4.3 BIOLOGICAL RESOURCES

This section identifies biological resources present on the Project Village at Los Carneros site and assesses the Project’s impacts on those resources. The assessment is based on previous biological resource studies completed for the site in 2003 by Watershed Environmental, and supplemental field surveys and research conducted by Watershed Environmental, Glenn Lukos Associates, and Envicom Corporation listed in Table 4.3-1.

Methodology

The description of existing conditions provided below is based on literature review, aerial photograph interpretation, and on-site field surveys. Previous reports addressing regulatory agency jurisdiction for biological resources at the Project site were reviewed for accuracy. The description of Existing Conditions and the analysis of Project Impacts will incorporate these previous reports by reference or in summary form as appropriate.

Literature Review

The literature review included previous site-specific and non site-specific studies and California Department of Fish and Wildlife (“CDFW”)publications and databases, which are listed in the References Section of the EIR or identified by footnote in this Section. Among them are:

- Biogeographic Information and Observation System (BIOS), California Department of Fish and Wildlife, data as of February 2012;
- List of Special Vascular Plants, Bryophytes, and Lichens, California Department of Fish and Wildlife, January 2012;
- Special Animals, California Department of Fish and Wildlife, January 2011;
- List of Vegetation Alliances and Associations (Natural Communities List), Vegetation Classification and Mapping Program, California Department of Fish and Wildlife, September 2010; and

Biological Surveys

Table 4.3-1 lists all known of the biological and jurisdictional surveys known to have been conducted on the Project site. The most current studies, conducted in 2012-13 by James Anderson, Senior Biologist at Envicom Corporation, included a complete review of all prior biological and jurisdictional resource investigations, noted below, and covered the area of the

1 Before 2013 the Department of Fish and Wildlife was known as the Department of Fish and Game. All references to the Department in this analysis use the Fish and Wildlife designation.
proposed Village at Los Carneros residential development (Lots 2, 4, 5, 6, and 7) and these are considered the most current surveys of the site available that are consistent with the current City of Goleta General Plan and Watershed Management Plans available.

### Table 4.3-1
**Resource and Jurisdictional Delineation Studies**

<table>
<thead>
<tr>
<th>Date</th>
<th>Purpose</th>
<th>Firm</th>
<th>Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/1/2013</td>
<td>Site walkover to verify site conditions had not changed since field resource assessments conducted in 2012</td>
<td>Enviacom Corporation</td>
<td>James Anderson, Senior Biologist</td>
</tr>
<tr>
<td>4/9/2012</td>
<td>Field Resource Assessment – vascular plant survey; incidental wildlife observations, vegetation mapping over the entire 43-acre site. Jurisdictional delineation update</td>
<td>Enviacom Corporation</td>
<td>James Anderson, Senior Biologist</td>
</tr>
<tr>
<td>2/27/2012</td>
<td>Field Resource Assessment</td>
<td>Enviacom Corporation</td>
<td>James Anderson, Senior Biologist</td>
</tr>
<tr>
<td>5/20/2009</td>
<td>Botanical and wildlife survey over 27-acres of site</td>
<td>Enviacom Corporation</td>
<td>Carl Wishner, Principal Biologist &amp; James Anderson, Senior Biologist</td>
</tr>
<tr>
<td>2/19/2008</td>
<td>Field Survey – 16 acres</td>
<td>Watershed Environmental</td>
<td>Mark de la Garza, biologist &amp; Melodee Hickman</td>
</tr>
<tr>
<td>3/25/2008</td>
<td>Jurisdictional Delineation</td>
<td>Watershed Environmental</td>
<td>Mark de la Garza, biologist &amp; Melodee Hickman</td>
</tr>
<tr>
<td>5/15/2006</td>
<td>Ibid.</td>
<td>Glenn Lukos Associates</td>
<td>Tony Bomkamp</td>
</tr>
<tr>
<td>11/15/2006</td>
<td>Ibid.</td>
<td>Glenn Lukos Associates</td>
<td>Tony Bomkamp</td>
</tr>
<tr>
<td>12/6/2006</td>
<td>Field Survey – verification of findings</td>
<td>Enviacom Corporation</td>
<td>Carl Wishner</td>
</tr>
<tr>
<td>11/16/2005</td>
<td>Comprehensive Soils Investigation and verification of 2003 Jurisdictional Findings</td>
<td>Enviacom Corporation</td>
<td>Carl Wishner, Gam Wallace, PhD</td>
</tr>
<tr>
<td>8/18/2005</td>
<td>Botanical and General Wildlife Surveys &amp; JD verification</td>
<td>Enviacom Corporation</td>
<td>Carl Wishner</td>
</tr>
<tr>
<td>2003</td>
<td>Wetland Delineation</td>
<td>Watershed Environmental</td>
<td></td>
</tr>
</tbody>
</table>

### 4.3.1 Existing Conditions

#### Regional Setting

The Project site is located on the Goleta coastal plain, approximately one and one-half miles north of the Pacific Ocean and one mile south of the foothills of the Santa Ynez Mountains, within the 45-square mile Goleta Slough watershed.
The climate of the Goleta coastal plain is Mediterranean, which is characterized by a warm, dry "summer," extending from May through October and a mild, moist "winter" lasting from November through April. Due to the moderating effect of the Pacific Ocean and the area's lower elevations, temperatures are less extreme along the coastal plain when compared to more inland locations. Summer maximum temperatures average in the 70s (degrees Fahrenheit), while minimums average in the 50s to low 60s. Maximum temperatures during the winter months average in the 60s, with minimums in the 40s. Annual precipitation is approximately 17 inches, with February being the wettest month. The majority of annual rainfall is produced by winter storm systems generated in the north Pacific region. Precipitation rarely results from summer tropical moisture. Fog and low clouds are most frequent during spring and summer when the ocean is relatively cool and the marine layer is drawn inland by the rising of warm air above the land. The warmest, driest conditions occur in the fall, when fog is less frequent.

Much of the coastal plain in the Goleta area is developed or has been historically disturbed by agriculture or ranching uses and subsequently by urban development. Areas with relatively undisturbed habitats are present along narrow riparian corridors, in scattered undeveloped lands, and in legally protected open space areas. Native vegetation within the City of Goleta is fragmented and consists primarily of riparian woodlands, upland woodlands and coastal scrub.

Project Site Conditions

The 67-acre Project site is located north and west of Los Carneros Road and immediately south of U.S. Highway 101, situated between Los Carneros Road on its eastern boundary and Tecolotito Creek along its western boundary. Lot 8, affected only by the repeal of the Raytheon Specific Plan, is located south of Los Carneros and is vacant and undeveloped. As noted in the Project Description, the Project consists of three components. For purposes of this analysis of impacts on biological resources, attention is focused on the proposed residential development component on Lots 2, 4, 5, 6, and 7 of Tract 14,500 (i.e., Village at Los Carneros), as this area is undeveloped, though disturbed by previous onsite grading, construction of surrounding development, including the adjacent transportation corridor to the north and the business park to the south. Lots 6 and 7 include The riverine/riparian resources associated with Tecolotito Creek are located in Lots 6 and 7. Lot 7 also includes an unnamed tributary to Tecolotito Creek that includes small patches of riverine/riparian habitat. Lots 1 and 3 are already fully developed with business park uses and any biological resources associated with these lots consist of ornamental landscape installed when the development occurred. Vegetative cover on Lot 8 consists of non-native grasses that are removed by weed abatement on an annual basis. The development of Lot 8 is currently limited to consideration of a General Plan Amendment repeal the Raytheon Specific Plan. Any subsequent development of that site would be a separate action covered by a separate CEQA document.

Lots 2, 4, 5, 6 and 7 of Tract 14,500 (Village at Los Carneros Residential Site)

The site of the Village at Los Carneros residential development is currently vacant, undeveloped though highly disturbed, and exhibits relatively little topographic relief. Manufactured slopes are located along much of the perimeter. Soil stockpiles are located on Lots 5 and 7 and portions of the site have been graded to manage surface drainage. A series of six storm drains, including inlet and outlet pipes, convey water from on- and off-site in southerly and westerly directions, ultimately discharging into Tecolotito Creek. The only exception is a small portion of the vacant site that drains south and east into an off-site storm drain that ultimately discharges into Los
Carneros Creek. A graded open drainage ditch was built through the site from the adjacent industrial business park development west and discharges into Tecolotito Creek.

The USDA Soil Conservation Service has mapped and classified the soils onsite primarily as zerorthents (i.e., cut and/or fill materials), although portions of the site contain fine sandy loam or silty clay. A more complete discussion of on site topography and soils is provided in EIR Section 4.5 (Geology and Soils).

The majority of the site is vegetated with non-native grasses and forbs, which are typical of sites subject to historical and ongoing soil disturbance. Other non-native habitats include the portions of the site perimeter that are landscaped (e.g., the easterly slope leading to Los Carneros Road) and a tall windrow of eucalyptus trees that borders the westerly portion of the northern property line.

On-site native habitats are generally limited to the Tecolotito Creek ESHA riparian corridor and coastal scrub vegetation containing individual native trees located to the east of Tecolotito Creek on lots 6 and 7. Tecolotito Creek originates in the foothills of the Santa Ynez Mountains and drains a 3,858-acre watershed capable of producing approximately 4,600 cfs during a 100-year precipitation event. It is tributary to the Goleta Slough, an area of extensive wetland and estuarine habitats located generally southeast of the Project site between Hollister Avenue and the Pacific Ocean. Downstream of the 101 the creek is concrete lined along the south bank. The north bank is vegetated with willows that provide some shading while the creek invert is vegetated with occasional clumps of cattails. Where the creek enters the Village site, it is lined with pipe and wire revetment. This entire stretch of the drainage creek contains a well-vegetated canopy that was restored by the SBCFCWCD and nearby developments over the past 15 years. The majority of land use abutting the creek downstream of U.S. 101 is commercial and business park. The development of the Village at Los Carneros will add a residential component to the abutting uses.

A maintenance program for the segment stretch of the creek between Glen Annie Road and Los Carneros Road was proposed in 2007 and evaluated in an Addendum to the Program EIR for the Santa Barbara County Flood Control Routine Maintenance EIR. The Addendum notes that the affected section of Tecolotito Creek, which includes the portion that traverses the Project site, is prone to sedimentation. Silt-trapping vegetation identified as cattails and rushes grow in the active channel. Most of the maintenance undertaken after 2007 consisted of the removal or thinning of cattails and rushes from the active channel in order to maintain its capacity and, where necessary, the cutting back of willow tree branches extending from trees growing within the creek to the top of the creek bank. The District was required to mitigate impacts to the health and vigor of any affected riparian habitat by restoration activities. A 12-foot wide narrow dirt roadway provides access for flood control maintenance vehicles and is also frequently used by pedestrians and bicyclists. Periodic disturbance of the creek for routine maintenance activity similar to that covered by the 2007 Addendum is likely to occur with or without the development of the Village of Los Carneros Project. The dirt road is also used as a footpath enabling pedestrian access to the riparian corridor that lines the creek.

An unnamed ephemeral tributary to Tecolotito Creek flows diagonally across a portion of Lot 7 from the UPRR ROW to a confluence with the creek. The tributary appears in historical photos

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3 Tecolotito Creek Routine Maintenance Addendum to the Program EIR for Santa Barbara County Flood Control Routine Maintenance 2007.
as one of a number of small drainages that crossed the Project site before the construction of U.S. 101. This feature may be a remainder drainage that was retained and utilized to convey drainage from the U.S. 101/UPRR corridor; the balance of the original drainage features have disappeared over time.

**Existing Biological Resources**

**Plant Species Observed**
Botanical surveys conducted on February 27, 2012 and April 9, 2012 identified one native fern ally, 104 dicotyledonous flowering plants (62 alien), and 29 monocotyledonous flowering plants (22 alien), for a total of 133 vascular plant taxa (84 alien). A survey on May 20, 2009 of Lots 4, 6 and 7 identified one native fern ally, 98 dicotyledonous flowering plants (39 alien), and 27 monocotyledonous flowering plants (21 alien), for a total of 125 vascular plant taxa (60 alien). Appendix B includes a list of plant species observed at the site during these surveys.

**Vegetation and Sensitive Plant Communities**
Three native and two non-native plant communities occur at the Village at Los Carneros Project site, as shown on Figure 4.3-1 (Vegetation Communities and Protected Trees). Plant communities were correlated with those plant communities included in the List of Vegetation Alliances and Associations (Natural Communities List) (CDFW, September 2010) and A Manual of California Vegetation, 2nd ed. (Sawyer et al.). These documents provide comprehensive lists of plant communities occurring in the State of California. In these documents, each plant community is assigned a conservation status rank (also known as “rarity rank”), which is used to determine the sensitivity of the plant community. The conservation status ranking system, which was developed by NatureServe and has been adopted by the CDFWG, consists of a geographic scale (G=Global; S=State) and a degree of threat (1=critically imperiled; 2=imperiled; 3=vulnerable to extirpation or extinction; 4=apparently secure; and 5=demonstrably widespread, abundant, or secure). Plant communities with global or State status ranks of G1 through G3, or S1 through S3, respectively, are considered to be sensitive, and are referred to as “natural communities of special concern.” Sensitive plant communities are protected pursuant to CEQA, and impacts to these communities should be avoided or mitigated. Plant communities are classified based on plant species composition and abundance, as well as the underlying abiotic conditions of the stand, such as slope, aspect, or soil type. The acreage and conservation status rank of plant communities occurring at the Project site are provided in Table 4.3-2.

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4 The plant communities listed in the List of Vegetation Alliances and Associations and A Manual of California Vegetation – 2nd ed. are classified based on a system that is the California expression of the National Vegetation Classification (Grossman et al. 1998). This classification is hierarchical in nature: alliances are the generic vegetation unit and associations are the specific unit. Associations capture the variety within a vegetation alliance in the same way that species capture the variety in a genus.
### Table 4.3-2

**Vegetation Communities and Land Cover at the Proposed Village at Los Carneros Project Site**

<table>
<thead>
<tr>
<th>Habitat Class</th>
<th>Plant Community*</th>
<th>Conservation Status Rank</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Herbaceous</td>
<td>Non-Native Grasses and Forbs</td>
<td>Not ranked</td>
<td>35.19</td>
</tr>
<tr>
<td>Scrublands</td>
<td>Coyote Brush Scrub (<em>Baccharis pilularis</em>) [32.060.00]</td>
<td>G5S5</td>
<td>0.56</td>
</tr>
<tr>
<td>Riparian/Wetlands</td>
<td>Southern Arroyo Willow Riparian Forest (ESHA) [CTT61320CA]**</td>
<td>G2S2.1</td>
<td>2.30</td>
</tr>
<tr>
<td></td>
<td>Coastal Freshwater Marsh (ESHA) [CTT52410CA]**</td>
<td>G3S2.1</td>
<td></td>
</tr>
<tr>
<td>Individual Native Trees</td>
<td>Coast live oak (<em>Quercus agrifolia</em>)</td>
<td>Not ranked</td>
<td>0.17</td>
</tr>
<tr>
<td></td>
<td>Western Sycamore (<em>Platanus racemosa</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Blue Elderberry (<em>Sambucus nigra</em> ssp. <em>caerulea</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Toyon (<em>Heteromeles arbutifolia</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Native Woodland Communities</td>
<td>Eucalyptus (<em>Eucalyptus globulus</em>) [79.100.00]</td>
<td>Not ranked</td>
<td>1.04</td>
</tr>
<tr>
<td>Other Landcover</td>
<td>Landscaped Areas</td>
<td>n/a</td>
<td>1.71</td>
</tr>
<tr>
<td></td>
<td>Asphalt/Gravel/Dirt Roadway or Parking Lot</td>
<td>n/a</td>
<td>2.16</td>
</tr>
<tr>
<td><strong>TOTAL ACREAGE</strong></td>
<td></td>
<td></td>
<td><strong>43.13</strong></td>
</tr>
</tbody>
</table>

* Numbers in brackets are unique codes for each plant community, as provided in List of Vegetation Alliances and Associations (Natural Communities List) (CDFW, September 2010).

**Non-native Grasses and Forbs**

The majority of the residential site’s vegetation consists of non-native annual grassland with associated non-native invasive forbs. Introduced annual grasses are most common and include Italian ryegrass (*Festuca perennis* [<= *Lolium multiflorum*]), fescues (*Festuca* spp. [<= *Vulpia* spp.]), bromes (*Bromus* spp.), barleys (*Hordeum* spp.), and wild oats (*Avena* spp.). Additional weedy species are among the introduced grasses, notably, filarees (*Erodium* spp.), annual sweet clover (*Melilotus indicus*), mallows (*Malva* spp.), vetches (*Vicia* spp.), bristly ox-tongue (*Picris echiioides*), and hoary mustard (*Hirschfeldia incana*). A few large patches of the non-native perennial Harding grass (*Phalaris aquatica*) and patches of non-native fennel (*Foeniculum vulgare*) occur in the northwestern portion of Lot 7, in the vicinity of the unnamed tributary to TECOLOTITO Creek. Few native species are present. As areas mapped as non-native grasses and forbs are comprised almost exclusively of non-native invasive species, they are not sensitive plant communities.

**Coyote Brush Scrub**

A linear strip of native coyote brush (*Baccharis pilularis*) interspersed with introduced species parallels the riparian area of TECOLOTITO Creek and is separated from it by the previously described narrow dirt roadway. The strip, located on Lots 6 and 7, is dominated by native coyote brush (*Baccharis pilularis*). Among these shrubs are introduced species, especially fennel (*Foeniculum vulgare*), bristly ox-tongue (*Picris echiioides*), and Italian thistle (*Carduus pycnocephalus*). A minor amount of highly disturbed coyote brush scrub is located in an area...
4.3 BIOLOGICAL RESOURCES

along the slope of the UPRR ROW, in the northeast quadrant of the site, within Lot 4. The coyote brush scrub at the site has a G5S5 conservation status rank and is therefore not a sensitive natural community. Conservation Element Figure 4-1 does not identify these two specific areas as an Environmentally Sensitive Habitat Area (ESHAl.

Coastal Freshwater Marsh

Coastal freshwater marsh is present within Tecolotito Creek. The primary constituent of this community is perennial freshwater emergent vegetation growing between the bottom of the creek bed and the ordinary high water mark (OHWM) on sandbars and in pockets of soil among dislodged riprap boulders and concrete rubble. There are also a few native arroyo willow (Salix lasiolepis) tree saplings in this area that have washed down from upstream areas and are rooted among dislodged riprap and concrete rubble near the two storm drainpipes on the western creek bank. Dominant species include native small-fruited bulrush (Scirpus microcarpus) and introduced watercress (Nasturtium officinale). Other plants found in this community include native common spike-rush (Eleocharis macrostachya), native giant horsetail (Equisetum telmateia), introduced water speedwell (Veronica anagallis-aquatica), native tule (Schoenoplectus californicus), native southern cattail (Typha domingensis), and native prairie bulrush (Bolboschoenus maritimus). The emergent vegetation in this community is growing beneath an arroyo willow tree canopy that extends out over the creek from the creek banks.

Coastal freshwater marsh has a G3S2.1 conservation rank and is considered a sensitive natural community by the CDFW. This community is also included within the ESHA along Tecolotito Creek as identified in Figure 4-1 of the City’s General Plan Conservation Element. As noted in the previous discussion of Tecolotito Creek, occasional maintenance by the Santa Barbara Flood Control District includes the removal or thinning of vegetation considered “sediment trapping” from the bottom of the creek. Among the species targeted for removal/thinning are cattail and bulrush.

Southern Arroyo Willow Riparian Forest

Southern arroyo willow riparian forest is present within Tecolotito Creek, within Lots 6 and 7. This community occurs along the creek between the OHWM and the top of the creek bank. Native arroyo willow trees (Salix lasiolepis) are the dominant tree species, but a variety of other riparian tree saplings and perennial shrubs were planted between 1996 – 1998 and after routine maintenance in 2008 along the upper portions of the creek banks by the Santa Barbara County FCWCD as part of its creek restoration and mitigation activity. Native herbs and shrubs within the construction zone for the proposed bridge across Tecolotito Creek include blackberry (Rubus ursinus), elderberry (Sambucus nigra caerulea), mugwort (Artemisia douglasiana), California sagebrush (Artemisia californica), and giant horsetail (Equisetum telmateia). Planted saplings included white alder (Alnus rhombifolia), black cottonwood (Populus balsamifera trichocarpa), coast live oak (Quercus agrifolia), western sycamore (Platanus racemosa), and California black walnut (Juglans californica). Additional shrub plantings include toyon (Heteromeles arbutifolia), lemonadeberry (Rhus integrifolia), and coffeeberry (Frangula californica). Southern arroyo willow riparian forest has a G2S2.1 conservation status rank and is considered a sensitive natural community by the CDFW. This community is located within the ESHA along Tecolotito Creek illustrated in Figure 4-1 of the Conservation Element of the City’s GP/CLUP.
4.3 BIOLOGICAL RESOURCES

Eucalyptus Non-Native Woodland

A windrow of mature blue-gum eucalyptus trees (*Eucalyptus globulus*) grows along the north boundary of lot 7 on the embankment bordering the Union Pacific railroad ROW. Isolated individual eucalyptus trees are found along the northeastern boundary of lot 7, the southern edge of lot 6, and the eastern edge of lot 4. While GP/LUP Policy CE 1.2 (d) provides that nesting and roosting sites and related habitat areas for various species of raptors should be considered ESHAs, Figure 4-1 does not include this area of eucalyptus trees as they are not known to provide nesting or roosting sites for raptors. The area dominated by non-native eucalyptus is non-sensitive.

Plant Communities/Habitats – California Natural Diversity Database (CNDDB)

The California Department of Fish and Wildlife’s Natural Diversity Database (CNDDB) notes that three Sensitive Plant Communities/Habitats have been reported within the Goleta Quadrangle area, or within adjacent quadrangles: Southern Coastal Salt Marsh, Southern Vernal Pool, and Southern California Steelhead Stream. These communities are absent at the project site.

Jurisdictional Wetlands, Streams, and Riparian Habitat

Tecolotito Creek is one of 10 major drainages located within the 47.77-sq. mi. Goleta Slough watershed. The US Geological Survey (USGS) has mapped Tecolotito Creek as an intermittent (dashed) blue line stream (USGS 1995). However, the USGS stream gauge data (USGS 2003) collected during 1971-72, 1980-82, and 1987-91, shows active flow year round. Direct observations by Watershed Environmental and Envicom Corporation indicate that the portion of the creek that passes through Lots 6 and 7 has year-round surface flows, perhaps as a result of nuisance flows generated by adjacent development. The segment of the creek that passes through the western portion of Lots 6 and 7 contains arroyo willow riparian woodland vegetation within the creek, between the creek bottom and the top of bank, and pockets of freshwater marsh in the creek bottom. All of this habitat is located between the tops of the bank, within the creek channel.

Approximately 580 ft. of an unnamed Tecolotito Creek tributary passes through the northwest corner of Lot 7. It enters the site from the north, passing under the Southern Pacific Railroad and under the 100 Highway via drainage culverts. This tributary collects surface water runoff from a watershed of approximately 250 acres located generally north of Lot 7.

U.S. Army Corps of Engineers Jurisdictional Area

In 2012, the ACOE asserted jurisdiction over the portion of Tecolotito Creek that runs through the western portion of Lots 6 and 7 as Waters of the U.S., and determined that those portions of the creek bed and banks supporting freshwater marsh vegetation are ACOE jurisdictional wetlands. ACOE also asserted jurisdiction over the unnamed tributary of Tecolotito Creek that passes through the northwest corner of Lot 7 is as a Water of the U.S. No portions of a man-made drainage located along the boundary of between Lots 6 and 7 or a 1,200-sq. ft. depression identified on Lot 6 are ACOE jurisdictional.

California Department of Fish and Wildlife Jurisdictional Area

The CDFW conducted a site visit on July 18, 2007 to determine which areas were subject to the CDFW protection and completed a subsequent review of a site description and photographs on May 2, 2012. A subsequent site visit was conducted with City staff in 2014, subsequent to publication of the DEIR. CDFW concluded that all of Tecolotito Creek extending out to the edge
of the riparian canopy at the top of the creek bank, as well as the unnamed tributary, from top-of-bank to top-of-bank, are subject to CDFW regulation.

**Non-Jurisdictional Drainage Features**

A man-made drainage ditch, built in 1989 as part of the original Raytheon development and located between lots 6 and 7, flows in an east-west direction. The ditch is approximately 600 ft. long and 40 ft. wide, and is vegetated with non-native annual grassland/ruderal species. The feature was to have conveyed surface water runoff from the rooftops of industrial buildings and parking lots originally planned for lots 2 and 5. Since that development never occurred, the ditch collects only a minor amount of surface water flow from the northern portion of Lot 3 and from the southern portions of Lots 2 and 5. The drainage ditch and a 1,200-sq.-ft depression on Lot 6 are not subject to ACOE regulation. The drainage ditch and 1,200-sq.-ft. are also not subject to CDFW regulation, with the exception of the outfall structure associated with the channel, which is part of the bank of Tecolotito Creek.

**City-defined One Parameter Wetlands**

Field visits to the Project site, conducted on May 20, 2009, February 27, 2012 and April 9, 2012, included an investigation for the potential presence of City-defined “one-parameter” wetlands. The City of Goleta uses the identification of a single indicator to determine the boundary of a wetland, based on the wetland definition from Cowardin (1979). Tecolotito Creek and the unnamed tributary to Tecolotito Creek meet the one-parameter criteria for City-defined wetlands; however, the man-made drainage ditch and the depression feature on Lot 6 lack any of the three necessary parameters and therefore, they do not qualify under the City’s rule.

The acreage of existing ACOE, CDFW and City of Goleta “wetlands” at the Project site are summarized in **Table 4.3-3**. **Figure 4.3-2** shows the impacts to Biological Resources location of Tecolotito Creek, its tributary and the man-made drainage channel within Lots 6 and 7. No jurisdictional areas or City-defined wetlands occur on Lots 2, 4, or 5.

**Environmentally Sensitive Habitat Areas (ESHA)**

As previously noted, Conservation Element Figure 4-1 designates the open water, marsh, and riparian habitats of the 60-foot wide Tecolotito Creek as ESHAs. Onsite habitats associated with Tecolotito Creek include coastal freshwater marsh and southern arroyo willow riparian forest. The unnamed tributary to Tecolotito Creek is also ESHA, as it meets the criteria for a City-defined wetland based on the City’s one-parameter wetland definition and the Goleta General Plan Policy CE 3.2 defines all areas meeting City wetland criteria as ESHAs.

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5 For the purposes of determining potentially significant impacts, the City of Goleta General Plan (CE 3.1) defines a wetland as any area that meets the definition of a wetland as defined by the California Coastal Commission, California Department of Fish and Wildlife, or the US Fish and Wildlife Service.

6 For purposes of this classification, single-parameter wetlands must have one or more of the following three attributes:
   a) At least periodically, the land supports predominately hydrophytes, that is, plants adapted to moist areas; (b) The substrate is predominately un-drained hydric soil; c) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.
### Table 4.3-3
Jurisdictional Acreage Within Lots 6 & 7

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>ACOE Wetland Waters of the U.S.</th>
<th>ACOE Non-wetland Waters of the U.S.</th>
<th>Total CDFW Riparian Habitat</th>
<th>Total City of Goleta Wetlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tecolotito Creek* (Lots 6 &amp; 7)</td>
<td>Not available</td>
<td>Not available</td>
<td>2.30</td>
<td>2.30</td>
</tr>
<tr>
<td>Tributary to Tecolotito Creek (Lot 7)</td>
<td>None</td>
<td>0.06</td>
<td>0.06</td>
<td>0.06</td>
</tr>
<tr>
<td>Man-made channel (Lots 6 &amp; 7)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
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*Acreages of ACOE non-wetland and wetland Waters of the U.S. for Tecolotito Creek are not available.

### Sensitive Plant Species

Sensitive plant species either have unique biological significance, limited distribution, restricted habitat requirements, are particularly susceptible to human disturbance, or exhibit a combination of these factors. In this section, the term “sensitive” is used to denote those species that meet the criteria of CEQA Guidelines § 15380(d) as an endangered, rare, or threatened species, whether or not officially listed. Sensitive plant species include either of the following:

- Plant species that are listed, proposed for listing, or meet the criteria for listing as Endangered, Threatened, or Rare by under the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA); or
- Plant species that are listed on the CDFW Special Vascular Plants, Bryophytes and Lichens List, which includes the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants. Plants on the CNPS Inventory with a California Rare Plant Rank (CRPR) 1A (plants presumed extirpated in California and either rare or extinct elsewhere), 1B (which includes plants considered to be rare, threatened, or endangered species in California and elsewhere), 2A (plants presumed extirpated in California, but more common elsewhere), and 2B (plants rare, threatened, or endangered in California, but more common elsewhere) are considered sensitive.

CEQA Guidelines § 15125(a) also requires that special emphasis should be placed on resources that are rare or unique to the region.

An assessment of the potential for occurrence of sensitive plant species based on recorded elements within the California Natural Diversity Database is provided in Appendix B. No sensitive vascular plant species listed by the City, the CDFW, or the U.S. Fish and Wildlife Service (USFWS) were found during any of the several botanical surveys of the site and are therefore considered absent. Additional detailed information regarding habitat and nearest reported locations is provided in Appendix B.

### Protected Native Trees

General Plan Conservation Element Policy CE 9 provides for the protection of native trees and woodlands that are not protected in ESHAs, including: native oaks (*Quercus* spp.), walnut
(Juglans californica), sycamore (Platanus racemosa), cottonwood (Populus spp.), willows (Salix spp.), or other native trees.

Numerous native trees of various sizes occur onsite within the Tecolotito Creek ESHA. These include the coast live oak (Quercus agrifolia), black cottonwood (Populus balsamifera), California black walnut (Juglans californica), arroyo willow (Salix lasiolepis), red willow (Salix laevigata), white alder (Alnus rhombifolia), and western sycamore (Platanus racemosa).

Several individual protected native trees occur in Lots 6 and 7 near to, but outside of, the ESHA of Tecolotito Creek. These trees are shown on Figure 4.3-1, and include seven (7) coast live oaks (Quercus agrifolia), five (5) toyon, and eight (8) western sycamores (Platanus racemosa).

Pursuant to City policy, these trees are to be protected in place or replaced at a specified ratio.

**Observed Wildlife and Wildlife Habitat**

Based on habitat availability, record searches, and field surveys, a moderate spectrum of wildlife species is expected to occur onsite regularly, seasonally, or periodically, including approximately 205 vertebrate species (i.e., 6 amphibians, 20 reptiles, 130 birds, and 49 mammals).

**Invertebrates**

The California Natural Diversity Database Rarefind 3 lists the Monarch butterfly (Danaus plexippus), globose dune beetle (Coelus globosus), sandy beach tiger beetle (Cicindela hirticollis gravida), and mimic tryonia (Tryonia imitator) as among the animals tracked by the CNNDB in this region. Of these, only the Monarch butterfly has potential to occur on the site, but is unlikely to overwinter there due to general lack of suitable groves of eucalyptus, pine, or cypress trees. Freshwater crayfish (Procambarus clarkii), an introduced crustacean, have been observed in Tecolotito Creek. No comprehensive surveys of invertebrates have been undertaken at the Project site.

Insects including grasshoppers, dragonflies and damselflies, beetles, and many types of flies, bees, wasps, and ants could occur on the site. Even with the small range of habitats and the moderate diversity of host plants available the actual numbers of species of insects would be many times higher than the combined estimate of all vertebrate species and would be further increased with the addition of other macro-invertebrates such as worms, snails, spiders, scorpions, pseudospiders, mites, millipedes, centipedes, and the micro-invertebrates of the soils, waters, and surfaces and tissues of the plants.

The role of the invertebrates in the functioning of the entire aquatic and terrestrial ecosystems should be recognized as they are the primary consumers, turning the bacterial, fungal and plant materials into animal protein, which are in turn consumed by each other, and by many of the vertebrates from amphibians and reptiles to the top avian and mammalian predators.

**Fish**

Watershed Environmental (2003) notes that fish were observed in studies encompassing Tecolotito Creek and the present Project site. According to that report, killfish (Fundulus...
parvipennis) are present and, although mosquitofish (Gambusia affinis) were not observed, they are expected to occur.

Amphibians
The only amphibian found on the Project site is the Pacific treefrog (Hyla regilla), which breeds in the streams and other suitable water bodies. Once the tadpoles have metamorphosed into adults, they move out into all of the onsite habitats, including open areas, in search of food.

No other amphibians are documented at the Project site, although several could occur, including the California [western] toad (Bufo boreas halophilus), which may breed in the aquatic reaches of Tecolotito Creek, and may range widely as adults. The potential for occurrence of California treefrog (Hyla cadaverina) is undocumented. Salamanders, including arboreal (Aneides lugubris) and blackbelly slender salamander (Batrachoseps nigriventris), could potentially occur at the site in the riparian areas and areas of coastal scrub.

Reptiles
Reptiles are poorly documented at the Project site and in other nearby areas. Casual observation on a warm day could reveal the activity of California side-blotched lizard (Uta stansburiana elegans) and Great Basin fence lizard (Sceloporus occidentalis longipes). Other lizards potentially present include California alligator lizard (Elgaria m. multicarinata) and western skink (Eumeces s. skiltonianus). Snakes with potential to occur onsite include the San Diego gopher snake (Pituophis catenifer annectens), common kingsnake (Lampropeltis getula californiae), western terrestrial garter snake (Thamnophis elegans), California striped racer (Masticophis l. lateralis), and Southern Pacific rattlesnake (Crotalus viridis helleri). In all, as many as nine species of snakes could occur at the site. Other snakes potentially occurring include red coachwhip (Masticophis flagellum piceus) and western racer (Coluber constrictor mormon). Owing to the presence of riparian, wetland and marsh habitats, other snakes including the California mountain kingsnake (Lampropeltis zonata), California red-sided garter snake (Thamnophis sirtalis infernalis), and two-striped garter snake (Thamnophis hammondii) have potential to occur within the creek.

Birds
Birds are the most diverse wildlife at the proposed residential Project site. Observations in May 2009 (Wishner and Anderson) and in February 2012 and April 2012 (Anderson) recorded a moderate range of bird species. Turkey vulture (Cathartes aura), red-tailed hawk (Buteo jamaicensis), American crow (Corvus brachyrhynchos), and gulls were seen overhead. American kestrels (Falco sparverius) were observed perched in eucalyptus trees along the northern border. Loggerhead shrike (Lanius ludovicianus) perched on power lines along the north edge and were seen on two occasions. Violet-green swallow (Tachycineta thalassina), cliff swallow (Petrochelidon pyrrhonota), northern rough-winged swallow (Stelgidopteryx serripennis), and white-throated swift (Aeronautes saxatalis) were frequently observed overhead, and sometimes perched on power lines. Anna’s hummingbirds (Calypte anna) are relatively common. Mourning dove (Zenaida macroura), rock dove (Columba livia), killdeer (Charadrius vociferous), American pipit (Anthus rubescens), and western meadowlark (Sturnella neglecta) were often seen on the bare ground, or heard. Other vociferous species heard and seen were northern mockingbird (Mimus polyglottos), western scrub jay (Aphelocoma californica), and northern flicker (Colaptes auratus). Cooper’s hawks, red-tailed hawks, and red-shouldered hawks have also been observed at the project site along Tecolotito Creek.
Insect foraging songbirds are prevalent, and those observed include bushtit (*Psaltriparus minimus*), common yellowthroat (*Geothlypis trichas*), oak titmouse (*Baeolophus inornatus*), yellow-rumped warbler (*Dendroica coronate*), Wilson’s warbler (*Cardellina pusilla*), black phoebe (nesting) (*Sayornis nigricans*), Say’s phoebe (*Sayornis saya*), northern oriole (*Icterus galbula*), hooded oriole (nesting) (*Icterus cucullatus*), western kingbird (*Tyrannus verticalis*), Cassin’s kingbird (*Tyrannus vociferans*), western bluebird (*Sialia mexicana*), and Bewick’s wren (*Thryomanes bewickii*). A rock wren (*Salpinctes obsoletus*) was observed and is apparently a resident at the site.

Sparrows and sparrow-like birds are among the most abundant species, including song sparrow (*Melospiza melodia*), savanna sparrow (*Passerculus sandwichensis*), lark sparrow (*Chondestes grammacus*), golden-crowned sparrow (*Zonotrichia atricapilla*), white-crowned sparrow (*Zonotrichia leucophrys*), dark-eyed junco (*Junco hyemalis*), California towhee (*Melozona crissalis*), house finch (*Haemorphous mexicanus*), and lesser goldfinch (*Carduelis psaltria*). Additional species observed include great blue heron (*Ardea herodias*), great egret (*Ardea alba*), green heron (*Butorides virescens*), red-winged blackbird (*Agelaius phoeniceus*), and European starling (*Stumus vulgaris*).

**Mammals**

Mammals observed by sight or sign during the May 2009, February 2012, and April 2012 field surveys include coyote (*Canis latrans*), raccoon (*Procyon lotor*), big-eared woodrat (*Neotoma macrotis*), domestic dog (*Canis domesticus*), California ground squirrel (*Spermophilus beecheyi*), desert cottontail (*Sylvilagus audubonii*), brush rabbit (*S. bachmani*), and feral cat (*Felis catus*). Other mammal species expected to occur in the project vicinity including the Project site include Virginia opossum (*Didelphis virginiana*), broad-footed mole (*Scapanus latimanus*), Botta’s pocket gopher (*Thomomys bottae*), California pocket mouse (*Chaetodipus californicus*), western harvest mouse (*Reithrodontomys megalotis*), California mouse (*Peromyscus californicus*), coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), bobcat (*Lynx rufus*), and mule deer (*Odocoileus hemionus*). Up to 15 bat species may also occur at the Project site.

**Sensitive Wildlife Species**

For the purposes of this analysis, the term “sensitive” is used to denote those species that meet the criteria of CEQA Guidelines as provided in §15380(d). Discussion of sensitive wildlife species includes those that are:

- Listed, proposed for listing, or meet the criteria for listing as endangered, threatened, or rare by under FESA or CESA;
- Listed on the CDFW’s Special Animals list with a designation of CSC (California Species of Special Concern) or CFP (California Fully Protected); or

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8 CSC – California Species of Special Concern.
A California Species of Special Concern is a species, subspecies or distinct population of an animal native to California that currently satisfies one or more of the following (not necessary mutually exclusive) criteria:
- Is extirpated from the State or, in the case of birds, in its primary seasonal or breeding role;
- Is listed as Federally- but not State-, threatened or endangered; meets the State definition of threatened or endangered but has not formally been listed; and
- Is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and has
• Wildlife species that have been identified by the City of Goleta for special consideration or protection.

CEQA Guidelines, §15125(a), also requires that special emphasis should be placed on resources that are rare or unique to the region.

An assessment of the potential for sensitive wildlife species to occur at the Project site is presented in Appendix B and summarized below. An update to Appendix B is also provided within the Appendix Section, which reflects information provided in comments to the DEIR.

Federal and State-Listed Species

The California red-legged frog (*Rana draytonii*) [federally threatened], California tiger salamander (*Ambystoma californiense*) [federally threatened and endangered] arroyo toad (*Anaxyrus californicus*) [federally endangered], and the foothill yellow-legged frog (*Rana boylii*) [California Species of Special Concern] are the only listed amphibian species reported in the Goleta and adjacent quadrangle areas; however, these species have not been observed and are not expected to occur on the Project site. Tecolotito Creek has historically been cleared of all vegetation, and subsequently straightened and channelized with wire and rock riprap for considerable distances adjacent to and both upstream and downstream of the Project site. For this reason it is unlikely that any population of red-legged frogs would persist, assuming the potential for historic presence, which has not been demonstrated. The nearest known locations where the California red-legged frog has been observed are in the main stem of Devereux Creek between Union Pacific Railroad tracks and Highway 101 (Mullen, 2001), and Cinquefoil Creek (CDFW, 2013). The California tiger salamander (*Ambystoma californiense*) is also not expected to occur on the Project site, as the site is located outside of its range. The arroyo toad (*Anaxyrus californicus*) does not occur in the vicinity of the Project site. Records of foothill yellow-legged frog (*Rana boylii*) along the Santa Barbara County coast indicate that this species is extinct (Jennings & Hayes 1994) in this area.

The southern California Distinct Population Segment (DPS)/Evolutionarily Significant Unit (ESU) of southern steelhead (*Oncorhynchus mykiss irideus*) is listed as Endangered under the Federal Endangered Species Act and includes all naturally spawned anadromous southern steelhead populations below natural and manmade impassable barriers in streams from the Santa Maria River (north of Point Sal) south to the Tijuana River at the U.S.-Mexico border.

The southern steelhead appears to be absent from Tecolotito Creek and the Village at Los Carneros Project site, although it may have been present historically. A review of historical information was performed as part of the Conception Coast steelhead recovery project in 2002. That report does not cite any contemporary occurrences of steelhead in Tecolotito Creek, but does cite (on Table 6.3) Dougal House, biological consultant, as observing 100+ small rainbow trout (*O. mykiss*) in Tecolotito Creek/Glen Annie Creek in 1970 near the 101 Highway crossing (Stoecker et al. 2002), The same report also cites Ed Henke as having documentation through his historical research of “steelhead” and “native/resident trout/juvenile steelhead” in naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

9 CFP – California Fully Protected Species.
A California Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.
Tecolotito/Glen Annie Creek. Whether these fish were naturally occurring steelhead or introduced rainbow trout, which are the same species (O. mykiss) and differentiated only by their anadromous versus non-anadromous life cycles, is speculative. According to The Status and Distribution of the Freshwater Fishes of Southern California (Swift, C., et al., December 1993), fingerling rainbow trout were planted into almost all possible waters in southern California, beginning in the 1890s and extending through the late 1930s. Whether or not rainbow trout were introduced to Tecolotito/Glen Annie Creek was not determined during preparation of this document.

According to the NMFS Southern California Steelhead Recovery Plan (January 2012) the Goleta Slough Complex was historically occupied by steelhead. The Goleta Slough Complex includes the Goleta Slough and several streams including Tecolotito Creek/Glen Annie Creek in the Goleta Slough watershed.

Tecolotito/Glen Annie Creek and several other creeks in the Goleta Slough watershed are designated as Critical Habitat for the southern California steelhead Distinct Population Segment/Evolutionarily Significant Unit by the National Marine Fisheries Service (NMFS). The Endangered Species Act defines critical habitat as specific areas within the geographical area occupied by the species at the time of listing, on which are found those physical or biological features that are essential to the conservation of the listed species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by the species at the time of listing that are essential for the conservation of the listed species.

The Conception Coast Project Steelhead Assessment and Recovery Opportunities in Southern Santa Barbara County, California (Stoecker 2002) report gives Tecolotito Creek the lowest rank score possible for steelhead habitat quality and a low rank score of 18 out of 24 for total habitat score; however, the Southwest Regional Office of the NMFS differs in its assessment and lists Tecolotito Creek/Glen Annie Creek as providing “superb habitat” for steelhead. Clearly, there are significant differences of opinion in the scientific community as to the suitability of Tecolotito Creek for steelhead. Based on the preponderance of evidence, Tecolotito Creek provides potential habitat for steelhead and there are no major physical barriers to steelhead migration downstream from the Project site. Therefore, although unlikely, the Endangered steelhead does not presently, but has potential to occur at the Project site in Tecolotito Creek.

The federally Endangered tidewater goby (Eucycloglobius newberryi) occurs in the Goleta Slough, which is approximately 1,000 feet downstream from the proposed Village at Los Carneros Project site. Watershed Environmental (2003) surveyed for and examined the potential for the presence of the tidewater goby within the reach of Tecolotito Creek that passes through the Project site. These fish inhabit brackish water habitats along the entire length of California coastline, and utilize lower stream reaches above coastal lagoons, as much as 2.5 miles upstream in the case of nearby Tecolote Canyon, and lesser distances in Devereaux Slough and Winchester Canyon. Accordingly, there is potential for their historic and current presence in Tecolotito Creek in the vicinity of the Project site.

11 City of Santa Barbara Initial Study for the Basin E/F Tidal Restoration Project, 500 Fowler Road.
12 USFWS Designation of Critical Habitat for Tidewater Goby, Final Rule (Federal Register v. 78 no. 25, February 6, 2013).
The federally listed Endangered and California Endangered Southwestern willow flycatcher (*Empidonax traillii extimus*) is an uncommon spring transient and fairly common fall transient along the coast. It is identified as formerly breeding in riparian woodlands, but has been virtually extirpated from the region (Garrett and Dunn 1981). The species most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows (Zeiner et al. 1990b). The nearest reported location(s) are Mono Campground and the Santa Ynez River (CDFW 2012). This species is an expected fall and spring visitor to the Project site, reportedly occurring in moderate numbers in previous years during the spring but is not expected to nest at the Project site.

The federally listed Endangered and California Endangered Least Bell's vireo (*Vireo bellii pusillus*) is a rare local summer resident in lowland riparian woodlands, breeding in willow thickets and other dense, low riparian growth in lowlands and the lower portions of the canyons, generally along permanent or semi-permanent streams. The California Natural Diversity Database reports three nearby locations where observations of this species have occurred along the Santa Ynez River (CDFW 2012). This species is a potential transient, but it is not expected to nest at the Project site.

Other Sensitive Species

*Insects*

Monarch butterflies are expected to occur, but probably do not overwinter on the site. Larval host plants for Monarch butterflies were not observed.

*Fish*

No other sensitive fish are expected to occur in Tecolotito Creek.

*Amphibians*

The sensitive Coast Range newt (*Taricha t. torosa*) could occur in Tecolotito Creek, but has not been observed onsite. The western spadefoot (*Spea hammondii*) is evidently “extinct” in all coastal Santa Barbara County areas east of Point Concepcion (Jennings & Hayes 1994).

*Reptiles*

The sensitive Southwestern pond turtle (*Actinemys marmorata pallida*) is not expected to occur in Tecolotito Creek due to the general lack of stream depth and absence of the deep pools they prefer. Hammond’s two-striped garter snake (*Thamnophis hammondii*) is possibly present in the stream but has not been identified in any recent survey. The sensitive silvery legless lizard, coast horned lizard, and coast patch-nosed snake are not anticipated at the Project site due to lack of suitable habitat.

*Birds*

A number of sensitive bird species may use the site for foraging and/or nesting, as indicated in Appendix B. Most of these species use the site for foraging only. The white-tailed kite, a CFP species is reported to hunt over the site by Mr. Wes Fritz (personal communication October 18, 2005), and was observed foraging over the site on April 9, 2012 by J. Anderson, but it is not known or expected. The Santa Barbara Audubon Society (SBAS) reports, in its letter to the Project site.

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4.3 BIOLOGICAL RESOURCES

the City of Goleta dated January 31, 2014, that KiteWatch volunteers observed white-tailed kites perching near the northwest corner of the Project site from February 17, 2012 through August 17, 2013 (the number of observations during this period was not provided). This letter also reports that KiteWatch observed (also near the northwest corner of the project site) four white-tailed kites “going to roost” at dusk along Tecolotito Creek on March 15, 2012, and a kite delivering nest materials to a nest structure in a eucalyptus tree on April 2, 2012, with one member of the pair roosting in the Tecolotito riparian area. Subsequent observations by KiteWatch indicated this nest was not successful. There is no evidence that kites have nested successfully at the Project site; however, the eucalyptus trees and trees along Tecolotito Creek at the site could provide potential nesting habitat for this species.\footnote{14}

City of Goleta staff may have observed an individual burrowing owl, a California species of concern, on the ground and in flight along the northern slope (railroad berm) at the site on November 7, 2006. Burrowing owls formerly bred along the South Coast and in western Santa Barbara County, but their presence in both of these areas now is restricted to transients that arrive from more interior portions of California in late fall and early winter and depart in early spring.\footnote{15} This species only winters in Santa Barbara County\footnote{16} (a summary technical discussion is provided in Appendix B). A few sensitive species including loggerhead shrike and yellow warbler may nest in riparian areas on the site or in areas adjacent to the site, e.g., along Tecolotito Creek, in the eucalyptus trees along the northern boundary of the site, or in the eucalyptus trees east of the Project site along the west side of Los Carneros Road.

Mammals

As many as six species of bats that are California Species of Concern may occur in the region (see Appendix B), but these species would only be expected to aerially forage occasionally over the site, and would not roost or engage in hibernation or reproduction there.

Raptors Nesting, Roosting, and Foraging Habitat

The City of Goleta GP/CLUP extends protection to raptor nesting and roosting sites by designating such sites as Environmentally Sensitive Habitat Areas (ESHAs). The City requires that new development be setback at least 100 feet from active and historical raptor nests that qualify as ESHA, when feasible. Also, virtually all species of birds are protected from unlawful take, possession, or destruction of nests or eggs under California Fish and Game Code Section 3503. Birds of prey, i.e., falcons, hawks, harriers, eagles, kites, and owls, are specifically protected under Fish and Game Code § 3503.5. Additional provisions are made in Fish and Game Code § 3511 for Fully Protected birds including the American peregrine falcon, golden eagle, southern bald eagle, and white-tailed kite, among others. Provisions of the Federal Migratory Bird Treaty Act of 1918 also cover several of these birds of prey, and other bird species.

The City of Goleta GP/CLUP also requires that all development be located, designed, constructed, and managed to avoid disturbance or adverse impacts to sensitive (special-status) species and their habitats, including nesting, rearing, roosting, foraging, and other elements of

\footnote{14} KiteWatch is a citizen-science monitoring organization affiliated with the Santa Barbara Audubon Society that focuses on the nesting areas in the Goleta Valley used by white-tailed kites. When there are enough volunteers available, it also documents breeding season and non-breeding season roosts, winter use areas, and movement corridors used by kites.

\footnote{15} Lehman, 1994.

\footnote{16} Zeiner et al. (1990).
required habitats. In addition, the City of Goleta *Environmental Thresholds and Guidelines Manual* states that a project may result in a significant impact if it substantially fragments, eliminates, or otherwise disrupts foraging areas and/or access to food resources.

The Project site is estimated to be of moderate value to foraging raptors. Two important factors influencing habitat quality for foraging are prey density, and habitat features affecting prey accessibility, such as suitable perches.\(^\text{17}\) A number of prey animals including California ground squirrels, brush rabbits, desert cottontails, various passerine birds, and western fence lizards, and numerous rodent burrows were observed during biological surveys of the site. The Project site and adjacent areas provide perching habitat for foraging raptors, including trees of various sizes, tall posts, and fences.

Envicom Corporation did not observe raptor nests during biological surveys of the Village at Los Carneros site, and the City GP/CLUP does not indicate any record of historic raptor nests at or in the Project’s vicinity. The 67-acre site has not been known to support the communal roosting of turkey vultures or white-tailed kites. The quality of the raptor nesting habitat at the site, which includes eucalyptus trees on the north boundary of the site and the willow riparian habitat within Tecolotito Creek, is significantly reduced by the site’s proximity to existing development, street and transportation corridor noise, and human activities. As previously noted, a white-tailed kite was observed delivering nest materials to a nest structure in a eucalyptus tree near the northwestern corner of the site in 2012, but this attempt to nest was not successful. There is no mention in this report of kite behaviors that would indicate egg-laying or incubation, or the presence of nestlings at the nest. Accordingly, it is presumed that this nest was initiated but was never active and therefore does not meet ESHA criteria as a currently active or a historical nest.

The 67-acre site has not been known to support the communal roosting of turkey vultures or white-tailed kites. SBAS reports in their comment letter observations of four kites “going to roost at dusk along Tecolotito Creek on March 15, 2012, and that “one member of the pair [that was attempting to nest] again roosted in the Tecolotito Creek riparian area” on April 2, 2012. Although noteworthy, these observations do not provide sufficient evidence that the site is used repeatedly as a communal night roosting site by white-tailed kites, requiring protection of the area as an ESHA.

Raptors generally require large home ranges, and individual foraging territories are often measured in terms of tens of acres to square miles. Urban development and other land-use conversion have resulted in the removal of substantial amounts of raptor foraging habitat in the Goleta area. Loss of foraging habitat reduces prey abundance and availability, which reduces and limits the number of raptors a given area can support. In general, smaller populations of animals are less resilient to environmental stress, (e.g., drought, disease, and fluctuations in prey availability). Also, during breeding, demand for prey increases and additional habitat must be available for young birds to disperse from nesting locations and establish new territories.

The white-tailed kite is a fully protected special-status raptor species that roosts and breeds in the Goleta area, and which is known to forage, roost, and has also attempted to nest on the vacant Village at Los Carneros site. The white-tailed kite is also known to forage and to roost in the general vicinity of the site at the Los Carneros wetland east of Los Carneros Road. The presence and abundance of white-tailed kites is strongly correlated with the presence of

meadow voles,\textsuperscript{18} which were not observed during field surveys, but may occur at the Project site. The local population of white-tailed kites in the Goleta area has fluctuated dramatically, presumably in response to prey abundance. They are a nomadic species able to adopt new home bases and can vacate long-used areas quite abruptly.\textsuperscript{19} The Goleta area contains a number of natural areas that provide larger expanses and higher value raptor habitat than the vacant Village at Los Carneros residential site, including Ellwood Mesa, Los Carneros Lake City Park, the Goleta Slough, Coal Oil Point Reserve and vicinity, and the Santa Ynez foothills. Given the site’s fragmented condition and proximity to urban development, it is of significantly less regional importance than these other locations.

**Wildlife Movement**

Wildlife must be able to access suitable habitat for water, foraging, breeding, and cover. Examples of barriers or impediments to movement include urban development, roads, fencing, unsuitable habitat, or open areas with little vegetative cover. Wildlife movement corridors are physical connections that allow wildlife to move between areas of suitable habitat in both undisturbed and disturbed, fragmented landscapes. These can be critical at both the local and regional level. Wildlife movement corridors are necessary to access essential resources, for dispersal and migration, to ensure the mixing of genes between populations, and to allow wildlife to respond and adapt to environmental stress.

The term habitat linkage typically refers to larger corridors or regions of connectivity that are important for movement of multiple species and maintenance of ecological processes at a regional scale. Wildlife crossings are generally small, narrow areas allowing wildlife to pass through an obstacle or barrier, such as a roadway to reach another patch of habitat. Wildlife crossings include culverts, drainage pipes, underpasses, tunnels, and, more recently, crossings created specifically for wildlife movement over highways.

The term *wildlife movement corridor* is used to describe physical connections that allow wildlife to move between patches of suitable habitat in both undisturbed landscapes, as well as environments fragmented by urban development. Large areas of suitable habitat and corridors between these areas are necessary to maintain healthy ecological and evolutionary processes. Wildlife movement corridors are necessary for dispersal and migration, to ensure the mixing of genes between populations, and so that wildlife can respond and adapt to environmental stress.

Wildlife crossings are generally small, narrow areas allowing wildlife to pass through or around an obstacle or barrier, such as a roadway, to reach another patch of habitat. These can be critical at both the local and regional level. Wildlife crossings include culverts, drainage pipes, underpasses, tunnels, and, more recently, crossings created specifically for wildlife movement over highways.

The Goleta Slough and other natural habitats of the Goleta area located south of U.S. Highway 101 are almost completely isolated from the large core habitats of the Santa Ynez Mountains by urban development. Opportunities for overland wildlife movement between natural habitats in the Goleta area located south of U.S. Highway 101, such as the Goleta Slough, More Mesa, and the Devereaux Slough, and natural habitats north of U.S. Highway 101, such as the Bishop

\textsuperscript{18}Stendell, R. C. 1972. The occurrence, food habits, and nesting strategy of White-tailed Kites in relation to a fluctuating vole population. Phd Thesis. Univ. of California, Berkeley.

Ranch and the foothills of the Santa Ynez Mountains, are limited primarily to creeks and associated riparian habitats. One of these is Tecolotito Creek.

Tecolotito Creek flows beneath U.S. Highway 101 onto the Project site through a bridge underpass large enough to support the movement of large mammals, based on a draft study by the Cheadle Center for Biodiversity and Ecological Restoration (CCBER) and the Bren School of Environmental Science and Management at the University of California, Santa Barbara. It then passes under Los Carneros Road and beneath Hollister Avenue in bridge underpasses also capable of supporting the movement of large mammals, including deer, bear, and mountain lion, to the open space of the Goleta Slough ecosystem. North of U.S. Highway 101, Glen Annie/Tecolotito Creek flows from the foothills of the Santa Ynez Mountains through naturally vegetated, agricultural, or undeveloped lands. Based on land uses surrounding the creeks of the Goleta area, the Draft UC Santa Barbara study concluded that it appears that Glen Annie/Tecolotito Creek is a primary corridor for wildlife movement used to maintain habitat connectivity in the Goleta area on a landscape scale (S. Hoagland, 2011). Because of the height of its bridges and the U.S. 101 underpass, Tecolotito Creek represents one of the best opportunities for wildlife movement between large undeveloped habitats to the north of Highway 101 and the Goleta Slough. The other is Los Carneros Creek. The unnamed tributary to Tecolotito Creek on Lot 7 passes beneath U.S. Highway 101 in culverts capable of supporting the movement of reptiles, amphibians, and small and medium-sized mammals, also allowing wildlife movement between natural open space habitats to the north of U.S. Highway 101 and the natural habitat to the south of U.S. Highway 101 and the Goleta Slough.

Many of the large mammal cited in the UCSB study are not know to access the Slough, though they may have historically. The Goleta Slough Management Committee in its Goleta Slough Ecosystem Management Plan notes the presence of rodents, opossum, raccoon, skunk, brush rabbit, ground squirrel and possibly fox within Tecolotito Creek. Within the Slough ecosystem itself the Management Plan has identified harvest mice, California voles, raccoons, long-tailed weasels, striped skunk, Botta’s pocket gopher, California ground squirrel, red fox, coyote and black-tailed jackrabbit, as well as feral cats. To the extent that Tecolotito Creek serves as a wildlife movement corridor or linkage, it appears to be utilized by these animals.

A recent draft study of habitat linkages in the Goleta area by the University of California, Santa Barbara appears to identify Tecolotito Creek, the unnamed tributary to Tecolotito Creek, and potentially portions of the vacant Village at Los Carneros site itself as part of a primary corridor for wildlife movement used to maintain habitat connectivity in the Goleta area on a landscape scale (S. Hoagland, 2011).

Regulatory Setting

Federal

Endangered Species Act of 1973

The Federal Endangered Species Act and implementing regulations (16 United States Code (USC) §§1531, et seq. and 50 Code of Federal Regulations (CFR) §§17.1, et seq.) contains regulations for protecting and managing federally listed threatened or endangered plants and animals and their designated critical habitats. Section 7 of the Endangered Species Act requires a permit to take threatened or endangered species during lawful project activities. The administering agency is the United States Fish and Wildlife Service (USFWS) for terrestrial, avian, and most aquatic species.
**Fish and Wildlife Coordination Act**

Section 7 of Fish and Wildlife Coordination Act (16 USC §§ 661, et seq.) requires consultation if any Project facilities could jeopardize the continued existence of an endangered species. Applicability depends on Federal jurisdiction over some aspect of the project (e.g., dredge or fill activities in “waters of the United States”). The administering agency is typically the US Army Corps of Engineers (ACOE) in coordination with the USFWS.

**Migratory Bird Treaty Act of 1918**

The Migratory Bird Treaty Act (16 USC §§ 703, et seq.) includes provisions for protection of migratory birds, including the non-permitted take of migratory birds, under the authority of the USFWS and CDFW.

**Clean Water Act of 1977, Sections 401 and 404**

The Clean Water Act (33 U.S.C. §§1251, et seq.) gives the ACOE authority to regulate discharges of dredge or fill material into waters of the US, including wetlands. In addition, the CWA requires a State-issued Water Quality Certification for all projects regulated under Section 404. In California, the Regional Water Quality Control Board (RWQCB) issues Water Quality Certifications with jurisdiction over the Project area. The RWQCB – Central Coast Region, issues Section 401 Water Quality Certifications for applicable Project activities in Santa Barbara County.

**State**

**California Endangered Species Act of 1984**

The California Endangered Species Act and implementing regulations in the Fish and Game Code, §§ 2050, et seq. includes provisions for the protection and management of plant and animals species listed as endangered or threatened, or designated as candidates for listing. The Act includes a consultation requirement “to ensure that any action authorized by a State lead agency is not likely to jeopardize the continued existence of any endangered or threatened species…or result in the destruction or adverse modification of habitat essential to the continued existence of the species” (Fish and Game Code § 2090). Plants of California determined to be endangered, threatened, or rare are listed in 14 California Code of Regulations (CCR) § 670.2. Animals of California found to be endangered or threatened are listed at 14 CCR § § 15000, et seq. describes the types and extent of information required to evaluate the effects of a project on the biological resources of a project site.

**California Species Preservation Act 1970: Fish and Game Code §§ 900 – 903**

This law includes provisions for the protection and enhancement of the birds, mammals, fish, amphibians, and reptiles of California, and is administered by the CDFW.

**Fish and Game Code**

The Fish and Game Code provides specific protection and listing for several types of biological resources, including:

- Fully Protected species.
- Streams, rivers, sloughs, and channels.
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- Significant Natural Areas.
- Designated Ecological Reserves.

Fully Protected Species are listed in Fish and Game Code § 3511 (Fully Protected Birds), § 4700 (Fully Protected Mammals), § 5050 (Fully Protected Reptiles and Amphibians), and § 5515 (Fully Protected Fishes). The Fish and Game Code prohibits the taking of species designated as Fully Protected.

Fish and Game Code §1600 requires a Streambed Alteration Agreement for any activity that may alter the bed and/or bank of a stream, river, or channel. Typical activities that require a Streambed Alteration Agreement include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement.

Fish and Game Code §1930 designates Significant Natural Areas (SNAs). These areas include refuges, natural sloughs, riparian areas, and vernal pools and significant wildlife habitats. An inventory of Significant Natural Areas is maintained by the CDFW Natural Heritage Division and is part of the National Diversity Data Base (NDDB). Fish and Game Code § 1580 lists Designated Ecological Reserves (DER). Designated Ecological Reserves are significant wildlife habitats to be preserved in natural condition for the general public to observe and study.

Fish and Game Code § 2081(b) and (c) allows CDFW to issue an incidental take permit for a State listed threatened and endangered species only if specific criteria are met. These criteria can be found in Title 14 CCR, Sections 783.4(a) and (b). No Fish and Game Code § 2081(b) permit can authorize the take of “fully protected” species and “specified birds.” If a project is planned in an area where a species or specified bird occurs, an applicant must design the project to avoid all take; the CDFW cannot provide take authorization under this act.

Fish and Game Code §3503 makes it unlawful to take, possess, or needlessly destroy the nest of any bird, except as otherwise allowed by State law. Fish and Game Code §3503.5 prohibits taking, possessing, or destroying of any birds in the orders Falconiformes or Strigiformes (birds-of-prey), or to take, possess, or needlessly destroy the nest of any such bird, except as otherwise provided by State law.

**Native Plant Protection Act of 1977**

The Native Plant Protection Act of 1977 (Fish and Game Code §§1900, et seq.) identifies rare and endangered plants and provides specific protection measures for identified populations. It is administered by the CDFW.

**Local**

**City of Goleta General Plan/Coastal Land Use Plan (GP/CLUP) Conservation, Open Space and Land Use Elements.**

The Goleta General Plan/Coastal Land Use Plan (GP/CLUP) includes policies that protect and preserve biological resources within the City by designating specific resources and areas as protected, including Environmentally Sensitive Habitat Areas (ESHA), restricting activities and uses in protected areas, providing for the management of the resources on City lands, specifying impact avoidance and mitigation requirements for types of activities and by type of biological resource, and providing guidance for development and conservation decisions over
the long-term. The Policies anticipate the potential impacts to biological resources from the land uses and activities that will occur under the GP/CLUP and serve to avoid, reduce, and/or mitigate those impacts.

**Land Use Elements**

The Goleta General Plan/Coastal Land Use Plan (GP/CLUP) includes policies that protect and preserve biological resources within the City by designating specific resources and areas as protected, including Environmentally Sensitive Habitat Areas (ESHA), restricting activities and uses in protected areas, providing for the management of the resources on City lands, specifying impact avoidance and mitigation requirements for types of activities and by type of biological resource, and providing guidance for development and conservation decisions over the long-term. The Policies anticipate the potential impacts to biological resources from the land uses and activities that will occur under the GP/CLUP and serve to avoid, reduce, and/or mitigate those impacts.

**LU 6.2 Open Space/Passive Recreation. [GP/CP]**

This use category is intended to identify and reserve areas with significant environmental values or resources, wildlife habitats, significant views, and other open space values. It may be used to designate both private and public open space areas. The category includes areas reserved for natural drainage courses that may be managed as part of the City’s stormwater management program. The following criteria and standards shall apply to lands within this designation:

a. Open space lands are intended to maintain the land in a natural condition in order to protect and conserve sensitive habitats.

b. Resource management activities, including, but not limited to, habitat restorations, are permitted.

c. Minimal improvements to accommodate passive public use, such as trails, nature education, beach access, and public viewing areas, are permitted.

d. Except for existing facilities, active recreational uses involving structures or improvements to the land shall not be permitted.

e. Limited parking and public access improvements may be allowed provided that any adverse impacts on the associated resources are either avoided or mitigated.

**CE 1.1 Definition of Environmentally Sensitive Habitat Areas.** ESHAs shall include, but are not limited to, any areas that through professional biological evaluation are determined to meet the following criteria:

a. 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 that could be easily disturbed or degraded by human activities and developments.

b. Any area that includes habitat for species and plant communities recognized as threatened or endangered by the state or federal governments; plant communities recognized by the State of California (in the Terrestrial Natural Communities Inventory) as restricted in distribution and very threatened; and those habitat types of limited distribution recognized to be of particular habitat value, including wetlands, riparian vegetation, eucalyptus groves associated with monarch butterfly roosts, oak woodlands, and savannas.
c. Any area that has been previously designated as an ESHA by the California Coastal Commission, the California Department of Fish and Game, City of Goleta, or other agency with jurisdiction over the designated area. (Amended by Resolution. 09-59, 11/17/09)

CE 1.2 Designation of Environmentally Sensitive Habitat
ESHAs in Goleta are generally shown in Figure 4-1, and Table 4-2 provides examples of the ESHAs and some locations of each. The provisions of this policy shall apply to all designated ESHAs. ESHAs generally include but are not limited to the following:

a. Creek and riparian areas.

b. Wetlands, such as vernal pools.

c. Coastal dunes, lagoons or estuaries, and coastal bluffs/coastal bluff scrub.

d. Beach and shoreline habitats.

e. Marine habitats.

f. Coastal sage scrub and chaparral.

g. Native woodlands and savannahs, including oak woodlands.

h. Native grassland.

i. Monarch butterfly aggregation sites, including autumnal and winter roost sites, and related habitat areas.

j. Beach and dune areas that are nesting and foraging locations for the western snowy plover.

k. Nesting and roosting sites and related habitat areas for various species of raptors.

l. Other habitat areas for species of wildlife or plants designated as rare, threatened, or endangered under state or federal law.

m. Any other habitat areas that is rare or especially valuable from a local, regional, or statewide perspective.

CE 1.6 Protection of ESHAs
ESHAs shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within ESHAs or their buffers. The following shall apply:

a. No development, except as otherwise allowed by this element, shall be allowed within ESHAs and/or ESHA buffers.

b. A setback or buffer separating all permitted development from an adjacent ESHA shall be required and shall have a minimum width as set forth in subsequent policies of this element.

c. The purpose of such setbacks shall be to prevent any degradation of the ecological functions provided by the habitat area.

d. Public accessways and trails are considered resource-dependent uses and may be located within or adjacent to ESHAs. These uses shall be sited to avoid or minimize impacts on the resource to the maximum extent feasible. Measures—such as signage, placement of boardwalks, and limited fencing or other barriers—shall be implemented as necessary to protect ESHAs.

e. The following uses and development may be allowed in ESHAs or ESHA buffers only where there are no feasible, less environmentally damaging alternatives and will be
subject to requirements for mitigation measures to avoid or lessen impacts to the maximum extent feasible: 1) public road crossings, 2) utility lines, 3) resource restoration and enhancement projects, 4) nature education, 5) biological research, and 6) Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.

g. If the provisions herein would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land use plan, exceptions are allowed to provide for the economic use of the parcel. Alternatively, the City may establish a program to allow transfer of development rights for such parcels to receiving parcels that have areas suitable for and are designated on the Land Use Plan map for the appropriate type of use and development.

CE 1.7 Mitigation of Impacts to EHSAs. [GP/CP]
New development shall be sited and designed to avoid impacts to ESHAs. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts must be selected. Any impacts that cannot be avoided must be fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures must only be approved when it is not feasible to fully mitigate impacts on site. If impacts to onsite ESHAs occur in the Coastal Zone, any offsite mitigation area must also be located within the Coastal Zone. All mitigation sites must be monitored for a minimum period of 5 years following completion, with changes made as necessary based on annual monitoring reports. Where appropriate, mitigation sites must be subject to deed restrictions. Mitigation sites must be subject to the protections set forth in this plan for the habitat type unless the City has made a specific determination that the mitigation is unsuccessful and is to be discontinued.

CE 1.8 ESHA Buffers
Development adjacent to an ESHA shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation shall be provided in buffer areas to serve as transitional habitat. All buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

CE 2.0 Standards for Development Projects
The following standards shall apply to consideration of developments within or adjacent to ESHAs:

a. Site designs shall preserve wildlife corridors or habitat networks. Corridors shall be of sufficient width to protect habitat and dispersal zones for small mammals, amphibians, reptiles, and birds.

b. Land divisions for parcels within or adjacent to an ESHA shall only be allowed if each new lot being created, except for open space lots, is capable of being developed without building in any ESHA or ESHA buffer and without any need for impacts to ESHAs related to fuel modification for fire safety purposes.

c. Site plans and landscaping shall be designed to protect ESHAs. Landscaping, screening, or vegetated buffers shall retain, salvage, and/or reestablish vegetation that supports wildlife habitat whenever feasible. Development within or adjacent to wildlife habitat networks shall incorporate design techniques that protect, support, and enhance wildlife habitat values. Planting of nonnative, invasive species shall not be allowed in ESHAs and buffer areas adjacent to ESHAs.

d. All new development shall be sited and designed so as to minimize grading, alteration of natural landforms and physical features, and vegetation clearance in order to reduce or
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avoid soil erosion, creek siltation, increased runoff, and reduced infiltration of stormwater and to prevent net increases in baseline flows for any receiving water body.

e. Light and glare from new development shall be controlled and directed away from wildlife habitats. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHAs.

f. All new development should minimize potentially significant noise impacts on special-status species in adjacent ESHAs.

g. All new development shall be sited and designed to minimize the need for fuel modification, or weed abatement, for fire safety in order to preserve native and/or nonnative supporting habitats. Development shall use fire-resistant materials and incorporate alternative measures, such as firewalls and landscaping techniques that will reduce or avoid fuel modification activities.

h. The timing of grading and construction activities shall be controlled to minimize potential disruption of wildlife during critical time periods such as nesting or breeding seasons.

i. Grading, earthmoving, and vegetation clearance adjacent to an ESHA shall be prohibited during the rainy season, generally from November 1 to March 31, except as follows: 1) where erosion control measures such as sediment basins, silt fencing, sandbagging, or installation of geofabrics have been incorporated into the Project and approved in advance by the City; 2) where necessary to protect or enhance the ESHA itself; or 3) where necessary to remediate hazardous flooding or geologic conditions that endanger public health and safety.

j. In areas that are not adjacent to ESHAs, where grading may be allowed during the rainy season, erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with all grading operations.

CE 2.1 Designation of Protected Creeks

The provisions of this policy shall apply to creeks shown in Figure 4-1. These watercourses and their associated riparian areas are defined as ESHAs. They serve as habitat for fish and wildlife, provide wildlife movement corridors, provide for the flow of stormwater runoff and floodwaters, and furnish open space and passive recreational areas for city residents.

CE 2.2 Streamside Protection Areas

A streamside protection area (SPA) is hereby established along both sides of the creeks identified in Figure 4-1. The purpose of the designation shall be to preserve the SPA in a natural state in order to protect the associated riparian habitats and ecosystems. The SPA shall include the creek channel, wetlands and/or riparian vegetation related to the creek hydrology, and an adjacent upland buffer area. The width of the SPA upland buffer shall be as follows:

a. The SPA upland buffer shall be 100 feet outward on both sides of the creek, measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. The City may consider increasing or decreasing the width of the SPA upland buffer on a case-by-case basis at the time of environmental review. The City may allow portions of a SPA upland buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project’s impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.
b. If the provisions above would result in any legal parcel created prior to the date of this plan being made unusable in its entirety for any purpose allowed by the land-use plan, exceptions to the foregoing may be made to allow a reasonable

**CE 2.3 Allowable Uses**
The following compatible land uses and activities may be allowed in SPAs, subject to all other policies of this plan, including those requiring avoidance or mitigation of impacts:

a. Agricultural operations provided they are compatible with preservation of riparian resources.
b. Fencing and other access barriers along property boundaries and along SPA boundaries.
c. Maintenance of existing roads, driveways, utilities, structures, and drainage improvements.
d. Construction of public road crossings and utilities, provided that there is no feasible, less environmentally damaging alternative.
e. Construction and maintenance of foot trails, bicycle paths, and similar low-impact facilities for public access.
f. Resource restoration or enhancement projects.
g. Nature education and research activities.
h. Low-impact interpretive and public access signage.
i. Other such Public Works projects as identified in the Capital Improvement Plan, only where there are no feasible, less environmentally damaging alternatives.

### 4.3.2 Thresholds of Significance

**CEQA Guidelines Appendix G**
In accordance with Appendix G of the CEQA Guidelines, the Project would have a significant impact on biological resources if it would:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, without limitation, marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means;
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

City of Goleta Environmental Thresholds and Guidelines Manual

The City of Goleta’s *Environmental Thresholds and Guidelines Manual* defines the following thresholds of significance:

**Types of Impacts to Biological Resources**

Disturbances to habitats or species may be significant, based on substantial evidence in the record, if they impact significant resources in the following ways:

1. Substantially reduce or eliminate species diversity or abundance.
2. Substantially reduce or eliminate quantity or quality of nesting areas.
3. Substantially limit reproductive capacity through loss of individuals or habitat.
4. Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food resources.
5. Substantially limit or fragment range and movement (geographic distribution of animals and/or seed dispersal routes).
6. Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.

**Less Than Significant Impacts**

The *Environmental Thresholds and Guidelines Manual* provides examples of areas in the City of Goleta where impacts to habitat are presumed to be less than significant, including:

1. Small acreages of non-native grassland if wildlife values are low.
2. Individuals or stands of non-native trees if not used by important animal species such as raptors or monarch butterflies.
3. Areas of historical disturbance such as intensive agriculture.
4. Small pockets of habitats already significantly fragmented or isolated, and disturbed or degraded.
5. Areas of primarily ruderal species resulting from pre-existing man-made disturbance.

These criteria are not applicable to the proposed Project site for the following reasons:

- The site does not constitute a small acreage or small pocket of habitat.
- The non-native grassland/ruderal habitats, although significantly disturbed, are of moderate foraging value for animals including the special status white-tailed kite and other species of raptors that are known to, or that can be expected to, forage at the site.
- White-tailed kites have been observed perching and attempting to nest, albeit unsuccessfully, in the stand of non-native eucalyptus trees in the northwest corner of the site. These trees are potential nesting habitat for raptors.

On the other hand, the Village at Los Carneros component of this Project is an infill site that is currently surrounded by existing urban development and major transportation corridors. With the exception of the Tecolotito Creek ESHA, habitat within the 67-acre Project site is highly...
fragmented, isolated, heavily disturbed by prior construction and grading activities, or seriously degraded.

The majority of the Project site contains areas that meet the “less than significant” criteria:

a. The Village at Los Carneros component of this Project is an infill site that is currently surrounded by existing urban development and major transportation corridors. With the exception of Tecolotito Creek, habitat within the 67-acre site is highly fragmented, isolated, disturbed, or seriously degraded. (Criteria 4 and 5).

b. The Project site’s vacant area has been heavily disturbed and has been graded in connection with prior existing or planned development, which resulted in a site that is primarily vegetated by ruderal species. (Criteria 3 and 5).

c. As indicated in the description of existing conditions on the vacant 43-acre residential Village at Los Carneros site, this Project area is primarily vegetated with non-native grasslands. With the exception of Tecolotito Creek along its western boundary, wildlife habitat values on the site are generally low. (Criteria 1).

d. Existing stands of non-native eucalyptus are not known to support nesting raptors or roosting monarch butterflies. (Criteria 2).

4.3.3 Project Impacts

Impact BIO 1: Would the project (City 1) substantially eliminate or reduce species diversity or abundance or (Appendix G) would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or US Fish and Wildlife Service?

Bio 1-1: Would the Project have an adverse impact on Sensitive, Endangered or Threatened Species?

Impact BIO 1: Would the project (Appendix G) have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or US Fish and Wildlife Service?

Bio 1-1: Would the project have an adverse impact on Candidate, Sensitive, or Special-Status Species, including Endangered or Threatened Species?

Significance Before Mitigation: Potentially Significant

Candidate, sensitive, or special-status plant species were not observed in the course of the numerous biological surveys (2005 – 2012) and are considered to be absent within the project limits of disturbance. Therefore, the project would not result in impacts to a candidate, sensitive, or a special-status plant species (Class III).
A number of special-status wildlife species, including federal and/or State listed Threatened or Endangered species, may be present on, or utilize the resources of the Project site on a rare, occasional, sporadic, infrequent, or seasonal basis. An assessment of the potential for special-status wildlife species to occur at the site is provided in Appendix C and is discussed in the Existing Conditions section of this Section. Potentially occurring special-status wildlife species may be subject to direct harm from construction activities including tree removal and bridge construction.

Monarch butterflies are expected to be present on the site, but are unlikely to overwinter there because of the lack of suitable groves of pine or cypress trees. The windrow of Eucalyptus trees along the site’s northern property line is not suitable overwintering habitat. Larval host plants for Monarch butterflies were not observed. For this reason, it is unlikely that this species would not be significantly affected by construction of any component of the proposed Project or by subsequent occupancy of the Village at Los Carneros component.

A number of potentially occurring special-status birds may forage or reproduce at the vacant portion of the site, as identified in Existing Conditions and in Appendix C. As many as eleven species of special-status bats could occur on-site for foraging purposes, but are not likely to use the Project site for roosting or hibernating. Direct impacts to special-status birds and bats would be limited to birds that are nesting on or adjacent to the site during construction and are, which is addressed in by Impact BIO-10-1-2, below.

Although there are no contemporary reports of the federally Endangered southern steelhead or tidewater goby within Tecolotito Creek, the potential remains that one or both of these species could occur within the reach of Tecolotito Creek that flows through the Village at Los Carneros Project site. The coast range newt, southwestern pond turtle, and two-striped garter snake, both which are California Species of Special Concern, could also occur within the stream marsh and riparian habitats of Tecolotito Creek and may be adversely affected. Impacts to potentially occurring special-status species are considered potentially significant but can be mitigated to a less than significant level (Class II).

**Bio 1-2: Would the Project adversely have an adverse impact Environmentally Sensitive Habitat Area (ESHA), Stream Protection Areas (SPA) on nesting birds?**

**Significance Before Mitigation: Potentially Significant**

Vegetation removal and grading, if conducted during the nesting bird season (February 1 to August 31) could result in the loss of trees, shrubs and herbaceous vegetation that may contain active bird nests. Project activities that result in the loss of bird nests, eggs, and young potentially violate Fish and Game Code §§ 3503 (any bird nest), 3503.1 (birds of prey) or 3511 (fully protected birds). In addition, the herbaceous vegetation that may contain active bird nests, Project activities that result in the loss of bird nests, eggs, and young potentially violate Fish and Game (Wildlife) Code §§3503 (any bird nest), 3503.5 (birds-of-prey), or 3511 (Fully Protected Birds). In addition, removal or destruction of one or more active nests of any other birds listed by the Migratory Bird Treaty Act of 1918 (MBTA) would be considered a violation of the MBTA. Such damage or development dependent on and compatible with maintaining such resources are allowed within destruction, whether caused by vegetation removal or other construction activities, would violate the MBTA and Fish and Game Code § 3511. Such activity would...
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constitute a significant impact.20 Potential impact to nesting birds as a result of Project implementation is considered potentially significant, and, under California law, a nesting bird survey is required before the start of construction during nesting season. If active nests are found, construction is not permitted within 300 feet of the active nest until the nest is abandoned or the young have fledged. Continued monitoring of the Project site by the Project’s biologist will enforce this prohibition. Consequently, with mitigation the impact would be reduced to a less than significant level (Class II).

Tecolotitl Creek is a designated ESHA and includes the Tecolotitl Creek watercourse and its associated wetlands and riparian corridor. The unnamed tributary on Lot 7 shares the ESHA designation, as the tributary’s channel meets the City’s one-parameter wetland criterion. ESHAs within the City of Goleta are protected against significant disruption of habitat values and only uses of development dependent on and compatible with maintaining such resources are allowed within ESHAs or their buffers. GP/CLUP CE 1.8 requires a buffer around ESHAs of sufficient size to ensure the biological integrity and preservation of the ESHA.

The uses and developments permitted within ESHAs and their buffers are outlined in GP/CLUP Policy CE 1.6. GP/CLUP Policy CE 2.3 defines allowable uses and activities within SPAs, including SPA upland buffers. Among these allowable uses are bridges and paved roads that are public road crossings, provided that there are no feasible, less environmentally damaging alternatives. The Policy further requires that development of a public road crossing be subject to mitigation measures to avoid or reduce impacts to the maximum extent practicable. The Project includes a span bridge over the Tecolotitl Creek ESHA/SPA on the west side of Tecolotitl Creek, as well as a paved extension of Cortona Drive within the ESHA/SPA buffer on the eastern side of Tecolotitl Creek. Although the bridge and road would be private, both facilities would include a public Class I bikeway and pedestrian mall through the Project site that would be available to, and utilized by, the general public and are therefore eligible for application of the referenced policy. Alternative Project designs that did not include the bridge over Tecolotitl Creek and Cortona Drive extension, or that incorporated other full-movement access options in order to avoid impacts to the Tecolotitl Creek ESHA and its ESHA/SPA buffers were considered but rejected. The bridge over Tecolotitl Creek is considered essential to the Project, both for the provision of adequate fire protection and emergency response access as well for the provision and enhancement of improved bicycle and pedestrian access through the City. The various alternatives are discussed in Chapter 6.0.

The Santa Barbara County Fire Protection District approved a Fuel Modification Plan for the Villages at Los Carneros Project. Fuel modification is an allowable activity within an ESHA and ESHA buffer GP/CLUP Policy CE 1.9(g) requires that new development be sited to minimize the need for fuel modification and/or weed abatement in these areas in order to avoid disrupting supportive habitats. Native vegetation along Tecolotitl Creek is within 100 feet of the stacked flats on Lot 6. The Fire Protection District will not require fuel modification that will have adverse effects on sensitive natural communities identified by the ESHA, Creeks, and Riparian policies of the General Plan. For this reason, the ESHA and SPA areas would not be subject to the Department’s “defensible space” requirements other than the recommended removal of

20 This impact would be significant based on thresholds included in Appendix G of the CEQA Guidelines as the project would have a substantial adverse effect on species identified as candidate, sensitive, or special-status by the California Department of Fish and Game or US Fish and Wildlife Service, specifically Federal and State laws and regulations protecting nesting birds.
deadwood, “so long as [such removal] does not interfere with or disturb the natural Tecolotito Creek habitat.”

The Village at Los Carneros Project would also restore native riparian landscape within the ESHA/SPA buffer on the eastern side of Tecolotito Creek as well as along the ESHA upland buffer of the unnamed tributary on Lot 7. The native plantings are allowable uses and activities within the ESHA/SPA buffers under the General Plan. A mitigation measure requires a City-retained biologist to determine whether the reduced SPA is adequate to protect the Tecolotito Creek ESHA. Based on the foregoing, the proposed Project may conflict with local policies or ordinances or other local policies, but would be required to make appropriate adjustments to its site plan to ensure protection of the ESHA by the SPA. Consequently, with mitigation potential impacts to ESHA/SPA areas by fuel modification activities would be reduced to a less than significant level (Class II).

**Bio 4.3: Would the Project adversely impact protected native trees?**

*Significance Before Mitigation: Potentially Significant*

The City’s General Plan Policy CE 9 provides for the protection of native trees. The policy requires that new development be sited and designed to preserve native oaks (Quercus spp.), walnut (Juglans californica), sycamore (Platanus racemosa), cottonwood (Populus spp.), willows (Salix spp.), or other native trees that are not located and protected in ESHAs. The City’s GP/CLUP also requires mitigation for impacts to mature protected native trees, including removal of the tree or encroachment within the canopy or protection zone surrounding the tree.

For the purposes of this impact analysis, a mature native tree has a diameter of at least 6 inches at 4.5 feet above soil level (diameter at breast height [dbh]).

Project grading to construct the extension of Cortona Road to the bridge over Tecolotito Creek would potentially impact two protected trees (a Coast live oak and a Western sycamore) by direct removal or encroachment into their canopy or root protection zones. Grading associated with the construction of fill slopes and contouring could affect five mature protected trees, including three coast live oaks and two western sycamores within the proposed Village at Los Carneros site (Component 1 of the Project). Protected trees that could potentially be impacted by the Project that are located outside of designated ESHA are identified with an asterisk on Figure 4.3-2. Several native trees within the Tecolotito Creek ESHA could potentially be removed or otherwise impacted by construction of the bridge over Tecolotito Creek. The species, location, and quantity of mature protected trees within the Tecolotito Creek ESHA that may be impacted by the Project would be determined through specific tree surveys conducted before the approval of street improvement plans and issuance of encroachment permits.

Impacts to protected native trees are considered potentially significant, but would be mitigated to a less than significant level by requiring appropriate replacement pursuant to City policy (Class II).
Protected and Environmentally Sensitive Areas

**Impact BIO 2:** Would construction of a bridge over Tecolotito Creek—*the project* (Appendix G) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?—or Would the project (Appendix G) have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, without limitation, marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means? Would the project (Appendix G) conflict with any local policies or ordinances protecting biological resources (specifically, City of Goleta General Plan Conservation Element Policies CE1: Environmentally Sensitive Habitat Area (ESHA) Designations and CE2: Protection of Creeks and Riparian Areas)?

**Bio Impact 2-1:** Would the variable width of the Tecolotitio Creek SPA Upland Buffer adversely impact the biological integrity and critical biotic functions of the Tecolotitio Creek ESHA and unnamed tributary ESHA?

**Significance Before Mitigation: Potentially Significant**

With the exception of foraging habitat provided in the ruderal grassland of the 43 acre residential site, only habitat associated with Tecolotitio Creek can be considered reasonably intact; although the creek has been repeatedly disturbed by flood control maintenance activity, freeway and street construction along its entire length south of U.S. 101. Actions by the Santa Barbara Flood Control and Water Conservation District to mitigate the effects of the realignment of the creek and facility maintenance has provided a sufficient level of habitat restoration within and immediately adjacent to Tecolotitio Creek to qualify the creek as a City-designated ESHA.

Among the most critical ecological functions of the creek is the provision of fresh water to the Goleta Slough, as it is one of only two creeks (the second is Los Carneros) that supply most of the Slough’s fresh water. In addition, the ESHA contains significant wetland and riparian habitat and acts as a corridor for wildlife movement. The creek’s hydrologic functions are discussed in detail in Section 4.8, Hydrology and Water Quality, though this function is touched on in this section.

As discussed in the Existing Conditions subsection, 60-foot wide (top of bank to top of bank) segment Tecolotitio Creek is designated ESHA in the City’s General Plan. The unnamed tributary on Lot 7 is also designated as an ESHA as the tributary’s channel meets the City’s one-parameter wetland criteria. ESHAs within the City of Goleta are protected against significant disruption of ecological values, and only uses or development dependent on and compatible with maintaining such resources are allowed within ESHAs or their SPA buffers. GP/CLUP Policy CE 1.8 requires a buffer around ESHAs, “of sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.”

GP/CLUP Policy CE 2.2 requires a Streamside Protection Area (SPA) for the Tecolotitio Creek ESHA, which is defined to include the creek channel itself (i.e. the ESHA), its associated wetlands, and/or riparian vegetation related to the creek hydrology, and any adjacent upland.
buffer area. The Policy states that the SPA’s upland buffer component is ideally 100 feet in width measured outward on both sides of the creek as measured from the top of the bank or the outer limit of wetlands and/or riparian vegetation, whichever is greater. However, the City reserves the right to reduce an SPA upland buffer to not less than 25 feet wide, based on a site specific assessment if: (1) there is no feasible alternative siting for development that will allow avoidance of the larger SPA upland buffer; and (2) the project’s impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.

The proposed Project would maintain a minimum 50-foot ESHA/SPA upland buffer between Project development and the riparian habitats of Tecolotito Creek and a minimum 50-foot ESHA buffer between Project development and the unnamed tributary. The upland buffer expands significantly 200 feet north of the Tecolotito Creek bridge, exceeding 100 feet in width, and is over 700 feet wide at the Project’s northern boundary, when it combines with the unnamed tributary and its upland buffer.

There is a narrow, 10-foot wide upland buffer on the western side of the creek that contains a paved walking path and some riparian vegetation, but is of limited value in providing protection to the adjacent ESHA. The edge effects created by the limited buffering on the west side of the creek include light from the adjacent parking lot, streets, and buildings, noise associated with business activity, parking, and deliveries, and water quality degradation due to the presence of paved parking lots immediately adjacent to the Creek with no obvious BMPs. Several versions of alternative site plans for the Project were reviewed as part of the Alternatives analysis. One, which is reviewed as Alternative 2 in Section 6.0, would allow provision of a minimum 100-foot SPA upland buffer along a 753 feet of the segment of Tecolotito Creek in Lots 6 and 7 was determined to be infeasible as discussed in Section 4.9: Land Use and Planning and alternative site locations were found to be unfeasible as discussed in Section 6.0: Alternatives.

Mitigation measures provided in Section 4.8, Hydrology, provide adequate protection for water quality entering Tecolotito Creek from the developed Project site. Therefore, this critical biotic function of the ESHA is adequately addressed by structural BMPs and a 100-foot wide SPA is not required to address this potential impact. As pointed out in the existing conditions, Tecolotito Creek in this location is subject to ongoing maintenance activity by the County Flood Control District, which routinely disrupts existing freshwater marsh and riparian habitat within the creek. The District is responsible for mitigating these impacts and most commonly accomplishes this by restoring the disturbed habitat. The riparian habitat in the ESHA is located within the creek itself although the canopy of some willows extend over the edge of the bank. The presence of a dirt maintenance road eliminates the ability of the SPA buffer to provide riparian vegetation adjacent to the creek where it could preform its primary function of shading the creek. Instead, the riparian vegetation would be placed behind the maintenance road along with a Zone of multi-storied, mixed riparian and upland vegetation, which will provide adequate cover for the dispersal of small mammals, reptiles and nesting locations for birds. Approximately half of the over 1300 linear feet of Tecolotito Creek that traverses the Project site will be impacted by the reduced upland buffer area of the SPA. The balance of the area will have upland buffers that exceed 100 feet in width. As noted in Impact 2.2, the Fire Department has determined that fuel modification activity is not required within the ESHA/SPA, which will mitigate against potential impacts to vegetation. In addition, Mitigation Measures 2.1c, 2.1d, 2.1f, 2.2a, 2.2b, and 2.3 will reduce any potential adverse effects resulting from the reduction of a portion of the Tecolotito ESHA/SPA upland buffer to a minimum of 50 feet in width to a less than significant level (Class II).
4.3 BIOLOGICAL RESOURCES

Impact BIO 2-2: Would the bridge over Tecolotito Creek adversely impact the designated Tecolotito Creek ESHA areas? and SPA, CDFW sensitive plant communities, ACOE jurisdictional wetlands, and CDFW jurisdictional habitat?

Significance Before Mitigation: Potentially Significant

The Village at Los Carneros Project requires construction of a 50-foot wide, 75-foot long span bridge over Tecolotito Creek, which, based on the currently proposed design would impact the creek’s riparian corridor and creek bottom, both of which are covered by City ESHA and SPA designations and fall under the jurisdiction of both the Corps of Engineers and the California Department of Fish and Wildlife. In addition, a paved extension of Cortona Drive would be constructed within the ESHA/SPA upland buffer on the eastern side of Tecolotito Creek.

The current policy of the County Flood Control and Water Conservation District prohibits the placement of bridge foundations and/or piling. The uses and developments permitted within ESHA’s and their buffers are outlined in GP/CLUP Policy CE 1.6, and GP/CLUP Policy CE 2.3 defines allowable uses and activities within SPAs, including SPA upland buffers. Among those allowable uses are bridges and paved roads that are public road crossings, provided that there are no feasible, less environmentally damaging alternatives. The Policy further requires that development of a public road crossing be subject to mitigation measures to avoid or on reduce impacts to the maximum extent practicable. While the bridge itself is a private facility, it includes a public Class I bikeway and pedestrian walkway. Therefore, the Tecolotito Creek creek bottom or banks, bridge is considered an allowable use and the construction is an allowable activity pursuant to General Plan policies cited above. Alternative project designs that did not include the bridge over Tecolotito Creek and Cortona Drive extension, or that incorporated other full-movement access options in order to avoid impacts to the Tecolotito Creek ESHA/SPA and its ESHA/SPA upland buffer, were considered but rejected as infeasible. The bridge over Tecolotito Creek is considered essential to the Project, for the provision and enhancement of improved bicycle and pedestrian access through the City.

Construction of the proposed bridge across Tecolotito Creek as presently designed would result in 0.09 acre of permanent impacts and 0.09 acre of temporary impacts to the Tecolotito Creek ESHA/SPA. Approximately 0.09 acre of permanent impacts would occur in the area beneath the bridge due to shading of existing vegetation. Of the 0.09 total acre of the Tecolotito Creek ESHA/SPA that would be permanently impacted, 0.02 acre would consist of Coastal Freshwater Marsh and 0.07 acre would be Southern Arroyo Willow Riparian Forest. Approximately 0.09 acre of temporary impacts (including foot traffic) necessary to construct the bridge would occur within 25 feet upstream and downstream of the permanent impact zone. Of the 0.09 total acre of the Tecolotito Creek ESHA/SPA that would be temporarily impacted, 0.001 acre would consist of Coastal Freshwater Marsh and 0.09 acre would be Southern Arroyo Willow Riparian Forest. Coastal Freshwater Marsh and Southern Arroyo Willow Riparian Forest are considered to be sensitive plant communities by the CDFW. Tecolotito Creek contains ACOE jurisdictional areas (non-wetland and wetland Waters of the United States) and CDFW jurisdictional areas (streambed, banks, and riparian habitat) (see inset map on Figure 4.3-2). The Project as proposed would result in permanent and temporary impacts to 0.04 acre of ACOE jurisdictional areas coincident with 0.04 acre under CDFW jurisdiction, as well as an additional 0.05 acres of CDFW jurisdictional habitat for a total of 0.09 acre of permanent impacts and 0.09 acre of temporary impacts to CDFW habitat.
Approximately 0.09 acre of permanent impacts would occur in the area beneath the bridge due to shading of existing vegetation. Mitigation measure BIO 4.3-1 requires abutments and piers to be located outside of the creek bed and banks where marshland is located and, to the extent feasible or as required by the Flood Control and Water Conservation District, beyond the 100-year flood limits of the creek. The total impacted acreages of Tecolotito Creek ESHA, Tecolotito Creek SPA, City of Goleta wetlands ESHA, and CDFW sensitive plant communities, including Southern Arroyo Willow Riparian Forest and Coastal Freshwater Marsh, are provided in Table 4.3-4. The impacted area is shown on Figure 4.3-2, Impacts to Biological Resources. These impacts would be mitigated to less than significant levels by implementation of Bio 2-1(a) through Bio 2-1(f) (Class II).

Table 4.3-4
Impacts to Protected Biological Resources within Tecolotito Creek

<table>
<thead>
<tr>
<th>Cause of Impacts</th>
<th>Permanent Impacts</th>
<th>Temporary Impacts</th>
</tr>
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<tbody>
<tr>
<td>Bridge over Tecolotito Creek</td>
<td>0.09</td>
<td>0.09</td>
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* These protected resources are coincident in extent, i.e., the habitats of Tecolotito Creek meet criteria to be considered Tecolotito Creek ESHA, Tecolotito Creek SPA, City of Goleta Wetlands ESHA, and CDFW Sensitive Plant Communities.*

While the bridge itself is a private facility, it includes a public Class I bikeway and pedestrian walkway. Therefore, the bridge is considered an allowable use and the construction is an allowable activity pursuant to General Plan policies cited above. Alternative project designs that did not include the bridge over Tecolotito Creek and Cortona Drive extension, or that incorporated other full-movement access options in order to avoid impacts to the Tecolotito Creek ESHA and its ESHA/SPA buffer, were considered but rejected as infeasible. The bridge over Tecolotito Creek is considered essential to the Project, both for the provision of adequate fire protection and emergency response access as well as for the provision and enhancement of improved bicycle and pedestrian access through the City. However, the temporary and permanent impacts to Tecolotito Creek created by construction of the proposed bridge based on the currently proposed design are considered potentially significant as they have potential to have a substantial adverse effect on a sensitive natural community identified by the Department of Fish and Wildlife (Appendix G (a)) unless adequately mitigated.

The engineering design for the bridge has not been completed. In order to reduce potential impacts to sensitive riparian habitats and marsh vegetation in the creek channel, mitigation measure Bio 2-1(f) would prohibit the location of piles, wing walls, and riprap within the creek bed or bank and, to the extent feasible, beyond the 100-year flood limits of the creek.

Impacts to 0.04-acre of ACOE jurisdictional area could be permitted subject to mitigation acceptable to the ACOE under Nationwide Permit 14 (Linear Transportation Projects) as the total impacts fall under the 0.33 - 0.50-acre statutory limit for Nationwide Permit 14. A 404 permit would be required from the Corps of Engineers before start of construction. Similarly, before construction the Applicant would be required to obtain a 1602 Agreement (Streambed Alteration Agreement) from the CDFW for the 0.09-acre temporary and permanent impacts associated with the proposed activity within areas subject to the agency’s jurisdiction. A 401 permit from the RWQCB will also be required. Each of the agencies will require mitigation for
permanent and temporary impacts. The acreages of permanent and temporary impacts to ACOE and CDFW jurisdictional areas are shown in Table 4.3-5. While all Project impacts to ACOE and CDFW jurisdictional areas are considered potentially significant, they would be mitigated to a less than significant level through the conditions imposed pursuant to the Project’s 404, 401 and 1602 permits/agreement as well as by mitigation measures imposed by this EIR and the restrictions on design and construction imposed by the Flood Control and Water Conservation District (Class II).

<table>
<thead>
<tr>
<th></th>
<th>ACOE Jurisdiction</th>
<th>CDFW Riparian Habitat</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Permanent</td>
<td>Temporary</td>
</tr>
<tr>
<td>Tecolotito Creek</td>
<td>0.04</td>
<td>0.04</td>
</tr>
</tbody>
</table>

**Impact BIO 2-3:** Would fuel modification activities or a reduced ESHA/SPA buffer adversely impact the designated Tecolotito Creek ESHA/SPA Buffer Zone or the tributary ESHA/and SPA, and CDFW Sensitive Plant Communities?

**Significance Before Mitigation:** Potentially Significant

The Santa Barbara County Fire Protection District approved a Fuel Modification Plan (FMP) that would require fuel modification during the operational phase of the Project within the Tecolotito Creek ESHA/SPA buffers adjacent to both Tecolotito Creek and its unnamed tributary. However, a previously referenced letter received from the Fire Department indicates that fuel modification (other than dead wooding) would not be required where those activities, “will have adverse effects on sensitive natural communities identified by the ESHA, Creeks, and Riparian policies of the General Plan designated as having special ecological value.” Consequently, due to the biological sensitivity of native vegetation of the entire Tecolotito Creek SPA and the Tecolotito Creek ESHA and associated SPA, including the ESHA/SPA upland buffer, would not be subject to the Fire Department’s defensible space requirements even though designated ESHA/SPA areas lies within 100 feet of proposed condominium buildings on lot 6 and single family homes on lot 7. Removal of dead wood and vegetation would only be required provided those actions do not interfere with or disturb the ESHA/SPA habitat. For this reason, ESHA, CDFW sensitive plant communities, and the SPA uplands would not be subject to the Department’s “defensible space” requirements based on Fire Protection District policy (Class II), and review of any Fuel Modification Plan by a City-retained biologist, implementation of an approved FMP would not result in significant adverse effects on the quality of riparian and wetland habitats of the ESHA/SPA designated areas of the Project site. (Class II)

As stated, the Project would maintain a minimum 50-foot ESHA/SPA upland buffer between the eastern limits of the ESHA area and the project’s developed areas along its western boundary south of the Tecolotito Creek bridge. North of Tecolotito Creek bridge the upland buffer would widen significantly and reach over 700 feet in width at the northern property line. The south SPA

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23 Letter from Capitan Dwight Pepin, Fire Prevention Division, Santa Barbara County Fire Protection District, June 14, 2012 included in Appendix B.
upland buffer, while less than the 100-foot recommended SPA upland buffer provided for in the applicable General Plan policy, exceeds the 25-foot minimum buffer permitted under certain circumstances pursuant to the General Plan. The unnamed tributary on Lot 7 and immediate surroundings is open in character, lacks trees and shrubs, is currently subject to routine fuel modification work, and is shown as predominantly non-native grasslands in Figure 4.3-1. The Project would treat the area as an upland buffer between Tecolotito Creek and the active area of the combined open space/active neighborhood park and would extend an additional 50 feet outward from the tributary to the back of all single family lots located along the western side of the Project. The upland buffer and SPA, together with the park area, are all contained within the 100 year flood plain of the combined creek and tributary.

The Project would plant native vegetation within the ESHA/SPA upland buffer on the eastern side of Tecolotito Creek as well as along the ESHA upland buffer surrounding the unnamed tributary on Lot 7. The native plantings are allowable uses and activities within ESHA/SPA upland buffers under the General Plan. A mitigation measure requires a City-retained biologist to prepare a restoration plan for ESHA/SPA upland buffers that would maximize the value of the upland buffer with respect to the protection of the creek’s marsh and riparian habitats that it is designed to protect and provide suitable habitat for a range of common wildlife including amphibians, reptiles, birds, and small mammals. In general, the planning for the SPA buffers would be broken down into Zones. Zone 1 will be closest to the creek and will be planted with riparian vegetation. Zone 2 will be planted with a mix of riparian and upland vegetation providing a multi-story area with grasses, bushes, and trees. South of the Tecolotito Creek bridge and immediately to the north, the Zone 3 area of the SPA, normally comprised of native grasses and having the primary function of maintaining water quality, will not be present. Its function, however, would be performed by structural BMPs located within the developed site, including two subterranean detention/infiltration basins, which will ensure water quality for flows entering Tecolotito Creek. In the more northerly areas of the site, Zone 3 grasslands will be included to ensure that water quality is not impaired. With implementation of this mitigation measure, the impacts associated with provision of an ESHA/SPA upland buffer that is less than 100 feet in width would be reduced to a less than significant level (Class II).

Impact BIO 2-3 Would the Project introduce invasive species into Tecolotito Creek?

Significance Before Mitigation: Potentially Significant

Invasive exotic species introduced as landscaping could be dispersed by stormwater, wind, or wildlife, or by various other means to natural habitats in the area, including Tecolotito Creek and other downstream waterbodies. Invasive species could outcompete native plants and disrupt normal ecological processes, reducing biological diversity and potentially threatening the quality of natural habitats.

The plant palettes of the Preliminary Landscape Plan and Fuel Modification Plans for the Village at Los Carneros and the parking lot landscape revisions required for component two of the project have been compared with the California Invasive Plant Inventory (California Invasive Plant Council 2006, 2007), as well as an invasive plant list compiled by the CNPS, which is included in the Goleta Slough Ecosystem Management Plan. Based on that comparison, the following plants would be invasive in riparian and wetland habitats and must be removed from the Landscape Plan: Japanese honeysuckle (*Lonicera japonica*) [Cal-IPC], English ivy (*Hedera*...
helix) [CNPS], and common Calla (Zantedeschia aethiopica) [CNPS]. Introduction of invasive plant species to the Project site would be considered potentially significant, but can be mitigated by requiring removal of these plants from the Landscape and Fuel Modification Plans and substitution of more appropriate plant material so as to reduce the potential impact to less than significant. (Class II).

Impact BIO 3: Would the project (City 2) substantially reduce or eliminate quantity or quality of nesting areas; or (City 3) substantially limit reproductive capacity through loss of individuals or habitat or (City 4) substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food resources or (City 5) substantially limit or fragment range and movement (geographic distribution of animals and/or seed dispersal routes)? (Appendix G – d

Impact BIO 3: Would the project (Appendix G) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? Would the project (Appendix G) conflict with any local policies or ordinances protecting biological resources (specifically, City of Goleta General Plan Conservation Element Policies CE1: Environmentally Sensitive Habitat Area (ESHA) Designations and CE2: Protection of Creeks and Riparian Areas)? Would the project (Appendix G) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? as a result of impacts to the Tecolotito Creek ESHA including, without limitation increased human and pet encroachment, elimination of foraging sites, impacts to nesting birds, as well as glare and light trespass and glare from artificial nighttime lighting?

Bio 3-1: Would the Project adversely impact existing Wildlife Movement Corridors due to disturbance by humans and domestic animals, noise & light?

BIO 3-1: Would the Project adversely impact the Tecolotito Creek ESHA by increasing human and pet encroachment, noise, and light trespass and glare from artificial nighttime lighting? Would the project adversely impact wildlife movement or an established wildlife movement corridor by increasing human and pet encroachment, noise, and light trespass and glare from artificial nighttime lighting?

Significance Before Mitigation: Potentially Significant

As noted in Existing Conditions, the Tecolotito Creek and riparian corridor constitutes a primary wildlife movement corridor between the Goleta Slough south of U.S. 101 and the Santa Ynez Mountains, with existing bridges adequate to allow passage of large mammals. In addition, the unnamed tributary provides an additional movement corridor through which small mammals can migrate between significant habitat patches north and south of U.S. 101. Although sensitive species have not been identified in course of numerous field studies, there is potential that one or more such species may use the corridor for migratory purposes.
The existing habitat along the riparian corridor of Tecolotito Creek is currently impacted by human and pet encroachment as the result of pedestrian use of the Flood Control District maintenance access road on the east side of the creek. While human access itself may not interfere with wildlife movement, the presence of domestic pets, specifically cats and dogs, in the ESHA pose a significant threat to wildlife utilizing the corridor for movement, nesting, foraging, and residency purposes. Human

The close proximity of the proposed residential development to Tecolotito Creek could result in adverse edge effects that could adversely impact riparian habitats and associated wildlife, and compromise its value as a wildlife corridor. Although Tecolotito Creek is already significant affected by human and pet encroachment as the result of the use of the access road on the east side of the creek by District maintenance personnel and equipment, pedestrians, and pet owners, and by the limited separation between the Tecolotito Creek ESHA and the development on the west side of the creek, development of the Project can be expected to increase human activity in the vicinity of Tecolotito Creek, which would result in an increase in the frequency of human and pet encroachment into the Tecolotito Creek ESHA when compared to the existing condition. Human encroachment has the potential to disturb vegetation, particularly sensitive marsh habitats. Also, human and pet encroachment and noise could result in disturbance, harassment, capture, removal, and/or mortality of wildlife, including nesting birds. Excessive noise and light trespass and glare from artificial night lighting associated with the development could disturb wildlife and cause some species to avoid the area; however, the Tecolotitio Creek ESHA is already significantly disturbed by excessive noise and light trespass, including glare from artificial night lighting, by the Castilian Business Park developed on the west side of the Creek ESHA, which condition cannot be mitigated, and the conditions on the Village at Los Carneros will be mitigated by the proposed minimum 50-foot wide upland buffer.

Project development is expected to increase human activity in the vicinity of the Tecolotito Creek ESHA and result in an increase in the frequency of human encroachment in the Tecolotito Creek ESHA when compared to the existing condition. Mitigation measures BIO 3-1 through 3-4 would prohibit access to the ESHA by domestic cats and dogs to the extent feasible and would reduce potential impacts of human encroachment into the riparian corridor and limit its potential to disturb vegetation, including sensitive marsh habitats. Proximity of the proposed residential development to the Tecolotito Creek ESHA could result in damaging edge conditions including light trespass and glare from artificial night lighting that would adversely impact wildlife inhabiting Tecolotito Creek or compromise its use as a wildlife corridor.

Mitigation measures will be required to reduce these impacts to a less than significant level such as construction of barriers (both fencing and vegetative) to human and domestic animal encroachment into protected habitat, efforts to reduce noise impacts is proximity to the ESHA areas by carefully vetting proposed uses in proximity to the corridors and buffers, reduction or elimination of night lighting in proximity to ESHA areas, and such other mitigation measures as may be required by State and federal resource agencies as part of their permitting process. With implementation of these mitigation measures, some of which may be imposed by federal and State resource agencies subsequent to project approval, these impacts would be considered potentially significant but mitigable (Class II).

This impact would also be considered potentially significant based on thresholds included in Appendix G of the CEQA Guidelines, as the Project would potentially: 1) conflict with local policies protection biological resources, specifically ESHA, Creeks and Riparian policies of the City’s GP/CLUP, and 2) interfere substantially with the movement of native wildlife species and
within an established wildlife corridor. Mitigation measures such as construction of barriers (both fencing and vegetative) to human and domestic animal encroachment into protected habitat, efforts to reduce noise impacts in proximity to the ESHA areas by carefully vetting proposed uses in proximity to the corridors and buffers, reduction or elimination of night lighting in proximity to ESHA areas, and other such mitigation measures as may be required by State and federal resource agencies as part of their permitting process will be required to reduce these impacts to a less than significant level. With implementation of these mitigation measures, some of which may be imposed by federal and State resource agencies subsequent to Project approval, these impacts would be considered mitigated to a less than significant level (Class II).

**Impact BIO 4:** Would the project (Appendix G) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**Bio 3-2:** Would the Project result in adverse impacts due to the removal of habitat at a site that may be used for foraging by raptors?

**Bio 4-1** Would the bridge over Tecolotito Creek substantially interfere with wildlife movement or with an established wildlife corridor?

**Significance Before Mitigation:** Potentially Significant

As noted in the discussion of wildlife corridors in the Existing Conditions subsection, Tecolotito Creek and its associated riparian habitat, together with the unnamed tributary drainage, serve as a primary wildlife movement corridor between the Goleta Slough and the Santa Ynez Mountains north of U.S. 101. A draft study by the Cheadle Center for Biodiversity and Ecological Restoration (CCBER) and the Bren School of Environmental Science and Management at the University of California, Santa Barbara postulates that one of the reasons that the creek is able to perform this function is the height of bridges over Tecolotito Creek at Los Carneros Road and the U.S. 101 overpass that may allow the passage of large mammals. While the large mammals cited in the Draft study (deer, bear, and mountain lion) are not known to utilize the Goleta Slough, many other mammals, including badgers, fox, coyote, and skunk do, and are also seen in Tecolotito Creek. The proposed residential component of the Project would add an additional bridge over Tecolotito Creek to provide access to/from the site. Engineering design for the bridge has not been completed. In order to ensure that this bridge will not interfere with the use of the Tecolotito Creek corridor for wildlife movement, a mitigation measure would require that the bridge maintain a height from creek bed to bottom of bridge (inclusive of any utilities carried on the bridge bottom) sufficient to allow continued passage of large mammals. With this mitigation measure, the impact of the bridge on the above listed threshold would be reduced to a less than significant level (Class II).

**Impact BIO 5:** Would the Project (City 1) substantially reduce or eliminate quantity or quality of nesting areas? Would the project (City 3) substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food resources?

**Significance Before Mitigation:** Less Than Significant
Raptors have been observed foraging during biological surveys of the project site. These species are listed in Appendix B and discussed in “Existing Conditions” under “Birds” in this Section of the EIR.

As previously noted, there are no historical or active raptor nests or communal roosts at the project site or within 100 feet of any area that is or will be subject to development within the project area. Several species of raptors could potentially nest within the riparian habitats of Tecolotito Creek or in the eucalyptus trees along the northern boundary of the Village at Los Carneros site, although the quality of these areas as raptor nesting habitat is relatively low due to surrounding development, noise, and human activities. For this reason, development of the Village at Los Carneros and the reconfiguration of the parking within the business park area would not substantially reduce or eliminate the quantity or quality of raptor nesting or communal roosting areas and would have a less than significant impact (Class III).

On an incremental basis, the development of the Village at Los Carneros would result in the permanent loss of approximately 37.78 acres of suitable foraging habitat for raptors, but the foraging habitat at this site is not essential for the successful breeding of raptors nesting in the Goleta area and is not designated as an ESHA for this purpose (GP/CLUP FEIR). Therefore, development of the Project would not substantially limit reproductive capacity of raptors in Goleta through loss of foraging habitat. As previously noted in Existing Conditions, the non-native vegetation that would be removed by the residential Project site is of less importance to raptors than the habitat available in larger and more diverse natural habitats in the Goleta area. As raptors are mobile species with generally large home ranges they are capable of compensating for the loss of small acreages of foraging habitat in a local area by moving to other suitable foraging habitats. Therefore, development of the Project would not eliminate significant raptor foraging areas or limit raptors’ access to food resources, making potential impacts to raptors due to the development of the project less than significant (Class III).

**Bio 3-3: Would the Project have an adverse impact on nesting birds?**

**Impact BIO 6: Would the Project (Appendix G) conflict with any local policies or ordinances protecting biological resources (specifically, City of Goleta General Plan Conservation Element policy CE 9, which protects native trees)?**

Significance Before Mitigation: Potentially Significant

Vegetation removal and grading, if conducted during the nesting bird season (February 1st to August 31st), could result in the loss of trees, shrubs, and herbaceous vegetation that may contain active bird nests. Project activities that result in the loss of bird nests, eggs, and young potentially violate Fish and Game (Wildlife) Code §§3503 (any bird nest), 3503.5 (birds-of-prey), or 3511 (Fully Protected Birds). In addition, removal or destruction of one or more active nests of any other birds listed by the Migratory Bird Treaty Act of 1918 (MBTA) would be considered a violation of the MBTA. Such damage or destruction, whether caused by vegetation removal or other construction activities, would violate the MBTA and Fish and Game (Wildlife) Code §3511. Such activity would constitute a significant impact. Potential impact to nesting birds as a result of the Project would be significant based on thresholds included in Appendix G of the CEQA Guidelines as the project would have a substantial adverse effect on species identified as candidate, sensitive, or special status by the California Department of Fish and Game or US Fish and Wildlife Service, specifically Federal and State laws and regulations protecting nesting birds.
result of Project implementation is considered potentially significant, and, under the provisions of California law, a nesting bird survey is required before the start of construction during the nesting season. If active nests are found, construction is not permitted within 300 feet of the active nest until the nest is abandoned or the young have fledged. Continued monitoring of the Project site by the Project’s biologist will enforce this prohibition. Consequently, with mitigation the Project’s impact on nesting birds can be reduced to a less than significant level (Class II).

The City’s General Plan Policy CE 9 provides for the protection of native trees. The policy requires that new development be sited and designed to preserve native oaks (Quercus spp.), walnut (Juglans californica), sycamore (Platanus racemosa), cottonwood (Populus spp.), willows (Salix spp.), or other native trees that are not located and protected in ESHAs. The City’s GP/CLUP also requires mitigation for impacts to mature protected native trees, including removal of the tree or encroachment within the canopy or protection zone surrounding the tree. For the purposes of this impact analysis, a mature native tree has a diameter of at least 6 inches at 4.5 feet above soil level (diameter at breast height [dbh]).

Bridge Impacts on Wildlife Corridor Functions and Flooding

Project grading to construct the bridge over Tecolotito Creek would potentially impact two protected trees (a Coast live oak and a Western sycamore) by direct removal or encroachment into their canopy or root protection zones. Grading associated with the construction of fill slopes and contouring could affect five mature protected trees, including three coast live oaks and two western sycamores within the proposed Village at Los Carneros site (Component 1 of the Project). Protected trees that could potentially be impacted by the Project that are located outside of designated ESHA are identified with an asterisk on Figure 4.3-2. Several native trees within the Tecolotito Creek ESHA could potentially be removed or otherwise impacted by construction of the bridge over Tecolotito Creek. The species, location, and quantity of mature protected trees within the Tecolotito Creek ESHA that may be impacted by the Project would be determined through specific tree surveys conducted before the approval of street improvement plans and issuance of encroachment permits for the construction of the bridge. Impacts to protected native trees are considered potentially significant, but would be mitigated to a less than significant level by requiring appropriate replacement pursuant to City policy (Class II).

**BIO 4:** Would the project (City 6) substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends or (City 5) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Appendix G) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service or interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Significance Before Mitigation — Potentially Significant

As noted in the discussion of wildlife corridors in the Existing Conditions subsection, Tecolotito Creek and its associated riparian corridor, together with the unnamed tributary drainage, serve
as a primary wildlife movement corridor between the Goleta Slough and the open space lands and Santa Ynez Mountains north of U.S. 101. One of the reasons that the creek is able to perform this role is the presence of bridges over Los Carneros Road and U.S. 101 that are high enough to allow the passage of large mammals. The proposed residential component of the Project would add an additional bridge over the Tecolotito Creek to provide access to/from the site. Engineering design for the bridge has not been completed. In order to ensure that this bridge will not interfere with the use of the Tecolotito corridor for wildlife movement, to reduce the potential for adverse impacts on sensitive marsh and riparian habitat, and to ensure that the bridge does not interfere with natural processes such as periodic flooding, mitigation measures are required. These mitigation measures would prohibit the location of piles, wing walls, and riprap within the creek bed or bank or potentially within the 100 year flood plain unless permitted by the Flood Control District, and would further require that the bridge maintain a height from creek bed to bottom of bridge (inclusive of any utilities carried on the bridge bottom) sufficient to allow continued passage of large mammals. With these mitigation measures, the impacts of the bridge on the above listed thresholds would be reduced to a less than significant level (Class II).

4.3.4 Cumulative Impacts

Cumulative Effects on ESHAs

Significance Before Mitigation: Potentially Significant

Development of the Village at Los Carneros component of this Project together with related projects in the City of Goleta would result in significant cumulative impacts to the remaining creeks, riparian corridors, and wetland ESHAs in the City. However, implementation of mitigation measures would reduce the Project’s contribution to cumulative impacts to creek, riparian, and wetland resources to a less than cumulatively considerable level. (Class II).

Cumulative Effects of Invasive Species

Significance Before Mitigation: Potentially Significant

Development of the Village at Los Carneros Project and related projects in Goleta area could result in significant cumulative impacts to ESHAs as a result of the potential spread of invasive species. Compliance with mitigation that would prohibit the planting of invasive species within the Components of the overall Project site would reduce Project’s contribution to such a cumulative impact to a less than cumulatively considerable level. (Class II).

Cumulative Loss of Raptor Foraging Habitat

Significance Before Mitigation: Less than Significant

Development of the Project would not result in a significant incremental loss of suitable nesting or roosting habitat for raptors due to the low quality of lost habitat, the availability of superior

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25 This impact would be significant based on thresholds included in Appendix G of the CEQA Guidelines as the project would 1) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service, and 2) conflict with local policies protecting biological resources, specifically ESHA and Creeks and Riparian policies of the City’s General Plan.

26 This impact would be significant based on thresholds included in Appendix G of the CEQA Guidelines as the project would conflict with local policies protecting biological resources, specifically City General Plan policies protecting ESHA.
habitats in the Goleta area, and the mobility of the potential impacted species. Therefore, the Project’s contribution to cumulative impacts would be less than cumulatively considerable. (Class III).

4.3.5 Mitigation Measures

Impact BIO 1: The project (City 1) substantially eliminates or reduces species diversity or abundance or (Appendix G) would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

BIO 1-1: The proposed permanent loss of 0.09 acre of Tecolotito Creek ESHA (coincident with City of Goleta wetlands ESHA and

BIO 1-1: The project would have an adverse impact on Candidate, Sensitive, or Special-Status Species, including Endangered or Threatened Species.

BIO 1-1 Special Status Species Surveys

Two preconstruction surveys for special status wildlife species must be conducted by a City-approved biologist before commencement of ground or vegetation disturbing activities including, without limitation, bridge construction and fuel modification. The first survey must be conducted not more than one week and the second survey not more than three days before the commencement of Project activities. The surveys must incorporate methods appropriate for detecting the special-status species that could potentially occur at the site. The survey methods and results must be submitted to the Director of Planning and Environmental Review, or designee, before beginning construction and/or commencement of any site disturbing activities. If special-status species are found, avoidance by postponing construction until the individual(s) moves out of the construction area on its own is the preferred mitigation option. If avoidance is demonstrated to be infeasible, the species must be captured, when possible, and transferred to adjacent appropriate habitat within the open space on-site or directly adjacent to the Project area by a biologist holding the requisite permits for the capture and handling of the species. If a special-status species is found, the biologist must monitor all ground and vegetation disturbing Project activities within suitable habitats in that area. The biological monitor must conduct ongoing searches for special-status species throughout Project activities. The CDFW and the City of Goleta must be formally notified in writing on letterhead transmitted by certified, overnight, or electronic mail with verifying receipt and consulted regarding the presence of a special-status species on-site. If a federally listed species is found the USFWS must also be notified. In such a case only an USFWS-approved biologist would be allowed to capture and relocate these animals.
Plan Requirements and Timing: These requirements must be printed on all plan sets submitted for issuance of any grading permit. Building/grading permits for bridge construction must not be issued until the Director of Planning and Environmental Review, or designee, determines that this requirement has been satisfied in full. No ground disturbing work is permitted to commence until the Director of Planning and Environmental Review, or designee, notifies the Permittee that this requirement has been satisfied in full.

Monitoring: The Director of Planning and Environmental Review, or designee, must verify compliance in the field for bridge construction and any permitted fuel modification.

Bio 1-2: The Project would have an adverse impact on nesting birds.

BIO 1-2: Nesting Bird Surveys

Before Project-related activities with potential to disturb suitable bird nesting habitat including but not limited to site preparation, grading, construction, tree removal, landscaping removal, or fuel modification, within the breeding/nesting season for native bird species (typically February 1 through August 31), a qualified biologist acceptable to the Planning and Environmental Review Director, or designee, must perform two field surveys to determine if active nests of any bird species protected by the State or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code §§ 3503, 3503.5, or 3511 are present in the Project area or within 500 feet of the Project area. The first nesting bird survey must be conducted no more than one week before the start of the Project activity and the second nesting bird survey must be conducted no more than three days before the start of Project activity. If Project activities are delayed, then additional surveys for nesting birds must be conducted such that no more than three days will have elapsed between the last survey and the Project activity.

If an active nest is found, the biologist must establish an appropriate buffer between the activities and the active nest to avoid harm or disturbance to the nesting birds (typically 300 feet for most birds and 500 feet for raptors). The buffer must be demarcated with highly visible construction fencing and signed as a sensitive area. Project personnel must be instructed to avoid nesting bird buffers. Project activities with potential to harm or disturb the nesting birds must be postponed within the buffer until the nest is vacated, the nestlings have fledged, the fledglings have left the area, as determined by the biologist, and there is no evidence of a second attempt at nesting.

If an active nest of a bird species listed under the federal or California Endangered Species Acts is found, Project activities within a 500-foot radius of the nest must be halted until the Applicant Permittee has consulted with the City, CDFW, and USFWS, if applicable.

Before start of grading or any site clearing activities, the biologist must submit a report discussing the pre-Project nesting bird survey methods and results, as well
as any measures to be implemented to avoid harm or disturbance to nesting birds to the Director of Planning and Environmental Review, CDFW, and USFWS, if applicable.

**Plan Requirements and Timing:** All plans submitted for obtaining a permit, including any grading or building permit(s), must include notes requiring biological field surveys for nesting birds. All plans must be revised, as necessary, to reflect setbacks and barrier fence details used to establish sensitive biological areas. A City-approved biologist must conduct a field survey not earlier than one week and a second survey not earlier than three days before Project activities with potential to disturb nesting habitat and during Project activities in the event that an active nest(s) is (are) found within the survey area. The biologist’s report must be submitted to the Director of Planning and Environmental Review, or designee, for review and approval before commencement of any Project activities that could disturb suitable nesting habitat, such as site preparation, grading, fuel modification, or tree removal.

**Monitoring:** The Director of Planning and Environmental Review must review any biological reports in consultation with resource/trustee agencies, as needed, such as the USFWS and CDFW. If the Director of Planning and Environmental Review, or designee, finds it necessary, monitoring must be conducted and setbacks must be maintained throughout the construction period.

**Impact Bio 2: The construction of the Tecolotito Creek bridge could adversely impact the Tecolotito Creek ESHA/SPA, CDFW sensitive plant communities, jurisdictional wetlands, and CDFW jurisdictional habitat.**

**Bio 2-1(a): Grading**

The proposed permanent loss of 0.09 acre of Tecolotito Creek ESHA (coincident with Tecolotito Creek SPA, City of Goleta wetlands ESHA, and CDFW jurisdictional habitat), consisting of 0.07 acre of Southern Arroyo Willow Riparian Forest and 0.02 acres of Coastal Freshwater Marsh, must be mitigated on-site at a 3:1 ratio by implementation of a City and California Department of Fish and Wildlife approved on-site restoration plan. To the extent feasible, grading shall avoid the creek, creek banks, and riparian vegetation and upland SPA buffer corridor and must be modified unless modification is shown to be infeasible to the satisfaction of the Director of Public Works and the Director of Planning and Environmental Review.

**Plan Requirements and Timing:** A Wetland and Riparian Area Mitigation Plan must be developed by a City-approved biologist, restoration ecologist, or resource specialist and approved by the Director of Planning and Environmental Review, or its designee, and those additional federal/State/ and local agencies with jurisdictional responsibilities over wetlands and riparian areas before the City issues a grading permit. At a minimum, the Plan must include:

- Description of the project/impact and mitigation site(s)
- Specific objectives
4.3 BIOLOGICAL RESOURCES

- Plant palette
- Implementation plan
- Success criteria
- Required maintenance activities
- Monitoring plan
- Contingency measures

**Monitoring:** The Wetland and Riparian Mitigation Plan implementation project must be monitored for a five-year period commencing when the City-approved biologist, restoration ecologist, or resource specialist notifies the City that installation of all elements of the approved Plan have been completed. Five years after implementation of the Mitigation Plan project, a final report must be submitted to the Director of Planning and Environmental Review, or designee, and appropriate federal/State/local agencies, which at a minimum must discuss the implementation, monitoring, and management of the Mitigation Plan project over the five-year period, and indicate whether the mitigation has been successful based on established success criteria.

**Bio 2-1 (b): Performance Securities and Agreement for Installation and Maintenance of Mitigation**

The Permittee must provide performance securities and enter into agreements, in a form approved by the City Attorney, for installation and maintenance of the Wetland and Riparian Mitigation Area Plan. The maintenance period must be a minimum of five (5) years from the date the City-approved biologist, restoration ecologist, or resource specialist notifies the City that the installation of all Wetland and Riparian Mitigation Area Plan elements is complete.

**Plan Requirements and Timing:** The performance securities must be provided and agreements signed before the City issues any LUP for project construction grading or building permit.

**Monitoring:** Upon notification by the City-approved biologist, restoration ecologist, or resource specialist, the Director of Planning and Environmental Review, or designee, must inspect the site to verify installation according to the approved Wetland and Riparian Mitigation Area restoration Plan. The Director of Planning and Environmental Review, or designee, must check maintenance as needed. The Director of Planning and Environmental Review, or designee may permit release of the performance security for good cause shown.

**Bio 2-1 (c): Habitat Mitigation and Monitoring Plan (HMMP)**

Temporary impacts to 0.09 acre of Tecolotito Creek ESHA, coincident with the Tecolotito Creek SPA, City of Goleta wetlands ESHA and CDFW jurisdictional habitat, consisting of 0.09 acres of Southern Arroyo Willow Riparian Forest and 0.001 acre of Coastal Freshwater Marsh, must be mitigated on-site at a 3:1 ratio through the restoration of the impacted area, as well as enhancement of additional disturbed habitats within Tecolotito Creek and/or the unnamed tributary.
Plan Requirements and Timing: A Habitat Mitigation and Monitoring Plan (HMMP) must be developed by a City-approved biologist, restoration ecologist, or resource specialist and approved by the Director of Planning and Environmental Review, or designee, and federal/state/local public agencies with jurisdiction before the City issues a grading permit for the Project. Only naturally occurring species from Tecolotito Creek and associated riparian habitats (currently or historically) can be included in the plant palette. The Plan must also require removal of exotic weeds and weed control within the mitigation area. The Plan must be reviewed by the County Fire Prevention Protection District for potential conflicts with any fuel modification requirements. The Plan must at a minimum include:

- Description of the mitigation site
- Specific objectives
- Plant palette
- Implementation plan
- Success criteria
- Required maintenance activities
- Monitoring plan
- Contingency measures

Monitoring: The mitigation program HMMP and Wetland and Riparian Mitigation Area Plan must be monitored for a five-year period commencing when the City-approved biologist, restoration ecologist, or resource specialist notifies the City that installation of all elements of the approved Plan have been completed. Five years after implementation of the mitigation Plan project, a final report must be submitted to the Director of Planning and Environmental Review, or designee, and appropriate federal/state/local agencies, which must at a minimum discuss the implementation, monitoring, and management of the mitigation project over the five-year period, and indicate whether the mitigation has been successful based on established success criteria.

Bio 2-1 (d): Performance Security and Agreement for Restoration

The Permittee must provide performance securities and enter into agreements, in forms approved by the City Attorney, for installing and maintaining the bridge/riparian corridor HMMP and Wetland and Riparian Mitigation Area Plan mitigation plan. The maintenance period must be a minimum of five (5) years from the date the City-approved biologist, restoration ecologist, or resource specialist notifies the City in writing that the installation of all mitigation Plan elements is complete.

Plan Requirements and Timing: The performance securities must be provided and agreements signed before the City issues any LUP any building permit for Project construction.

Monitoring: Upon notification by the City-approved biologist, restoration ecologist, or resource specialist, the Director of Planning and Environmental Review, or designee, must inspect the site to verify installation according to the approved HMMP and Wetland and Riparian corridor Mitigation Area restoration.
plan. The Director of Planning and Environmental Review, or designee, must check maintenance as needed.

The Director of Planning and Environmental Review, or designee, may, upon request, release the performance security for good cause shown.

### Bio 2-1 (e): Timing of Bridge Construction

Bridge construction must occur during low flow periods between July 1st and October 31st. During bridge construction, flows of water in Tecolotito Creek cannot be obstructed or diverted. Shoring cannot be installed in the creek bed. The use of wheeled or other mechanized equipment within the banks of the stream channel is prohibited at all times. A City-approved biologist must monitor all bridge construction activities at all times to prevent disturbance to any special-status aquatic, avian or terrestrial species that might occur within the bridge construction site, to the maximum extent feasible. The monitoring biologist must work under contract to the City and shall be funded by the Permittee Applicant. Vegetation removal, as identified on the approved LUP building permit for bridge construction, must be conducted by manual methods (e.g., using hand tools). The foundation structures for the bridge must avoid the creek bed and bank per current Flood Control and Water Conservation District Policy and be set back from the creek to the maximum extent feasible, avoiding the 100 year flood plain if possible to prevent interference with the storm flows within the creek.

### Plan Requirements and Timing: This requirement must be included on all Project construction plans. The City approved monitoring biologist must be identified and under contract to the City for bridge construction monitoring before the City issues any LUP permit for bridge construction. Funding for the full amount of the monitoring contract must be deposited with the City before the City issues any LUP permit for bridge construction.

### Monitoring: Planning and Environmental Review staff must review construction plans to verify compliance before the City issues any LUP building permit for bridge construction. The City approved monitoring biologist must monitor all bridge construction activities that could potentially result in impacts to protected or regulated biological resources. The monitoring biologist working under contract to the City and funded by the Permittee applicant must report directly to the Director of Planning and Environmental Review, or designee.

### Bio 2-1 (f): Mitigation of Habitat Impacts

The Permittee must offset any bridge to be constructed over Tecolotito Creek to provide bicycle, vehicle, and pedestrian access to the Project site must be located so that it will not damage the marsh habitat within the creek bed and limit impacts to protected native trees with onsite replacement planting at a minimum replacement ratio of 10:1 with 1-gallon oaks or at a 3:1 ratio with 24-inch box oaks or as otherwise determined by the Director of Planning and Environmental Review, or designee.
Impact BIO 2-1 would also be mitigated by Mitigation Measure Hydro 1-2 in Section 4.8 Hydrology and Water Quality, which would ensure that bridge infrastructure would not be situated within the bed or banks of Tecolotito Creek. Refer to mitigation measures identified in Section 4.8 Hydrology and Water Quality regarding protection of water quality in Tecolotito Creek.

Plan Requirements and Timing: Before the City issues any LUP for Project construction, the Permittee must submit a Tree Protection and Replacement Plan (TPRP) prepared by a certified arborist or other qualified expert to the Director of Planning and Environmental Review, or designee, for review and approval. The report must include an inventory of native trees at the site, identify native protected trees that will be impacted by the Project, and provide a plan for tree protection and replacement that includes monitoring and success criteria. The Permittee must post a performance security in an amount acceptable to the City Attorney to ensure compliance with the approved TPRP.

Plan Requirements and Timing: To ensure that the Tecolotito Creek bridge will not interfere with habitat, the pilings and structural support features of the bridge must not be constructed on or within the creek bed and banks and must be designed so that the bridge does not require construction of wing walls or riprap within the creek bed or banks. The structural supports for the bridge must also be designed to avoid the 100-year flood plain, if possible.

Monitoring: A certified arborist acceptable to the City must conduct site inspections during construction and tree replacement to ensure compliance with the approved Plan. Monitoring of replacement tree success, and maintenance of the performance security, must continue until the success criteria are achieved.

Monitoring: The Building Official and the Director of Planning and Environmental Review, or designee, must examine and approve any engineered drawings for the proposed bridge over Tecolotito Creek and ensure that the bridge design would meet the requirements of this measure before the City issues any permit for bridge construction.

Bio 1-7——Special Status Species

Two preconstruction surveys for special status wildlife species must be conducted by a City-approved biologist before commencement of ground or vegetation disturbing activities including, without limitation, bridge construction and tree removal. The first survey must be conducted not more than one week and the second survey not more than three days before the commencement of Project activities. The surveys must incorporate methods appropriate for detecting the special-status species that could potentially occur at the site. The survey methods and results must be submitted to the Director of Planning and Environmental Review, or designee, before beginning construction and/or commencement of any site-disturbing activities. If special-status species are found, avoidance by postponing construction until the individual(s) moves out of the construction area on its own is the preferred mitigation option. If avoidance is demonstrated to be infeasible, the species must be captured, when possible, and transferred to adjacent appropriate habitat within the open space on-site or
directly adjacent to the Project area by a biologist holding the requisite permits for the capture and handling of the species. If a special-status species is found, the biologist must monitor all ground and vegetation disturbing Project activities within native habitats in that area. The biological monitor must conduct ongoing searches for special-status species throughout Project activities. The CDFW and the City of Goleta must be formally notified in writing on letterhead transmitted by certified, overnight, or electronic mail with verifying receipt and consulted regarding the presence of a special-status species on site. If a federally listed species is found the USFWS must also be notified. In such a case only an USFWS-approved biologist would be allowed to capture and relocate these animals.

**Plan Requirements and Timing:** These requirements must be printed on all plan sets submitted for issuance of any LUP for Project construction. Building/grading permits for bridge construction must not be issued until the Director of Planning and Environmental Review, or designee, determines that this requirement has been satisfied in full. No fuel modification work is permitted to commence until the Director of Planning and Environmental Review or designee notifies the Permittee that this requirement has been satisfied in full.

**Monitoring:** The Director of Planning and Environmental Review, or designee, must verify compliance in the field for both bridge construction and fuel modification.

Impact BIO 1 would also be mitigated by Mitigation Measure Hydro 1-3 in Section 4.8 Hydrology and Water Quality, which would ensure that bridge infrastructure would not be situated within the bed or banks of Tecolotito Creek.

**Impact BIO 2:** Fuel modification would result in impacts to the Tecolotito Creek Stream Protection Area buffer and landscaping of the site may result in the introduction of invasive species into the ESHA/SPA.

**BIO 2-1:** A riparian corridor/SPA

**BIO 2-2** A reduced ESHA/SPA buffer could adversely impact the Tecolotito Creek ESHA and SPA, and CDFW Sensitive Plant Communities.

**Bio 2-2(a): ESHA/SPA Upland Buffer Plan**

An ESHA/SPA Upland Buffer Vegetation Restoration and Enhancement Plan must be prepared by a City approved restoration biologist/ecologist or restoration specialist. To reduce the potential impacts of a reduced SPA upland buffer, the Plan must, to the maximum extent possible, prevent degradation of the ecological functions and ensure the biological integrity and preservation of the creek and riparian and wetland habitats it is designed to protect. The Plan must also be designed to provide to the maximum extent possible suitable habitats within the upland buffer for a variety of common wildlife species, including amphibians, reptiles, birds, and small mammals, including the California vole. To protect the streamside vegetation and biotic quality of Tecolotito Creek the use of fertilizers, pesticides, and herbicides in the upland SPA buffer shall be avoided or
minimized. Due to the ecological importance of deadwood as habitat both as habitat and for ecosystem process such as nutrient recycling, to the maximum extent feasible removal of deadwood should be avoided within the Tecolotito ESHA/SPA, including the ESHA/SPA upland buffer, except in the case of abnormal and significant die-off or decadence decay of vegetation. If cutting of deadwood is necessary, the deadwood must be in part broken up and in part mulched and carefully spread in areas where it was removed in a manner that would not disturb existing native vegetation.

Plan Requirements and Timing: A City approved biologist, restoration ecologist, or resource specialist must prepare a riparian corridor an ESHA/SPA Upland Buffer native Vegetation Restoration and Enhancement Plan that must be approved by the Director of Planning and Environmental Review, or designee and the Fire Department and the resource agencies having jurisdiction over the resources before its submittal to the Design Review Board Planning and Environmental Review Director, or designee, for their review and approval. The plant palette must include only naturally occurring native species found in riparian habitats or upland stream buffers in the Goleta area (currently or historically). The plan must require removal and control of exotic weeds within the mitigation area and provide suitable habitat for common wildlife species, including amphibians, reptiles, birds, and small mammals, including the California vole. The plan must at a minimum include:

- Description of the mitigation site
- Specific objectives
- Plant palette
- Implementation plan
- Success criteria
- Required maintenance activities
- Monitoring plan
- Contingency measures

Monitoring: The ESHA/SPA Upland Buffer Vegetation Restoration and Enhancement Plan mitigation/restoration/enhancement project must be monitored for a five-year period commencing when the City-approved biologist, restoration ecologist, or resource specialist notifies the City that installation of all elements of the approved Plan have been completed. Five years after implementation of the Restoration and Enhancement Plan mitigation project, a final report must be submitted to the Director of Planning and Environmental Review, or designee, and appropriate federal/state/local agencies, which must at a minimum discuss the implementation, monitoring, and management of the Restoration and Enhancement Plan mitigation project over the five-year period, and indicate whether the mitigation has been successful based on established success criteria.
Bio 2-2(b): Performance Security

The Permittee must provide performance securities and enter into agreements, in forms approved by the City Attorney, for installation and maintenance of the ESHA/SPA upland buffer native vegetation restoration and enhancement plan including the replacement of all native trees affected by the Project. The maintenance period must be a minimum of five (5) years from the date the City-approved biologist, restoration ecologist, or resource specialist notifies the City that the installation of all mitigation Plan elements is complete.

Plan Requirements and Timing: The performance securities must be provided and agreements signed prior to the issuance of any grading permit LUP for project construction.

Monitoring: Upon notification by the City-approved biologist, restoration ecologist, or resource specialist, the Director of Planning and Environmental Review, or designee, must inspect the site to verify installation according to the approved riparian corridor mitigation ESHA/SPA Upland Buffer Vegetation Restoration and Enhancement Plan restoration plan. The Director of Planning and Environmental Review, or designee, must check maintenance as needed. The Director of Planning and Environmental Review, or designee, may, upon request, release the performance security for good cause shown.

BIO 2-3 Would the Project introduce invasive species into Tecolotito Creek?

BIO 2-3 The Project could introduce invasive species into Tecolotito Creek

BIO 2-3: Non-Invasives

Only non-invasive ornamental or appropriate native plant species may be used for project landscaping. Excluded species must include, without limitation, those listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or which are listed as ‘noxious weeds’ by the State of California or the federal government. The Permittee must submit a Revised Landscaping Plan Landscape Plan for the creation of required ESHA/SPA Upland Buffer and, if required, a Revised Fuel Modification Plan to the City, consistent with all mitigation measures and requirements of the resource agencies with jurisdiction over the effected resources. The Plan must be reviewed by a City’s-approved biologist or restoration ecologist to ensure that all potentially invasive ornamental species have been excluded. Species used for bio-swales and bio-detention basins must be selected from species native to the Goleta area.

Plan Requirements and Timing: The Landscape Plan and a Fuel Modification Plan, if needed, must include a plant pallet that is approved by a City-approved biologist. The Director of Planning and Environmental Review must approve the Revised Landscape Plan for the ESHA/SPA Upland Buffer areas and a Fuel Modification Plan, if needed, before the City issues any LUP building permit for the Project. The approved plant palette must be adhered to throughout the life of the Project.
Monitoring: The Director of Planning and Environmental Review, or designee, must conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the last final inspection or occupancy clearance for the Project.

Impact BIO 3: The project would (City 2) substantially reduce or eliminate quantity or quality of nesting areas; or (City 3) substantially limit reproductive capacity through loss of individuals or habitat or (City 4) substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food resources or (City 5) substantially limit or fragment range and movement (geographic distribution of animals and/or seed dispersal routes).

Impact BIO 3: The project (Appendix G) would have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service and could (Appendix G) conflict with local policies or ordinances protecting biological resources (specifically, City of Goleta General Plan Conservation Element policies pertaining to ESHAs) by interfering with the movement of native resident or migratory fish or wildlife species.

Would the project (Appendix G) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, as a result of impacts to the Tecolotito Creek ESHA

BIO 3-1: The Project would adversely impact the Tecolotito Creek ESHA including, without limitation increased by potentially increasing human and pet encroachment, eliminating foraging sites, impacts to nesting birds, as well as generating glare, noise, and light trespass, and glare from artificial nighttime lighting.

Bio 3-1(a): Fencing

The Permittee must construct Ranch-style five-foot high post and rail fencing with rail spacing of no more than eight inches along the outside boundary of the Tecolotito Creek ESHA/SPA. Behind the fence, the ESHA/SPA revegetation and enhancement plan must include the planting of a non-invasive, fast growing, dense native hedge, to further restrict to discourage human and domestic animal intrusion into the ESHA and SPA. Any barrier to wildlife movement through the corridor is prohibited. Permanent signage must be posted to inform the public of the ESHA/SPA status and the sensitivity of the riparian, wetland, and aquatic habitats of Tecolotito Creek, as well as the ESHA/SPA upland buffer. Signage must also prohibit access by domestic pets with or without leashes in the ESHA and upland SPA and impose fines for violation of this prohibition. Uses that would produce excessive outdoor noise must be prohibited within 50-feet of ESHAs and SPAs, SPAs, including the ESHA/SPA upland buffer.
Plan Requirements and Timing: Before the City issues any permit for ground disturbing activities or grading permit LUP for Project construction, the Permittee must submit a plan for the siting, design, and installation of the required fencing, signage, vegetation installation, and noise control to the Director of Planning and Environmental Review, or designee, for review and approval. The Permittee must receive approval by the Director of Planning and Environmental Review, or designee, regarding compliance with this condition. Installation of the fencing, vegetative hedge, and signage must be completed before the City issues any occupancy permit and must be undertaken under the supervision of the Project’s biological monitor.

Monitoring: Planning and Environmental Review Department must conduct site inspections to ensure the required fencing has been constructed and permanent signage has been posted.

Bio 3-1(b): The Permittee must provide performance securities and enter into agreements, in forms approved by the City Attorney, for installing and maintaining all fencing and signage required to ensure protection of the ESHA, SPA, and to prevent riparian corridor trespass. The maintenance period must be a minimum of five (5) years from the date the City-approved biologist, restoration ecologist, or resource specialist notifies the City in writing that the installation of all mitigation plan elements is complete.

Plan Requirements and Timing: The performance securities must be provided and agreements signed before the City issues any building permit for Project construction.

Monitoring: Upon notification by the City-approved biologist, restoration ecologist, or resource specialist, the Director of Planning and Environmental Review, or designee, must inspect the site to verify installation according to the approved fencing and signage plan. The Director of Planning and Environmental Review, or designee, must check maintenance as needed. The Director of Planning and Environmental Review, or designee, may, upon request, release the performance security for demonstrated good cause.

The existing maintenance road must be clearly marked and signage posted to prohibit encroachment into the riparian corridor. If needed to satisfy jurisdictional agencies, fencing must be installed along both sides of the maintenance road to discourage trespass into the riparian corridor or into the creek.

Plan Requirements and Timing: Before the City issues any LUP for construction of any structure, the Director of Planning and Environmental Review or designee must review and approve marking and signage for the maintenance road through the riparian corridor. The Director of Planning and Environmental Review must coordinate with the SBCECWCD and, as needed, with the project biologist responsible for obtaining 401, 404, and 1602 permits/agreements for the Project’s construction to determine whether additional measures to restrict public access to the vegetated riparian corridor and the creek bank and bed should be or can be feasibly undertaken. If fencing is required, the Applicant must submit a design for road fencing to the City’s Director of Planning and Environmental Review.
Review and to the SBCFWCD for review and approval. Such fencing, if required, and all signage and trail marking must be completed before the issuance of a certificate of occupancy for any residential unit under the direct supervision of the project’s biological monitor.

**Monitoring:** Planning and Environmental Review Department must conduct site inspections to ensure the required fencing has been constructed and permanent signage has been posted.

**BIO 3-1(c): Training**

All construction personnel working on any aspect of the residential Project or the construction of utilities and the road and bridge must receive training from a certified biologist at the applicant’s Permittee’s expense regarding the values of the sensitive habitats of the Tecolotito Creek SPA riparian corridor. Any work performed in or within 100 feet of the edge of the corridor SPA must be supervised on a daily basis by a certified biologist with the authority to stop or redirect work should unpermitted encroachment occur.

**Plan Requirements and Timing.** Before the City issues any grading permit for site clearance and continuing through the construction phase of the Project, the Applicant Permittee must provide the Director of Planning and Environmental Review, or designee, with a copy of an executed contract between the applicant Permittee and a City-approved, certified biologist, including a scope of work that includes all of the above responsibilities and authorities.

**Monitoring:** The Director of Planning and Environmental Review or designee must conduct unannounced inspections of the Project site during periods when work is being conducted in or in the vicinity of the ESHA/SPA area. The Project’s certified biologist must provide monthly reports to the Director of Planning and Environmental Review documenting monitoring activities including the date(s), location(s), and activity being monitored and any enforcement actions taken.

**Bio 3-1(d): Night Lighting**

Exterior night lighting must be minimized, restricted to low intensity fixtures that are shielded and directed away from any ESHA/SPA, including ESHA/SPA upland buffers.

**Plan Requirements and Timing:** Before the City issues any building permit for construction of any structure, the Director of Planning and Environmental Review, or designee, must review and approve Project lighting plans for appropriate exterior night lighting design that would meet requirements for use in areas adjacent to ESHAs.

**Monitoring:** The Director of Planning and Environmental Review, or designee, must conduct site inspections to ensure that appropriate exterior night lighting has been installed per the approved lighting plans before the City issues any occupancy permit.
BIO 3-6: Before Project-related activities with potential to disturb suitable bird nesting habitat, including, without limitation, site preparation, grading, construction, tree removal, landscaping removal, or fuel modification, within the breeding/nesting season for native bird species (typically February 1 through August 31), a qualified biologist acceptable to the City of Goleta must perform two field surveys to determine if active nests of any bird species protected by the state or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code §§ 3503, 3503.5, or 3511 are present in the Project area or within 500 feet of the Project area. The first nesting bird survey must be conducted no more than one week before the start of the Project activity and the second nesting bird survey must be conducted no more than three days before the start of Project activity. If Project activities are delayed, then additional surveys for nesting birds must be conducted such that no more than three days will have elapsed between the last survey and the Project activity.

If an active nest is found, the biologist must establish an appropriate buffer between the activities and the active nest to avoid harm or disturbance to the nesting birds (typically 300 feet for most birds and 500 feet for raptors). The buffer must be demarcated with highly visible construction fencing and signed as a sensitive area. Project personnel must be instructed to avoid nesting bird buffers. Project activities with potential to harm or disturb the nesting birds shall be postponed within the buffer until the nest is vacated, the nestlings have fledged, the fledglings have left the area, as determined by the biologist, and there is no evidence of a second attempt at nesting. If an active nest of a bird species listed under the federal or California Endangered Species Acts is found, project activities within a 500-foot radius of the nest must be halted until the Applicant has consulted with the City, CDFW, and USFWS, if applicable.

Before start of grading or any site clearing activities, the biologist must submit a report discussing the pre-Project nesting bird survey methods and results, as well as any measures to be implemented to avoid harm or disturbance to nesting birds to the Director of Planning and Environmental Review, CDFW, and USFWS, if applicable.

Plan Requirement: All plans submitted for obtaining a LUP, including any grading or building permit(s) must include notes requiring biological field surveys for nesting birds. All plans must be revised, as necessary, to reflect setbacks and barrier fence details used to establish sensitive biological areas.

Timing: A City-approved biologist must conduct a field survey not earlier than two weeks and a second survey not earlier than three days before Project activities with potential to disturb nesting habitat and during Project activities in the event that an active nest(s) is (are) found within the survey area. The biologist’s report must be submitted to the Director of Planning and Environmental Review, or designee, for review and approval before commencement of any project activities that could disturb suitable nesting habitat, such as site preparation, grading, fuel modification, or tree removal.

Monitoring: The Director of Planning and Environmental Review Director must review any biological reports in consultation with resource/trustee agencies, as
needed, such as the USFWS and CDFW. If the Director of Planning and Environmental Review, or designee, finds it necessary, monitoring must be conducted and setbacks must be maintained throughout the construction period.

**BIO 4:** The project (City 6) would substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends or (City 5) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, or (Appendix G) have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service or interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

**BIO 4:** The project could (Appendix G) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**BIO 4-1:** The bridge over Tecolotito Creek could substantially interfere with wildlife movement or with an established wildlife corridor.

**Bio 4-1:** Tecolotito Bridge Height

The bridge to be constructed over Tecolotito Creek to provide pedestrian, vehicle, and bicycle access to the Project site must be designed to provide sufficient height to allow the passage of large mammals under the bridge within the creek and SPA upland buffer riparian corridor as measured from the creek bed to the lowest part of the bridge and/or any infrastructure suspended from the bottom of the bridge. The height must match the height of the bridge that crosses Tecolotito Creek at Los Carneros Road south of the Project site unless a lower height can be shown to serve the stated purpose by a City-approved certified biologist, on the basis of substantial evidence acceptable to the City.

**Plan Requirement and Timing:** Before the submission of bridge plans to the City and the County Flood Control District, engineered drawings must be submitted to the Director of Planning and Environmental Review, or designee, showing the height of the bridge from the creekbed to the bottom of the lowest structure suspended from the bottom of the bridge together with cross sections comparing the bridge cross section to a cross section of the Los Carneros/Tecolotito Bridge. If the bridge height is The Project’s Tecolotito Creek bridge may not be lower than the Los Carneros/Tecolotito Creek bridge, the City must submit the bridge drawings to a certified biologist of its choosing (cost to be paid by the applicant) for review unless a lower height can be shown to serve the
stated purpose, verified by a certified biologist, on the basis of substantial evidence acceptable to the City.

The biologist must provide the City with a written finding indicating whether the bridge height as proposed is sufficient to accommodate large mammals and that it will not interfere with the use of the Tecolotito Creek ESHA/SPA corridor as a wildlife corridor, consistent with its current use. In the event that such a finding is not made, the biologist must state in writing, based on substantial evidence, the minimum height necessary for continued function of the wildlife corridor including passage for large mammals and the bridge must be redesigned to meet those criteria. Prior to submission of bridge plans to the City, engineered drawings must be submitted to the Director of Planning and Environmental Review, or designee. The review required by this mitigation measure must be completed before the City issues any permits for the construction of the bridge.

Monitoring: The Director of Planning and Environmental Review, or designee, must review any engineered drawings and associated biological reports in consultation with resource/trustee agencies, as needed, such as the USFWS and CDFW. The signature of the Director of Planning and Environmental Review, or designee, indicating that the bridge design satisfies the wildlife corridor criteria pursuant to this condition is required before the County or City issues any permits for bridge construction.

Bio 4-2: The bridge to be constructed over Tecolotito Creek to provide access to the Project site must be located so that it will not interfere with the flood control functions of the creek or damage the marsh habitat within the creek bed and limit impacts to the riparian corridor.

Plan Requirements and Timing: To ensure that the bridge will not interfere with flood control functions or habitat the pilings and structural support features of the bridge must not be constructed on or within the creek bed and banks and must be designed so that it does not require construction of wing walls or riprap within the creek bed or banks. To maintain all flood control functions the structural supports for the bridge must be designed pursuant to the County Flood Control and Water Conservation District’s requirements for construction along watercourses and must be located at a distance specified by the Flood Control District from the top of bank of Tecolotito Creek.

Monitoring: The City Building Official and the City’s Director of Planning and Environmental Review must examine and approve, any engineered drawings for the proposed bridge over Tecolotito Creek and ensure that all support structures meet the setback requirements of the Santa Barbara County Flood Control and Water Conservation Agency as set forth in the Agency’s policies before the issuance of any LUP for the proposed Project.

Impact BIO 6: The Project (Appendix G) would conflict with the City of Goleta General Plan Conservation Element policy CE 9, which protects native trees).
Bio 6-1: Offsetting Impacts to Protected Trees

The Permittee must offset any impacts to protected native trees with onsite replacement planting at a minimum replacement ratio of 10:1 with 1-gallon oaks or at a 3:1 ratio with 24-inch box oaks or as otherwise determined by the Director of Planning and Environmental Review, or designee.

Plan Requirements and Timing: Before the City issues any grading permit for Project construction, the Permittee must submit a Tree Protection and Replacement Plan (TPRP) prepared by a certified arborist or other qualified expert to the Director of Planning and Environmental Review, or designee, for review and approval. The report must include an inventory of native trees at the site, identify native protected trees that will be impacted by the Project, and provide a plan for tree protection and replacement that includes monitoring and success criteria. The Permittee must post a performance security in an amount acceptable to the City Attorney to ensure compliance with the approved TPRP.

Monitoring: A certified arborist acceptable to the City must conduct site inspections during construction and tree replacement to ensure compliance with the approved Plan. Monitoring of replacement tree success, and maintenance of the performance security, must continue until the success criteria are achieved.

4.3.6 Residual Impacts

With implementation of the above mitigation measures, residual Impacts BIO 1, BIO 2, and BIO 3, BIO 4, and BIO 6 would be reduced to less than significant levels (Class II). All other impacts would be less than significant without mitigation (Class III).