERVATION, MINIMIZING VEHICLE MILES TRAVELED AND AIR RESOURCES

New guidance from the Governor's Office of Planning and Research (OPR) is now available as an OPR Technical Advisory[16]. The Technical Advisory addresses the growing concern about the emission of greenhouse gases, and their effect on global climate change. This interim guidance applies to the CEQA review process, and

[16] OPR Technical Advisory, *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, June 19, 2008.

complements existing air quality standards set by the California Air Resources Board. It also provides additional context for applying the related policies of the California Coastal Act.

These Coastal Act policies include, but are not limited to, requirements to:

- Discourage urban sprawl, by designing and locating most new development in or adjacent to existing developed areas that can accommodate such growth (Public Resources Code Section 30250);
- Maintain and enhance public access by providing or extending transit service (PRC 30252(1);
- Providing for nonautomobile circulation (PRC 30252(3));
- Providing adequate public transportation facilities and assuring that higher intensity uses can be served by public transit (PRC 30252(4&5));
- Be consistent with air quality standards (PRC 30253(3));
- Minimize energy consumption and vehicle miles traveled (PRC 30253(4)).

1. Context

a. Existing conditions: Some measures that help to reduce vehicle miles traveled and support air resource protection are already in place. A bus transit stop is already located on Hollister Ave., at the approximate new intersection of Cathedral Oaks Road. Paved shoulders along Hollister Ave. already accommodate bicyclists, joggers and the occasional pedestrian. Excellent sidewalks and a Class I bike lane parallel Cathedral Oaks Road.

However, the existing Highway 101 and UPRR bridges have narrow shoulders and no sidewalks. Pedestrians and bicyclists must share the roadway with fairly heavy motor traffic. Motor traffic at this point is engaged in leaving or entering the freeway, and may not be attentive to the presence of non-motorized users. The net effect is that there is no safe connection across the freeway for non-motorized users, and alternative transportation modes are thus discouraged.

Also, the current configuration of the intersection forces southbound traffic coming from Cathedral Oaks Road to detour via a short segment of the Calle Real frontage road. A similar detour is required for northbound motorists coming from Hollister Ave. While this "detour" is short (approx. 0.18 mile), it can be readily observed that there are cumulative impacts from unnecessary extra vehicle miles traveled and energy wasted. For example, at only an (illustrative) 1700 vehicles per day, more than 300 extra vehicle-miles per day would result. Actual traffic, and therefore actual impacts, will likely be greater[17].

[17] Traffic movements on the 101 Hollister Ave. overpass currently total 730 vehicles per hour, recorded at peak hour.

b. Proposed improvements: The project will create a direct connection from Cathedral Oaks Road, across the Highway 101 freeway and UPRR tracks, to Hollister Ave. This efficiency will eliminate the existing circuitous connection via Calle Real, potentially saving upwards of 100,000 or more miles of vehicle travel per year.

In addition, the project as designed features bicycle-friendly shoulders, and a raised sidewalk that will allow safe passage over the Highway 101 freeway and the UPRR tracks. Realignment of the intersection to meet Cathedral Oaks Road will eliminate difficult turning movements, and therefore facilitate existing bus transit operations.

c. Air quality standards: The project's CEQA environmental document[18] addresses the prevailing air quality standards applicable to the project area. These standards, established through the Santa Barbara County Air Pollution Control District (APCD), include thresholds for ozone, inhalable particulates and hydrogen sulfide.

The analysis evaluated long-term traffic impacts as well as impacts that could result from the construction phase. Detailed impact minimization measures are identified for equipment operations and dust control, consistent with the recommendations of the APCD's CEQA Guidelines. The report determined that the impacts of the project "…will not create a net increase in regional construction emissions…" nor will it "...cause any new significant long-term traffic emissions." It concludes that the project will conform to the 2001 Clean Air Plan for Santa Barbara County.

d. Guidance for assessment of greenhouse gas impacts: The project's environmental document was completed well before the new OPR Technical Advisory (concerning climate change and atmospheric greenhouse gases), became available. As a result, there was insufficient information to evaluate project impacts with respect to carbon dioxide, the most common atmospheric greenhouse gas[19] (GHG). While air quality standards are in the process of being developed, OPR's Technical Advisory provides interim guidance.

The OPR Technical Advisory states:

> ***Senate Bill 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis. It directs OPR to develop draft CEQA Guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions" by July 1, 2009…***

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[18] Hollister Avenue Overcrossing Replacement—Initial Study with Mitigated Negative Declaration, Caltrans, March 2006; Addendum to Mitigated Negative Declaration, 9/4/07.

[19] State law defines GHGs to include the following: carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health and Safety Code, section 38505(g)). The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.

Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information.

For these projects, compliance with CEQA entails three basic steps: identify and quantify the GHG emissions; assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance.

Lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. …Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions.

2. Issue Analysis

a. Project design will reduce vehicle miles traveled. The proposed more-direct connection between Cathedral Oaks Road and Hollister Avenue will improve local motor vehicle circulation patterns, and cumulatively yield a reduction in vehicle miles traveled. There are no added through motor traffic lanes, so the net effect will be to better accommodate existing demand rather than induce new growth.

As designed, the project will also encourage nonautomobile circulation in an existing developed area. It will facilitate bus transit service, and greatly improve the cross-freeway connection for pedestrians and bicyclists. It will replace an outmoded railroad overhead crossing, without impairment to existing rail service.

By enhancing the opportunity for nonautomotive travel in the City of Goleta, the project will encourage responsible travel choices and help minimize vehicle miles traveled. This in turn will have benefits in terms of energy conservation and protection of air quality—in particular, by minimizing the output of atmospheric greenhouse gases from mobile sources (i.e., motor vehicles).

b. Additional GHG minimization or mitigation measures. Available measures, including use of equipment powered by federally-mandated clean diesel technology, are already prescribed to minimize air quality impacts from the project's construction activities. Project design features, including a more efficient alignment of the intersection and provision for non-automotive mobility modes, will help minimize vehicle miles traveled and associated CO2 emissions. The project tree removal measures and landscape plantings (including 161 or more new trees) will both release and capture CO2. Ultimately, the increased tree cover will serve to sequester more CO2, compared to present conditions.

While the project environmental review addressed existing air quality standards, the project's design features and minimization measures were not analyzed in terms of their benefit, or impacts, with respect to the atmospheric greenhouse gas (GHG) issue. Accordingly, Caltrans has provided a supplemental GHG analysis[20] that summarizes the programmatic measures that Caltrans is applying system-wide. The goal is to minimize and offset GHG impacts, consistent with the current Climate Action Program at Caltrans. The report, attached as Exhibit 12, identifies for each programmatic measure the potential reduction in carbon dioxide, the most common atmospheric greenhouse gas[21].

The supplemental analysis also summarizes the project's potential to generate GHGs, and lists project-specific measures that will reduce such impacts. It does not however identify the amounts of CO2 that will be sequestered in poured concrete (a sink for calcium carbonate), nor in the replacement landscape plantings.

Essentially, because this project does not increase lane capacity, its impact will be inconsequential. Additionally, specific listed minimization measures include: 1) use of reclaimed water, to reduce electricity demand; 2) landscaping, to reduce surface warming and promote photosynthesis; 3) use of special Portland cement formulations containing fly ash, to reduce GHG emissions resulting from cement production; and, 4) installation of energy-efficient lighting fixtures.

Accordingly, it is appropriate to condition this permit to require implementation of these mitigation measures listed in the supplemental GHG analysis **(Special Condition 6)**. Submittal of expanded landscape plans, to cover both the Caltrans portion of the project and the City-owned rights of way, will be required by **Special Condition 4**, above. Use of reclaimed water in the project's landscape plans will be implemented through this condition as well.

3. Conclusion

Replacement of these overcrossing structures will avert their continued decay and eventual failure. While the project will improve the efficiency of traffic circulation, it will not add lane capacity. The project environmental document demonstrates conformance with existing air quality standards, consistent with Coastal Act policy 30253(3). It is expected that the new facilities will, by design, reduce vehicle miles traveled and energy consumption (consistent with Coastal Act policy 30253(4)), and provide for improved non-automotive circulation options (consistent with Coastal Act policy 30252).

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[20] Supplemental Greenhouse Gas Analysis for the Caltrans Coastal Development Permit—Hollister Avenue Overcrossing and Overhead Replacements in the City of Goleta; Caltrans, Dec.2008.

[21] State law defines GHG to include the following: carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health and Safety Code, section 38505(g)). The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.

Consistent with current OPR guidance for CEQA analysis of greenhouse gas (GHG) impacts, the supplemental GHG analysis provided for the project lists both programmatic and project-specific reduction measures that will be undertaken. The conditions of this permit require implementation of the identified project-specific measures. These include a revised landscape/habitat enhancement plan and water conservation **(Special Condition 4)**, and installation of energy-efficient lighting fixtures and use of special cement formulations **(Special Condition 6)**. As conditioned to include these measures, the project will be consistent with the above-cited Coastal Act policies that require new development to be designed to conserve energy, minimize vehicle miles traveled, and protect air resources.

F. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act states:

> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).***

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and are accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Goleta's ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.