



## 4.1 BIOLOGICAL RESOURCES

PHOTO: EAST BEACH BIRDS

### **Coastal Act policies related to Biological Resources that are relevant to Santa Barbara include the following:**

**Section 30107.5.** “Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**Section 30121.** “Wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

**Section 30240.** (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**Section 30230.** Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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

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

**Section 30233.** (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

**Section 30236.** Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

**Section 30607.1.** Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a

bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

## INTRODUCTION

The Coastal Act protects and limits development in especially rare or valuable habitats, including environmentally sensitive habitat areas (ESHAs), creeks, and wetlands. In addition, the Coastal Act provides that new development must protect the biological productivity and quality of coastal waters (offshore ocean and marine intertidal areas), streams, wetlands, estuaries, and lakes. The Coastal LUP achieves these goals through: 1) providing methods for identification of ESHAs and wetlands; 2) establishing development buffers to protect biological resources; 3) restricting allowed uses within and adjacent to protected biological resources; and 4) providing development standards and management techniques to avoid impacts to biological resources. In addition, Chapter 4.2 *Water Quality* provides policies to protect water quality and prevent polluted runoff from entering coastal waters, streams, wetlands, estuaries, and lakes.

## ESHAS, CREEKS, & WETLANDS

Although largely built out and urban in character, the City's Coastal Zone contains several natural habitats populated by a wide variety of animals and plants. The Coastal Act sets high standards for the protection of habitats that are especially rare or valuable, referred to as ESHAs. While not all plant communities and habitats in the Coastal Zone are considered ESHAs, they still in many cases can be important for their benefits to wildlife, visual resources, water quality, air quality, open space, and as buffers to neighboring sensitive habitat areas.

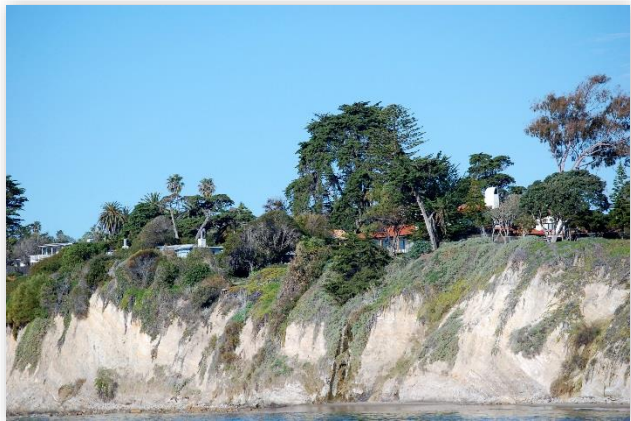
All but a few parcels in the Coastal Zone have already been developed. The largest undeveloped habitat areas in the Coastal Zone are under public ownership and preserved as open space and parks. These include the Andrée Clark Bird Refuge, beaches, estuaries, portions of the Santa Barbara City College (SBCC) campus, La Mesa Park, Douglas Family Preserve, and open space lands bordering Arroyo Burro (including the former Veronica Meadows property). However, private and public development, primarily in the form of redevelopment or infill development, still has the potential to encroach upon and impact biological resources. The following section describes the types of habitats in the City's Coastal Zone and how the policies of the LUP protect sensitive biological resources.

## Local Resources & Issues

### *Terrestrial Habitats*

As of 2018, the City's Coastal Zone includes a range of upland habitats, including grassland, oak woodland, and scrub communities, some of which may be considered ESHAs. It is possible that in the future, other types of communities considered ESHA may be present in the City's Coastal Zone or that the status of a habitat type or species could change.

Oak woodlands consist of stands of coast live oak trees (*Quercus agrifolia*), with or without understory vegetation. Oaks are slow-growing trees that do not recover quickly from removal or disturbance. Oak trees provide shelter, food, and space for many animals, and oak woodlands commonly qualify as ESHAs. Oak woodlands are often found in upland areas near streams or on north-facing upland slopes. Within the City's Coastal Zone, they are generally found adjacent to Arroyo Burro, Arroyo Honda, Mesa and Lighthouse Creeks, on the SBCC campus, and in the Douglas Family Preserve.



MESA BLUFF VEGETATION

The bluffs along the Mesa and west of Arroyo Burro are intermittently vegetated with annual and perennial shrubs, including coastal sage scrub and chaparral. Some bluff areas are now totally dominated by non-native plants, such as

iceplant. However, there are also areas of southern coastal bluff scrub, dominated by native saltbush species, which are considered rare and could qualify as ESHAs.

Generally, the City's large, contiguous stands of coastal sage scrub and chaparral are found outside of the Coastal Zone. The federally threatened California gnatcatcher (*Polioptila californica*), which is found in coastal sage scrub communities in other areas south of Santa Barbara, is not known to occur in the vicinity of the City. Therefore, coastal sage scrub and chaparral areas within the City's Coastal Zone would not be considered ESHAs unless they are found to support sensitive species or are within or adjacent to creeks, riparian, or wetland ESHAs and are important components in the functioning of these habitats. There are also a few specific types of scrub (e.g. southern coastal bluff scrub and stands of lemonade berry) that are considered sensitive by the California Department of Fish and Wildlife Service (USFWS) due to their ranking in the California Natural Diversity Database and NatureServe as critically imperiled (G1; S1), imperiled (G2; S2), and vulnerable (G3; S3). "G" ranking indicates the status of the community at a global scale. "S" ranking indicates the status of the community at a subnational (i.e., state, province, municipal) scale. Occurrences of these specific types of scrub that are considered viable and meet the conditions and requirements necessary for the health and sustainability of the habitat would be considered ESHAs.

The majority of grasslands in the City's Coastal Zone are annual non-native grasslands that are not considered particularly rare. However, there are small remnant areas of native

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perennial grasslands, dominated by purple needlegrass (*Nasella pulchra*), that would likely be considered ESHAs. Grassland areas with at least 10 percent cover of natives are typically identified as native grassland. Native perennial grasslands provide a high-quality habitat for small mammals and birds. These grasslands were once a prevalent habitat in the Santa Barbara area; however, their abundance has been greatly reduced due to the pressures of urbanization and introduction of invasive plants. There are only small remnants of this habitat left. Native grassland can generally only recover with active restoration efforts.

Monarch butterflies (*Danaus plexippus*) migrate to the coast of Santa Barbara County in the autumn of each year. They aggregate in large numbers in groves of trees near the coast and remain there during the passage of winter. In Santa Barbara County, monarch butterfly aggregation habitat is now primarily dominated by eucalyptus trees, an introduced species. A number of threats are posed to monarch butterfly populations that overwinter in Santa Barbara County, including loss of habitat, increased predation, degradation of sites by human visitation and disturbances, droughts, and climate change.

Monarch butterfly aggregation sites, including autumnal and winter roost sites, are considered locally important and are usually considered ESHAs. The California Natural Diversity Database ranks monarch butterfly wintering sites as vulnerable in the state due to restricted range (rank S3). Regionally, the County of Santa Barbara Local Coastal Program considers monarch butterfly trees to be ESHAs. The USFWS is also currently undertaking a status review of the species for consideration of protection of butterfly trees under the Federal Endangered Species Act.

While the City's Coastal Zone does not contain highly active aggregation sites, like those found on Ellwood Mesa in Goleta, potential monarch butterfly habitat exists at the Douglas Family Preserve, La Mesa Park, and on Arroyo Honda between Shoreline Drive and Cliff Drive.

White-tailed kite (*Elanus leucurus*), a California Fully Protected Species, use trees for perching or nesting that are adjacent to open areas, such as grasslands. While there are currently no known areas where white-tailed kite are repeatedly nesting or communally roosting in the City's Coastal Zone, there are nesting habitat for white-tailed kite nearby at More Mesa and other sites within the County of Santa Barbara. If white-tailed kite nesting or communal roosting habitat were found in the City, it would be considered an ESHA and foraging habitat in the same vicinity would also likely be considered ESHA due to its importance to the success of nesting and species survival.

#### *Beaches & Marine Resources*

Nearshore marine habitats in the City include estuaries, rocky shores, beaches, sand flats, open ocean water, kelp beds, and reefs. ESHAs in intertidal and marine areas of the City remain under the California Coastal Commission's Coastal Development Permit jurisdiction. However, most development on the City's beaches above the mean high tide line (with the exception of estuaries and other tidelands, submerged lands, and other public trust lands) is under the jurisdiction of the City and the Coastal LUP.

The City's beaches are heavily used for recreation and do not currently have substantial native coastal strand or dune habitats suitable for nesting by shorebirds, such as the federally endangered western snowy plover (*Charadrius alexandrinus nivosus*). However, the beaches, despite heavy use, still provide habitat for sand-dwelling



BIRDS AND BEACH RECREATION

invertebrates, grunion, and foraging and roosting habitat for many shorebirds. Overwintering western snowy plovers have been documented roosting and foraging on City beaches, primarily in the vicinity of East Beach. East Beach has been designated critical habitat for the western snowy plover by the USFWS due to the presence of overwintering plovers. While in 2005 one western snowy plover nest was found on the Harbor sand spit, monitoring since then has not shown any other occurrences of nesting or regular presence of western snowy plover during the nesting season on Waterfront beaches. The City conducts year-round surveys and implements avoidance and protection measures for the western snowy plover and its

habitat prior to and during beach grooming and other waterfront activities on the beach. Policies in the Coastal LUP also require temporary events, beach volley ball courts, and other similar potential disturbances to avoid the areas where the western snowy plover are regularly roosting in the overwintering time period. While not known to currently occur within the City, if southern foredune or nesting habitats for the western snowy plover were found or established in the future, those habitats would be considered ESHAs.

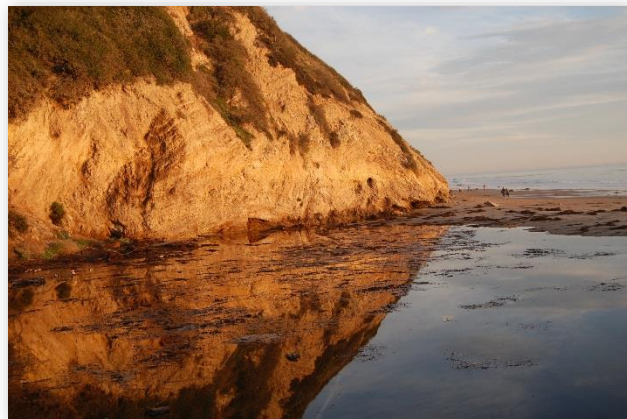
The City also restricts the use of mechanized equipment, including beach grooming equipment, to ten feet above the mean high tide line or wrack line and leaves deposits of tide-cast wrack on City beaches. Beach wrack refers to the mounds of seaweed and other loose organic material that is brought ashore and accumulates by the natural processes of tides and waves. It provides a micro-habitat for a variety of organisms, supports many marine and terrestrial invertebrates and shorebirds, and contributes to the establishment of coastal strand and dune habitats. The tidal area of the beach is also important to protect in order to avoid impacts to the California grunion (*Leuresthes tenuis*), which is a species of fish that comes ashore in the spring and summer to reproduce.

#### *Creeks & Riparian Areas*

Creeks provide important habitat, open space, and wildlife movement corridors. The creeks in the City's Coastal Zone include Arroyo Burro, Arroyo Honda, Mesa Creek, Lighthouse Creek, Mission Creek, Laguna Channel, and Sycamore Creek, and other minor tributaries. Tidally influenced estuaries at the mouths of Arroyo Burro, Mission Creek, Laguna Channel, and Sycamore Creek provide marsh habitat used by many wildlife species and fish. Riparian habitats occur along the City's creeks, ranging from low-growing herbaceous and scrub areas to woodlands supporting native trees such as oaks, sycamores, cottonwoods, alders, and willows. The City's creeks and associated riparian and estuarine habitats are considered ESHAs.

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Arroyo Burro is a natural bottom creek flowing west of Las Positas Road. An estuary with regular tidal influence is present at the end of the creek at Arroyo Burro Beach. A riparian woodland borders the creek and supports a number of wildlife species. Short segments of concrete walls or sackrete have been placed to stabilize portions of the creek banks, which are highly erosive. The western bank of Arroyo Burro along Alan Road is closely bordered by single-unit residences until it reaches open space (formerly the Veronica Meadows property), which was recently acquired by the City. The eastern bank of Arroyo Burro along Las Positas Road is also owned by the City. Mesa Creek, a tributary to Arroyo Burro, flows along the southern side of Cliff Drive and is bordered by a large oak woodland area.



ARROYO BURRO OUTLET

The aboveground, daylighted portion of Lighthouse Creek extends from an apartment complex near Cliff Drive, through La Mesa Park, and then empties into the ocean. No lagoon is present at the creek mouth. The creek is highly ephemeral and deeply incised. Much of the east bank of the creek is within La Mesa Park; however, residential development borders the creek to the west. The creek has a dense willow thicket and some riparian woodland along its banks.

Arroyo Honda is a highly eroded ephemeral creek that flows from Arroyo Honda Park, passes under Cliff Drive, daylights for a section, passes under Loma Alta Drive and Shoreline Drive, and empties into the ocean at Leadbetter Beach. A lagoon is not present at the creek mouth. The portion of creek between Cliff Drive and Loma Alta Drive is dominated by eucalyptus canopy and coast live oak woodland.

Mission Creek winds through heavily urbanized areas until it reaches the ocean east of Stearns Wharf. A tidal estuary is present at the creek mouth and is usually connected to the lagoon at the mouth of Laguna Channel. Mission Creek is closely bordered by development throughout its entire length within the Coastal Zone. Its channel banks are armored in most places and support little riparian vegetation. The portion of Mission Creek within the Coastal Zone is currently being modified as part of the Lower Mission Creek Flood Control Project.

Laguna Channel (also called Laguna Creek, and formerly the Central Drainage Channel) is a remnant of an estuarine area that originally extended to the east side of Downtown. The channel is fabricated and contains both earthen and fully lined concrete reaches. There is a tide gate at the mouth of the channel to prevent tidal influx. The creek empties at the beach and at times forms a joint lagoon with Mission Creek. While degraded in many areas, portions of the creek contain riparian and marsh habitats. Outside of the Coastal Zone, the remnant estuarine area is culverted and underground.



SYCAMORE CREEK

Sycamore Creek is located in a developed area; however, the density of development along its banks in the Coastal Zone is considerably less than that along Mission Creek. The lower portion of the creek has been altered with bank protection in places and supports limited riparian vegetation. The creek empties into the ocean at East Beach, where a sandbar forms a small estuary.

#### *Wetlands*

Coastal wetlands are a dynamic, fragile link between oceanic and terrestrial ecosystems. Wetlands help improve the quality and quantity

of water, as well as provide important wildlife habitats, and are generally considered ESHAs.

Wetlands include both freshwater and saltwater habitats. In the City's Coastal Zone, these are found as creekside wetlands, ponds, lagoons, and estuaries. Freshwater wetlands in the City are limited and are typically found in depressions, at springs, and along the margin of slow-moving creeks such as Lower Arroyo Burro. Representative vegetation species include cattail and watercress. Brackish marshes are found at coastal estuaries such as the mouths of Arroyo Burro, Mission Creek, Laguna Channel, and Sycamore Creek and at the Andrée Clark Bird Refuge. Typical vegetation includes bulrush, cattail, and spreading rush. These estuaries, which are influenced by both freshwater from creeks and seawater from changing tides, are highly productive biologically and are used by many fish species.

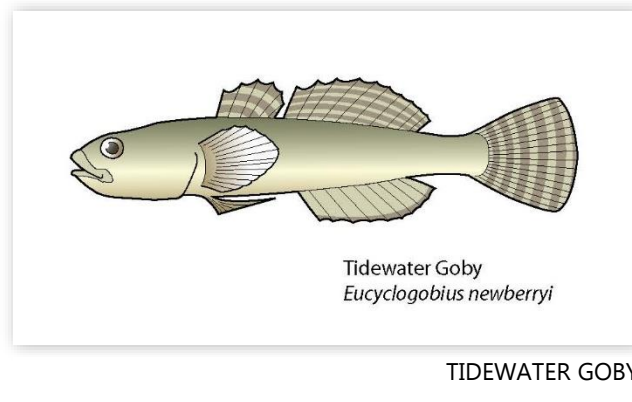
#### *Special-Status Species & Other Wildlife*

Twenty-seven plant species and 30 wildlife species that are federally or state listed as rare, threatened, or endangered currently have the potential to occur in the City of Santa Barbara, according to the California Natural Diversity Database, although this list is updated frequently and subject to change. Within the City's Coastal Zone, plant species of note include the cliff aster (*Malacothrix saxatilis*) and Davidson's saltscale (*Atriplex serranana* var.  *davidsonii*), which have the potential to occur in the vicinity of Arroyo Burro Beach and estuary. Segments of Arroyo Burro and Mission and Sycamore Creeks support aquatic habitat that is important for the federally threatened southern steelhead trout (*Oncorhynchus mykiss*). The federally endangered tidewater goby (*Eucyclogobius newberryi*) resides year-round in brackish water at the mouths of Arroyo Burro, Mission Creek, Laguna Channel, and Sycamore Creek, and can occur in the Andrée Clark Bird Refuge and its outflow lagoon near Cabrillo Boulevard. The USFWS has designated the estuaries at Arroyo Burro, Mission Creek, and Laguna Channel as critical habitat for the tidewater goby. According to USFWS, critical habitats are specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. The southwestern pond turtle (*Clemmys marmorata*), a California Species of Concern, has the potential to occur in

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Laguna Channel, Sycamore Creek, Arroyo Burro, El Estero Drainage, the Andrée Clark Bird Refuge, and other locations. Threatened western snowy plovers (*Charadrius alexandrinus nivosus*) forage and roost along East Beach. USFWS has designated West Beach and East Beach as critical habitat for overwintering western snowy plovers. The federally and state endangered California least tern and bank swallow (*Riparia riparia*) also have been found near the Harbor and the Andrée Clark Bird Refuge. Monarch butterfly (*Danatus plexippus*) roost in eucalyptus groves at the Douglas Family Preserve, La Mesa Park, and adjacent to the Arroyo Honda valley.



Creeks, riparian, and estuary habitats support abundant and diverse bird species and wildlife. The Andrée Clark Bird Refuge alone supports as many as 192 bird species, including migratory waterfowl and wading birds. The City's creeks and riparian areas also provide movement corridors for animals to move between larger habitat areas. These corridors can be important to many species as they allow greater access to food sources and a larger gene pool for reproduction.

## Identification of ESHAs & Wetlands

ESHAs are defined in Section 30107.5 of the Coastal Act as:

*"...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."*

The location of natural biological communities and native habitats and their use by wildlife may gradually change over time due to a variety of factors that can affect physical conditions. Figure 4.1-1 *Potential Vegetation Communities* shows potential locations of various vegetation communities within the City's Coastal Zone. Figure 4.1-2 *Potential Wildlife and Special Status Species Areas* shows areas within the City's Coastal Zone that could be important for wildlife. The maps do not delineate specific ESHAs; rather, they show general locations of potential plant communities and biological resources in the City, including several community types that are generally not considered ESHAs (ruderal, orchard, etc.). The maps are largely based on data from aerial photos and provide a conservative, general screening-level evaluation tool for biological resources. As such, it is possible that field review of a particular site could show no evidence of important biological resources. Conversely, it is also possible that there could be occurrences of biological resources on a particular site that do not appear on these maps. The City's Community Development Department maintains these maps as part of the Master Environmental Assessment Maps available to City staff and the public. They are used by a City Environmental Analyst, along with site-specific field evidence, to determine if a site

has the potential to contain sensitive biological resources and whether a biological assessment and other technical reports are needed as part of the review of development proposals prior to a City permitting decision.

Identification of ESHAs is made on a case-by-case basis, based upon site-specific evidence, and in consultation with a City Environmental Analyst. When sensitive biological resources are suspected on or near a project site and a project has the potential to impact those resources, biological evaluations are required. In addition to surveying the project site, the following lists and designations of rare habitats, among other information sources, are consulted to assist in the determination of whether habitats on-site are potentially ESHAs:

- Federal and state listed Rare, Threatened, and Endangered Species.
- Plants, animals, and natural communities ranked as global or state G1 or S1 (critically imperiled), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the California Department of Fish and Wildlife’s Natural Diversity Database and NatureServe.
- California Fully Protected Species, California Species of Special Concern, and their habitats.
- California Native Plant Society (CNPS) plant species designated 1B (rare or endangered in California and elsewhere) and 2 (rare, threatened, or endangered in California but more common elsewhere).
- Federal and state plants, animals, and natural communities that are candidates for listing or delisting.

Once all of this information is obtained, an assessment is made as to whether the habitat is considered an ESHA. This assessment takes into consideration a number of factors, including:

- **Rarity**—Rarity relates to the limited occurrence of a habitat in the region, either from natural limitations or diminishment of what was once an extensive habitat due to development and other disturbances. Rarity refers to certain types of habitat and to certain species as listed above (and the habitats supporting these species).
- **Function and integrity**—Function relates to the importance of a habitat to the ecosystem and can be influenced by the degree of habitat integrity and connectivity to other natural areas. Habitats that are isolated and fragmented have lower connectivity, biological value, and potential for restoration. Site-specific evidence may show that certain habitats in particular locations are not ESHAs because they are so degraded, dominated by invasive and non-native species, isolated, or fragmented that they are not viable or do not have substantial habitat value or a special role in an ecosystem. However, some habitats, like coastal estuaries, wetlands, creeks, and many riparian areas, are so rare or play such an important role in the ecosystem that they are often considered ESHAs, even if degraded. It is important to note that while habitat quality and viability are factored into decisions as to whether an area is an ESHA, once an area has been determined to be an ESHA,

all the policies protecting ESHA in the Coastal LUP apply regardless of the quality of the ESHA.

- Sensitivity—Sensitivity relates to a habitat’s tolerance to disturbance and ability to recover or regenerate.

As of 2018, habitat types that could potentially occur in the City of Santa Barbara’s Coastal Zone that usually meet the definition of an ESHA include, but are not limited to, the list below. However, for any particular area, site-specific evidence may show that the area does not meet the definition of an ESHA. Conversely, there are areas not contained in the following list that could be determined by site-specific evidence to meet the definition of an ESHA. The status of some species and habitat could also change over time. Additional ESHAs in some intertidal and marine areas exist in the City that remain under the Coastal Development Permit jurisdiction of the California Coastal Commission and are not included in the list below:

- Estuaries and Lagoons.
- Wetlands.
- Creeks.
- Riparian Areas.
- Southern Coastal Bluff Scrub.
- Coastal Sage Scrub or Chaparral that:
  - Support sensitive species;
  - Is within or adjacent to creeks, riparian, or wetland ESHAs and is an important component in the functioning of these habitats; or
  - Is a vegetation association or alliance with a global or state ranking of 1, 2, or 3 on the California Department of Fish and Wildlife’s Natural Diversity Database or NatureServe.
- Perennial Grasslands (Coastal Prairie).
- Oak Woodlands.
- Southern Foredune.
- Western Snowy Plover Nesting Habitat.
- White-Tailed Kite Nesting and Communal Roosting Habitat.
- Monarch Butterfly Autumnal and Winter Roost Sites.

While wetlands are usually considered ESHAs, the Coastal Act also has specific development standards and definitions for wetlands. The Coastal Act definition of wetlands differs slightly from other federal and state definitions used by other resource agencies (e.g., U.S. Army Corps of Engineers and the California Department of Fish and Wildlife). Section 30121 of the Coastal Act defines wetlands as follows:

*“Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater*

*marshes, open or closed brackish water marshes, swamps, mudflats, and fens....”*

A more specific definition of wetlands is provided in Section 13577(b) of the California Code of Regulations, which states in part:

*“Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deep-water habitats.”*

Identification of wetlands is based on a site-specific wetland delineation. The wetland delineation determines the boundary line between the wetland and adjacent upland area by the extent of one or more key wetland characteristics: hydrology (frequency, duration, and timing of inundation or saturation), hydric soils (soil with characteristics resulting from prolonged saturations), and hydrophytic vegetation (plants adapted to life in water, or in periodically flooded and/or saturated anaerobic soils). Positive wetland indicators of all three characteristics are often present in wetlands. However, the presence of only one of these characteristics is generally needed for an area to qualify as a wetland pursuant to the California Code of Regulations and Coastal Act.

Hydrology is the key characteristic because it drives the formation of hydric soils and allows hydrophytic vegetation to establish dominance. However, hydrology is the most difficult of the three wetland characteristics to quantify. It is difficult to determine the timing and duration of hydrology without visual observation. Therefore, a predominance of hydrophytes or a predominance of hydric soils can be considered evidence that the land was wet long enough to develop wetland characteristics.

## Protection of Biological Resources

The policies of the Coastal LUP provide protection of identified ESHAs, creeks, wetlands, estuaries, and open coastal waters (i.e., open ocean) through restrictions on allowed uses within protected biological resources and by requiring development buffers and replacement and restoration of these habitats when impacts cannot feasibly be avoided. A number of vegetation management and landscape policies minimize removal and impacts to vegetation in ESHAs, prohibit use of invasive species that can impact native habitats, and require the use of native landscaping in ESHAs. Policies concerning landscaping and tree removal outside of ESHAs, creeks, wetlands, or habitat buffers are further addressed in Chapter 4.3 *Scenic Resources & Visual Quality*.

The LUP policies protect individual special status plants, special status wildlife species, and birds consistent with the State and Federal Endangered Species Acts and Migratory

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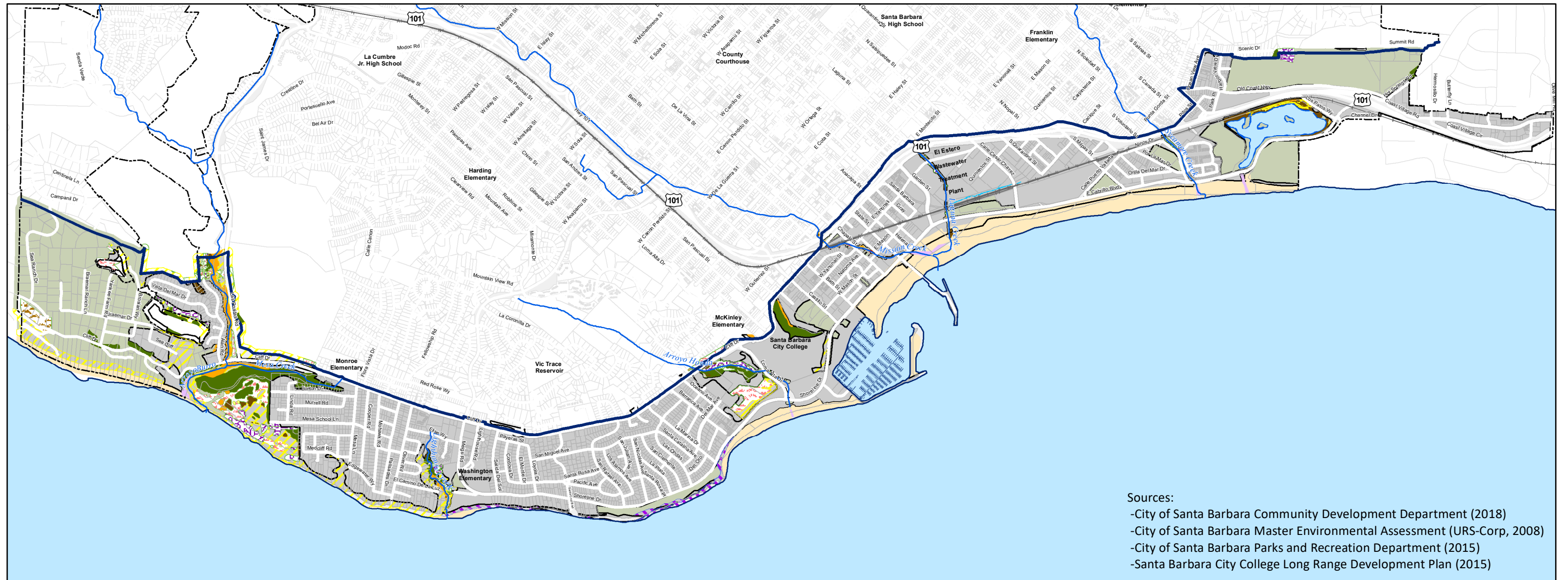
Bird Act. These include provisions for avoidance of bird breeding and nesting sites and implementation of “bird safe” design for building adjacent to open spaces and ESHAs that reduce the potential for bird strikes and traps. Policies limit night lighting near ESHAs and open spaces to avoid impacts to birds and wildlife; artificial night lighting can disrupt normal breeding and foraging activities. Other policies ensure that fences near ESHAs and creek corridors are properly designed and sited to avoid impacts to wildlife movement corridors that allow animals to move between larger habitat areas.

Policies to protect and prevent polluted runoff into coastal waters, streams, wetlands, estuaries, and lakes are found in Chapter 4.2 *Water Quality*.

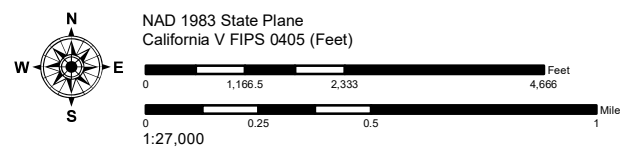
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# FIGURE 4.1-1 POTENTIAL VEGETATION COMMUNITIES



Sources:  
 -City of Santa Barbara Community Development Department (2018)  
 -City of Santa Barbara Master Environmental Assessment (URS-Corp, 2008)  
 -City of Santa Barbara Parks and Recreation Department (2015)  
 -Santa Barbara City College Long Range Development Plan (2015)



### BOUNDARIES

- Coastal Zone
- Major Creeks
- City Limits

### VEGETATION COMMUNITIES

- |  |   |   |   |
|--|---|---|---|
| <span style="background-color: #fde9d9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Beach                    | <span style="background-color: #0000ff; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Brackish Water Marsh    | <span style="background-color: #00ffff; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Freshwater Marsh              | <span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Ornamental Trees - Landscape      |
| <span style="background-color: #e8f5e9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Chaparral                | <span style="background-color: #4caf50; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Coast Live Oak Woodland | <span style="background-color: #e0e0e0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Grassland - Annual Non-native | <span style="background-color: #ffeb3b; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Other Riparian Woodland or Forest |
| <span style="background-color: #9c27b0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Coastal Bluff Vegetation | <span style="background-color: #9c27b0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Coastal Sage Scrub      | <span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Grassland - Native Perennial  | <span style="background-color: #795548; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Ruderal                           |
| <span style="background-color: #9c27b0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Estuary                  |   | <span style="background-color: #e0e0e0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Grassland - Undetermined      | <span style="background-color: #ff0000; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Unvegetated Creekbed              |
|  |   | <span style="background-color: #e0e0e0; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Open Water                    | <span style="border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Urban  |
|  |   | <span style="background-color: #00ff00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> Orchard                       |   |

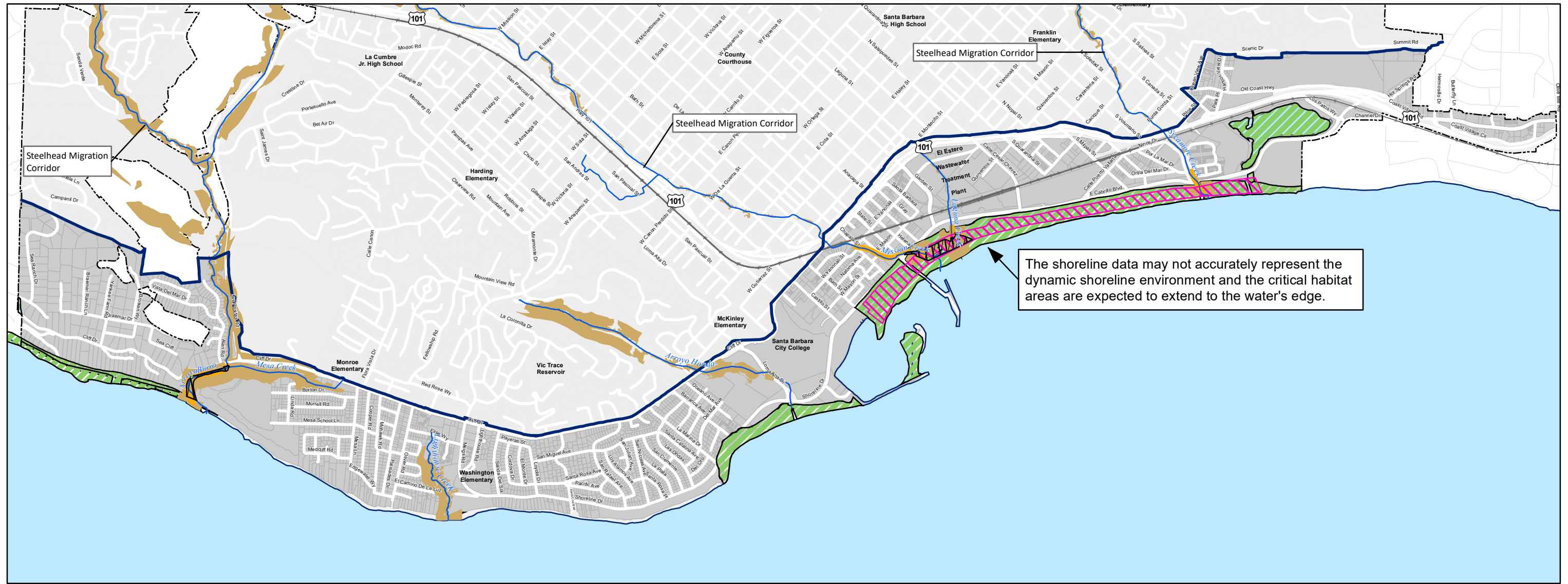
Note: Southern city limits extend into the Santa Barbara Channel. See Official Annexation Map for official city limit boundary. The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and does not eliminate the possibility that the Coastal Commission must make a formal mapping determination. This map depicts potential locations of vegetation communities within the City's Coastal Zone. The maps are to be used by planners and the public as a screening tool to help evaluate the types of site specific biological studies that may be necessary for development projects. The maps take a conservative look at potential habitat areas and, as such, it is possible that field review of a particular project site could show no evidence of mapped or suspected resources. Conversely, it is also possible that there could be occurrences of biological resources on specific project sites that do not appear on this map.

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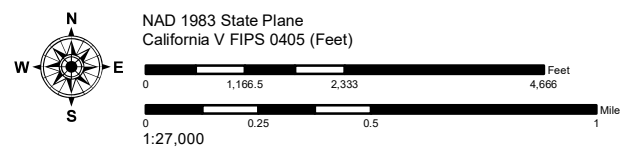
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# FIGURE 4.1-2 POTENTIAL WILDLIFE AND SPECIAL STATUS SPECIES AREAS



The shoreline data may not accurately represent the dynamic shoreline environment and the critical habitat areas are expected to extend to the water's edge.



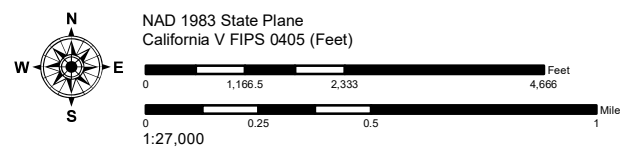
- |   |  |  |
|---|--|--|
| <p><b>BOUNDARIES</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 2px; background-color: blue; margin-right: 5px;"></span> Coastal Zone</li> <li><span style="display: inline-block; width: 20px; border-top: 1px dashed black; margin-right: 5px;"></span> City Limits</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px solid blue; margin-right: 5px;"></span> Major Creeks</li> </ul> | <p><b>POTENTIAL WILDLIFE AREAS</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 5px; background-color: orange; margin-right: 5px;"></span> Tidewater Goby Habitat</li> <li><span style="display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, green 2px, green 4px); border: 1px solid green; margin-right: 5px;"></span> Potential Important Wildlife Areas</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #c08040; margin-right: 5px;"></span> Potential Wildlife Movement Corridors</li> </ul> | <p><b>U.S. FWS CRITICAL HABITAT*</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> Tidewater goby</li> <li><span style="display: inline-block; width: 20px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, magenta 2px, magenta 4px); border: 1px solid magenta; margin-right: 5px;"></span> Western snowy plover</li> </ul> <p><small>*Updated Sep 12, 2017. See U.S. FWS ECOS for current critical habitat areas</small></p> |
|---|--|--|

Note: Southern city limits extend into the Santa Barbara Channel. See Official Annexation Map for official city limit boundary. The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and does not eliminate the possibility that the Coastal Commission must make a formal mapping determination. This map depicts a representation of potential locations of areas important to wildlife or sensitive species within the City's Coastal Zone. The maps are to be used by planners and the public as a screening tool to help evaluate the types of site specific biological studies that may be necessary for development projects. The maps take a conservative look at potential habitat areas and, as such, it is possible that field review of a particular project site could show no evidence of mapped or suspected resources. Conversely, it is also possible that there could be occurrences of biological resources on specific project sites that do not appear on this map. Sources: City of Santa Barbara MEA (Master Environmental Assessment) Biology Map 3 - Special Wildlife Areas and Biology Map 4 - Special Interest Plants and Wildlife, prepared by URS Corp. (March 2008); and U.S. Fish & Wildlife Service Environmental Conservation Online System (ECOS) Threatened & Endangered Species Active Critical Habitat Report (September 12, 2017)

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# FIGURE 4.1-3 MINIMUM HABITAT BUFFERS FOR MAJOR CREEKS



**BOUNDARIES**

- Coastal Zone
- City Limits

**BUFFERS**

- 35ft from Top of Bank or 15 ft from outer riparian edge\*
- 50ft from Top of Bank or 25ft from outer riparian edge\*
- 100ft from Edge of Estuary
- Top of Slope of Canyon as generally depicted on Figure 4.1-4 (Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda Creek) or 25 ft from outer riparian or oak woodland edge\*

\*Whichever is farthest

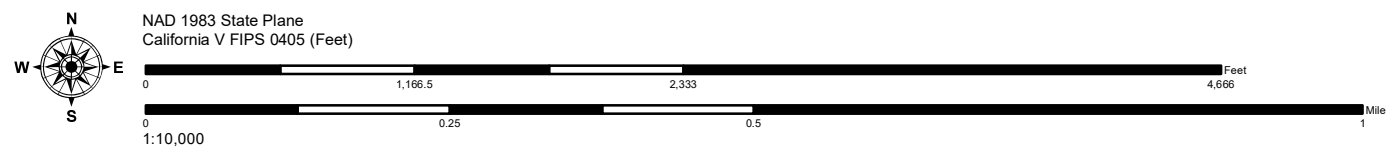
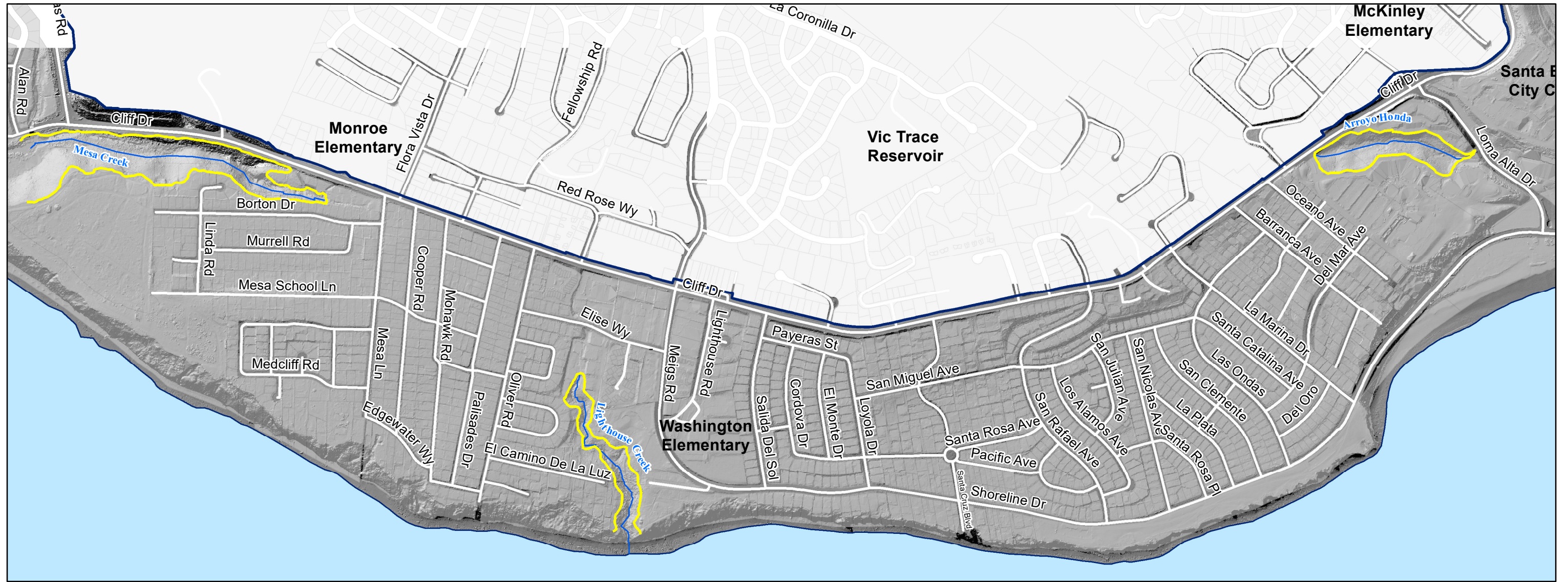
Note: Southern city limits extend into the Santa Barbara Channel. See Official Annexation Map for official city limit boundary. The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and does not eliminate the possibility that the Coastal Commission must make a formal mapping determination.

- All creek representations are approximate and intended for illustrative purposes only.
- Buffers pertain to existing daylighted sections of creek. The need or any buffers from any piped section of creek will be evaluated on a case by case basis and shall factor in any plans to daylight and restore creek habitats.
- Only major creeks shown. Habitat buffers for creeks not shown on map shall be determined on a case-by-case basis.
- For special case creeks (Mesa Creek, Lighthouse Creek, and Arroyo Honda), the top of slope of canyon as generally depicted on Figure 4.1-4, or 25 feet from the outer edge of any riparian or oak woodland habitat, whichever is farthest.

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# FIGURE 4.1-4 MINIMUM HABITAT BUFFERS FOR MESA CREEK, LIGHTHOUSE CREEK, AND ARROYO HONDA



**BOUNDARIES**      **BUFFERS\***

- Coastal Zone
- Top of Slope of Canyon
- City Limits

*Note: Southern city limits extend into the Santa Barbara Channel. See Official Annexation Map for official city limit boundary. The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and does not eliminate the possibility that the Coastal Commission must make a formal mapping determination.*

- All creek representations are approximate and intended for illustrative purposes only.
- Buffers pertain to existing daylighted sections of creek. The need for any buffers from any piped section of creek will be evaluated on a case by case basis and shall factor in any plans to daylight and restore creek habitats.
- Only major creeks shown. Habitat buffers for creeks not shown on map shall be determined on a case-by-case basis.

\*The minimum habitat buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda are the top of slope of canyon or 25' from outer edge of riparian or oak woodland habitats, whichever is farthest.

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# BIOLOGICAL RESOURCES POLICIES

## CITY PLANNING EFFORTS & PROGRAMS

- Policy 4.1-1** City Efforts to Protect and Enhance Environmentally Sensitive Habitat Areas, Wetlands, and Creeks. Consider actions for further restoration of Environmentally Sensitive Habitat Areas (ESHAs), wetlands, and creeks. Continue to implement projects to educate the public about the importance of ESHAs, wetlands, and creeks and how to protect these resources.
- Policy 4.1-2** Sea Level Rise Impacts on ESHAs. Following completion of the Sea Level Rise Adaptation Plan outlined in Policy 5.1-14 *Sea Level Rise Adaptation Plan*, the City shall update standards for ESHAs, wetlands, and creeks as needed based on the best available science and considering the effects of shoreline development on the landward migration of habitat.

## DEVELOPMENT REVIEW POLICIES

### *Protection of ESHAs, Wetlands, & Creeks*

- Policy 4.1-3** Protection of Coastal Waters, Wetlands, and Marine Resources. Protect, maintain, and, where feasible, restore the biological productivity and the quality of coastal waters, creeks, wetlands, estuaries, lakes, and marine resources.
- Policy 4.1-4** Protection of ESHAs. As outlined in Coastal Act Section 30240, ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- Policy 4.1-5** Applicability of Policies. Where multiple ESHAs, wetlands, or creek protection policies and permitted uses are applicable, the policy that is most protective of the habitat resource shall regulate development. However, to the extent wetland or creek policies specifically allow or regulate uses in wetlands or creeks that would not be allowed in ESHAs, those specific policies take precedence over more general ESHA policies.
- Policy 4.1-6** Allowed Uses in Terrestrial ESHAs. New development and substantial redevelopment in terrestrial ESHAs (including riparian ESHAs) shall be limited to uses that will not result in significant disruption of habitat values of the ESHAs and that shall avoid, and where full avoidance is not

possible, minimize and mitigate impacts to ESHAs to the extent feasible. Uses in terrestrial ESHAs are limited to the following:

- A. Habitat creation, restoration, and/or enhancement activities;
- B. Public accessways, trails, and associated minor improvements. Impervious trails, accessways, and associated minor improvements shall be located a minimum of 35 feet from the top of bank of any creek to the extent feasible;
- C. Directional, educational, and interpretive signs to protect public safety, manage open space areas, educate, and direct public access;
- D. Nature study;
- E. ESHA-related educational uses;
- F. Fences or natural barriers necessary for safety, restoration, protection of habitat, or water quality improvement provided that they are minimized to the extent feasible;
- G. Fuel modification required by the Fire Department to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas;
- H. Mosquito abatement;
- I. Development adjacent to wetlands and creeks that is required to complete a project allowed pursuant to Policy 4.1-7 *Diking, Filling, or Dredging of Coastal Waters and Wetlands* or Policy 4.1-9 *Substantial Alteration of Creeks*; and
- J. Other resource dependent uses consistent with Policy 4.1-4 *Protection of ESHAs*.

**Policy 4.1-7** Diking, Filling, or Dredging of Coastal Waters and Wetlands. As outlined in Coastal Act Section 30233, the following standards apply to the diking, filling, or dredging of open coastal waters (open ocean), wetlands, estuaries, and lakes:

- A. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this LUP, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - i. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;
  - ii. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;
  - iii. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities, and the

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- placement of structural pilings for public recreational piers that provide public access and recreational opportunities;
  - iv. Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;
  - v. Mineral extraction, including sand for restoring beaches, except in ESHAs;
  - vi. Restoration purposes; and
  - vii. Nature study, aquaculture, or similar resource-dependent activities.
- B. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems;
- C. In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary; and
- D. Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a Coastal Development Permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

**Policy 4.1-8** Protection of Lagoons and Estuaries. Breaching or pumping water from coastal lagoons or estuaries shall be prohibited, except where: necessary for public health or safety (including flood control purposes), repair and maintenance of existing structures, or as part of an activity allowed in lagoons and estuaries pursuant to Policy 4.1-7 *Diking, Filling, or Dredging of Coastal Waters and Wetlands*; there is no feasible less environmentally damaging alternative; and all feasible mitigation measures will be implemented to minimize adverse environmental effects.

**Policy 4.1-9** Substantial Alteration of Creeks. As outlined in Coastal Act Section 30236, channelizations, dams, or other substantial alterations of creeks shall incorporate the best mitigation measures feasible, and be limited to:

- A. Necessary water supply projects;

- B. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing permitted development; and
- C. Developments where the primary function is the improvement of fish and wildlife habitat (e.g., creek bank restoration and revegetation, removal of concrete lining, removal of fish passage barriers, installation of fish passage enhancement structures, and daylighting of previously under-grounded creek channels).

**Policy 4.1-10** Minimization of Impacts for Creek Projects. Any alteration of a creek shall minimize impacts to coastal resources, including the depletion of groundwater, and shall mitigate unavoidable impacts to the extent feasible. Non-intrusive bank stabilization methods such as bioengineering techniques (e.g., revegetation, tree revetment, and native material revetment) shall be used where feasible rather than hard bank solutions such as rip rap or concrete.

**Policy 4.1-11** Creek Crossings. Alteration of creeks for new road crossings shall be prohibited except where there is no other feasible alternative to provide access to public recreation areas or lawfully established development on a legal parcel and the creek crossing is accomplished by clear span bridging. Replacement of existing bridges may be allowed where additional creek alteration or wetland fill is avoided to the extent feasible. Utility crossings of creeks may be allowed where there is no feasible less environmentally damaging alternative and the crossing is accomplished by attachment of utilities to existing bridges, or under-channel boring (horizontal directional drilling), unless other methods are determined to be less disruptive to the stream and any adjacent riparian areas. Impacts to riparian areas shall be avoided to the extent feasible.

**Policy 4.1-12** Alteration and Disturbance of ESHAs, Wetlands, and Creeks.

- A. Any area that contains or contained habitat meeting the definition of ESHA, wetland, or creek shall not be deprived of protection, as required by the policies and provisions of the Coastal LUP, on the basis that the habitat has been:
  - i. Temporarily damaged or eliminated by natural disaster (e.g., landslide, flooding, fire) from which it will likely recover; or
  - ii. Impacted by illegal development or other illegal means, including removal, filling, degradation, or elimination of species that are rare or especially valuable because of their nature or role in an ecosystem.

Any such ESHA, wetland, or creek shall be assessed for the purposes of defining its status as an ESHA, wetland, or creek according to its condition prior to the natural disaster or illegal activity.

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- B. Once an area has been determined to be an ESHA, wetland, or creek, all the policies protecting ESHAs, wetlands, and creeks in the Coastal LUP apply regardless of the quality or level of disturbance of the ESHA, wetland, or creek.

**Policy 4.1-13** Mitigation of Impacts to ESHAs, Wetlands, and Creeks.

- A. Where unavoidable permanent impacts to ESHAs, wetlands, and creeks are allowed, mitigation in the form of habitat creation and/or restoration shall be required at a minimum 4:1 ratio (area restored to area impacted) for wetland, open water, or creekbed habitats and a minimum 3:1 ratio for all other ESHAs (including riparian ESHAs). Temporary impacts to ESHAs, wetlands, and creeks shall be restored at a minimum 1:1 ratio. Where mature native trees (four inches [4"] in diameter or greater at four feet six inches [4'-6"] above grade in height) are substantially impacted or removed, they should be replaced at a minimum 10:1 ratio for oak trees and a minimum 5:1 ratio for all other native trees or other trees providing habitat for sensitive species. Sizes of trees planted should be carefully selected to ensure successful restoration. Mitigation shall occur on-site to the maximum extent feasible. Where successful on-site mitigation is not feasible, mitigation may be provided at nearby off-site locations if the restoration area is within public parklands or restricted from development, and success and maintenance is guaranteed through binding agreements.
- B. All mitigation sites shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration. Mid-course corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without remedial actions or maintenance other than exotic species control. Where the City has made a specific determination that the mitigation is unsuccessful and is likely to continue to be unsuccessful, an alternate location may be substituted to provide full mitigation of impacts. The substituted location shall be subject to a minimum monitoring period of five years.
- C. All required mitigation restoration areas shall be considered ESHAs, wetlands, or creeks (as appropriate to the habitat restored) and subject to policies protecting these resources in the Coastal LUP.
- D. All mitigation restoration areas shall be restricted from development, except those uses allowed in ESHAs, wetlands, and creeks as appropriate to the habitat restored pursuant to the Coastal LUP.

**Policy 4.1-14** Resource Management Agencies. Applicants for public and private development projects shall consult with the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, NOAA Fisheries, U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and other resource management agencies, as applicable, in order to ensure that any potential impacts to ESHAs, wetlands, creeks, or any sensitive species under their jurisdiction are avoided or minimized consistent with state and federal laws. Applicants shall provide evidence that any approvals required by resource management agencies have been granted, including any terms and conditions, prior to issuance of building permit.

*Habitat Buffers*

**Policy 4.1-15** ESHA, Wetland, and Creek Habitat Buffers. New development and substantial redevelopment in areas adjacent to ESHAs, wetlands, and creeks shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. A habitat buffer shall be required between new development or substantial redevelopment and any ESHA, wetland, or creek and shall be of sufficient size to: protect biological integrity, serve as transitional habitat, provide distance from human disturbances, and avoid hazards from erosion.

Widths of habitat buffers will vary depending upon the condition of the site and the type of development, but shall not be less than the minimum habitat buffers outlined below, except as allowed in Policy 4.1-18 *Reduction of ESHA, Wetland, and Creek Habitat Buffers*. Where more than one habitat buffer applies, the greater or more protective habitat buffer shall be used. Larger habitat buffers than those listed below may be required in some areas, particularly when sensitive species are present. Minimum habitat buffers for any ESHAs, wetlands, or creeks not specifically listed below shall be determined on a case-by-case basis as part of a biological assessment process and in consultation with the City’s Environmental Analyst assigned to the project and the City’s Creeks Division, when appropriate. Appendix 8.1 *Determining Creek Top of Bank* includes a methodology for determining top of bank of creeks.

Resource	Habitat Buffer(s)
<b>Estuaries, Lagoons, and Associated Wetlands Considered ESHAs<sup>1</sup></b>	
<b>Arroyo Burro Estuary</b> <i>Portion of estuary south of</i>	100 feet from upland edge of estuary, lagoon, and associated

<sup>1</sup> Minimum buffers for upstream portions of some creek estuaries are addressed under creek buffers.

<p><i>Cliff Drive</i></p> <p><b>Mission Creek Lagoon</b></p> <p><i>Portion of Mission Creek Estuary south of Cabrillo Boulevard and Laguna Creek south of the tide gates</i></p> <p><b>Sycamore Creek Estuary</b></p> <p><i>Portion of Sycamore Creek Estuary south of Cabrillo Boulevard</i></p> <p><b>Andrée Clark Bird Refuge</b></p>	<p>adjacent wetlands</p>
<p><b>Creeks, Creek-Associated Instream Wetlands, and Riparian Areas Considered ESHAs<sup>2</sup></b></p> <p><i>Where riparian ESHAs are present, the total habitat buffer shall be the farthest distance satisfying both the habitat buffer for the creek and the habitat buffer for any riparian habitat considered an ESHA.</i></p>	
<p><b>Mission Creek</b></p> <p><i>Cabrillo Blvd to Coastal Zone Boundary</i></p>	<p>35 feet from top of bank of the Lower Mission Creek Flood Control Project; or</p> <p>15 feet from outer edge of riparian vegetation or canopy considered an ESHA</p>
<p><b>Sycamore Creek</b></p> <p><i>Cabrillo Boulevard to Coastal Zone Boundary</i></p> <p><b>Laguna Creek</b></p> <p><i>Tide gates to Coastal Zone Boundary</i></p> <p><b>Arroyo Burro</b></p> <p><i>Cliff Drive to Coastal Zone Boundary</i></p>	<p>50 feet from top of bank; or</p> <p>25 feet from outer edge of riparian vegetation or canopy considered an ESHA</p>

<sup>2</sup> These habitat buffers pertain to existing daylighted sections of creek. Piped sections of creek shall be evaluated on a case-by-case basis to determine the need for any buffers. This evaluation shall factor in any plans and/or potential to daylight and restore creek habitats.

<p><b>Mesa Creek</b> <i>Confluence with Arroyo Burro Estuary to Coastal Zone Boundary</i></p> <p><b>Lighthouse Creek</b> <i>Pacific Ocean to Coastal Zone Boundary</i></p> <p><b>Arroyo Honda</b> <i>Pacific Ocean to Coastal Zone Boundary</i></p>	<p>The top edge of the creek canyon as generally depicted on Figure 4.1-4 <i>Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda</i> shall be considered the outermost edge of the creek buffer<sup>3</sup>; or</p> <p>25 feet from outer edge of riparian vegetation or canopy considered an ESHA</p>
<p><b>Other ESHAs<sup>4</sup></b></p>	
<p><b>Monarch butterfly aggregation sites, including autumnal and winter roost sites</b></p>	<p>100 feet from outer edge of habitat except that where a 100-foot buffer is not feasible, the habitat buffer may be reduced to the largest feasible habitat buffer, but in no case less than 50 feet. The habitat buffer shall be sufficient to preserve the environmental conditions of the grove including light, temperature, humidity, and wind.</p>
<p><b>Native perennial grasslands</b></p>	<p>50 feet from the outer edge of habitat.</p>
<p><b>Oak woodland</b></p>	<p>50 feet from the outer edge of tree canopy except that where a 50-foot buffer is not feasible, the habitat buffer may be reduced to the largest feasible habitat buffer, but in no case less than 25 feet.</p>

<sup>3</sup> The top edge of the creek canyon that is generally depicted in Figure 4.1-4 *Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda* that determines the buffer from the daylighted portions of Sycamore Creek, Laguna Creek, and Arroyo Burro is subject to change due to slope failures, erosion, storm impacts, or other processes resulting in creek and canyon slope modifications. Buffers shall be based on current on the ground conditions. The top of the canyon edge should be the hinge point where the steep canyon slope meets the generally level ground and should be located above all steep slopes (over 30%) of the canyon. Buffers for other habitats considered an ESHA (oak woodland, etc.) still apply in or near these creek canyons.

<sup>4</sup> Minimum habitat buffers for any western snowy plover nesting habitat or native coastal strand habitats found would be determined on a case-by-case basis.

<p><b>Southern coastal bluff scrub Associations of coastal sage scrub and chaparral meeting the definition of ESHAA</b></p>	<p>25 feet from the outer edge of habitat or tree canopy</p>
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**Policy 4.1-16** El Estero Drainage. Once completed, the habitat restoration areas approved for the El Estero Drainage and the Northern Drainage Channel on APN 017-113-019 and 017-113-020 as part of PLN1999-00507/PLN2013-00433 and PLN2004-00791, respectively, shall serve as the wetland and ESHA habitat buffer for these sites. No additional habitat buffers shall be required from these habitat restoration areas. The habitat buffers for the portions of El Estero Drainage east of Calle Cesar Chavez containing wetlands shall be 25 feet from the top of bank or upland edge of wetlands, whichever is greatest.

**Policy 4.1-17** Development within Habitat Buffer Areas.

- A. New development and substantial redevelopment shall only be allowed in ESHA, wetland, and creek habitat buffers if it does not significantly disrupt the habitat values of ESHAs, wetlands, or creeks and may include:
- i. Habitat creation, restoration, and/or enhancement activities;
  - ii. Public accessways, trails, and associated minor improvements. Impervious trails, accessways, and associated minor improvements shall be located a minimum of 35 feet from the top of bank of any creek to the extent feasible;
  - iii. Directional, educational, and interpretive signs to protect public safety, manage open space areas, educate, and direct public access;
  - iv. Nature study;
  - v. ESHA-, wetland-, and creek-related educational uses;
  - vi. Bioswales or other bioengineered or non-structural storm water Best Management Practices (BMPs), provided that encroachment into the habitat buffer is minimized to the extent feasible and the BMP is designed to avoid impacts to ESHAs, wetlands, and creeks;
  - vii. Improvements to existing roads, road rights-of-way, utilities, public infrastructure and facilities, and public parking lots in a manner that involves no increase in development footprint for the portion within the habitat buffer area. If the improvement involves relocation, the new site shall be located no closer to ESHAs, wetlands, or creeks than the existing site and shall

- minimize encroachment into the habitat buffer to the maximum extent feasible;
- viii. Fuel modification required by the City Fire Department to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas;
  - ix. Geologic testing or boring;
  - x. Mosquito abatement; and
  - xi. The following uses may be allowed where the encroachment into the habitat buffer is minimized to the extent feasible, where all feasible mitigation measures have been provided to minimize adverse environmental effects, and the maximum feasible habitat buffer between the development and the habitat is provided:
    - a. Adjacent to wetland areas, incidental public services and utilities and development required to complete a project pursuant to Policy 4.1-7 *Diking, Filling, or Dredging of Coastal Waters and Wetlands*;
    - b. Adjacent to creek areas, flood control projects necessary for public safety or to protect existing development, and necessary water supply and wastewater projects;
    - c. Fuel modification only when required by the City Fire Department to meet the Fire Code Defensible Space Requirements for a new or substantially redeveloped primary structure in a High Fire Hazard Area. New and substantially redeveloped accessory structures shall be sited to ensure that vegetation management necessary to meet City Fire Code Defensible Space Requirements does not occur within habitat buffers to ESHAs, wetlands, or creeks;
    - d. Structural, non-earthen storm water BMPs, provided that they are located a minimum of 35 feet from top of bank of any creek;
    - e. Limited exterior lighting for safety purposes; and
    - f. Fences or natural barriers necessary for safety, restoration, protection of habitat, or water quality improvement.
- B. New development and substantial redevelopment that is not allowed within ESHA, wetland, and creek habitat buffers pursuant to subsection A. above shall also not be allowed to overhang or otherwise partially encroach into ESHA, wetland, and creek habitat buffers.



**Policy 4.1-18** Reduction of ESHA, Wetland, and Creek Habitat Buffers. It is the goal of the City to move as many structures as possible outside of minimum required habitat buffers for ESHAs, wetlands, and creeks. However, there may be existing legally established lots that are severely constrained where reasonable use of the property may not be feasible outside of minimum required habitat buffers. This policy addresses the rare cases when a reduction of minimum required habitat buffers may be allowed for new development and substantial redevelopment on severely constrained lots.

- A. For private development, a reduction of minimum required habitat buffers for ESHAs, wetlands, and creeks shall only be allowed if all of the following findings can be made:
  - i. The reduction in minimum required habitat buffer is necessary to provide reasonable use of a legally established lot that cannot feasibly be accommodated outside the minimum required habitat buffer.
  - ii. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, that make it a severely constrained lot. Reduction of minimum required habitat buffers shall be the minimum necessary to accommodate a reasonable use of the lot;
  - iii. Reductions of minimum required habitat buffers shall not be granted to accommodate accessory structures;
  - iv. The development allowed on the lot (outside and inside the minimum required habitat buffers) shall only include the following and not exceed:
    - a. A principal structure that is the minimum size necessary to provide a reasonable use of the property, but in no case exceeds the square footage of the existing permitted principal structure(s) on the lot or 1,200 square feet in cases where the existing permitted principal structure(s) (excluding garage) is less than 1,200 square feet or there is no existing principal structure;
    - b. A garage or parking area, as applicable, sized to meet minimum parking requirements. Garages shall be integrated into the principal structure;
    - c. The least amount of development necessary to provide ingress and egress to and from the principal structure/garage/parking area; and
    - d. Development allowed within habitat buffers, ESHAs, creeks, and wetlands pursuant to Policies 4.1-6 *Allowed Uses in Terrestrial ESHAs*, 4.1-7 *Diking, Filling, or Dredging of Coastal Waters and Wetlands*, 4.1-9

*Substantial Alteration of Creeks, and 4.1-17 Development within Habitat Buffer Areas.*

- v. All of the findings in subsection C. below.
- B. For public development, reduction of minimum required habitat buffers for ESHAs, wetlands, and creeks shall only be allowed if the reductions in minimum required habitat buffers are necessary for the construction of public works that cannot feasibly be provided outside the required habitat buffer. In order to approve reductions of minimum required habitat buffers, all of the findings in subsection C. below shall be made.
- C. A reduction of minimum required habitat buffers shall only be allowed if all of the following findings can be made:
- i. The granting of the reduction of minimum required habitat buffer will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity;
  - ii. The development conforms to the City's Zoning Ordinance;
  - iii. Reductions of minimum required habitat buffers are minimized to the extent feasible through siting and design, including minimizing the development area and siting of the development as far away from the ESHA, creek, or wetland as feasible;
  - iv. Feasible modifications to required development standards that are not related to ESHA, wetland, and creek protection are included in the project to avoid or minimize impacts to ESHAs, wetlands, creeks, or habitat buffers;
  - v. For creeks, the reduced habitat buffer is of sufficient size to avoid hazards from creek erosion and floodways over the economic life of the structure and the project is consistent with the limitations contained in Policy 4.1-9 *Substantial Alteration of Creeks*;
  - vi. The reduced habitat buffer, in combination with siting, design, or other mitigation measures, will not significantly degrade ESHAs, wetlands, creeks, or other coastal waters; and
  - vii. Mitigation measures have been incorporated into the project to avoid, minimize, and/or reduce impacts to ESHAs, wetlands, or creeks. Such measures include, but are not limited to restoration or enhancement of disturbed areas, and removal of non-native and/or invasive plant species. An ESHA, wetland, or creek restoration plan shall be required.
- D. A planner consultation that includes review by a City Environmental Analyst and the City Creeks Division shall be required prior to acceptance of any Coastal Development Permit (CDP) application

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that includes a request for a reduction of minimum required habitat buffers.

- E. A biological evaluation pursuant to Policy 4.1-42 *Biological Evaluations and Wetland Delineations* to assess short-term, long-term, and cumulative impacts shall be required for all requests for a reduction of minimum required habitat buffers. Some evaluations may require peer review by a qualified biologist or equivalent technical specialist(s) in order to be deemed adequate. The City may impose a fee on applicants to recover the cost of review of evaluations.
- F. For creeks, requests for reductions in minimum required habitat buffers shall also require a soils and hydrology evaluation completed by a hydro-geomorphologist or equivalent technical specialist(s) that analyzes the distance from the top of creek bank that might reasonably be expected to erode over the expected life of the principal structure without new creek bank stabilization. Some evaluations may require peer review by a hydro-geomorphologist or equivalent technical specialist(s) in order to be deemed adequate. The City may impose a fee on applicants to recover the cost of review of evaluations.

#### *Management of ESHAs, Wetlands, Creeks, & Habitat Buffers*

##### **Policy 4.1-19** Plantings in ESHAs, Wetlands, Creeks, and Habitat Buffers.

- A. Planting of any plant species listed as problematic, a noxious weed, or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, the State of California, or the Federal Government shall be prohibited in all ESHAs, wetlands, creeks, and required habitat buffers unless a plant species is necessary for the habitat restoration of a sensitive species (e.g., monarch butterfly).
- B. Plantings in ESHAs, wetlands, and creeks shall be with native species appropriate to the habitat type, except where restoration of a specific sensitive species habitat requires use of other plant species (e.g., monarch butterfly habitat). Plantings shall be drought tolerant except where inappropriate for the given habitat type (e.g., creek beds and wetlands). For creeks and wetlands, planting should be from local genotypes collected locally.
- C. Plantings in required habitat buffers shall be compatible with the continuation and enhancement of the habitat area and consist primarily of native, drought-tolerant species, unless certain plantings are necessary for the restoration of a sensitive species or habitat (e.g., monarch butterfly).

##### **Policy 4.1-20** Native Tree Protection. Development shall be sited and designed to preserve to the extent feasible native trees within ESHAs, wetlands,

creeks, and required habitat buffers that have at least one trunk measuring four inches (4") in diameter or greater at four feet six inches (4'6") above grade in height. Removal or encroachment into the root zone of these native trees shall be prohibited except where no other feasible alternative exists. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the least adverse impacts to native trees and that would not result in additional adverse impacts to other coastal resources shall be required. Adverse impacts to native trees shall be fully mitigated as required by the Coastal LUP, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees.

**Policy 4.1-21** Vegetation Management for Fire Hazard Reduction.

- A. Vegetation management programs to reduce fire fuel loads, as well as project-related landscape and maintenance plans, shall protect and preserve ESHAs, wetlands, and creeks and balance fire risk reduction benefits with possible aesthetic, habitat, and erosion impacts to the extent feasible. Potential adverse environmental impacts resulting from fuel management activities shall be avoided or minimized as feasible.
- B. Where vegetation management in ESHAs, wetlands, creeks, and required habitat buffers is required by the City Fire Department to meet City Fire Code Defensible Space Requirements for existing structures in High Fire Hazard Areas, the vegetation management shall be the minimum necessary to meet the City Fire Department requirements and shall be designed to minimize erosion and impacts on habitat values.
- C. New development and substantial redevelopment shall be sited to ensure that vegetation management to reduce fire risks (including clearing, landscaping, irrigating, and thinning) does not intrude within any ESHAs, wetlands, or creeks. Vegetation management necessary to meet City Fire Code Defensible Space Requirements for a new or substantially redeveloped primary structure may occur within habitat buffers to ESHAs, wetlands, or creeks, only when all of the following criteria is met:
  - i. There is no feasible alternative to site and design the primary structure such that fuel modification is located completely outside of the required habitat buffer;
  - ii. Encroachment into the habitat buffer is minimized to the extent feasible through siting and design of structures;
  - iii. Thinning and clearing are the minimum necessary to meet the City Fire Department requirements; and
  - iv. The vegetation management is designed to avoid habitat and erosion impacts.

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- D. New and substantially redeveloped accessory structures shall be sited to ensure that vegetation management necessary to meet City Fire Code Defensible Space Requirements does not occur within habitat buffers to ESHAs, wetland, or creeks.
- E. Applications for new development or substantial redevelopment near or adjacent to ESHAs, wetlands, and creeks in High Fire Hazard Areas shall include a landscaping and vegetation management plan demonstrating compliance with this policy for review by the City's Fire Department and the Environmental Analyst.

**Policy 4.1-22** Fencing, Walls, and Barriers. Allowed fencing, walls, or other types of barriers in ESHAs, creeks, and habitat buffers shall be wildlife-safe and wildlife-permeable, to the extent feasible. Any permanent fencing, walls, or barriers shall provide the maximum feasible habitat buffer from the habitat and should be located a minimum of 35 feet from the top of bank of any creek to the extent feasible.

**Policy 4.1-23** Exterior Lighting. When allowed, permanent exterior lighting adjacent to ESHAs, wetlands, and creeks shall be: limited to the extent feasible; restricted to low intensity fixtures; shielded; directed to the ground and away from ESHAs, wetlands, and creeks; and cause no light to trespass into habitat areas.

**Policy 4.1-24** Habitat Linkages. Preserve, protect, and enhance habitat linkages through limitations on the type and intensity of new development and preservation of riparian corridors. Development in or adjacent to ESHAs, wetlands, and creeks shall be designed and constructed to ensure the safe movement by wildlife to the maximum extent feasible (such as through the clustering of structures, installation of bridged crossings of wetlands and creeks to replace culverts, etc.).

**Policy 4.1-25** Access through ESHAs, Wetlands, and Creeks. Vehicle traffic through ESHAs, wetlands, and creeks outside of permitted access routes, staging areas, or roads shall be prohibited, except for emergency services or for permitted construction, maintenance, or flood control activities. Emergency services shall not include routine patrolling by private security forces. Where pedestrian or bicycle access through ESHAs or creeks is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used.

**Policy 4.1-26** Mosquito Abatement. Mosquito abatement within ESHAs, wetlands, or creeks shall be limited to the implementation of the minimum measures necessary to protect human health and shall minimize adverse impacts to these resources. Larvacides used should be specific to mosquito larvae and should avoid impacts to non-target species, including fish, frogs, turtles, birds, and other insects or invertebrates. Mosquitofish should not be used in ESHAs, wetlands, or creeks.

*Restoration*

- Policy 4.1-27** Restoration of Habitats. Restoration and enhancement of ESHAs, wetlands, and creeks shall be encouraged.
- Policy 4.1-28** Creek Restoration. Where feasible, creeks should be restored and fish passage and habitat improved through methods such as removal of existing concrete lining, daylighting reaches of drainages that have been previously under-grounded, removal of fish barriers, laying back steep banks, and planting of native trees and shrubs on stream banks that will not significantly impede creek flows.
- Policy 4.1-29** Vegetation Management for Habitat Restoration. Vegetation management, including the removal of non-native vegetation, planting native species appropriate for the habitat type, weeding, supplemental plantings, and other maintenance measures for the purpose of habitat restoration or enhancement may occur within ESHAs, wetlands, creeks, and required habitat buffers pursuant to a City-approved habitat restoration plan, unless removal of the non-native vegetation would impact a sensitive species (e.g., monarch aggregation sites).
- Policy 4.1-30** Habitat Buffers from Restored Areas. Where an area not considered an ESHA, wetland, or creek is successfully restored or enhanced, additional habitat buffers shall not be required from the expanded habitat area. This policy does not apply to restoration of habitats that were temporarily disturbed by natural disaster, illegally removed or disturbed, or habitats restored as mitigation for impacts to ESHAs, wetlands, and creeks pursuant to Policy 4.1-13 *Mitigation of Impacts to ESHAs, Wetlands, and Creeks*.

*Land Divisions*

- Policy 4.1-31** Land Divisions. Land divisions and conditional certificates of compliance subject to the provisions of the Coastal LUP shall only be permitted if the development area of each parcel, including access roads/driveways and any fuel modification areas necessary to meet Fire Code Defensible Space Requirements for structures, is located outside of any ESHA, wetland, creek, or required habitat buffer areas. Lot line adjustments shall only be permitted if the development area of each parcel, including access roads/driveways, and any fuel modification areas necessary to meet Fire Code Defensible Space Requirements for structures is located outside of any ESHA, wetland, creek, or required habitat buffers areas or, if that is not feasible, when the lot line adjustment would result in less adverse impacts to ESHAs, wetlands, or creeks than the existing lot configurations.

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*Beaches*

- Policy 4.1-32** Beach Grooming and Disturbance of Wrack. Grooming and other disturbance activities on the beach shall be implemented in a manner to avoid the removal or disturbance of wrack (seaweed or other vegetation cast on the shore) to the extent feasible. All mechanized beach grooming should be restricted to dry sand area only and should not occur any closer to the ocean than ten feet landward of the predominant wrack line or the mean high tide line, whichever is further landward. Wrack should not be removed seaward of the predominant wrack line or the mean high tide line during grooming activities unless debris is entangled in the wrack that poses a threat to public safety or if the wrack is found to otherwise pose an immediate threat to public health and safety.
- Policy 4.1-33** Avoidance of Sensitive Species on Beaches. New development, including but not limited to grooming and other disturbance activities, on the beach shall be designed to avoid impacts to any western snowy plovers, grunion (including grunion eggs), least terns, or other sensitive species present through timing of implementation, biological surveys, signage, temporary fencing, or other avoidance measures recommended by a qualified biologist and which are consistent with the policies of the Coastal LUP, including policies protecting public access to and along the shoreline.
- Policy 4.1-34** Overwintering Western Snowy Plover Roosting Areas. New development consisting of temporary events, public restrooms and showers, beach volley ball courts, and other similar minor, at-grade, easily removable recreational equipment, shall avoid areas typically used by overwintering western snowy plover for roosting during the times that the birds are typically present (overwintering season). The number, size, and location of protected roosting areas shall be determined prior to each western snowy plover overwintering season based on the monitoring data from all available prior years (with the most weight given to the last three years of data) in consultation with a qualified biologist who has experience working with western snowy plover.
- Policy 4.1-35** Motorized Vehicle Access to Beaches. Access to beach areas by motorized vehicles, including off-road vehicles, shall be prohibited, except for permitted beach grooming, emergency services, lifeguard services, or for construction, maintenance, or flood control activities approved through a Coastal Development Permit. Emergency services shall not include routine patrolling by private security forces.

*Birds***Policy 4.1-36** Bird Breeding and Nesting.

- A. Activities that could impact nesting or breeding birds (including tree trimming, tree removal, construction activities, noise, vibration, or lighting) within or adjoining ESHAs, creeks, wetlands, special wildlife areas, or known nesting or breeding areas shall be prohibited during the nesting and breeding season for birds (February 1-August 30) where feasible.
- B. If it is not feasible to complete such work outside the bird nesting and breeding season, then work may be approved subject to a condition requiring bird nesting and breeding surveys. These surveys should be performed by a qualified biologist no more than fourteen calendar days prior to the start of any activities that could impact nesting or breeding birds. If active nesting or breeding is found, activities that could impact the nesting birds shall be prohibited until any active nest is vacated. If any activities must occur to remediate an imminent danger, measures shall be implemented to avoid and minimize impacts to nesting birds.
- C. In the event that an active nest not previously identified is discovered during any tree trimming, tree removal, or construction activity, the contractor shall immediately cease all activities in the area of operations and shall notify the City's Environmental Analyst. Thereafter, a qualified biologist must inspect the site and follow the abovementioned procedures to protect the nesting birds.

**Policy 4.1-37** Bird Safe Buildings. All new development or substantial redevelopment within 100 feet of ESHAs, wetlands, creeks, or open space shall provide bird-safe building design features in order to reduce potential for bird strikes. Design features include minimizing the amount of untreated glass or glazing on the building façade; incorporating glazing treatments to ensure that large areas of glass are visible to birds; ensuring that building edges of exterior courtyards and recessed areas are clearly defined; using opaque materials and non-reflective glass; siting trees and other vegetation to avoid or obscure reflection on building facades; designing buildings to minimize light spillage and maximize light shielding to the maximum feasible extent; and avoiding the use of "bird traps" such as glass courtyards, transparent building corners, interior atriums, windows installed opposite each other, clear glass walls, skywalks, and transparent glass balconies. Where any such "bird traps" may exist in buildings proposed for remodeling or redevelopment, design and site landscaped areas, including patios and interior courtyards, to avoid these areas.

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## DEFINITIONS & PROCEDURES

**Policy 4.1-38** Creek Defined. “Creek” is a topographic feature that at least periodically conveys water through a bed or channel having banks. The major creeks are generally shown on Figure 4.1-3 *Minimum Habitat Buffers for Major Creeks*. A methodology for determining the top of bank of creeks is included in Appendix 8.1 *Determining Creek Top of Bank*.

**Policy 4.1-39** Wetlands Defined. As outlined in Coastal Act Section 30121, wetlands are lands within the Coastal Zone that may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. As detailed in Section 13577(b)(1) of the California Code of Regulations, wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within or adjacent to vegetated wetlands or deep-water habitats. Any areas that meet these definitions are wetlands and shall be accorded all of the protections provided for wetlands in the Coastal LUP, whether or not they were previously identified or mapped.

**Policy 4.1-40** Environmentally Sensitive Habitat Areas Defined. As defined in Coastal Act Section 30107.5, areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments are Environmentally Sensitive Habitat Areas (ESHAs).

**Policy 4.1-41** ESHA Determinations.

- A. Identification of ESHAs shall be made on a case-by-case basis based upon site-specific evidence provided by a biological report prepared in accordance with Policy 4.1-42 *Biological Reports and Wetland Delineations*, and in consultation with a City Environmental Analyst. Any areas that meet the criteria outlined in Policy 4.1-40 *Environmentally Sensitive Habitat Areas Defined* shall be afforded all of the protections provided for ESHAs in the Coastal LUP, whether or not they have been previously identified or mapped.
- B. Any determination of the location or extent of ESHAs must address:
  - i. *Rare Species or Habitats.* The first test to determine whether a habitat is an ESHA is whether a habitat or species (and its associated habitat) is rare. The California Natural Diversity

Database (CNDDDB) is a state depository of lists of rare plant and animal species and rare natural communities (e.g., habitats, vegetation communities), generated by an array of regional, state, national, and international sources that are vetted, maintained, and continually updated by the Biogeographic Branch of the California Department of Fish and Wildlife (CDFW). The species and habitats on the following lists are considered rare:

- a. Federal and state listed Rare, Threatened, and Endangered Species;
  - b. Plants, animals, and natural communities ranked global or state G1 or S1 (critically imperiled), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction) by the California Department of Fish and Wildlife's Natural Diversity Database and NatureServe;
  - c. California Fully Protected Species, California Species of Special Concern, and their habitats;
  - d. California Native Plant Society (CNPS) plant species designated 1B (rare or endangered in California and elsewhere), and 2 (rare, threatened, or endangered in California but more common elsewhere); and
  - e. Federal and state plants, animals, and natural communities that are candidates for listing or delisting.
- ii. *Especially Valuable Species or Habitats.* A second test to determine whether a habitat is an ESHA is whether a species or habitat is especially valuable because of its special nature or role in an ecosystem. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Habitats or species may also be considered valuable because of their special "role in the ecosystem" because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. While all species play a role in their ecosystem that is arguably "special," for a habitat or species to be considered an ESHA, its role must be considered "especially valuable;"
  - iii. *Potential for Human Induced Disturbance or Degradation.* Thirdly, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. In most areas of coastal California affected by urbanization, native plants, animals, and natural communities are in danger of direct loss or

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significant degradation as a result of many factors related to anthropogenic changes; and

- iv. *Habitat Quality*. Finally, judgment of the viability and quality of a habitat area must be conducted by a qualified biologist, ecologist, or resource specialist on a case-by-case basis, taking into account the physical and biological conditions and requirements necessary for the health and sustainability of the respective species or habitat. Such consideration includes assessment of the following criteria:
  - a. Size of the population or habitat;
  - b. Evidence of population/habitat health (sprouts, seedlings, adult individuals of reproductive age);
  - c. Level of isolation/fragmentation;
  - d. Connectivity to other natural areas/open space;
  - e. Level of disturbance/degradation of the area;
  - f. Invasive, non-native species;
  - g. Disease or insect damage; and
  - h. Anthropogenic disturbance (development, grading, ornamental plants, agriculture, livestock, etc.).

Certain habitats in specific locations may not be ESHAs because they are extremely degraded, too small to be sustainable, have been taken over by invasive and non-native species, or are so isolated or fragmented that they are not viable in the long term or do not have substantial habitat value or a special role in the ecosystem. However, some habitats, like coastal estuaries, wetlands, creeks, and many riparian areas, are so rare or play such an important role in the ecosystem that they should be considered ESHAs, even if significantly degraded. It is important to note that while habitat viability and quality are factored into decisions as to whether an area is an ESHA, once an area has been determined to be an ESHA, all the policies protecting ESHA in the Coastal LUP apply regardless of the quality of the ESHA.

- C. Habitat types that could potentially occur in the City of Santa Barbara's Coastal Zone that usually meet the definition of an ESHA include, but are not limited to, the list below. General areas where these habitat types have the potential to occur are shown on Figure 4.1-1 *Potential Vegetation Communities*. For any particular area, site-specific evidence may indicate that the site does not meet the definition of an ESHA. Conversely, there are areas not contained in the following list that could be determined by site-specific evidence to meet the definition of an ESHA. The status and presence of certain habitats within the City is also subject to change over time.

- i. Estuaries and Lagoons.
- ii. Wetlands.
- iii. Creeks and Streams.
- iv. Riparian Areas.
- v. Southern Coastal Bluff Scrub.
- vi. Coastal Sage Scrub or Chaparral that:
  - a. Supports sensitive species;
  - b. Is within or adjacent to creeks, riparian, or wetland ESHAs and is an important component in the functioning of these habitats; or
  - c. Is a vegetation association or alliance with a global or state ranking of 1, 2, or 3 on the California Department of Fish and Wildlife's Natural Diversity Database or NatureServe.
- vii. Perennial Grasslands (Coastal Prairie).
- viii. Oak Woodlands.
- ix. Southern Foredune.
- x. Western Snowy Plover Nesting Habitat.
- xi. White-Tailed Kite Nesting and Communal Roosting Habitat.
- xii. Monarch Butterfly Autumnal and Winter Roost Sites.

**Policy 4.1-42** Biological Evaluations and Wetland Delineations.

- A. Development proposals within or with the potential to impact any habitat that could potentially meet the definition of ESHA, wetland, or creek shall include a biological evaluation and/or wetland delineation. This shall include, but not be limited to, any new development or substantial redevelopment proposed within minimum required habitat buffers outlined in Policy 4.1-15 *ESHA, Wetland, and Creek Habitat Buffers*.
- B. The following information may trigger the requirement for a biological evaluation: Figure 4.1-1 *Potential Vegetation Communities*, Figure 4.1-2 *Potential Wildlife and Special Status Species Areas*, Master Environmental Assessment maps maintained by the City's Community Development Department of potential biological resources, California Natural Diversity Database (CNDDDB) query indicating potential presence of sensitive species or habitats, any existing biological impact assessments for the area, and field site conditions.
- C. A full biological evaluation may not be needed if initial field review of the proposed development site shows no evidence of mapped or

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suspected resources, or if the development proposed is one of the following and would not impact ESHAs, creeks, and wetlands:

- i. Repair, maintenance, or alteration of an existing structure that does not extend the existing structure footprint and is not considered substantial redevelopment; and
  - ii. Addition to an existing structure where the addition itself and any additional fuel modification needed is outside of minimum required habitat buffers outlined in Policy 4.1-15 *ESHA, Wetland, and Creek Habitat Buffers*.
- D. A City Environmental Analyst shall determine if and when a biological evaluation conducted by a qualified biologist or resource specialist is required pursuant to this policy, the scope of evaluation, and the adequacy of any submitted evaluations prior to consideration of any Coastal Development Permit. Some evaluations may require peer review by a technical specialist in order to be deemed adequate. The City may impose a fee on applicants to recover the cost of review of proposed biological evaluations.
- E. Where required pursuant to this policy, the applicant shall submit a biological evaluation, prepared by a qualified biologist or qualified resource specialist that includes, at a minimum, the following components, unless the scope of the assessment is modified by the Environmental Analyst based on specified reasons (e.g., existing information or site conditions):
- i. A project and site description, including the following:
    - a. A description of the proposed project;
    - b. A detailed map of the project location and study area that identifies topographic and landscape features and includes a north arrow and bar scale;
    - c. A written description of the biological setting, including: vegetation and structure of the vegetation; geological and hydrological characteristics; and land use or management history;
    - d. A list of potential special status species or natural communities;
    - e. A delineation of the extent and condition of any ESHA, creeks, wetlands, and other biological resources, including rare or sensitive species;
    - f. A list of all taxa occurring on the project site. Identify plants to the taxonomic level necessary to determine whether or not they are a special status species; and

- g. Natural communities should be identified and mapped using the Manual of California Vegetation by Sawyer et. al. 2009 or subsequent editions.
- ii. A detailed description of survey methodology and results, including the following:
  - a. Dates of field surveys (indicating which areas were surveyed on which dates), name of field investigator(s), and total person-hours spent on field surveys;
  - b. A discussion of how the timing of the surveys affects the comprehensiveness of the survey;
  - c. A description of the area surveyed relative to the project area;
  - d. Any use of existing surveys and a discussion of applicability to this project; and
  - e. A discussion of the potential for a false negative survey.
- iii. An assessment of potential impacts, including the following:
  - a. A discussion of the significance of special status plant and animal populations in the project area considering nearby populations and total species distribution;
  - b. A discussion of the significance of special status natural communities in the project area considering nearby occurrences and natural community distribution;
  - c. An analysis of potential impacts of the project on biological resources, creeks, and wetlands pursuant to the biological resource protection policies of the Coastal LUP;
  - d. Recommendations for siting, habitat buffers, design, development size, and other project alternatives to avoid or, where avoidance is infeasible, minimize biological resource impacts; and
  - e. Recommendations on construction timing and methods, habitat restoration and enhancement, and other feasible mitigation measures to avoid and minimize impacts of the project.
- iv. Where preliminary assessment indicates the presence or potential for wetland species or indicators, a delineation of wetland areas based on the definition of wetland boundaries contained in Policy 4.1-39 *Wetlands Defined*;
- v. Where trees could be impacted, a tree protection plan (including, but not limited to, siting and design alternatives, construction methods, and mitigation measures designed to avoid, minimize, or offset tree impacts consistent with Policy 4.1-20 *Native Tree Protection*); and

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- vi. Where development has the potential to impact habitats or special status species under the jurisdiction of the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers, or any other resource management agency, the biological assessment evaluation shall adhere to any applicable agency protocols or survey methodologies.

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