



**Revised Proposed Final Mitigated Negative Declaration
13NGD-00000-00012**

**Beach Club Drive Family Trust ~~Lot Split, New Residence and~~
Gabion Wall and Grading**

**Case Nos. ~~12TPM-00000-00006, 11CDH-00000-00006~~
~~11CDH-00000-00054~~**

February 25, 2015



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1.0 REQUEST/PROJECT DESCRIPTION

1) ~~12TPM-00000-00006 (Tentative Parcel Map 14,791)~~

~~Request of Mark Wryan, architect, for a Tentative Parcel Map (TPM 14,791) to subdivide the existing 10.25-acre parcel into two resultant parcels of 3.042 acres (proposed Parcel A) and 7.213 acres (proposed Parcel B) in size.~~

~~A development exclusion area located primarily on proposed Parcel B would be placed to avoid impacts to cultural resources. Building envelopes on proposed Parcels A and B would contain all future structural development.~~

~~Within the development exclusion area, no structural development or ground disturbance of any kind would occur with the exception of the following:~~

- ~~• Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources in accordance with the conditions included with the Parcel Map.~~
- ~~• Shallow rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.~~
- ~~• A protective fence would be installed along the bluff top, with fenceposts placed entirely in the fill soil above the geogrid fabric layer.~~
- ~~• The applicant could retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces. All other roadways must be located outside of the exclusion area.~~

~~Building envelopes on proposed Parcels A and B would contain all future structural development such as residential and accessory structures. These envelopes are outside of the riparian corridor and associated buffer (which is 100 ft from the 2006 canopy of the riparian corridor), ordinance defined property line setbacks, and the slope stability and bluff retreat setbacks calculated for the proposed project.~~

~~Development that could occur outside of the building envelopes would include non-structural development such as patios, hardscape, driveways and septic systems, provided that such items are located outside of the development exclusion area.~~

~~Development within the riparian corridor and buffer would be limited to habitat restoration planting as approved in the Habitat Restoration Plan, and maintenance of project elements approved with 11CDH-00000-00006 such as the gabion wall and drainage features.~~

~~The property would continue to be served by the Montecito Water District for domestic water, a private well near the Padaro Lane entrance for irrigation of landscaping and restoration plantings, private septic systems (or, if available, connection to public sewer lines at Padaro Lane), and the Carpinteria-Summerland Fire Protection District. Access to proposed Parcel B would be taken from an existing driveway at the northeast corner of proposed Parcel B. Parcel A would also have frontage on Padaro Lane to allow access and utility connections to be taken directly from Padaro Lane. A drainage acceptance agreement is also proposed on Parcel B for the benefit of Parcel A.~~

2) 11CDH-00000-00006 (to occur on Proposed Parcel B of 12TPM-00000-00006)

Request of Mark Wryan, architect, for a Coastal Development Permit with hearing to allow (1) as-built grading, (2) modifications to the biological resources restoration plan titled "Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California" dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014, (3-6) demolition and removal of existing structures, (7) (3) removal of an existing retaining wall; (4) removal of an existing play structure; (5) abandonment of an existing well; (8) (6) grading for

sensitive resource capping, ~~(9)~~ (7) installation of a split-rail safety fence; ~~and (10)~~ (8) removal of the gate portion of a legal nonconforming gate, while leaving the support pillars in place; (9) establishment of a building envelope; and (10) establishment of a development exclusion area to protect sensitive resources.

(1) Permit grading that was performed without benefit of permit. The requested permit would allow total grading of approximately 341 cubic yards of cut and 3,390 cubic yards of fill, consisting of 66 cubic yards of cut to widen the existing driveway, 275 cubic yards of cut to improve onsite access and 3,390 cubic yards of fill to be placed in the area of the play structure to be removed, ~~previously permitted watchman's trailer~~. In addition, construction of the gabion wall required 8 cy of cut and fill. This grading was conducted without permits and was not a part of the approved or proposed habitat restoration activities.

(2) Requested changes to the originally approved restoration plan. The request includes changes to the *Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California* dated April 9, 2009 (Plan) that was previously approved under Case no. 08CDH-00000-00014. The intent of the originally approved Plan was to restore Toro Canyon Creek and the creek buffer area within the subject parcel by restoring canopy coverage and native understory consistent with direction given by the California Coastal Commission. Changes to the approved Plan are requested in order to more effectively accommodate on-the-ground conditions that were encountered during Plan implementation. Specific components of the revised Plan are detailed in the proposed Plan Addendum by Hunt & Associates (on file with P&D and available for review) and would consist of the following:

A. Gabion wall. The originally approved Plan required removal of non-native vegetation and planting of native vegetation within the riparian corridor. The proposed changes would modify the plan to legalize construction of a gabion retaining wall along a slope that separates the stream terrace from the site's "upper landform". This slope was originally sparsely vegetated with non-native, invasive species and would not otherwise be stable enough to accept plantings because it was formed of loose non-compacted material, construction debris and trash introduced to the site prior to current ownership. The nearly vertical slope would be stabilized with an approximately 80 ft long, 13 foot high series of stepped, rock-filled cage gabions that would form a retaining wall between the stream terrace level and the upper landform. Soil would be added to the rock-filled cage gabions to further anchor and stabilize the wall and support plantings. The purpose of the wall is to allow implementation of the restoration plan, prevent the steep, unstable slope from eroding into the terrace and lagoon area, and to protect sensitive resources located at the top of, and immediately behind, the slope. The gabion design would allow the restoration plantings to root into the retaining wall and result in a more natural solution as compared to a standard concrete retaining wall. A new split-rail safety fence would be installed along the top row of the gabion wall (fence posts would be installed completely in fill soil). Completion of the gabion wall to meet existing grade would require an additional approximately 8 cubic yards of balanced cut and fill. After completion of the wall, it would be wrapped with and covered in an approximately 8 inch thick cap of soil, and native vegetation would be planted as part of the habitat restoration.

B. Retention of drainage / bioswale and access path to stream terrace. The approved Plan called for abandonment, stabilization and re-vegetation (with native plants) of the lower (southern) road to the stream terrace, to achieve a bioswale function. The proposed project would revise the Plan to narrow the road to a walking path to retain private pedestrian access for the purpose of ongoing habitat maintenance of the lower stream terrace while disallowing vehicular access. Drainage would be directed to an existing rock-lined drainage swale along the south side of the access path that would be overlaid with fill soil and planted with appropriate riparian plants. Boulders would be placed along the creek opposite the bioswale as energy dissipators. In addition, boulders would continue from the western terminus of the drainage swale and line the creekbank for approximately 25 ft. Removal of existing non-native plants and re-

vegetation with native plants would continue to occur per the Plan in order to narrow the access path and control erosion.

C. *Boulders for slope stabilization.* The approved Plan permitted the use of mechanical erosion control measures (e.g., boulder rip-rap) which are to be implemented in consultation with a consulting engineer during non-native plant control and revegetation (p. 28, Section 6.4.3 of the approved Plan). In accordance with this approval, the proposed project would include placement of 6-inch to 24-inch diameter rocks for slope stabilization, with grading for placement of boulders and tree wells along the western slope of the stream terrace as shown on sheet 3 of the engineering plan set for 11CDH-00000-00006. This work would occur along the streambank and within the 100 ft riparian setback area.

D. *Stream terrace plantings.* The approved Plan called for planting up to four species of native grasses on the northern and southern stream terraces. Currently, three species already occur there. The proposed project would revise the Plan to remove some of the existing additional plantings of *Carex pragracilis* and intersperse the existing plantings with the three other species that occur in the area to give the restoration more species diversity. All grasses would be allowed to grow and remain in their natural forms (i.e. unmowed).

E. *Seeding methods.* Tables 5 and 6 of the approved Plan call for hydroseeding of the terraces and coastal bluff with appropriate seed mixes. The proposed project would allow seed mixes to be hand-applied and raked into the soil, which would result in less damage to in-place container plants and avoid the necessity of spraying water on areas prone to erosion. Section 6.4.2 of the approved Plan (see Table 7) also calls for hydroseeding of specific species at the mouth of Toro Canyon Creek. Because two of these species are already present at this location, the proposed project would instead remove non-native vegetation in this dune habitat area, allowing the existing natives to proliferate; and additional appropriate native species would be installed as container plants. These changes would be implemented as illustrated in the proposed Plan Addendum.

F. *Planting area, planting density and species richness.* The proposed project would permit deviations from the approved Plan which are intended to result in a more diverse assemblage and larger area of food plant species to be planted with the intent of supporting larval and adult monarch butterflies in onsite coastal bluff scrub and riparian scrub. Proposed changes are as follows:

- 8% decrease in coast live oak-sycamore riparian woodland area,
- 129% increase in southern coastal bluff scrub area,
- 567 % increase in freshwater marsh area,
- 33% increase in southern foredune (coastal strand) area,
- 61 additional native species and 4,555 additional plants planted in habitat restoration area, and
- Increase in size of restoration area from 3.18 acres to 3.42 acres.

G. *Convert existing lawn* to the east of the existing power pole by covering it with geofabric and fill soil, and re-planting with native species. Plantings would be placed in fill soils. 12-inch tall tree wells would be constructed above the geofabric around existing trees at the edge of the lawn area to protect from erosion.

All other aspects of the Plan would be implemented as originally approved. Equipment used for construction of the gabion wall would consist of a small excavator, shovels and cage gabions. Cages would be filled with rock currently stored on-site outside of the ESH. All mechanized work would be conducted from the existing access road at the top of the east-facing slope; workers at the bottom of the slope would rake fugitive soil back into the project area. Irrigation for the restoration areas and landscaping would be provided by the remaining onsite well located at the northeast corner of the property near the existing entry gate.

- ~~(3) Demolition of an approximately 1,350 square foot single family dwelling and removal of the attached 1,079 square foot deck (deck supports to be cut off at grade and slab foundation to remain in place).~~
- ~~(4) Demolition and removal of the existing 1,118 square foot detached residential second unit (DRSU) and accessory structure (slab foundation to remain in place).~~
- ~~(5)~~ **(3) Remove existing 2-4' retaining wall** located within the 100 ft riparian corridor setback, and re-plant northern path to stream terrace maintaining only a pedestrian path for purposes of habitat restoration and maintenance.
- ~~(6)~~ **(4) Removal of an existing play structure** from within the 100 ft setback from edge of canopy/riparian.
- ~~(7)~~ **(5) Removal Abandonment of an existing water well** and associated vault located in the creek terrace level and within the 100 ft riparian corridor setback in the eastern portion of the property.
- ~~(8)~~ **(6) Resource capping.** Placement of sterile fill over the area designated in Lebow 2012 (p. 54, Figure 4-2) as a significant archaeological site. The slab foundations associated with the residence and DRSU would be left in place and all existing utility lines would be abandoned in place. The significant site area areas around the slabs, extending down to the proposed split rail fence would be capped with fill soils totaling approximately 2,400 cubic yards on Proposed Parcel B and approximately 415 cubic yards on Proposed Parcel A 2,815 cubic yards and ranging from 12 to 18 inches deep. The fill soils would be non-reactive, "clean", certified fill soil and placed over a geofabric layer. All landscaping and other ground disturbance within the sensitive area would occur in fill soils only. The capping would occur in two phases, as follows:
- Phase 1** – Fill soil would be installed in the area designated in Lebow 2012 (p. 54, Figure 4-2) as a significant archaeological site, tapering at the footprint of the existing single family dwelling and residential second unit.
- Phase 2** – Prior to occupancy clearance of any new residence constructed on the parcel, the existing dwelling and second unit would be removed. The slab foundations associated with the residence and DRSU would be left in place and all existing utility lines would be abandoned in place. Fill soil would be added in that location, to complete capping of the significant site area that occurred in Phase 1.
- ~~(9)~~ **(7) Safety fence.** Construction of a new, approximately 250-linear foot split-rail safety fence along the edge of bluff and western top of bank of Toro Canyon Creek ~~(Proposed Parcel B of 12TPM-00000-00006);~~
- ~~(10)~~ **(8) Gate removal. Removal of the central metal gate portion of a legal nonconforming metal gate and pillars** located across Toro Canyon Creek immediately south of Padaro Lane and partially on the subject parcel. Only the portion of the metal gate located on the subject parcel would be removed. The gate's concrete support pillars would be left in place in order to avoid ground disturbance within the creek corridor.
- ~~(9)~~ **Building Envelope.** Establish a building envelope to contain all future structural development such as residential and accessory structures. This envelope would be outside of the riparian corridor and associated buffer (100 ft from edge of the riparian canopy as mapped in 2006), outside of ordinance-defined property line setbacks; and outside of the slope stability and bluff retreat setback that was defined for this project. Development that could occur outside of the

building envelope would be limited to non-structural development such as patios, hardscape, driveways and septic systems, provided that such items are located outside of the development exclusion area described in item (12), below.

(10) Development Exclusion Area. A development exclusion area would be placed on the subject parcel to avoid impacts to cultural resources. Within the development exclusion area, no structural development or ground disturbance of any kind would occur with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources.
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.
- A protective fence would be installed along the bluff top, with fenceposts placed entirely in the fill soil above the geogrid fabric layer.
- The applicant could retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces shown in Lebow 2012 (p. 54, Figure 4-2). All other roadways must be located outside of the exclusion area.

3) **11CDH-00000-00054 (to occur mostly on Proposed Parcel A of 12TPM-00000-00006)**

~~Request of Mark Wryan, architect, for a Coastal Development Permit with hearing to allow development as follows:~~

Single-Family Dwelling, Grading

- ~~(1) Construction of a new single family residence of 5,576 square feet with a 500 square foot basement and a 750 square foot attached garage. The average height of the residence would be less than 16 feet (Proposed Parcel A of 12TPM-00000-00006);~~
- ~~(2) Construction of approximately 500 linear feet of courtyard retaining walls associated with the residence to be between 1 and 4 feet in height (Proposed Parcel A of 12TPM-00000-00006);~~
- ~~(3) Landscaping associated with the SFD: Proposed landscaping would be selected to discourage foot traffic along the bluff edge. Plants are proposed to be low water, low root spread varieties. Planting within the resource boundary would be installed above the proposed geofabric layer only to avoid disturbance to resources. A new split rail fence would also be added along the bluff edge and footings would be located entirely in fill soil within the resource boundary (Proposed Parcels A and B of 12TPM-00000-00006).~~
- ~~(4) Installation of approximately 90 feet of existing, underground 24 inch storm drain to connect to an existing drain well located on the east side of the property. (Proposed Parcels A & B of 12TPM-00000-00006);~~
- ~~(5) Tree removal and relocation: Two existing eucalyptus trees at the western property line of proposed Parcel A would be removed and an existing fig tree would be boxed and relocated onsite to facilitate construction of the residence. Removal of these trees would be mitigated through completion of the restoration plan which calls for planting of 75 additional trees beyond the 131 planted thus far during restoration.~~

~~The total amount of grading for the single family dwelling site would be approximately 1030 cubic yards of cut and 3,055 cubic yards of fill with 2,025 cubic yards import.~~

The property would continue to be served by the Montecito Water District (for domestic water), private septic systems and the Carpinteria-Summerland Fire Protection District. Water for landscaping would be

provided by a permitted onsite well ~~on proposed Parcel B and a shared water system agreement to benefit proposed Parcel A.~~ Access would be taken via a private drive from Padaro Lane.

The property is a 10.25-acre parcel zoned 3-E-1 and shown as Assessor's Parcel Number 005-260-018, located at 2825 Padaro Lane in the Summerland Community Plan Area, 1st Supervisorial District.

2.0 PROJECT LOCATION

The property is located at 2825 Padaro Lane, approximately 2,250 feet east-southeast of the Padaro Lane/U.S. Highway 101 interchange, Assessor's Parcel Number 005-260-018, in the First Supervisorial District.

2.1 Site Information	
Comprehensive Plan Designation	Coastal, Summerland Community Plan Area, Rural Area, Padaro Lane Existing Developed Rural Neighborhood (EDRN), Residential-0.33 (0.33 units per acre or 1 unit per three acres), Summerland Community Plan
Zoning District, Ordinance	Article II Coastal Zoning Ordinance, Residential 3-E-1, 3-acre minimum lot size, Environmentally Sensitive Habitat Overlay, Design Control Overlay, Flood Hazard Overlay (along eastern property line and south of beach bluff), Coastal Commission Appeals Jurisdiction
Site Size	10.25 acres (gross and net)
Present Use & Development	Residential, single family residence w/ accessory structure, two private wells with well house enclosure and water storage tank.
Surrounding Uses/Zoning	North: Padaro Lane, U.S. Hwy 101, AG-I-20 South: Pacific Ocean and beach East: Toro Creek, Residential 3-E-1, Toro Canyon Plan Area West: Residential 3-E-1, Summerland Community Plan Area
Access	Directly from Padaro Lane
Public Services	Water Supply: Montecito Water District Sewage: Private septic system Fire: Carpinteria-Summerland Fire Protection District

3.0 ENVIRONMENTAL SETTING

3.1 PHYSICAL SETTING

Slope/Topography. The subject property is located between Padaro Lane to the north and the Pacific Ocean, at the eastern boundary of the Summerland Community Plan area. The site's eastern boundary is formed by the Toro Canyon Creek corridor. West of the outlet of Toro Creek, the property's southern boundary is the sea cliff. The remainder of the site is a broad coastal terrace that varies in elevation from about 50 to 70 feet above sea level, then slopes down toward the east to the creek. Slopes on the property vary from approximately 2% on the terrace to near vertical at the sea cliff.

Fauna. The portion of the property within Toro Canyon Creek is mapped as Environmentally Sensitive Habitat as an aggregation site for Monarch butterflies. However, the small grove of eucalyptus trees near the parcel's southwest corner is not considered in the Summerland Community Plan to be a monarch butterfly roosting site. Additional research conducted between 1982 and 2008 confirms that the site does not support, and has not historically served as, butterfly habitat (Conceptual Habitat Restoration and Revegetation Plan for 2825 Padaro Lane by Hunt & Associates dated 20 July 2009 – on file with P&D and available for review upon request).

Flora. An existing mature hedge borders the property along the Padaro Lane right of way. This hedge is somewhat visually permeable and allows filtered impressions of the ocean and sky beyond. The majority of the subject parcel is covered with grass and a small amount of ornamental landscaping. There is a small grove of eucalyptus trees at the southwestern corner of the parcel. The Toro Creek corridor, which forms the parcel's eastern boundary, has multiple plant communities including oak-sycamore riparian woodland, freshwater marsh, brackish lagoon, coastal strand and coastal bluff scrub. Please refer to Section 4.4, Biological Resources, for a more detailed setting description.

Archaeological Sites. Archaeological site CA-SBA-1566 is located on the property. Please refer to Section 4.5, Cultural Resources, for a detailed setting description.

Soils. Soils on site consist of Milpitas Positas Fine Sandy Loam, 2 – 9 percent slopes (north half of parcel) and Ballard Fine Sandy Loam, 2 – 9 percent slopes (south half of parcel). The Ballard Fine Sandy Loam is considered prime soil. About four acres in the northwestern part of the parcel are mapped as Farmlands of Statewide Importance; this area was previously a citrus or avocado grove but was later used as a polo field by the previous owners of the property and is now covered in ruderal annual grasses.

Surface Water Bodies. Toro Canyon Creek straddles the eastern boundary of the site and includes creek bed and Environmentally Sensitive Habitat both on and off the project site. Toro Canyon Creek is identified as a blue-line creek in USGS maps and as Environmentally Sensitive Habitat on the County's Land Use Maps including the Coastal Land Use Plan, the Summerland Community Plan and the Toro Canyon Plan. The Pacific Ocean is located immediately to the south.

Surrounding Land Uses. The project is bounded by the Pacific Ocean to the south, Highway 101 to the north of Padaro Lane and residential estates to the east and west. Parcels in the surrounding neighborhood vary in size from approximately one acre to over 10 acres. Homes in the neighborhood vary in size from 1,200 square feet to approximately 10,000 square feet. The Loon Point public beach access trail is located approximately 1,600 feet west of the site. A possible future public beach access trail, adopted in the Summerland Community Plan, is located within the creek corridor at the eastern boundary of the site.

Based on statements from several members of the public and the signed surveys provided by a letter from Marc Chytilo dated March 28, 2014, the riparian corridor has not received significant use in approximately 15-20 years. There are no established public prescriptive rights through the property. An existing, undeveloped public access easement is located at 3443 Padaro Lane, approximately one mile to the east of the Toro Canyon Creek. This easement was originally required as condition #15 of a land division, TPM 13,698. It was also a condition of a subsequent CDP, 86-CDP-130. An offer to dedicate the easement was accepted by the Board on October 20, 1998. This easement is currently undeveloped.

Existing Structures. The site is currently developed with a 1,079 square foot single family dwelling with a deck, and a 1,369 square foot accessory structure. The legal, nonconforming dwelling and accessory structure are single story, wood frame buildings on concrete perimeter slabs. Based on an historic resources report prepared by San Buenaventura Research Associates dated March 13, 2007, these buildings are thought to have been constructed on a military base sometime around 1943 and moved to the property in the late 1940s. An existing recreational trailer of approximately 300 square feet in size is located in the center portion

of the property, and currently straddles the 100-foot from edge of canopy creek buffer such that a portion of the structure is within the setback.

A gate structure with pillars is located partially on the subject parcel. The structure is located on three separate parcels owned by the County of Santa Barbara (Padaro Lane road right-of-way); Cameron Family Trust; and the applicant. The gate and pillars were constructed when the property was owned by Mr. Art Cameron, Sr. sometime between 1986 and 1989. At the time of its construction, a permit was not required for the gate; therefore it is a legal nonconforming structure.

3.2 ENVIRONMENTAL BASELINE

The environmental baseline from which the project's impacts are measured consists of the physical environmental conditions on the ground and in the vicinity of the project site, as described above. Additional aspects of the baseline conditions are as follows:

The subject property was created by Lot Line Adjustment, Case No. 07LLA-00000-00011, which was approved by the Santa Barbara County Zoning Administrator on February 27, 2008. At the time, the property contained a legal nonconforming residence and accessory structure constructed sometime in the 1940s, as well as other unpermitted accessory structures, storage structures, and a horse corral. Conditions on the Lot Line Adjustment required the abatement of all building and zoning violations prior to its recordation.

Prior to the Lot Line Adjustment, the property owner had applied for a permit to remodel and add to the existing legal non-conforming single-family residence, convert an accessory structure to a Detached Residential Second Unit (DRSU), demolish numerous unpermitted structures, relocate existing storage structures and validate an existing legal non-conforming residence and second unit (07CDH-00000-00007). An application was also submitted to allow a watchman's trailer on the property (07CUP-00000-00019). Both projects were approved by the Zoning Administrator on June 18, 2007.

On July 19 and July 20, 2007 the Coastal Commission appealed the ZA's decision to approve these projects on the basis that the projects were inconsistent with the County of Santa Barbara's Local Coastal Program (LCP) policies regarding environmentally sensitive habitat areas, monarch butterfly habitat and riparian habitat mapped in the Summerland Community Plan (SCP).

The appeal was resolved by the applicant's agreement to implement a draft habitat restoration plan titled "Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California" dated April 9, 2009, which was intended to comprehensively restore Toro Canyon Creek and its associated riparian habitat.

The original application which was appealed by the Coastal Commission was withdrawn. The project was revised to include the restoration plan and was subsequently approved by the Zoning Administrator on June 29, 2009 (08CDH-00000-00014, 08CUP-00000-00027, 08CDP-00000-00057). The DRSU was legalized with 08CDP-00000-00055, issued on August 25, 2009; however this permit has since expired and is no longer valid. The temporary watchman's trailer was ultimately processed under Case Nos. 10CDP-00000-00081, 10CUP-00000-00031, 10CDH-00000-00020 and 10LUP-00000-00501. The Land Use Permit 10LUP-00000-00501 was approved but never issued. It was later discovered that the existing watchman's trailer is actually a recreational vehicle, which cannot be permitted as a temporary structure but can remain onsite, as any other vehicle, as long as it is appropriately parked.

In accordance with the conditions of 08CDH-00000-00014, the existing building and zoning violations were abated. The restoration plan was implemented, but is not yet complete. The delay in finalizing the restoration plan resulted from a zoning violation filed on January 19, 2011 for unpermitted grading and construction of the gabion wall, which went beyond the work permitted as part of the approved streambed

restoration plan. During investigation of the violation, it was also noted that some of the restoration work was inconsistent with that described in the approved plan, that additional unpermitted grading had occurred during placement of the watchman’s trailer, and that grading for the gabion wall and watchman’s trailer had occurred within a prehistoric archaeological site.

~~One of the~~ The subject applications was submitted to resolve this violation (11ZEV-00000-00011, 11CDH-00000-00006). If approved, 11CDH-00000-00006 would allow revisions to the previously approved restoration plan to reflect its current, as-built condition. This permit would also address the unpermitted grading that occurred on the subject parcel, associated with installation of the watchman’s trailer.

In summary, because the restoration work preceded approval of a revised restoration plan, the environmental baseline for this review is the condition of the site prior to implementation of the previously approved restoration plan and the unpermitted grading for placement of the watchman’s trailer.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact and is defined as follows:

Potentially Significant Impact: A fair argument can be made, based on the substantial evidence in the file, that an effect may be significant.

Less Than Significant Impact with Mitigation: Incorporation of mitigation measures has reduced an effect from a Potentially Significant Impact to a Less Than Significant Impact.

Less Than Significant Impact: An impact is considered adverse but does not trigger a significance threshold.

No Impact: There is adequate support that the referenced information sources show that the impact simply does not apply to the subject project.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case and is summarized in the discussion below. The discussion should include reference to the previous documents, a citation of the page(s) where the information is found, and identification of mitigation measures incorporated from the previous documents.

4.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?		✗	✗		
b. Change to the visual character of an area?		✗	✗		
c. Glare or night lighting which may affect adjoining areas?		✗	✗		
d. Visually incompatible structures?		✗	✗		

Existing Setting: The project site is located within the Padaro Lane Existing Developed Rural Neighborhood. Public views of the site are limited to a short stretch of beach below the eastern portion of the property at the mouth of Toro Canyon Creek. Public views into the site and of the ocean from Padaro

Lane are substantially filtered by an existing hedge of myoporum trees which line the southern shoulder of the roadway and which partially screen the site from public views in this area.

County Environmental Thresholds: The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe, and travel corridors as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas. The guidelines address public, not private views.

Impact Discussion:

a, b, c, d) *Less than significant impact with mitigation.* ~~The proposed project includes a lot split, as well as demolition and removal of two existing residential structures, the capping of culturally sensitive materials, construction of a split rail fence, and as-built changes to a previously approved habitat restoration plan. Additionally, the two existing residential structures are conditioned to be removed, and that area capped, prior to occupancy clearance of any future residence on the property, on Proposed Parcel B, and construction of a single family residence with attached garage on Proposed Parcel A. The creation of a new parcel due to the proposed lot split would allow the potential construction of an additional, future single family residence with associated accessory structures on Proposed Parcel B. The bluff in this area measures approximately 80 ft in height. The structure proposed for Parcel A is set back 74 ft from the edge of the bluff. This number includes both the slope stability and bluff retreat setbacks. Proposed Parcel B's building envelope is also set back 71 ft from the edge of the bluff. The maximum average allowable height for the residential structures on both parcels is 16 ft. As a result, no the structures would not be visible to the public as seen from the beach. Additionally, while filtered views from Padaro Lane would include, future structures, the location of structures within the building envelopes would continue to allow the public filtered blue water views.~~

~~The structures proposed to be developed with this application on Proposed Parcel A, and structures that may be proposed to be developed on Proposed Parcel B in the future, could be visually incompatible with the neighborhood, adversely alter the character of the landscape and/or obstruct a view open to the public from the beach below if not designed properly. Night lighting could create glare and spill over into adjacent residential areas if not properly limited, located and designed. These impacts are considered potentially significant.~~

~~Consistent with Coastal Zoning Ordinance Design Control Overlay and Summerland Community Plan requirements, the proposed single family residence to be located on Proposed Parcel A has undergone conceptual review by the South County Board of Architectural Review (SBAR). On December 7, 2012 the SBAR provided positive comments stating: "Mass, bulk and scale are appropriate for the area and the site". At the conclusion of their review, the SBAR directed the project to return for preliminary approval after project approval by the decision maker. Before the Coastal Development Permit for the residence on Proposed Parcel A or future structural development on either proposed parcel can be issued, the project(s) would be required to complete SBAR design review which would include a final review of the architecture, landscaping and exterior night lighting. Aesthetic impacts would be reduced to less than significant levels with incorporation of the mitigations below.~~

Cumulative Impacts: ~~As conditioned, †~~ The project does not include structural development, and is not anticipated to result in any substantial change in the aesthetic character of the area. Because public views of the project site are limited and the current project received favorable comments from the SBAR, it Therefore, the proposed project would not cause a cumulatively considerable effect on aesthetics.

Mitigation and Residual Impact: No mitigation measures are required. Residual impacts would be less than significant.

The following mitigation measures, along with the ordinance requirement for BAR review, would reduce potential Aesthetic impacts to less than significant. Residual impacts would also be less than significant.

1. ~~**Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for all current and future projects on both resultant parcels. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous SBAR approvals under Case No. 12BAR-00000-00070. **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Coastal Development Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.~~

2. ~~**Aest-06 Building Materials.** For all current and future projects on both resultant parcels, natural building materials and colors compatible with surrounding terrain (earth tones and non reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences, except for residential development otherwise subject to review of the South Board of Architectural Review (SBAR). For residential structures, materials shall be in conformance with those approved by the SBAR. **PLAN REQUIREMENT:** Materials shall be denoted on building plans. **TIMING:** Structures shall be painted prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall inspect prior to Final Building Inspection Clearance.~~

3. ~~**Aest-10 Lighting.** For all current and future projects on both resultant parcels, the Owner/Applicant shall ensure any exterior night lighting proposed on either of the resulting parcels is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill over onto adjacent lots. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for SBAR and P&D approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit or Coastal Development Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.~~

4.2 AGRICULTURAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
b. An effect upon any unique or other farmland of State or Local Importance?				X	

Impact Discussion: The project site does not contain a combination of acreage and/or soils which render the site an important agricultural resource. The site does not adjoin any neighboring agricultural operations and thus would not have any impacts.

Mitigation and Residual Impact: No impacts are identified. No mitigation is necessary. Residual impacts would not be significant.

4.3 AIR QUALITY

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?			X		
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?		X			
Greenhouse Gas Emissions					
d. Emissions equivalent to or greater than 10,000 metric tons (MT) of CO ₂ per year from stationary sources during long-term operations?			X		
e. Emissions equivalent to or greater than 1,100 MT of CO ₂ e (carbon dioxide equivalent) per year or 4.6 MT CO ₂ e/Service Population (residents + employees) per year from other than stationary sources during long-term operations?			X		
f. Emissions equivalent to or greater than 6.6 MT CO ₂ e/Service Population (residents + employees) per year for plans (General Plan Elements, Community Plans, etc.)?			X		

County Environmental Threshold:

Chapter 5 of the Santa Barbara County Environmental Thresholds and Guidelines Manual (as amended in 2006) addresses the subject of air quality. The thresholds provide that a proposed project will not have a significant impact on air quality if operation of the project will:

- emit (from all project sources, mobile and stationary), less than the daily trigger (55 pounds per day for NO_x and ROC, 80 pounds per day for PM₁₀) for offsets for any pollutant;
- emit less than 25 pounds per day of oxides of nitrogen (NO_x) or reactive organic compounds (ROC) from motor vehicle trips only;
- not cause or contribute to a violation of any California or National Ambient Air Quality Standard (except ozone);
- not exceed the APCD health risk public notification thresholds adopted by the APCD Board; and
- be consistent with the adopted federal and state Air Quality Plans.

No thresholds have been established for short-term impacts associated with construction activities. However, the County's Grading Ordinance requires standard dust control conditions for all projects involving grading activities. Long-term/operational emissions thresholds have been established to address mobile emissions (i.e., motor vehicle emissions) and stationary source emissions (i.e., stationary boilers, engines, paints, solvents, and chemical or industrial processing operations that release pollutants).

Impact Discussion:

a-b) Air Quality – General. The proposed project consists of a ~~Lot Split, as well as~~ revisions to an existing restoration plan including as-built grading for a gabion wall and ~~demolition of an existing single-family residence and accessory structure, on Proposed Parcel B, and the construction of a new residence on Proposed Parcel A.~~ The project would subdivide the existing 10.25 acre parcel into two new parcels, creating the potential for construction of a new dwelling on Proposed Parcel B. The project would not result in significant new vehicle emissions because project buildout would not involve any new residences be limited to the construction of one net, new residences and would not significantly alter traffic generation to and from the site. The project would not involve new stationary sources (i.e., equipment, machinery, hazardous materials storage, industrial or chemical processing, etc.) which could increase the amount of pollutants released into the atmosphere. The project would also not generate additional smoke, ash, odors, or long-term dust after construction.

Emissions of ozone precursors (NO_x and ROC) during project construction would result primarily from the on-site use of heavy earthmoving equipment. Due to the limited period of time that grading activities would occur on the project site, construction-related emissions of NO_x and ROC would not be significant on a project-specific or cumulative basis. However, due to the non-attainment status of the air basin for ozone, the project should implement measures recommended by the APCD to reduce construction-related emissions of ozone precursors to the extent feasible. Compliance with these measures is routinely required for all new development in the County. Impacts are considered less than significant.

c) Air Quality – Dust Generation. The requested permit would legalize grading of approximately 341 cubic yards of cut and 3,390 cubic yards of fill, consisting of 66 cubic yards of cut to widen the existing driveway, 275 cubic yards of cut to improve the access road to beach, and 3,390 cubic yards of fill placed in the area of the previously permitted watchman's trailer. Approximately 2,815 cubic yards of fill would also be placed to cap the development exclusion area. In addition, placement of the existing, unpermitted gabion wall involved about 8 cubic yards of balanced cut and fill. Only minor ground disturbance associated with plant placement would be required to implement the remainder of the habitat restoration plan. No grading would be associated with removal of the existing house and accessory structure, which is conditioned to occur prior to occupancy clearance of any future residence constructed on the subject parcel.

~~Proposed grading associated with development of the new single family dwelling on Proposed Parcel A would total approximately 1,030 cubic yards of cut and 2,025 cubic yards of fill.~~

~~Development of a new residence with associated accessory structures on Proposed Parcel B in the future would be expected to be minimal since the topography within the proposed building envelope created by 12TPM-00000-00006 on Parcel B is relatively flat.~~

Earth moving operations at the project site would result in potentially significant, project-specific, short-term emissions of fugitive dust and PM₁₀. However, such impacts would be reduced to less than significant levels with implementation of standard dust control measures required by the Santa Barbara County Air Pollution Control District in their March 1, 2011 condition letter.

d-f) Greenhouse Gas Emissions / Global Climate Change.

The project's contribution to global warming from the generation of greenhouse gases would be negligible because no new residential development is proposed. ~~project buildout would result in the development of one net, new residence.~~ As such, there would be no significant change in greenhouse gas emissions. Therefore, impacts would be less than significant.

Cumulative Impacts: The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the significance criteria for air quality. Therefore, the project's contribution to regionally significant air pollutant emissions, including GHGs, is not cumulatively considerable and its cumulative effect is less than significant.

Mitigation and Residual Impact: Impacts to Air Quality would be reduced to less than significant levels with implementation of the standard dust control and ozone precursor conditions required by the Air Pollution Control District in their March 1, 2011 condition letter. Residual impacts would also be less than significant.

4.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?			X		
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?			X		
e. The loss of healthy native specimen trees?			X		
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?			X		
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?		X			
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?		X			
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?			X		
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?			X		
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?		X			

Background and Methods:

A Biological Assessment and a Habitat Restoration and Revegetation Plan (dated February 14, 2007 and June 25, 2008, respectively) were prepared by Hunt & Associates as a condition of approval of the Lot Line Adjustment that created the subject parcel. A revised Habitat Restoration Plan (dated July 20, 2009) (Plan) was ultimately approved by both the County and the Coastal Commission. Prior to its approval, the 2009 Plan was peer-reviewed and deemed to meet the County's criteria for biological reports by the P&D staff biologist, who also conducted a site visit in May of 2009. Prior to Plan implementation, the applicant obtained a Lake and Streambed Alteration (LSA) Agreement for the proposed project.

Implementation of the Plan was initiated in the fall of 2009. P&D permit compliance partially released the Restoration security deposit on May 10, 2011. In the fall of 2011, a zoning violation was reported on the property, and it was determined that unpermitted grading had occurred on site, and a number of additional

changes to the Approved Restoration Plan had been initiated without County approval. These restoration changes are summarized in a restoration “As-built” report titled *Addendum to Conceptual Habitat Restoration and Revegetation Plan for 2825 Padaro Lane, Summerland, Santa Barbara County, California* prepared by Hunt & Associates and dated May 25, 2012 (On file with P&D and available for review upon request).

Mr. Hunt conducted site visits in 2006 and 2007 while developing the original Biological Assessment, and has been on site throughout the past ~~two~~ four years as the primary monitor for the implementation of the approved Habitat Restoration Plan. The P&D biologist visited the site again on February 22, 2012 to view restoration in progress and assist with impact assessment for the current project. Other P&D staff and Coastal Commission personnel have also conducted site visits in 2011 and 2012.

Hunt and Associates also prepared a Biological Report for a project on a parcel immediately to the east of the subject site, and a Restoration Plan is in progress on that site. Together, the two reports provide a good characterization of the biological resources of this area of Toro Canyon Creek. The following analysis is based on the above reports, data, and information.

Existing Conditions:

The approximately 10-acre site consists primarily of introduced grasses which are located in most areas of the site outside of the Toro Canyon Creek corridor. However, the property’s eastern boundary is formed by the riparian corridor of Toro Creek, which is the area addressed by the Plan. The entirety of this area is located within either mapped Environmentally Sensitive Habitat (ESH), or the 100 ft ESH buffer proscribed in the Local Coastal Plan. Calvert (1991) identified a Monarch butterfly site in the area of “Loon Point at the mouth of Toro Canyon” (Site 88 per Calvert, 1991; Site 96 per Meade, 1999); however, Meade (2006) called this a “transitory” site at best.

Flora:

The biological reports prepared by Hunt & Associates describe the habitats in the restoration area as follows:

California Sycamore-Coast Live Oak Riparian Woodland. This plant community is closely associated with the Toro Canyon creek riparian corridor. The mostly closed-canopy along Toro Canyon Creek is composed primarily of California sycamore (*Platanus racemosa*), coast live oak (*Quercus agrifolia*), a few small black cottonwoods (*Populus balsamifera* subsp. *trichocarpa*), and arroyo willow (*Salix lasiolepis*). A few non-native trees, planted as ornamentals, contribute to the closed canopy aspect of the riparian corridor, including Monterey cypress (*Cupressus macrocarpa*), Victorian box (*Pittosporum undulatum*), and blue gum (*Eucalyptus globulus*). The understory here supports native species such as mule-fat (*Baccharis salicifolia*), elderberry (*Sambucus mexicana*), poison oak (*Toxicodendron diversilobum*), mugwort (*Artemisia douglasiana*), wild rye (*Leymus condensatus*), wood mint (*Stachys bullata*), coyote bush (*Baccharis pilularis*), California blackberry (*Rubus ursinus*), giant horsetail (*Equisetum* sp.), and cattails (*Typha* sp.), and umbrella sedge (*Cyperus involucratus*). The latter species intermittently border the edges of the active (low-flow) channel of Toro Canyon Creek and are not extensive enough to warrant recognition as freshwater marsh. However, the understory of this plant community is thoroughly infested with invasive, non-native ornamental and ruderal species, such as: periwinkle (*Vinca* sp.), nasturtium (*Tropaeolum majus*), Algerian ivy (*Hedera helix*), cape ivy (*Senecio mikanioides*), Italian thistle (*Carduus pycnocephala*), and milk thistle (*Silybum marianum*). Scattered, small colonies of giant reed (*Arundo donax*) are scattered along the Toro Canyon Creek riparian corridor and along portions of the terminal lagoon at the mouth of the creek.

Coast Live Oak Woodland. In an undisturbed condition, this plant community is composed of a canopy of mature coast live oak whose crowns overlap to create a filtered to dense shade that supports an herbaceous or otherwise low-growing understory. The native understory of coast live oak woodland on-site has been all but supplanted by ornamental and/or ruderal vegetation that reduces oak recruitment and crowds out native understory species. Native understory species richness in this community on the parcel is depauperate. The following native species are represented by a limited number of individuals: wood

mint, creek clematis (*Clematis ligusticifolia*), and man-root (*Marah macrocarpus*). Non-native, invasive species comprise most of the understory in this community, including cape ivy, Algerian ivy, periwinkle, castor bean, Victorian box, nasturtium, Italian thistle, milk thistle, and other species (see Ruderal and Ornamental Vegetation description).

Coastal sage scrub. Based on examination of aerial photographs taken in January, 1938, this plant community appears to have formerly occurred on the slopes of the floodplain. Areas that likely supported coastal sage scrub in the past are now largely covered with ruderal and/or ornamental vegetation. Typical coastal sage scrub species that persist on-site include: California sagebrush (*Artemisia californica*), giant rye, coastal morning glory (*Calystegia macrostegia*), poison oak, elderberry, Douglas's nightshade (*Solanum douglasii*), coyote bush, and lemonadeberry (*Rhus integrifolia*). Remnant coastal sage scrub patches on-site are mostly too small to map as discrete polygons on Figure 1 of the Hunt & Assoc. report.

Eucalyptus Woodland. Blue gum trees are located along the lower portions of Toro Canyon Creek and have spread to cover the west-facing slopes of the floodplain on the Cameron parcel, including areas that formerly supported sycamore-oak riparian woodland and coastal sage scrub vegetation. Other trees found here include Victorian box and myoporum (*Myoporum laevis*). On-site this plant community supports closed-canopy woodland with a depauperate understory composed primarily of ornamental and ruderal species and a few native shrubs: cape ivy, Algerian ivy, nasturtium, and poison oak.

Southern Coastal Bluff Scrub. This plant community occurs in scattered patches on bluffs fringing the southern edge of the Beach Club parcel. Remnant lemonadeberry (*Rhus integrifolia*), saltbush, (*Atriplex* sp.), and California Encelia (*Encelia californica*) persist, but are infested with invasive non-native species such as iceplant, myoporum, and cape ivy.

Southern Foredune (Coastal Strand). This plant community is restricted to the low sand dunes along the edge of the terminal lagoon that forms during the dry season at the mouth of Toro Canyon Creek and along the base of the adjacent coastal bluffs in this area. Species on these substrates on the subject parcel are a mixture of native and non-native species, including lemonadeberry, beach-bur (*Ambrosia chamissonis*), beach primrose (*Camissonia cheiranthifolia*), ice plant, giant reed, New Zealand spinach (*Tetragonia tetragonioides*), and wild radish.

Freshwater Marsh. This plant community occurs in small patches, evidenced by small patches of cattails along the lower reaches of the creek and terminal lagoon.

Ruderal and Ornamental Vegetation (1.0 acres of Plan area). Ruderal vegetation is composed of weedy plant species that are adapted to disturbed soil conditions and can rapidly colonize substrates disturbed by human activities (e.g., graded areas, road edges, etc.). Ruderal and/or ornamental vegetation occurs throughout the subject parcel and, in many places, forms the dominant vegetative cover beneath a canopy of native and non-native trees. Some ruderal species are native, but most are non-native: wild oats, rip-gut brome, filaree (*Erodium* sp.), Italian thistle, milk thistle, bull mallow, telegraph weed (*Heterotheca grandiflora*), sweet fennel (*Foeniculum vulgare*), bristly ox-tongue, wild radish, pigweed, fumitory (*Fumaria officinalis*), various species of mustard, clover, scarlet pimpernel, cut-leaved geranium, and castor bean (*Ricinus communis*).

Ornamental vegetation includes species used in gardens and landscapes that have escaped cultivation or have been intentionally planted and are reproducing naturally. Ornamental species occur throughout the subject parcel and, as with ruderal species, most ornamentals have been listed previously in discussions of native plant communities above. Ornamentals found on-site include: Algerian ivy, cape ivy, nasturtium, potato bush (*Solanum* sp.), sweet alyssum, pampas grass (*Cortaderia* sp.), Victorian box, Monterey cypress, blue gum, lemon-scented eucalyptus (*Eucalyptus citriodora*), periwinkle, ice plant, Monterey pine (*Pinus radiata*), coast redwood (*Sequoia sempervirens*), onion (*Allium cepa*), gopher plant (*Euphorbia lathyris*), euphorbia (*Euphorbia characias*), geranium (*Pelargonium* sp.), and other species.

Fauna:

Reptiles and Amphibians. One reptile was observed on site during the 2008 Cameron survey on the parcel directly to the east. No amphibian species were detected on site during the Beach Club surveys. However, the following species may occur on site: western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis melanoleucus*), western toad (*Bufo boreas*), and Pacific tree frog (*Hyla regilla*).

Birds. A total of six bird species were detected on site during the 2008 Cameron survey including Anna's hummingbird (*Calypte anna*); song sparrow (*Melospiza melodia*); California towhee (*Pipilo crissalis*); spotted towhee (*Pipilo maculatus*); mallard (*Anas platyrhynchos*); and house wren (*Troglodytes aedon*). The following bird species have a moderate to high potential to occur on site based on the presence of suitable habitat and appropriate geographic range: mourning dove (*Zenaida macroura*); downy woodpecker (*Picoides pubescens*); Pacific-slope flycatcher (*Empidonax difficilis*); European starling (*Sturnus vulgaris*); brown towhee (*Pipilo fuscus*); lesser goldfinch (*Carduelis psaltria*); purple finch (*Carpodacus purpureus*); American robin (*Turdus migratorius*); oak titmouse (*Baeolophus inornatus*); yellow-rumped warbler (*Dendroica coronata*); wrentit (*Chamaea fasciata*); golden-crowned sparrow (*Zonotrichia atricapilla*); and white-crowned sparrow (*Zonotrichia leucophrys*).

Because the site supports a variety of mature trees forming a canopy with scattered open areas, the project footprint may provide foraging and roosting along with limited nesting opportunities for a number of raptors including the red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), Cooper's hawk (*Accipiter cooperii*) (roosting only), great horned owl (*Bubo virginianus*), barn owl (*Tyto alba*), and western screech owl (*Megascops kennicottii*).

Mammals. No mammals were observed on site during the surveys. The site is not expected to support a diverse assemblage of mammals because it is located in an urbanized region of Santa Barbara. Mammals that may occur on site closer to Toro Canyon Creek, include Virginia opossum (*Didelphis virginiana*); broad-footed mole (*Scapanus latimanus*); raccoon (*Procyon lotor*); deer mouse (*Peromyscus maniculatus*); brush mouse (*Peromyscus boylii*); gray fox (*Urocyon cinereoargenteus*); and striped skunk (*Mephitis mephitis*).

Monarch Butterfly. For over 25 years, biologists as well as residents along Padaro Lane have noted that monarch butterflies have formed transitory, autumnal, and/or overwintering (permanent) roosts during fall and winter in the Padaro Lane area. The County of Santa Barbara Local Coastal Plan, first certified in 1982, originally designated much of the property south of Highway 101 and Padaro Lane, eastward to Toro Canyon Creek, as Environmentally Sensitive Habitat because of the possibility of monarch butterfly roosting habitat occurring there. When the Summerland Community Plan (SCP) was adopted in 1992, the size of the designated ESHA was modified to include only the riparian corridor of Toro Canyon Creek, based on information provided by monarch butterfly experts as part of the permit processing for an approved horse operation on the 2825 Padaro Lane parcel in the early 1980s.

More recently, Hunt & Associates (2009, pg. 14-16), through compilation of numerous historical accounts and reports from a number of entomologists (A. Wenner, Walter Sakai, Nagano and Lane, Calvert, D. Meade) has demonstrated that the Toro Canyon Creek riparian corridor and eucalyptus woodlands that formerly occurred around the mouth of the creek and adjacent coastal bluffs does not now support, and historically never functioned as, monarch butterfly roosting habitat. Anecdotal references and concerns over such habitat, upon subsequent field investigations, appear to be based on confusion over the location of "Loon Point" in relation to the mouth of Toro Canyon Creek with the extant, and regionally important, monarch butterfly roost located in the vicinity of 3197 Padaro Lane, approximately 0.5 miles east of the subject parcel. Meade (2006, as reported in Hunt, 2009) considers the site at the mouth of Toro Canyon Creek to be "transitory."

Sensitive Species Summary. The subject parcel is not identified in the CNDDDB database as being critical habitat for any Endangered or Threatened species and no such species were observed during the site surveys. However, there are several special status species that have a “moderate to high potential” to occur on the site. These species are listed in Table 1 below. Additionally, the majority of creeks which discharge to the Pacific Ocean within 10 miles of Toro Canyon Creek (to the east and west) are identified as critical habitat for southern steelhead.

Table 1. Special Status Plants and Animals with moderate to high potential to occur on the project site. (Based on Hunt, 2009, p. 11)

Common Name	Status	Scientific Name	Potential
Plants			
Burhead	Locally sensitive	<i>Echinodorus bertoroi</i>	Moderate
cliff aster		<i>Malacothrix saxatilis</i> var. <i>saxatilis</i>	Moderate
Santa Barbara bedstraw	CRPR List 4	<i>Galium cliftonsmithii</i>	Moderate
Santa Barbara locoweed	Locally sensitive	<i>Astragalus trichopodus</i> var. <i>trichopodus</i>	Moderate
Invertebrates			
Globose dune beetle	CSC	<i>Coelus globosus</i>	Moderate to High
Tiger beetle	CSC	<i>Cicendela</i> spp.	Moderate
Monarch butterfly	CSC (State insect)	<i>Danaus plexippus</i>	Individuals observed
Amphibians			
California red-legged frog	Federally Threatened	<i>Rana aurora draytonii</i>	Moderate to High
Reptiles			
Two-striped garter snake	CSC	<i>Thamnophis hammondi</i>	Moderate to High
Birds			
White-tailed kite	CA Fully Protected	<i>Elanus leucurus</i>	Moderate to High (occurrence)
Cooper’s hawk	CSC	<i>Accipiter cooperi</i>	Moderate to High (nesting or foraging)
Yellow warbler	CSC	<i>Dendroica petechia</i>	Moderate to High (foraging and nesting)
Yellow - breasted chat	CSC	<i>Icteria virens</i>	Moderate to High (foraging and nesting)

Thresholds: Santa Barbara County’s Environmental Thresholds and Guidelines Manual (2008) includes guidelines for the assessment of biological resource impacts. The following thresholds are applicable to this project:

Riparian Habitats: Project created impacts may be considered significant due to: direct removal of riparian vegetation; disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation; or intrusion within the upland edge of the riparian canopy leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion; or construction activity which disrupts critical time periods for fish and other wildlife species.

Oak Woodlands and Forests: Project created impacts may be considered significant due to habitat fragmentation, removal of understory, alteration to drainage patterns, disruption of the canopy, removal of a significant number of trees that would cause a break in the canopy, or disruption in animal movement in and through the woodland.

Individual Native Trees: Project created impacts may be considered significant due to the loss of 10% or more of the trees of biological value on a project site.

Impact Discussion: As described in Section 3.2, Environmental Baseline, this Initial Study evaluates impacts from ~~three~~ one proposed projects, ~~some~~ with several elements:

- ~~1. Permit application no. 12TPM-00000-00006 is a request to split the existing 10.25 acre lot into two parcels of 3.03 (Proposed Parcel A) and 7.22 acres (Proposed Parcel B).~~
- ~~2. Permit application no. 11CDH-00000-00006 is request to allow (1) as-built grading and gabion retaining wall, (2) the removal abandonment of a water well constructed within the stream terrace prior to current ownership, (3) demolition of an existing residence and accessory structure on Proposed Parcel B, and (4) (3) modifications, some of which are already in place, to the previously approved *Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California* dated April 9, 2009 (Plan). The proposed project also includes establishment of a building envelope and placement of a development exclusion area. (Proposed Parcel B)~~
- ~~3. Permit application no. 11CDH-00000-00054 is a request to construct a new single family residence with associated grading on Proposed Parcel A.~~

Each of these The proposed project is discussed below.

~~1. 12TPM-00000-00006 Lot Split~~

~~a-i) The proposed lot split would divide the existing 10.25 acre lot into two resulting lots of 3.03 and 7.22 acres in size. Building envelopes would be established on both lots to contain all proposed structural development on Proposed Parcel A and all future structural development on Proposed Parcel B. The building envelopes identified for each of the resultant lots have been located to avoid all known, onsite sensitive resources, habitats and species. No sensitive biological resources are located within the areas of the designated building envelopes. Additionally, the building envelope associated with Proposed Parcel B has been designed to be located outside the 100 foot buffer (setback) from the edge of canopy of the Toro Canyon Creek Environmentally Sensitive Habitat ensuring that no structures could be developed within the buffer area in the future. Special Condition Bio-01 below would ensure that potential impacts from construction activities to nesting birds are avoided to the extent feasible. As such, impacts to biological resources associated with the Lot Split portion of the project are considered less than significant with mitigation.~~

2. 11CDH-00000-00006 As-Built Grading, Gabion Wall & Restoration Plan

As-built Grading. This includes widening the driveway, improving access to the beach, and balanced cut and fill in the area where the recreational vehicle is currently located west of the access driveway.

Removal Abandonment of Water Well. The well is located in the riparian corridor in an area of previous disturbance.

Removal of Legal Nonconforming Gate. A legal nonconforming gate located across Toro Canyon Creek just south of Padaro Lane and partially on the subject property would be removed. Only the central metal gate portion located on the subject parcel would be removed; the concrete support pillars would be left in place in order to avoid disturbance to biological resources.

Modifications to Restoration Plan.

The goals of the previously approved, as well as the currently proposed, habitat restoration and revegetation plan (Plan) is to stabilize onsite slopes and control soil erosion, improve water quality in Toro Creek by minimizing sediment deposition and to replace non-native vegetation with native species that have high wildlife value. The applicant is requesting revisions to the approved Plan in order to more effectively accommodate on-the-ground conditions that were encountered during Plan implementation.

Specific components of the requested revised Plan are detailed in the proposed *Plan Addendum* by Hunt & Associates dated May 25, 2012.

1. ***Demolition of existing residence/accessory structure*** . Note that this project element is conditioned to occur prior to occupancy clearance of any future dwelling on the parcel.
2. ***Gabion wall.*** This project element is discussed in Hunt 2012 as item #13.
3. ***Retention of pedestrian access path to stream terrace.*** This project element is discussed in Hunt 2012 as items #3 and #9.
4. ***Removal of Existing retaining/landscape wall.*** This feature is addressed in the arborist's report (Duke McPherson, 2012 letter report).
5. ***Boulders for slope stabilization.*** This project element is discussed in Hunt 2012 as item #13.
6. ***Stream terrace plantings.*** This project element is discussed in Hunt 2012 as item #13.
7. ***Seeding methods.*** This project element is discussed in Hunt 2012 as items #4 and #5.
8. ***Planting area, planting density and species richness.*** This project element is discussed in Hunt 2012 as items #1, #2, #3, #6, #7, and #8.

All other aspects of the Restoration Plan would be implemented as originally approved. Biological impacts from these project elements are described individually below.

Flora

a, b, c) As-built grading. The as-built grading occurred primarily along the existing driveway, and to the north and west of the lower bioswale. Where it was not entirely absent, prior vegetation in these areas was either non-native eucalyptus windrow or ruderal. The lower terrace (north and west of the lower bioswale) has been replanted primarily with Western Sycamore trees and *Carex praegracilis*, a native grass-like sedge. Replanting of the path and lower bioswale slopes with coastal sage scrub species as specified in the Restoration Plan would result in a beneficial impact to rare plant communities and species diversity.

Demolition of existing residence/accessory structure. Demolition of the existing residence and accessory structure would not affect any rare plant communities or species as this area has been historically disturbed by construction and use of the structures and no such species are present.

Well Abandonment, Removal. ~~Removal~~ Abandonment of the existing water well in the stream terrace (installed by a prior owner of the property) would not affect any rare plant communities or species as this area was previously disturbed by installation of the well hardware and by historical use of a horse corral (previously removed) immediately nearby. The area immediately surrounding the well enclosure is within the oak-sycamore riparian corridor along Toro Canyon Creek and, as such, is included in the habitat restoration area. Non-native vegetation present before implementation of the Plan has been replaced by native, locally-occurring riparian and riparian scrub vegetation. The area immediately east of the enclosure is bare soil and is part of the access path to this stream terrace. Ingress and egress to the stream terrace during well abandonment ~~removal~~ would occur along this path and would not affect native vegetation.

Gate Removal. The central metal gate portion of the structure located on the subject parcel would be removed and the cement support pillars would be left in place. Removal of the existing legal nonconforming

gate (installed by a prior owner of the property) would not affect any rare plant communities or species in this area because there would be no ground disturbance required.

Restoration Plan Revisions.

- *Gabion wall.* The partially completed gabion wall is essentially anchoring the western slope at the mouth of Toro Creek. Aside from slight changes in topography and temporary erosion control effects, installation of the wall likely has not caused adverse impacts to rare plant communities or species because the area previously contained primarily invasive non-native species. Instead, installation of the wall would allow restoration plantings to anchor into stabilized soil and reduce sedimentation of the mouth of Toro Canyon Creek. Once the last segment of wall is placed and fill soil is packed into the rocks, the wall would be planted with native species per the Restoration Plan.
- *Retention of pedestrian access path to stream terrace.* The key change from the proposed Restoration Plan is that this pathway area would no longer be predominantly restored as freshwater marsh, rather it would function as a bioswale, with a narrow portion of the path retained to provide for non-vehicular, pedestrian access for ongoing habitat restoration activities. The bioswale aspect of the path is an important part of the existing site drainage pattern in which stormwater runoff is collected from the western portions of the site in an underground culvert and conveyed to an outfall at the top of the pathway. The outfall would empty into the cobble-lined bio swale – which is proposed to have additional fill soil and plantings added to it as stated above- that would traverse downslope on the south side of the path, cross the terrace floor, and empty into the creek. When completed, this would create about .03 acres of new freshwater marsh habitat and eliminate a major source of sedimentation into the creek and terminal lagoon. A more robust, vehicular path has existed in this area since before the property's current ownership but again, this would narrowed to allow for a non-vehicular, pedestrian only pathway. Little native vegetation was present in this area before the restoration work began, and with the proposed plantings on either side of the access path, native species diversity would increase.
- *Boulders for slope stabilization.* Placement of these boulders did not cause an adverse impact to rare plant communities or species because the area previously contained primarily invasive non-native species. Additionally, after stabilization is complete the slope would be planted with native species.
- *Stream terrace plantings.* As described above and discussed in Hunt 2012 (item 13), the approved Plan called for planting up to four species of native grasses on the northern and southern stream terraces: meadow barley, California brome, small-seeded muhly and giant rye. One species, giant rye (*Leymus condensatus*), was present there naturally and its numbers were supplemented with additional plantings. California brome was planted as seed in the northeastern corner of the subject property. The other two species were not used, but no specific reason was given in the Addendum, except to say that they “decided to concentrate on use of California brome and dune sedge (*Carex praegracilis*, Hunt, pg. 6). The dune sedge was planted in the center of the stream terrace because it was thought to have been previously present at this location, and to be better suited to the particular on-site conditions (Hunt, 2012). Specifically, according to Hunt (2012), it has a higher ground cover rate, growth rate and viability relative to other native grasses and is able to resist invasion of non-native species; it can tolerate light to moderate shade provided by the riparian canopy trees; provides for superior erosion control and can tolerate light foot traffic. In an April 5, 2012 Memo to Joyce Gerber, the assigned planner at the time, the P&D staff biologist, Melissa Mooney, indicated that “Because dune sedge is providing valuable water retention and habitat functions, I see no significant adverse effects of its use at the present time.” Native riparian shrubs and trees were planted around and among the dune sedge ground cover to improve habitat quality, as called for the approved Plan.
- *Seeding methods.* As described above, the approved Plan specified hydroseeding of the terraces and coastal bluff with appropriate seed mixes. The Plan revision would allow seed mixes to be hand-applied

and raked into the soil, which would result in less damage to in-place container plants and avoid the necessity of spraying water on areas prone to erosion. The approved Plan also called for hydroseeding of specific species at the mouth of Toro Creek. Because two of these species are already present at this location, the proposed project would instead remove non-native vegetation in this dune habitat area, allowing the existing natives to proliferate and additional appropriate native species would be installed as container plants. These changes would not cause a negative impact to native plant communities or species.

- *Planting area, planting density and species richness.* The as-built Plan Addendum increased the size of the restoration area from 2.0 acres to 2.19 acres, and changed the planting density and species richness for every described element except for the coast live oak-sycamore riparian area. In this area, an 8% decrease in coast live oak-sycamore riparian woodland area is proposed. The approved Plan proposed to restore or enhance approximately 2.19 acres of oak-sycamore riparian woodland. Approximately 2.0 acres have already been restored to date. The 8% decrease occurred on the north and south terrace slopes originally proposed for oak-sycamore woodland restoration because the implementing biologist concluded that this area was more appropriately planted with coastal bluff scrub vegetation. This is not fully explained in the Hunt 2012 Addendum, but the area is quite small (0.19 acres). Given the small area, and the fact that coastal sage scrub species often occupy oak woodlands, impacts are considered less than significant.

It should be noted that some species included on the “Species Planted” List in Hunt’s May Addendum (e.g., *Arctostaphylos* ‘Emerald Carpet,’ *Cercis occidentalis*, and *Eriogonum umbellatum*, among others) appear to be California natives as opposed to local natives, and may be more accurately considered landscaping species than restoration species, at least in terms of restoration of the resources occurring on this site. However, the P&D biologist indicated that “portions of the project site and Toro Canyon Creek have been substantially improved by the restoration that has been implemented.” For the above reasons, impacts to vegetation are either non-existent (i.e., No Impact), or adverse, and less than significant.

d) As-built Grading. During restoration, Non-native vegetation was removed from the site; resulting impacts are largely beneficial.

Demolition of existing residence/accessory structure. There would be no adverse effects on non-native vegetation from removal of the existing structures. Impacts are less than significant.

Modifications to Restoration Plan. During restoration, non-native vegetation was removed from the site, and resulting impacts are largely beneficial.

e) As-built grading & Demolition of Existing Residence/Accessory Structure. No trees were removed during the as-built grading activities. Also, no trees would be removed in order to facilitate demolition of the existing residence and accessory structure.

Removal of the existing well in stream terrace. Removal of the well (installed by a previous owner) would not affect any native trees or shrubs that have been planted in the surrounding stream terrace restoration area. See discussion under *Flora a, b, c* earlier in this section.

Modifications to restoration plan. The originally approved Plan called for the replacement of dead or dying eucalyptus with native trees (see Table 1 of the proposed Plan Addendum dated May 25, 2012). Consistent with the arborist’s recommendations (Appendix 4 of approved Plan), 0.64 acres of approximately 15 individual eucalyptus trees were removed from the restoration area and replaced with coast live oak, western sycamore, black cottonwood, white alder, and box elder trees at > 2:1 replacement ratio. The revised Plan does not propose any changes with respect to removal of trees and therefore, resulting impacts are largely beneficial. Approximately 75 additional trees are planned beyond the 131 planted thus far during restoration.

Existing retaining/landscape wall. This wall was installed prior to the property's current ownership and it is not known whether or not it disturbed trees at the time of installation. There is one mature oak tree immediately behind the wall upslope and removal of the wall could impact the root system of this tree. The project arborist, Duke McPherson, recommended that the wall be left in place in order to avoid impacts to the existing oak tree but also recommended tree protection measures that would be required to be incorporated into this project that would reduce any impacts to less than significant levels in the case it is to be removed.

f) Other factors (light, fencing, noise, human presence and/or domestic animals) could hinder the normal activities of wildlife during construction. This would apply only to the ESH area, which is protected by policy, along with its associated 100 foot buffers from edge of canopy. It is anticipated that buffers incorporated in to the project would be adequate to protect against adverse impacts from these elements. Impacts are considered less than significant.

Fauna

g, h, i) The riparian habitat and numerous mature trees located on the project site within the Toro Canyon Creek corridor provide high quality roosting and nesting habitat for a number of special status birds and other protected bird species. As described above, the proposed revisions to the restoration plan would increase the size of the restoration area and also increase habitat areas of southern coastal bluff scrub, freshwater marsh and coastal strand as well as adding more species and more plants than originally approved. Impacts are considered less than significant.

j) The proposed Plan revisions would not introduce barriers to movement of any resident or migratory fish or wildlife species. Demolition of the existing structures at the western edge of the creek mouth would remove permanent structures currently located within the 100-foot buffer area of Toro Canyon Creek. No adverse impacts would occur.

k) The project site has been developed with residential structures and uses since at least the 1940s. Therefore, demolition of the existing residence and accessory structure would not introduce new human habitation to the site. However, the riparian habitat and numerous mature trees located on and adjacent to the project site provide high quality roosting and nesting habitat for a number of protected bird species. Construction-related noise, dust and vehicle traffic generated by construction activities could disturb breeding behavior and cause nest abandonment. Impacts would be less than significant with a mitigation measure requiring breeding season pre-construction surveys for nesting birds, and restricting construction activity within 500 feet of any raptor nest or within 300 feet (or the property line, whichever is closer) of specified bird nests. Impacts would be less than significant with implementation of Special Condition Bio-01: Nesting Birds as stated below.

3. ~~11CDH-00000-00054 Construction of new residence, & grading~~

a, b, c) ~~There are no rare plant communities, native vegetation, or special status plant species at the site of the new residence on Proposed Parcel A. No impacts would result.~~

e) ~~No native trees would be removed in the vicinity of the new residence on Proposed Parcel A in order to facilitate its construction. Two non-native eucalyptus trees would be removed, and non-native fig would be relocated. Removal/relocation of these trees would be mitigated through plantings proposed as part of the revised Restoration Plan. Therefore, no significant impacts would occur.~~

j) ~~Construction of a new residence on Proposed Parcel A would not affect the ability of wildlife to traverse the riparian corridor which occurs approximately 400 ft away on Proposed Parcel B. Therefore, no impacts would occur.~~

~~d, f) The proposed new residence would be located in an area where Eucalyptus trees are located on Proposed Parcel A. Three trees would be removed or relocated as part of the residence's construction. Two eucalyptus trees and a large fig tree are located at the western property line of proposed Parcel A on the northern edge of a knoll (outside of the restoration area). As discussed above, this general area has previously been mapped as habitat for Monarch butterflies; however surveys over the last decade conducted by Dan Meade, Ph.D. indicate that the property has not been used as an aggregation site for many years and that overwintering habitat does not in fact exist on this property which is reflected by the fact that the Monarch Butterfly Habitat designation for the site was removed in the Summerland Community Plan biological resources map. The fig tree would be boxed and relocated on the property. Impacts would be less than significant.~~

~~g, h, k) No rare animal species are known to occur in the vicinity of the proposed residential development area on Proposed Parcel A. Small mammals such as mice and gophers, could be displaced by construction. Due to the abundance of these species, impacts would be less than significant.~~

~~i) Removal of the existing Eucalyptus and fig trees in the vicinity of the new residence on Proposed Parcel A could displace nesting birds, if present. No nests were identified during the biological surveys for this project, so this is not likely. However, to ensure there is no impact on wildlife or wildlife habitat, pre-construction nesting bird surveys would be required to ensure no nests are present prior to construction. Impacts would be considered less than significant with implementation of **Special Condition Bio-01: Nesting Birds.**~~

Cumulative Impacts: The project as mitigated would not significantly impact biological resources onsite. Therefore, it would not have a cumulatively considerable effect on the County's biological resources.

Mitigation and Residual Impact: The following mitigation measures would reduce the project's biological resource impacts to a less than significant level:

1. **Special Condition Bio-01: Nesting Birds.** The applicant shall retain and pay for a P&D approved biologist to inspect and monitor the project site for bird and raptor nesting activity prior to grading or construction on either Parcel. If construction is to take place during the nesting season (March to September), a P&D approved biologist shall conduct a pre-construction bird and raptor nesting inspection not more than one week prior to the proposed beginning of construction activity. If birds or raptors are determined to be nesting on or within the vicinity of the project site, no construction activities, including, but not limited to grading or heavy equipment operation, shall take place within 500 feet of the raptor nest or within 300 feet (or the property line, whichever is closer) of a bird nest. Certain construction activities may be allowed on a case-by-case basis as reviewed and approved by P&D. **Plan Requirements and Timing:** At a minimum of two days prior to the proposed beginning of grading or construction activity, the results of the survey shall be reviewed and approved by P&D. This condition shall be printed on all final construction, grading, and building plans. **Monitoring:** P&D staff shall perform site inspections throughout the construction phase and receive the report from the P&D approved biologist.
2. **Bio-12 Habitat Restoration.** The Owner/Applicant has submitted a draft Habitat Restoration Plan titled "Restoration As-Built Report and Addendum to Conceptual Habitat Restoration and Revegetation Plan" prepared by Hunt & Associates and dated May 25, 2012. The Owner/Applicant shall submit for P&D approval a final version of the Hunt & Associates Habitat Restoration Plan. The report shall include the following components:
 1. Project landscaping in areas within Toro Canyon Creek shall be with, but not limited to, native riparian species such as coast live oak, western sycamore and numerous others as identified in the

draft plan. Restoration plantings within and adjacent to the creek shall be planted as identified in the draft Plan.

2. Species shall be from locally obtained plants and seed stock.
3. The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
4. When work occurs within 100 feet of the top of bank of Toro Canyon Creek, the creek area shall be fenced with orange construction fencing or similar to protect restoration plantings, staked a minimum of every six feet or as necessary to keep fencing from collapsing. Fencing shall be located as far away from the creek as possible but at least 25 feet from the top of bank unless such placement inhibits the work activity.
5. All plantings shall be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and/or gopher fencing as appropriate during the maintenance period. Fencing for plantings in resources areas shall be anchored in fill soils above a geofabric layer only.
6. Non-native species identified in the Hunt & Associates Plan, shall be removed from the creek, however, removal of native species in the creek shall be prohibited.

PLAN REQUIREMENTS/ TIMING: The Final Plan shall be submitted to P&D for review and final approval prior to issuance of the first Coastal Development Permit (CDP) for any building or project element which requires a CDP. The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for three (3) years.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

3. **Bio-20 Equipment Storage-Construction.** ~~For all current and future projects on both resultant parcels, +~~ The Owner/Applicant shall designate one or more construction equipment filling and storage areas within the designated Building Envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The equipment storage area may be located outside the designated Building Envelope with approval from P&D. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development, Building & Grading Permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
4. **Bio-20a Equipment Washout-Construction.** ~~For all current and future projects on both resultant parcels, +~~ The Owner/Applicant shall identify within the designated Building Envelope one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site as needed. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. The equipment washout area may be located outside the designated Building Envelope with approval from P&D. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Coastal Development Permits. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

With the incorporation of this measure, residual impacts would be less than significant

4.5 CULTURAL RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?		X			
b. Disruption or removal of human remains?		X			
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?		X			
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?		X			
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?		X			
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?			X		
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?			X		

Existing Setting: For at least the past 10,000 years, the area that is now Santa Barbara County has been inhabited by Chumash Indians and their predecessors. Information on file at P&D and the Central Coast Information Center of the University of California, Santa Barbara (CCIC) documents that the area surrounding Toro Creek south of Highway 101 was widely used by the Chumash and contains scattered cultural remains throughout. Based on a record search conducted at the CCIC, there are at least seven prehistoric sites located within a ¾ mile radius of the subject parcel. Among these is prehistoric site CA-SBA-1566, which is located on the subject parcel. This site has been evaluated as significant and eligible for the California Register of Historical Resources (CRHR) because it retains sufficient integrity and can provide data important to understanding prehistory. It is considered an important and unique resource under CEQA and is of cultural significance to the Native American community.

Previous Work. The following summary is primarily taken from the report titled *Archaeological Condition Assessment and Effects Testing at CA-SBA-1566, 2825 Padaro Lane, Carpinteria, Santa Barbara County, California* by Clayton G. Lebow, dated June 2012. Additional information is from *Preliminary Report on the Extended Phase I/Limited Phase II Archaeological Investigation at CA-SBA-1566, Carpinteria, Santa Barbara County, California* by Compass Rose (G. Romani, D. Larson and C. Girod) and dated April, 2008.

In his 1929 *Prehistoric Man of the Santa Barbara Coast*, D. B. Rogers discusses the “rancheria clustered about the mouth of Toro Canyon. Of the site now known as CA-SBA-1566 he notes, “To the west of the present mouth of the canyon the character of the soil showed that the region had been used for a time as a camp-site, but there seemed to be nothing to warrant extended explorations there” (p. 65). The site was actually recorded by Craig and Horne in 1978. At that time, they documented the site as a shell midden characterized by a high density of lithic debris, as well as faunal remains, stone bowls, asphaltum, and fire-altered rock. They also noted seven hearth areas to its north and west. The hearth areas outside the midden contained quartzite flakes, heat-altered rocks and a “trace” scatter of marine shell and asphaltum nodules. The vegetation on site was described as orchards, domestic plants and grass.

The site had experienced a large amount of subsurface disturbance prior to its 1978 recordation by Craig and Horne. As part of a subsequent investigation of CA-SBA-13, located to the east of Toro Creek, Stone (1981) included a discussion about land use west of Toro Creek. The flat rectangular area of the terrace, approximately 500 feet east-west and 200 feet north-south, was at that time (and prior to current ownership) used as a polo practice field. Directly west of this field was a dirt access road extending from Padaro Lane to the ocean. The area was also disked regularly by the previous owner for agricultural purposes, resulting in sub-surface churning up to two feet in depth.

In 2006, Compass Rose completed a surface survey of 17.25 acres in the vicinity of CA-SBA-1566 as part of the environmental review for the lot line adjustment that created the subject parcel. That effort identified the shell midden identified by Craig and Horne (Romani and Romani 2007). The work determined that the existing residence, located south of a tributary drainage, was within the shell midden. North of the tributary drainage, the midden continued in an area modified to include a temporary trailer and storage sheds. North and northwest of the midden where Craig and Horne had designated hearth areas, the landscape had been modified by previous owners to create a polo field, and the surface was obscured.

In 2007, Compass Rose conducted an Extended Phase 1/Phase 2 study that included excavation of five potholes and 10 trenches; manual excavation of seven shovel test pits and controlled manual excavation of eight units ranging from .5 m x 1 m to 1 m x 1 m in size (Romani, Larson and Girod 2008). The trenches and potholes were excavated to determine the presence or absence of cultural deposits in the area of the polo field and the midden area north of the tributary drainage. The seven shovel test pits and the excavation units were excavated south of the tributary drainage in the dense midden around the existing residence. These excavations yielded a large quantity of lithic debitage and marine shell, with smaller quantities of chipped stone tools, beads, worked shell, worked bone, tarring pebbles, asphaltum, faunal remains and an anvil. The beads were briefly examined by Chester King, who suggested that occupations occurred during the middle of the Early Period, most of the Middle Period and the early Late Period, with an emphasis on the late Middle Period. No radiocarbon analysis was attempted.

In addition to the artifactual and faunal remains, a human tooth was found in an STP near the existing residence. An excavation unit was placed near the residence to further investigate the potential of human remains in the area. A human vertebra was discovered in the unit's 10-20 cm level, work was stopped, and the coroner and Native American Heritage Commission (NAHC). The NAHC appointed Mr. Quintan Shup as the Most Likely Descendent (MLD) responsible for determining the disposition of the human remains. Mr. Shup visited the site on March 10, 2007 and requested that the area of excavation be expanded to determine if more human remains existed and, if so, their depositional context. The resulting 2 m x 3 m excavation block yielded a human tooth, a vertebra and vertebra fragment, a carpal, a phalanx, a rib fragment and a possible unidentified human bone. All of the remains were given to Mr. Shup.

The isolated human remains recovered in the upper levels of the block excavation adjacent to the residence were not *in situ*. Compass Rose noted that based on the presence of the graded house pad, waterline and thin layer of sand immediately below it, it appeared that the upper 30 cm of the deposit had been disturbed. They concluded that the remains appeared to represent a single burial that was disturbed during construction of the existing dwelling and the water line that transected one of the excavation units, suggesting that it was possible that additional human remains could be present in the immediate area.

Anticipating that Phase 3 data recovery work would be conducted for any future development on the property, Compass Rose performed rough sorting of the excavated materials but did not complete standard technical analyses or evaluate project impacts, as required for a Phase 2 study by the *County of Santa Barbara Resource Management Department Regulations Governing Archaeological and Historical Projects Undertaken in Conformance with the California Environmental Quality Act and Related Laws: Cultural Resources Guidelines* (revised January 1993) (Cultural Resource Guidelines). However they did evaluate CA-SBA-1566 as eligible for the CRHR and recommended that impacts to the site be avoided.

If the site could not be avoided, they recommended that data recovery excavations from impact areas be conducted. They also recommended that midden deposits not directly impacted should be capped with chemically inert soil, and that the site deposits along the upper western bank of Toro Creek should be stabilized against erosion and to protect against vandalism.

Work Conducted for the Proposed Project. As outlined above, a great deal of site disturbance occurred during previous ownership of the property. In the Compass Rose Phase 2 report, they evaluated CA-SBA-1566 as a significant archaeological resource but did not evaluate project impacts. In addition, after the zoning violation was filed for unpermitted grading associated with the gabion wall it became evident that some additional grading had occurred at the site after Compass Rose's the 2007 work. Consequently, in 2011 the County retained Applied EarthWorks, Inc. (AE) to conducted subsurface testing for two purposes. The first was to identify impacts and assess the damage to CA-SBA-1566 from the unpermitted grading and slope stabilization work and to develop mitigation measures if warranted. The second was to assess potential impacts from proposed activities, including additional grading and slope stabilization associated with revisions to the approved restoration plan, as well as demolition of existing structures and future development envisioned on the parcel.

Landscape modification prior to 2007. AE's work began by characterizing the landscape as it was prior to the unpermitted work. A sketch map from the 1978 site record and an aerial photograph from March of 1977 provided specific baselines to discuss subsequent landscape modifications. A combination of sondages, trenches and shovel test pits were also excavated to assess the extent and nature of past landscape modification. The aerial photographs, detailed topographic maps, and excavation results all provided evidence of substantial amounts of landscape modification prior to 2007. Construction of the existing residence and accessory structure affected CA-SBA-1566, although the testing by Compass Rose found that much of the midden in the vicinity of the residence remains intact. A road from the residence to the beach is apparent in the early aerial photographs; construction of the road cut into the slope and the cut debris was pushed over the edge of the road and down the slope. Materials pushed over the road edge included shell midden. Excavation at the toe of the slope below the road found a mixture of redeposited shell midden and ancient terrace gravels (Lebow 2012).

Lebow concluded that, based on aerial photographs, the high terrace in the southwestern corner of the parcel was developed for stables and paddocks between 1977 and 1983. AE's excavations found substantial landscape modification in this area, with mostly redeposited sediments overlying a relatively shallow indurated B Horizon. The area closest to the sea cliff (within the bluff setback) was undeveloped, and excavation units found intact sediments there.

Most of the middle terrace, which comprises the majority of the parcel, was found to be modified. AE's research indicates that most of the original upper sediments in the western part of the terrace were removed and used as fill elsewhere. Much of that material was used to fill the tertiary drainage that cut northwest across the property. Fill was also used to create a level surface for the polo field. Intact shell midden was found beneath shallow fill in the area north of the tributary drainage where landscape modification had been comparatively limited (ibid).

Recent landscape modification. After Compass Rose's archaeological study, unpermitted grading and stabilization work occurred in the vicinity of Toro Creek. Part of AE's scope of work was to determine the extent of this ground disturbance so that impacts to the archaeological site could be assessed. The results of their research are summarized below based on Lebow (2011).

As-Built Grading:

- North of the lower bioswale (immediately northeast of the tertiary drainage), a portion of the bench was graded without permit. Map topography based on a 2006 aerial photograph (i.e., prior to grading) reflects a gentle and consistent slope across the entire bench. After the unpermitted grading, the portion of the bench immediately northeast of the drainage is currently as much as 90 centimeters (35 inches) lower in elevation than the portion of the bench farther from the channel. Although the maximum elevation difference is currently about 90 centimeters (35 inches), differences in contours between modern and 2006 photogrammetric maps suggest that the depth of grading may have reached 180–200 centimeters (70–79 inches) before leveling created the current surface. The unpermitted graded area encompasses about 360 square meters (3,900 square feet).
- Near the southeast corner of the bench northeast of the tertiary drainage, an unpermitted bench was excavated into the southeast-facing slope to plant a tree. This action is east of the unpermitted grading.
- An area immediately east of the existing accessory structure, connecting an existing drive with the existing path to the beach, was graded without permit. The western edge of the graded area created a near vertical cut as much as 90–100 centimeters (35–39 inches) deep; the cut along the southern edge is deeper. The area encompassed by the grading as it impacts the archaeological deposit cannot be calculated because the extent of disturbance prior to the unpermitted grading is unknown.
- Unpermitted grading also includes maintenance and widening of the path to the beach, immediately above the gabion wall.

Restoration Plan Revisions:

- Installation of a gabion wall was also unpermitted. Comparisons of topography based on aerial photogrammetry from before and after installation of the gabion wall reveals a clear difference. Specifically, the existing slope was modified prior to installation of the gabion wall. A bench was cut at the base of the gabion wall and the existing slope was cut at a much steeper angle.
- Boulders were placed along the slope above the path to the beach for stabilization. Other boulders were placed along the access path to the stream terrace
- Boulders were placed along the west bank of Toro Creek. A footpath to the ocean was created on the inland side of the boulders.
- Trees were planted in the bench in the southeast-facing slope above the tertiary drainage.

Identification of significant site deposits. Based on the results of their excavations, AE identified the extent of the significant deposit of CA-SBA-1566. The significant site area was mapped based on two criteria. The first was the presence of intact site deposits. The second was the presence of sufficient quantities of archaeological materials suitable for addressing important research questions (Lebow 2012:53). Significant site deposits were determined to be present both north and south of the existing structures. The significant deposits are shown on a confidential map (Lebow 2012:54); allowing evaluation of impacts from unpermitted grading, and also to be used in placing all future development outside of the significant deposits.

County Environmental Thresholds: The County Environmental Thresholds and Guidelines Manual contains guidelines for identification, significance determination, and mitigation of impacts to important cultural resources. Chapter 8 of the Manual, the *Archaeological Resources Guidelines: Archaeological, Historic and Ethnic Element*, specifies that if a resource cannot be avoided, it must be evaluated for importance under CEQA. CEQA Section 15064.5 contains the criteria for evaluating the importance of archaeological and historical resources. For archaeological resources, the criterion usually applied is: (D), “Has yielded, or may be likely to yield, information important in prehistory or history”. A project that may cause a substantial adverse effect on an archaeological resource may have a significant effect on the environment.

Significant impacts to important archaeological resources occur when ground disturbance destroys the integrity of deposits, reducing their ability to address research questions. Avoidance of deposits that contribute to a site’s significance is the preferred way to mitigate significant impacts. (Note that all portions of an important site may not contain data qualities that contribute to the site’s significance). If avoidance is not an option, then preservation of archaeological sites in place by capping with sterile soil can preserve the context and relationship of remains.

When avoidance through project redesign and capping with sterile soil is infeasible, then Phase 3 data recovery excavations may be undertaken to recover a representative sample from the deposits to be disturbed. Phase 3 excavations are designed and implemented to specifically address research questions and add to our knowledge of California prehistory, thereby mitigating the impacts of ground disturbance. Phase 3 investigations and reports must follow the specifications defined in the County of Santa Barbara Resource Management Department Regulations Governing Cultural Resource Projects Undertaken in Conformance with the California Environmental Quality Act and Related Laws: Cultural Resource Guidelines (1986, Revised January, 1993).

Impact Discussion:

a, b, c, d) As described in Section 3.2 Environmental Baseline, this Initial Study evaluates impacts from ~~three separate applications, some with several elements.~~ **11CDH-00000-00006.** This application is a request to allow (1) as-built grading, (2) modifications to the previously approved biological resources restoration plan, some of which have already occurred (including construction of a gabion wall) and (3) removal of the existing single family dwellings (foundations would be left in place; moreover this would not occur until construction of any future residence on the parcel), retaining wall, play structures, and abandonment of a water well and vault; this task also includes capping the archaeological site with sterile fill and constructing a split rail safety fence entirely within the fill. This project also includes establishment of a building envelope and a development exclusion area. ~~11CDH-00000-00054 is a request to build a new single family dwelling with associated retaining walls, landscaping and drainage features, and to remove and/or relocate several existing trees.~~ ~~12TPM-00000-00006 is a request to split the existing, 10.25-acre lot into two parcels of 3.03 and 7.22 acres with designated building envelopes outside of significant resource areas.~~ Impacts would be less than significant with mitigation and each of these elements is discussed separately below.

11CDH-00000-00006 - Unpermitted Grading & Well, Restoration Plan Revisions including Gabion Wall.

As-built Grading. This grading included approximately 341 cy of cut and 3,390 cy of fill, consisting of 66 cy of cut to widen the existing driveway, 275 cy of cut to improve the access road to beach, and 3,390 cy of fill placed in the area of the previously permitted watchman’s trailer (aka Recreational Vehicle). The grading was conducted without permits and was not a part of the approved or proposed habitat restoration activities. The results of AE’s investigation allowed assessment of the impacts of the unpermitted grading. The grading of the path to the beach occurred below the depth of the archaeological deposit and thus did not impact the site. However, the graded area immediately east of the accessory structure contained intact

archaeological midden. That exposed midden is comparable to the midden evaluated as significant by Romani et al. (2008). Consequently, work in this area directly impacted a significant deposit. In addition, archaeological testing found intact and significant site deposits on the bench northeast of the tertiary drainage (Romani et al. 2008). Grading in this area removed a portion of the site, directly impacting a significant deposit. Finally, archaeological testing near the bench excavated into the southeast-facing slope to plant a tree also found intact and significant site deposits in this area that were directly impacted by the landscaping.

CEQA requires that that development avoid significant resources if possible. However, in this case, the impacts have already occurred and thus cannot be avoided. Mitigation through archaeological excavations at the impact location is not possible because the damage has already been done. A common approach to mitigate the existing impacts is archaeological (Phase 3) excavation to recover data at or near the impacted area. However, this is not recommended in this case, because the resulting archaeological excavations would be impacting an area that otherwise would remain intact. Instead, impacts to the significant site deposits from unpermitted grading would be mitigated by a measure (**Special Condition CulRes-1**) requiring the Owner/Applicant to fund an archaeological study to complete the Phase 2 work begun by Compass Rose Archaeological, Inc. (Romani et al. 2008). Compass Rose recovered a substantial archaeological assemblage from CA-SBA-1566 but sorting was not completed and materials were not analyzed. Applied EarthWorks also recovered materials from significant site deposits and those were not analyzed. Using the cultural materials recovered by Compass Rose and Applied EarthWorks, the study would include, but not necessarily be limited to, detailed technical analysis of lithic debitage and tools (including microscopic edge-wear identification), and identifications of marine shell and vertebrate fauna to the lowest possible taxa. Radiocarbon analysis would be used to develop a chronology of site use, and shell beads would also be identified and placed in the chronology. A report would be prepared that provides a research design; presents a site chronology; details the results of the analyses; and interprets the data. The materials would be curated and the report would be filed with the Central Coast Information Center at the University of California, Santa Barbara. With incorporation of this measure, impacts from as-built grading would be less than significant.

Modifications to restoration plan.

- **Gabion wall.** The originally approved Plan required removal of non-native vegetation and planting of native vegetation within the riparian corridor. The proposed project would modify the plan to allow construction of a rock retaining wall along a slope that separates the stream terrace and the upper landform. This slope was originally sparsely vegetated with non-native, invasive species and would not otherwise be stable enough to accept plantings because it was formed of loose non-compacted dirt, construction debris and trash. This material was pushed over the side of the landform during construction of the road to the beach, prior to the current ownership of the property. All but the top tier of the wall has already been constructed. Prior to its placement, the slope was nearly vertical. This slope was stabilized with an approximately 80 ft long, 13 ft high series of stepped, rock-filled cage gabions that form a retaining wall between the stream terrace level and the upper landform. Its purpose was to facilitate implementation of the restoration plan, prevent the steep unstable slope from eroding into the terrace and lagoon area, and protect the significant archaeological deposits at the top of and immediately behind the slope. Upon placement of the final gabion tier, a fence would be installed in the fill along the top row of the gabion wall. Construction of the gabion wall would require a total of approximately 8 cy of balanced cut and fill. After completion of the wall, it would be covered with an approximately 8 inch thick cap of soil, and native vegetation would be planted as part of the habitat restoration.

Testing in the bench created at the base of the gabion wall determined that archaeological materials visible on the surface in that area represent a secondary deposit that existed before the gabion wall was constructed (Lebow 2012). As stated above, these materials were pushed over the slope during grading of the beach road and were mixed with older terrace gravels, vegetation

and construction debris. Because the site contains multiple components of differing ages (Romani et al. 2008), the secondary archaeological deposit at the gabion wall contains mixed components and is thus not significant. Consequently, installation of the gabion wall did not impact significant site deposits. Also, placement of the final tier of the wall would not impact any cultural resources.

- **Retention of access path to stream terrace.** This project element is outside of and below the area of significant site deposits.
- **Boulders for slope stabilization.** Boulders were placed along the slope above the path to the beach for stabilization. Other boulders were placed along the access path to the stream terrace. In both cases, the boulders are well below the depth of the archaeological deposit. Consequently, installation of the boulders did not impact significant archaeological deposits.
- **Stream terrace plantings.** The lower portion of the stream terrace where these planting occurred is located below the elevation of significant site deposits.
- **Seeding methods.** Changes to seeding methods would not affect significant portions of the archaeological site.
- **Planting area, density and species richness.** In general, changes to the planting area, density and species richness did not impact significant site deposits. The single exception is where trees were planted in the bench in the southeast-facing slope above the tertiary drainage. Archaeological testing near the bench excavated into the southeast-facing slope to plant a tree also found intact and significant site deposits in this area that were directly impacted by the landscaping. Impacts to the significant site deposits resulting from planting trees in the southeast-facing slope would be mitigated to less than significant with **Special Condition CulRes-1**, which requires the Owner/Applicant to fund an archaeological study to complete the previous Phase 2 work and perform analyses typical of a Phase 3 study on this material and material collected during AE's 2011 testing. Additional impacts resulting from the expansion of the area originally approved for planting would be reduced to less than significant with a condition that the significant area of the archaeological site be covered with a minimum of 1.5 ft of fill over geofabric with the exception of the northernmost portion of the site, where intact deposits are already overlain by about 2.6 ft of fill. The condition would require that ground disturbance for plantings located within the significant site area occur only within fill soil (**Special Condition CulRes-3**).
- **Conversion of existing lawn.** The proposed project would cover the existing lawn located to the east of the existing power pole with geofabric, then 18 inches of sterile fill material, and re-plant it with native species. All plantings would occur above the geofabric and entirely within the 18-inch layer of fill soils. Twelve-inch tall tree wells would be constructed on top of the geofabric layer around existing trees at the edge of the lawn area. Tree wells would also be constructed in this fashion in the area along the bluff near the split-rail fence to contain existing Eucalyptus trees. Impacts would be less than significant with implementation of **Special Condition CulRes-3**, which requires that ground disturbance for plantings located within the significant site area occur only within fill soil, and **Special Condition CulRes-5**, which requires that all ground disturbance associated with the proposed project be monitored by an archaeologist and Native American observer in accordance with County Cultural Resource Guidelines.

Demolition and removal of dwellings. This project element would not occur until such time as a new residence is constructed on the parcel. The existing dwellings are located within the significant portion of CA-SBA-1566. Removal of the above-ground portions of the buildings would require heavy equipment

for demolition and removal, which may disturb and/or crush underlying and surrounding intact site deposits. The project description requires that the structural footings remain in place to avoid direct impacts to significant underlying and surrounding deposits. Impacts would be less than significant with application of mitigation measures describing methods of structural demolition and removal (use of a thumbed excavator to grab pieces of structure and place them directly into a haul-away vehicle, all machinery to remain on the existing, gravel road (**Special Condition CulRes-2**)) and outlining requirements for the foundations to be left in place and covered with a cap of sterile nonreactive fill underlain by geofabric (**Special Condition CulRes-3**). In addition, **Special Condition CulRes-4** requires a pre-construction meeting to brief contractors about the project's cultural resource related requirements. **Special Condition CulRes-5** requires that all ground disturbance associated with the proposed project be monitored by an archaeologist and Native American observer in accordance with County Cultural Resource Guidelines. **Special Condition CulRes-7** requires compliance with approved plans. Finally, **Special Condition CulRes-6** describes actions required in accordance with state law and County Guidelines in the event of an unanticipated discovery of features, diagnostic artifacts, or human remains.

Removal of retaining wall. The retaining wall is located between two areas of significant site deposits. Impacts would be less than significant with implementation of **Special Condition CulRes-05**, which requires archaeological and Native American monitoring of all earth-disturbing activities associated with the proposed project.

Removal of play structure. The existing play structure is a prefabricated unit that was placed on a frame of 2-inch by 6-inch lumber set directly on the ground. No ground disturbance is necessary for its removal.

Removal/Abandonment of water well and vault. The water well and vault are located below the level of the archaeological site and their ~~removal~~ abandonment would not affect the known resource. **Special Condition CulRes-6** (standard discovery clause) includes actions required in accordance with state law and County Guidelines in the event of an unanticipated discovery of features, diagnostic artifacts, or human remains.

Construction of fence. The split rail safety fence would be constructed entirely within the sterile fill cap above the geofabric. Impacts would be less than significant with implementation of **Special Condition CulRes-03**, which requires that the significant portions of the site be capped with sterile fill, and **Special Condition CulRes-7**, which requires placement of the fence and other landscaping within the fill and above the geofabric.

Removal of gate. The central metal gate portion of a legal nonconforming gate located across Toro Canyon Creek on the subject parcel would be removed and the cement support pillars would be left in place. The gate section on the subject parcel would be removed from its hinges and no ground disturbance would occur. Impacts would be less than significant.

The proposed project also includes establishment of a development exclusion area consisting of the significant portion of the archaeological site, which would be capped with sterile fill as described in Special Condition CulRes-03. The capping would taper at the existing residence and second unit; however prior to occupancy clearance of any future residence constructed on the property, the existing residence and second unit would be removed, slabs left in place, and capping completed over that area. Additionally, a building envelope would be located outside of the riparian setback, outside of the ordinance-defined property line setbacks, and outside of the development exclusion area. Impacts from these project elements would be less than significant.

~~11CDH-00000-00054 – Construction of new Single Family Residence~~

~~*Construction of new residence and related infrastructure, and removal and/or relocation of trees.*~~ Based on the results of AE's excavations, the new residence and associated infrastructure, including utility lines and drywells, are all located outside of the significant portion of CA SBA 1566. The new house would be placed in the general location where, prior to current ownership of the property, a stable and corral area were located. This area contains redeposited (i.e. not intact) sediments containing a very low density of artifactual material that lacks the ability to address research questions. This portion of the site does not possess the data qualities that would contribute to the site's overall significance, and disturbance to this area would not affect the site's significance. However, it is possible, though unlikely, that isolated diagnostic artifacts, intact features or human remains could occur in the portions of the site such as this that lack integrity. Impacts from these unanticipated discoveries would be less than significant with incorporation of mitigation measures including ~~Special Condition CulRes-4~~, (pre-construction meeting), ~~Special Condition CulRes-5~~ (Native American and archaeological monitoring), ~~Special Condition CulRes-6~~ (standard discovery clause), and ~~Special Condition CulRes-7~~ (compliance with plans). Finally, ~~Special Condition CulRes-8~~ requires that all development associated with this element of the project, including utilities and accessways, occur outside of the area mapped in Lebow 2012 (p.54) as significant. The exception is landscaping, which may occur within significant site areas if it is located entirely in fill above the geofabric described in ~~Special Condition CulRes-3~~.

~~12TPM-00000-00006 – Lot Split~~

~~12TPM-00000-00006 is a request to split the existing, 10.25-acre lot into two parcels of 3.03 and 7.22 acres. Future development on each of the new lots has the potential to impact the significant portion of CA SBA 1566. This impact would be less than significant with mitigation requiring that the significant portion of the site be identified on the recorded map as a development exclusion area (**Special Condition CulRes-8**). In addition, it is possible, although unlikely, that diagnostic artifacts, intact features or human remains could be present in the areas of the site not identified as significant. Impacts from these unanticipated discoveries would be less than significant with incorporation of mitigation measures including ~~Special Condition CulRes-4~~, (pre-construction meeting), ~~Special Condition CulRes-5~~ (Native American and archaeological monitoring), and ~~Special Condition CulRes-6~~ (standard discovery clause). Finally, ~~Special Condition CulRes-7~~ requires that *all* development associated with this element of the project, including utilities and accessways, occur outside of the area mapped in Lebow 2012 (p.54) as significant. Landscaping may occur within significant site areas if it is located entirely in fill above the geofabric as described in ~~Special Condition CulRes-3~~.~~

e) The property contains archaeological site CA-SBA-1566. Some aspects of the project reviewed in this document were conducted without permits and have already impacted intact, significant portions of this CRHR-eligible site. Local Native American consultants have participated in the past excavations at the site and Native American representatives identified by the Native American Heritage Commission (NAHC) were invited to attend three separate consultation meetings regarding development in the Loon Point area that were held at P&D on January 10, 2011, February 17, 2011 and June 28, 2011. Subsequent to these meetings, AE conducted testing to assess the impacts of unpermitted work and determine the intact, significant portions of the site in order to guide future development. This work was monitored by Native American observers. Subsurface testing conducted by AE in 2011 shows that all of the project elements that have not yet been implemented would avoid the significant, intact portions of the site. An additional consultation meeting with Native American representatives was conducted on July 17, 2013. As a result of the meeting, a site visit was scheduled. Native American representatives also requested monitoring during all earth disturbing activities, on-site re-interment of any human remains discovered during construction, curation of artifacts, and weekly updates provided to interested Native Americans by the designated Native American Monitor. Also, they requested that, in the event that human remains are found during construction, the Most Likely Descendent appointed by the Native American Heritage

Commission not be the same individual as the on-site monitor. **Special Conditions CulRes 1, 5, and 6** reflect these requests.

The project includes permits for prior grading, ~~removal~~ abandonment of a water well and associated vault placed in the stream terrace by the previous owner, and revisions to a previously approved habitat restoration plan for the Toro Creek corridor. As described above, some of the work that was done without permits impacted significant portions of the site. A mitigation measure would be implemented requiring analysis and reporting of materials previously removed from the site. ~~The existing buildings would be removed from the significant part of the site, leaving slab foundations in place, and t~~ The culturally sensitive area of the property would be capped with geofabric and sterile fill and excluded from any future development. The intact, significant portions of the site would be restricted from all future development via a separate sheet ~~recorded with the map~~ identifying the area as a “Development Exclusion Area”. The capping would taper at the existing residence and second unit; however prior to occupancy clearance of any future residence constructed on the property, the existing residence and second unit would be removed, slabs left in place, and capping completed over that area. All ground disturbances for future development on the property would be required to be monitored by an archaeologist and Native American observer. Landscaping within the significant site area would be required to be installed above the geofabric and within the fill layer. In the unlikely event that human remains are encountered project conditions require that excavations would cease and Chumash representatives would be immediately consulted to determine the appropriate treatment of those ancestral human remains. Additional measures would be required to educate construction workers about the site’s sensitivity and to strictly limit ground disturbance to areas explicitly designated on approved plans. Application of these mitigation measures (**Special Conditions CulRes 1-8**) would reduce impacts to less than significant.

f) The project would not increase the long-term potential for trespassing, vandalizing or sabotaging cultural or ethnic resources as there would be no change in the existing residential use of the site. The project could increase the short-term potential for vandalizing cultural resources during construction activities. This impact would be less than significant with incorporation of mitigation measures including **Special Condition CulRes-4**, (pre-construction meeting) and **Special Condition CulRes-5** (Native American and archaeological monitoring).

g) The site is not currently used for religious, sacred or educational purposes. No impacts would occur.

Cumulative Impacts: The project is located within a complex of significant prehistoric archaeological sites on Loon Point. In addition to the Beach Club project, there are two other related projects within this site complex. (“Related projects” are defined as “past, present and probable future projects producing related or cumulative impacts” to the proposed project (CCR § 15130 (b)(1)(A)).) These are briefly described below.

The first related project is a recently approved Coastal Development Permit for a new single family dwelling located south of Padaro Lane and east of Toro Creek. This project area contains sparse shellfish deposits. The Final Mitigated Negative Declaration for this project requires capping of site areas and a caisson-type foundation to mitigate cultural resource impacts to less than significant levels. The second related project is located directly east of the Beach Club property on the east side of Toro Creek. It consists of an issued permit to demolish a detached garage and portions of an existing house, and construct an addition to the dwelling on caisson foundations within a significant archaeological site. This area has experienced previous grading that moved or removed portions of the archaeological site. Thus, the cumulative baseline for this second project includes significant impacts to Loon Point’s cultural resources from past projects, and potentially significant impacts from proposed projects.

The Beach Club project has the potential to contribute to these cumulative impacts. However, the same mitigation measures that would reduce project-specific impacts to a less than significant level also would reduce the project’s contribution to cumulative impacts to a less than cumulatively considerable level.

These measures include funding further studies designed to alleviate the cumulative impact. Specifically for this project, **Special Condition CulRes1** requires completion of study to complete the analysis of previously excavated materials, and creating a report that would contribute to the understanding of the entire prehistoric Loon Point site complex. **Special Conditions CulRes 2 through 5** call for carefully controlled removal of existing structures while leaving foundations in place, capping significant portions of the site, a preconstruction workshop, and monitoring of all ground disturbing activity. **Special Conditions CulRes 6, 7 and 8** specify actions that must be taken if features, diagnostic artifacts or human remains are identified during construction; require strict compliance with approved plans and location of landscaping above geofabric; and designates the significant area of the site as a development exclusion area. With implementation of these measures, the project's impacts on the cultural resources of Loon Point would be less than cumulatively considerable.

Mitigation and Residual Impact: The following mitigation measures would reduce the project's cultural resource impacts to a less than significant level:

1. Special Condition CulRes-1: Analysis of Existing Collections. The Applicant shall fund an archaeological study to complete the Phase 2 work begun by Compass Rose Archaeological, Inc. (Romani et al. 2008). Archaeological remains collected from intact site deposits by Applied EarthWorks, Inc. during an impact assessment (Lebow 2012) would be included in the Phase 2 completion study. Completing the Phase 2 work shall include:

- Sorting the remaining unsorted screen residues;
- Analysis of lithic debris (debitage, tools, and fire-altered rock);
- Identification of vertebrate faunal remains to the lowest possible taxa;
- Identification of invertebrate faunal remains to the lowest possible taxa
- Analyses of pigment and asphaltum; and
- Documentation of the results.

Using the materials recovered during the Compass Rose and Applied EarthWorks excavations, the Applicant shall also fund special studies typical of a Phase 3 investigation. Specifically, special Phase 3 studies shall include:

- Radiocarbon analysis sufficient to accurately delineate the chronology of site use;
- Identification of all shell beads and placement of the beads in the site chronology;
- Microscopic edge-wear analysis of all flaked stone tools;
- Archaeobotanical analysis of macrobotanical remains from flotation completed by Compass Rose;
- Geological sourcing and hydration rim measurement of obsidian specimens (if recovered); and
- Preparation of a Phase-3 level report. The report shall be synthetic by including both the Phase 2 and Phase 3 work. It shall provide a research design; present a site chronology; detail the results of the Phase 2 and Phase 3 technical analyses; and interpret the results. Interpretations shall consider the site in the context of data from a nearby site or sites. The report shall include an updated site form and shall be filed with the Central Coast Information Center at the University of California, Santa Barbara.

The Applicant shall fund curation, in perpetuity, of the cultural materials collected from the site.

Plan Requirements: The Owner/Applicant shall submit a work plan and timeline to the County for review and approval. After completion of the work, the Owner/Applicant shall submit the required archaeological studies for P&D review and approval. **Timing:** The work plan shall be submitted to the County prior to issuance of Coastal Development Permit for 11CDH-00000-00006. P&D planning staff shall approve the work plan prior to issuance of the Coastal Development Permit. The final report shall be submitted to P&D and shall be consistent with the approved proposal and timeline. Prior to issuance of 11CDH-00000-00006, the Owner/Applicant shall post a performance security prior to issuance of the Coastal Development Permit in the amount necessary to complete the analysis and prepare the report. **Monitoring:** P&D planning staff shall review and approve a draft study report prior to submittal of final report. The Owner/Applicant shall submit to P&D compliance monitoring staff the final report consistent with the approved proposal and timeline. The performance security shall be released upon satisfactory completion of the final report.

2. **Special Condition CulRes-02: Structural Demolition & Retention of Foundations in Place.** Prior to occupancy clearance of any future residence constructed on the parcel, the existing single family dwelling and residential second unit shall be removed and the area capped with sterile fill in accordance with Special Condition CulRes-03. In order to avoid disturbing the surrounding deposit, all structural foundations shall remain in place. All machinery used for structural demolition shall remain on the existing gravel road. Demolition shall be accomplished using an excavator with a thumb to remove pieces of the structure and put them directly into a haul away truck also parked on gravel road. Demolition may also be accomplished by use of hand tools. In the event that any portion of the existing residence cannot be reached by equipment parked on the road, the fill required in Special Condition CulRes-3 shall be spread in front of the excavator and, when geofabric and fill are in place per that condition, the excavator may park on it to reach those portions of the house than cannot be reached from the road. Debris shall not be piled on the ground but shall instead be placed directly into a haul-away vehicle. All structural foundations shall be left in place. The work shall proceed according to a demolition plan prepared by a qualified archaeologist and approved by P&D. The demolition plan shall include both text and a large-scale figure suitable for guiding work in the field. All work related to structural demolition shall be guided by the archaeologist and monitored by an archaeologist and a Native American observer. **Plan Requirements and Timing:** Prior to occupancy clearance of any future residence constructed on the subject parcel, the existing single family dwelling and residential second unit shall be removed in compliance with this condition. Prior to issuance of 11CDH-00000-00006, this condition shall be recorded such that it appears on the title report for the subject parcel. The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit for demolition, the Owner/Applicant shall submit to P&D for review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist consisting of a project description and scope of work (demolition plan), and once approved, shall execute the contract. The work shall be implemented after issuance of 11CDH-00000-00006 but prior to occupancy clearance of any future residence constructed on the parcel. but prior to map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054. **Monitoring:** P&D shall ensure that this condition is met prior to issuance of any Coastal Development Permits on the parcel. The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American observer and P&D grading inspectors shall spot check field work.

3. **Special Condition CulRes-03: Cap Significant Site Areas.** ~~After demolition of the house and accessory structure, a~~ A layer of geotextile fabric and at least 18 inches of chemically inert fill shall be placed over the significant portions of the archaeological site identified in Lebow (2012, p. 54, Figure 4-2) and as shown on the grading plans associated with ~~11CDH-00000-00054 and 11CDH-00000-00006.~~ The exception to this requirement is the northernmost lobe of the site identified as significant by Lebow (2012:54), which is located on both sides of the existing driveway. In that location, no fill is required because site deposits are already overlain by approximately 2.6 ft of fill. The work shall proceed

according to a capping plan prepared with the assistance of a qualified archaeologist and approved by P&D. The capping plan shall include both text and a large-scale figure suitable for guiding work in the field. The capping plan shall include tapering of the fill at the existing residence and second unit. A separate capping plan shall also be submitted at this time, and approved by P&D, to guide future placement of remaining fill at such time as the existing structures are removed in compliance with Special Condition CulRes-02. All work related to capping shall be guided by the archaeologist and monitored by an archaeologist and a Native American observer. **Plan Requirements and Timing:** ~~This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006.~~ The Owner/Applicant shall print this condition on all grading and building plans. Prior to issuance of the Coastal Development Permit for 11CDH-00000-00006, the Owner/Applicant shall submit to P&D for review and approval a contract or Letter of Commitment between the Owner/Applicant and a County-approved archaeologist consisting of a project description (fill plan) and scope of work and once approved by P&D, shall execute the contract. The fill plan shall be implemented after issuance of 11CDH-00000-00006 but prior to issuance of any additional permits on the subject parcel. ~~map recordation for 12TPM-00000-00006 and prior to issuance of 11CDH-00000-00054.~~ Implementation of the fill plan shall be supervised by an archaeologist and monitored by a Native American observer. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the archaeologist and Native American monitor prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm that placement of fill conforms to the approved fill plan, and P&D grading inspectors shall spot check field work.

4. **Special Condition CulRes-04: Pre-Construction Workshop.** A pre-construction workshop shall be conducted to inform construction personnel about the archaeological issues on site. Prior to any and all ground disturbing activities, including but not limited to structural demolition and placement of geofabric and fill, a short pre-construction workshop shall be conducted by a qualified archaeologist and a local Native American (Chumash) observer. Attendees shall include all construction supervisors, other personnel and equipment operators. New operators or supervisors shall receive the briefing by the archaeologist and Native American observer prior to commencing work. The workshop shall:
- Inform all workers of the cultural resource related conditions on the project, provide copies of conditions, and ensure that are understood.
 - Review the types of archaeological artifacts that may be found during construction and on the ground surface in the vicinity of the proposed project;
 - Provide examples of common artifacts to examine; and
 - Discuss prohibited activities, including unauthorized collection of artifacts and associated penalties.

A sign-in sheet shall be provided to document dates and names of persons attending. **Plan Requirements and Timing:** ~~This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006.~~ This condition shall be shown on all grading and building plans. **Monitoring:** P&D compliance monitoring staff shall confirm attendance. The Owner/Applicant shall include attendance sheets in the final monitoring report.

5. **Special Condition CulRes-05: Cultural Resources Monitor.** ~~For all current and future projects on both resultant parcels, +~~ The Owner/Applicant shall have all earth disturbances including scarification and placement of fill monitored by a P&D qualified archaeologist and a Native American observer in compliance with the provisions of the County Cultural Resource Guidelines. The Native American observer shall maintain a daily field log and share this information with interested Chumash individuals and tribal members on a weekly basis. In the event that human remains are discovered on site, and the Most Likely Descendent (MLD) appointed by the Native American Heritage Commission is the acting monitor, then a new monitor shall be retained so that the monitor is not the same individual as the MLD. **Plan Requirements and Timing:** ~~This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006.~~ This condition shall be shown on all building and grading plans. Prior to issuance of any Coastal Development Permit, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant

and the archaeologist consisting of a project description and scope of work, and once approved, shall execute the contract. Prior to final building clearance issuance, a monitoring report shall be submitted to P&D. The report shall be written by the monitoring archaeologist and shall include the Native American observer's field log. The report shall also be submitted to the Central Coast Information Center at the University of California, Santa Barbara (CCIC). **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American observer and P&D grading inspectors shall spot check fieldwork.

6. **Special Condition CulRes-06: Discovery of Features, Diagnostic Artifacts or Human Remains.** In the event that archaeological features such as hearths or burials are encountered, P&D shall be notified and work shall be stopped immediately. If human remains are encountered, then the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and such remains shall be treated in accordance with California Public Resources Code 5097.98. Intact features other than human remains shall be treated in accordance with County Cultural Resources Guidelines. Diagnostic artifacts shall be documented, collected and curated. Human remains shall be returned to the Most Likely Descendent (MLD) and may, at the discretion of the MLD, be re-buried in an area of the site that will not experience any further disturbance. **Plan Requirements and Timing:** ~~This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006.~~ This condition shall be printed on all grading and building plans. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check fieldwork. Prior to final building clearance issuance, the applicant shall demonstrate that any collected artifacts have been appropriately documented and curated with the remainder of the collection from the site.
7. **Special Condition CulRes-07: Compliance with plans.** ~~For all current and future projects on both resultant parcels, a~~ All development, including utilities and accessways, shall occur outside of the area mapped in Lebow 2012 (p.54) as significant. Habitat restoration and landscaping may occur within significant site areas only if it is located entirely in fill above the geofabric described in Special Condition CulRes-3. The exception to this requirement is the northernmost lobe of the site identified as significant by Lebow (2012:54), which is located on both sides of the existing driveway. In that location, no fill is required because site deposits are already overlain by approximately 2.6 ft of fill. All excavation for placement of plants must be located within the fill and above the geofabric (where present). Construction of the split-rail safety fence shall also occur entirely above the geofabric and within the fill. If any trees within the significant site area are proposed for removal, either as part of this project or any future projects, they shall be cut off above the level of the geofabric; they shall not be dug out and the roots shall be left in place. **Plan Requirements and Timing:** ~~This condition applies to 11CDH-00000-00006, 11CDH-00000-00054 and shall be recorded with 12TPM-00000-00006.~~ This condition shall be printed on all grading and building plans. Prior to issuance of any CDPs, P&D shall confirm that plans show that any development is occurring solely outside of the significant portion of the site, and shall confirm that the locations and depths of the landscaping and split rail safety fence are above geofabric and in fill. **Monitoring:** The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite archaeological monitor(s) prior to grading/building permit issuance and pre-construction meeting. Prior to the start of any ground disturbing activity and periodically thereafter, P&D compliance monitoring staff shall confirm with the archaeologist that all work is occurring outside of the mapped boundaries of the significant portion of the site or otherwise complies with requirements to be located within fill.
8. **Special Condition CulRes-08: Development Exclusion Area.** In order to protect on site cultural resources, the area mapped in Lebow 2012 (p.54, Figure 4-2) as significant shall be excluded from all future development with the exception of the following:

- Fill material would be placed on top of a geogrid fabric layer to protect significant cultural resources ~~in accordance with the conditions included with the Parcel Map.~~
- Shallow-rooted landscaping would be placed entirely within the fill on top of the geogrid fabric.
- A protective fence would be installed along the bluff top, with fenceposts placed entirely in the fill soil above the geogrid fabric layer.
- The applicant could retain access to the beach via a small segment of unpaved roadway located in the narrow area between the lower and middle terraces shown in Lebow 2012 (p.54, Figure 4-2). All other roadways must be located outside of the exclusion area.

Plan Requirements and Timing: ~~This condition applies to 11CDH-00000-00006, 11CDH-00000-00054, and shall be recorded graphically with 12TPM-00000-00006.~~ The area designated in Lebow 2012 (p. 54, Figure 4-2) as significant archaeological site shall be mapped graphically and described by metes and bounds on a separate informational sheet and designated as “Development Exclusion Area”. This sheet shall be recorded such that the development exclusion area appears on the title report for the subject parcel with the final map. **Monitoring:** P&D shall ensure that this condition is met prior to issuance of any Coastal Development Permits on the parcel map recordation.

With the incorporation of these measures, residual impacts to Cultural Resources would be less than significant (Class II).

4.6 ENERGY

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

Impact Discussion: The County has not identified significance thresholds for electrical and/or natural gas service impacts (Thresholds and Guidelines Manual). Private electrical and natural gas utility companies provide service to customers in Central and Southern California, including the unincorporated areas of Santa Barbara County. ~~The proposed lot split, Case No. 12TPM-00000-00006 would result in the creation of one, net new lot which would allow one, net new residence to be constructed onsite, and energy use is estimated as follows:~~

Energy Use:

Multiplier	Project Demand
Natural Gas (13.7 million BTU per capita ¹)	54.8 ² million BTU per year
Electricity (6.9 MWh/yr/home SCE) ³	27.6 ⁴ megawatt hours per year

Case no. 11CDH-00000-00006 involves grading, and demolition of an existing second family dwelling upon construction of any future residence; it would not create a demand for energy or a requirement for extension or development of new energy sources.

¹ <http://apps1.eere.energy.gov/states/residential.cfm/state=CA#ng>

² Assumes 4 new residents

³ http://enduse.lbl.gov/info/LBNL_47992.pdf

⁴ Assumes 4 new residents

~~In summary,~~ The project would have minimal long term energy requirements and a negligible effect on regional energy needs. No adverse impacts would result.

Cumulative Impacts:

The project’s contribution to the regionally significant demand for energy is not considerable, and is therefore less than significant.

Mitigation and Residual Impact:

No mitigation is required. Residual impacts would be less than significant.

4.7 FIRE PROTECTION

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?				X	
b. Project-caused high fire hazard?				X	
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?		X			
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	
e. Development of structures beyond safe Fire Dept. response time?				X	

Impact Discussion:

The project is not located within a High Fire Hazard Area, and does not involve new fire hazards. The project is located in an area with an adequate response time for fire protective services.

A condition letter was prepared by the Carpinteria/Summerland Fire District for the project (August 15, 2012) in which their standard conditions applicable to the project are articulated. Standard conditions applied to the project by the District include:

1. use of a knox-box system for the onsite entry gate,
2. accessways to conform to the requirements set forth in the Santa Barbara County Private Roads and Driveway Standards, Section 8 and the Carpinteria/Summerland Fire District Standard #1,
3. provisions for adequate fire hydrants and water supply,
4. installation of automatic fire sprinklers in all new buildings, and
5. issuance of a Fire Protection Certificate prior to occupancy of the residence.

Mitigation and Residual Impact: With implementation of the conditions outlined in the Carpinteria/Summerland Fire District condition letter dated August 15, 2012, impacts to fire protection would be less than significant. No additional mitigation is necessary.

Cumulative Impacts: Since the project would not create significant fire hazards, it would not have a cumulatively considerable effect on fire safety within the County.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?			X		
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?			X		
c. Exposure to or production of permanent changes in topography, such as bluff retreat or sea level rise?			X		
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?		X			
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?		X			
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?				X	
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?				X	

Setting/Special Studies:

The Loon Point Fault is shown on USGS maps to trend toward the project site in the western portion of the parcel, approximately 150 feet north of the proposed single family residence on Proposed Parcel A. A preliminary Geologic Investigation by Adam Simmons, consulting geologist (dated October, 2006) was prepared to analyze the sea cliff retreat rate and slope stability of the on-site coastal bluff and a several Geotechnical Engineering Reports were developed by Earth Systems which studied potential onsite geologic hazards including seismic impacts, the potential for liquefaction and the location of the Loon Point Fault. Those reports included the following:

- Geotechnical Engineering Report, Proposed Single Family Dwelling and Barn, April 30, 2012 (Revised September 17, 2012),
- Addendum to Second Response to County of Santa Barbara Peer Review dated June 19, 2013,
- Second Response to County of Santa Barbara Peer Review dated May 14, 2013,
- Fault Rupture Hazard Report dated August 29, 2012, a Fault Rupture Hazard Report, Proposed Single Family Dwelling and Barn, dated August 29, 2012 (Revised September 17, 2012)
- Seismic Refraction Investigation Geophysical Survey, GEOVision Geophysical Services, Inc. dated August 14, 2012.

The updated Earth Systems Geotechnical Engineering report also supports the Simmons bluff retreat study with additional information and conclusions. The final report identified both slope stability and bluff retreat setbacks. The bluff retreat reports, in combination with the proposed house design, were peer reviewed by the County's contract geologist, GeoDynamics and accepted as adequate (June 19, 2013).

Thresholds:

Pursuant to the County's Adopted Thresholds and Guidelines Manual, impacts related to geological resources may have the potential to be significant if the proposed project involves any of the following characteristics:

1. The project site or any part of the project is located on land having substantial geologic constraints, as determined by P&D or PWD. Areas constrained by geology include parcels located near active or potentially active faults and property underlain by rock types associated with compressible/collapsible soils or susceptible to landslides or severe erosion. "Special Problems" areas designated by the Board of Supervisors have been established based on geologic constraints, flood hazards and other physical limitations to development.
2. The project results in potentially hazardous geologic conditions such as the construction of cut slopes exceeding a grade of 1.5 horizontal to 1 vertical.
3. The project proposes construction of a cut slope over 15 feet in height as measured from the lowest finished grade.
4. The project is located on slopes exceeding 20% grade.

Impact Discussion:

a) ~~The Loon Point Fault is shown on USGS maps to trend toward the project site in the western area of the parcel. in the area approximately 150 feet north of the proposed residence on Proposed Parcel A. However, "no faults or landslides were encountered during field studies" during the site investigation performed by Earth Systems in conjunction with their technical report. Additionally, and in association with a separate but recent development project, Campbell Geo conducted extensive exploratory trenching on the Cameron property directly to the east of the subject site (Campbell Geo evaluation dated December 29, 2008) in an attempt to find the Loon Point Fault but was also unable to do so. Regardless of the inability to physically identify the Loon Point fault in field studies, it is considered to be "potentially active" and located somewhere in the vicinity of the northern portion of the property near Padaro Lane. The setback for the residence from the estimated location of the fault line is approximately 150 feet which is greater than the minimum setback (50 feet) by the California Building Code (CBC) from an active fault line. As such, the "the potential for fault rupture hazard below the residence is low" according to Earth Systems.~~

A Fault Rupture Hazard Report was ~~however~~ prepared in August 29, 2012 which included a seismic refraction investigation to locate the fault. The report concluded that the fault appears to be either concealed below the thick older alluvium section (at least 50 feet thick based on borings and sea cliff exposures), located offsite based on the measured directional trend at its sea cliff exposure, and/or the compressional tectonic forces have only created folding, not faulting within the Casitas Formation/Marine-terrace deposits below the site. Because there are no faults crossing the subject site near the ground surface, there are no structural setbacks required."

The Summerland Community Plan resource map identifies the area surrounding Toro Canyon Creek including areas of the project site as having a "moderate" potential to host liquefiable soils. Because the site contains no groundwater down to a depth of at least 50 feet, the Earth Systems report states, "the conditions for liquefaction potential are not present at the site and the potential for liquefaction related settlement is low." Therefore, no impacts due to liquefaction are anticipated in association with the proposed project.

All soils-related hazards would be reduced to a less than significant level through implementation of standard recommendations contained in the Earth Systems report. Impacts are considered less than significant.

b, i) The proposed project includes as-built grading of approximately 341 cubic yards of cut and 3,390 cubic yards of fill, consisting of 66 cubic yards of cut to widen the existing driveway, 275 cubic yards of cut to improve the access road to beach, and 3,390 cubic yards of fill placed in the area of the previously permitted watchman's trailer. In addition, placement of the gabion wall involved about 8 cubic yards of balanced cut and fill. Only minor ground disturbance associated with plant placement would be required to implement the remainder of the habitat restoration plan. ~~No grading would be associated with removal of the existing house and accessory structure since the existing slab foundations would be left in place.~~

~~Grading associated with development of the proposed single family residence on Proposed Parcel A would total approximately 1,030 cubic yards of cut and 3,055 cubic yards of fill with 2,025 cubic yards import. Future development of a new single family residence with associated accessory structures on Proposed Parcel B would be expected to be minimal since the topography within the proposed building envelope of Parcel B is relatively flat. Approximately 2,815 cubic yards of fill material would be placed over sensitive areas across both proposed Lots in order to protect them from further disturbance.~~

While a large amount of material has been manipulated onsite in conjunction with the unpermitted work, some by previous owners of the property, it has not, and would not, significantly alter the site's topography. The amount of past and proposed grading is not considered extensive or excessive given the scope of development included in the project and the variable topography of the areas of the site where work has been undertaken. Impacts are considered less than significant.

c) Predictions about the long-term effects of global climate change include rising sea levels due to the melting of glaciers and thermal expansion. Rising sea-levels caused by global climate change could increase the rate of coastal-bluff retreat due to scouring of the base of bluffs. Although the exact rate of potential sea level rise cannot be determined, the Intergovernmental Panel on Climate Change⁵ predicts that sea levels could possibly rise between 50 and 90 centimeters (approximately 1.6-to-3 feet) by the year 2100. Since the project includes areas subject to coastal erosion, coastal bluff retreat has been modeled for the project location.

A preliminary Geologic Investigation (Adam Simmons, October, 2006) was prepared to analyze the sea cliff retreat rate and slope stability of the on-site coastal bluff. The investigation revealed that the bluff is retreating at a rate of approximately 3.4 inches per year on average. Using a design life of 75 years (Santa Barbara County and California Coastal Commission Guidelines), the total theoretical sea cliff retreat during that time would be approximately 31 feet from its present location. The June 18, 2013 Earth Systems report, which acts to supplement the Simmons bluff retreat information, identifies an additive "factor of safety" setback of 40 feet to be added to the 75-year sea cliff retreat rate to ensure any structure present is still located safely after the 75 year design life. When the 31-foot retreat distance is added to the 40-foot factor of safety setback, the total setback for structures on the property is 71 feet. The proposed residence to be located on Parcel A would be located 74 ft from the bluff edge. Therefore, the proposed structure building envelope is located out of the combined slope stability and sea cliff retreat setback identified for the project, would be adequately set back from the bluff edge and would meet the Coastal Commission Setback Guidelines. f

~~Proposed Parcel B would include a building envelope located a minimum of 71 ft from the bluff edge. As such, no geologic hazards related to bluff retreat would result due to project implementation and no impacts would occur.~~

⁵ ~~The Intergovernmental Panel on Climate Change is a scientific intergovernmental body set up by the World Meteorological Organization (WMO) and by the United Nations Environment Program (UNEP).~~

e, f) The property's bluff edge represents a relative "high point" on the site which directs drainage away from it and the existing site contours bring stormwater drainage from the western portions of the site to the southeastern corner of the site where it is discharged into Toro Canyon Creek. Stormwater is gathered and disbursed into the creek channel in a non-erosive manner through a series of rock-lined swales, bio-swales and a desiltation pond located in the stream terrace. Additionally, the proposed restoration and enhancement of riparian vegetation in the stream terrace area would include the installation of several smaller bio-swales in the lower stream terrace which would act to gather stormwater, strengthen the surrounding soil stability and protect the area from future erosion. A secondary point of stormwater collection and discharge into the creek is located in the northeastern portion of the site but this feature would be left alone as part of the project to maintain the natural erosion patterns in the northern portion of the site. Long-term operational impacts associated with erosion and sedimentation are considered less than significant.

Grading operations associated with the proposed project needed to cap sensitive areas ~~on Proposed Parcel B and for development of the residence on Proposed Parcel A~~ would remove vegetative cover and disturb the ground surface, thereby increasing the potential for erosion and sedimentation impacts during construction and grading activities. These impacts are considered potentially significant. However, the potential for the project to cause substantial erosion and sediment transport would be adequately mitigated by the County's standard erosion and sediment control requirements and development of a Stormwater Pollution Prevention Plan (SWPPP) described in the below mitigation measure.

d, g – l) The project would not cause the destruction, covering or modification of any unique geologic, paleontologic or physical features. The project would not involve mining, the loss of topsoil, or construction-related vibrations.

Cumulative Impacts: Since the project would not result in significant geologic impacts, it would not have a cumulatively considerable effect on geologic hazards within the County.

Mitigation and Residual Impact:

The following mitigation measures would reduce the project's geologic impacts to a less than significant level:

- 1. Special Geologic Protection Measures.** ~~For all current and future projects on both resultant parcels,~~ a-All construction techniques and onsite development shall conform to the recommendations contained in the relevant Geotechnical Engineering Reports prepared by Earth Systems and any other reports required by P&D. **PLAN REQUIREMENTS:** For proposed development on both newly created parcels, t-The Owner/Applicant shall submit a soils engineering study that complies with current industry standards, addressing structure locations and access road(s) to determine structural design criteria. The Owner/Applicant shall submit the study for P&D review and approval. The Owner/Applicant shall also submit the study for Public Works review and approval when work would occur within a public right-of-way and/or require a road encroachment permit. Elements of the approved study shall be reflected on grading and building plans as required. **TIMING:** The Owner/Applicant shall submit the study prior to approval of Coastal Development Permits. **MONITORING:** P&D permit processing planner shall review the study. The Owner/Applicant shall demonstrate that the submitted plans conform to required study components. Grading and building inspectors shall ensure compliance in the field.
- 2. WatConv-03: Erosion and Sediment Control Revegetation.** ~~For all current and future projects on both resultant parcels, t-~~The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require

the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** ~~This condition applies to 11CDH-00000-00006 and 11CDH-00000-00054.~~ Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas within one week of work stoppage or completion of work. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

3. **WatConv-07: SWPPP.** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. ~~This condition applies to 11CDH-00000-00006 and 11CDH-00000-00054.~~ **TIMING:** Prior to issuance of the first Grading Permit on the ~~resultant~~ subject parcels, the Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities. **MONITORING:** P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

With the incorporation of this measure, residual impacts would be less than significant.

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
b. The use, storage or distribution of hazardous or toxic materials?				X	
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	
e. The creation of a potential public health hazard?				X	
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
h. The contamination of a public water supply?				X	

Threshold: The County's safety thresholds address involuntary public exposure from projects involving significant quantities of hazardous materials. The thresholds address the likelihood and severity of potential accidents to determine whether the safety risks of a project exceed significant levels.

Impact Discussion:

a-h) ~~The proposed project does not propose new residential or other structural development, is residential in nature and would result in the potential development of one, net new single family residence due to the~~

~~requested lot split.~~ The project would not require the use of common household materials (cleaners, garden and automotive products, etc.) ~~on the project site~~ and would not result in significant hazardous materials/waste impacts. Traffic that would be generated by the project would not substantially interfere with emergency response capabilities to the project site or to other properties in the project area. The project would not result in a public health or safety hazard or the contamination of a public water supply.

Cumulative Impacts: Since the project would not create significant impacts with respect to hazardous materials and/or risk of upset, it would not have a cumulatively considerable effect on safety within the County.

Mitigation and Residual Impact: No impacts are identified. No mitigations are necessary.

4.10 HISTORIC RESOURCES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?			X		
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?				X	

Existing Setting: Existing onsite development includes two structures over 50 years in age including the existing residence and a residential accessory structure. A historic letter report addressing the importance of these structures was prepared by San Buenaventura Research Associates dated March 13, 2007. San Buenaventura Research Associates is listed on the County's list of pre-qualified historians. San Buenaventura Research Associates determined that the structures were constructed sometime around 1944 on a nearby military base and moved to the property in the late 1940's. The report determined the existing structures not to be historically significant and further stated that no impacts to historic resources would result from demolition and removal of the structures.

Environmental Threshold: Historic Resource impacts are determined through use of the County's Cultural Resources Guidelines. A significant resource a) possesses integrity of location, design, workmanship, material, and/or setting; b) is at least fifty years old, and c) is associated with an important contribution, was designed or built by a person who made an important contribution, is associated with an important and particular architectural style, or embodies elements demonstrating outstanding attention to detail, craftsmanship, use of materials, or construction methods.

Impact Discussion: Although the proposed project involves the demolition of structures greater than 50 years in age, in accordance with the conclusions of the aforementioned historic report, they do not meet the County's criteria for historical significance. No project components, including structures, landscaping, or other land alterations would affect historical resources onsite, nor would any project component significantly alter the setting or character of known historic resources in the vicinity. Therefore, no impacts to historic resources would occur upon project implementation.

Cumulative Impacts: Since the project would not result in any substantial change in the historic character of the site, it would not have any cumulatively considerable effect on the region's historic resources.

Mitigation and Residual Impact: No impacts to historic resources would occur and therefore, no mitigations are necessary.

4.11 LAND USE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		X			
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Environmental Threshold: The Thresholds and Guidelines Manual contains no specific thresholds for land use. Generally, a potentially significant impact can occur if a project would result in substantial growth inducing effects.

Impact Discussion: The project would not be growth inducing, and would not result in the loss of affordable housing, loss of open space, or a significant displacement of people. The project would not involve the extension of a sewer trunk line, and would not conflict with any airport safety zones. The project would be compatible with existing land uses. The project would result in potentially significant impacts associated with conflicts with land use policies adopted for the purposes of mitigating environmental effect. These conflicts are mitigated by measures contained herein.

Mitigation and Residual Impact: As mitigated by the measures identified throughout this document, the project's residual impacts would be less than significant.

Cumulative Impacts: The implementation of the project is not anticipated to result in any substantial change to the site's conformance with environmentally protective policies and standards. Thus, the project would not cause a cumulatively considerable effect on land use.

4.12 NOISE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?				X	
b. Short-term exposure of people to noise levels exceeding County thresholds?		X			
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	

Setting/Threshold: Noise is generally defined as unwanted or objectionable sound which is measured on a logarithmic scale and expressed in decibels (dB(A)). The duration of noise and the time period at which it occurs are important values in determining impacts on noise-sensitive land uses. The Community Noise Equivalent Level (CNEL) and Day-Night Average Level (L_{dn}) are noise indices which account for differences in intrusiveness between day- and night-time uses. County noise thresholds are: 1) 65 dB(A) CNEL maximum for exterior exposure, and 2) 45 dB(A) CNEL maximum for interior exposure of noise-sensitive uses. Noise-sensitive land uses include residential dwellings.

The proposed project site is located outside of 65 dB(A) noise contours for roadways, public facilities, airport approach and take-off zones. Surrounding noise-sensitive uses consist of residences located within 1,600 feet of the project's construction footprint.

Impact Discussion:

a, c) The proposed project includes grading, changes to an approved restoration plan, establishment of a building envelope and development exclusion envelope, and construction of a split rail fence. ~~the construction of a new residence and a lot split which could result in the development of one, net new single-family residence.~~ Long-term noise generated onsite from the proposed project residential uses would not: 1) exceed County thresholds, or 2) substantially increase ambient noise levels in adjoining areas. Noise sensitive uses on the proposed project site would not be exposed to or impacted by off-site noise levels exceeding County thresholds. No impacts would occur.

b) The proposed project includes construction and grading activities which would generate short-term noise impacts exceeding County thresholds. Impacts would be less than significant with the following mitigation measure limiting work hours from 7a.m. to 4p.m.

Cumulative Impacts: The implementation of the project is not anticipated to result in any substantial noise effects. Therefore, the project would not contribute in a cumulatively considerable manner to noise impacts.

Mitigation and Residual Impact: The following mitigation measures would reduce the project's noise effects to a less than significant level:

- Noise-02:** Construction activity for site preparation, and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** Three signs stating these restrictions shall be provided by the

applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **MONITORING:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.

With the incorporation of this measure, residual impacts would be less than significant.

4.13 PUBLIC FACILITIES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	
d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	
e. The construction of new storm water drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	

Impact Discussion: The proposed project would ~~not involve new residential development and result in the construction of one new residence and a lot split which could result in the construction of one additional new residence within the project area.~~ This level of new development would not have a significant impact on existing police protection or health care services. Existing service levels would be sufficient to serve the proposed project. The proposed project would not generate solid waste in excess of County thresholds. ~~The project proposes to utilize private septic disposal systems for wastewater disposal on both resultant lots, and the proposed new system for Parcel A has been found adequate to serve the currently proposed residence. Additionally, Proposed Parcel B would have adequate septic disposal capacity per Environmental Health Services (Environmental Health Services condition letter dated March 28, 2013).~~ The project site is currently served potable water by the Montecito Water District who provided a Can and Will Serve letter ~~for the lot split portion of the project~~ dated December 15, 2011.

The proposed project would create new impervious surfaces that could result in greater surface runoff from the site since there would be less undeveloped area capable of absorbing rainwater. However, this increased surface runoff would be minor relative to the 10.25-acre site and would be accommodated by the use of rock-lined swales, vegetated swales and energy-dissipaters installed at the termini of drain lines. No additional drainage or water quality control facilities would be necessary to serve the project. Therefore, the project would have no impact to public facilities.

Mitigation and Residual Impact: No impacts are identified. No mitigation is necessary.

4.14 RECREATION

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?			X	X	

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Setting: A recorded lateral public beach access easement exists along the sandy beach in front of the subject parcel extending from the toe of the coastal bluff to the water’s edge. Additionally, a “possible future trail” is shown in a vertical configuration on the Summerland PRT map across the subject property within the banks of Toro Canyon Creek connecting Padaro Lane with the sandy beach. Vertical public beach access currently exists approximately ¼ mile to the west at the Loon Point beach access path which connects the public parking lot at Padaro Lane with the sandy beach. An existing, undeveloped public access easement exists approximately one mile to the east of the creek. This easement was originally required as condition #15 of a land division, TPM 13,698. It was also a condition of a subsequent CDP, 86-CDP-130, and an offer to dedicate was accepted by the Board on October 20, 1998. This easement is currently undeveloped.

While no public trails or adjudicated prescriptive trail rights exist through or adjacent to the subject property, there is a history of public access through the project site. This is documented by signed surveys from 15 different members of the public clarifying their historic access through the project site and submitted to the County by the Summerland Citizens Association. However, based on statements from several members of the public and the signed surveys, the riparian corridor has not received significant use in approximately 15-20 years.

Impact Discussion: A “potential future trail” is shown in a vertical configuration on the Summerland PRT map along the eastern boundary of the subject property within the Toro Canyon Creek banks. As described above, a public beach access currently exists approximately ¼ mile to the west at the Loon Point beach access path; an additional vertical public easement to the beach from Padaro Lane is located approximately 1 mile to the east of Toro Canyon Creek. The “possible future trail” is located within a riparian corridor that has been thoroughly restored as resolution of a Coastal Commission appeal, and is immediately adjacent to (and possibly within) a significant cultural resource. ~~The addition of one new lot and one single family dwelling proposed project~~ would not significantly impact any existing trails or recreational facilities. The proposed project would not approach any threshold that would legally require exaction of a trail over this property or an additional vertical access point to the beach in the Loon Point area. As a result, the Santa Barbara County Community Services Department – Parks Division will not request the applicant dedicate an easement for public access as part of the project as it has been determined that the necessary nexus is not present for exaction, and will provide a condition letter for the project prior to decision-maker action.

The project includes legalization of grading, removal of a play structure and retaining wall, abandonment of a well, construction of a split rail fence, establishment of a building envelope, and establishment of a development exclusion area. ~~a lot split resulting in the creation of one net, new lot which would allow for the potential future development of one, net new residence at the project site. The development of one new residence~~ The proposed project would not alter or place any minimal burden on recreational facilities in the surrounding area. As such, the proposed project does not provide the needed proportionality of impacts to recreation in order to require dedication of the vertical access trail easement as identified in the Summerland PRT map.

~~As part of the lot split, the applicant would be required to pay a development impact mitigation fee (DIMF) for County Parks to offset the demand on recreation created by the new residential lot. The proposed project would not result in a significant population increase and would have no adverse impacts on the quality of~~

~~quantity of existing recreational opportunities, either in the project vicinity or County wide. No adverse impacts would result.~~

~~**Mitigation and Residual Impact:** Payment of DIMF fees for new residential development would mitigate the project's contribution to the regional demand for parks and recreational facilities. No mitigation measures are required. Residual impacts would be less than significant.~~

Cumulative Impacts: Use of the Toro Canyon Creek riparian trail is substantially blocked by a legal nonconforming gate that was constructed by a previous property owner, and is located partially on the subject parcel. Based on statements by the public, the riparian trail has not received significant use in approximately 15-20 years. The proposed project description includes removal of the portion of the gate located on the subject parcel, which would also remove the obstruction to trail access. Based on the project's less than significant impact on recreational resources, and that the project includes removal of the gate, the project would not have a cumulatively considerable effect on recreational resources within the County.

4.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?				X	
b. A need for private or public road maintenance, or need for new road(s)?				X	
c. Effects on existing parking facilities, or demand for new parking?				X	
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?				X	
g. Inadequate sight distance?				X	
ingress/egress?				X	
general road capacity?				X	
emergency access?				X	
h. Impacts to Congestion Management Plan system?				X	

Impact Discussion:

~~The lot split portion of the proposed project would result in the construction of one net, new single family residence and, as such, would add 10 average daily trips and 1 peak hour trip to area roadways, a negligible increase over existing traffic levels. Levels of service would not be affected. The project would not affect existing levels of service, and would not result in an increase in traffic, pedestrian, or bicycle safety hazards. The project's effect on transportation modes would therefore be less than significant.~~

Mitigation and Residual Impact: No mitigation is required. Residual impacts would be less than significant.

4.16 WATER RESOURCES/FLOODING

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?			X		
c. Change in the amount of surface water in any water body?			X		
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?			X		
e. Alterations to the course or flow of flood water or need for private or public flood control projects?				X	
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis, sea level rise, or seawater intrusion?				X	
g. Alteration of the direction or rate of flow of groundwater?				X	
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	
i. Overdraft or over-commitment of any groundwater basin? Or, a significant increase in the existing overdraft or over-commitment of any groundwater basin?				X	
j. The substantial degradation of groundwater quality including saltwater intrusion?				X	
k. Substantial reduction in the amount of water otherwise available for public water supplies?				X	
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?			X		

Water Resources Thresholds:

A project is determined to have a significant effect on water resources if it would exceed established threshold values which have been set for each overdrafted groundwater basin. These values were determined based on an estimation of a basin's remaining life of available water storage. If the project's net new consumptive water use (total consumptive demand adjusted for recharge less discontinued historic use) exceeds the threshold adopted for the basin, the project's impacts on water resources are considered significant.

A project is also deemed to have a significant effect on water resources if a net increase in pumpage from a well would substantially affect production or quality from a nearby well.

Water Quality Thresholds:

A significant water quality impact is presumed to occur if the project:

- Is located within an urbanized area of the county and the project construction or redevelopment individually or as a part of a larger common plan of development or sale would disturb one (1) or more acres of land;
- Increases the amount of impervious surfaces on a site by 25% or more;
- Results in channelization or relocation of a natural drainage channel;
- Results in removal or reduction of riparian vegetation or other vegetation (excluding non-native vegetation removed for restoration projects) from the buffer zone of any streams, creeks or wetlands;
- Is an industrial facility that falls under one or more of categories of industrial activity regulated under the NPDES Phase I industrial storm water regulations (facilities with effluent limitation; manufacturing; mineral, metal, oil and gas, hazardous waste, treatment or disposal facilities; landfills; recycling facilities; steam electric plants; transportation facilities; treatment works; and light industrial activity);
- Discharges pollutants that exceed the water quality standards set forth in the applicable NPDES permit, the Regional Water Quality Control Board's (RWQCB) Basin Plan or otherwise impairs the beneficial uses⁶ of a receiving water body;
- Results in a discharge of pollutants into an "impaired" water body that has been designated as such by the State Water Resources Control Board or the RWQCB under Section 303 (d) of the Federal Water Pollution Prevention and Control Act (i.e., the Clean Water Act); or
- Results in a discharge of pollutants of concern to a receiving water body, as identified by the RWQCB.

Impact Discussion

a) The project would not result in changes in currents, or the course or direction of water movements, in either marine or fresh waters. Conversely, it would reduce the potential for slope failure of the bank at the mouth of Toro Canyon Creek that could have impacted Toro Canyon Creek in this way. The project description includes removal of a portion of a legal nonconforming metal gate structure constructed by a previous owner of the property. The gate is located across the creek just south of Padaro Lane, partially on the subject parcel. This gate could obstruct the flow of water during major storm events and its removal would be a beneficial impact.

~~b-g) The project would create minor amounts of additional storm water runoff as a result of newly constructed impermeable surfaces (i.e. structures, driveways, patios, etc.) associated with the proposed residence on Proposed Parcel A and future residential development to be located on Proposed Parcel B. Construction activities such as grading could also potentially create temporary runoff and erosion problems.~~

The project includes a previously constructed, rock-lined bio-swale in the southeastern portion of the site that would accommodate the majority of onsite stormwater flows and direct stormwater to Toro Canyon Creek in

⁶ Beneficial uses for Santa Barbara County are identified by the Regional Water Quality Control Board in the Water Quality Control Plan for the Central Coastal Basin, or Basin Plan, and include (among others) recreation, agricultural supply, groundwater recharge, fresh water habitat, estuarine habitat, support for rare, threatened or endangered species, preservation of biological habitats of special significance.

a non-erosive manner. An existing, secondary drainage feature which would not be altered by the project is located approximately 200 feet to the north which would guide a lesser volume of stormwater from the northern portion of the site, down the bank of the “upper terrace” and into Toro Creek. Installation of the vegetated bio-swales in the southeastern portion of the site would increase the contact of stormwater flows with natural vegetation and thus provide for more cleanly stormwater outflows to the creek. With development of the proposed swales and application of standard County grading, erosion, and drainage-control measures, impacts related to erosion from storm water runoff would be less than significant.

h, i) The project would be supplied potable water from the Montecito Water District through an existing water meter. Irrigation water for landscaping and restoration activities is currently supplied by two onsite private wells, one of which was fully permitted by the County’s Environmental Health Department and received a Coastal Development Permit (CDP), the second of which was permitted by the County’s Environmental Health Department but never received land use approval through a CDP. The second wellhead is located within the site’s Toro Canyon Creek lower stream terrace in the northeastern portion of the site and would be ~~removed~~ abandoned as part of the project. Both wells extract their water from the Toro Canyon sub-basin of the Carpinteria groundwater basin (Santa Barbara County 2011 Groundwater Report dated May 1, 2012). Since the volume of water extracted annually does not exceed the basin’s safe yield, this basin is not overdrafted. ~~Removal~~ Abandonment of one of the existing two onsite wells would act to lessen the project site’s use of water from the Carpinteria basin. The project’s impact on water supplies is therefore less than significant.

~~j) The proposed use of a new septic systems would contribute in an adverse but less than significant manner to~~ No new septic systems are proposed, and there would be no regional degradation of groundwater quality.

~~l) While the project would involve the use of fertilizers, pesticides, and household cleaners and chemicals associated with the residential uses, g~~ Given its limited scope, the project would be expected to generate only minor amounts of storm water pollutants which ~~Minor amounts of such household hazardous material would not present a significant potential for release of waterborne pollutants and would be highly unlikely to create a public health hazard.~~

Materials used in the construction of the project (e.g., wash water, ~~paint, solvents, concrete~~, etc.), if not contained properly, could be carried to nearby Toro Canyon Creek and compromise water quality and degrade sensitive habitat. This impact is considered potentially significant. Mitigation measure **WatConv-05: Equipment Washout-Construction** applied in section 4.4 (Biological Resources) would reduce the this impact to a less than significant level. The project also includes restoration and enhancement of several acres of riparian habitat including bioswales that would function to partially filter these materials.

f) Predictions about the long-term effects of global climate change include rising sea levels due to melting of glaciers and thermal expansion. Rising sea levels could increase the incidence of flooding in coastal areas with altitudes at or near sea-level. Although the exact rate of future sea level rise is unknown, the Intergovernmental Panel on Climate Change has estimated that sea levels may rise between 50 and 90 centimeters (approximately 1.6-to-3 feet) by the year 2100.⁷ Although the project does involve lands near sea level, the ~~area proposed for development~~ seaward side of the proposed building envelope is situated approximately 50 feet above current sea level and set back from the edge of bluff to adequately protect future structures ~~on both resultant parcels~~ through the 75-year planning horizon applied to the bluff-retreat scenario. No impacts would occur.

Cumulative Impacts: The County’s Environmental Thresholds were developed, in part, to define the point at which a project’s contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance

⁷ The Intergovernmental Panel on Climate Change is a scientific intergovernmental body set up by the World Meteorological Organization (WMO) and by the United Nations Environment Programme (UNEP).

for water resources. Therefore, the project's contribution to the regionally significant issues of water supplies and water quality is not considerable, and is less than significant.

Mitigation and Residual Impact: Mitigation measure **WatConv-05: Equipment Washout-Construction** applied in section 4.4 (Biological Resources) would reduce the project's water resource impacts to a less than significant level:

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Fire, Public Works, Flood Control, Parks, Environmental Health

5.2 Comprehensive Plan

<input type="checkbox"/>	Seismic Safety/Safety Element	<input type="checkbox"/>	Conservation Element
<input type="checkbox"/>	Open Space Element	<input type="checkbox"/>	Noise Element
<input checked="" type="checkbox"/>	Coastal Plan and Maps	<input type="checkbox"/>	Circulation Element
<input type="checkbox"/>	ERME	<input type="checkbox"/>	

5.3 Other Sources

<input checked="" type="checkbox"/>	Field work	<input type="checkbox"/>	Ag Preserve maps
<input checked="" type="checkbox"/>	Calculations	<input checked="" type="checkbox"/>	Flood Control maps
<input checked="" type="checkbox"/>	Project plans	<input checked="" type="checkbox"/>	Other technical references (reports, survey, etc.)
<input type="checkbox"/>	Traffic studies	<input checked="" type="checkbox"/>	Planning files, maps, reports
<input checked="" type="checkbox"/>	Records	<input checked="" type="checkbox"/>	Zoning maps
<input checked="" type="checkbox"/>	Grading plans	<input checked="" type="checkbox"/>	Soils maps/reports
<input checked="" type="checkbox"/>	Elevation, architectural renderings	<input checked="" type="checkbox"/>	Plant maps
<input checked="" type="checkbox"/>	Published geological map/reports	<input checked="" type="checkbox"/>	Archaeological maps and reports
<input checked="" type="checkbox"/>	Topographical maps	<input type="checkbox"/>	Other

6.0 PROJECT SPECIFIC AND CUMULATIVE IMPACT SUMMARY

Project Specific Impacts:

Class I Impacts: None

Class II Impacts: ~~Aesthetic/Visual Resources~~, Air Quality, Biological Resources, Cultural Resources, Fire Protection, Geologic Resources, Noise and Water Resources

Cumulative Impacts: As discussed in this initial study, the project would not result in impacts related to Aesthetics/Visual Resources, Agricultural Resources, Energy, Hazardous Materials, Historic Resources, Land Use, Public Facilities, Recreation or Transportation, so no cumulative impacts would result. Project-specific impacts to Aesthetic/Visual Resources, Air Quality, Biological Resources, Cultural Resources, Geologic Resources, Noise and Water Resources would be mitigated to levels below significance, so no cumulative impacts would result.

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, contribute significantly to greenhouse gas emissions or significantly increase energy consumption, or eliminate important examples of the major periods of California history or prehistory?		X			
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?				X	
3. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)			X		
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	
5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR ?				X	

1. As discussed in this document, the project does have the potential to substantially degrade the quality of the environment and/or substantially reduce the habitat of a fish or wildlife species. However, the mitigation measures included to reduce these impacts to the extent feasible would reduce potential impacts to less than significant levels.

The project does not have the potential to cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, contribute significantly to greenhouse gas emissions or significantly increase energy consumption, or eliminate important examples of the major periods of California history or prehistory

2. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals.
3. As mitigated, the project does not create impacts that are individually limited, but cumulatively considerable.

Specifically, with respect to archeological resources, the project is located within a complex of significant prehistoric archaeological sites on Loon Point. In addition to the Beach Club project, there are two other related projects within this site complex. (“Related projects” are defined as “past, present and probable future projects producing related or cumulative impacts” to the proposed project (CCR § 15130 (b)(1)(A)).) These are briefly described below.

The first related project is a recently approved Coastal Development Permit for a new single-family dwelling on the east side of Toro Creek and to the north of the proposed project. This project area contains sparse shellfish deposits. The Final Mitigated Negative Declaration for this project requires capping of site areas and a caisson-type foundation to mitigate cultural resource impacts to less than significant levels. The second related project is located east of the Beach Club parcel. It consists of an issued permit to demolish a detached garage and portions of an existing house, and construct an addition to the dwelling on caisson foundations within a significant archaeological site. This area has experienced previous grading that moved or removed portions of the archaeological site. Thus, the cumulative baseline for that project includes significant impacts to Loon Point’s cultural resources from past projects, and potentially significant impacts from proposed projects.

The Beach Club project has the potential to contribute to these cumulative impacts. However, the same mitigation measures that would reduce project-specific impacts to a less than significant level also would reduce the project’s contribution to cumulative impacts to a less than cumulatively considerable level. These measures include funding further studies designed to alleviate the cumulative impact. Specifically for this project, **Special Condition: CulRes1** requires completion of study to complete the analysis of previously excavated materials, and creating a report that will contribute to the understanding of the entire prehistoric Loon Point site complex. Other mitigation measures consist of carefully controlled removal of existing structures, capping significant portions of the site, designation the significant area of the site as a development exclusion area and monitoring of all ground disturbing activity. With implementation of these measures, the project’s impacts on the cultural resources of Loon Point would be less than cumulatively considerable.

4. As mitigated, the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
5. There is no disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR associated with this project.

8.0 PROJECT ALTERNATIVES

As no potentially significant, adverse unmitigable impacts would result from the proposed development, project alternatives have not been evaluated.

9.0 POLICIES APPLICABLE TO THE PROJECT

Coastal Land Use Plan Policies

Coastal Land Use Plan Policy 2-6: *Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.*

Coastal Land Use Policy 2-11: *All development, including agriculture, adjacent to areas designated on the land use plan or resources maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulator measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.*

Coastal Plan Policy 3-12: *Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control work, i.e., dams, stream channelizations, etc.*

Coastal Land Use Plan Policy 3-13: *Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.*

Coastal Land Use Plan Policy 3-14: *All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.*

Coastal Land Use Plan Policy 3-15: *For necessary grading operation on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.*

Coastal Land Use Plan Policy 3-16: *Sediment basins shall be installed on the project site in conjunction with the initial grading operations and maintained throughout all development process to remove sediment from runoff waters. All sediment shall be maintained onsite unless removed to an appropriate dumping location.*

Coastal Land Use Plan Policy 3-17: *Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.*

Coastal Plan Policy 3-18: *Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.*

Coastal Land Use Plan Policy 3-19: *Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

Coastal Plan Policy 4-3: *In areas designated as rural on the land use plan maps, the height, scale and design of structures shall be compatible with the character of the surrounding natural environment. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

Coastal Plan Policy 7-2: *For all development ***** between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line ***** shall be mandatory unless:*

- (a) *Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline, or*
- (b) *Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the land use plan, or*
- (c) *Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or*
- (d) *The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public's right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.*

The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.

Coastal Land Use Plan Policy 9-1: *Prior to issuance of a development permit, all projects on parcel shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies or the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.*

Coastal Plan Policy 9-35: *Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.*

Coastal Plan Policy 9-36: *When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.*

Coastal Land Use Plan Policy 9-37: *The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet....Riparian vegetation shall be protected and shall be included in the buffer.*

Coastal Act Policy 30231: *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging*

***** Policies 7-2 and 7-3 shall not apply to developments excluded from the public access requirements of the Coastal Act by PRC Section 30212 or to development incidental to an existing use on the site.

***** The mean high tide line (ordinary high water mark) is an ambulatory line which may vary over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.

wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Policy 30240:

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

Coastal Plan Policy 10-2: *When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.*

Coastal Act Policy 30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Coastal Act Policy 30251: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Summerland Community Plan Policies

Policy WAT-S-2: *Prior to approval of any discretionary project which would result in a net increase in water use, a finding shall be made that the existing water supply available is sufficient to serve existing commitments.*

Policy AQ-S-1: *The County shall impose appropriate restrictions and control measures upon construction activities associated with each future development project, in order to avoid significant deterioration of air quality.*

Policy BIO-S-1: *Environmentally Sensitive Habitat areas within the Community Plan Study Area shall be protected, and where appropriate, enhanced.*

Development Standard BIO-S-1.1: *The County shall require appropriate protection measures (e.g. fencing) where necessary to protect sensitive biological resources during all construction.*

Development Standard BIO-S-1.2: *All new development within 100' of an Environmentally Sensitive Habitat, including but not limited to, riparian, oak or willow woodlands, and coastal sage scrub shall be required to provide for setbacks or undeveloped buffer zones (possibly through open space easements) from these habitats. Staff shall refer to the Summerland Biological Resources Map for information on the location of native habitats, as well as referring to other available data (i.e., other maps, studies or observations). Installation of landscaping with compatible native species may be required within the buffer zone to offset impacts to sensitive habitats from development and increased human activities onsite. If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered.*

Development Standard BIO-S-1.6: *Where sensitive or valuable biological resources occur within or bordering a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within/bordering the resource area as determined necessary by RMD.*

Policy BIO-S-6: *To the maximum extent feasible, specimen trees shall be preserved and the planting of new trees shall be required. For the purposes of this policy, specimen trees are defined as those having unusual scenic or aesthetic quality, serving as known raptor nesting or key roosting sites, having important historical value, are unique due to species type or location or have been defined as a significant biological resource in a certified environmental document. Typically, non-native trees of less than 25 inches in diameter at breast height may not qualify as specimens.*

Development Standard BIO-S-6.3: *All existing native trees shall be preserved to the maximum extent feasible in new development. If preservation is not possible, a replacement planting program shall be required.*

Development Standard BIO-S-6.4: *Tree protection plans shall be required for all new development where native and specimen trees may be impacted by new development.*

Development Standard BIO-S-6.5: *Where trees may be impacted by new development, a Tree Protection Plan may be required where either the project site contains native or other biologically valuable trees (i.e., oaks, willows, sycamores, cottonwoods, cypress, eucalyptus,) or where such trees on adjacent properties have driplines which reach onto the project site. The requirement for a Tree Protection Plan may be modified or deleted where it can be found that no trees (proposed to be retained) would be potentially damaged by the project activities. This decision shall be based on the location of trees and the project's potential to directly or indirectly damage trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property. The Tree Protection Plan shall be developed at the applicant's expense and should be prepared by a County approved arborist/biologist as determined to be necessary by the County. The plan must be approved by RMD prior to issuance of a Coastal Development Permit. The plan shall be included on all grading and building plans. The County's standard Tree Protection Plan is included in the Standard Mitigation Measures/Standard Conditions Manual.*

Policy BIO-S-7: *Riparian habitat areas shall be protected from all new development and degraded riparian habitats shall be restored where appropriate.*

Development Standard BIO-S-7.1: *Riparian protection measures shall be based on a project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. Damage could include, but is not limited to, vegetation removal/disturbance, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to issuance of a Coastal Development Permit, the applicant shall include a note on the grading and building plans stating the following riparian habitat protection measures:*

- a. *A setback as designated in Coastal Plan Policy 9-37 (generally 100' in rural areas, 50' in urban areas) from either side of top-of-bank of Greenwell Creek, precluding all ground disturbance and vegetation removal, shall be indicated on all grading plans; and*
- b. *Prior to initiation of any grading or development activities associated with a Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense. Storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.*

Measure 'b' may be modified/deleted in the event that the County finds that this measure is not necessary to protect biological resources (i.e., due to topographical changes or other adequate barriers).

Development Standard BIO-S-7.2: *On-site restoration of any project-disturbed buffer or riparian vegetation within all portions of Greenwell and Toro Canyon Creek shall be mandatory. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules.*

Policy FLD-S-1: *In order to minimize existing community-wide flooding and drainage problems, all new development shall provide adequate drainage.*

Development Standard FLD-S-1.3: *Site specific drainage systems shall be designed in concert with geotechnical requirements to avoid infiltration of surface water which would exacerbate geologic hazards; impervious surfaces should be utilized where necessary to control adverse geologic or drainage conditions, but should be minimized to avoid the generation of substantial new run-off volumes.*

Policy HA-S-1: *Significant cultural, archaeological and historical resources in the Summerland area shall be protected and preserved.*

Development Standard HA-S-1.2: *Appropriate preservation and restoration/renovation measures shall be implemented to ensure that adverse impacts to significant historical resources are avoided except where they would preclude reasonable development on a parcel.*

Policy N-S-1: *Interior noise-sensitive uses (i.e., residential and lodging facilities, educational facilities, public meeting places and others specified in the Noise Element) shall be protected to minimize significant noise impacts.*

Policy VIS-S-1: *Prior to the issuance of a Coastal Development Permit or Land Use permit, all plans for new or altered buildings or structures shall be reviewed by the County BAR.*

Policy VIS-S-7: *In the rural areas, all new development shall be designed to minimize visual and aesthetic impacts.*

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the Initial Study, the staff of Planning and Development:

_____ Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

X Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

_____ Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

_____ Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas:

_____ With Public Hearing X Without Public Hearing

PREVIOUS DOCUMENT: N/A

PROJECT EVALUATOR: Joyce Gerber **DATE:** _____

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

- X I agree with staff conclusions. Preparation of the appropriate document may proceed.
_____ I DO NOT agree with staff conclusions. The following actions will be taken:
_____ I require consultation and further information prior to making my determination.

SIGNATURE: _____ **DRAFT NEGATIVE DECLARATION DATE:** _____

SIGNATURE: _____ **PROPOSED FINAL NEGATIVE DECLARATION DATE:** _____

12.0 ATTACHMENTS

1. ~~Tentative Parcel Map (Case No. 12TPM-00000-00006)~~
2. Grading Plan (Case No. 11CDH-00000-00006)
3. ~~Site Plans, Floor Plans, Elevations, Grading Plans, Landscape Plans (11CDH-00000-00054)~~
4. *Draft Habitat Restoration and Revegetation Plan for 2825 Padaro Lane (APN 005-260-009), Summerland, Santa Barbara County, California* dated April 9, 2009
5. Public Comments on Draft Mitigated Negative Declaration