COUNTY OF SANTA BARBARA

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Draft Mitigated Negative Declaration

Biltmore Seawall Replacement Project

05CUP-00000-00025

Owner/Applicant

Ty Warner
1260 BB Properties, LLC
1189 Hill Road
Santa Barbara CA 93108
(805) 695-8887

Agent

Steve Welton
Susan Elledge PPS
800 Santa Barbara St.
Santa Barbara CA 93101
(805) 966-2758

Engineer

Chris Gabriel
Penfield & Smth
P.O. Box 98
Santa Barbara CA 93102

For More Information Contact Errin Briggs, Planner, Dev. Review Div., (805) 568-2047

1.0 REQUEST/PROJECT DESCRIPTION

The applicant, 1260 BB Properties, LLC, seeks a Conditional Use Permit from the County of Santa Barbara to allow the reconstruction and repair, as necessary, of sections (labeled A, B, and C as identified on the project plans) of the Biltmore seawall that front the Coral Casino Beach and Cabana Club, Biltmore Hotel and a portion of Channel Drive. These repairs would be performed by the owner on an as-needed basis within the areas specified below, in response to the need to protect these properties and to maintain public beach access.

The existing Biltmore/Coral Casino seawall begins at the southeast corner of the Coral Casino property and extends westerly along Channel Drive fronting Butterfly Beach to the last public stairway to the sandy beach area at the west end of the Biltmore Hotel. The seawall is approximately 1,062 lineal feet. The seawall contains four (4) existing public beach access stairways—one in front of the pool area of the Coral Casino (this stairway was removed due to storm damage and is permitted for replacement by the recently approved Coral Casino Historic Rehabilitation Plan, Permit No. 03DVP-00000-00002); a second stairway approximately 270 feet west of the Coral Casino (currently closed for repairs and to be reconstructed with the approval of this permit); a third stairway approximately 385 to the west; and a fourth stairway approximately 90 feet further to the west.

Certain sections of the seawall in front of the Biltmore Hotel and Coral Casino were damaged in February and March 1993 and consequently, have been entitled and repaired under separate permits. The Biltmore Hotel was granted an Emergency Permit (93-EMP-005) in September 1993 for the reconstruction and replacement of a portion of the seawall damaged during these storms. In March 1994, Conditional Use Permit 93-CP-035 was granted to the owners to supersede the emergency permit.

These permits resulted in the approval to reconstruct and replace approximately 428 lineal feet of the existing seawall. To date, 267 lineal feet of seawall have been reconstructed. The remaining 161 lineal feet have a valid CUP entitlement, but have not been replaced.

The applicants intend to make certain improvements to the seawall and its beach access facilities, as described below and further identified on the exhibit plan prepared by Penfield and Smith Engineers, attached to this mitigated negative declaration.

As part of the proposed project, the applicant is seeking approval of a CUP for the replacement of the following sections of the Biltmore/Coral Casino seawall and beach access stairs:

- **The 200-foot section of seawall directly in front of the Coral Casino, identified as Section A on the attached plan.**

- **The 237-foot section of seawall, identified as Section B on the attached plan.**

- **The 197-foot section of seawall that terminates at the westerly property boundary of the Biltmore Hotel, identified as Section C on the attached plan.**

- **The beach access stairway that was recently damaged and is currently unavailable for public use, identified as Item III on the attached plan.**

- **The beach access stairway located at the most westerly end of the Biltmore Hotel property, identified as Item IV on the attached plan.**

Proposed Construction

The applicants intend to make the following improvements upon permit issuance:

- **Reconstruct the seawall directly in front of the Coral Casino. This section of seawall totals approximately 361 lineal feet, and is comprised of Section A, identified above, and the 161-foot section of seawall approved under 93-CP-035.**

- **Reconstruct a portion of seawall directly in front of the Biltmore Hotel. This section of seawall is approximately 237 lineal feet, and is identified as Section B on the attached plans.**

- **Re-construct beach access stairway in front of Biltmore Hotel. This beach access stairway, identified as Item III on the attached plan, was closed last winter and is not available for use at this time.**

Detailed Description of Seawall and Beach Access Facilities

The replacement seawall sections would be of a simple design—smooth-surfaced, near-vertical reinforced concrete walls, medium gray in color (unstained standard concrete). The new seawall sections would be from 15 to 24 inches in thickness and would be located in the same footprint as the existing seawall. The new seawall sections would have a deeper foundation structure that would extend approximately six feet below the foundation of the existing wall. This foundation and the proposed new seawall sections would not, however, extend seaward of the historic location of the existing seawall. The top of the seawall would be at the same height or elevation as the existing historic wall.

Seawall construction would involve demolition of the existing seawall, excavation of existing fill and beach deposits, foundation construction, seawall construction, backfill of soil material behind the new seawall and repair/replacement of sidewalks and railings. Demolition and excavation requires the removal or stockpiling of approximately 5,000 cubic yards (CY) of material. The Biltmore Seawall would be composed of about 2,100 CY of concrete. About 3,400 CY of fill would be placed behind the wall. Excavation for seawall installation would be limited to areas within 20 feet of the existing seawall footprint. Please note that the quantities listed above should be considered estimated quantities and are subject to change based on the conditions of the existing seawall and supporting fill soil.

The new concrete stairway that will replace the existing deteriorated beach access stairway in front of the Biltmore Hotel is proposed to be relocated approximately 40-feet to the west. This will allow this stairway to be in alignment with a public crosswalk and sidewalks located on Biltmore Hotel property and ocean side of Channel Drive. The landing area will be oriented parallel to the shoreline, rather than in the current perpendicular direction.

As part of this work, existing public sidewalks and railings located along the top of the seawall would be reconstructed, as disturbed. The project components are described in detail in the plans prepared by Penfield & Smith Engineers dated October 2005.

Construction equipment would be stored during non-work hours in a location approved by County Planning & Development staff. Material excavated at the project site and suitable for backfill would be stockpiled at the site. Excavated material which is not suitable as backfill would be removed from the project site and transported to an approved facility for disposal. Imported fill material would be obtained from local sources, if available. Demolition and construction activities are anticipated to require approximately ten to twelve weeks.

The requested permit would also validate temporary measures taken to limit storm damage during the 2004-2005 winter season to the Biltmore and Coral Casino seawalls as authorized by Emergency Permit O5EMP-00000-00001 and also during the 2005-2006 winter season as authorized under Emergency Permit 06EMP-00000-00001.

Measures under Emergency Permit O5EMP-00000-00001 include the temporary placement of concrete "K-rails" on the beach and the filling of minor voids beneath the existing seawalls with concrete. The K-rails and concrete void-fillings would be removed as part of the proposed project.

Measures under Emergency Permit 06EMP-00000-00001 include 1) Core approximately four, evenly spaced 1½-inch diameter holes along an approximately 25-foot span of the existing seawall in front of the Coral Casino ballroom, trench between the failing concrete wall and the steel sheet-pile wall behind the cores, and secure the two walls together with steel cables. 2) Remove precarious portions of the sandstone upper stair landing/wall/railing along an approximately 25-foot section located directly east of the staircase. 3) The stone and concrete rubble will be placed into the void created by the 2004/2005 storm damage, and will be supplemented by additional rock and concrete slurry as necessary. All materials involved in these temporary repairs would be removed when these areas are reconstructed.

2.0 PROJECT LOCATION

The seawall proposed to be replaced is located at the landward edge of Butterfly Beach just south of Channel Drive in the vicinity of the Biltmore Hotel and Coral Casino Beach Club. The property is addressed as 1260 Channel Drive (APN 009-353-015). Other parcels containing portions of the subject seawall are: APN's 009-

353-001, 002, 003, 004, 005, 007, 008, 009, 010, 013) in the Montecito area of the First Supervisorial District.

2.1 Site Information	
Montecito Community Plan Designation	APN 009-353-015: Resort/Visitor-Serving Commercial, Urban All other parcels: Recreation
Zoning District, Ordinance	Article II, C-V/Rec, Visitor-Serving Commercial/Recreation, Flood Hazard Overlay
Site Size	3.29 acres
Present Use & Development	APN 009-353-015 includes the Coral Casino Beach Club, seawalls and public beach. All other parcels contain seawalls and public beach only.
Surrounding Uses/Zoning	North: Channel Drive and Biltmore Hotel South: Pacific Ocean East: Residential (Bonnymede Condominiums) West: Public Beach
Access	Channel Drive
Public Services	Water Supply N/A Sewage: N/A Fire: N/A Other: N/A

3.0 ENVIRONMENTAL SETTING

The existing contiguous Biltmore and Coral Casino seawalls form the landward edge of the public beach located just south of Channel Drive in the Montecito area. Landward of the seawalls and Channel Drive are the facilities of the Biltmore Hotel. Seawalls have existed along this section of coastline for at least 87 years based on records (Sanborn Maps) available in County archives. These walls are comprised of concrete and are up to ten feet in height. In 1993, the County granted a Conditional Use Permit (93-CP-035) to reconstruct the eastern 250-feet of the Biltmore Seawall and the adjacent Coral Casino Seawall. At that time, only the 250-foot long segment of the Biltmore Seawall was replaced with a new concrete wall. The current proposal involves the replacement of an additional 434-foot long segment of the Biltmore Seawall extending westward from the new wall constructed in 1993 as well as a 200-foot long segment directly in front of the Coral Casino pool. The project also includes the replacement of two existing beach access stairways. There is no vegetation in the vicinity of the seawall replacement project.

Existing, previously permitted public access consists of 4 stairways which allow the public to access Butterfly Beach from Channel Drive: one in front of the pool area of the Coral Casino (this stairway was removed due to storm damage and is permitted for replacement by the recently approved Coral Casino Historic Rehabilitation Plan, Permit No. 03DVP-00000-00002); a second stairway approximately 270 feet west of the Coral Casino (currently closed for repairs and to be reconstructed with the approval of this permit); a third stairway approximately 385 to the west; and a fourth stairway approximately 90 feet further to the west.

3.1 PREVIOUS ENVIRONMENTAL ANALYSIS

In 1993, the County granted a Conditional Use Permit (93-CP-035) to reconstruct the eastern 250-feet of the Biltmore Seawall and the adjacent Coral Casino Seawall which was damaged by winter storms. As part of the environmental review of this project, an Initial Study/Negative Declaration was prepared (93-ND-30). The methods of demolition/construction and materials used were nearly identical to those proposed under the current Conditional Use Permit application. As such, the project description is also nearly identical, although for different sections of the same seawall.

The negative declaration prepared in 1993 (93-ND-30) determined that potentially significant impacts to the environment could exist in the following categories:

a. Transportation/Circulation
b. Noise
c. Recreation
d. Risk of Upset (Public Safety)

All of the above potentially significant impacts were subject to feasible mitigation (Class II). There were no potentially significant impacts **not** subject to feasible mitigation (Class I).

Although there are many similarities in the conclusions of the 1993 Initial Study and the current one, there are also several changes that have been made. The current mitigated negative declaration has been drafted as a stand alone, comprehensive analysis of the potential environmental impacts of the proposed project. Additionally, it undertakes greater specificity with respect to mitigation for potential aesthetic impacts by including additional mitigation measures. This document also contains a comprehensive construction management program detailed in the mitigation measures for Section 4.9 (Hazard Materials/Risk of Upset) to address potential impacts related to construction activities. These additional mitigation measures were developed in response to the increased attention of the public in the Montecito Planning Area and will serve to ensure the project's impacts are lessened to the greatest extent feasible.

4.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

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

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

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

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

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

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

4.1 AESTHETICS/VISUAL RESOURCES

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

Impact Discussion:

The proposed reconstructed seawall would be located in the same position, be of the same height and comprised of the same material as the existing seawall. Broken and cracked concrete would be replaced with new concrete. The existing dilapidated beach access stairways would be replaced in the same location as the existing stairways with similar-sized structures. These components of the project would involve no substantial change in the aesthetic character of the site.

Although the proposed reconstructed seawall would be located in the same position, be of the same height and comprised of the same material as the existing seawall, the concrete poured for the new seawall would differ in color to that of the existing, weathered concrete. Also important to the existing character of the seawall is the design and construction of the handrail which is located on the top portion of the wall. It is currently constructed of faux sandstone and is proposed to be replaced by similar material. Changing the color or design of the railing could alter public views of the ocean as seen from Channel Drive and public views of the Santa Ynez Mountains from the beach area. Currently, the railing is see-through, supported by sandstone pilasters and does not block views of the ocean from Channel Drive or views of the Santa Ynez Mountains from the beach. Requiring the project to be reviewed by the Montecito Board of Architectural Review would ensure that any newly constructed seawall sections and handrails would be compatible with the aesthetic character of the project site. Therefore, impacts would be less than significant after the following mitigation.

Mitigation and Residual Impact:

The following mitigation measures are required to address potential aesthetic impacts:

1. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Montecito Board of Architectural Review prior to issuance of the Coastal Development Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to Montecito Board of Architectural Review plan filing.

2. The project shall be in strict conformance with MBAR approved colors and materials. The MBAR approved color and material board shall be kept on-site throughout construction and be available for Planning and Development staff. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be stained or colored with additives prior to occupancy clearance.

   MONITORING: P&D shall inspect prior to occupancy clearance.

With these mitigation measures, residual impacts on aesthetics would be considered less than significant.

Cumulative Impacts:

The proposed reconstructed seawall would be located in the same position, be of the same height and comprised of the same material as the existing seawall. The adjacent Coral Casino project would not involve a seawall repair, but does include a stairway replacement directly in front of the Coral Casino and a handicap accessible ramp. The concurrent implementation of these projects is not anticipated to result in any substantial change in the aesthetic character of the area as they would be reconstructed as they currently exist and reviewed for compatibility by the Montecito Board of Architectural Review. Thus, the Biltmore Seawall project would not cause a cumulatively considerable effect on aesthetics.

4.2 AGRICULTURAL RESOURCES

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

Impact Discussion:

No agricultural uses exist at the project site or would be affected by project implementation. No impact on agricultural resources is anticipated.

Mitigation and Residual Impact:

No mitigation is required. No impacts identified.

4.3 AIR QUALITY

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?			X		
b. The creation of objectionable smoke, ash or odors?			X		
c. Extensive dust generation?			X		

Impact Discussion:

The proposed project would involve no long-term emissions. Thus, the established Threshold of Significance of 25 pounds per day of NOx does not apply. However, an estimate of short-term construction emissions associated with the project is provided below for informational purposes. These short-term emissions would primarily involve the exhaust from the large trucks used to haul excavated soil and deliver construction materials, and fugitive dust related to the grading of the areas immediately around the seawall and stairway.

Truck Emissions:

Assumptions:

1. 900 truck trips at 10 cubic yards per trip (9,000 cubic yards transported)
2. All emissions are assumed to occur in a 3-month period.
3. Heavy duty diesel trucks would be used.
4. Average 2-way haul distance = 20 miles *(This far exceeds the anticipated average haul distance as most of the material would be stockpiled onsite or in the immediate vicinity of the project.)*

Emission factors per Vehicle Mile Traveled (VMT)
(From CA Mobile inventory model, EMFAC2002 ver. 2.2 dated 4-23-03)

ROC (lbs/VMT)	**NOx** (lbs/VMT)	**CO** (lbs/VMT)	**PM10** (lbs/VMT)
0.00116	0.0338	0.00563	0.000794

Estimated truck emissions:

Pollutant	Emission factors	VMT/day[1]	Emissions in lbs/day
ROC	0.00116	200	0.232
NOx	0.0338	200	6.76[2]
CO	0.00563	200	1.126
PM10	0.000794	200	0.158

1. Average daily VMT based on 900 trips x 20 miles / 90 days = 200 miles per day.
2. Emissions subject to 25 lbs/day Threshold of Significance

As indicated above, the average daily emissions of NOx are estimated to be 6.76 pounds per day. This amount is below the established 25 pounds per day Threshold of Significance. Thus, even if the Threshold applied to short-term construction activities, impacts would be less than significant.

Fugitive dust (PM_{10}) would be generated as part of the grading required for seawall, stairway and ramp construction. Based on the EPA 1974 standard emission factor of 1.2 tons/acre/month and the estimated 0.3 acre of disturbed area, total dust emissions during the three month construction period would be 1.08 tons or 24 pounds per day. Dust emissions would likely be far less given the high moisture content of the soil adjacent to the beach and the continual salt water spray. Standard dust mitigation measures would be required to further reduce dust emissions. In any case, such short-term dust emissions are not considered potentially significant.

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant. *(Note: Standard dust mitigation measures are routinely included as project conditions of approval as recommended by the Air Pollution Control District.)*

4.4 BIOLOGICAL RESOURCES

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

Existing Plant and Animal Communities/Conditions:

The only vegetation in the vicinity of the project site are six large palm trees located on the landward side of the seawall in the sidewalk and adjacent to Channel Drive. Various marine fauna reside in the low-intertidal and subtidal zone along the shoreline at the adjacent beach.

Impact Discussion:

No substantial vegetation would be disturbed during project implementation. The six palm trees adjacent to Channel Drive would be protected during construction and remain in place. Local fauna (not unique, rare or threatened) would not be disturbed by the construction activities as these activities would be limited to the immediate area (within 20 feet) of the seawall located at the landward edge of the beach. The seawall and replacement stairways would be located in the footprint of the existing structures. Thus, they would involve no change in the available habitat area. A minor loss of sand area located at the landward edge of the beach due to the new stairway footprint is not considered a substantial loss of coastal habitat.

Based on the above discussion, impacts on biological resources are considered less than significant.

Mitigation and Residual Impact:

No mitigation is required. Impacts would be less than significant.

4.5 CULTURAL RESOURCES

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

Impact Discussion:

Significant archeological resources exist in the project vicinity. One nearby, large site was studied extensively during a prior development project and represents an area inhabited for several thousand years. The Phase II Cultural Resources Technical Report (Craig, 1988) prepared for this site reports that the archaeological site extended to the west but was to a large degree removed during the development of a nearby project. It is probable that cultural resources exist in the vicinity of the project site, but not within the area of potential disturbance associated with the reconstruction/rehabilitation project. These deposits, however, have likely been substantially disturbed through the construction of the Biltmore Hotel, Channel Drive, the walkways along Channel Drive, the Coral Casino and the various, previously constructed seawalls located on the site.

A seawall has been located along this beach since at least 1918 according to Sanborn Real Estate maps of that year. The concrete which forms the majority of the existing wall may have been installed as late as 1930+ based on the similarity in design to walls in the Summerland area known to be constructed at that time. Minor concrete patches have been added to the wall, the latest in 1983 when the Biltmore pier was removed.

The material to be excavated behind the existing seawall (i.e., the only material to be disturbed which could possibly contain cultural resources) is composed primarily of artificial fill emplaced after the wall was formed. The volume of material disturbed in the reconstruction will likely be comparable to that disturbed in the original placement of the wall. Archaeological resources would not be present on the beach seaward of the wall because of continual erosion and redeposition of sand and cobbles.

Given the high probability that any cultural resources would have been disturbed by previous construction activities and the small area (less than 0.3 acre) landward of the wall involved in the project, substantial adverse effects on cultural resources are not reasonably foreseeable. Impacts on cultural resources are considered less than significant.

Mitigation and Residual Impact:

Although potential impacts to cultural resources are considered less than significant and no mitigation measures are required, the following mitigation measure pertaining to cultural resources will be included in the event that cultural resources are encountered:

3. In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to approval of the Coastal Development Permits and shall spot check in the field.

4.6 ENERGY

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

Impact Discussion:

The project would not involve any long-term increase in energy consumption. The project is limited to the construction of a concrete seawall and two concrete beach access stairways.

Mitigation and Residual Impact:

No mitigation is required. Impacts would be less than significant.

4.7 FIRE PROTECTION

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

Impact Discussion:

The project site is not in a high fire hazard area, nor would the project involve the creation of a fire hazard. It would not result in a change in the existing setting with regard to fire hazards or fire department service levels. Impacts on fire hazards are considered less than significant.

Although traffic along Channel Drive will likely be slowed during project construction, emergency vehicle access will not be negatively affected. A comprehensive construction management program establishing coordination between the construction contractor, Fire Department and Public Works will help ensure uninterrupted emergency access along Channel Drive during construction. See discussion under sections 4.9 Hazardous Materials/Risk of Upset and 4.15, Traffic.

Mitigation and Residual Impact:

No mitigation required. Impacts would be less than significant.

4.8 GEOLOGIC PROCESSES

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				X	
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?				X	
c. Permanent changes in topography?				X	
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?			X		
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?			X		

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?			X		
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?			X		
l. Excessive spoils, tailings or over-burden?				X	

Impact Discussion:

The proposed project involves the reconstruction (replacement) of damaged sections of the Biltmore seawall in its current position. The wall would be the same height, located in the same position relative to the ocean and made of the same material as the existing seawall. The proposed reconstruction of two existing beach access stairways would occur within the existing stairway footprints. A minor change in the distribution of wave energy would occur with the installation of the proposed stairways. This change in energy is anticipated, however, to be negligible and not result in a discernible change in the erosion or accumulation of sand on the public beach. This is because the stairway railings (a concrete wall) would parallel the existing seawall and not substantially deflect ocean waves into a new area. A substantial change in the movement or deposition of sand on the beach is, therefore, not anticipated as a result of this project. The project would not involve a substantial permanent change in topography and would not create any new geologically unstable condition. The presence of the reconstructed seawall would reduce erosion and enhance the geologic stability of the area.

The proposed project is not anticipated to generate vibrations that would substantially affect adjoining areas. This is because of the distance to the nearest offsite structure (more than 250 feet), the limited amount and duration of demolition activities (approximately 10 days), the existing high level of background vibrations due to wave action and the fact that the most likely site of any erosion, the coastal bluff, is protected from erosion by concrete seawalls for hundreds of feet on either side of the project.

The volume of earth materials to be excavated and filled on this site is not anticipated to result in any significant geologic impacts. The excavated material not used for fill would be removed from the project site to a disposal facility (or stored at the contractor's storage yard for future use) and the fill material would not be subject to erosion as it would be placed behind the reconstructed walls and be placed at a zero grade.

Mitigation and Residual Impact:

Impacts related to geologic processes are considered less than significant. No mitigation is required.

4.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
b. The use, storage or distribution of hazardous or toxic materials?				X	

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	
d. Possible interference with an emergency response plan or an emergency evacuation plan?		X			
e. The creation of a potential public health hazard?				X	
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?		X			
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
h. The contamination of a public water supply?				X	

Impact Discussion:

Exposure of beach users to safety hazards near the construction site is considered a potentially significant impact. Hazards would be presented by exposed wooden forms and steel reinforcement used for concrete construction, construction materials or debris left on the beach, flying chips of concrete during demolition, crane operations during removal of the old wall and stairway, and motorized equipment operations during grading.

Interference caused by the proposed project with an emergency response plan or an emergency evacuation plan is also considered a potentially significant impact. Interrupting the flow of traffic along Channel Drive could delay emergency response vehicles or evacuation during an emergency from the adjacent Biltmore Hotel, Coral Casino and neighboring residences.

The following group of mitigation measures will comprise the comprehensive construction management program.

Mitigation and Residual Impact:

The following mitigation measures are required to address potential safety impacts:

4. A designated project safety officer(an active member of the construction crew) funded by the applicant and approved by Planning and Development shall be stationed at the project site at all times during demolition and construction activities. The safety officer shall ensure the safe passage of evacuees during an evacuation and emergency response vehicles during the event of an emergency response. The safety officer shall also warn any person(s) in the area of potential construction-related hazards and direct them safely through the construction zone. Temporary barricades and fencing shall be employed during seawall and ramp construction. This condition is intended to address access during an emergency and safety hazards such as those posed by open foundation trenches, exposed steel reinforcement materials, exposed wooden forms, and the presence and operation of heavy equipment (e.g., as a crane, concrete mixer truck, bulldozer, backhoe, jackhammer, etc.). This condition can be modified if it is demonstrated to the satisfaction of the Director of Planning and Development Department that the proposed modification would not significantly affect public safety in the vicinity of the construction site. **Plan Requirements:** The applicant shall provide the name of the person(s) responsible for compliance with this condition, the phone contact information and written documentation (a contract) of the funding of the required work. **Timing:** The required information shall be submitted to P&D for review and approval prior to the commencement of any

demolition/construction activities. Prior to construction activities, the safety officer shall contact the Montecito Fire Department in order to debrief Fire Department staff on the status and nature of construction activities and to coordinate the safe passage of emergency vehicles along Channel Drive.

Monitoring: Permit Compliance staff shall conduct periodic inspections to assure compliance with this condition.

5. Any wood, concrete or other construction- or demolition-related debris which falls or is placed onto the beach or other areas surrounding the construction site shall be removed daily to an appropriate disposal site. **Plan Requirements:** The applicant shall document, through photo documentation, the condition of the beach area within the vicinity of the project prior to commencement of construction. Within two weeks of the cessation of all construction activities onsite, the applicant shall restore any disturbed beach areas to pre-construction conditions (i.e., all demolition and construction debris removed and sand replaced). **Timing:** Photodocumentation shall are to be provided to the Planning and Development Department prior to the commencement of any construction or demolition activities.

   Monitoring: Permit Compliance staff shall review the photodocumentation and the post-construction condition of the project site.

6. Construction materials and equipment shall be stored during non-work hours (evenings and weekends) in the construction staging area approved by P&D. **Plan Requirements:** All equipment and materials shall be stored during non-work hours at the construction staging area approved by P&D (refer to mitigation measures under Traffic and Circulation in this document). **Timing:** The Traffic Control Plan shall be reviewed and approved by P&D and the Public Works Department (Roads Division) prior to the commencement of construction

   Monitoring: Permit Compliance shall conduct site inspections and respond to complaints as needed.

7. The entire work area shall be secured by a perimeter fence during all non-work hours. **Plan Requirements:** The applicant shall provide a description of the fencing material to be used and a marked site plan illustrating the approximate location of the proposed fencing. Timing: The description and marked site plan must be provided to and approved by P&D staff prior to the onset of construction activities.

   Monitoring: Permit Compliance staff will review the fencing plan and site inspect as needed.

With these mitigation measures, residual impacts on public safety would be considered less than significant.

Cumulative Impacts:

The seawall replacement and stairway installation activities could occur concurrent with the proposed repair and re-modeling project for the Coral Casino Beach Club building located on the same property. The Coral Casino project would not involve a seawall repair, but does include a stairway replacement and an access ramp included in the Biltmore Seawall project. The concurrent implementation of these projects is not anticipated to result in any substantial change in hazards to the public as the only additional project component located at the beach would be the stairway replacement adjacent to the Coral Casino. In addition, the hazards and possible delays to emergency vehicles/evacuation would only be associated with short-term construction activities and not cause any new ongoing safety hazard or delays in circulation. These potential hazards/delays have been addressed by incorporating the above referenced comprehensive construction management program. Thus, the Biltmore Seawall project would not cause a cumulatively considerable effect on safety hazards.

4.10 HISTORIC RESOURCES

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

Impact Discussion:

A seawall has been on the site of the existing Biltmore and Coral Casino seawalls for more than 75 years. The concrete which forms the majority of the existing wall may have been installed as early as 1930± based on the similarity in design to walls in the Summerland area known to be constructed at that time. Minor concrete patches have been added to the wall, the latest in 1983 when the Biltmore pier was removed. The County Thresholds and Guidelines Manual lists criteria by which a structure can be determined to be an historic resource. Age, integrity and association with important historical events or social conditions are factors to be considered when determining the status of an historic structure. Although the Biltmore seawall and the associated beach access stairway are more than 50 years old, they do not possess an integrity of design or an association with important events which would result in a designation as an historic resource. The integrity of workmanship of the seawall is low in that it is dilapidated and undermined. The design of the wall and the construction materials used are common and not associated with any particular architectural style. They do not embody elements of unique design, materials, style or method of construction. No known important historic event or traditional way of life is associated with the seawall. The wall does not present a discernable opportunity to yield information relevant to the scholarly study of history, historical archaeology or folklore. Thus, the seawall does not represent a significant historic resource.

The proposed reconstruction would not alter the existing setting but repair facilities that have deteriorated over time and that were further damaged in recent winter storms. The seawall and stairway would be of the same basic design, reconstructed in the same position and made of the same materials as the existing damaged wall and stairways. Thus, impacts would be less than significant.

Mitigation and Residual Impact:

The proposed project would not involve a significant historic resource and would maintain the existing setting along this section of the coast. Impacts on historic resources are considered less than significant. No mitigation is required.

4.11 LAND USE

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that would result in a physical change? (i.e., Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Impact Discussion:

The proposed project would not involve any change in land use. The reconstructed seawall would be placed in the same position as the existing 75-year-old wall. The project is compatible with surrounding uses. Existing public beach access facilities would be maintained.

Mitigation and Residual Impact:

Land use in the area would not change as a result of the proposed project. There are no land use impacts related to the project. No mitigation required.

4.12 NOISE

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

Impact Discussion:

Short-term construction-noise impacts on surrounding neighbors are not likely to be substantial based on the proximity to the surf (wave noise would mask the sound of seawall demolition and reconstruction), the distance to the nearest residence (250 feet) and the short time period (10 days) in which demolition, the primary noise-generating activity, would occur. No complaints regarding noise were received by the County during the previous 1993 Biltmore Seawall reconstruction project. Potentially significant noise impacts could occur, however, if construction were to occur outside of daytime hours or during peak use of beach on weekends or during the summer.

Mitigation and Residual Impact:

The following mitigation measure shall be required to address a potentially significant noise impact:

8. All construction activities shall be restricted to weekdays between the hours of 7:00 a.m. to 4:00 p.m. unless prior approval by the Planning and Development Department (P&D) is obtained for operations outside of these hours due to tidal conditions or an unforeseen hazardous situation. No construction activities shall occur during the June 15 to September 15 summer season unless prior approval is obtained from P&D or the Building and Safety Division due to the necessity to abate a public safety hazard. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to the commencement of any construction or demolition activities.

   Monitoring: Building Inspectors and Permit Compliance staff shall spot check and respond to complaints.

With this mitigation measure, noise impacts are considered less than significant.

Cumulative Impacts:

Short-term construction activities associated with the proposed project would incrementally contribute to the ambient noise levels in the vicinity of the Biltmore Hotel and Butterfly Beach. This additional noise would not be considerable given the short-term nature of the project, the timing limitations imposed by the required mitigation measure and the existing ambient noise resulting from ocean waves breaking at the nearby shoreline. Note that no noise complaints were received by the County during the 1993 replacement of the adjacent seawall segment.

4.13 PUBLIC FACILITIES

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

Impact Discussion:

The proposed project would not result in a change in land use at the site. No new facilities or services would be required due to this project.

The proposed project involves the reconstruction of the seawall which protects a portion of Channel Drive from erosion. Major damage to Channel Drive during winter storms may be prevented because of the repair of this wall. Protection of this essential public facility is considered a beneficial impact of the project. No existing public accessways to the beach would be removed. Existing stairways would be improved.

Mitigation and Residual Impact:

Because no new services would be required as a result of the project, impacts on public facilities are considered less than significant.

4.14 RECREATION

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

Impact Discussion:

Impacts on recreation associated with seawalls include short-term, temporary effects related to seawall construction and long-term effects which result in a loss of beach area available for recreation and lateral access. Each of these issue areas are discussed below.

Short-term construction impacts:

Short-term impacts associated with the onsite construction activities would occur over the estimated 12-week construction period. These impacts would include potential exposure of beach users walking past the construction site to safety hazards, temporary loss of lateral access past the site and the loss of parking for beach users due to construction vehicles.

The loss of parking would involve as many as six spaces in the immediate vicinity of the seawall reconstruction site and would be considered potentially significant if it were to occur on weekends or during the peak summer season. During the first six weeks of construction in September and October 1993 with the previous seawall replacement project, adequate parking was available for beach users along Butterfly Beach.

A temporary loss of access could occur during the first few weeks of the project implementation. Such a blockage along the beach would likely last only a few hours during the initial excavation of the foundation trench and operations (e.g., crane use to lift out blocks of concrete) associated with the demolition of the existing seawall. Reconstruction of the existing stairways would also be expected to cause some temporary loss of access during demolition and excavation activities. Beach users would be temporarily directed around the construction sites for safety reasons. The short-term loss of access would rarely occur during the construction period and is not considered to represent a significant impact.

Impacts related to safety hazards are discussed in the Risk of Upset section of this Mitigated negative declaration.

Long-term impacts on beach use:

The key issue area pertaining to seawalls is the long-term effects on recreation, specifically a loss of area available for recreation due to encroachment on the beach and potential loss of lateral access. (The term "encroachment" refers to the installation of a seawall oceanward of the back edge of the existing sandy beach.) Seawalls can cause a long-term loss of lateral access through two mechanisms:

1. Encroachment on the beach at the time of construction which immediately restricts lateral access, or

2. Progressive loss of beach width over time due to ongoing erosion of the coastline (e.g., seacliff retreat and impacts to shoreline sand supply). Segments of the coast which are protected by seawalls tend to become promontories over time that restrict lateral access, due to increased bluff retreat caused by deflected wave energy. Seawalls can also impact beach width as reflected wave energy erodes beach sand.

Because the Biltmore Seawall is proposed to be located in the same position as the existing seawall (in place since at least 1918), no new effect on the existing or future levels of lateral access and the area available for public recreation is anticipated as a result of its replacement. Similarly, the replacement of the existing beach access stairways would not result in any new effect.

As discussed in the geology section of this document, installation of the stairways would cause a minor change in the distribution of wave energy. This change in energy is anticipated, however, to be negligible and not result in a discernible change in the erosion or accumulation of sand on the public beach. This is because the stairway railings (a concrete wall) would parallel the existing seawall and not substantially deflect ocean waves into a new area.

Installation of the stairways would result in a negligible loss of beach area due to the installation of the southern segment of the new stairs. This loss of beach area available for public recreation is not considered a potentially significant impact.

Mitigation and Residual Impact:

9. All construction activities shall be restricted to weekdays between the hours of 7:00 a.m. to 4:00 p.m. unless prior approval by the Planning and Development Department (P&D) is obtained for operations outside of these hours due to tidal conditions or an unforeseen hazardous situation. No construction activities shall occur during the June 15 to September 15 summer season unless prior approval is obtained from P&D staff or the Building and Safety Division due to the necessity to abate a public safety hazard. **Plan Requirements:** Two signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to the commencement of any construction or demolition activities.

   Monitoring: Building Inspectors and Permit Compliance staff shall spot check and respond to complaints.

With this mitigation measure, short-term construction-related impacts on recreation would be less than significant. *(Note: this mitigation measure is also included in Section 4.12, the Noise section of this document.)*

No mitigation for long-term impacts on beach use is required.

Cumulative Impacts:

The seawall replacement project could occur concurrent with the Coral Casino remodeling project. Parking and circulation conflicts along Channel Drive could affect beach users. These conflicts would not be cumulatively considerable based on the short-term nature of the projects and the limitations imposed by the conditions of approval imposed on both projects. (The Coral Casino Project, 03DVP-00000-00002, has been approved by the County decision-makers but is currently under appeal.)

Minor short-term restrictions on the public use of the beach would occur with the proposed project and the beach access stairway repair included in the Coral Casino Project. The public would be directed around the active construction sites. This effect would not be anticipated to be cumulatively considerable because the area involved would be small (less than 5,000 square feet) and the effect temporary.

4.15 TRANSPORTATION/CIRCULATION

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

Impact Discussion:

a,f. The proposed project would involve potentially significant short-term impacts on circulation and safety related to the truck traffic and heavy equipment operations associated with construction. In the 12-week long construction period, approximately 900 truck trips (9,000 cubic yards of soil and concrete x 10 cy/truck = 900 trips) would be required for hauling of excavated soil materials and delivery of concrete and earth backfill. Disruption of peak-hour traffic and parking conflicts along Channel Drive could occur. Safety hazards to pedestrians and motor vehicles are also possible near the construction zone where heavy equipment is being operated and material deliveries occur. These impacts are considered potentially significant.

b. The truck traffic and heavy equipment use associated with the project could result in substantial damage to the pavement on Channel Drive. This impact is considered potentially significant.

c. The loss of parking would involve as many as six spaces in the immediate vicinity of the seawall reconstruction site and would be considered potentially significant if it were to occur on weekends or during the peak summer season. During the first six weeks of construction in September and October 1993 with the previous seawall replacement project, adequate parking was available for beach users along Butterfly Beach. Impacts to parking are considered less than significant.

g,h. Truck traffic and heavy equipment use associated with the project could result in slower traffic through the project area. During the time of demolition and construction, truck traffic and heavy equipment would reduce general road capacity and impact the Congestion Management Plan system. However, due to the short-term nature of these disruptions, impacts to general road capacity and the Congestion Management Plan system are considered less than significant. For discussion of impacts to emergency access, see discussion under Section 4.9, Hazardous Materials/Risk of Upset.

Interference caused by the proposed project with emergency access is also considered a potentially significant impact. Interrupting the flow of traffic along Channel Drive could delay emergency response vehicles during an emergency from the adjacent Biltmore Hotel, Coral Casino and neighboring residences. Impacts to emergency access are considered potentially significant. However, with implementation of mitigation measure No. 4 in Section 4.9, Hazardous Materials/Risk of Upset, which requires the construction observer to coordinate with the Montecito Fire Department, this impact is considered less than significant.

Please see related discussion under Section 4.14, Recreation.

Mitigation and Residual Impact:

To mitigate these impacts, the following measures shall be required:

10. The applicant shall provide a Traffic Control Plan for the vehicles associated with the project. **Plan Requirements:** The applicant shall provide a detailed plan describing the proposed access to the project site from U.S. 101, the construction staging area, flagman traffic control during deliveries, temporary parking restrictions, temporary construction zone and hazard signs, and the non-work hours storage location of construction equipment. The Plan shall specifically include the following measures:

    a. Truck haul routes shall be limited to Channel Drive/Olive Mill Road. Truck traffic shall be prohibited west of Butterfly Lane on Channel Drive, on Hill Road west of the Biltmore property, and on Butterfly Lane.

    b. Construction vehicles, materials and equipment shall be parked or stored during non-work hours (evenings and weekends) in the construction staging area approved by P&D and shall not be parked along Channel Drive in parking areas designated for public use. This condition may be modified if demonstrated to the satisfaction of the Director of P&D that storage onsite for short periods on (i.e., a few days) is necessary to avoid other impacts including the lengthening of the total construction period.

    c. Heavy construction equipment and trucks delivering construction materials shall arrive in the project vicinity between 9:00 a.m. and 4:00 p.m. on weekdays only (Monday through Friday) unless prior approval by the Planning and Development Department (P&D) is obtained for operations outside of these hours due to tidal conditions or an unforeseen hazardous situation.. This condition applies to large truck traffic such as a concrete mixer but not pick-up trucks. Heavy equipment and trucks moving to and from the site from the staging area and pick-up trucks shall be subject to the general hours limitation (7:00 a.m. to 4:00 p.m.) for construction

activities unless prior approval by the Planning and Development Department (P&D) is obtained.

Timing: The Traffic Control Plan shall be reviewed and approved by the Planning and Development Department and the Public Works Department Roads Division prior to the issuance of the CDP for the remainder of the proposed construction.

Monitoring: Permit Compliance shall conduct site inspections and respond to complaints as needed.

11. The applicant shall be responsible for repair of any roadway damage caused by construction vehicle traffic associated with implementation of the proposed project and shall obtain a Road Encroachment Permit from the Roads Division. **Plan Requirements:** The applicant shall photo document the pre-construction condition of Channel Drive. At the completion of the proposed construction activities, the applicant shall document road conditions. If it is determined by P&D and the Public Works Department Roads Division that damage to the road has occurred due to construction vehicles, the applicant shall be responsible for repair of the road to previously documented conditions. The applicant shall coordinate with the County Public Works Department Roads Division to determine appropriate repair procedures. **Timing:** Prior to the issuance of the CDP, the applicant shall provide the photo documentation of existing road conditions on Channel Drive to the Planning and Development Department and obtain a Road Encroachment Permit from the Roads Division. All repair work required shall be completed within two months of the completion of the project.

Monitoring: Public Works Roads Division staff, in coordination with Permit Compliance staff, shall review pre-construction and post-construction photo documentation, augmented by onsite inspections if necessary, to determine if construction activities have resulted in roadway damage.

With these measures, residual impacts on traffic and circulation are considered less than significant.

Cumulative Impacts:

The seawall replacement project could occur concurrent with the Coral Casino remodeling project. Parking and circulation conflicts along Channel Drive due to these projects, however, would not be anticipated to be cumulatively considerable due to their short-term nature and the limitations imposed by the conditions of approval imposed on both projects. The conditions of approval for the Coral Casino project have been deemed adequate to mitigate impacts of that project. (The Coral Casino Project, 03DVP-00000-00002, has been approved by the County decision-makers but is currently under appeal.)

4.16 WATER RESOURCES/FLOODING

Will the proposal result in:	Poten. Signif.	Less than Signif. with Mitigation	Less Than Signif.	No Impact	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?			X		
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?			X		
c. Change in the amount of surface water in any water body?				X	

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

Impact Discussion:

The reconstructed seawall and the access stairways would be located in the same position and be the same height as the existing structures. Thus, surface drainage patterns or percolation rates would not change as a result of these project components. The proposed structures would not involve any long-term demand for water.

The proposed reconstruction of two existing beach access stairways would occur within the existing stairway footprints. A minor change in the distribution of wave energy would occur with the installation of the proposed stairways. This change in energy is anticipated, however, to be negligible and not result in a discernible change in the erosion or accumulation of sand on the public beach. This is because the stairway railings (a concrete wall) would parallel the existing seawall and not substantially deflect ocean waves into a new area. A substantial change in currents, or the course or direction of water movements is, therefore, not anticipated as a result of this project.

Mitigation and Residual Impact:

Impacts of the proposed project on water resources are considered less than significant. No mitigation required.

5.0 INFORMATION SOURCES

5.1 County Departments Consulted

Police, Fire, Public Works, Flood Control, Parks, Environmental Health, Special Districts, Regional Programs, Other : _____

5.2 Comprehensive Plan

____	Seismic Safety/Safety Element	____	Conservation Element
____	Open Space Element	X	Noise Element
X	Coastal Plan and Maps	____	Circulation Element
X	ERME	X	Montecito Community Plan

5.3 Other Sources

X	Field work	____	Ag Preserve maps
X	Calculations	____	Flood Control maps
X	Project plans	X	Other technical references (reports, survey, etc.)
____	Traffic studies		
X	Records	X	Planning files, maps, reports
X	Grading plans	X	Zoning maps
X	Elevation, architectural renderings	X	Soils maps/reports
____	Published geological map/reports	____	Plant maps
X	Topographical maps	____	Archaeological maps and reports
		____	Other

_____
_____
_____

6.0 PROJECT SPECIFIC *(short- and long-term)* AND CUMULATIVE IMPACT SUMMARY

PROJECT SPECIFIC IMPACTS:

Significant and Unavoidable (Class I)

None identified.

Short-Term Potentially significant but subject to feasible mitigation (Class II)

Aesthetics (Mitigation measures 1, 2)
Cultural (Mitigation measure 3)
Risk of Upset (Mitigation measures 4, 5, 6, and 7)
Noise (Mitigation measure 8)
Recreation (Mitigation measure 9)
Transportation/Circulation (Mitigation measures 10 and 11)

CUMULATIVE IMPACTS:

The coastal area in the vicinity of the proposed project is characterized by numerous seawalls extending many hundreds of feet. These seawalls have a substantial cumulative effect on the aesthetic appearance of

this coastal area, the movement of sand along the beach and coastal erosion rates. The proposed project would not contribute substantially to these effects because it involves the reconstruction of an existing seawall, not the installation of a new seawall. Because the proposed seawalls would be reconstructed in the same position, be the same height, and be made of the same materials as the existing walls, no new aesthetic or change in physical processes would occur. Cumulative impacts associated with the proposed project are, therefore, considered less than significant. Please see above sections for discussion of cumulative impacts related to a specific impact area.

7.0 MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion:

The project has the potential to create short-term, construction-related impacts on the use of the beach by members of the public. Potential construction conflicts involve the creation of safety hazards, loss of beach area for recreation, construction noise, and temporary loss of beach parking, and construction traffic. The mitigation measures listed below in summary form comprise the comprehensive construction management plan and have been identified to reduce these impacts to less than significant.

4. A construction safety officer and temporary barriers are required. (Safety hazards)
5. Construction debris must be removed from the beach. (Safety hazards)
6. Construction materials and equipment must be stored offsite. (Safety hazards)
7. Perimeter fence must be in place during non-work hours. (Safety hazards)
8, 9. Construction activities limited to 7:00am to 4:00pm on non-summer weekdays. (Noise and Recreation)
10. A Traffic Control Plan is required. (Transportation/Circulation)
11. Repair of any project-related public roadway damage is required. (Transportation/Circulation)

In addition, the following mitigation measures have been identified to reduce impacts to visual/aesthetics and cultural resources.

1. Project must be compatible with surrounding neighborhood (Aesthetics/Visual Resources)
2. Montecito Board of Architectural Review approval required. (Aesthetics/Visual Resources)
3. Stop work if cultural resources are encountered. (Cultural Resources)

8.0 PROJECT ALTERNATIVES

Analysis of alternatives is not required as no significant and unavoidable impacts have been identified.

9.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

The applicant requests a Conditional Use Permit to authorize the reconstruction of a 200-foot section, a 237-foot section, and a 197-foot section of the Biltmore seawall and the replacement of two existing beach access stairways. Local Coastal Plan sections applicable to the proposed project include Policies 3-1, 3-2, 3-7, 7-1, 7-3, 10-1 and 10-2. Coastal Act policies applicable to the project include policies 30210, 30211, 30214, 30244, 30235, 30244 and 30253. These policies are listed below. Policies 3-1 and 3-2 address the construction of seawalls and require that they shall not be permitted unless there are no other less environmentally-damaging alternatives reasonably available and the seawall is designed to mitigate adverse impacts on lateral access and shoreline sand supply. Policy 3-7 generally prohibits development on the bluff face with some exceptions. The remaining policies deal with lateral access and geologic stability along the coastal bluff. Preliminary analysis suggests that this project could be found consistent with these policies with suggested mitigation measures in place based on the following factors:

a) The project would replace an existing seawall which has been located on the project site for at least 75 years and would not expand the footprint of the wall.

b) The seawall is necessary to protect Channel Drive and associated improvements including the Coral Casino and Biltmore Hotel.

c) There would be no impacts to shoreline sand supply as a result of the proposed project.

d) There would be no long term impacts to public access (access would be restored and enhanced).

e) There would be no impact to visual/aesthetic resources.

f) The reconstructed seawall and stairway would not change the existing setting with regard to lateral access and other environmental issues.

Coastal Act Policy 30210:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Policy 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Policy 30214:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.
(2) The capacity of the site to sustain use and at what level of intensity.
(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Coastal Act Policy 30235:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish-kills should be phased out or upgraded where feasible.

Coastal Act Policy 30244:

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

Coastal Act Policy 30253:

New development shall:

1. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the

construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

3. Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

4. Minimize energy consumption and vehicle miles traveled.

5. Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Coastal Plan Policy 3-1:

Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.

Coastal Plan Policy 3-2:

Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

Coastal Plan Policy 3-7:

No development shall be permitted on the bluff face, except for engineered staircases or accessways to provide beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face.

Coastal Plan Policy 7-1:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.

Coastal Plan Policy 10-1:

All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.

Coastal Plan Policy 10-2:

When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

10.0 RECOMMENDATION BY P&D STAFF

On the basis of the initial study, the staff of Planning and Development:

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

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

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

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

Potentially significant unavoidable adverse impact areas:

_____ With Public Hearing ___X___ Without Public Hearing

PREVIOUS DOCUMENT: ___NONE___

PROJECT EVALUATOR: **Errin Briggs** **DATE:** May 23, 2006

11.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

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

SIGNATURE:_____ **INITIAL STUDY DATE**: _____

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

SIGNATURE:_____ **REVISION DATE:** _____

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

12.0 ATTACHMENTS

1. Site Plan