

**CALIFORNIA COASTAL COMMISSION**

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**W14a**

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**Application No.:** 4-15-1346

**Applicant:** City of Santa Barbara Public Works Department

**Agents:** Jessica Grant

**Project Location:** Laguna Pump Station Facility, 236 East Cabrillo Boulevard, Santa Barbara, Santa Barbara County (APNs: 017-191-004; 033-120-016)

**Project Description:** Authorization of the removal of 100 cu. yds. of sediment and 3,140 sq. ft. of vegetation from the channel bottom and additional repair and maintenance activities including: repairs to the channel wall, wet well inlet screen and the internal mechanics of Tide Gates 1, 2 and 3; replacement of the outflow cover for the storm drain outlet; installation of a debris rack, cameras for remote monitoring of the facility, and improved lighting; a habitat restoration plan; and a programmatic maintenance plan.

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### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project **with eight (8) special conditions** regarding (1) timing of operations, (2) construction best management practices, (3) removal of excavated material, (4) biological monitoring, (5) Tidewater Goby Protection Plan, (6) Final Habitat Enhancement and Revegetation Monitoring Program, (7) term of permit approval, and (8) assumption of risk, waiver of liability and indemnity.

The City of Santa Barbara's Public Works Department proposes repairs and maintenance to the Laguna Pump Station Facility, which is located in the City of Santa Barbara between Cabrillo Boulevard and the ocean (Exhibits 1 and 2). The Laguna Pump Station Facility performs a critical function for the City in minimizing the impacts of flooding in the low-lying neighborhoods between Laguna and Milpas Streets. However, the functionality of the pump station facility has become compromised by the accumulation of sediment and emergent vegetation within the primarily concrete-lined flood control channel (Exhibit 6). Although the Laguna Channel, where the pump station facility and proposed project site is located, is adjacent to habitat that supports a variety of sensitive plant and animal species, no sensitive animal species have been observed within the project site. The project site does contain vegetation types that meet the State and federal technical criteria for wetland designation. However, the subject

vegetation is not growing within a wetland habitat, but rather, atop a thin layer of sediment within a concrete-lined flood control channel. The City proposes to address the impacts to the sensitive vegetation through a Habitat Restoration, Enhancement, Monitoring and Management Program that will be carried out in the project vicinity in conjunction with two other ongoing habitat restoration projects. The City asserts that the proposed repairs and maintenance are necessary to prevent flooding of nearby existing low-lying residential development. This development may be particularly at risk from flooding during the projected El Niño winter storm season.

On September 25, 2015, the City applied for and received an Emergency Permit (CDP No. G-4-15-0028) from the Coastal Commission to perform maintenance on the existing channel which included the removal of 100 cubic yards of sediment and 3,140 square feet of vegetation from the channel bottom. Of the 3,140 square feet of vegetation removed, 2,450 square feet of vegetation was removed from the concrete-bottom portion of the channel and 690 square feet of vegetation was hand-trimmed from the soft-bottom portion of the channel. As such, the applicant proposes permanent authorization for the removal of 100 cu. yds. of sediment and 3,140 sq. ft. of vegetation as a follow-up to Emergency CDP No. G-4-15-0028.

In addition to the sediment and vegetation removal authorized in the Emergency Permit, the City is proposing to repair holes in the channel walls that have been compromised by burrowing ground squirrels, construct and install an additional in-channel debris rack to improve the functionality and efficiency of the existing debris rack, repair the wet well inlet debris screen, install additional lighting and cameras to improve the City's ability to remotely monitor site conditions, repair the internal mechanics of Tide Gates 1, 2 and 3, replace the outflow cover of a storm drain outlet, restore 9,420 square feet of wetland vegetation in the project vicinity (3:1 ratio) and implement a programmatic maintenance plan to remove excess sediment in anticipation of future large storm events (Exhibit 3).

The subject development is part of a larger project consisting of repair and maintenance of the Laguna Channel and pump station facilities. The City of Santa Barbara Planning Commission approved a permit (No. CDP2015-00015; Exhibit 5) for that portion of the development that is within the City's coastal development permit jurisdiction. The portion of the proposed project considered herein will be located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, for the portions of the project that lie within the Commission's retained permit jurisdiction, the standard of review is the Chapter Three policies of the Coastal Act. The proposed removal of sediment and vegetation is necessary to maintain the flood control functions of the facility and to restore the flood flow carrying capacity of the channel. Although the proposed project requires alteration of a stream, Section 30236 allows such activity for 'flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.' The City has proposed the subject repair and maintenance project to prevent the flooding of existing low-lying residential development upstream and surrounding the project area, and as such, the repair and maintenance constitutes a flood control project necessary to protect existing development. Therefore, as conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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## EXHIBITS

Exhibit 1.	Vicinity Map
Exhibit 2.	Aerial Photograph
Exhibit 3.	Site Plan
Exhibit 4.	Dewatering Plan
Exhibit 5.	Coastal Development Permit Authorized by the City of Santa Barbara
Exhibit 6.	Photograph of Sediment and Vegetation within Channel

## I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

### Motion:

*I move that the Commission **approve** Coastal Development Permit No. 4-15-1346 pursuant to the staff recommendation.*

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:

*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. 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. Timing of Operations**

All project operations, including sediment removal, repair and maintenance activities, operation of equipment, and channel clearing of target emergent vegetation with machinery or hand tools shall occur only between September 1 and December 15 of any given year to avoid impacts to sensitive species that may occur in the project area, including: avian species during breeding nesting season (approximately March 15 through August 31) and tidewater goby during the peak spawning seasons (spring and late summer) unless additional time is granted by the Executive Director for good cause and authorization is granted by other resource agencies, including but not limited to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the California Department of Fish and Wildlife.

#### **2. Construction Best Management Practices**

It shall be the applicant's responsibility to assure that the following occurs during all project operations:

- A. Prior to the commencement of construction, the limits of the work areas and staging areas shall be delineated in cooperation with a qualified biologist, limiting the potential area affected by construction and ensuring that all wetlands and other environmentally sensitive habitats adjacent to construction areas are avoided during construction. All vehicles, equipment and materials stockpiles shall be restricted to pre-established work areas and haul routes and to established or designated staging areas. Clearing shall be limited to the minimal footprint necessary and for the shortest time necessary to avoid impact to ESHA and coastal waters.
- B. Best Management Practices (BMPs) shall be designed to control erosion from the disturbed area and prevent sediment and potential pollutants from entering coastal waters and/or native habitat plant communities during channel maintenance activities. The BMPs shall be implemented prior to or concurrent with construction and maintained throughout the project.
- C. Exposed slopes shall be stabilized to minimize erosion and sediment from runoff waters during maintenance activities using mulch, contouring grading and/or other established methods.
- D. Temporary stockpiles of excavated sediment/vegetation should be protected with geo-fabric or other appropriate cover. Permanent stockpiling of excavated material on site shall not be allowed. Vegetation and sediment shall be removed from the site on a regular basis during construction to prevent the accumulation of sediment and debris on the worksite. Excavated sediment and vegetation shall be stockpiled at designated temporary areas on the project site and be removed to a permitted disposal site within three months.
- E. During construction, all trash shall be properly contained, removed from the worksite, and disposed of on a regular basis. Any debris inadvertently discharged

into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.

- F. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters.
- G. Fuels, lubricants, and solvents shall not be allowed to enter the channel or coastal waters. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.

### **3. Removal of Excavated Material**

The applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material and construction/demolition debris from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal development permit, such a permit will be required prior to the disposal of material.

### **4. Biological Monitoring**

At least two (2) weeks prior to commencement of any work, the applicant shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director. Project activities shall be carried out consistent with the following:

- A. The environmental resource specialist shall conduct a survey of the project site one week prior to all work to ensure that initiation of work will not impact any sensitive species or habitats and shall survey the project site each day prior to commencement of any sedimentation or vegetation removal or maintenance activities to determine whether any sensitive wildlife species are present. The results of these surveys shall be submitted for the review and approval of the Executive Director. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any project activities to move sensitive species (such as southwestern pond turtles) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. If the presence of any such sensitive species requires review by other resource agencies, such as the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such authorizations are received. Project activities shall resume only upon written approval of the Executive Director.

- B. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The environmental resource specialist shall immediately notify the Executive Director if activities outside of the scope of this coastal development permit occur. If significant impacts or damage occur to sensitive wildlife species or sensitive habitat, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts and to restore the respective habitat if necessary. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

## **5. Tidewater Goby Protection Plan**

The applicant shall retain the services of a qualified biologist or environmental resource specialist with experience handling tidewater gobies or other sensitive aquatic species and with the requisite permit(s) and experience in the application of standard survey, capture, and handling methods for tidewater gobies and other sensitive aquatic species. At least 30 days prior to commencement of any onset of work, the applicant shall submit the name and qualifications of the qualified biologist or environmental resources specialist, for the review and approval of the Executive Director. The applicant will exclude tidewater gobies and other sensitive aquatic species from the construction area by following the actions required by US Department of Fish and Wildlife Service (FWS) approval dated September 14, 2015 and the California Department of Fish and Wildlife approval (undated), including the following:

- A. The qualified biologist or environmental resource specialist retained by the applicant shall conduct a training session for all construction personnel prior to the onset of work. The training shall include a description of the tidewater goby (and other sensitive aquatic species), their habitats, the specific measures that are being implemented to protect sensitive species during construction, and the project limits.
- B. The qualified biologist or environmental resource specialist and a crew working under his/her direction shall clear all fish, including tidewater gobies, from the area to be dewatered and the areas where sediment removal is proposed, prior to construction. The capture, handling, exclusion, and relocation activities identified by the qualified biologist will be completed no earlier than 48 hours before construction begins to minimize the probability that listed species will recolonize the affected areas.
- C. The qualified biologist or environmental resource specialist and a crew working under his/her direction shall inspect the dewatered areas, and the areas where sediment removal is proposed, regularly to detect whether any tidewater gobies or other fish are passing through the diversion dam and investigate whether sensitive aquatic species protection measures are being implemented.
- D. The qualified biologist or environmental resource specialist and a crew working under his/her direction shall be present when the diversion dam is removed and the construction area refilled with water to relocate any fish present in the construction area before completion of removal operations and to ensure successful reintroduction of aquatic habitat in the construction area.

- E. Following construction, and annually for the duration of the permit, the qualified biologist or environmental resource specialist shall complete post-construction surveys, for the review of the Executive Director, for tidewater gobies and other sensitive aquatic species.
- F. The environmental resource specialist shall prepare, for the review of the Executive Director, a post-project monitoring report the fall following implementation of the proposed activities, documenting the efforts to protect the tidewater goby and other sensitive aquatic species and the results. In the event that monitoring shows a significant decrease in tidewater goby or other sensitive aquatic species that cannot be readily explained by natural factors or is clearly linked to the project activities, the environmental resource specialist, in consultation with the USFWS and other experts, shall develop a revised or supplemental mitigation plan to adequately mitigate such impacts. The applicant shall submit the revised or supplemental mitigation plan, for the review and approval of the Executive Director. Implementation of the plan shall require a Commission-approved amendment to this permit, unless the Executive Director determines that no such amendment is required.

## **6. Final Habitat Enhancement and Revegetation Monitoring Program**

The City shall submit, for the review and approval of the Executive Director, a Final Habitat Enhancement and Revegetation Monitoring Program for restoration along Mission Lagoon. This program shall be prepared by a qualified biologist or environmental resource specialist and shall include, but not be limited to, the following:

- A. Habitat enhancement shall include, at a minimum, the removal of any and all invasive plant species on or adjacent to the site and revegetation of all disturbed areas with appropriate native species of local genetic stock, including areas where invasive and non-native plants were removed.
- B. Indication as to the location, type, and height of any temporary fencing that will be used for restoration. The plans shall also indicate when this fencing is to be removed.
- C. Indication on plans that invasive plants species shall be removed from all development and restoration areas for the life of the project.
- D. Indication on plans that herbicides shall not be used within the creek habitat. Target non-native or invasive species shall be removed by hand.
- E. Indication on plans that rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- F. A baseline assessment, including photographs, of the current physical and ecological condition of the proposed restoration site, including a biological survey, a description and map showing the area and distribution of existing vegetation types, and a map showing the distribution and abundance of any sensitive species.



- G. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
- H. Documentation of performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working.
- I. Documentation of the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
- J. A planting palette (seed mix and container plants), planting design, source of plant material, and plant installation. The planting palette shall be made up of exclusively native plants that are appropriate to the habitat and region and that are grown from seeds or vegetation materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Planting shall 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 the revegetation requirement. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U. S. Federal Government shall be utilized or maintained within the property.
- K. Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.
- L. A plan for documenting and reporting the physical and biological “as built” condition of the site within 30 days of the completion of the initial restoration activities. The report shall describe the field implementation of the approved restoration program in narrative and photographs, and report any problems in the implementation and their resolution.
- M. Documentation that the project will continue to function as viable native habitats, as applicable, over the long term.
- N. A Monitoring Program to monitor the Restoration and Enhancement. Said monitoring program shall set forth the guidelines, criteria and performance standards by which the success of the enhancement and restoration shall be determined. The monitoring program shall include but not be limited to the following:
  - 1. *Interim and Final Success Criteria.* Interim and final success criteria shall include, as appropriate: species diversity, total ground cover of vegetation, vegetation cover of dominant species and definition of dominant, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual “target” species.

2. *Interim Monitoring Report.* The City shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the enhancement on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from redesigned sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.
  3. *Final Report.* At the end of the five-year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the enhancement/restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this coastal development permit.
  4. *Monitoring Period and Mid-Course Corrections.* During the five-year monitoring period, all artificial inputs (e.g. irrigation, soil amendments, plantings) shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the survival of the enhancement/restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, so that the success and sustainability of the enhancement/restoration is ensured. The enhancement/restoration site shall not be considered successful until it is able to survive without artificial inputs.
- O. The City 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 this coastal development permit or a new coastal development permit, unless the Executive Director determines that no new amendment or permit is legally required.

## **7. Term of Permit Approval**

- A. This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of five (5) years, commencing upon the date of Commission approval of Coastal Development Permit No. 4-15-1346, after

which time the authorization for continuation and/or retention of any development approved as part of this permit shall cease. After the authorization for the development expires, any sediment removal within the project area will require the issuance of a new coastal development permit.

- B. If the applicant does not obtain a coastal development permit from the California Coastal Commission to continue the programmatic sediment management program prior to the date that authorization for the development expires, the applicant shall cease all sediment removal activities.
- C. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

#### **8. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

*Prior to issuance of the Coastal Development Permit*, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION AND BACKGROUND**

The City of Santa Barbara's Public Works Department proposes repairs and maintenance to the Laguna Pump Station Facility, which is a flood control facility located at the mouth of the Laguna Channel between Cabrillo Boulevard and the ocean (Exhibits 1 and 2). The project includes the removal of sediment and vegetation from the channel bottom, repairs to the facility, a habitat restoration plan for the project vicinity and a programmatic maintenance plan for sediment removal for the next five years.

Specifically, the City is proposing the permanent authorization of the removal of 100 cubic yards of sediment and 3,140 square feet of vegetation from the channel bottom, as well as repairs to the

channel wall, wet well inlet screen and the internal mechanics of Tide Gates 1, 2 and 3, replacement of the outflow cover for the storm drain outlet, and installation of a debris rack, cameras for remote monitoring of the facility and improved lighting, as well as a habitat restoration plan for the project vicinity and a programmatic maintenance plan for the facility (Exhibit 3).

### Background

The Laguna Pump Station Facility was constructed on the ocean side of Cabrillo Boulevard in 1939 and expanded in the 1960s. The Facility consists of a pump house, forebay channel, pump house discharge channel and three tide gates. The primary purpose of the Facility is to regulate and manage storm drainage flows conveyed through Laguna Channel to the Pacific Ocean. Specifically, the pump station removes stream flows from Laguna Channel and discharges them into a concrete (with the exception of a small soft-bottom area adjacent to the Cabrillo Boulevard Bridge) side channel that empties onto the beach on the ocean-side of the tide gates.

The Facility performs a critical function for the City by minimizing the impacts of flooding in the low-lying neighborhoods between Laguna and Milpas Streets. The City asserts that the Facility currently has compromised functionality caused by accumulated sediment, emergent vegetation and damaged and/or inoperable mechanical components (Exhibit 6). The gradient in Laguna Channel is very low, such that sediment from the watershed accumulates in Laguna Channel downstream of Cabrillo Boulevard and is colonized by emergent vegetation unless the City undertakes regular maintenance to remove the sediment and vegetation. This vegetation, particularly when it is located near the tide gates, has the potential to break loose under high flows and become lodged in the tide gates when opened, thereby preventing their closure. Due to the low channel elevations, high tides, wave surges and the adjacent outflows of Mission Creek during storm events, not closing the tide gates could result in seawater entering Laguna Channel at high tide, flowing upstream, and flooding existing nearby low-lying residential development. Alternatively, the tide gates must also be able to open (and the pump must function properly and have the capacity to pump out inflows) to allow Laguna Channel flows to directly reach the ocean and avoid upstream flooding.

### Detailed Description of Project Components

A twenty foot wide by 150 foot long section of the Laguna Channel that begins at the wet well and terminates at the flood gates and a twenty foot wide by one-hundred twenty foot long section north of the wet well has accumulated a total of approximately 100 cubic yards of sediment and 3,140 square feet of emergent vegetation. The accumulation of sediment and vegetation compromises the functionality of the existing tide gates. On September 25, 2015, the City applied for and received an Emergency Permit from the Commission to perform maintenance of the existing channel which included the removal of 100 cubic yards of sediment and 3,140 square feet of vegetation from the channel bottom. Of the 3,140 square feet of vegetation removed, 2,450 square feet of vegetation was removed from the concrete bottom portion of the channel and 690 square feet of vegetation was hand-trimmed on the soft bottom portion of the channel. The dominant species of emergent vegetation that was removed from the channel was California bulrush (*Schoenoplectus californicus*), with smaller patches of alkali bulrush (*Schoenoplectus maritimus*) and non-native herb of grace (*Bacopa monnieri*) (Exhibit 6).

In addition to the sediment and vegetation removal authorized by the emergency permit, the City is proposing to repair the rock and concrete channel walls compromised by burrowing ground squirrels, construct and install an additional in-channel debris rack to improve efficiency of the existing debris rack, repair the wet well inlet debris screen, install improved lighting and cameras to allow the City to remotely monitor conditions, repair the internal mechanics of Tide Gates 1, 2 and 3, replace the outflow cover of a storm drain outlet, restore 9,420 square feet of vegetation (which will provide mitigation for the impacts of the project on sensitive vegetation at a 3:1 ratio) in the project vicinity and implement a programmatic maintenance plan to remove excess sediment in anticipation of future large storm events (Exhibit 3).

The City proposes to utilize a Bobcat, portable dumpster and crane to remove the sediment and vegetation from the channel bottom. Vegetation on the natural bottom portion of the channel will be hand-trimmed to grade, and work will be limited to the channel area.

The existing channel walls were constructed with a mix of river stone and mortar with a concrete cap. Intermittent sections of the channel walls have been undermined and tunneled through by ground squirrels. Additionally, vegetation growth has impacted the structural integrity of the walls and led to eroded material being deposited in the channel. The City is proposing to remove vegetation growth from the walls and fill existing holes with two-sack concrete slurry. The concrete pump will be located in the staging area during construction, and work will be limited to the channel area.

The existing debris rack is inadequate in filtering high volumes of water flow during flood conditions due to blockage. The City is proposing an additional debris rack to reduce debris blockage to the existing rack and increase water flow to the pumps and efficiency of the pumps. The City proposes to construct and install a seventy-five foot long by four-foot high secondary debris rack, and work will be limited to the wet well. Further, the City proposes to clean the existing rack and repair any broken welds, as needed. The City proposes to install lighting and cameras for improved future monitoring, remote operation and rapid emergency response for the wet well area. The City asserts that portable welding equipment will be required, and work will be limited to the wet well area and pumping station.

The proposed project will require diversion and dewatering of the Laguna Channel before and during construction activities (Exhibit 4). The City proposes to construct a diversion culvert, an upstream diversion dam to direct channel flows to the culvert, and if necessary, a downstream diversion dam to further isolate the project area (Exhibit 4). The diversion and dewatering will mostly occur within the geographic area of the City's Coastal Zone where the City has coastal permitting authority, but the City CDP decisions are appealable to the Commission. As such, the City issued a Coastal Development Permit (No. CDP2015-00015) to authorize project components within the Appealable Jurisdiction area of the proposed project site (Exhibit 5). The appeal period for the City's Coastal Development Permit closed on September 21, 2015 and no appeals were received by the Commission. Within the City's CDP jurisdiction area, the project site will be isolated by use of a diversion dam upstream. If site conditions require additional damming of the channel, a smaller downstream diversion dam will be installed to prevent channel waters from backing up into the area under construction. This smaller, downstream diversion dam will be within the retained permit jurisdiction of the Coastal Commission.

The channel will be diverted by use of diversion culverts that maintain pre-construction water flows into the wet well throughout construction of the project. The size of the upstream culvert shall be 24-inches and the downstream culvert, if necessary, shall be 12-inches. The upstream diversion culvert is sized to handle dry weather urban runoff from the upstream watershed. The downstream culvert is sized to handle any water leaking back through the tide gate structure or seepage through cracks in the channel bottom. The City asserts that the diversion system will be installed with minimal disturbance to the channel bed.

The City has proposed that a biological monitor shall be present throughout the dewatering and diversion operations. The monitor will have the authority to halt work if Tidewater Goby or Southwestern Pond Turtle are observed within the project vicinity. Further, the biological monitor shall inspect the dewatered area daily to ensure that the diversion remains intact and no sensitive species have entered the project area.

The City proposes that all material used to create the diversion system will be clean and made of inert materials that will not cause turbidity or release toxic materials into the water. The City also proposes to construct the diversion dams with either a water bladder or a combination of gravel bags and plastic (visqueen) sheathing. If gravel bags are utilized, they will be filled outside of the channel vicinity. Additional gravel bags and a sump pump may be needed to catch channel flows escaping the upstream diversion dam or to fully dewater the project area. The existing pump station contains a low flow pump that will dewater the wet well. Pondered water within the project site will be inspected before all construction activity by the biological monitor for the presence of sensitive species. Any sensitive species that are observed by the monitor will be captured and relocated outside of the work area.

### Biological Survey

The City submitted a Biological Resources Survey which includes a field reconnaissance that was conducted on November 17, 2014 (and updated on August 7, 2015) to identify plant species and communities present. The survey was completed using visual checks where water clarity allowed, and dip nets where vegetation allowed. The survey notes that the most likely species to be present within the project site are red swamp crayfish and other small aquatic invertebrates. The federally listed (endangered) Tidewater Goby (*Eucyclogobius newberry*) is known to occur in the lagoon on the beach adjacent to the south side of the tide gates, but the survey notes that Tidewater Goby are unlikely to be present within the project site. However, the survey also indicates that there is the potential for Tidewater Gobies to enter the channel through the malfunctioning Tide Gate No. 3. Additionally, the survey states that the Southwestern Pond Turtle (*Actinemys marmorata pallida*), a state species of special concern, is known to occur in the watershed upstream of the project site and in the lagoon downstream of the tide gates but unlikely to occur within the project site. The survey also indicates that bird use of the area would be disrupted temporarily during the project but is expected to resume directly after the project is completed. A great blue heron (*Ardea herodias*) and American crows (*Corvus brachyrhynchos*) were observed in the channel or its immediate vicinity, and black phoebe (*Sayornis nigricans*) and several species of gulls were noted as species that are expected to use the channel frequently.

The survey states that the dominant species of emergent vegetation within the channel are California bulrush (*Schoenoplectus californicus*), smaller patches of alkali bulrush (*Schoenoplectus maritimus*) and non-native herb of grace (*Bacopa monnieri*).

Existing Conditions in Restoration Area

The existing vegetation in the restoration area, which is along Mission Lagoon, is limited due to the sandy soil and heavy human use of the adjacent beach area. Existing vegetation consists of patches of beach bur (*Ambrosia chamissonis*), sea rocket (*Cakile edentula*) and beach saltbush (*Atriplex leucophylla*).

Mission Lagoon is dynamic and periodically breaks the sandbar during storm runoff events and empties into the Pacific Ocean. The lagoon supports a variety of fish and invertebrates which in turn provide forage for a variety of bird species. The lagoon varies in size from month to month and from year to year. The area surrounding the lagoon is primarily sandy beach habitat that has been degraded by trampling and various construction projects with landscaped areas (turf grass and palm trees) near Cabrillo Boulevard.

Proposed Habitat Restoration

The City is proposing the restoration to establish native vegetation along the banks of the lagoon. The restoration plan seeks to achieve the establishment of self-sustaining native vegetation that is appropriate for the habitats within the site and free of invasive non-native species.

The City is proposing to restore 9,420 square feet of wetland vegetation (3:1 ratio) on the lagoon banks. The lagoon planting area will extend the area of restored native habitat implemented through restoration plans developed as mitigation for impacts from the Cabrillo Bridge Replacement (4-13-1176) and Lower Mission Creek Projects (4-08-096).

Proposed Programmatic Maintenance Plan

The City is also proposing an ongoing maintenance plan to remove excess sediment from the channel ahead of anticipated large storm events and on an as-needed basis for five years, particularly during low channel flow conditions. The City asserts that this maintenance plan is necessary to ensure the continued functionality of the Laguna Pump Station Facility for flood control purposes. The City proposes to remove sediment manually (with shovels) when feasible, and using a Bobcat when quantities are too large for manual removal. The City further proposes that the maximum quantity of sediment that will be removed from the channel on any given year within the permitted five-year term will be 20 cubic yards.

**B. COASTAL PERMIT REQUIRED FOR REPAIR AND MAINTENANCE WITHIN 20 FEET OF COASTAL WATERS**

The proposed removal of sediment and vegetation is designed to maintain the existing flood control facility and restore the flood flow carrying capacity of the Laguna Channel and pump station. The project constitutes repair and maintenance work. Section 30610(d) of the Coastal Act makes repair and maintenance projects that do not expand the object of the repair and maintenance work exempt from the permit requirements. However, that section goes on to recognize that the *methods* used to conduct such work may involve a significant risk of adverse environmental impacts, and on that basis, it authorizes the Commission to identify such methods

and require that a coastal development permit be obtained for those methods. In 1978, the Commission specified such methods through two different approaches.

The first way in which the Commission specified methods of repair and maintenance that would require a permit was by promulgating a regulation, codified in California Code of Regulations, Title 14 (“14 CCR”), section 13252. The second was the adoption of the “Repair, Maintenance and Utility Hook-Up Exclusions From Permit Requirements” (adopted Sept. 5, 1978) (hereafter, “R&M Exclusions”). 14 CCR section 13252(a) ends by stating that the provisions of that section do not apply to activities specifically described in the R&M Exclusions unless those activities may have a “substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.” Because this project is covered by the R&M Exclusions and does not pose any such risks, section 13252 makes the R&M Exclusions the relevant document here.

Section II.B.4 of the R&M Exclusions states that maintenance of existing flood control facilities that do not alter the service capacity does not require a permit. However, it goes on to establish an exception to that exemption for “clearing of more than 500 sq. ft. of brush or other vegetation unless the Executive Director . . . determines the activity does not involve the removal of major vegetation.” This project may not involve the removal of major vegetation. However, because the Executive Director has not made such a determination, the method by which that work was conducted was not exempt and a permit was required to ensure that the method employed was as consistent as possible with the Chapter 3 policies of the Coastal Act. The applicant therefore applied for an emergency permit for the clearance work, which the Commission issued, and it now has jurisdiction over the current application, which seeks, among other things, permanent authorization for the method used to perform that work.

However, even if the permit requirement applied to the approvability of the project as a whole (as opposed to being limited to the method by which the work was performed) or the project were not subject to any form of exemption, it would be allowable pursuant to Coastal Act section 30236 which allows for flood control projects where there is no other available method for protecting structures in the floodplain, as discussed in the following section.

### **C. PROTECTION OF COASTAL WATERS, WATER QUALITY, AND SENSITIVE HABITATS**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where*



*feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.*

Section 30236 of the Coastal Act states:

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

Sections 30230 and 30231 of the Coastal Act mandate that biological productivity, marine resources and coastal water quality shall be maintained and, where feasible, restored, protection shall be given to areas and species of special significance, and that new development within the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters. Section 30106 defines development as, in relevant part, “the placement or erection of any solid material or structure”, “removing...any materials”, and “the removal...of major vegetation other than for agricultural purposes.” Section 30236 allows for substantial alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development.

### Sensitive Species and Habitats

In the City of Santa Barbara, long segments of many of the creeks have been undergrounded in culverts and placed in storm drains. The Laguna Channel, where the proposed project is located, is a manmade, primarily concrete-lined flood control channel that receives flows from the Laguna Creek Watershed (between Sycamore and Mission Creeks). The Laguna Creek Watershed is approximately 1,500 acres and is bounded on the north by the foothills, on the east by Quarantina Street, on the west by State Street and on the south by the Pacific Ocean. The Watershed receives flows from a historical network of small creeks that are routed through underground storm drains and discharged into the Laguna Channel. The pump station then routes flows through the tide gates and onto the beach on the ocean-side of the gates which creates an ambulatory lagoon that often empties into the ocean or connects with Mission Creek overflows.

The network of creeks that flow through the City, and the lagoons where many terminate, support a variety of sensitive species. The federally listed (endangered) Tidewater Goby (*Eucyclogobius newberry*) is known to occur in the beach lagoon that serves as the terminus to Laguna Channel flows to the south side of the tide gates. The City submitted a Biological Resources Survey that notes the potential for Tidewater Gobies to enter the channel through the mal-functioning Tide Gate No. 3. Additionally, the Southwestern Pond Turtle (*Actinemys marmorata pallida*), a state species of special concern, is known to occur in the watershed upstream of the project site and in the lagoon downstream of the tide gates. However, the survey asserts that neither of the protected species are likely to occur within the proposed project site.

The applicant requests permanent authorization for the removal of 100 cu. yds. of sediment and 3,140 sq. ft. of vegetation (that has been carried out pursuant to Emergency CDP No. G-4-15-0028). Additionally, the City requests approval for the future removal of up to 20 cu. yds. of sediment at any time on an as-needed basis for the next five years. The vegetation proposed for removal consists of wetland and non-wetland plant species including California bulrush (*Schoenoplectus californicus*), smaller patches of alkali bulrush (*Schoenoplectus maritimus*) and non-native herb of grace (*Bacopa monnieri*). These plants are growing in a thin layer of sediment within a primarily concrete-lined stream that was created and maintained as a flood control channel. While this area is a stream, the channel banks are comprised of concrete or a combination of rock and concrete and most of the channel bottom is concrete with a small portion remaining soft bottom. There is no riparian vegetation present and no rare or sensitive plant or animal species have been identified within the stream corridor. As such, the Commission finds that the Laguna Channel within the project site does not meet the Coastal Act definition of Environmentally Sensitive Habitat Area.

The proposed removal of sediment and vegetation is necessary to maintain the flood control functions of the facility and to restore the flood flow carrying capacity of the channel. Although the proposed project requires alteration of a stream, Section 30236 allows such activity for ‘flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.’ The City has proposed the subject repair and maintenance project to prevent the flooding of existing low-lying residential development upstream and surrounding the project area, and as such, the repair and maintenance constitutes a flood control project necessary to protect existing development. In this case, there is no feasible alternative method to the removal of sediment and vegetation that could restore the capacity of the channel and provide flood control for the developed areas upstream of this facility. Finally, Section 30236 also requires that any stream alteration project must incorporate the best mitigation measures feasible.

The proposed project will result in the removal of a small area (3,140 sq. ft.) of wetland vegetation along the banks and the concrete and soft bottom area of the channel. Given that this impact is unavoidable, the City has proposed to mitigate the adverse impacts of the vegetation removal through a Habitat Enhancement and Revegetation Monitoring Program that will restore 9,420 square feet of wetland vegetation (3:1 ratio) on the banks of the lagoon on the ocean-side of the tide gates within the immediate vicinity of the project site. Additionally, while sensitive species have not been identified within the project site, the Tidewater Goby and the Southwestern Pond Turtle do occupy areas nearby and have the potential to be found on the project site in the future. Further, there is a potential for bird species to utilize the site. As such, it is necessary to incorporate mitigation measures to avoid impacts to sensitive species during stream alteration activities. These mitigation measures are discussed in the following sections.

#### Habitat Restoration

The City proposes to specifically determine the layout of the plantings in the field to maximize the continuity of the project. Although the lagoon margins change based on creek outflows, tides and storm surges, no grading of the project site is anticipated, and the natural lagoon configuration will not be altered. However, prior to planting, topography in the coastal dunes

planting area will be minimally graded to create natural-looking dune hummocks of 24 inches in height.

Due to the dynamic nature of the lagoon environment, the plantings specified are varied such that the best adaptive plants will be expected to thrive. The proposed restoration plan includes four zones of planting:

Habitat Zone within Restoration Site	Location	Planting Palette
Coastal dune scrub	Upper slope of lagoon; 10-13.5 ft. in elevation	<u>Container Plants:</u> Purple Sand Verbena ( <i>Abronia umbellata</i> spp. <i>umbellata</i> ); Beach-bur ( <i>Ambrosia chamissonis</i> ); Salt Bush ( <i>Atriplex lentiformis</i> ); Beach Saltbush ( <i>Atriplex leucophylla</i> ); Dune Morning-Glory ( <i>Calystegia soldanella</i> ); Beach Evening-Primrose ( <i>Camissonia cheiranthifolia</i> ); Salt Grass ( <i>Distichlis spicata</i> ); Coastal buckwheat ( <i>Eriogonum parvifolium</i> ); Coast Goldenbush ( <i>Isocoma menziesli</i> var. <i>vernonioides</i> )  <u>Seed Mix:</u> Red Sand Verbena ( <i>Abronia maritime</i> ); Pink Sand Verbena ( <i>Abronia umbellata</i> ); Beach Bur ( <i>Ambrosia chamissonis</i> ); Dune Morning Glory ( <i>Calystegia soldanella</i> ); Beach Evening-Primrose ( <i>Camissonia cheiranthifolia</i> ); California Poppy ( <i>Eschscholzia California</i> var. <i>maritime</i> )
Riparian scrub	Upper mid slope of lagoon; 8-10 ft. in elevation	California Mugwort ( <i>Artemisia douglasiana</i> ); Salt Marsh Baccharis ( <i>Baccharis douglasii</i> ); Salt Grass ( <i>Distichlis spicata</i> ); Coast Goldenbush ( <i>Isocoma menziesii</i> var. <i>vernonioides</i> ); Blue Wild Rye ( <i>Leymus triticoides</i> )
Transitional Wetlands	Lower mid slope of lagoon; 6-8.6 ft. in elevation	Saltbush ( <i>Atriplex californica</i> ); Alkali Weed ( <i>Cressa truxillensis</i> var. <i>truxillensis</i> ); Salt Grass ( <i>Distichlis spicata</i> ); Alkali Heath ( <i>Frankenia salina</i> ); Jaumea ( <i>Jaumea carnosa</i> ); Shoregrass ( <i>Monanthcholoë littoralis</i> ); Pickleweed ( <i>Salicornia virginica</i> ); Woolly Sea-Blite ( <i>Suaeda taxifolia</i> )
Emergent Wetlands	Lower mid slope of lagoon; 5-7 ft. in elevation	Jaumea ( <i>Jaumea carnosa</i> ); Seaside Bulrush ( <i>Bolboschoenus (Scirpus) maritimus</i> ); Sturdy Bulrush ( <i>Bolboschoenus (Scirpus) robustus</i> ); Pickleweed ( <i>Salicornia virginica</i> )

To preserve the integrity of local plant gene pools, to ensure adaptation to site-specific conditions, and to avoid inadvertent introduction of inappropriate species or pathogens, all seed and plant materials (i.e. cuttings) to be used for revegetation will be native and will have originated from the Santa Barbara area. No horticultural varieties are proposed.

The City is proposing to schedule the container plant installation for cooler, moister (if feasible given the ongoing drought) months (November through February) to lessen stress on newly establishing plants. The draft Habitat Restoration Plan proposes to excavate holes two times the diameter of the rootball for each container plant. Further, the container plants will be placed in the holes with the crown about one-inch above grade. A fertilizer-planting tablet will be placed on either side of the plant, and the hole will be backfilled, leaving a two-inch temporary berm around the planting. Wire mesh protective fencing, four feet in height and painted green, will be

installed around the planting area to prevent trampling and other damage, except where the fencing could be subject to tidal action or lagoon flooding. The fencing will be removed when the performance criteria are met.

A sprinkler system will be installed in the lagoon planting area. Sprinkler heads will be “pop-up” type, such that they will be flush to the ground when not in use and ‘pop up’ to twelve inches in height when in use. Irrigation systems will be maintained for two years, unless deemed unnecessary by a qualified biologist or resource specialist. When irrigation is discontinued, container plantings should be able to survive without additional irrigation.

The draft Habitat Restoration Plan proposes the following monitoring and maintenance schedule:

Type of Monitoring	Timing				
	Year 1	Year 2	Year 3	Year 4	Year 5
Walk-through of planting areas to determine maintenance needs	Every 2 weeks following completion of construction	January; February; April; June; November	March; May	March; May	March; May
Photo points	April; September	April; September	April; September	April; September	April; September
Detailed Quantitative Sampling	September	September	September	September	September

For the Coastal Dune Scrub area of the restoration project, container plantings will be installed as described above. In addition to container plantings, the City proposes that seed will be distributed on site in the fall following installation of container plantings. Seed will be hand-broadcast and raked in to a depth of a quarter-inch.

The performance evaluation will be based on meeting specific criteria within a specific timeframe. The purpose of the performance evaluation is to provide an objective measure of restoration success. In general, following planting, the City proposes to meet the following basic survival milestones:

Timing	Performance Goals
1 Month	100% survival of container plantings
90 Days	85% survival of container plantings; no invasive non-native species present;
3 Years	Cover by all native species, including native shrubs, is at least 15%
5 Years	All plantings have survived for 3 years without supplemental irrigation; no single species accounts for more than 50% of the total cover; no high priority or woody non-native invasive species are present and cover of all other non-native invasive species does not exceed five percent; Cover by all native species, including native shrubs, is at least 30%

Additionally, the City proposes to submit a report detailing the installation of the habitat restoration to the Coastal Commission within thirty (30) days of completion of the installation. The report will include a discussion of any problems noted during implementation and measures taken to address such problems, a discussion of the timing of operations, as well as any deviations from the approved Final Habitat Restoration Plan.

For restoration monitoring, the City proposes to submit a report detailing the monitoring that will be conducted, including any maintenance (e.g. weed control or watering) performed, any problems noted during the monitoring and measures taken to address such problems, as well as progress towards meeting the performance criteria. The City proposes to include recommendations within the report for remedial measures that may be necessary to achieve project performance criteria. The City proposes that these annual reports will be cumulative and summarize the results of previous reports.

Due to the fact that the subject lagoon changes in shape and size frequently and the proposed restoration will be carried out in conjunction with the nearby Cabrillo Bridge and Lower Mission Creek restoration projects, many of the details concerning the exact locations and quantities of plantings will not be finalized until closer to the date restoration work begins. Therefore, **Special Condition Six (6)** requires the City to submit a Final Habitat Enhancement and Revegetation Monitoring Program which will provide additional details of the habitat restoration plan.

#### Tidewater Goby

The Tidewater Goby is a member of the Gobiidae family and is the only species in the genus *Eucyclogobius*. It is a small fish that rarely exceeds 50 millimeters in length, and is characterized by large pectoral fins and a ventral sucker-like disk formed by the complete fusion of the pelvic fins. The Tidewater Goby can reproduce year-round; however peak spawning activity takes place in spring and late-summer. (USFWS, Biological Opinion 1-8-08-F-44, August 6, 2009) April and May are generally considered to be the period of the year when most breeding occurs. (USFWS, Biological Opinion 1-8-96-F-11, August 29, 1997). The Tidewater Goby was listed as an endangered species by USFWS on March 7, 1994 and critical habitat was designated by the USFWS on January 31, 2008. Tidewater Gobies are subject to habitat loss and changes in salinity and hydrologic regime caused by culvert impasses, channelization, water diversions, and encroaching development. (USFWS, Biological Opinion 1-8-08-F-44, August 6, 2009).

As previously described, Tidewater Goby is known to occur in the lagoon on the beach adjacent to the south side of the tide gates, but unlikely to be present within the immediate vicinity of the project site. However, there is the potential for Tidewater Gobies to enter the channel through the malfunctioning Tide Gate No. 3. To ensure that the potential disturbance to Tidewater Goby from repairs, maintenance equipment, channel diversion and dewatering, and sediment and vegetation removal is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Conditions Four (4)** and **Five (5)** require a qualified environmental resource specialist to conduct a survey of the project site each day prior to commencement of any repairs or maintenance activity to determine whether any sensitive species are present. In the event that any sensitive species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species by net or by hand to safe

locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. Additionally, pursuant to **Special Conditions Four (4)** and **Five (5)**, the environmental resource specialist shall have the authority to require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive species or sensitive habitat, the applicant shall be required to submit a revised or supplemental restoration program to adequately mitigate such impacts. The revised, or supplemental, program is required to be processed as an amendment to this coastal development permit.

### Southwestern Pond Turtle

The Southwestern Pond Turtle is classified as a Species of Special Concern by the California Department of Fish and Wildlife, and previously classified as a Category 2 species by the USFWS. Habitat requirements for adults include permanent freshwater lakes, ponds, and low-flowing streams, rivers, and irrigation ditches. These water sources must be fairly deep, support adequate growths of aquatic vegetation, as well as a diverse invertebrate fauna, and possess suitable protected basking sites (rocks, ledges, logs, etc.). The Southwestern Pond Turtle typically leaves low-lying water habitats (e.g. streams and channels) for upland habitat areas during the winter months (between approximately September 1 and December 15).

The proposed use of construction equipment within Laguna Channel and the proposed channel diversion and dewatering, repairs to the pump station facility, and sediment and vegetation removal have the potential to adversely affect the Southwestern Pond Turtle. To ensure that the City's proposed repairs and maintenance activities on the project site shall only occur between September 1 and December 15 (when the Southwestern Pond Turtle is typically not found within the project site's vicinity) is adequately implemented, **Special Condition One (1)** requires all project operations, including sediment removal, operation of equipment, and channel clearing of emergent vegetation by the use of machinery or hand tools to occur only between September 1 and December 15 of any given year.

In order to further ensure that the potential disturbance to pond turtles from the proposed repairs and maintenance is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Four (4)** requires a qualified environmental resource specialist to conduct surveys and monitor all construction activities, as discussed above.

### Avian Species

The proposed repair and maintenance activities have the potential to adversely affect bird species at the project site. Removal of the emergent vegetation would alter the habitat present and remove cover that has the potential to be used by common and/or sensitive bird species. However, the value of this habitat for birds is limited due to the narrow, linear plant distribution, lack of adjacent cover, and adjacent noise and visual disturbances from human activities. Removal of the vegetation is not expected to adversely affect bird populations in this area due to the small size of the project area and the presence of abundant cover habitat at the Andre Clark Bird Refuge only 1.3 miles to the east. Additional superior habitat for bird use exists on the

downstream side of the tide gates, upstream in Chase Palm Park, and along the lagoon shore near Mission Creek.

To ensure that project activities are carried out only between September 1 and December 15 to avoid adverse impacts to sensitive bird species during nesting and breeding seasons (approximately March 15 through August 31), **Special Condition One (1)** has been required. **Special Condition One (1)** requires all project operations, including sediment removal, operation of equipment, and channel clearing of emergent vegetation by the use of machinery or hand tools to occur only between September 1 and December 15 of any given year.

To ensure that the potential disturbance from repair and maintenance activities is minimized and to ensure that all recommendations of the environmental consultant are properly implemented, **Special Condition Four (4)** requires that a qualified environmental resource specialist conduct surveys and monitor construction activities, as discussed in detail above.

The Commission finds that repair and maintenance for flood control purposes is necessary within the Laguna Channel. In addition, the Commission finds that alteration of streambeds, as proposed by this project, is consistent with Section 30236 of the Coastal Act when required for flood control projects and when necessary to protect public safety or existing development. However, the Commission further finds that Section 30236 also requires that such projects shall incorporate the best mitigation measures feasible.

To ensure that construction material, debris or other waste associated with the project activities do not have any significant negative impacts on sensitive biological resources within Laguna Channel, **Special Conditions Two (2)** and **Three (3)** require Construction Best Management Practices and the removal of any excavated material from the project site.

The City is requesting authorization for programmatic sediment and vegetation removal for a 5-year period. The City asserts that this program is necessary to prevent a recurrence of the current buildup of sediment and emergent vegetation that compromises the functionality of the pump station facility. The Commission finds that stream habitats are inherently subject to potential changes over time as new species migrate into the area or as potential unidentified impacts may be discovered over time. Therefore, in order to ensure that the City's sediment and vegetation removal program is adequately implemented in a manner that any potential changed circumstances which may be discovered at some future point in time, such as new information regarding sensitive habitat and wildlife resources on site, are considered, **Special Condition Seven (7)** specifically limits the duration of all activities approved by this permit to a period of no more than five (5) years from the date of Commission action, after which time this permit shall expire. Any flood control activities in Laguna Channel after the expiration of this permit will require the issuance of a new coastal development permit.

Further, the proposed project involves work within a stream and thus requires approval from other agencies, including but not limited to the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, U.S. Department of Fish and Wildlife, and the Central Coast Regional Water Quality Control Board. The City received approvals from these agencies and submitted the approvals to the Commission as part of their application file.

### Water Quality

As Laguna Channel receives flows from the Laguna Creek Watershed which runs beneath an urbanized area of the City, water in the Channel often carries with it debris. Debris from the channel walls (created by burrowing ground squirrels) combines with this sediment from the Channel's watershed and often compromises the ability of the tide gates to control flows within the Channel. To address this issue, the City is proposing to repair the existing debris rack to restore its structural integrity, as well as install an additional debris rack to prevent future heavy blockage of the existing debris rack and provide another layer of filtration of outflows from the Channel.

To ensure that construction material, debris or other waste associated with the project activities do not have any significant negative impacts on water quality within Laguna Channel and its connected water courses, **Special Conditions Two (2)** and **Three (3)** require Construction Best Management Practices and the removal of any excavated material from the project site. As provided under **Special Condition Two (2)**, it is the City's responsibility to ensure that no construction materials, debris or other waste is placed or stored where it could be introduced to coastal waters. Further, **Special Condition Two (2)** also requires that all construction debris, sediment and trash shall be properly contained and removed from construction areas on a regular basis. Further, construction equipment shall not be cleaned on the beach. As stockpiling of excavated material and construction debris at the project site could result in transport of sediments into adjacent waterways, **Special Condition Three (3)** is required to reduce the potential for sedimentation. **Special Condition Three (3)** requires the City to provide evidence to the Executive Director of the location of the disposal site for all excess excavated material and debris. Should the disposal site be located in the Coastal Zone, a Coastal Development Permit shall be required. As conditioned, the project will avoid introducing debris and other pollutants, including construction materials into coastal waters, thereby protecting the biological productivity and quality of the waters, as required by section 30231.

In conclusion, the subject repair and maintenance project is necessary to prevent the flooding of existing low-lying residential development and there is no feasible alternative method to the removal of sediment and vegetation that could restore the capacity of the channel and provide flood control for the developed areas upstream of this facility. As conditioned, the proposed stream alteration project will incorporate the best mitigation measures feasible to minimize adverse effects to water quality and biological resources on site. For the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30236, and 30240 of the Coastal Act.

### **D. HAZARDS AND SHORELINE PROCESSES**

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or*



*surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed repairs and maintenance project is to maintain the flood water carrying capacity in Laguna Channel to prevent flooding of adjacent residential areas. As the gradient in Laguna Channel is very low, sediment from the watershed continually accumulates in the Channel and compromises the functionality of the pump station facility. The proposed project is located in an area of the Coastal Zone which is subject to numerous potential hazards from flooding. The low channel elevations, the potential for pumps to become inoperable, high tide, wave surges and adjacent outflows of Mission Creek during storm events all create a potential and recurrent risk of flooding at the proposed project site.

The Commission further notes that although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of the developed areas immediately upland of the project site, there remains some inherent risk to any flood control project. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of storm waves, surges, and flooding, the City shall assume these risks as a condition of approval. Therefore, **Special Condition Eight (8)** requires the applicant to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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 that 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. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts 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.

## **APPENDIX A**

### **Substantive File Documents**

Coastal Development Permit (CDP2015-00015; City of Santa Barbara); Habitat Restoration, Enhancement, Monitoring, and Management Program for the Laguna Pump Station Facility Repair and Maintenance Project (dated August 2015 and prepared by the City of Santa Barbara and Cardno); Technical Memorandum Re: Biological Resources Survey for Laguna Channel (dated August 7, 2015 and prepared by Cardno); Laguna Pump Station Facility Repair and Maintenance Diversion and Dewatering Plan (dated August 31, 2015 and prepared by the City of Santa Barbara's Public Works Department)



**Project Location**

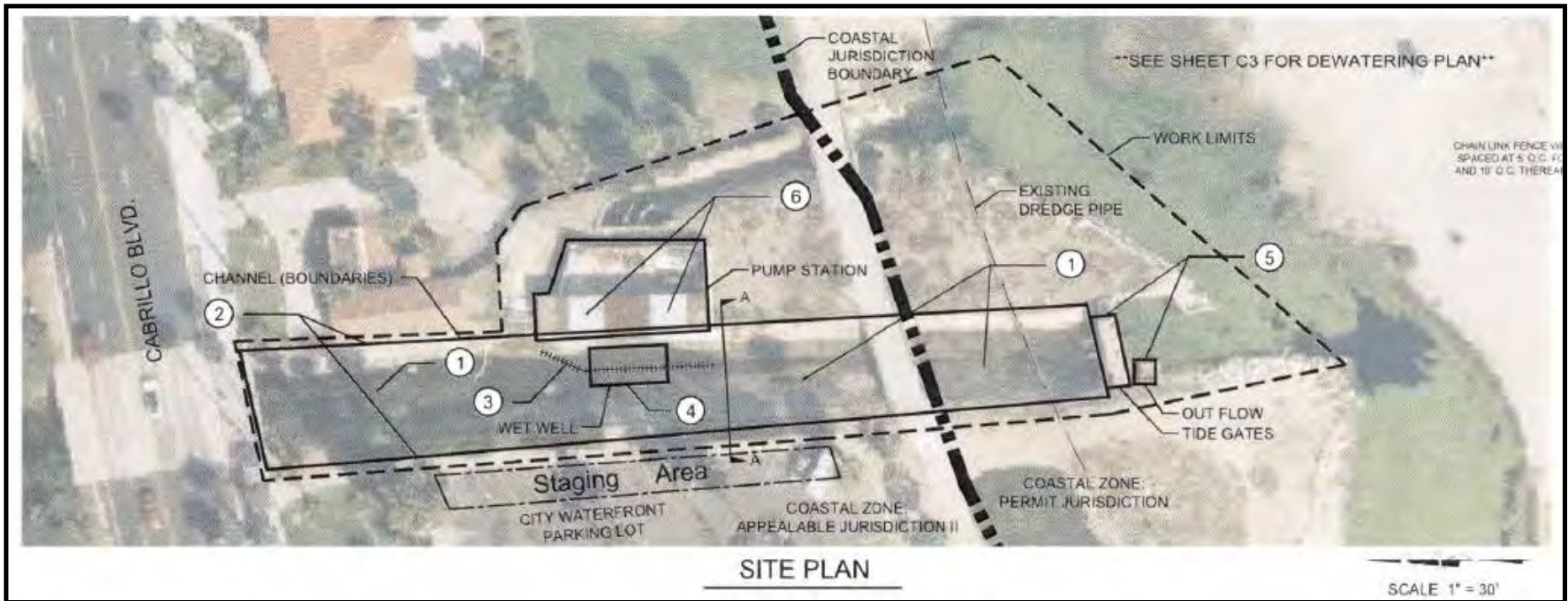
**Exhibit 1  
Vicinity Map  
4-15-1346**



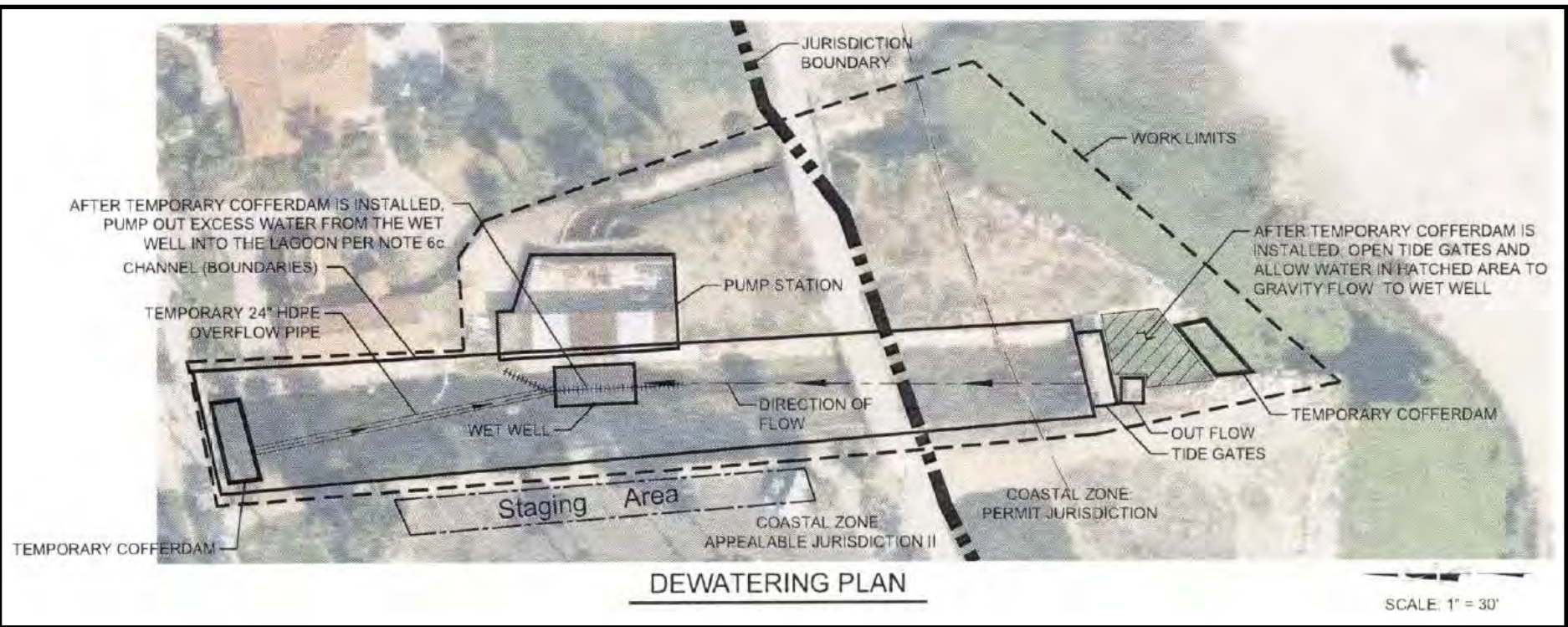
Laguna Pump  
Station Facility &  
Laguna Channel

Mission Creek  
Outflows/Mission  
Lagoon

**Exhibit 2**  
**Aerial Photograph**  
**4-15-1346**



**Exhibit 3  
Site Plan  
4-15-1346**



**Exhibit 4**  
**Dewatering Plan**  
**4-15-1346**



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 13, 2015

AGENDA DATE: August 20, 2015

PROJECT ADDRESS: 236 E. Cabrillo Blvd. (MST2014-00596)

TO: Laguna Pump Station Facility Repair and Maintenance Project  
Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4558  
Beatriz Giularte, Senior Planner *BEG*  
Steve Greer, Project Planner/Environmental Analyst *SG*

### I. PROJECT DESCRIPTION

The Laguna Pump Station Facility (Facility) is located between Cabrillo Boulevard and the tide gate structure on Laguna Channel. The overall project consists of limited repairs and maintenance of the existing Facility and tide gate structure, and a restoration plan. The project is proposed in four phases. Phase 1 includes removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting and cameras for monitoring of conditions. Phase 2 includes the repair of the internal mechanics of Tide Gate No.3, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement outflow cover for the storm drain outlet. Phase 3 includes planting native vegetation to replace what is removed from channel. This will extend the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects scheduled for 2016. Phases 2 and 3 are within Coastal Commission original permit jurisdiction. Phase 4 includes the on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. Coastal Development Permit (CDP2015-00015) to allow the proposed project in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).
- B. Recommendation to the California Coastal Commission for approval of the interior mechanical repairs to Tide Gate #3, replacement of the storm drain outlet outflow cover, and for implementation of the restoration plan. All of these project components are located within the Original Permit Jurisdiction of the Coastal Zone.

APPLICATION DEMAILED COMPLETE: July 13, 2015  
DATE ACTION REQUIRED: September 11, 2015

Exhibit 5  
City of Santa Barbara  
Coastal Development  
Permit  
4-15-1346



### **III. RECOMMENDATION**

Staff recommends that the Planning Commission approve Phases 1 and 4 of the project, and recommends Planning Commission support of Phases 2 and 3 of the project to the Coastal Commission, making the findings outlined in Section IX of this report, subject to the conditions of approval in Exhibit A. If approved, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. The project would be a benefit to the community by providing necessary repairs to keep the Facility operational for flood control purposes. Having the sediment and vegetation removed from the concrete lined channels allows for more water to be held within the channel. Repairing the channel walls will help maintain the structural integrity of the wall when it is full of water. Without the project, the potential flooding of surrounding neighborhoods is much more likely during significant storm events.

### **IV. BACKGROUND**

The Facility is located between Cabrillo Boulevard and the Tide Gate House on Laguna Channel (Figures 1 and 2: Vicinity and Aerial Maps). This City facility is essential in minimizing the impact of flooding in the low lying neighborhoods between Laguna and Milpas Streets. The Facility was constructed in 1939 and expanded in the 1960s.

The primary purpose of the Facility is to regulate/manage drainage flows conveyed through Laguna Channel to the Pacific Ocean in conjunction with the operation of the tide gates. Recent engineering reports have identified the Facility's compromised structural integrity, which is caused by cracked concrete and the settlement of channel wall and building slabs, along with corrosion. This increases the risk of reduced function for the Facility, especially under seismic loadings. Major rehabilitation work is currently on hold until funding is identified.

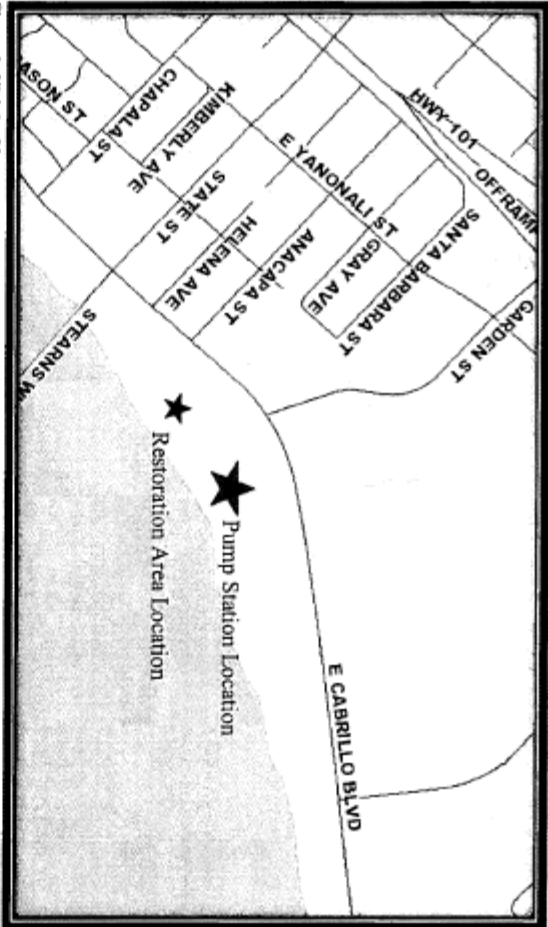


Figure 1: Vicinity Map



Figure 2: Aerial Map

**Exhibit 5**  
**City of Santa Barbara**  
**Coastal Development**  
**Permit**  
**4-15-1346**

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

<b>Applicant:</b>	Brian D' Amour and Jessica Grant, Public Works Department		
<b>Property Owner:</b>	City of Santa Barbara		
<b>Site Information</b>			
<b>Parcel Number:</b>	017-191-004, 033-120-016	<b>Lot Area:</b>	10.05 acres (Approx. 1 acre developed for Pump Station / Tide Gates Facilities)
<b>General Plan:</b>	Parks / Open Space	<b>Zoning:</b>	P-R/SD-3
<b>Local Coastal Plan:</b> Parks / Open Space			
<b>Existing Use:</b>	Flood Control Pump Station and Tide Gates (Chase Palm Park)	<b>Topography:</b>	Mostly level, exception Drainage Channel
<b>Adjacent Land Uses</b>			
North – Cabrillo Boulevard		East – Waterfront Parking Lot	
South – Recreational Beach			
West – Park Facilities			

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

A. ZONING ORDINANCE CONSISTENCY

With the approval of the Coastal Development Permit (CDP) described below, the project would comply with the requirements of the Zoning Ordinance, Chapter 28.44 Coastal Overlay Zone – SD-3 Zone Designation.

B. LOCAL COASTAL PLAN CONSISTENCY

The Local Coastal Plan Land Use Designation for this parcel is Parks and Open Space. A Coastal Development Permit is required for the project, which must be found consistent with both the City's Local Coastal Plan and the California Coastal Act. The project is located in Component 5 of the Local Coastal Plan (LCP), which is located between Santa Barbara Street and Punta Gorda Street.

The major coastal issues identified for Component 5 include potential seismic hazards related to liquefaction; recreational opportunities in the waterfront; visitor-serving commercial possibilities; ocean-oriented industry related to the harbor area; and adequate public services related to circulation, transit, and parking facilities. The project would not significantly reduce convenience of access to or along the coast during or after construction because the proposed site work would not limit public access to the existing beach way path of travel. Similarly, the availability of recreational or visitor-serving uses would not be affected by the project. LCP policies most applicable to this project are discussed below and attached as Exhibit F.

**Exhibit 5**  
**City of Santa Barbara**  
**Coastal Development**  
**Permit**  
**4-15-1346**

### **1. BIOLOGICAL RESOURCES**

LCP Policies 6.8, 6.9 and 6.10 serve to protect biological productivity and water quality of the City's riparian resources. A biological resources survey was conducted by CardioEntrix in January 2015 to document species and habitats present that may be affected. The report included recommendations for standard minimization measures. The study concluded that impacts to biological resources within and/or adjacent to the project site (Laguna Channel Pump Station) would be less than significant, with the implementation of standard Best Management Practices (BMPs) and the recommended minimization measures, included in the project description and on Sheet 4 of the project plans. The results of the survey and description of protective measures are summarized in Section VII - Environmental Review. These measures will further reduce potential impacts to the identified resources, consistent with policies of the LCP.)

### **2. VISUAL RESOURCES**

LCP Policy 9.1 protects views to, from, and along the ocean and scenic coastal areas. The project would not alter any views available from public viewpoints because the improvements would not be readily visible from a public viewpoint. Proposed improvements would be within the Laguna Channel Pump Station Facility. The additional debris rack would be located at the bottom of the concrete channel, directly in front of the existing pump station intake debris rack, with a maximum height of four feet. Therefore, the installation of the additional rack would not significantly alter public views of the existing facilities or surrounding area.

### **3. COASTAL HAZARDS**

The LCP Hazards section identifies Tsunami, Erosion and Flooding as the areas of concern within Coastal Zone Component 5, applicable to the project site. The project would be developed consistent with existing plans and policies related to Coastal Hazards as identified in the LCP. Coastal hazards are discussed in more detail under Section VII - Environmental Review.

## **C. CALIFORNIA COASTAL ACT**

The Coastal Act defines land within the Coastal Zone as part of a valuable natural resource of vital and enduring interest to all the people. The Coastal Act prescribes policies for protecting the Coast through environmental protection and land-use restrictions. The project as described would be consistent with the applicable policies of the California Coastal Act.

### **1. ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

The California Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected (Public Resources Code [PRC] §30240). The project site is within and adjacent to the Laguna Channel. While this portion of the Laguna Channel has not been identified as ESHA, implementation of standard BMPs and minimization measures included as part of the project description and plan would further assure that the project would have no direct or indirect impacts to potential sensitive biological resources. Therefore, the proposed project would be consistent with this policy.

**2. FLOODING**

California Coastal Act (PRC §30236) states that substantial alterations to rivers or streams are only allowed for flood control or water supply projects necessary to protect public safety and existing development. It further states that alterations must incorporate the best mitigation measures feasible. The proposed project would not significantly alter the configuration of Laguna Channel. The proposed removal of sedimentation and vegetation from the channel bottom, the placement of an additional debris rack, and related pump station / tide gate repairs, are for flood control purposes. The project would incorporate BMP's and minimization measures to protect the environment. Therefore, the project would be consistent with this policy.

**3. COASTAL VISUAL RESOURCES**

California Coastal Act states that coastal scenic visual resources shall be protected (PRC §30251). The proposed project would not obstruct scenic views afforded to the waterfront or surrounding area. Therefore, the project would be consistent with this policy.

**VII. ENVIRONMENTAL REVIEW**

The proposed project is subject to California Environmental Quality Act (CEQA) review. Based on City staff analysis, no further environmental document is required for this project pursuant to the CEQA Guidelines Section 15301 (b), Existing Facilities.

Review of the Santa Barbara Master Environmental Assessment (MEA) and other resource maps identified the following categories for specific evaluation.

**1. CULTURAL RESOURCES**

The project site is identified in the City's MEA as outside the boundaries of an archaeological area of concern. The site, at its westerly boundary, is adjacent to the boundaries of the American Period and the Early 20<sup>th</sup> Century Period. The project proposes no ground disturbance beyond depth or area of previous disturbance. An archaeological survey report (ASR) was recently completed for the Charles Meyer Desalination Plant Reactivation project. The project area evaluated included the parcel adjacent to the east of current project location. The survey concluded that due to the extensive ground disturbance that has previously occurred on the site (i.e. grading, excavation, construction, underground piping and imported fill) there was very low potential to impact cultural resources (Dudek, December 2014). Therefore, based on the above information, the project would have a less than significant impact on potential cultural resources.

**2. BIOLOGICAL RESOURCES**

The City's MEA identified the project area as including several biological resources. A field reconnaissance survey was conducted in January 2015 by CardoEnrinx. The purpose of the survey was to identify plant species and communities present, verify that the tidewater goby or other special-status species are not present, document aquatic species present, and map vegetation in the channel to update a map completed in 2012. The area surveyed is located from Cabrillo Boulevard to the tide gates. The survey

states that Dr. Rosemary Thompson and Ms. Megan Olesen conducted visual checks where water clarity allowed observation of the entire water and captured fish and other aquatic species by dip net wherever open water was present. Many dip net sweeps were made in the open water areas. The extent (length and width) of emergent vegetation was recorded using a tape measure. The length of the channel was walked by Ms. Tamara King to identify plant species and communities present.

The report concluded that although dense emergent vegetation in portions of the channel limited the use of dip nets, no fish were observed in the shallow water between the plants. The most likely species to be present within the vegetation are red swamp crayfish and other small aquatic invertebrates. Pond turtles are known to be present further upstream and downstream in this drainage and have a low potential to occur in the project area. The proposed maintenance activities would not adversely affect aquatic species because no native fish, amphibians, or reptiles were found or expected to occur in the channel.

The report indicates that bird use of the area would be disrupted temporarily during the work but could continue after that. Removal of the emergent vegetation with the sediment in the concrete lined areas would alter the habitat present and remove cover that may be used by some common birds. A small front load bobcat tractor would be used to remove sedimentation and vegetation within channel on concrete bottom. A crane would used to move material from channel. All other activity within channel would occur by hand with mechanized equipment. The value of this habitat for birds is limited due to the narrow, linear plant distribution, lack of adjacent cover, and adjacent disturbances (noise and visual) from human activities. Removal of this sediment and vegetation would not adversely affect their populations in the area due to the small size of the project area and presence of abundant cover habitat nearby. Much greater extent and quality of emergent vegetation habitat and well as open water is present at the Andre Clark Bird Refuge 1.3 to 1.7 miles to the east. Other similar habitat is also present on the downstream side of the tide gates, upstream in Chase Palm Park, and along the lagoon shore near Mission Creek.

The report states that the wetland vegetation that has colonized the accumulated sediment is present due to lack of regular maintenance in the channel. The channel bottom is concrete lined from about 40 feet south of Cabrillo Boulevard to the tide gates, so no natural stream bed is present. Trimming of vegetation over the natural bottom would result in a temporary loss of habitat over the winter until the plants grew up again in the spring from the root stocks left in the sediment. Removal of vegetation in the concrete channel and continued maintenance to keep the channel clear would result in a permanent loss of a small area of marginal quality habitat.

The California Department of Fish and Wildlife (CDFW) has been consulted regarding the project and has reviewed the above referenced biological survey. The recommendations from the biological survey have been incorporated into the project description by the City Public Works Department and included as conditions of approval. This includes a restoration plan to offset the loss of vegetation in the bottom

of the channel. The restoration would encompass approximately 9,420 sq. ft. of area (3:1 ratio of removed vegetation). This would occur as an extension of the previously approved restoration plans associated with the Cabrillo Bridge Replacement Project over Mission Creek (MST2004-00878) and Lower Mission Creek Flood Control Project (MST2008-003660). All restoration plans are scheduled for implementation in 2016. The restoration would occur approximately 400 feet from the Facility. The implementation of standard BMPs and minimization measures, including the restoration plan, as part of the project description and plan, would further assure that the project would have a less than significant impact to biological resources.

**3. STORM WATER RUN-OFF**

The project proposes repairs and improvements to the existing Laguna pump station / tide gate facilities. The facilities are a critical component of the City's flood control operations. A primary objective of the project is to reduce potential flooding impacts generated by storm water run-off during significant storm events. Therefore, the project would have a beneficial effect in conveyance of storm water run-off.

**4. POTENTIAL FLOOD IMPACTS**

The pump station/tide gate facilities are identified in the City's MEA Flood Zone Maps and corresponding FEMA Flood Insurance Rate Maps as within a 100 year floodway. A No-Rise Certificate, as required by both City and Federal regulations, has been issued by the City Engineer for proposed work within the channel (designated floodway). As described above in Section VI.C.2 of this report, the proposed maintenance and repair project would not significantly alter the configuration of Laguna Channel. The proposed removal of sedimentation and vegetation from the channel bottom, the placement of an additional debris rack, and related pump station / tide gate repairs, are for flood control purposes. The project would incorporate BMP's and would reduce potential impacts generated by flood events occurring within the upland Laguna Creek watershed and/or urban areas of the City which convey storm water into the Laguna Creek Drainage Channel. Therefore, the project would have a beneficial impact in relation to potential flood impacts.

**5. POTENTIAL TSUNAMI IMPACTS**

The pump station/tide gate facilities are identified in the City's MEA as within the tsunami "run-up" area. Available data indicates that the probability of a significant tsunami event in the Santa Barbara coastal area is low. In 2009, the California Emergency Management Agency (CalEMA) and the California Geological Survey completed inundation maps for all the at-risk portions of the California coastline. These maps show the maximum inundation predicted from an event, either historical or based on a scenario, from many different sources. Assumptions included credible source scenarios for both distant and local events, at mean high tide, to produce a worst case maximum inundation line. Run-ups go to about 10 feet in elevation onshore for the scenario distance event, and up to 20+ feet from a potential local off-shore earthquake/landslide source. Based on these projections and review of local mapping, a tsunami generated from a distant event (significant earthquake) could impact the entire

City's Waterfront, including the Laguna Pump Station Facility. Repair and maintenance of this facility is necessary to limit the severity of potential impact. Having the sediment and vegetation removed from the concrete lined channels allows for more water to be held within the channel. Repairing the channel walls will help maintain the structural integrity of the wall when it is full of water.

#### **6. SEA LEVEL RISE POTENTIAL IMPACTS**

Sea level rise (SLR) has been a growing concern at both a global and local level. The most recent available data indicates that during the estimated 30 - 35 year life expectancy of the proposed project, a rise in sea level would range from a minimum of 5 inches to a maximum of 24 inches (National Resource Council 2012 & Ocean Protection Council 2013, Sea Level Rise Projections for Year 2050). Based on these projections and review of local SLR mapping, there would likely be an increase in occurrences of storm events, and potential sea level rise affecting the channel and tide gate structure over the next 35 years. The proposed maintenance and repair project extends the life of the facility and allows the facility to maintain its function. Major rehabilitation work is currently on hold until funding is identified.

#### **VIII. DESIGN REVIEW**

The project was scheduled to be reviewed by the Historic Landmarks Commission on August 12, 2015. The summary will be provided at the Planning Commission hearing. The two components of the project requiring HLC review and comment are the proposed restoration plan and the placement of the additional debris rack. The placement of the additional debris rack will occur within the channel. The restoration will occur in the 00 block of Cabrillo Boulevard as an expansion, in an easterly direction, of the previously approved restoration plans associated with the Cabrillo Bridge Replacement Project over Mission Creek (MST2004-00878) and Lower Mission Creek Flood Control Project (MST2008-00360). The restoration would occur approximately 400 feet west from the Facility. The project will be scheduled for final review and approval by the HLC in September of this year.

#### **IX. FINDINGS**

The Planning Commission finds the following:

##### **A. ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15301 (b), Existing Facilities, based on the City staff analysis.

##### **B. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because it protects existing biological resources, does not alter the existing drainage channel, and does not impact visual resources, as described in Section VI.B of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as described in Section VI.C of the Staff Report. This includes, but is not limited to, consistency with LCP Policies 6.8, 6.9 and 6.10 which serve to protect biological



Attachment 3: Local Approval

Planning Commission Staff Report  
236 E. Cabrillo Blvd. (MST2014-00596)  
August 20, 2015  
Page 10

productivity and water quality of the City's riparian resources and LCP Policy 9.1, which protects views to, from, and along the ocean and scenic coastal areas.

Exhibits:

- A. Conditions of Approval
- B. Project Plans dated July 10, 2015
- C. Applicant's letter dated July 2015
- D. Biological Resources Survey for Laguna Channel dated August 7, 2015
- E. Applicable Local Coastal Plan Policies

**Exhibit 5**  
**City of Santa Barbara**  
**Coastal Development**  
**Permit**  
**4-15-1346**

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

236 E. CARRILLO BLVD  
LAGUNA PUMP STATION  
COASTAL DEVELOPMENT PERMIT  
AUGUST 20, 2015

In consideration of the project approval granted by the Planning Commission, the following terms and conditions are imposed on the use, possession, and enjoyment of the project site:

- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
  1. Obtain all required design review approvals.
  
- B. **Written Agreement.** The Applicant shall submit a letter to the Planning Division indicating the following:
  1. **Approved Development.** The development approved by the Planning Commission on August 20, 2015 is limited to repairs and maintenance of the existing Laguna Pump Station Facility (Facility) and tide gate structure, including, removal of sedimentation and vegetation in the channel, repairs to channel wall, installation of an additional debris rack, repairs to the existing wet well inlet screen, improved lighting and cameras for monitoring of conditions (Phase 1); the repair of the internal mechanics of Tide Gate No.3, sedimentation removal between the Cabrillo Beachway and tide gates, and replacement outflow cover for the storm drain outlet (Phase 2); the planting of native vegetation at a 3:1 ratio to replace what is removed from channel extending the area of restoration for the Cabrillo Bridge Replacement and Lower Mission Creek Flood Control Lagoon Restoration projects (Phase 3), the on-going maintenance of the channel, which entails the removal of excess sedimentation prior to anticipated major storm events (Phase 4), and the related improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
  2. **Use Limitations.** Due to the proximity to biological resources, uses other than those related to pump plant and/or flood control operations and maintenance are not permitted at this location without further environmental review and/or Planning Commission review and approval.
  3. **Drainage System Maintenance.** The owner/applicant shall implement and maintain the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures result in increased erosion, the Public Works Department shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Public Works Department is responsible for the adequacy of any project-related drainage facilities and for the continued

**EXHIBIT A**

maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

4. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee of the Laguna Pump Station facility by the Applicant/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/unloading areas in order to keep debris from entering the storm water collection system.

- C. **Avoidance and Minimization Measures - CardioEnrtix Biological Resource Study.** The following minimization measures, recommended in the Biological Resource Study (BSR) prepared for the proposed project (CardioEnrtix, August 7, 2015), and included as part of the project description, shall be required:

1. **Environmental Training.** A qualified biologist will provide environmental training for all workers. This includes a description of special-status species that could be present and what to do if any are observed (BIO-1).
2. **Southwestern Pond Turtle Protection.** A qualified biologist will check the channel immediately prior to sediment removal to verify that no southwestern pond turtles are present (BIO-2).
3. **Channel Sedimentation Removal Requirements.** Water shall be pumped out of the channel using the existing pumps to discharge to the lagoon prior to sediment removal to minimize turbidity. If continued pumping is required during sediment removal, it shall be discharged to a settling basin/tank. After the sediment is removed, any visible turbidity shall be allowed to settle prior to pumping out the remaining water to the lagoon, or pump it to a settling basin. Turbidity shall be monitored at the discharge point when water is first pumped out after channel clearings (BIO-3).
4. **Channel Wall Construction Requirements.** During repair of the channel walls, if wet concrete comes in contact with surface water, the pH of that water will be tested. If the pH is greater than 8.5, the water will be pumped into a vacuum truck and disposed off site (BIO-4).
5. **Tide Gate Repair Requirements.** For repair of Tide Gate #3, qualified biologists will sweep the area adjacent (ocean side) to the gates with a seine (if feasible due to boulders and other obstructions on the bottom) to herd as many tidewater gobies as possible out of the work area. The seine (or a longer one) will then be used as a block net to prevent fish from reentering the work area. After the cofferdam is installed, water between it and the gates will be pumped down to no more than one foot deep using a screened pump (mesh 1/8-inch or less) to allow biologists to capture and relocate any tidewater gobies and other native fish present prior to opening the tide gate. Once the gate is repaired and storm drain outlet cover

- replaced, water will be allowed to rise within the cofferdam to the same level as in the lagoon prior to removal of the cofferdam (BIO-5).
6. **Non-Native Herb of Grace Removal Requirements.** The non-native herb of grace will be completely removed from the site (including roots), bagged, and disposed in a landfill to prevent spread to other areas (BIO-6).
  7. **Emergent Vegetation Management Requirements.** Emergent vegetation on natural bottom sediments adjacent to Cabrillo Boulevard should be trimmed to the top of the water surface level in the fall prior to runoff events (BIO-7).
  8. **Ongoing Channel Maintenance Requirements.** Sediment removal from the concrete lined channel as part of ongoing channel maintenance should occur in the fall prior to runoff events and at the end of the rainy season (as needed, depending on amount of deposition) to minimize sediment available for colonization by vegetation (BIO-8).
- D. **Design Review.** The project, is subject to the review and approval of the Historic Landmarks Commission (HLC).
  - E. **Requirements Prior to Permit Issuance.** The Applicant shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
    1. **Community Development Department.**
      - a. **Written Agreement.** Provide the written instrument that includes all of the conditions identified in Condition B "Written Agreement" to the Community Development Department prior to commencement of work.
      - b. **Contract with Biologist.** Submit a contract with a City approved qualified biologist for monitoring and reporting during all ground-disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching, vegetation or paving removal, and ground clearance in the areas identified in the Biological Resources Survey Report prepared for this site by CardnoEnrinx, dated August 7, 2015. The contract shall be subject to the review and approval of the Environmental Analyst.
      - c. **Biologist Scope of Work.** The scope of the biologist's monitoring and reporting contract shall include both the provisions identified in "Conclusions and Recommendations" from the Biological Resources Survey Report referenced above, and the provisions identified in "Avoidance and Minimization Measures" included in CDFW SAA, Notification No. 1600-2014-0246-R5.
      - d. **No-Rise Certificate.** The Applicant shall provide a Base Flood Elevation and show compliance with applicable flood proofing as required by SBMC §22.24.160. This information shall be included in project plan set.

- e. **Contractor and Subcontractor Notification.** The Applicant shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- f. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Restoration Plan submitted to CDFW for review and approval). A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.
- g. Signed:

Applicant	Date
Contractor	Date
Architect	Date
Engineer	Date

	License No.
	License No.
	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant and/or Contractor for the duration of the project construction, including demolition and grading.
  - 1. All applicable measures included in both C. Avoidance and Minimization Measures - CardioFennix Biological Resource Study and "Avoidance and Minimization Measures" included in CDFW SAA, Notification No. 1600-2014-0246-R5, shall be implemented prior and/or during construction as described.
  - 2. **Best Management Practices (BMPs).** The Contractor shall install appropriate BMPs to control sediment, coarse particles, concrete, and other materials exposed during demolition and drilling to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures should be implemented to prevent runoff of these materials into Laguna Channel. Silt fencing, straw bales, and/or sand bags should be used in conjunction with other methods to prevent turbid waters from entering stream channels. These practices shall include all applicable measures as

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During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could enter Laguna Channel or the Pacific Ocean.

These practices shall include applicable measures in both C. Avoidance and Minimization Measures – CardioEntrix Biological Resource Study as listed above and “Avoidance and Minimization Measures” included in CDFW SAA, Notification No. 1600-2014-0246-R5.

3. **Pre-Construction Conference. (BIO-1)** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements (see condition No. E.4 below), shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering, Community Development Department Building and Planning Divisions, the Creeks Division, the approved Biologist, Contractor and each Subcontractor.

4. **Workers Educational Training. (BIO-1)** Prior to the initiation of any site disturbance and/or construction activities, all personnel associated with the project shall attend a worker education training program (program) conducted by a qualified biologist. In general, it is recommended that the program discuss tidewater goby and Pacific pond turtle habitat preference(s), occupied habitat in the area, life histories, law and regulations, as well as potential construction impacts and protection measures, and project limits. Protections and regulations for the Laguna Channel, the riparian habitat, and nesting birds shall also be included in the program. It is recommended that a species and habitat fact sheet also be developed prior to the training program and distributed at the training program to all contractors, employers and other personnel involved with the construction of the Projects. Specifically, the program should also include:

- a. Measures to prevent indirect impacts during construction activities should be covered, including delivery, storage, and usage of construction materials and chemicals as they relate to the protection of adjacent aquatic habitat.
- b. Training materials should include laws and regulations that protect sensitive biological resources, the consequences of non-compliance with those laws and regulations and a contact person (i.e. construction manager, biological monitor, and City’s Project manager) in the event that protected biological resources are affected.

The City shall notify the approved biologist in advance of the kick-off meeting and any subsequent meetings that may take place if additional contractors are employed during additional construction projects of the project. A sign in sheet will be circulated for signatures to all personal that attend the workers educational training to confirm that program materials were received and that they understand information presented.

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

- pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
  - j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
  - l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
  - m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
  - o. The engine size of construction equipment shall be the minimum practical size.
  - p. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
8. **Asbestos & Lead-Containing Materials.** Pursuant to Air Pollution Control District (APCD) Rule 1001, the applicant is required to complete and submit an Asbestos Demolition / Renovation Notification form for each regulated structure to be demolished or renovated. The completed notification shall be provided to the Santa Barbara County APCD with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. Any abatement or removal of asbestos and lead-containing materials must be performed in accordance with applicable federal, State, and local regulations. Disposal of material containing asbestos and/or lead shall be in sent to appropriate landfills that are certified to accept this material.
9. **Biological Resources Minimization Monitoring Compliance Reports.** The City-approved biologist shall submit monthly reports on all repairs, maintenance or other construction activity regarding required minimization measures compliance



to the Community Development Department. A final report shall be submitted to the Community Development Department at time all improvements and applicable minimization measures are completed and deemed by the biologist acceptable.

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

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

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

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

G. **General Conditions**

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U/g.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations. This also includes, but is not limited to, any permit or agreement required by CDFW, ACOF and CRWQCB.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

**Exhibit 5  
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**Exhibit 6**  
**Photograph of Sediment and**  
**Vegetation within Channel**  
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