

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CALIFORNIA 93001-2801  
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Page 1

October 23, 2019

Permit Application No.: 4-18-1223

**NOTICE OF INTENT TO ISSUE PERMIT**

(Upon satisfaction of special conditions)

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On October 17, 2019, the California Coastal Commission approved Coastal Development Permit No. 4-18-1223 requested by City Of Goleta subject to the attached conditions, for development consisting of: **Enhancement of monarch butterfly habitat in the Ellwood North portion of Ellwood Mesa, including removal of fallen debris, 65 downed, and 25 standing dead eucalyptus trees, planting of native species and approximately 63 eucalyptus trees, installing educational and safety signs and a temporary water tank, and monitoring the monarch population and restoration area,** more specifically described in the application filed in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone at **Ellwood Mesa Open Space Area, City of Goleta (Santa Barbara County) (APN(s): 079-210-069)**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 4-18-1223, please contact the Coastal Program Analyst identified below.



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Sincerely,

John Ainsworth  
Executive Director



Carolyn Groves  
Coastal Program Analyst

**ACKNOWLEDGMENT**

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date	Permittee
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Please sign and return one copy of this form to the Commission office at the above address.

**STANDARD CONDITIONS**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, then permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission and affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



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**SPECIAL CONDITIONS:**

NOTE: IF THE **SPECIAL CONDITIONS** REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

**1. Final Implementation Plan**

- A. *Prior to issuance of the Coastal Development Permit*, the applicant shall submit, for the review and written approval of the Executive Director, a final Ellwood Mesa/Sperling Preserve Open Space 2018 Implementation Plan for the restoration of the Ellwood North aggregation site. The plan shall be prepared by a qualified biologist or environmental resource specialist with qualifications acceptable to the Executive Director. In addition to the information contained within the Ellwood Mesa/Sperling Preserve Open Space 2018 Implementation Plan, prepared by the City of Goleta (dated November 2018), the Final Implementation Plan shall contain the following:
1. A revised project description that reflects only the project components approved pursuant to this Coastal Development Permit.
  2. A description of the goals of the Ellwood North aggregation site restoration project, including a description of the desired micro-climate, as well as a description of the activities that will be implemented to facilitate the successful establishment of native species in the restoration area (e.g. regular removal of eucalyptus duff layer).
  3. A Final Monitoring Plan that includes success (performance) criteria and the qualitative and quantitative methods for measuring success for all species planted. The success criteria must include thresholds for the desired micro-climate (e.g. wind speeds, temperature, light penetration) and vegetation benchmarks (native shrub and eucalyptus tree count, height, aerial extent and distribution; and tree, shrub, and understory health). The plan must include provisions for submittal of annual reports for a monitoring period of 10 years, prepared by qualified environmental resource specialist and indicating the progress and relative success or failure of the restoration and enhancement on the site. This plan shall also include further recommendations and requirements for additional restoration and enhancement activities (adaptive management actions) in order for the project to meet the criteria and performance standards. The annual reports must also include the Ellwood North aggregation site monarch butterfly population status/data (arrival dates, tree use, climate observations, counts, departure dates, etc.) from the ongoing Ellwood Mesa monarch butterfly monitoring program. At the end of the ten-year period, a final detailed report on the enhancement shall be submitted for the review and approval of the Executive Director. If this report indicates that the enhancement project has, in part, or in whole, been unsuccessful, based on the



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performance standards specified in the implementation plan, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be submitted to the Executive Director, for review and approval.

4. Two full-size sets of the Final Planting Plan. The Plan shall show the extent and scope of enhancement activities, the locations of existing living vegetation within the enhancement area, and the locations of all new plantings, as well as the location of the temporary water tank and staging areas. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

### 2. Sensitive Species Surveys

The applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, "environmental resources specialist") with appropriate qualifications acceptable to the Executive Director, to conduct sensitive species surveys (including birds and other terrestrial species) and monitor project operations associated with all enhancement activities. The applicant shall ensure that the environmental resources specialist shall perform all of the following duties, and the applicant shall observe the following requirements:

- A. At least 30 calendar days prior to commencement of any enhancement activities, the applicant shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The applicant shall have the environmental resources specialist ensure that all project enhancement activities are carried out consistent with the following:
  1. The environmental resources specialist shall conduct sensitive species surveys no more than two weeks before any project enhancement activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted 3 calendar days prior to the initiation of enhancement activities, and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. The environmental resources specialist shall be onsite to observe/identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of any project enhancement activities.
  2. In the event that any sensitive species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resources specialist shall implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The applicant shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Fish and Wildlife Service, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.





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3. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor or heron is found, the applicant shall notify the appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The applicant shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
  4. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or other sensitive species is found within 300 feet of enhancement activities (500 feet for raptors), the applicant shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The environmental resources specialist shall be present at all relevant construction meetings and during all significant enhancement activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction-related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant enhancement activities. Activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest(s) site. If construction noise exceeds a peak level of 65 dB at the nest(s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, enhancement activities within 300 ft. (500 ft. for raptors) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
  5. The environmental resources specialist shall be present during all enhancement activities. The environmental resources specialist shall require the applicant to cease work within the area in question should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a supplemental program to adequately mitigate such impacts. The supplemental program shall be submitted to the Executive Director for review and approval.
  6. For the purpose of this special condition, "sensitive species" shall be taken to mean any special-status wildlife species. Special-Status Species are species listed as Endangered, Threatened, or Rare under the federal or state Endangered Species Acts, Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDDB), which are considered by the California Department of Fish and Wildlife to be those species of greatest conservation concern, and locally important species including raptors, herons, and songbirds.
- 3. Construction Responsibilities**
- A. Prior to the commencement of any enhancement activities, the limits of the work areas and staging areas shall be delineated in cooperation with a qualified biologist, limiting the potential area affected by construction and ensuring that all environmentally sensitive habitats adjacent to enhancement areas are avoided during construction. All vehicles and equipment shall be restricted to pre-established work areas and haul routes and to established or designated staging



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areas. Clearing shall be limited to the minimal footprint necessary and for the shortest time necessary to avoid impact to ESHA.

- B. During enhancement activities, all trash and construction debris shall be properly contained, removed from the worksite, and disposed of on a daily basis, and no construction materials shall be stored at the work site overnight. No construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind, rain, or erosion and dispersion. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.
- C. Temporarily stockpiles of excavated sediment/vegetation should be protected with geofabric or other appropriate cover. Permanent stockpiling of excavated material on site shall not be allowed. Vegetation and sediment shall be removed from the site on a regular basis during enhancement activities to prevent the accumulation of sediment and debris on the worksite. Excavated sediment and vegetation shall be stockpiled at designated temporary areas on the project site and be removed to a permitted disposal site within 24 hours of completion of the project.
- D. Equipment staging and materials stockpiling areas shall be limited to the locations and sizes specified in the approved final plans. Construction vehicles shall be restricted to designated haul routes. Construction equipment and materials shall be stored only in designated staging and stockpiling areas as depicted on the final plans approved pursuant to Special Condition One (1).
- E. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- F. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the enhancement process shall not be refueled or washed within 100 feet of coastal waters.
- G. The discharge of any hazardous materials, including herbicides, into any receiving waters shall be prohibited.
- H. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity.
- I. All BMPs shall be maintained in a functional condition throughout the duration of enhancement activities.

#### 4. Approval of Comprehensive Management Plan

Within twelve (12) months from the date on which the Commission votes on the subject application, the permittee shall submit a complete regular Coastal Development Permit Application to the



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89 SO. CALIFORNIA ST., 2ND FLOOR  
VENTURA, CA 93001

CITY OF GOLETA  
CALIFORNIA

OCT 28 2019

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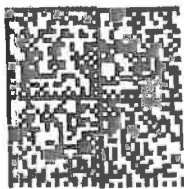
ANNE WELLS  
ADVANCED PLANNING MANAGER  
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SANTA BARBARA

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