Los Patos Underpass Removal Project

Draft Environmental Impact Report

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prepared by

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Executive Summary

This document is an Environmental Impact Report (EIR) analyzing the environmental effects of the proposed removal and reconstruction of the Union Pacific Railroad's (UPRR) Los Patos Underpass, construction of a temporary rail bypass (a shoofly), and reconstruction of Los Patos Way (proposed Project) following the removal of the Los Patos Way off-ramp (Exit 95) on southbound U.S. Highway 101 (U.S. 101). This section summarizes the proposed Project's characteristics, environmental impacts, and mitigation measures, and alternatives to the proposed Project.

Project Synopsis

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Project Description

This EIR has been prepared to examine the potential environmental effects of the proposed Los Patos Underpass Removal Project (proposed Project). The following is a summary of the full Project history, which can be found in Chapter 1, *Introduction*, and a summary of the full Project description, which can be found in Chapter 3, *Project Description*.

Project Overview

Project Location

The proposed Project site is located in the city of Santa Barbara along Los Patos Way, off Exit 95 on southbound U.S. 101, including UPRR's Los Patos Underpass. It spans UPRR mile-post 372.5 and California Department of Transportation (Caltrans) mile-post 11.65, with right-of-way owned by Caltrans, UPRR, and the City of Santa Barbara (City).

Project Background

The Los Patos Rail Bridge, owned by UPRR, supports railroad tracks over Los Patos Way. Due to its age and safety concerns, UPRR plans to remove the bridge after the Los Patos Way off-ramp closes. This removal would facilitate other transportation projects, including the Cabrillo Boulevard Pedestrian and Bicycle Improvements, Los Patos/Cabrillo Roundabout and UPRR Bridge Replacement Project (Cabrillo/UPRR Bridge Project), and the U.S. 101 High Occupancy Vehicle and Widening Project's 4E North Segment Project (U.S. 101 HOV Project). The existing low-clearance

underpass has caused numerous shutdowns due to truck collisions and poses a safety risk. The proposed Project would involve replacing the bridge with fill, removal of the Los Patos Way off-ramp, and construction of new railroad tracks.

Project Characteristics

Bridge Demolition and Off-Ramp Closure

The proposed Project would involve demolition and removal of the Los Patos Rail Bridge, including its abutments, center pier, girders, and decking. The U.S. 101 off-ramp at Los Patos Way would be vacated and removed after the U.S. 101 HOV Project is completed. The bridge would be replaced with solid fill material, and Los Patos Way south of the railroad tracks would be configured as a cul-de-sac. Demolition would require excavation of approximately 5,000 cubic yards of soil, and demolition and site preparation for the off-ramp and shoofly would require approximately 72,000 square feet of clearing and grubbing activities.

Shoofly

During bridge removal and construction, rail service would continue via a temporary bypass track (shoofly) built on UPRR right-of-way, crossing Los Patos Way and Cabrillo Boulevard. The shoofly would be supported by 8,000 cubic yards of fill and would include a bridge over Cabrillo Boulevard. The proposed Project would be executed in four phases, involving construction, shifting tracks, and removal of the existing bridge and underpass. The proposed Project would necessitate the removal of up to approximately 100 trees, with replacement planting planned, but with exact numbers and locations of replacement trees not known at this time. To facilitate implementation of both the Los Patos Underpass Removal Project and the Cabrillo/UPRR Bridge Project per UPRR requirements, the City proposed that the proposed Project would include a shoofly that bypasses both the Los Patos Rail Bridge and the Cabrillo Boulevard Rail Bridge. Accordingly, the shoofly is required for both proposed Projects, and the Los Patos Underpass Removal Project (if approved) and the Cabrillo/UPRR Bridge Project would be constructed sequentially (first, the Cabrillo/UPRR Bridge Project and then the proposed Project once the Los Patos Way underpass is closed by Caltrans).

Construction

Once the Los Patos Rail Bridge has been removed, a new portion of railroad track would be constructed. Approximately 2,750 cubic yards of fill would be imported to the proposed Project site to construct the new tracks at the same elevation as the existing tracks. The new tracks would require approximately 300 track-feet of track removal, approximately 1,200 track-feet of shifted track, approximately 2,000 track-feet of new track on wood ties, approximately 650 cubic yards of subballast materials, and approximately 2,400 square feet of retaining walls. South of the tracks, Los Patos Way would be reconfigured to be a cul-de-sac terminating at the UPRR right-of-way with a curb and gate for maintenance vehicle access. (See Figure 3-2 and Figure 3-3 in Chapter 3, *Project Description,* for visual simulations of the Project.)

Grading and earthwork for the proposed Project is anticipated to last three weeks and the reconstruction of the rail components would be completed in two days (over one weekend). Other than for reconstruction of the rail components, weekend construction is not anticipated. Construction activities would occur 7:00 a.m. to 5:00 p.m., Monday through Friday.

Operation

The closure of the Los Patos Way off-ramp would occur ahead of the proposed Project as part of the approved U.S. 101 HOV Project. Therefore, traffic would no longer exit U.S. 101 at Los Patos Way, which would end with a cul-de-sac and would experience a substantially reduced number of vehicle trips (no off-ramp trips). The UPRR would continue to operate as usual. Los Patos Way south of the railroad tracks would terminate at the new cul-de-sac.

Project Objectives

- Safely reconfigure Los Patos Way upon closure of the off-ramp
- Remove the Los Patos Rail Bridge to increase safety for rail service and eliminate ongoing maintenance and liability
- Reduce substantial effects to the Los Patos Rail Bridge's historic elements as much as feasible and reasonable

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed Project. The following three alternatives were evaluated:

- Alternative 1: No Project
- Alternative 2: Preservation in Place
- Alternative 3: Relocation

Alternative 1 (No Project) assumes that the Los Patos Rail Bridge would not be demolished or removed, and the current UPRR railroad tracks and bridge would remain in service. The Los Patos Way exit from U.S. 101 would be closed and the off-ramp removed, leaving an unused segment of Los Patos Way under the bridge. Under the No Project Alternative, the shoofly would not be constructed; as described in Chapter 3, *Project Description,* and Chapter 6, *Alternatives,* the Cabrillo/UPRR Bridge Project requires construction of the shoofly to be implemented. Without construction of the shoofly under this alternative, replacement of the Cabrillo Boulevard Rail Bridge would not be possible, so this component of the Cabrillo/UPRR Bridge Project would not occur under the No Project Alternative. This alternative would not meet Project objectives to safely reconfigure Los Patos Way upon closure of the Los Patos Way off-ramp and to remove the Los Patos Rail bridge to increase safety and eliminate maintenance and liability. This alternative would meet the Project objective to reduce substantial effects to the bridge's historic elements, as the bridge would remain in place under the No Project Alternative. Alternative 1 would avoid significant and unavoidable impacts related to adversely affecting the historic elements of the Los Patos Rail Bridge and related to tree removal associated with construction of the shoofly. Alternative 1 was determined to be the environmentally superior alternative.

Alternative 2 (Preservation in Place) would entail the Los Patos Rail Bridge in its current location and efforts to preserve the structure, including the sandstone abutments, pier, and steel girders. Although the methods of preservation and the structural feasibility of this approach are currently unknown, this alternative assumes the bridge's physical features would be able to be preserved in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. It is assumed that preservation of the Los Patos Rail Bridge could occur without closing the bridge to train service, and construction of a shoofly solely for the Cabrillo Boulevard Rail Bridge

could be constructed without affecting the Los Patos Rail Bridge. This alternative would meet Project objectives to safely reconfigure Los Patos Way and objectives to reduce substantial effects to the Los Patos Rail Bridge's historic elements as the bridge would be preserved in place. Since this alternative would not involve removal of the bridge, it would not meet objectives to eliminate ongoing maintenance and liability associated with the bridge. When excluding the No Project Alternative, Alternative 2 would be the environmentally superior alternative, as it would have similar impacts to aesthetics, biological resources, and hazards and hazardous materials, as well as reduced impacts related to the bridge's historic elements and consistency with land use and planning policies and regulations.

Alternative 3 (Relocation) would involve relocation of the Los Patos Rail Bridge, including the steel girders and sandstone abutments and pier, to a yet-to-be determined receiver site. It is presumed the bridge could not be relocated to another crossing within the existing rail line, as it would not be permitted by UPRR due to logistical and safety concerns. A site would therefore need to be selected that could include a pedestrian crossing or a distinct location within a park. It is presumed a technical study would be prepared that would confirm relocation is feasible, and the bridge and its components would be transported whole, or dissembled and reassembled on-site. Once relocated, the bridge would be rehabilitated, and interpretive signage would be installed to present historic information about the bridge. Similar to the proposed Project, this alternative would involve replacing the bridge with fill and new railroad track and would involve construction of a shoofly to allow continued rail service during construction. This alternative would meet all proposed Project objectives as Los Patos Way would be reconfigured; the bridge would be removed, eliminating associated maintenance and liability; and this alternative would reduce substantial effects to the Los Patos Rail Bridge's historic elements. While Alternative 3 would result in greater impacts to aesthetics, biological resources, and hazards and hazardous materials compared to the proposed Project, this alternative would result in similar impacts to land use and planning and reduced impacts related to cultural resources. Impacts to the Los Patos Rail Bridge's historic elements would be reduced, as this alternative would involve relocating the bridge rather than demolishing it. However, significant and unavoidable impacts cannot be completely avoided, as the bridge serves a specific function as a rail bridge, and relocating it to another site with a different function or no function would impact its historical integrity under CEQA.

Based on the alternatives analysis, Alternative 1 was determined to be the environmentally superior alternative, as it would avoid significant and unavoidable impacts related to adversely affecting the historic elements of the Los Patos Rail Bridge and tree removal associated with construction of the shoofly. Pursuant to CEQA, if the No Project Alternative is identified as the environmentally superior alternative, another alternative needs to be identified as the environmentally superior alternative. Alternative 2 would be the environmentally superior alternative, as it would have similar impacts to aesthetics, biological resources, and hazards and hazardous materials, as well as reduced impacts related to the bridge's historic elements and consistency with land use and planning policies and regulations. (Refer to Chapter 6, *Alternatives*, for the complete alternatives analysis.)

Areas of Known Controversy

The EIR scoping process did not identify any areas of known controversy for the proposed Project. Responses to the Notice of Preparation of a Draft EIR and input received at the EIR scoping meeting held by the City are included in Appendix A and are summarized in Chapter 1, *Introduction*.

Issues to be Resolved

The proposed Project would require a Coastal Development Permit (CDP2020-00025) to allow the proposed development in the Non-appealable Jurisdiction of the City's Coastal Zone (Santa Barbara Municipal Code Section 28.44.060) and Project design and final approvals by the Architectural Review Board (Santa Barbara Municipal Code Chapter 22.68).

Issues Not Studied in Detail in the EIR

Table 1-2 in Chapter 1, *Introduction,* summarizes topics from Appendix G of the *CEQA Guidelines* that were evaluated in the Initial Study prepared for the proposed Project (Appendix A). As determined in the Initial Study, impacts associated with the following environmental issues would be less than significant or less than significant with mitigation:

- Aesthetics and Visual Resources
- Agriculture and Forestry Resources
- Air Quality and Greenhouse Gas Emissions
- Tribal Cultural Resources
- Energy
- Geology and Soils
- Mineral Resources
- Noise
- Population and Housing
- Public Services and Utilities
- Recreation
- Transportation and Circulation
- Water Quality and Hydrology
- Wildfire

Summary of Impacts and Mitigation Measures

Table ES-1 summarizes the environmental impacts of the proposed Project, proposed mitigation measures, and residual impacts (the impact after application of mitigation, if required). Impacts are categorized as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the proposed Project is approved per Section 15093 of the *CEQA Guidelines*.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under Section 15091 of the *CEQA Guidelines*.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed Project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact	Mitigation Measure(s)	Residual Impact
Aesthetics		
Impact AES-1. The new fill and replacement track in place of the Los Patos Rail Bridge would be largely obscured from view by vegetation and would not obstruct scenic views in the vicinity of the proposed Project site. Tree removal would not substantially affect scenic views along Union Pacific Railroad (UPRR) right-of-way and U.S. 101; however, Project tree removal would affect public scenic views from the Andree Clark Bird Refuge and East Cabrillo Boulevard as well as views from higher elevation viewpoints. The proposed Project would involve tree replacement; however, the number and location of tree replacement trees are not known. Therefore, this impact would be significant and unavoidable.	Because the location, type, and timeline for planting replacement trees are not known at this time, no mitigation is feasible.	Significant and Unavoidable
Impact AES-2. There are no state-designated scenic highways in the vicinity of the proposed Project. No impacts to scenic resources within a State Scenic Highway would occur.	None required.	No Impact
Impact AES-3. The removal of the Los Patos Rail Bridge and Project work at the terminus of Los Patos Way would be visually consistent with the existing visual character. However, Project tree removal would result in a reduction in character-defining vegetation associated with views from the highway, the Andree Clark Bird Refuge, and East Cabrillo Boulevard as well as from elevated viewpoints. The Project would involve tree replacement; However, the number and location of replacement trees are not known. Thus, Project impacts to public views and visual character would be significant and unavoidable.	Because the location, type, and timeline for planting replacement trees is not known at this time, no mitigation is feasible.	Significant and Unavoidable
Biological Resources		
Impact BIO-1. The proposed Project would potentially conflict with local policies and ordinances protecting biological resources as a result of impacts on special-status species, nesting birds, environmentally sensitive habitat, waterways and wetlands, and coastal resources. With implementation of Mitigation Measures BIO-1 through BIO-4, potential impacts to these biological resources would be less than significant. However, the proposed Project would also conflict with policies and ordinances protecting trees and impacts would be significant and unavoidable even with implementation of Mitigation Measure BIO-5.	**BIO-1 Worker's Environmental Awareness Training** Prior to initiation of construction activities (including staging and mobilization), a qualified biologist will conduct a Worker's Environmental Awareness Program (WEAP) training for all construction personnel. The training will aid workers in recognizing special-status species, native birds, protected trees, ESHA, or other biological resources that may occur in the construction area. The specifics of this program should include identification and habitats of special-status species with potential to occur in the study area, description of the regulatory status and general ecological characteristics of sensitive resources, review of the limits of construction, and an explanation of measures required to protect biological	Significant and Unavoidable

Impact	Mitigation Measure(s)	Residual Impact
	resources. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees will sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The crew foreman will be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to biological resources. If new construction personnel are added to the Project, the crew foreman will ensure the new personnel receive the WEAP training before starting work. **BIO-2 Nesting Bird Surveys** To avoid disturbance of nesting and special-status birds, including raptor species protected by the Migratory Bird Treaty Act and California Fish and Game Code, construction activities shall occur outside the bird breeding season (February 1 through August 30), if feasible. If construction must begin during the breeding season, then a nesting bird survey shall be conducted no more than 14 days prior to initiation of ground-disturbance and/or vegetation-removal activities. The nesting bird survey shall be conducted on foot inside the Project boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in Southern California coastal communities. If active nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be established by the biologist. If a raptor nest is observed in a tree proposed for removal, the Applicant must consult with California Department of Fish and Wildlife (CDFW) and obtain authorization prior to removal of the nest. The buffer area(s) should be closed to all construction personnel and equipment until a qualified biologist has confirmed that breeding/ nesting is completed and the young have fledged the nest. If the buffer zones are determined to be infeasible, a full-time qualified biological monitor must be on site to monitor construction within the buffer zones to help ensure that active nests and nesting birds are not impacted. **BIO-3 Best Management Practices** The following measures shall be adhered to throughout construction. a. The contractor shall clearly delineate construction limits and prohibit any construction-related traffic outside these boundaries. b. Projected related vehicles and construction equipment shall restrict off-road travel outside of the designated construction area.	

Impact	Mitigation Measure(s)	Residual Impact
	c. All open trenches shall be fenced or sloped to prevent entrapment of wildlife species. d. No pets or firearms shall be allowed at the Project area during construction activities. e. During Project activities, all trash shall be properly contained and removed from the work/disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas. f. Pallets or secondary containment areas for chemicals, drums, or bagged materials shall be provided. If material spills occur, materials and/or contaminants shall be cleaned immediately. g. All vehicles and equipment shall be properly maintained and free of leaks of oil, fuel, or residues. h. Construction shall be restricted to daylight hours (7:00 a.m. to 5:00 p.m.) to avoid impacts to nocturnal and crepuscular (dawn and dusk activity period) species. If night-time construction is unavoidable, all lighting will be shielded and directed downward to minimize potential for glare or spillover to reduce impacts on wildlife. **BIO-4 Pre-construction Wildlife Surveys** No more than three days prior to the initiation of ground disturbance and vegetation removal, a qualified wildlife biologist shall conduct pre-construction surveys in the southern portion of the proposed Project site south of Los Patos Way near the quailbush scrub habitat, including a 50-foot buffer around the Project site (inaccessible areas will be surveyed with binoculars as practicable). The biologist will document existing conditions and search for special-status species. Should a special-status species be located on the Project site during pre-activity surveys all individuals shall be documented and locations of presence recorded. If a non-listed special-status species is found, the qualified biologist shall contact CDFW, and the species shall be passively ushered out of harm's way to an area containing suitable habitat that is unaffected by the Project. If the Project requires special-status species to be removed, disturbed, or otherwise handled, the qualified biologist shall obtain all appropriate handling permits from regulatory agencies (e.g., CDFW, United States Fish and Wildlife Service) and prepare a species-specific relocation plan for review and approval by the appropriate regulatory agencies. The relocation plan shall be implemented prior to Project construction activities that may affect the species. All observations of special-status species shall be recorded on California Natural Diversity Database field sheets and sent to CDFW by the City or qualified biologist.	

Impact	Mitigation Measure(s)	Residual Impact
	If Crotch's bumble bee remains a candidate for listing under the California Endangered Species Act (CESA) or has been listed as threatened or endangered under CESA at the time Project construction commences, the following avoidance, minimization, and compensation measures for Crotch's bumble bee shall be implemented. Focused Crotch's bumble bee surveys for foraging bees and nests shall be conducted in the active season prior to construction (during the Colony Active Period [April 1 through August 31]) within suitable habitat per the Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). At least three surveys spaced two to four weeks apart will be conducted by a qualified biologist with a Memorandum of Understanding from CDFW and familiar with the species' behavior and life history of the species to determine presence/absence of this species and active colonies within the Project site. If this species is detected foraging or nesting within or immediately adjacent to the Project site and may be impacted by Project implementation, the following measures shall be implemented: ▪ A qualified biologist shall identify the location of all nests in or adjacent to the Project area to the extent feasible. Adjacent areas containing suitable habitat that are inaccessible shall be surveyed from the nearest vantage point from within the Project site or public property. If a nest is identified, a minimum 50-foot no disturbance buffer zone shall be established around the nest to avoid disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. ▪ A Crotch's bumble bee avoidance plan shall be developed prior to the start of construction to fully avoid direct and indirect impacts to this species. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the Project proponent shall obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b). ▪ If avoidance is not possible and an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumblebee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. A Crotch's bumble bee habitat restoration plan shall be prepared and implemented over a minimum three-year period. The habitat restoration plan shall include, but not limited to, the location of restoration,	

Impact	Mitigation Measure(s)	Residual Impact
	performance standards and success criteria, responsible parties, monitoring and reporting requirements (and schedule), and adaptive management. **BIO-5 Tree Protection Plan** Prior to the start of construction activities (such as, but not limited to, pruning, trimming, compaction, or grading) that have the potential to impact protected trees (as determined by a certified arborist) and prior to obtaining a tree permit from the City, a Tree Protection Plan (TPP) shall be prepared by a certified arborist in accordance with the City's Street Tree Ordinance and Tree Preservation Ordinance. The TPP will include data on each protected tree such as, but not limited to, species, diameter at breast height, height, dripline, and overall health. The TPP shall at a minimum graphically depict the locations of all protected trees with at least a portion of their driplines within the proposed Project boundary, proposed Project boundary and tree protection zone, and measures to protect trees during construction, including, but not limited to, protective fencing, monitoring during construction, activities allowed/prohibited within tree protection zones, proper root and canopy pruning techniques, and replacement standards if impacts exceed 20 percent of a tree's dripline. **Standard Conditions of Approval Applicable to the Project** 1. **Nesting Birds**. Birds and their eggs nesting on or near the Project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nets(s). 2. **Tree Removal and Replacement**. All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees. 3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures: a. Tree Protection. All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the TPP, if required, and/or any related Conditions of Approval.	

Impact	Mitigation Measure(s)	Residual Impact
	b. Landscaping under Trees. Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the ABR. c. Oak Trees. The following additional provisions shall apply to existing oak trees on-site: i. No irrigation system shall be installed within three feet of the dripline of any oak tree. ii. Oak trees greater than 4 inches in diameter at 4 feet above grade removed as a result of the Project shall be replaced at a ten to one (10:1) ratio, at a minimum 5-gallon size, from South Coastal Santa Barbara County Stock. iii. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree. iv. No storage of heavy equipment or materials, or parking shall take place within 5 feet of the dripline of any oak tree. d. During Construction i. All trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection. ii. A qualified arborist shall be present during any excavation beneath the dripline(s) of the tree(s) which are required to be protected. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools. iii. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. iv. Any root pruning and trimming shall be done under the direction of a qualified arborist. v. No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within 5 feet of the dripline of any oak tree. vi. Oak seedlings and saplings less than 4 inches at 4 feet above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of 1-gallon size derived from South Coastal Santa Barbara County stock.	

Impact	Mitigation Measure(s)	Residual Impact
Impact BIO-2. The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none are applicable to the proposed Project site. No impact would occur.	None required.	No Impact
Cultural Resources		
Impact CUL-1. The Los Patos Rail Bridge qualifies as a historical resource. The proposed Project would involve demolition of the bridge, which constitutes a substantial adverse change in the significance of a historical resource. Because preservation in place of the bridge is not feasible, impacts would be significant and unavoidable.	**CR-1: Historic American Engineering Record Documentation** Impacts resulting from the demolition of the subject structure shall be minimized through archival documentation of the structure in as-built and as-found condition. The City shall ensure that documentation of the structure is completed prior to its demolition in the form of Historic American Engineering Record documentation. This shall include a historical report consistent with the requirements outlined in the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: Historic American Engineering Record Guidelines for Historical Reports. The written narrative shall include a historical context covering the history of sandstone construction and the development of the railroad in Santa Barbara, a physical description of the underpass, and available information on the underpass' design and history. The documentation shall include large-format, black-and-white photographs, including elevations and significant details such as the sandstone block post and abutments and steel-riveted girders. Information in the existing historic structure/site report may be used and supplemented by additional historic research using primary and secondary source information, as needed. UPRR will be consulted for any available information, drawings or images. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards for History and/or Architectural History. The documentation package shall be submitted to the Library of Congress in accordance with National Park Service and Library of Congress guidelines. An archival-quality copy of the documentation shall be submitted to each of the following: the City of Santa Barbara Planning Department/Urban Historian, Santa Barbara Historical Museum Gledhill Library, and Santa Barbara Public Library main branch, where it will be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the City of Santa Barbara. **CR-2: Development of Interpretive Display** A plan for, and implementation of, an interpretive display, or other suitable interpretive approaches conducted by a Secretary of the Interior-qualified	Significant and Unavoidable

Impact	Mitigation Measure(s)	Residual Impact
	historic preservation professional in coordination with a graphic designer and approved by the City of Santa Barbara, shall be developed focusing on the significant historic themes associated with the Los Patos Rail Bridge, particularly its design and construction, and the history of the railroad and sandstone construction in the city of Santa Barbara. The interpretive display shall be installed at an appropriate site, such as the City-owned Andree Clark Bird Refuge, which is the open space park adjacent to the UPRR alignment. The interpretive plan shall be completed and approved by the City prior to demolition of the underpass, and the display shall be installed on-site within one year of the completion of the proposed Project. The interpretive display shall remain in public view for a minimum of 10 years, and if removed, shall be appropriately archived, as determined by the City's Urban Historian or other Planning Division Staff. **CR-3: Salvaging of Materials for Reuse** The Los Patos Rail Bridge's ashlar, square-cut sandstone, a significant material and character-defining feature of the structure, shall be salvaged to the extent feasible for re-use, such as in the interpretive display, as facing on abutments or center pier for a different undercrossing in a more prominent location, or another appropriate use such as a work of public art. The removal work shall be completed by a professional with experience removing historic stone to ensure that the sandstone can be reused.	
Hazards and Hazardous Materials		
Impact HAZ-1. Demolition activities and construction of the proposed Project would have the potential to result in upset or accident conditions involving the release of hazardous materials. Implementation of mitigation measure HAZ-1 would reduce the potential for reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant with mitigation.	**HAZ-1 Soil Management Plan** Prior to commencement of ground-disturbing activities at the proposed Project site, the City's Public Works Director or their designee shall retain a qualified environmental consultant (i.e., professional geologist [PG] or professional engineer [PE]) to prepare a Soil Management Plan (SMP) for the Project. The SMP shall address: 1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, soil with solvent or chemical odors) if such soils or impacted wastes are encountered 2. Specific actions to reduce hazards to construction workers and off-site receptors during the construction The SMP must establish engineering controls and soil management practices to ensure construction worker safety, ensure the health of future workers and visitors, and prevent the off-site migration of contaminants from the proposed Project site. These measures and practices may include, but are not limited to:	Less than Significant with Mitigation

Impact	Mitigation Measure(s)	Residual Impact
	▪ Stockpile management, including stormwater pollution prevention and the installation of best management practices ▪ Proper transportation and disposal procedures for contaminated materials in accordance with applicable regulations, including CCR Title 22 ▪ Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities ▪ A health and safety plan for contractors working at the proposed Project site that addresses the safety and health hazards of each phase of proposed Project construction activities with the requirements and procedures for employee protection and outlines proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction ▪ Monitoring and reporting The City's Public Works Director or their designee shall review the SMP prior to construction (grading/excavation) activities at the Project site and prior to issuing grading permits. The City's Public Works Director or their designee shall implement the SMP during grading and construction at the Project.	
Impact HAZ-2. The proposed Project site is listed on the State Water Resources Control Board Geotracker database as a cleanup program site for the presence of lead in soil. Demolition and construction activities could result in a significant hazard to the public or the environment. Implementation of Mitigation Measure HAZ-1 would reduce potential impacts to less than significant.	HAZ-1 Soil Management Plan	Less than Significant with Mitigation
Land Use and Planning		
Impact LUP-1. The proposed Project would conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be significant and unavoidable.	BIO-1 Worker's Environmental Awareness Training BIO-2 Nesting Bird Surveys BIO-3 Best Management Practices BIO-4 Pre-construction Wildlife Surveys BIO-5 Tree Protection Plan CR-1: Historic American Engineering Record Documentation CR-2: Development of Interpretive Display CR-3: Salvaging of Materials for Reuse	Significant and Unavoidable

1 Introduction

This document is an Environmental Impact Report (EIR) for the City's proposed Los Patos Underpass Project (herein referred to as "Project" or "proposed Project"), which consists of the removal of a Union Pacific Railroad (UPRR) Bridge, installation of new fill, and the placement of new tracks on that fill. The Project would also include the construction of temporary railroad tracks (commonly referred to as shoofly tracks) in the City of Santa Barbara (City) to maintain train travel while work on the main track takes place. While the proposed Project is a distinct City project, it is closely related to two separate approved projects in the area: the Los Patos/Cabrillo Roundabout and Union Pacific Railroad (UPRR) Bridge Replacement Project (Cabrillo/UPRR Bridge Project) along with the California Department of Transportation's (Caltrans') U.S. 101 High Occupancy Vehicle and Widening Project's 4E North Segment Project (U.S. 101 HOV Project). This EIR evaluates the Project's potential impacts to aesthetics and visual resources, biological resources, cultural and tribal cultural resources, hazards and hazardous materials, and land use and planning.

The U.S. 101 HOV Project involves the addition of one HOV lane in each direction on U.S. 101 on a 10.9-mile segment of the highway between the City of Carpinteria and the City of Santa Barbara, including the portion adjacent to the Project site. The addition of the HOV lane to the southbound lanes of U.S. 101 adjacent to the Project site requires closure of the Los Patos Way exit (Exit 95). The Cabrillo/UPRR Bridge Project is a mitigation measure for the U.S. 101 HOV Project's impact on local roads and must be completed before the U.S. 101 HOV Project can be completed. The Cabrillo/UPRR Bridge Project would improve pedestrian and bicycle access to the East Cabrillo corridor and improve vehicular circulation between Los Patos Way and the U.S. 101 interchange at East Cabrillo Boulevard east of the Project site.

Once the U.S. 101 HOV Project is complete and the Los Patos off-ramp is closed, the proposed Project would remove the underpass and the Los Patos Rail Bridge (Bridge No. 51-0235), fill in the underpass with compacted soil, and reinstall the UPRR track on top of the fill. Landscaping would be planted on the site of the former off-ramp. The terminus of Los Patos Way at the former underpass would become a cul-de-sac. A gate would be installed at the end of the cul-de-sac for maintenance access.

The proposed Project would involve removal of the Los Patos UPRR Bridge, and the City's separate and approved Cabrillo/UPRR Bridge Project involves removal of the Cabrillo Boulevard Rail Bridge approximately 1,200 feet east of the Project site. To allow for continued train travel during construction of both projects, the proposed Project involves construction of a temporary shoofly (rail bypass) between the Los Patos Rail Bridge and the Cabrillo Boulevard Rail Bridge. The shoofly component of the proposed Project is required for construction of the Cabrillo/UPRR Bridge Project. Refer to Section 3.3.1, *Project Background*, in Chapter 3, *Project Description* for additional detail.

State funding is still pending for the Cabrillo/UPRR Bridge Project and the U.S. 101 HOV Project. If State funding is awarded, construction of the proposed Project is anticipated to begin in 2027 and be completed in 2029.

This section discusses (1) the EIR background; (2) the legal basis for preparing an EIR; (3) the scope and content of the EIR; (4) issue areas found not to be significant by the Initial Study; (5) the lead, responsible, and trustee agencies; and (6) the environmental review process required under the California Environmental Quality Act (CEQA). The proposed Project is described in detail in Chapter 3, *Project Description*.

1.1 Environmental Impact Report Background

The City distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on October 11, 2024, and ending on November 11, 2024. Distributed with the NOP was an Initial Study that identified issues found to have no impact, less than significant impact, or less than significant with mitigation and therefore not needing to be further addressed in an EIR. The Initial Study also identified potentially significant impacts to be assessed in this EIR. In addition, the City held an EIR Scoping Meeting on October 24, 2024. The meeting, held from 3:00 PM to 6:00 PM, was aimed at providing information about the proposed Project to members of public agencies, interested stakeholders and residents/community members. The meeting was held at the Palm Park Beach House at 236 East Cabrillo Boulevard. The City received various verbal comments during the EIR Scoping Meeting and letters from two agencies in response to the NOP during the public review period. The NOP is presented in Appendix A of this EIR, along with the Initial Study that was prepared for the Project and the NOP responses received. Table 1-1 on the following page summarizes the content of the letters and verbal comments and where the issues raised are addressed in this EIR. The comments received on the NOP did not identify additional impacts that need to be assessed in the EIR.

1.2 Purpose and Legal Authority

The proposed Project requires the discretionary approval of the City of Santa Barbara's Planning Commission; therefore, the Project is subject to the environmental review requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines* (California Code of Regulations, Title 14), the purpose of this EIR is to serve as an informational document that:

> "...will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project."

This EIR has been prepared as a project EIR pursuant to Section 15161 of the *CEQA Guidelines*. As a specific development project, a project EIR is appropriate for the proposed Project. As stated in the *CEQA Guidelines*:

> "This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation."

This EIR is to serve as an informational document for the public, City decision makers, and responsible and trustee agencies. The process will include public hearings before the Planning Commission to consider certification of a Final EIR and approval of the proposed Project.

Table 1-1 NOP Comments and EIR Response

Commenter	Comment/Request	How and Where It Was Addressed
Agency Comments		
California Department of Fish and Wildlife (CDFW)	The commenter explained the role of CDFW and recommends conducting surveys to identify several special-status species or their habitat in the Project site. The commenter requested the City provide a basis of design report and a hydrological study, and requested the opportunity to review the Tree Protection Plan prior to the issuance of a tree permit. The commenter stated that environmental data generated during surveys must be submitted to the California Natural Diversity Database, and that the proposed Project is subject to CDFW filing fees.	Comments are addressed in Section 4.2, *Biological Resources.*
Native American Heritage Commission (NAHC)	The commenter explained that tribal consultation pursuant to Assembly Bill 52 would be required for any project for which an NOP is filed and detailed the requirements of AB 52 tribal consultation.	As detailed in the Initial Study in Appendix A, AB 52 tribal consultation occurred in early 2021 and no tribal resources were identified. Tribal cultural resources were found to be less than significant, and therefore, tribal cultural resources will not be discussed further in this EIR.
Individual Comments		
Andrew Castillo	The commenter expressed interest potential impacts to biological resources.	Potential impacts to biological resources will be described in Section 4.2, *Biological Resources*.
Art (last name unknown)	The commenter expressed interest in opportunities for artists in the community.	This comment does not pertain to the CEQA analysis.

1.3 Scope and Content

This EIR addresses impacts identified by the Initial Study to be potentially significant. The following environmental issue areas were found to include potentially significant impacts and have been evaluated in detail in this EIR:

- Aesthetics and Visual Resources
- Biological Resources
- Cultural and Tribal Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning

In preparing the EIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and other background documents. A full reference list is contained in Chapter 7, *References and Preparers*.

The alternatives section of the EIR (Chapter 6) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the Project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the “environmentally superior”

alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative and two alternative development scenarios for the Project area.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA. Section 15151 of the *CEQA Guidelines* provides the standard of adequacy on which this document is based. The *Guidelines* state:

> "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed Project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."

1.4 Issues Not Studied in Detail in the EIR

Table 1-2 summarizes issues from the environmental checklist that were addressed in the Initial Study (Appendix A). As indicated in the Initial Study, impacts associated with these issue areas would be less than significant or less than significant with mitigation.

1.5 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City is the lead agency for the Project because it holds principal responsibility for approving the Project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the Project. Responsible agencies include Caltrans, as an encroachment permit would be required. The EIR has been submitted to Caltrans for review and comment.

A trustee agency refers to a State agency having jurisdiction by law over natural resources affected by a project. CDFW is a trustee agency for the proposed Project and submitted comments during the NOP comment period in response to the Initial Study, which is provided in Appendix A.

1.6 Environmental Review Process

The environmental impact review process, as required under CEQA and followed with this Project, is summarized below and illustrated in Figure 1-1. The steps are presented in sequential order.

1. **Notice of Preparation (NOP) and Initial Study.** After deciding that an EIR is required, the lead agency (City of Santa Barbara) must file a NOP(State Clearinghouse No. 2024100348) soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP and Initial Study prepared for the Project were circulated for a 30-day review period starting on October 11, 2024, and ending on November 11, 2024.
2. **Draft EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.

3. **Notice of Completion (NOC).** The lead agency must file an NOC with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the NOC in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the NOC to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the State Clearinghouse approves a shorter period (Public Resources Code 21091). This EIR shall be sent to the State Clearinghouse for review and will have a 45 day review period.
4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed Project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a mitigation monitoring reporting program (MMRP) for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination (NOD).** The lead agency must file a NOD after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

Figure 1-1 Environmental Review Process

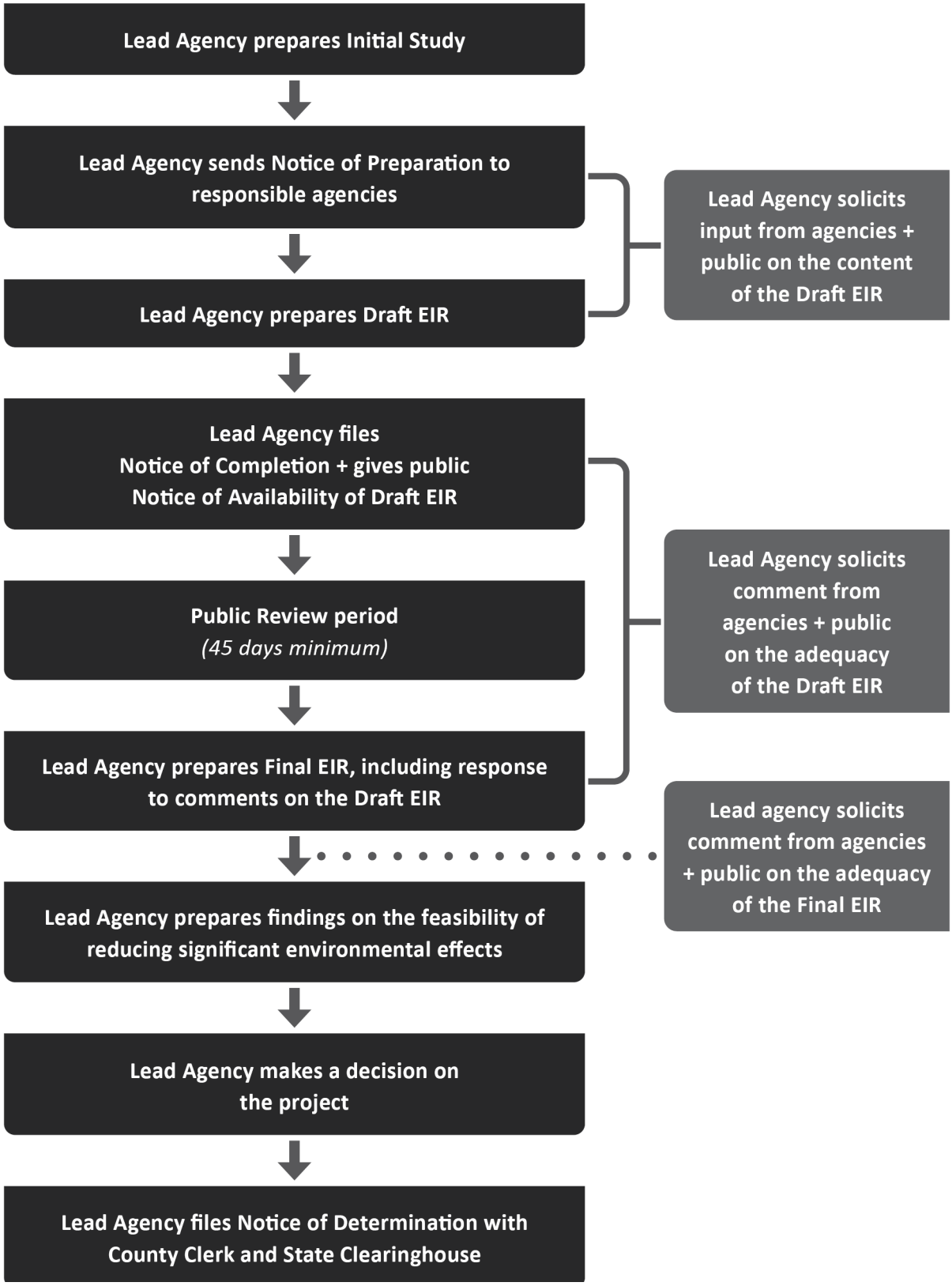

Table 1-2 Issues Not Studied Further in the EIR

Issue Area	Initial Study Findings	Mitigation Measures	Impact Determination
Aesthetics and Visual Resources	1.d) Lighting and Glare: The proposed Project would not result in new outdoor lighting or exterior lighting. Therefore, there would be no impact related to lighting and glare.	None required.	No Impact
Agriculture and Forestry Resources	2.a-e) Agricultural and Forestry Resources: There are no existing agricultural uses or lands zoned for agricultural use within, or in the vicinity of the Project site, and the Project site is not under a Williamson Act contract. Therefore, there would be no impact to agricultural and forestry resources.	None required.	No Impact
Air Quality and Greenhouse Gas Emissions	3.a) Consistency with Clean Air Plan: Direct and indirect emissions associated with the proposed Project are accounted for in the 2012 Clean Air Plan and 2019 Ozone emissions growth assumptions for the South Coast Air Basin. Therefore, the Project would be consistent with applicable air basin plans and impacts would be less than significant.	None required.	Less than Significant
	3.b) Air Pollutant Emissions and Cumulative Impacts: The Project could result in the emission of pollutants. However, due to the short duration of demolition and the Project's limited size, the Project would not exceed any established thresholds for short-term construction emissions. The operational emission impacts would be reduced compared to existing conditions as the Los Patos Way offramp would be closed and would no longer support vehicle trips. Thus, impacts to air pollutant emissions would be less than significant.	None required.	Less than Significant
	3.c) Sensitive Receptors: The short duration of proposed Projects construction and implementation of dust control measures required by the City's standard conditions of approval would minimize exposure to the nearby sensitive receptors on Los Patos Way. Thus, impacts to sensitive receptors would be less than significant.	None required.	Less than Significant
	3.d) Odors: It is possible for some short-term odors, such as diesel exhaust, to occur during construction. However, due to the small size and short duration of the proposed Project, odors would be minimal. In operation, the proposed Project would not create any odors. Thus, odor impacts would be less than significant.	None required.	Less than Significant
	3.e-f) Greenhouse Gases: The proposed Project would be consistent with applicable plans, policies, and regulations for reducing greenhouse gas (GHG) emissions. There would be negligible GHG emissions associated with the operation of the Project and minor GHG emissions from construction equipment during the short-term and temporary construction period. Thus, greenhouse gas impacts would be less than significant.	None required.	Less than Significant
Biological Resources	4.a) Endangered, Threatened, or Rare Species: No federal- or State-listed rare, threatened, or endangered plant species were observed within the Project area or a 100-foot buffer (study area) during preparation of the Biological Resource Assessment and Addendum (Appendix B). However, the proposed Project does have the potential to directly impact transient reptiles during ground disturbance and/or vegetation removal and the potential to indirectly impact special status-avian species during construction that may forage or breed on site. Impacts to endangered, threatened, or rare species would be less than significant with implementation of Mitigation Measures BIO-1 through BIO-5 (refer to Executive Summary Table ES-3, *Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts*).	**BIO-1 Worker's Environmental Awareness Training.** Prior to initiation of construction activities (including staging and mobilization), a qualified biologist will conduct a Worker's Environmental Awareness Program (WEAP) training for all construction personnel. The training will aid workers in recognizing special-status species, native birds, protected trees, ESHA, or other biological resources that may occur in the construction area. The specifics of this program should include identification and habitats of special-status species with potential to occur in the study area, description of the regulatory status and general ecological characteristics of sensitive resources, review of the limits of construction, and an explanation of measures required to protect biological resources. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees will sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The crew foreman will be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to biological resources. If new construction personnel are added to the Project, the crew foreman will ensure the new personnel receive the WEAP training before starting work. **BIO-2 Nesting Bird Surveys**. To avoid disturbance of nesting and special-status birds, including raptor species protected by the Migratory Bird Treaty Act and CFGC, construction activities shall occur outside of the bird breeding season (February 1 through August 30), if feasible. If construction must begin during the breeding season, then a nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and/or vegetation removal activities. The nesting bird survey shall be conducted on foot inside the Project boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If active nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be established by the biologist. If a raptor nest is observed in a tree proposed for removal, the Applicant must consult with CDFW and obtain authorization prior to removal of the nest. The buffer area(s) should be closed to all construction personnel and equipment until a qualified biologist has confirmed that breeding/ nesting is completed and the young have fledged the nest. If the	Less than Significant with Mitigation

Issue Area	Initial Study Findings	Mitigation Measures	Impact Determination
		buffer zones are determined to be infeasible, a full-time qualified biological monitor must be on site to monitor construction within the buffer zones to help ensure that active nests and nesting birds are not impacted. **BIO-3 Best Management Practices**. The following measures shall be adhered to throughout construction. a. The contractor shall clearly delineate construction limits and prohibit any construction-related traffic outside these boundaries. b. Projected related vehicles and construction equipment shall restrict off-road travel outside of the designated construction area. c. All open trenches shall be fenced or sloped to prevent entrapment of wildlife species. d. No pets or firearms shall be allowed at the Project area during construction activities. e. During Project activities, all trash shall be properly contained, and removed from the work/disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas. f. Pallets or secondary containment areas for chemicals, drums, or bagged materials shall be provided. If material spills occur, materials and/or contaminants shall be cleaned immediately. g. All vehicles and equipment shall be properly maintained and free of leaks of oil, fuel, or residues. h. Construction shall be restricted to daylight hours (7:00 AM to 5:00 PM) to avoid impacts to nocturnal and crepuscular (dawn and dusk activity period) species. If night-time construction is unavoidable, all lighting will be shielded and directed downward to minimize potential for glare or spillover to reduce impacts on wildlife. **BIO-4 Pre-Construction Wildlife Surveys.** No more than three days prior to the initiation of ground disturbance and vegetation removal, a qualified wildlife biologist shall conduct pre-construction surveys in the southern portion of the Project site south of Los Patos Way near the quailbush scrub habitat, including a 50-foot buffer around the Project site (inaccessible areas will be surveyed with binoculars as practicable). The biologist will document existing conditions and search for special-status species. Should a special-status species be located on the Project site during pre-activity surveys all individuals shall be documented and locations of presence recorded. If a non-listed special-status species is found, the qualified biologist shall contact CDFW, and the species shall be passively ushered out of harm's way to an area containing suitable habitat that is unaffected by the Project. If the Project requires special-status species to be removed, disturbed, or otherwise handled, the qualified biologist shall obtain all appropriate handling permits from regulatory agencies (e.g., CDFW, United States Fish and Wildlife Service [USFWS]) and prepare a species-specific relocation plan for review and approval by the appropriate regulatory agencies. The relocation plan shall be implemented prior to Project construction activities that may affect the species. All observations of special-status species shall be recorded on CNDDB field sheets and sent to CDFW by the City or qualified biologist. Crotch's bumble bee are currently a candidate for listing under the California ESA (CESA) or has been listed as threatened or endangered under CESA at the time Project construction commences, the following avoidance, minimization, and compensation measures for Crotch's bumble bee shall be implemented. Focused Crotch's bumble bee surveys for foraging bees and nests shall be conducted in the active season prior to construction (during the Colony Active Period [April 1 through August 31]) within suitable habitat per the Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). At least three surveys spaced two to four weeks apart will be conducted by a qualified biologist with a Memorandum of Understanding from CDFW and familiar with the species' behavior and life history of the species to determine presence/absence of this species and active colonies within the Project site. If this species is detected foraging or nesting within or immediately adjacent to the Project site and may be impacted by Project implementation, the following measures shall be implemented: A qualified biologist shall identify the location of all nests in or adjacent to the Project area to the extent feasible. Adjacent areas containing suitable habitat that are inaccessible shall be surveyed from the nearest vantage point from within the Project site or public property. If a nest is identified, a minimum 50-foot no disturbance buffer zone shall be established around the nest to avoid disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. A Crotch's bumble bee avoidance plan shall be developed prior to the start of construction to fully avoid direct and indirect impacts to this species. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the Project proponent shall obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b).	

Issue Area	Initial Study Findings	Mitigation Measures	Impact Determination
		If avoidance is not possible and an Incidental Take Permit (ITP) is needed, mitigation for permanent impacts to Crotch's bumblebee suitable habitat shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process. Temporary impacts to suitable habitat shall be restored to pre-project conditions. A Crotch's bumble bee habitat restoration plan shall be prepared and implemented over a minimum three-year period. The habitat restoration plan shall include, but not limited to, the location of restoration, performance standards and success criteria, responsible parties, monitoring and reporting requirements (and schedule), and adaptive management. **BIO-5 Tree Protection Plan.** Prior to the start of construction activities (such as but not limited to pruning, trimming, compaction, or grading) that have the potential to impact protected trees (as determined by a certified arborist) and prior to obtaining a tree permit from the City, a Tree Protection Plan (TPP) shall be prepared by a certified arborist in accordance with the City's Street Tree Ordinance and Tree Preservation Ordinance. The TPP should include data on each protected tree such as, but not limited to: species, diameter at breast height (DBH), height, dripline, and overall health. The TPP shall at a minimum graphically depict the locations of all protected trees with at least a portion of their driplines within the Project boundary, Project boundary and tree protection zone, and measures to protect trees during construction including but not limited to: protective fencing, monitoring during construction, activities allowed/prohibited within Tree Protection Zones, proper root and canopy pruning techniques, and replacement standards if impacts exceed 20% of a tree's dripline.	
	4.b-c) Natural Communities; Wetland and Riparian Habitats: It was determined that USACE wetland waters of the U.S. were not present on the Project site. The Project is located approximately 150 feet northeast of the salt marsh habitat of the Andree Clark Bird Refuge but would not directly or indirectly impact these areas as they are located outside of the Project site and eucalyptus groves and elevation provide a natural buffer from the site. The Project design would incorporate features necessary to meet the City's Tier 3 Storm Water Management Program requirements. The Project would have less than significant impacts on natural communities and wetland and riparian habitats with implementation of Mitigation Measures BIO-1 through BIO-5.	Mitigation Measures BIO-1 through BIO-5	Less than Significant with Mitigation
	4.d) Wildlife Dispersal and Migration Corridors: The Project site is a freeway off-ramp and provides minimal potential to support wildlife movement. However, habitat identified on the Project site has the potential to support nesting birds, including raptors, protected under the California Fish and Game Commission and the Migratory Bird Treaty Act, which could be negatively affected by construction through direct mortality or abandonment of nests. Wildlife movement within the Refuge lagoon would not be directly or indirectly affected by construction activities due to the 150-foot buffer from the site and the eucalyptus grove buffer, and application of Mitigation Measures BIO-1 through BIO-4, City standards, and application of City standard conditions of approval to protect nesting birds and implement best management practices to protect and reduce impacts to wildlife. Therefore, the Project would have a less than significant impact on migration corridors or the dispersal of wildlife with implementation of mitigation.	Mitigation Measures BIO-1 through BIO-5 Standard Conditions of Approval	Less than Significant with Mitigation
Cultural and Tribal Cultural Resources	5.b) Archaeological Resources: Even though the Project site is within the City's "Prehistoric Sites and Watercourses" sensitivity zone, no known archaeological resources are located within the Project site and no archaeological materials were identified during the Phase 1 survey of the Project site. Impacts to archaeological resources would be less than significant.	None required.	Less than Significant
	5.c) Human Remains: There is no evidence that the site contains any human remains. Standard conditions of approval for the Project include procedures pursuant to State regulations for the unanticipated discovery of human remains. Impacts to human remains would be less than significant.	None required.	Less than Significant
	5.d) Tribal Cultural Resources: AB 52 consultation occurred in early 2021 and no tribal resources were identified. In addition, the Native American Heritage Commission's Sacred Lands Inventory File identified no Native American cultural resources are known to be located in the vicinity of the Project site. Impacts to tribal cultural resources are less than significant.	None required.	Less than Significant
Energy	6.a-b) Energy Conservation and Consumption: The Project would only expend energy during its short and temporary construction period and would not expend substantial energy or wasteful, inefficient, or unnecessary energy, nor conflict with energy plans or policies during operation. Therefore, the Project's energy use impact would be less than significant.	None required.	Less than Significant

Issue Area	Initial Study Findings	Mitigation Measures	Impact Determination
Geology and Soils	7.a-b) Seismic and Geologic Hazards: The Project would not directly or indirectly risk exacerbating potential substantial adverse effects from a fault rupture, ground shaking or liquefaction, tsunami or seiche, or landslide hazards on people or structures. There is moderate risk of encountering expansive soils; however, such soils would be removed and replaced if discovered during construction. Therefore, impacts related to seismic and geologic hazards would be less than significant.	None required.	Less than Significant
	7.c) Soil Erosion: Based on the level topography of the site, the landslide potential and erosion at the site is low. Impacts related to soil erosion would be less than significant.	None required.	Less than Significant
	7.d) Septic Systems: The proposed Project would not include the use of any septic tanks or alternative wastewater disposal systems. No impact would occur.	None required.	No Impact
	7.e) Unique Geological Features and Paleontological Resources: There are no unique geological features located on or near the site and there is limited potential to disturb paleontological resources within the Project area. This impact would be less than significant.	None required.	Less than Significant
Hazards and Hazardous Materials	8.a) Use and Transport of Hazardous Materials: The Project would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.	None required.	Less than Significant
	8.e) Airport Hazards: The Project is not located near an airport and would not result in a safety hazard or excessive noise for people residing or working in the Project area.	None required.	Less than Significant
	8.f) Emergency Evacuation and Response: The Project would not interfere with existing emergency evacuation and response protocols according to the Santa Barbara Emergency Management Plan. The undercrossing would be removed only after the replacement off-ramp at Cabrillo Boulevard is in operation, which would maintain emergency access to and from the Project vicinity. Impacts would be less than significant.	None required.	Less than Significant
Land Use and Planning	9.a) Physically Divide an Established Community: The Coastal Land Use Plan designates the Project site as Parks/Open Space. The Project site is located in an urban built-out area of Santa Barbara and the Project would not physically divide an established community as the Project would involve removal of an existing structure that is no longer required. No impact would occur.	None required.	No Impact
Mineral Resources	10.a-b) Loss of Known Mineral Resource or Mineral Resource Recovery Site: Santa Barbara is largely urbanized with limited mineral resources. There are no known mineral resources within the Project site. No impact would occur.	None required.	No Impact
Noise	11.a) Increased Noise Level from Project: There would be no new or increased long-term operational noise associated with the Project. Adherence to the requirements in the Santa Barbara Noise Ordinance would reduce short term construction noise impacts.	None required.	Less than Significant
	11.b) Groundborne Vibration or Noise: There would be no new or increased long-term vibration associated with the Project. Adherence to the requirements in the Santa Barbara Noise Ordinance would reduce short term construction vibration impacts.	None required.	No Impact
	11.c) Exposure to High Noise Levels: The Project would not expose neighboring uses to noise during construction beyond levels allowed in the Santa Barbara Noise Ordinance. No impact would result from the Project.	None required.	No Impact
	11.d) Aircraft Noise: The Project is not located within the vicinity of the Santa Barbara Airport nor any private airstrip. No impact would result from the Project.	None required.	No Impact
Population and Housing	12.a) Growth-Inducing Impacts: The Project does not involve infrastructure, employment, or other growth-impacts that would increase population or housing demand. No impact would result from the Project.	None required.	No Impact
	12.b) Housing Displacement: The Project would not involve any displacement of people or housing. No impact would result from the Project.	None required.	No Impact
Public Services and Utilities	13.a-c) Water, Stormwater, and Sewer: The Project would not require water, stormwater, or sewer services in operation and would only require some water use during demolition and construction. Thus, water, stormwater, and sewer impacts would be less than significant.	None required.	Less than Significant
	13.d-e) Solid Waste Generation/Disposal: Removal of the underpass would result in temporary short-term need for solid waste disposal during demolition, but not in excess of any State or local standards. There would be no long-term waste generation. Therefore, the impact related to solid waste generation and disposal would be less than significant.	None required.	Less than Significant

Issue Area	Initial Study Findings	Mitigation Measures	Impact Determination
	13.f) Police, Fire, Schools, and Public Facilities: The Project site is located in an urban area where all public services are available. The Project would not create any new or substantial demand on fire or police protection services, library services, or need for new City buildings and facilities. Thus, there would be no impact on police, fire, schools, and public facilities.	None required.	No Impact
Recreation	14.a-b) Recreational Demand: The Project would not increase demand for recreational facilities. The Project would not block access to the Andree Clark Bird Refuge. Thus, there would be no impact on recreational demand.	None required.	No Impact
	14.c) Existing Recreational Facilities: No housing is proposed for this Project and no impacts would occur to the existing recreational area or recreational facilities. Thus, there would be no impact on existing recreational facilities.	None required.	No Impact
Transportation and Circulation	15.a) Bicycle/Pedestrian/Public Transit: The Project would not affect transit, bike, or pedestrian facilities or plans, or create a need for such because the Project would not increase population needing these additional services or facilities. Thus, there would be no impact to bicycle, pedestrian, or public transit.	None required.	No Impact
	15.b) Vehicle Miles Traveled: The Project would close one offramp where a replacement offramp has already been planned as a part of the U.S. 101 HOV Project. The Project therefore would not increase roadway capacity or result in an increase in vehicle lane miles as there would be no change in the existing traffic pattern or capacity.	None required.	No Impact
	15.c-d) Access/ Circulation: Removal of the bridge would generate temporary construction-related traffic that would occur over a one-month construction period and would vary depending on the stage of construction. Removal of the underpass would not affect circulation during operation, as the Los Patos Way off-ramp would be abandoned by Caltrans upon completion and start of operation of the U.S. 101 HOV Project, and replaced with a full interchange at Cabrillo Boulevard. Therefore, short and long term access and circulation impacts would be less than significant.	None required.	Less than Significant
Water Quality and Hydrology	16.a) Groundwater Quantity and Quality: During construction, the Project would not require use of groundwater as the underpass removal would use trucked-in water for dust mitigation and other construction uses on site. A Stormwater Pollution Prevention Plan would be prepared and the Project would involve implementation of standard best management practices to avoid groundwater contamination to the extent feasible. There would be no groundwater impacts during operation. Therefore, groundwater impacts would be less than significant.	None required.	Less than Significant
	16.b-c) Drainage, Stormwater Runoff, Water Quality, Creeks and Flooding: A Sycamore Creek Evaluation study found that overflow during flood conditions would be directed entirely into the Andree Clark Bird Refuge with little to no flow returning to the Sycamore Creek Channel. As such, discharge directed to the Los Patos off-ramp would be minor and would not significantly contribute to a rise in the Base Flood Elevation once the off ramp is closed. The fill design would include installation of drainage through the fill area in line with current drainage patterns to carry the 100-year storm in order to accommodate the flow of surface water and not impact the 100-year flood zone. Compliance with City and State stormwater capture, retention, and treatment requirements would ensure that impacts associated with drainage, stormwater runoff, water quality, creeks, and flooding would be less than significant.	None required.	Less than Significant
Wildfire	17.a-c) Wildfire Risk and Consistency with Existing Emergency and Wildfire Plans and Regulations: The Project is not located within a Very High Fire Hazard Severity Zone according to the California Department of Forestry and Fire Protection and the Project would not affect response times, evacuation plans, emergency services, or increase potential of wildfires. Thus, the Project would result in no impacts related to wildfire.	None required.	No Impact
	17.d) Post-wildfire Flooding or Mudslides: The Project would not result in exposing people or structures to significant risks, including downslope or downstream flooding, landslides, or mud flows, as a result of runoff, post-fire slope instability, or drainage changes. The fill design would include installation of drainage through the fill area in line with current drainage patterns to carry the 100 year storm in order to accommodate the flow of surface water and not impact the 100-year flood zone. Therefore, impacts would be less than significant.	None required.	Less than Significant

Source: Appendix A

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2 Environmental Setting

This section provides a general overview of the environmental setting for the proposed Project. More detailed descriptions of the environmental setting for each environmental issue area can be found in Section 4, *Environmental Impact Analysis*.

2.1 Location and Physical Setting

2.1.1 Project Location and Regional Setting

The Project site, on Los Patos Way, is located in the City of Santa Barbara (City), approximately three miles from Downtown Santa Barbara and directly south of the U.S. 101. The Project site is on the east periphery of the City within the City's Coastal Zone and is bordered by the unincorporated community of Montecito to the east and southeast. The coastline is less than a mile south from the Project site.

Figure 2-1 shows the regional location of the Project site and Figure 2-2 shows the Project site in relationship to the immediate surrounding area.

Near the City's Downtown, a grid system of diagonal roadways, including arterials, collectors, and local streets, provide vehicular access throughout the City. However, near the Project site, roads flow organically between U.S. 101 and the shoreline. Adjacent to the Project site, the major roadways along the U.S. 101 are the Old Coast Highway to the north and East Cabrillo Boulevard to the south. U.S. 101 is the closest freeway, as the Project site is an exit off the U.S. 101. The next closest highway is the State Route (SR) 192 which is about a mile and a half north of the Project site.

Santa Barbara is situated along the coast in a series of transverse mountain ranges. The Mediterranean-type climate usually has warm, dry summers and cool, wet winters. Santa Barbara County is currently in attainment for all federal ambient air quality standards, nonattainment-transitional for the State 8-hour ozone standard, and nonattainment for the State PM_{10} standard.

2.1.2 Project Site Setting

The Project is bordered by the U.S. 101 to the north, parcels zoned for Park and Recreation to the southwest and along the railroad, and parcels zoned Hotel and Related Commerce II to the southeast. The site is also located within the Coastal Overlay Zone. The Andree Clark Bird Refuge is located immediately south of the Project site. The parcels zoned Hotel and Related Commerce II are currently occupied by a French restaurant, athletic club, salon, dentist office, and other commercial uses.

The Project is located in the Coastal Zone, as established by the California Coastal Commission (CCC). The CCC has planning, regulatory, and permitting responsibilities, in partnership with local governments, for development occurring within the identified Coastal Zone. The City of Santa Barbara maintains a Local Coastal Program (LCP) certified by the CCC. The LCP allows the City to issue Coastal Development Permits, which are required for development in the Coastal Zone. The Project will require a Coastal Development Permit from the City of Santa Barbara (SBMC Chapter 28.44).

Figure 2-1 Regional Location

Imagery provided by Esri and its licensors © 2023.

18-06252 BRA Figures
Fig 1 Regional Location

Project Location

N

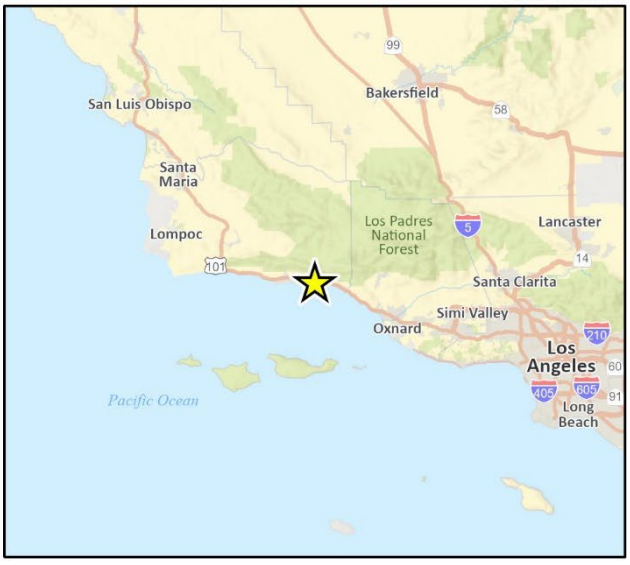
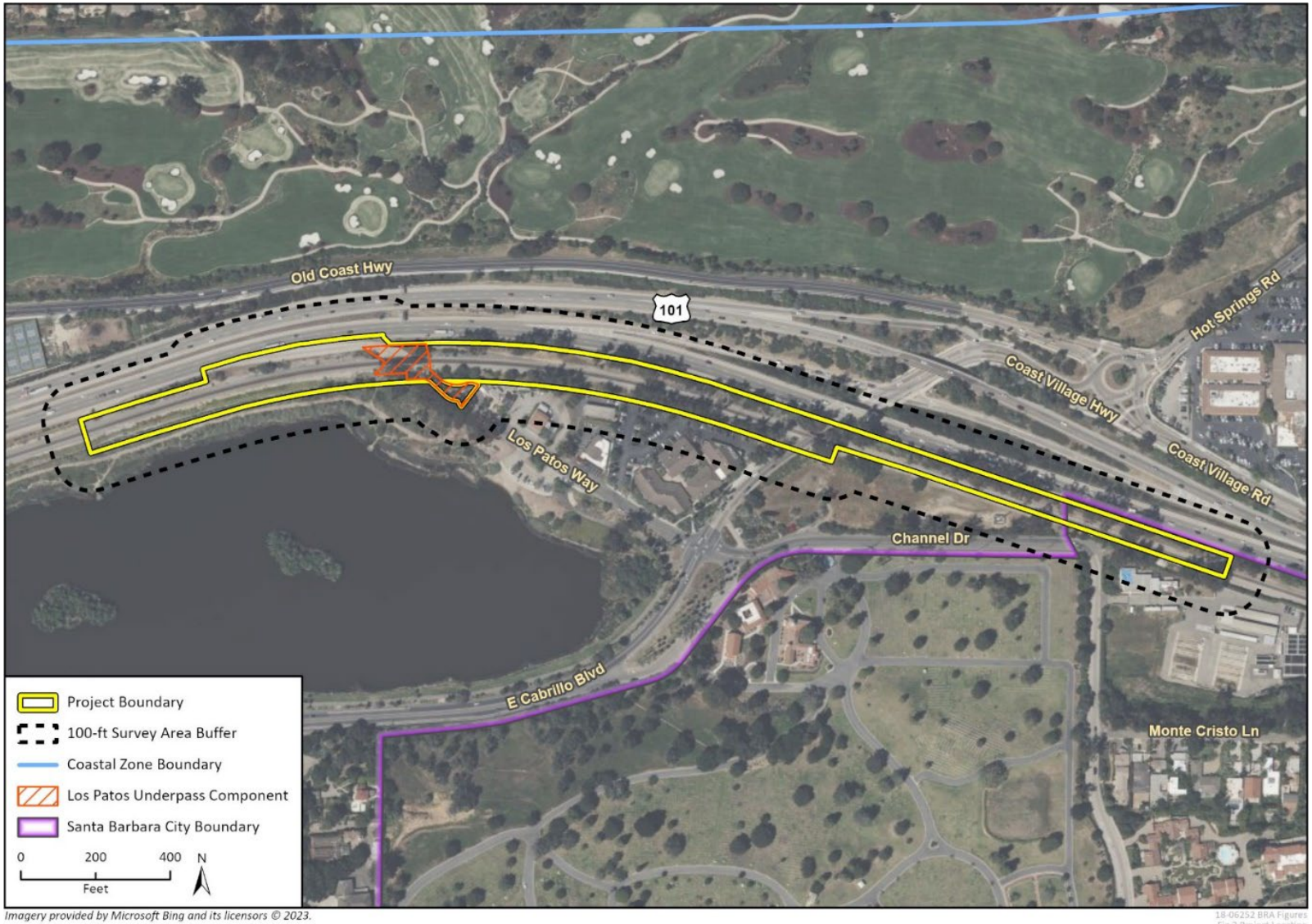


Figure 2-2 Project Site Location



2.2 Existing Land Use and Zoning

The Project site consists of right-of-way owned by Caltrans, UPRR, and the City of Santa Barbara, and as such does not have a land use designation or zoning district (City of Santa Barbara 2024).

3 Project Description

This section describes the proposed Project, including the Project applicant, the Project site and surrounding land uses, major Project characteristics, Project objectives, and discretionary actions needed for approval.

3.1 Lead Agency/Project Sponsor and Contact

Lead Agency/Project Sponsor

Public Works Department, City of Santa Barbara
630 Garden Street
Santa Barbara, California 93102

Contact Person

Beth Anna Cornett, Senior Planner
(805) 564-5537
bcornett@SantaBarbaraCA.gov

3.2 Project Location

The Project site is located along Los Patos Way, directly off Exit 95 on southbound U.S. Highway 101 (U.S. 101) and includes the Union Pacific Railroad's (UPRR's) Los Patos Underpass. The Los Patos Underpass is located on Santa Barbara County Assessor's parcel number 017-010-079 at U.S. 101. The Project is located at UPRR's mile-post 372.5 and California's Department of Transportation (Caltrans) mile-post 11.65. The bridge carries railroad tracks over the Los Patos Underpass (Exit 95) on southbound U.S. 101. The Project site consists of right-of-way owned by Caltrans, UPRR, and the City of Santa Barbara. Figure 3-1 shows photographs of the Project site.

3.3 Description of Project

3.3.1 Project Background

The Los Patos Rail Bridge, owned and operated by UPRR, supports UPRR railroad tracks as the railroad passes over Los Patos Way. Due to its age, as well as increasing maintenance needs and safety concerns, UPRR has determined that the bridge must be removed once no longer needed with the closure of the Los Patos U.S. 101 offramp. As described in Chapter 1, *Introduction*, removal of the bridge is to facilitate the completion of other approved transportation projects, including the Cabrillo Boulevard Pedestrian and Bicycle Improvements, Los Patos/Cabrillo Roundabout and UPRR Bridge Replacement Project (Cabrillo/UPRR Bridge Project), and the U.S. 101 High Occupancy Vehicle and Widening Project's 4E North Segment Project (U.S. 101 HOV Project). The Cabrillo/UPRR Bridge Project is a mitigation measure for the U.S. 101 HOV Project's impact on local roads and must be completed before the U.S. 101 HOV Project can be completed.

Figure 3-1 Project Site Photographs

The Los Patos Way off-ramp and rail bridge, as seen from U.S. 101 north of the UPRR tracks, facing southeast.

The Los Patos Way off-ramp and rail bridge, as seen from Los Patos Way south of the UPRR tracks, facing northwest.

As stated in Chapter 1, *Introduction,* the shoofly (temporary rail bypass track) component of the proposed Project is also required for construction of the Cabrillo/UPRR Bridge Project. The proposed shoofly is discussed further under Section 3.3.3, *Shoofly*. Implementation of the Cabrillo/UPRR Bridge Project originally included construction of a replacement bridge adjacent to the existing bridge; once the replacement bridge was complete, UPRR would temporarily halt rail service for approximately one to two periods of 60 hours so that the railroad track could be moved from the existing bridge to the replacement bridge. A Statutory Exemption was applied to the Cabrillo/UPRR Bridge Project and the City prepared a Notice of Exemption in May of 2018. UPRR later determined the original approach with the temporary railroad closure was infeasible and required an approach for the Cabrillo/UPRR Bridge Project that incorporated a shoofly to facilitate train traffic during the temporary closure of the main line for the bridge replacement. To facilitate implementation of both the Los Patos Underpass Removal Project and the Cabrillo/UPRR Bridge Project per UPRR requirements, the City has included in the proposed Project a shoofly that bypasses both the Los Patos Rail Bridge and the Cabrillo Boulevard Rail Bridge. Accordingly, the shoofly is required for both projects, and the Los Patos Underpass Removal Project (if approved) and the approved Cabrillo/UPRR Bridge Project would be constructed sequentially (first the Cabrillo/UPRR Bridge Project and then the proposed Project once the Los Patos Way underpass is closed by Caltrans). Other than the shoofly and small revisions to meet UP bridge design requirements, the approved Cabrillo/UPRR Bridge Project remains the same. At the time of release of this document (February 2025) the roundabout portion of the Cabrillo/UPRR Bridge Project has been constructed.

UPRR has also indicated the necessity of the removal of the underpass and closing of the Los Patos Way off-ramp as a safety measure. The existing underpass is a low-clearance structure (non-standard vertical clearance) and has caused numerous shutdowns to railroad operations as several trucks have hit the structure. Also, leaving the underpass in place would create an attractive nuisance, creating an increased security risk for UPRR. Accordingly, the Project would replace the Los Patos Rail Bridge with fill, close the Los Patos Way off-ramp, and construct a new section of railroad tracks on the fill.

3.3.2 Bridge Demolition and Off-Ramp Closure

The proposed Project would involve demolition and removal of the Los Patos Rail Bridge. UPRR determined that most portions of the bridge would need to be removed, including the abutments, center pier, girders, and decking. The abutment and center pier will be removed down to a few feet above grade, and the existing paving of the Los Patos Way off-ramp would be excavated and removed.

The U.S. 101 off-ramp at Los Patos Way will be vacated upon completion of U.S. 101 HOV Project. Once this separate project is completed, Caltrans would remove the Los Patos Way off-ramp between U.S. 101 and the UPRR right-of-way. This Project would replace the bridge with solid fill material (e.g., soil, rock, and ballast) that is similar to the materials located on either side of the underpass. South of the UPRR right-of-way, Los Patos Way would be configured as a cul-del-sac (described further in Section 3.3.4). Demolition activities would require approximately 5,000 cubic yards of roadway excavation and approximately 72,000 square feet of clearing and grubbing activities.

3.3.3 Shoofly

During bridge removal and construction activities, rail service would continue via construction of a temporary rail bypass track known as a shoofly. The shoofly track would cross over Los Patos Way and Cabrillo Boulevard and would be constructed on the north side of the existing mainline track. The shoofly component of the proposed Project is also required for construction of the Cabrillo/UPRR Bridge Project. The shoofly track would be built entirely on UPRR right-of-way. The alignment of the shoofly track will be located as close as possible to the Caltrans right-of-way without encroaching. The shoofly track would be supported by approximately 8,000 cubic yards of fill material. A shoofly bridge would be built over Cabrillo Boulevard so that the shoofly track can cross the road. The fill materials associated with the shoofly would remain in-place after the shoofly is abandoned, with only the shoofly track materials being removed from the Project site once no longer needed.

The shoofly track would be built utilizing two separate shooflies and four phases, as described below:

- Phase 1A of the first shoofly would involve construction of the shoofly bridge and the first shoofly track to the 13 feet clear point from the mainline track. Phase 1B of the first shoofly would consist of shifting the existing track and connecting the mainline to the shoofly track.
- Phase 2A of the first shoofly would involve removal of the existing bridge and the existing mainline track. Phase 2B would involve construction of the new bridge over Cabrillo Boulevard and the mainline track across the new bridge. Finally, the mainline track would be shifted to connect the mainline track to the shoofly track, on both sides of the new bridge.
- Phase 3A of the second shoofly would involve removal of the first shoofly track and widening of Cabrillo Boulevard beneath the new bridge. Phase 3A would also involve construction of the second shoofly track to the 13 feet clear point of the existing mainline (after Los Patos Way is closed to traffic).
- Phase 3B of the second shoofly would involve shifting the existing track and connecting to the mainline track to the shoofly track.
- Phase 3C of the second shoofly track would involve removal of the Los Patos Way Underpass and the existing mainline track across the bridge.
- Phase 3D of the second shoofly track would involve construction of the mainline track and then shifting track to connect to the mainline track.
- Phase 4 (Final) Phase would involve removal of second shoofly track.

Once rail operation moves back to the main line, the shoofly tracks and structures would be removed. The added ballast for the shoofly tracks would remain in place. Some minor grading of the ballast may occur to better blend in the ballast with the main track to reduce any shifting of the ballast after the track is removed.

Implementation of the shoofly track would require the removal of up to approximately 100 trees. The exact number and type of trees that would be removed under the proposed Project is unknown at this time, as construction of the Caltrans U.S. 101 HOV Project and the UPRR/Cabrillo Bridge Project would occur first and would impact the same area where many trees are located. The proposed Project would occur after completion of these two projects, and would involve tree removal in the same area; therefore, some trees would need to be removed by the proposed Project not already removed under the U.S. 101 HOV Project or the UPRR/Cabrillo Bridge Project. A

final count of trees that would be impacted or removed by the Project would occur following construction of the 101 HOV Project and prior to construction of the proposed Project.

The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, nor the number of required replacement trees to be planted pursuant to Santa Barbara Municipal Code is not known.

3.3.4 Construction

Once the Los Patos Rail Bridge has been removed, a new portion of railroad track would be constructed. Approximately 2,750 cubic yards of fill would be imported to the proposed Project site to construct the new tracks at the same elevation as the existing tracks; see Figure 3-2 and Figure 3-3 for visual simulations of the new portion of tracks. The new tracks would require approximately 300 track-feet of track removal, approximately 1,200 track-feet of shifted track, approximately 2,000 track-feet of new track on wood ties, approximately 650 cubic yards sub ballast materials, and approximately 2,400 square feet of retaining walls.

South of the tracks, Los Patos Way would be reconfigured to be a cul-de-sac terminating at the UPRR right-of-way (see Figure 3-3). The cul-de-sac would be formed by continuing the existing curb line and centerline radius across the existing off-ramp roadway, thereby eliminating access to that stretch of roadway. The roadway from the new curb line to the Caltrans' right-of-way beyond the underpass would be removed. A new narrow maintenance access path would be provided from the newly formed cul-de-sac to the south side of the existing underpass. A portion of the new curb in the cul-de-sac would be a rolled curb to accommodate City maintenance vehicles. A rolling maintenance gate and fencing would be installed at the property line of the City parcel containing the Los Patos Way off-ramp. The area adjacent to the maintenance path would be mulched.

A number of trees will be planted in the remaining open space to replace up to 69 City-protected trees and 13 County-protected trees. Construction of the Caltrans U.S. 101 HOV Project would impact the same area where many of these trees are located, so a final count of impacted trees would occur following construction of the 101 HOV Project and prior to start of the proposed Project. According to UPRR, no landscaping would be allowed on the new fill area. The railroad track would remain in the same location and would be placed on the new fill at Los Patos Way.

Grading and earthwork for the Project is anticipated to last three weeks and the reconstruction of the rail components would be completed in two days (over one weekend). Other than for reconstruction of the rail components, weekend construction is not anticipated. Construction activities would occur from 7:00 A.M. to 5:00 P.M., Monday through Friday, and from 9:00 A.M. to 4:00 P.M. on weekends as necessary.

Figure 3-2 Visual Simulation of Removed Los Patos Way Underpass, Looking South from Eastbound U.S. 101

Figure 3-3 Visual Simulation of Removed Los Patos Way Underpass, Looking North from Los Patos Way

3.4 Operation

The closure of the Los Patos Way off-ramp would occur ahead of the proposed Project as part of the approved U.S. 101 HOV Project. Therefore, traffic would no longer exit U.S. 101 at Los Patos Way which would end with a cul-de-sac, and would experience a substantially reduced number of vehicle trips (no off-ramp trips). The UPRR would continue to operate as usual. Los Patos Way south of the railroad tracks would terminate at the new cul-de-sac.

3.5 Project Objectives

- Safely reconfigure Los Patos Way upon closure of the off-ramp
- Remove the Los Patos Rail Bridge to increase safety for rail service and eliminate ongoing maintenance and liability
- Reduce substantial effects to the Los Patos Rail Bridge's historic elements as much as feasible and reasonable

3.6 Required Approvals

The City of Santa Barbara is the lead agency for the Project. The Project would require the following discretionary actions:

- A Coastal Development Permit to allow the proposed development in the Non-appealable Jurisdiction of the City's Coastal Zone (Santa Barbara Municipal Code Section 28.44.060).
- Project Design and Final Approvals by the Architectural Review Board (Santa Barbara Municipal Code Chapter 22.68).
- Encroachment Permit from Caltrans.
- Potential right of entry or encroachment permits from Union Pacific Railroad.

4 Environmental Impact Analysis

This section discusses the possible environmental effects of the Los Patos Underpass Project for the specific issue areas identified through the Initial Study as having the potential to experience significant effects. Issues identified in the Initial Study to not have a significant impact or mitigated to less than significant are not included in this chapter. These are listed and described in the Executive Summary and Table ES-1. A "significant effect" as defined by the *CEQA Guidelines* Section 15382 means:

> "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."

The assessment of each issue area begins with a discussion of the environmental setting related to the issue, which is followed by the impact analysis. In the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the City and other agencies, universally recognized, or developed specifically for this analysis to determine whether potential effects are significant. The next subsection describes each impact of the proposed Project, mitigation measures for significant impacts, and the level of significance after mitigation. Each effect under consideration for an issue area is separately listed in bold text with the discussion of the effect and its significance. Each bolded impact statement also contains a statement of the significance determination for the environmental impact as follows:

- **Significant and Unavoidable.** An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the Project is approved per Section 15093 of the *CEQA Guidelines*.
- **Less than Significant with Mitigation Incorporated.** An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings under Section 15091 of the *CEQA Guidelines*.
- **Less than Significant.** An impact that may be adverse but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.
- **No Impact.** The proposed Project would have no effect on environmental conditions or would reduce existing environmental problems or hazards.

Following each environmental impact discussion is a list of mitigation measures (if required) and the residual effects or level of significance remaining after implementation of the measure(s). In cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed and evaluated as a secondary impact. The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed Project in conjunction with other planned and pending developments in the area listed in Chapter 2, *Environmental Setting*.

The Executive Summary of this EIR summarizes all impacts and mitigation measures that apply to the proposed Project.

Baseline and Cumulative Project Setting

EIR Baseline

Section 15125 of the *CEQA Guidelines* states that an EIR "must include a description of the physical environmental conditions in the vicinity of the project" and "generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation [NOP] is published." Section 15125 states that this approach "normally constitute[s] the baseline physical conditions by which a lead agency determines whether an impact is significant."

This EIR evaluates impacts against existing conditions, which are generally conditions existing at the time of the release of the NOP (October 2024). The U.S. 101 High Occupancy Vehicle and Widening Project's 4E North Segment Project (U.S. 101 HOV Project) must be completed prior to initiation of the proposed Project, if approved. Because the U.S. 101 HOV Project would close the Los Patos Way off-ramp to vehicle traffic and would occur before the proposed Project, it is assumed for the environmental baseline that there would be no vehicle traffic on Los Patos Way at the initiation of the proposed Project, if approved.

Cumulative Development

CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate environmental impacts that are individually limited but cumulatively considerable. These impacts can result from the proposed Project alone, or together with other projects. *CEQA Guidelines* Section 15355 states:

> "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects."

A cumulative impact of concern under CEQA occurs when the net result of combined individual impacts compounds or increases other overall environmental impacts (*CEQA Guidelines* Section 15355). In other words, cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. CEQA does not require an analysis of incremental effects that are not cumulatively considerable nor is there a requirement to discuss impacts that do not result in part from the proposed Project evaluated in this EIR.

CEQA requires cumulative impact analysis in EIRs to consider either a list of planned and pending projects that may contribute to cumulative effects or a forecast of future development potential. Currently planned and pending projects in Santa Barbara within 0.5 miles of the proposed Project are listed in Table 4-1. In particular, the U.S. 101 HOV Project and the Cabrillo Boulevard Pedestrian and Bicycle Improvements, and Los Patos/Cabrillo Roundabout and UPRR Bridge Replacement Project (Cabrillo/UPRR Bridge Project) are located in close proximity and along the same roadways as the proposed Project site. These projects are considered in the cumulative analyses in Chapter 4, *Environmental Impact Analysis*.

Table 4-1 Cumulative Projects List

Project No.	Project Name	Project Location	Development
1	U.S. 101 High Occupancy Vehicle and Widening Project's 4E North Segment Project (U.S. 101 HOV Project)	10.9 mile segment of U.S. 101 between the cities of Carpinteria and Santa Barbara	Addition of one HOV lane to the northbound and southbound lanes of U.S. 101
2	Cabrillo Boulevard Pedestrian and Bicycle Improvements, Los Patos/Cabrillo Roundabout and UPRR Bridge Replacement Project (Cabrillo/UPRR Bridge Project)	Intersection of Los Patos Way and East Cabrillo Boulevard	Construction of a roundabout at the intersection of Los Patos Way and East Cabrillo Boulevard, demolition and construction of a new rail bridge, and pedestrian and bicycle improvements
3	1 Hot Springs Road Residential Development	1 Hot Springs Road, south of U.S. 101 and east of Cabrillo Boulevard	Construction of 22-unit townhouse residential development

Source: City of Santa Barbara 2024

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4.1 Aesthetics

4.1.1 Setting

a. Existing Visual Conditions

The city of Santa Barbara is a seaside city adjacent to the Pacific Ocean in southern Santa Barbara County and is generally bisected by U.S. 101. Santa Barbara occupies steep lateral ridges and canyons on the south-facing flanks of the Santa Ynez Mountains, the coastal plain at their base that extends to the city's beachfront, and the uplifted marine terrace that forms the Mesa. The City contains approximately 5.75 miles of shoreline, including approximately 3 miles of maintained beaches and approximately 2.75 miles of narrow or intertidal beaches backed by eroding cliffs. Public views of the Santa Ynez Mountain ridgelines and foothills, Pacific Ocean and Channel Islands, beaches, Harbor and Stearns Wharf, and natural and landscaped open areas are available throughout the Coastal Zone (City of Santa Barbara 2019). The Los Padres National Forest, which covers most of the upper Santa Ynez Mountains, forms the backdrop of the city. Periods of Hispanic and early California history are captured in the architecture of the built environment within the city, as Santa Barbara's history of human settlement extends back some 8,000 years (City of Santa Barbara 2011a).

b. Scenic Resources

Most communities identify scenic resources as important assets that contribute to community identity. Scenic resources can be natural or man-made features, such as trees, rock formations, historic buildings, and public art. Scenic resources in Santa Barbara include:[1]

- Pacific Ocean
- Coastal Bluffs and Shoreline
- Creeks, Estuaries, Lagoons, and Riparian Areas
- Stearns Wharf
- Harbor
- Douglas Family Reserve
- Montecito Country Club
- Andree Clark Bird Refuge
- Santa Ynez Mountains
- Bellosguardo (formerly "Clark Estate")
- Santa Barbara Zoo
- Parks and Open Space
- Historic Structures, Sites, and Trees (important for their visual quality)
- Landscaping and structures that contribute to Scenic Highways and Routes
- Channel Islands
- Foothills-Riviera

c. Scenic Vistas and Views

A scenic vista benefits the public by providing views of an aesthetically valued landscape. The term "vista" generally implies an expansive view, usually from an elevated point or open area. Scenic vistas and views may be officially designated or unofficially defined by a set of criteria. The criteria used for assessing scenic views in Santa Barbara are described in Policy ER 29.1 and 29.2 of the City's General Plan, Plan Santa Barbara, Environmental Resources Element (City of Santa Barbara 2011b). These criteria include considerations for documented public views of the ocean, mountains,

[1] Source: City of Santa Barbara 2019

or other highly valued views, or the importance of the existing view (i.e., whether a view contains one or more important visual resources, has scenic qualities, and is viewed from a heavily used public viewpoint such as a public gathering area, major public transportation corridor or area of intensive pedestrian and bicycle use).

The City of Santa Barbara Local Coastal Program Coastal Land Use Plan (LUP) (2019) identifies public bluff vista points within the Coastal Zone. These are vista points that provide views of the beach, ocean, and other scenic resources. These vista points include Braemar Vista Point on Cliff Drive above Sea Ledge Lane; Douglas Family Preserve, an open space park; the terminus of Oliver Road near the intersection with Edgewater Way; La Mesa Park, west of Meigs Road near the intersection with Elise Way; and a viewpoint near the Coast Guard Lighthouse located opposite Washington School. These vista points are within 2 miles of each other in the southwestern portion of Santa Barbara. The Project site is approximately 4 miles east of these vista points; due to distance and intervening topography, the Project site is not visible from these scenic vistas. Unlike scenic vistas, which are expansive views from a particular point, scenic views are visible from multiple areas. For example, scenic views of the coastline and the Santa Ynez Mountains are visible from many areas within Santa Barbara.

d. Scenic Highways

California's Scenic Highway Program designates scenic highways with the intention of protecting these corridors from change that would diminish the aesthetic value of adjacent lands. A highway is designated as an eligible scenic highway when the local governing body (city or county) applies to Caltrans for scenic highway approval, and Caltrans determines that it qualifies for official status (Caltrans 2024). Scenic highways must have an approved Corridor Protection Program and remain in compliance to maintain scenic highway status.

According to the Caltrans State Scenic Highway Mapping System, the portion of U.S. 101 within the city of Santa Barbara is eligible to be a State Scenic Highway, but it is not officially designated as such. Other portions of U.S. 101 throughout the state are officially designated as a State Scenic Highway. The nearest officially designated segments of State Scenic Highway include U.S. 101 north of Goleta, approximately 14 miles west of the proposed Project site, and State Route 154, approximately 6 miles northwest of the proposed Project site (Caltrans 2019).

The City of Santa Barbara General Plan and Coastal LUP identify U.S. 101 and East Cabrillo Boulevard as scenic corridors. The City highlights that the "essence of Cabrillo Boulevard as a scenic drive is its proximity and exposure to the shoreline," and the "important views" from U.S. 101 are those of the "ocean, mountains, and City" (City of Santa Barbara 2011c, 2019).

e. Visual Character

Santa Barbara largely maintains a "small town" character with distinct Hispanic architectural and historical influences. The existing visual character of Santa Barbara is defined by its street layout, and how its buildings and structures relate to the city's setting of mountains, hills and coastline, and to each other. Community design within the city focuses on what people see and how they experience the interrelationship between buildings, the city's setting, and public spaces, be these streets, sidewalks, parks and parkways, plazas or paseos (City of Santa Barbara 2011d).

The existing visual character of Santa Barbara is organized by districts and neighborhoods identified in Plan Santa Barbara. The character-defining features of Santa Barbara vary by area of the city and generally include historical or heritage features, architectural style, proximity to the shoreline and

open space, density, building bulk, similarities and differences between neighboring structures, and the year in which structures were built (City of Santa Barbara 2011d).

Plan Santa Barbara identifies specific community character areas within the city. The proposed Project site borders the East Beach and Eucalyptus Hill neighborhoods. The East Beach neighborhood is located between U.S. 101 and Cabrillo Boulevard and includes mostly medium- to high-density residential, hotel and related commerce, commercial, and industrial development. The East Beach neighborhood also features numerous parks and open space/recreational areas, such as the Andree Clark Bird Refuge, Santa Barbara Zoo, Dwight Murphy Field, and Chase Palm Park. Vegetation and landscaping within the East Beach neighborhood are largely characterized by manicured landscapes inclusive of California native and Mediterranean plants. The Eucalyptus Hill neighborhood is located north of U.S. 101 and includes a portion of U.S. 101. The Eucalyptus Hill neighborhood is characterized by well-maintained California native and Mediterranean-inspired landscapes (including *Eucalyptus* spp.), hillside and suburban low-density residential development, and parks and open space, such as the Montecito Country Club and Hale Park.

4.1.2 Regulatory Setting

a. Federal Regulations

No current federal regulations address the environmental conditions surrounding the aesthetics or visual resources in the city.

b. State Regulations

California Coastal Act and California Coastal Commission

The California Coastal Act of 1976 (California Coastal Act; Public Resources Code [PRC] Section 30000, *et seq.*) established the California Coastal Commission, the state's coastal protection and planning agency, set forth requirements to guide long-term planning and regulation of new development within the Coastal Zone, and established policies to protect public access to and along the shoreline. Section 30251 of the California Coastal Act mandates that scenic and visual qualities of coastal areas be considered and protected as resources of public importance. Permitted development must be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas.

California Department of Transportation Scenic Highways

Caltrans defines a *scenic highway* as any freeway, highway, road, or other public right-of-way, that traverses an area of exceptional scenic quality. As described in Section 4.1.1, *Setting*, U.S. 101 is eligible for designation throughout Santa Barbara County and is designated scenic along the Gaviota coast several miles west of the proposed Project site, but is not designated as a State Scenic Highway in the Project vicinity.

c. Local Regulations

Plan Santa Barbara

Plan Santa Barbara, which was adopted by the City of Santa Barbara in December 2011, serves as the City's General Plan. The City's General Plan contains goals and policies related to aesthetics and visual resources within the Land Use Element and Environmental Resources Element, which are listed below.

Land Use Goal - *Character*: Maintain the small town character of Santa Barbara as a unique and desirable place to live, work, and visit.

Land Use Goal - *Design*: Protect and enhance the community's character with appropriately sized and scaled buildings, a walkable town, useable and well-located open space, and abundant, sustainable landscaping.

Land Use Goal - *Historic Preservation*: Protect, preserve and enhance the City's historic resources.

LG 12. Community Character. Strengthen and enhance design and development review standards and process to enhance community character, promote affordable housing, and further community sustainability principles.

LG 12.2. Building Size, Bulk, and Scale. Ensure that proposed buildings are compatible in scale with the surrounding built environment.

d. Community Character Preservation. Include in design guidelines that as part of any major new in-fill development or remodel, consider the context of the proposed structure in relation to surrounding uses and parcels along the entire block; ensure that the proposed development will not eliminate or preclude preservation of the key visual assets of the particular block or corridor, including landmark structures, structures of merit, potentially historic structures, key scenic viewpoints that provide unique or important views to the surrounding hills, and specimen trees and other important visual resources. Require building design modifications as needed to preserve essential elements of the community character along that block or corridor.

ER 29. Visual Resources Protection. New development or redevelopment shall preserve or enhance important public views and viewpoints for public enjoyment, where such protection would not preclude reasonable development of a property.

ER 29.2. Evaluation Criteria. In evaluating public scenic views and development impacts at a particular location, the City shall consider:

a. The importance of the existing view (i.e., whether a view contains one or more important visual resources, has scenic qualities, and is viewed from a heavily used public viewpoint, such as public gathering area, major public transportation corridor or area of intensive pedestrian and bicycle use);
b. Whether a proposed change in the existing view would be individually or cumulatively significant (i.e., substantially degrade or obstruct existing important public scenic views, or impair the visual context of the Waterfront area or designated historic resource);
c. Whether changes in the proposed action could be avoided or adequately reduced through project design changes (such as site layout, building design, and landscape design).

ER 30. Enhance Visual Quality. Not only retain, but improve visual quality of the city wherever practicable.

Additionally, the Circulation Element identifies Cabrillo Boulevard (State Route 225) from U.S. 101 to Castillo Street as meeting the standards for an eligible State Scenic Highway but notes that because [it] is a secondary state highway, [it] is [not] presently listed on the Master Plan of eligible State highways" (City of Santa Barbara 2011c), and that "special attention to the highway's visual appearance" shall be given.

Local Coastal Program

The California Coastal Act requires all local governments located within the Coastal Zone to prepare a Local Coastal Program (LCP). LCPs regulate future development within the Coastal Zone and define where public access and urbanization will occur and how sensitive species and habitats, open spaces, and recreational areas will be protected. The City is located within a Coastal Zone, and, as such, has an LCP. The City's LCP was certified by the California Coastal Commission in August 2019 (City of Santa Barbara 2019).

Chapter 4.3, *Scenic Resources & Visual Quality*, of the City's LCP addresses scenic resources and methods for evaluation of impacts and implements development standards to minimize scenic resource impacts and protect the visual quality of the Coastal Zone. The City's LCP standards include, but are not limited to, restoring visually degraded areas, design review and visual evaluation requirements, prohibiting obstruction of scenic view corridors, establishing new landscaping and protecting existing trees, and requiring new development to be visually compatible with existing surrounding development (City of Santa Barbara 2019).

Chapter 6.2, *Highway 101*, of the LCP addresses the visual quality of U.S. 101 and references the Highway 101 Coastal Parkway Design Guidelines for review of aesthetics, design, compatibility, landscaping, and cultural resources for the U.S. corridor design district. These design guidelines are discussed further below under *City Design Guidelines*.

City Charter and Design Review Boards

The City's Charter authorizes the Architectural Board of Review or Historic Landmarks Commission to review and approve all applications for a building permit, as applicable.

The City's Architectural Board of Review and Historic Landmarks Commission are responsible for ensuring applicable standards of design are maintained in Santa Barbara. The Architectural Board of Review is responsible for review and approval of all applications for commercial, industrial, and multi-unit residential, two-unit residential, or mixed-use development, with the exception of projects within the El Pueblo Viejo Landmark District or other landmark districts that fall under the purview of the City's Historic Landmarks Commission. The Architectural Board of Review and Historic Landmark Commission considers Project Compatibility Criteria when reviewing the design of a proposed Project, including whether the design of the proposed Project responds appropriately to established scenic public vistas.

City Design Guidelines

The City's Design Guidelines establish a set of goals, values, and qualities by which projects are evaluated in design review. The Design Guidelines provide detailed direction for specific areas and types of projects. Not all guideline techniques or approaches are appropriate or practical for every project. In cases where sets of multiple design guidelines apply, the guidelines are viewed as

"layers" where the most specific guidelines take precedence. The Design Guidelines include several references to preserving public scenic vistas and views in terms of proposed Project compatibility with the existing environment. The City does not regulate private views.

The City also implements several building and site features guidelines which assist in ensuring development is compatible with the visual character of Santa Barbara, including Fence, Screen, Wall, Hedge Guidelines; Highway 101 Santa Barbara Coastal Parkway Design Guidelines; and Outdoor Lighting Design Guidelines. These guidelines explain the application of Municipal Code standards for fences, screens, walls, and hedges; describe design standards through the U.S. 101 corridor; and itemize acceptable design standards for outdoor lighting installations throughout the City to avoid excessive glare.

In particular, the purpose of the Highway 101 Santa Barbara Coastal Parkway Design Guidelines is to preserve the historic nature and visual quality of the portion of U.S. 101 in the Coastal Zone. While the guidelines encourage preservation of existing structures, coordination between Caltrans, the Santa Barbara County Association of Governments, and City is encouraged to resolve potential conflicts.

City of Santa Barbara Municipal Code

The City of Santa Barbara Municipal Code Title 28 and Title 30 jointly implement land use designations established within the LCP and General Plan. While land use designations are more generalized in nature, the Zoning Code and zoning code districts provide specific controls on land use, density or intensity of development, and development standards to implement the City's LCP and General Plan goals and policies. The Zoning Code provides standards for protection of visual resources, compatible design, and illumination for new development associated within particular zoning districts. Chapter 30.180 sets performance standards, including standards for glare reduction. Chapter 30.57 includes the design review process and standards for projects within Landmark District and Historic District overlay zones and subject to review and approval by the Historic Landmarks Commission.

Title 22 of Santa Barbara Municipal Code sets forth standards for development and construction throughout the city. Chapter 22.68 includes the design review process and standards for projects subject to the Architectural Board of Review. Standards for light and glare are implemented through Chapter 22.75, and all projects for which design review is required are reviewed for consistency with the City's Outdoor Lighting Design Guidelines.

4.1.3 Impact Analysis

Methodology

Aesthetic quality, whether a project is visually pleasing or unpleasing, may be perceived and valued differently from one person to the next and depends in part on the context of the environment in which a project is proposed. The significance of visual changes is assessed qualitatively based on consideration of the proposed physical change and proposed Project design within the context of the surrounding visual setting. First, the existing visual setting is reviewed to determine whether important existing visual aesthetics are involved, based on consideration of existing public views, existing visual aesthetics on and around the site, and existing lighting conditions. Under CEQA, the evaluation of a proposed Project's potential impacts to scenic views is focused on views from public (as opposed to private) viewpoints and larger community-wide views (those things visible by a larger community, as opposed to select individuals). The importance of existing public views is assessed

qualitatively based on whether important visual resources such as mountains, skyline, trees, or the coastline, can be seen; the extent and scenic quality of the views; whether the views are experienced from public viewpoints; and how many people can see the views. The visual changes associated with the proposed Project are then assessed qualitatively to determine whether the project would result in substantial effects associated with important public scenic views, on-site visual aesthetics, or lighting.

Google Street imagery of the proposed Project site was used to prepare visual simulations of what the proposed Project site would look like if the proposed Project is implemented. Pre-project views of the proposed Project site and simulated post-project views of the proposed Project site are shown in Figure 4.1-1 and Figure 4.1-2 respectively.

Figure 4.1-1 View of Project Site from U.S. 101

Source: Google Street View 2024a

Photograph 1. Existing view from southbound U.S. 101, looking southwest toward the proposed Project site

Photograph 2. Rendering depicting view with proposed Project implementation

Figure 4.1-2 View of Project Site from Los Patos Way

Source: Google Street View 2024b

Photograph 1. Existing view from Los Patos Way, looking northeast toward the proposed Project site

Photograph 2. Rendering depicting view with proposed Project implementation

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines,* the effects of the project on aesthetics would be significant if the project would:

1. Have a substantial adverse effect on a scenic vista
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point)
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area

Impacts related to light and glare were analyzed in the Initial Study prepared for the proposed Project (Appendix A). As discussed therein, the proposed Project would not include new sources of exterior lighting, and no impacts related to new sources of substantial light or glare would occur. This determination is summarized in Table 1-2, Issues Not Studied in the EIR, in Chapter 1, *Introduction*. Accordingly, Threshold 4 is not analyzed further in the EIR.

Threshold 1: Would the project have a substantial adverse effect on a scenic vista?

Impact AES-1 THE NEW FILL AND REPLACEMENT TRACK IN PLACE OF THE LOS PATOS RAIL BRIDGE WOULD BE LARGELY OBSCURED FROM VIEW BY VEGETATION AND WOULD NOT OBSTRUCT SCENIC VIEWS IN THE VICINITY OF THE PROJECT SITE. TREE REMOVAL WOULD NOT SUBSTANTIALLY AFFECT SCENIC VIEWS ALONG UPRR RIGHT-OF-WAY AND U.S. 101; HOWEVER, PROJECT TREE REMOVAL WOULD AFFECT PUBLIC SCENIC VIEWS FROM THE ANDREE CLARK BIRD REFUGE AND EAST CABRILLO BOULEVARD, AS WELL AS VIEWS FROM HIGHER ELEVATION VIEWPOINTS. THE PROPOSED PROJECT WOULD INVOLVE TREE REPLACEMENT; HOWEVER, THE NUMBER AND LOCATION OF TREE REPLACEMENT TREES ARE NOT KNOWN. THEREFORE, THIS IMPACT WOULD BE SIGNIFICANT AND UNAVOIDABLE.

The City has designated several important visual resources throughout the city, including ridgelines and foothills; creeks and riparian areas; ocean, beach, and harbor; substantial open space areas; historic and specimen trees; and the City's architectural character (City of Santa Barbara 2011c). Additionally, the City's LUP and General Plan identify U.S. 101 and East Cabrillo Boulevard as scenic corridors (City of Santa Barbara 2011c, 2019). Scenic resources and views in the vicinity of the project include the Andree Clark Bird Refuge, which is adjacent to the proposed Project site to the south; natural and landscaped open space areas; distant views of the Santa Ynez Mountains ridgelines and foothills; views along U.S. 101 and East Cabrillo Boulevard, and the Pacific Ocean further to the south. The proposed Project is not visible from any of the City-identified public bluff vista points described in Section 4.1.1. Site photos in the proposed Project vicinity are provided in Figure 4.1-3, Figure 4.1-4, and Figure 4.1-5.

Site disturbance and the presence of construction equipment and materials during proposed Project construction would temporarily introduce contrasting elements into scenic views and vistas. However, temporary proposed Project construction activities and equipment would not permanently alter or affect the quality of scenic views in the proposed Project area.

Figure 4.1-3 Project Site Photos – Los Patos Way

Photograph 1. View from Los Patos Way, facing northwest

Photograph 2. Los Patos Rail Bridge, facing northwest

Photograph 3. View along Los Patos Way from off-ramp, facing southeast

Photograph 4. View of development along Los Patos Way, facing northeast

Figure 4.1-4 Project Site Photos – U.S. 101

Photograph 1. View from Los Patos Way off-ramp, facing east

Photograph 2. View from Los Patos Way off-ramp, facing southeast

Photograph 3. View from U.S. 101 near Cabrillo exit, facing east

Source: Google 2024c

Photograph 4. View from U.S. 101 at Exit 94B, facing east

Figure 4.1-5 Project Site Photos – Los Patos Rail Bridge

Photograph 1. Western abutment, looking northwest

Photograph 2. Eastern sandstone abutment, looking east

Photograph 3. Western sandstone abutment, looking west

Photograph 4. Center sandstone pier, looking south

The proposed Project is not located within the bird refuge. No south-facing views of the bird refuge are afforded from U.S. 101 due to the existing, elevated berm for the UPRR tracks that bisect U.S. 101 and the bird refuge. When standing within, or looking upon, the bird refuge, the Los Patos Rail Bridge component of the proposed Project (Figure 4.1-3, Photographs 1 and 2; Figure 4.1-4, Photograph 2; and Figure 4.1-5 Photographs 1 through 4) is generally obscured from view by large trees and other vegetation. Accordingly, the new fill and replacement track would similarly be screened by these trees, and views of this portion of the UPRR right-of-way would be generally unchanged. However, implementation of the shoofly track would require removal of up to approximately 100 trees, including some trees which abut the northern extents of the bird refuge but excluding the trees that would screen the new fill and replacement track. While the majority of north-facing views from the public trails along the northern perimeter of the bird refuge are obscured by mature trees and vegetation, the trail parallels the project boundary and offers views of mature trees and other vegetation. Additionally, the bike path that skirts the southern extents of the bird refuge, parallel to East Cabrillo Boulevard, has broader views across the water which capture the trees within the proposed Project area. Thus, views from these tails and paths would be adversely affected by vegetation removal in the proposed Project area.

The proposed Project includes planting replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted pursuant to the Santa Barbara Municipal Code and LUP is not known. In addition, because replacement trees cannot be planted in the UPRR right-of-way, the location of replacement trees or sufficient land to plant replacement trees is not currently known. Thus, it is conservatively concluded that impacts to north-facing views within the bird refuge would be significant due to tree removal.

As seen from elevated viewpoints, such as those afforded from Coast Village Road, Old Coast Highway, or the golf course at the Montecito Club, the loss of roadside vegetation and trees associated with the proposed Project would result in adverse visual effects, because the overall vegetative context of the corridor is more easily seen from elevated viewing locations. From elevated viewpoints, the roadside vegetation provides visual consistency and creates a continuous green band of nearly solid vegetation paralleling U.S. 101, the removal of which would create a noticeable, bare patch when viewed at elevation. However, from decreased elevations on the north side of U.S. 101, views are minimized or blocked due to walls and mature vegetation. For example, the proposed Project area is not visible from the Municipal Tennis and Pickleball Center, located immediately to the north of U.S. 101, or from U.S. 101 off-ramps 94B and 94C, due to tall concrete block sound walls, concrete retaining walls supporting the highway, and intervening vegetation.

Views of the distant Santa Ynez Mountains and surrounding foothills and open space are intermittently available in the proposed Project vicinity along U.S. 101 (Figure 4.1-4, Photograph 3); however, intervening structures, topography, and vegetation largely block these views (Figure 4.1-4, Photograph 1). The proposed Project would have no effect on north-facing views from U.S. 101, such as those of the Santa Ynez Mountains and surrounding foothills, because the proposed Project site is located on the southern side of the roadway. South-facing views from U.S. 101 would be affected to varying degrees depending on the final amount of tree removal between U.S. 101 and UPRR's right-of-way. The U.S. 101 HOV Project, which would occur before the proposed Project can be implemented, would likely impact at least 64 trees within the proposed Project site and would affect these views prior to Project construction. Trees removed along the central portion of the proposed Project site on the existing, elevated berm between U.S. 101 would increase visual exposure of the proximate businesses, but the remaining trees outside the proposed Project area

would continue to provide screening from the highway. Along the eastern portion of the proposed Project site, tree removal would open views of the proximate Santa Barbara Cemetery from U.S. 101. The Pacific Ocean is not visible from U.S. 101 within the proposed Project area due to the height of existing berms, vegetation, and other intervening features (Figure 4.1-4, Photographs 1 through 4).

On U.S. 101, the Los Patos Way off-ramp/Bridge is only visible to southbound motorists, and the off-ramp slopes to a lower elevation than the highway. Views of the Los Patos Bridge are obscured by vegetation and elevation for motorists traveling northbound on U.S. 101. Vehicles using the southbound Los Patos Way off-ramp can see the bridge and pass underneath it, as they approach the right-hand corner leading onto Los Patos Way (Figure 4.1-4, Photographs 1 and 2). For motorists not taking the off-ramp, the underpass is not a distinct feature and is only momentarily visible when viewed at highway speeds (65 miles per hour).

There is only a partial view of the Los Patos Rail Bridge approximately 950 feet from the intersection of Los Patos Way and East Cabrillo Boulevard with the bridge blending with the background. The damaged sandstone features of the bridge blend into their surroundings and are not discernable until standing near the bridge (Figure 4.1-3, Photograph 1). The closest public viewpoint of the bridge is at the turnaround for Los Patos Way, more than 150 feet away from the bridge (Figure 4.1-3, Photograph 2). The bridge is mostly hidden from public viewpoints and does not have scenic attributes that would visually connect it to surrounding scenic views (such as those of the Andree Clark Bird Refuge).

Furthermore, the City highlights that the "essence of Cabrillo Boulevard as a scenic drive is its proximity and exposure to the shoreline," and the "important views" from U.S. 101 are those of the "ocean, mountains, and City" (City of Santa Barbara 2019). Thus, the views of the Los Patos Rail Bridge from East Cabrillo Boulevard and U.S. 101 are not major contributing factors to the respective roadways' identification as a scenic corridor. Additionally, the City notes that the design of structures along U.S. 101, while unique, "do not always match" current travel and transportation needs; and that, as a result, "replacement of many of these structures or construction of additional highway improvements may be necessary," (City of Santa Barbara 2019). The proposed Project would also be subject to the City's design review process pursuant to the Highway 101 Santa Barbara Coastal Parkway Design Guidelines to help guide proposed Project design and implementation in a manner that maintains scenic views.

Removal of Los Patos Rail Bridge and replacement with solid fill and landscaping would not create a significant impact on scenic views. However, impacts associated with proposed Project tree removal would affect scenic views in the proposed Project vicinity. The proposed Project would be required to implement replacement tree and vegetation plantings in accordance with the City's Municipal Code, General Plan, and LUP guidance, and would be subject to the City's design review process pursuant to the Highway 101 Santa Barbara Coastal Parkway Design Guidelines, which would help decrease impacts. Additionally, the proposed Project would implement Mitigation Measure BIO-5, Tree Protection Plan, which would minimize encroachment and damage to trees to the extent feasible. Although the proposed Project would involve the planting of replacement trees, it is conservatively concluded that the proposed Project would result in significant and unavoidable impacts related to tree removal as the number and location of future replacement trees is not known. Therefore, proposed Project impacts to scenic views would be significant and unavoidable.

Mitigation Measures

Because the location, type, and timeline for planting replacement trees is not known at this time, no mitigation is feasible.

Significance After Mitigation

Impacts would be significant and unavoidable.

Threshold 2:	Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Impact AES-2 THERE ARE NO STATE-DESIGNATED SCENIC HIGHWAYS IN THE VICINITY OF THE PROPOSED PROJECT. NO IMPACTS TO SCENIC RESOURCES WITHIN A STATE SCENIC HIGHWAY WOULD OCCUR.

As detailed in Section 4.1.1, U.S. 101 is located immediately to the north of the proposed Project site, which is eligible to be a designated scenic highway by the Caltrans; however, no state-designated scenic highways are present in the proposed Project vicinity (Caltrans 2019).

No impacts to scenic resources within a state-designated scenic highway would occur.

Mitigation Measures

No mitigation is required.

Significance After Mitigation

No impact would occur.

Threshold 3:	Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Impact AES-3 THE REMOVAL OF THE LOS PATOS RAIL BRIDGE AND PROPOSED PROJECT WORK AT THE TERMINUS OF LOS PATOS WAY WOULD BE VISUALLY CONSISTENT WITH THE EXISTING VISUAL CHARACTER. HOWEVER, PROPOSED PROJECT TREE REMOVAL WOULD RESULT IN A REDUCTION IN CHARACTER-DEFINING VEGETATION ASSOCIATED WITH VIEWS FROM THE HIGHWAY, ANDREE CLARK BIRD REFUGE, AND EAST CABRILLO BOULEVARD, AS WELL AS FROM ELEVATED VIEWPOINTS. THE PROPOSED PROJECT WOULD INVOLVE TREE REPLACEMENT; HOWEVER, THE NUMBER AND LOCATION OF REPLACEMENT TREES ARE NOT KNOWN. THUS, PROPOSED PROJECT IMPACTS TO PUBLIC VIEWS AND VISUAL CHARACTER WOULD BE SIGNIFICANT AND UNAVOIDABLE.

Pursuant to *CEQA Guidelines* Section 21071, the *City of Santa Barbara* is defined as a non-urbanized area, because the city has a population of less than 100,000 people and is not contiguous with another incorporated city. Thus, the impacts on visual character or quality attributable to the proposed Project were evaluated relative to existing visual conditions, as determined by views of the site and its surroundings from public viewpoints in and around the proposed Project site. Proposed project impacts to public views are discussed in Impact AES-1.

Site disturbance and the presence of construction equipment and materials during proposed Project construction would temporarily introduce contrasting elements that conflict with the existing visual character of the proposed Project area. However, temporary proposed Project construction activities and equipment would not permanently alter or affect the visual character of the proposed Project area.

As shown in Figure 4.1-4 (Photographs 1 through 4), the existing visual character from the U.S. 101-side of the proposed Project area is defined by the U.S. 101 roadway, dense roadside shrubs and tall, mature trees, the proximate UPRR rail line, and a backdrop consisting of hillside development and the Santa Ynez Mountains. The vegetation along U.S. 101 is a visually consistent mix of native and non-native tree species. As shown in Figure 4.1-3 (Photographs 1 through 4), near the end of Los Patos Way, the existing visual character is defined by overhead utility lines and structures, the degraded Los Patos Rail Bridge, mature oak and eucalyptus trees, the proximate Andree Clark Bird Refuge, and a bright green coastal cottage-style commercial building, and associated landscaping. The landscaping along Los Patos Way is visually consistent with plant species found throughout the vicinity.

As shown in Figure 4.1-3 (Photographs 1 and 2), Figure 4.1-4 (Photograph 2), and Figure 4.1-5 (Photographs 1 through 4), the Los Patos Rail Bridge consists of square-cut, tan sandstone block abutments and center pier which support the rail line made of rusted, aged steel and wooden railroad ties. Many of the sandstone blocks and areas of mortar show areas of wear and deterioration, and years of rust and rain on the railroad tracks have stained a red-brown gradient into the sandstone. Repairs or alterations have been made to both abutments using concrete, and various areas of the sandstone have been painted over, presumably to cover graffiti, which is present on the sandstone abutments and along the lower supports of the railroad track. As a result, the bridge does not represent a feature with high visual quality.

As shown in Figure 4.1-1 and Figure 4.1-2, the proposed Project would replace the existing Los Patos Way Rail Bridge and off-ramp with solid, earthen-filled materials and landscaping, reconfigure Los Patos Way into a cul-de-sac terminating at the UPRR right-of-way, and remove approximately 100 trees along U.S. 101. The proposed Project would not change the topography of the area, as it would fill the currently open area under the existing rail line, and the elevation of the rail line would not change. There would be limited grading as the proposed Project's topography is generally level. The removal of trees along U.S. 101 and demolition of the Los Patos Rail Bridge would alter the visual character and quality in the proposed Project area and would change the character of public views available from U.S. 101.

The Los Patos Way off-ramp/Bridge is only visible to southbound motorists, and the off-ramp slopes to a lower elevation than the highway as it meets Los Patos Way. Vehicles using the southbound Los Patos Way off-ramp can see the bridge and pass underneath it, as they approach the right-hand corner leading onto Los Patos Way (Figure 4.1-4, Photographs 1 and 2). For motorists not taking the off-ramp, the underpass is not a distinct feature and is only momentarily visible when viewed at highway speeds (65 miles per hour). The Los Patos Way Rail Bridge is identified as a historical resource but is not a focal point or part of a more expansive scenic view. The proposed Project would alter the visual character of the bridge removal site; however, filling the area under the bridge and landscaping using plant materials similar to the existing surroundings would minimize the visual impact of the bridge removal and would help this component ultimately blend into the surrounding landscape. Therefore, the overall impact to this public view and its surrounding landscape would be limited.

The visual character at the terminus of Los Patos Way is currently influenced by the "peek-through" view of U.S. 101, where the off-ramp passes under Los Patos Way Rail Bridge and meets Los Patos Way. The existing Los Patos roadway currently creates a semi-circle at this terminus to account for one-way traffic. Project reconfiguration of Los Patos Way into a cul-de-sac would be a minor change to the roadway, completing the circle, and the proposed solid fill under the Los Patos Way Rail Bridge would provide a visual barrier between the quieter, more human-scale Los Patos Way and the bustling traffic along U.S. 101. Proposed project removal of the Los Patos Way Rail Bridge would effectively enhance the visual character along Los Patos Way, providing a more "small town" character which places more focus on the surrounding natural landscape and stylized local businesses.

Proposed project removal of trees along U.S. 101 and the UPRR right-of-way would reduce character-defining vegetation within public views from U.S. 101, East Cabrillo Boulevard, and the Andree Clark Bird Refuge. As described under Impact AES-1, a trail within the bird refuge parallels the proposed Project boundary, and a bike path paralleling East Cabrillo Boulevard skirts the southern extents of the refuge, both with views of the proposed Project area; and thus, the quality of public views from the trail and the areas visual character would be negatively affected by vegetation removal in this area. Additionally, the visual character of south-facing public views from U.S. 101 would be negatively affected to varying degrees depending on the final location of tree removal between U.S. 101 and UPRR right-of-way. From elevated viewpoints, the roadside vegetation provides visual consistency with the existing visual character of the highway and creates a continuous green band of nearly solid vegetation paralleling U.S. 101, the removal of which would create a noticeable, bare patch when viewed at elevation.

Impacts associated with proposed Project tree removal along U.S. 101 and UPRR right-of-way would affect public views and visual character in the proposed Project vicinity. The proposed Project would be required to implement replacement tree and vegetation plantings in accordance with the City's Municipal Code, General Plan, and LUP guidance, and would be subject to the City's design review process pursuant to the Highway 101 Santa Barbara Coastal Parkway Design Guidelines, which would help reduce impacts if the replacement trees are planted at or near the proposed Project site. Additionally, the proposed Project would implement Mitigation Measure BIO-5, Tree Protection Plan, which would minimize encroachment and damage to trees to the extent possible. Although the proposed Project would involve the planting of replacement trees, it is conservatively concluded that the proposed Project would result in significant and unavoidable impacts related to tree removal as the number and location of future replacement trees is not known, and the overall loss of vegetated character caused by the removal of roadside planting would have a greater effect on views. Therefore, proposed Project impacts to visual character and public views would be significant and unavoidable.

Mitigation Measures

Because the location, type, and timeline for planting replacement trees is not known at this time, no mitigation is feasible.

Significance After Mitigation

Impacts would be significant and unavoidable.

4.1.4 Cumulative Impacts

The geographic scope for cumulative impacts related to aesthetics is the portion of Santa Barbara surrounding the proposed Project site. This geographic scope is appropriate because views of the proposed Project site, views of scenic vistas from the project site, and visual character associated with cumulative development in this area could collectively contribute to a cumulative impact in the proposed Project's vicinity.

Past, present, and reasonably foreseeable future proposed projects, including the proposed projects listed in Table 4-1, could result in substantial impacts to public viewsheds or scenic vistas. In particular, the U.S. 101 HOV Project, which would occur before the proposed Project can be implemented, would likely impact at least 64 of the City-protected trees within the proposed Project site. The EIR prepared for the U.S. 101 HOV Project concluded that sufficient replacement trees would be planted within the Caltrans right-of-way. However, because the U.S. 101 HOV Project and the proposed Project could be constructed concurrently, substantial tree removal could occur at the same time. Further, the 1 Hot Springs Road Residential Development Project would be located near the Project site (south of the U.S. 101-Cabrillo Boulevard intersection) and, if approved, would likely also involve tree removal. Accordingly, and temporary impacts related to tree removal would be cumulatively considerable. In addition, because available lands for planting of replacement trees have not been identified, cumulative development would result in significant cumulative impacts related to scenic views, such as those available from the Andree Clark Bird Refuge, East Cabrillo Boulevard, and U.S. 101, resulting from tree removal. The proposed Project has the potential to impact 146 trees (some which would first be impacted by the U.S. 101 HOV Project), which would further contribute to cumulative impacts to scenic views and vistas. Accordingly, the proposed Project would have a cumulatively considerable contribution to cumulative impacts related to scenic vistas.

The only designated State Scenic Highway within the city of Santa Barbara is State Route 154 between State Street and Los Olivos via San Marcos Pass (Caltrans 2019). While cumulative development in Santa Barbara may affect visual resources near scenic highways, the proposed Project would not be visible from the designated State Scenic Highway. Thus, the proposed Project would not result in a cumulatively considerable contribution to cumulative impacts related to scenic highways.

Cumulative development within Santa Barbara would be required to comply with applicable zoning and development regulations, General Plan policies, and Coastal LUP policies. Compliance with the aforementioned plans and regulations would mitigate environmental impacts where feasible. Additionally, individual development would undergo environmental review where required, including consideration of whether the proposed Projects would conflict with applicable zoning or other regulations governing scenic quality and character. Transportation projects in the proposed Project vicinity, such as the 101 HOV Project and improvements to East Cabrillo Boulevard, may result in impacts related to the quality of public views and visual character of the proposed Project area. Accordingly, cumulative impacts would be significant. Because the proposed Project would also require tree removal, and replacement trees may not be feasible, the proposed Project would have a cumulatively considerable contribution to cumulative impacts related to the quality of public views and visual character.

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4.2 Biological Resources

This section provides an assessment of the potential for direct and indirect impacts to mature native trees and conflict with applicable conservation plans. The analysis presented herein is based on the Biological Resources Assessment (BRA) report and an Addendum to the report prepared for the project by Rincon Consultants, Inc. (Rincon) both dated August 2024 (included as Appendix B). The BRA evaluated the proposed Project site, plus a 100-foot buffer, hereinafter referred to as the study area.

4.2.1 Setting

Project Location and Characteristics

The proposed Project site is located along Los Patos Way, directly off southbound Exit 95 from U.S. 101, and includes the Union Pacific Railroad's (UPRR's) underpass at Los Patos Way. The proposed Project site consists of right-of-way owned by the California Department of Transportation (Caltrans), UPRR, and the City of Santa Barbara and encompasses approximately 6.6 acres. Land uses surrounding the proposed project site include U.S. 101 and a golf course to the north; a shopping center and single-family residential to the east; the Andree Clark Bird Refuge, a restaurant and shops, a multi-family residential building, and the Santa Barbara Cemetery to the south; and U.S. 101 and the Santa Barbara Zoo to the west. The proposed Project site is located within non-appealable jurisdiction of the California Coastal Zone.

The proposed Project site is mostly developed and surrounded by numerous non-native plant species, including ornamental plantings and eucalyptus trees. The western portion is located approximately 50 feet north of the salt marsh coastal wetland habitat of the Andree Clark Bird Refuge lagoon. The central portion is located north of commercial buildings on Los Patos Way. The eastern portion is located north of open space of primarily annual grassland vegetation.

Vegetation Communities

This section addresses the land cover types and vegetation communities on the proposed Project site, as defined in the BRA (Appendix B). Rincon identified six vegetation communities, including quailbush scrub, eucalyptus groves, lemonade berry scrub, fountain grass swards, annual grassland, and salt marsh bulrush marsh. Each community and other landscaped and developed areas are described in detail below.

Quailbush Scrub

Quailbush is qualified as a facultative uplands species, or a plant that typically occurs in non-wetland habitats but may frequently occur in standing water or saturated soils (Appendix B).

Quailbush scrub is present along the dirt trails in the southwestern portion of the study area. A small portion of the vegetation community encroaches into the southwestern boundary of the proposed Project site. However, a chainlink fence separates the quailbush scrub and adjacent annual grassland. Although California sunflower was the dominant species, the majority of the individuals were observed to be dead. As such, quailbush is now the dominant in the shrub canopy, which is interspersed with coyote brush, lemonade berry, California sagebrush, and narrowleaf willow (*Salix exigua*). Emergent trees include coast live oak (*Quercus agrifolia*), western sycamore (*Platanus racemosa*), and island cherry (*Prunus ilicifolia* ssp. *lyonii*). Alkali heath (*Frankenia salina*) is

present in small quantities in the herbaceous layer. A small portion of quailbush scrub encroaches into the proposed Project site (i.e., overhangs the chainlink fence that separates the quailbush and fountain grass swards adjacent to UPRR right-of-way). However, the chainlink fence clearly separates the two vegetation communities.

Lemonde Berry Scrub

Lemonade berry scrub is present in a small area at the southern edge of the study area, outside of the proposed Project site, along the dirt trails. Lemonade berry is dominant in the shrub canopy and interspersed with California sagebrush and dead California sunflower. Emergent non-native ornamental bottlebrush trees (*Melaleuca* spp.) are present, and alkali heath is present in small quantities in the herbaceous layer. Lemonade berry scrub constitutes environmentally sensitive habitat area (ESHA) in the study area.

Salt Marsh Bulrush Marsh

Salt marsh bulrush marsh (*Bulboschoenus maritimus* Herbaceous Alliance) typically is dominated or co-dominated by saltmarsh bulrush (*Bolboschoenus maritimus*) in the herbaceous layer (more than 50 percent relative cover) with other native marsh species, such as spear-leaved orache (*Atriplex prostrate*), pickleweed (*Salicornia pacifica*), and cattail (*Typha latifolia*). The vegetation community is generally found in seasonally flooded mudflats and tidal brackish marshes. Salt marsh bulrush marsh is ranked as S3/G4 and therefore is a sensitive community (Appendix B).

Salt marsh bulrush marsh is located at the southwestern portion of the study area, adjacent to the Andree Clark Bird Refuge outside the proposed Project site. The vegetation community is dominated by saltmarsh bulrush and bulrush present on the ground. Emergent quailbush scrub is also present in the shrub layer. Salt marsh bulrush marsh is considered ESHA within the study area.

Eucalyptus Groves

Eucalyptus grove is the dominant vegetation community within the study area. Blue gum eucalyptus (*Eucalyptus globulus*) groves are present directly north and south of the railroad tracks, beginning at the central portion of the study area to the eastern extent of the study area. The eucalyptus grove runs parallel to U.S. 101 on the northern extent of the study area. Some of the eucalyptus tree canopies overhang into the proposed Project site. The understory is sparse and mostly comprised of eucalyptus debris and leaves. Non-native plants, including coppery mesembryanthemum (*Malephora crocea*), is present on the ground at the northwestern portion of the vegetation community, where ornamental landscaping meets the eucalyptus grove. Emergent coast live oak, island cherry, and lemonade berry is also present in the eucalyptus groves. A eucalyptus grove dominated by sugar gum (*Eucalyptus cladocalyx*) is present along the southern extent of Los Patos Way (Appendix B). Quailbush is present in small quantities in the eastern portion of this grove, northeast of the lemonade berry scrub (described below).

Fountain Grass Swards

Fountain grass swards (*Pennisetum setaceum - Pennisetum ciliare* Herbaceous Semi-Natural Alliance) is a non-native community with Pennisetum species dominating or co-dominating (greater than 50 percent relative cover) with other non-native species in the herbaceous layer. Emergent trees and shrubs may be present at low cover. This vegetation community is commonly found in steep coastal bluffs, road-cuts, coastal dunes, coastal scrub, and desert scrub types in areas with mild, frost-free winters. This vegetation alliance is primarily not considered sensitive (Appendix B).

Fountain grass swards are present at the western portion of the study area, adjacent to UPRR right-of-way. The dominant species is buffelgrass (*Pennisetum ciliare*) with other invasive, non-native species present, such as castor bean (*Ricinus communis*), and tree tobacco (*Nicotiana glauca*). This vegetation community is highly disturbed, as it is adjacent to UPRR right-of-way. Homeless encampments are within the area, and some trails are apparent (i.e., stomped vegetation) and adjacent to the UPRR that contain trash. The southern portion of the vegetation community (south of UPRR right-of-way) has a higher population of California brittlebrush and some emergent coyote brush shrubs compared to the northern portion of the vegetation community (north of UPRR right-of-way). However, buffelgrass and non-native species are the dominant species overall within the vegetation community. Some emergent coast live oaks, acacia trees (*Acacia sp*.), and narrowleaf willow is also present on the northern portion of the vegetation community.

Annual Grassland

Annual grassland (*Avena* spp. - *Bromus* spp. Herbaceous Semi-Natural Alliance) is dominated by non-native annual grasses and weedy annual and perennial forbs, primarily of Mediterranean origin, usually as a result of human disturbance. Scattered native grass and wildflower species, representing remnants of the original vegetation may also be common. This vegetation community is generally found in open areas in valleys and foothills throughout coastal and interior California. It typically occurs on soils consisting of fine-textured loams or clays that are somewhat poorly drained. This vegetation alliance does not have a California Department of Fish and Wildlife (CDFW) conservation rank due to the predominance of non-native species and is not considered sensitive (Appendix B).

Annual grassland is present at the southeastern portion of the study area, south of the UPRR right-of-way. The dominant species includes *Bromus* sp., such as ripgut brome (*Bromus diandrus*) and red brome (*Bromus rubens*). Other non-native species present include veldt grass (*Ehrharta calycina*), cheeseweed (*Marva paviflora*), and sowthistle (*Sonchus oleraceus*). Emergent pine (*Pinus* sp.), coast live oak, and blue gum eucalyptus are present in this vegetation community. No shrub cover is present in this community but some chopped eucalyptus wood is present at the western portion that could provide minimal coverage. This community is highly disturbed, with truck tracks present throughout the vegetation community. A gate is located off Channel Drive, and trucks likely access the UPRR right-of-way through this area.

Ornamental Landscaping

Ornamental landscaping is present throughout the study area and concentrated north of Los Patos Way and surrounding the railroad. Species include herbaceous plants such as ice plant (*Carpobrotus edulis*), pampas grass (*Cortaderia selloana*) and various non-native, ornamental trees, such as bottlebrush. Some native species are scattered throughout the ornamental landscape along the slopes at the base of the railroad and outside of the proposed Project site, including coast live oak and laurel sumac (*Malosma laurina*). A single coast live oak is located within the proposed Project site on the north side of the railroad tracks. Additional ornamental landscaping is present within the U.S. 101 easement, along the northeastern boundary of the study area.

Developed Areas

Developed portions of the study area comprises hardscapes/buildings/roads. Developed land (U.S. 101, UPRR right-of-way, paved roads, and commercial buildings) are present throughout and adjacent to the proposed Project site. The track ballast of the UPRR, which includes small, crushed

stones (approximately 1 to 3 inch) supporting the railroad track, also comprises the developed landcover type. Recreational dirt pathways are also present in the study area south of the proposed Project site near the Andree Clark Bird Refuge. Some ornamental plantings, such as myoporum (*Myoporum* sp.) and emergent pine trees are present in this landcover type, specifically adjacent to the commercial buildings and along roads. However, this landcover type is mostly devoid of vegetation within the study area.

Unvegetated Beach

Unvegetated beach is present in a small portion of the southwestern portion of the study area, between the salt marsh bulrush marshes and the Andree Clark Bird Refuge, outside of the proposed Project site. No vegetation occurs within the land cover type. Many shorebirds use the unvegetated beach for resting, such as snowy egret (*Egretta thula*) and sanderling (*Calidris alba*). Because the unvegetated beach is part of the Refuge, the landcover type is considered ESHA under the City's Coastal Land Use Plan (LUP) (Appendix B).

Protected Trees

A tree survey was conducted in November 2023 to document protected trees with the potential to be impacted by the proposed Project. The survey included protected trees located on the north side of the UPRR tracks (proposed shoofly track location) and within or directly adjacent to the Los Patos Underpass component boundary. Protected trees were defined based on the City's Coastal LUP (City of Santa Barbara 2019) and Municipal Code Chapters 15.20 (Street Tree Ordinance) and 15.24 (Tree Preservation Ordinance) as follows:

- Mature native trees (with one trunk at least 4 inches or greater in diameter at 4 feet 6 inches above grade) within ESHAs, wetlands, creeks, and required habitat buffers, pursuant to Policies 4.1-13 and 4.1-20 of the City's Coastal LUP
- Trees planted in a parkway strip, tree well, public area, or street right-of-way as well as setback trees, parking lot trees, trees on approved plans, and historic/specimen trees 4 inches or greater in diameter of the main trunk, pursuant to Santa Barbara Municipal Code Chapters 15.20 and 15.24

Within the study area, there are 133 trees eligible for protection under Santa Barbara Municipal Code that have the potential to be impacted by the proposed Project. The results of the tree survey are summarized below under Section 4.2.3, Impact Analysis, and are described in detail in Appendix B.

Special-Status Species

Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the United States Fish and Wildlife Service (USFWS) or National Marine Fisheries Service under the federal Endangered Species Act (ESA); those listed or proposed for listing as rare, threatened, or endangered by CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by CDFW; and plants with a California Rare Plant Rank of 1 or 2, which are defined as:

- **List 1A =** Plants presumed extinct in California
- **List 1B.1 =** Rare or endangered in California and elsewhere; seriously endangered in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)

- **List 1B.2 =** Rare or endangered in California and elsewhere; fairly endangered in California (20-80 percent occurrences threatened)
- **List 1B.3 =** Rare or endangered in California and elsewhere, not very endangered in California (<20 percent of occurrences threatened or no current threats known)
- **List 2 =** Rare, threatened or endangered in California, but more common elsewhere

Queries of the California Natural Diversity Database (CNDDB) and the California Native Plant Society Online Inventory of Rare, Threatened and Endangered Plants of California were conducted by Rincon biologists in April 2024 to prepare a list of special-status species considered to have potential to occur within the proposed Project site. The potential for each special-status species to occur in the study area was evaluated according to the following criteria:

- **Not Expected.** Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- **Low Potential.** Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.
- **Moderate Potential.** Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- **High Potential.** All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- **Present.** Species is observed on the site or has been recorded (e.g., CNDDB, other reports) on the site recently (within the last 5 years).

The BRA evaluated 26 special-status plant species and 33 special-status wildlife species documented within 5 miles of the proposed Project site based on the CNDDB and within 6 quadrants of the California Native Plant Society search. All 57 species were evaluated for potential to occur within the study area and results of this evaluation can be found in Appendix B. No special-status plant or animal species were detected during the field reconnaissance survey conducted on August 18, 2021, the jurisdictional delineation survey on September 2, 2021, or the additional field reconnaissance surveys conducted on November 7 and 8, 2023 (Appendix B).

The wildlife species detected on-site are common, widely distributed, and adapted to living in proximity to human development. During the survey, common avian species observed included Anna's hummingbird (*Calypte anna*), house finch (*Haemorhous mexicanus*), and American crow (*Corvus brachyrhyncos*). The study area also had a variety of waterfowl species associated with the Refuge lagoon, such as western gull (*Larus occidentalis*), American coot (*Fulica americana*), mallard (*Anas platyrhynchos*), snowy egret (*Egretta thula*), and California brown pelican (*Pelecanus occidentalis californicus*; Federally Protected). An individual monarch butterfly (*Danaus plexippus*) mortality was observed on the ground at the eucalyptus grove located in the central portion of the study area, near Los Patos Way. The wildlife species observed within the study area are included in Table 3 of the BRA in Appendix B.

4.2.2 Regulatory Setting

Federal, State, and local authorities under a variety of statutes and guidelines share regulatory authority over biological resources. The primary authority under CEQA for general biological resources lies within the land use control and planning authority of local jurisdictions, which in this instance is the City of Santa Barbara. The CDFW is a trustee agency for biological resources throughout the State under CEQA and has direct jurisdiction under the California Fish and Game Code (CFGC), which includes, but is not limited to, resources protected by the State of California under CESA. Federal, state, and local regulations that form the regulatory basis for the impact analysis are summarized below.

a. Federal Regulations

Clean Water Act

Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under provisions of Section 404 of the 1972 Clean Water Act (CWA). Waters of the U.S. include, but are not limited to, tributaries to traditionally navigable waters currently or historically used for interstate or foreign commerce, adjacent wetlands, and other waters, such as intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, territorial seas, and wetlands (33 Code of Federal Regulations Part 328). Wetlands are generally identified based on the presence of hydrophytic vegetation, hydric soils, and wetland hydrology indicators (Appendix B). Wetlands that are not adjacent to waters of the U.S. are termed "isolated wetlands" and, depending on the circumstances, may not be subject to USACE jurisdiction under the recently adopted Navigable Waters Protection Rule (Appendix B). Similarly, ephemeral streams with no connection to groundwater and any wetlands adjacent to such features may be disclaimed by the USACE under the Navigable Waters Protection Rule.

Federal Endangered Species Act

The federal ESA protects federally listed wildlife species from harm or take, which is broadly defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." Take can also include habitat modification or degradation that directly results in death or injury of a listed wildlife species. An activity can be defined as take even if it is unintentional or accidental. Listed plant species are legally protected from take under the federal ESA only if they occur on federal lands. USFWS and the National Marine Fisheries Service have jurisdiction over federally listed, threatened, and endangered species under the federal ESA. USFWS also maintains lists of proposed and candidate species, which are not legally protected under the federal ESA, but may become listed in the near future.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (16 United States Code Section 703) prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The Migratory Bird Treaty Act protects whole birds, parts of birds, and bird eggs and nests, and prohibits the possession of all nests of protected bird species whether they are active or inactive. Nest starts (nests that are under construction and do not yet contain eggs) and inactive nests are not protected from destruction.

b. State Regulation

State Water Resources Control Board

The SWRCB works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region, and may approve, with or without conditions, or deny projects that could affect waters of the state. Their authority comes from the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne). Porter-Cologne broadly defines waters of the state as "any surface water or groundwater, including saline waters, within the boundaries of the state." The SWRCB and the nine RWQCBs have the responsibility of granting CWA National Pollutant Discharge Elimination System permits and Waste Discharge Requirements for certain point-source and non-point discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

California Coastal Act

The California Coastal Act was passed in 1976 and established the California Coastal Commission, which regulates development within the Coastal Zone. The Coastal Zone in California varies but generally includes areas 1,000 yards inland from the ocean, or more depending on land uses and habitat values. The California Coastal Act places a high priority on the protection of biological and natural resources. Strict limits are placed on development in ESHAs. The California Coastal Act (Section 30107.5) defines an *ESHA* as: "[a]ny area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Very limited types of development are allowed in ESHAs and then only where there is no feasible less environmentally damaging alternative and feasible mitigation measures have been adopted. In general, only land uses that are dependent on the habitat resources are allowable within ESHAs.

California Endangered Species Act

CESA (CFGC, Chapter 1.5, Sections 2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with CESA, the CDFW has jurisdiction over state-listed species (CFGC 2070). The CDFW regulates activities that may result in take of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill").

California Fish and Game Code

The CFGC Sections 3503, 3513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered take by the CDFW. Raptors (i.e., eagles, hawks, and owls) and their nests are specifically protected in California under CFGC Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

National Pollutant Discharge Elimination System Construction General Permit

Construction projects in California causing land disturbances that are equal to 1 acre or greater must comply with state requirements to control the discharge of stormwater pollutants under the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction Stormwater General Permit; Water Board Order No. 2022-0057-DWQ). Prior to the start of construction/demolition, a Notice of Intent must be filed with the SWRCB describing the project. A Stormwater Pollution Prevention Plan must be developed and maintained during construction of the project and it must include the use of best management practices to protect water quality until the site is stabilized.

c. Local Regulations

City of Santa Barbara General Plan

The Environmental Resources Element of the City of Santa Barbara 2011 General Plan (City of Santa Barbara 2011) includes goals to protect the biological resources found within the city. The Environmental Resources Element also contains the 1979 Conservation Element, retaining many of the policies and implementation strategies of that document. The following goals, policies, and implementation strategies are applicable to projects in Santa Barbara.

Environmental Resources Element

ER11. Native and Other Trees and Landscaping. Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native or Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.

ER12. Wildlife, Coastal and Native Plant Habitat Protection and Enhancement. Protect, maintain, and to the extent reasonably possible, expand the City's remaining diverse native plant and wildlife habitat, including ocean, wetland, coastal, creek, foothill, and urban-adapted habitats.

ER19. Creek Resources and Water Quality. Encourage development and infrastructure that is consistent with City policies and programs for comprehensive watershed planning, creeks restoration, water quality protection, open space enhancement, storm water management, and public creek and water awareness programs.

ER21. Creek Setbacks, Protection, and Restoration. Protection and restoration of creeks and their riparian corridors is a priority for improving biological values, water quality, open space and flood control in conjunction with adaptation planning for climate change. Chapter 4.8 Hydrology and Water Quality includes additional information regarding hydrology, water quality, and flooding policies.

Conservation Element

Goal 1. Enhance and preserve the city's critical ecological resources in order to provide a high-quality environment necessary to sustain the City's ecosystem.

4.0. Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible.

5.0. The habitats of rare and endangered species shall be preserved.

City of Santa Barbara Local Coastal Program

The City's Local Coastal Program (City of Santa Barbara 2019) includes policies for protecting biological resources within the Coastal Zone of Santa Barbara. Applicable policies are summarized below.

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

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

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

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

Policy 4.1-17. Development Within Habitat Buffer Areas. New development and substantial redevelopment shall only be allowed in ESHA, wetland, and creek habitat buffers if it does not significantly disrupt the habitat values of ESHAs, wetlands, or creeks and may include:

A. Improvements to existing roads, road rights-of-way, utilities, public infrastructure and facilities, and public parking lots in a manner that involves no increase in development footprint for the portion within the habitat buffer area. If the improvement involves relocation, the new site shall be located no closer to ESHAs, wetlands, or creeks than the existing site and shall minimize encroachment into the habitat buffer to the maximum extent feasible

Policy 4.1-20. Native Tree Protection. Development shall be sited and designed to preserve to the extent feasible native trees within ESHAs, wetlands, creeks, and required habitat buffers that have at least one trunk measuring four inches (4") in diameter or greater at four feet six inches (4'6") above grade in height. Removal or encroachment into the root zone of these native trees shall be prohibited except where no other feasible alternative exists. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the least adverse impacts to native trees and that would not result in additional adverse impacts to other coastal resources shall be required. Adverse impacts to native trees shall be fully mitigated as required by the Coastal LUP, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees.

Policy 4.1-36. Bird Breeding and Nesting.

A. Activities that could impact nesting or breeding birds (including tree trimming, tree removal, construction activities, noise, vibration, or lighting) within or adjoining ESHAs, creeks, wetlands, special wildlife areas, or known nesting or breeding areas shall be prohibited during the nesting and breeding season for birds (February 1-August 30) where feasible.

B. If it is not feasible to complete such work outside the bird nesting and breeding season, then work may be approved subject to a condition requiring bird nesting and breeding surveys. These surveys should be performed by a qualified biologist no more than fourteen calendar days prior to the start of any activities that could impact nesting or breeding birds. If active nesting or breeding is found, activities that could impact the nesting birds shall be prohibited until any active nest is vacated. If any activities must occur to remediate an imminent danger, measures shall be implemented to avoid and minimize impacts to nesting birds.

C. In the event that an active nest not previously identified is discovered during any tree trimming, tree removal, or construction activity, the contractor shall immediately cease all activities in the area of operations and shall notify the City's Environmental Analyst. Thereafter, a qualified biologist must inspect the site and follow the abovementioned procedures to protect the nesting birds.

Policy 4.13-13. Tree Protection and Replacement.

A. Trees qualifying as ESHA shall be fully protected as required by the Biological Resources protection policies (Policy 4.1-1 et seq.).

B. For non-ESHA trees:

i. Development shall be sited and designed to preserve and protect, to the extent feasible, mature trees (trees four inches in diameter or greater at four feet six inches above grade in height) and trees important to the visual quality of the property;

ii. Mature or visually important trees should be integrated into the project design rather than removed or impacted through encroachment into the root zones; and

iii. Where the removal of mature or visually important trees cannot be avoided through the implementation of project alternatives or where development encroachments into the root zone result in the loss or worsened health of the trees, the removed tree(s) shall be replaced on a minimum 1:1 basis. This standard can also be increased up to 10:1 depending on the type of tree removed, lot size, and size and expected survival rate of replacement trees.

City of Santa Barbara Municipal Code

Chapter 15.24 Preservation of Trees

Except as provided in Sections 15.24.030 and 15.24.035, it is unlawful for any person to remove or significantly alter or to authorize or allow the removal or significant alteration of any of the following trees without a permit:

a. A setback tree

b. A parking lot tree

c. A tree on an approved plan

d. A tree designated as an historic or specimen tree by the City Council (Ord. 5505, 2009; Ord. 5459, 2008; Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969)

Notwithstanding the prohibition specified in Section 15.24.020, a tree that is subject to the prohibition specified in Section 15.24.020 may be lawfully removed without a permit if the tree satisfies any one of the following definitions:

a. The main trunk of the tree is less than four inches in diameter at a point four feet six inches above the highest natural grade adjacent to the trunk.

b. The tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity; provided, a certificate attesting such condition has been filed with the Parks and Recreation Director by a member of the American Society of Consulting Arborists, an arborist certified by the International Society of Arboriculture, or by an authorized employee of the City Parks and Recreation Department at least 48 hours prior to the removal of the tree;

c. The tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property; provided, prior written notice of such condition has been given to the Parks and Recreation Director at least 48 hours prior to the removal of the tree, or shorter period if approved by the Parks and Recreation Director;
d. The tree is dead; provided, prior written notice of such condition has been given to the Parks and Recreation Director at least 48 hours prior to the removal of the tree, or shorter period if approved by the Parks and Recreation Director; or
e. The Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.

Chapter 15.20 Street Trees

a. PERMIT REQUIRED. Except for persons acting at the direction of the Director, a written permit shall be required for any person to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right-of-way.
b. REMOVAL. When an application is submitted for the removal of a tree planted in a parkway strip, tree well, public area or street right-of-way, the application shall be processed in accordance with the procedures in the City of Santa Barbara Municipal Code Chapter 15.20.110.

4.2.3 Impact Analysis

Based on Appendix G of the *CEQA Guidelines*, the effects of the Project on biological resources would be significant if the proposed Project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impacts related to Thresholds 1, 2, 3, and 4 were analyzed in the Initial Study prepared for the proposed Project (Appendix A). As discussed therein, the proposed Project would result in no impacts to special-status plant species, and impacts to special-status wildlife species would be less than significant with implementation of mitigation measures. The proposed Project would result in less-than-significant impacts to natural communities, wetland and riparian habitats, and wildlife dispersal and migration corridors with implementation of mitigation measures. These

determinations are summarized in Table 1-2, Issues Not Studied in the EIR, in Chapter 1, *Introduction*. Accordingly, Thresholds 1 through 4 are not analyzed further in the EIR. Mitigation measures for biological resources impacts, and standard conditions approval applicable to the proposed Project, are summarized in the Executive Summary. Thresholds 5 and 6 are analyzed below.

Threshold 5:	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Impact BIO-1 THE PROPOSED PROJECT WOULD POTENTIALLY CONFLICT WITH LOCAL POLICIES AND ORDINANCES PROTECTING BIOLOGICAL RESOURCES AS A RESULT OF IMPACTS ON SPECIAL-STATUS SPECIES, NESTING BIRDS, ENVIRONMENTALLY SENSITIVE HABITAT, WATERWAYS AND WETLANDS, AND COASTAL RESOURCES. WITH IMPLEMENTATION OF MITIGATION MEASURES BIO-1 THROUGH BIO-4, POTENTIAL IMPACTS TO THESE BIOLOGICAL RESOURCES WOULD BE LESS THAN SIGNIFICANT. HOWEVER, THE PROPOSED PROJECT WOULD ALSO CONFLICT WITH POLICIES AND ORDINANCES PROTECTING TREES AND IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE EVEN WITH IMPLEMENTATION OF MITIGATION MEASURE BIO-5.

As summarized in Section 4.2.2, Regulatory Setting, there are several local policies and ordinances protecting biological resources in the city, including special-status species, nesting birds, ESHA, waterways and wetlands, coastal resources, and trees. As discussed in Section 4, Biological Resources, of the Initial Study prepared for the proposed Project (Appendix A), the proposed Project has the potential to impact these resources.

As discussed in the Initial Study (Appendix A), the proposed Project could result in significant impacts to special-status wildlife species as construction activities could directly or indirectly harm these species. This would conflict with General Plan, Local Coastal Plan, and Santa Barbara Municipal Code policies and ordinances that protect wildlife species. Implementation of Mitigation Measure BIO-1, Worker's Environmental Awareness Training, would be required and would aid workers in recognizing and avoiding disturbance of special-status species. Mitigation Measure BIO-3, Best Management Practices, establishes measures including but not limited to proper material and contaminant storage and limitations on construction hours, to avoid entrapment or disturbance of wildlife. In addition, Mitigation Measure BIO-4, Pre-construction Wildlife Surveys, would involve surveying the site prior to the initiation of ground disturbance. Special-status species would be safely ushered out of harm's way, or relocated by a qualified biologist in consultation with CDFW and/or other regulatory agencies. In addition, Mitigation Measure BIO-4 has been updated to address Crotch's bumblebee based on CDFW comment letter received during the NOP comment period. With implementation of Mitigation Measures BIO-1, BIO-3, and BIO-4, impacts to special-status species would be reduced to the extent feasible. Accordingly, the Project would not conflict with local policies or ordinances protecting special-status species and impacts would be less than significant with mitigation.

As discussed in the Initial Study (Appendix A), the proposed Project could result in significant impacts to nesting birds as the proposed Project would require tree removal. This would conflict with General Plan, Local Coastal Plan, and Santa Barbara Municipal Code policies and ordinances that protect nesting birds. Implementation of Mitigation Measure BIO-2, Nesting Bird Surveys, would require work to occur outside of bird nesting season or require a nesting bird survey prior to the start of construction. Potential impacts to nesting birds would be reduced to the extent feasible. Accordingly, the proposed Project would not conflict with local policies or ordinances protecting nesting birds and impacts would be less than significant with mitigation.

Construction activities associated with the proposed Project could potentially result in disturbance to or contamination of ESHA, waterways and wetlands, and coastal resources. This would conflict with General Plan, Local Coastal Plan, and Santa Barbara Municipal Code policies and ordinances that protect these resources. Mitigation Measure BIO-3, Best Management Practices, establishes measures, including, but not limited to, proper material and contaminant storage and limitations on construction hours. These best management practices would reduce the potential for environmental contamination, wildlife entrapment, and wildlife disturbance to the extent feasible, and potential impacts to special-status species, ESHA, waterways and wetlands, and coastal resources would be less than significant with mitigation. The proposed Project would not conflict with local policies or ordinances protecting these resources.

The tree survey conducted for the proposed Project identified 133 trees eligible for protection under Santa Barbara Municipal Code within the study area that have the potential to be impacted by the proposed Project. Protected trees within the city included native and non-native species and were located within Caltrans, UPRR, and City street right-of-way. No native trees are proposed to be impacted within ESHA or ESHA buffers (Appendix B). At least 64 of the City-protected trees may be impacted by the separate Caltrans 101 HOV Project. Therefore, a final count of impacted trees would need to occur following construction of the Caltrans 101 HOV Project and prior to start of construction for the proposed Project, if approved, to determine how many trees the Project would potentially impact. Accordingly, the exact number of trees that may be impacted by the proposed Project cannot be determined at this time.

As discussed in Chapter 2, *Project Description,* and in the Initial Study, implementation of the shoofly track during proposed Project construction would require the removal of up to approximately 100 trees. The proposed Project would include planting replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted is not known. In addition, because UPRR will not allow replacement trees to be planted in the UPRR right-of-way, the location for replacement trees is not currently known and available lands have not been identified nor can be confirmed. Because the proposed Project would involve substantial tree removal, and because replanting trees at required ratios may not be feasible, the proposed Project would conflict with Policies 4.1-13 and 4.1-20 of the City's Local Coastal Program. The proposed Project would be required to implement Mitigation Measure BIO-5, Tree Protection Plan, which would minimize encroachment and damage to trees to the extent possible. Although the proposed Project would involve the planting of replacement trees, it is conservatively concluded that the proposed Project would result in significant and unavoidable impacts related to tree removal as the number and location, or availability of land for future replacement trees is not known. Therefore, the proposed Project would not be consistent with these policies and impacts would be significant and unavoidable.

Mitigation Measures

BIO-1 Worker's Environmental Awareness Training

Prior to initiation of construction activities (including staging and mobilization), a qualified biologist will conduct a Worker's Environmental Awareness Program (WEAP) training for all construction personnel. The training will aid workers in recognizing special-status species, native birds, protected trees, ESHA, or other biological resources that may occur in the construction area. The specifics of this program should include identification and habitats of special-status species with potential to occur in the study area, description of the regulatory status and general ecological characteristics of sensitive resources, review of the limits of construction, and an explanation of measures required to

protect biological resources. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees will sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The crew foreman will be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to biological resources. If new construction personnel are added to the Project, the crew foreman will ensure the new personnel receive the WEAP training before starting work.

BIO-2 Nesting Bird Surveys

To avoid disturbance of nesting and special-status birds, including raptor species protected by the Migratory Bird Treaty Act and CFGC, construction activities shall occur outside of the bird breeding season (February 1 through August 30), if feasible. If construction must begin during the breeding season, then a nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and/or vegetation removal activities. The nesting bird survey shall be conducted on foot inside the proposed Project boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in Southern California coastal communities. If active nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site) shall be established by the biologist. If a raptor nest is observed in a tree proposed for removal, the Applicant must consult with CDFW and obtain authorization prior to removal of the nest. The buffer area(s) should be closed to all construction personnel and equipment until a qualified biologist has confirmed that breeding/ nesting is completed and the young have fledged the nest. If the buffer zones are determined to be infeasible, a full-time qualified biological monitor must be on-site to monitor construction within the buffer zones to help ensure that active nests and nesting birds are not impacted.

BIO-3 Best Management Practices

The following measures shall be adhered to throughout construction.

a. The contractor shall clearly delineate construction limits and prohibit any construction-related traffic outside these boundaries.
b. Proposed Project related vehicles and construction equipment shall restrict off-road travel outside of the designated construction area.
c. All open trenches shall be fenced or sloped to prevent entrapment of wildlife species.
d. No pets or firearms shall be allowed at the Project area during construction activities.
e. During proposed Project activities, all trash shall be properly contained and removed from the work/disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
f. Pallets or secondary containment areas for chemicals, drums, or bagged materials shall be provided. If material spills occur, materials and/or contaminants shall be cleaned immediately.
g. All vehicles and equipment shall be properly maintained and free of leaks of oil, fuel, or residues.
h. Construction shall be restricted to daylight hours (7:00 a.m. to 5:00 p.m.) to avoid impacts to nocturnal and crepuscular (dawn and dusk activity period) species. If night-time construction is unavoidable, all lighting will be shielded and directed downward to minimize potential for glare or spillover to reduce impacts on wildlife.

BIO-4 Pre-construction Wildlife Surveys

No more than three days prior to the initiation of ground disturbance and vegetation removal, a qualified wildlife biologist shall conduct pre-construction surveys in the southern portion of the proposed Project site south of Los Patos Way near the quailbush scrub habitat, including a 50-foot buffer around the proposed Project site (inaccessible areas will be surveyed with binoculars as practicable). The biologist will document existing conditions and search for special-status species. Should a special-status species be located on the proposed Project site during pre-activity surveys all individuals shall be documented and locations of presence recorded. If a non-listed special-status species is found, the qualified biologist shall contact CDFW, and the species shall be passively ushered out of harm's way to an area containing suitable habitat that is unaffected by the Project. If the Project requires special-status species to be removed, disturbed, or otherwise handled, the qualified biologist shall obtain all appropriate handling permits from regulatory agencies (e.g., CDFW, USFWS) and prepare a species-specific relocation plan for review and approval by the appropriate regulatory agencies. The relocation plan shall be implemented prior to Project construction activities that may affect the species. All observations of special-status species shall be recorded on CNDDB field sheets and sent to CDFW by the City or qualified biologist.

If Crotch's bumble bee remains a candidate for listing under the CESA or has been listed as threatened or endangered under CESA at the time Project construction commences, the following avoidance, minimization, and compensation measures for Crotch's bumble bee shall be implemented. Focused Crotch's bumble bee surveys for foraging bees and nests shall be conducted in the active season prior to construction (during the Colony Active Period [April 1 through August 31]) within suitable habitat per the Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). At least three surveys spaced two to four weeks apart will be conducted by a qualified biologist with a Memorandum of Understanding from CDFW and familiar with the species' behavior and life history of the species to determine presence/absence of this species and active colonies within the proposed Project site. If this species is detected foraging or nesting within or immediately adjacent to the proposed Project site and may be impacted by proposed Project implementation, the following measures shall be implemented:

- A qualified biologist shall identify the location of all nests in or adjacent to the proposed Project area to the extent feasible. Adjacent areas containing suitable habitat that are inaccessible shall be surveyed from the nearest vantage point from within the proposed Project site or public property. If a nest is identified, a minimum 50-foot no disturbance buffer zone shall be established around the nest to avoid disturbance or accidental take. If proposed Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.
- A Crotch's bumble bee avoidance plan shall be developed prior to the start of construction to fully avoid direct and indirect impacts to this species. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during proposed Project activities or over the life of the Project, the proposed Project proponent shall obtain appropriate take authorization from CDFW pursuant to CFGC Section 2081 subdivision (b).
- If avoidance is not possible and an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumblebee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. A Crotch's bumble bee habitat restoration plan shall be prepared and implemented over a minimum three-year period. The habitat restoration plan shall include, but not limited to, the location of

restoration, performance standards and success criteria, responsible parties, monitoring and reporting requirements (and schedule), and adaptive management.

BIO-5 Tree Protection Plan

Prior to the start of construction activities (such as, but not limited to, pruning, trimming, compaction, or grading) that have the potential to impact protected trees (as determined by a certified arborist) and prior to obtaining a tree permit from the City, a TPP shall be prepared by a certified arborist in accordance with the City's Street Tree Ordinance and Tree Preservation Ordinance. The TPP will include data on each protected tree such as, but not limited to, species, diameter at breast height, height, dripline, and overall health. The TPP shall at a minimum graphically depict the locations of all protected trees with at least a portion of their driplines within the proposed Project boundary, proposed Project boundary and tree protection zone, and measures to protect trees during construction, including, but not limited to, protective fencing, monitoring during construction, activities allowed/prohibited within tree protection zones, proper root and canopy pruning techniques, and replacement standards if impacts exceed 20 percent of a tree's dripline.

Standard Conditions of Approval Applicable to the Project

1. **Nesting Birds.** Birds and their eggs nesting on or near the proposed Project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nets(s).
2. **Tree Removal and Replacement.** All trees removed, except fruit trees and street trees approved for removal without replacement by the Parks Department, shall be replaced on-site on a one-for-one basis with minimum 15-gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
3. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures:
    a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the TPP, if required, and/or any related Conditions of Approval.
    b. **Landscaping under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the Architectural Board of Review.
    c. **Oak Trees.** The following additional provisions shall apply to existing oak trees on site:
        iv. No irrigation system shall be installed within three feet of the dripline of any oak tree.
        v. Oak trees greater than 4 inches in diameter at 4 feet above grade removed as a result of the Project shall be replaced at a ten-to-one (10:1) ratio, at a minimum 5-gallon size, from South Coastal Santa Barbara County Stock.
        vi. The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
        vii. No storage of heavy equipment or materials, or parking shall take place within 5 feet of the dripline of any oak tree.

d. **During Construction.**

i. All trees within 25 feet of proposed construction activity shall be fenced 3 feet outside the dripline for protection.

ii. A qualified arborist shall be present during any excavation beneath the dripline(s) of the tree(s) which are required to be protected. All excavation within the dripline(s) of the tree(s) shall be minimized and shall be done with hand tools.

iii. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.

iv. Any root pruning and trimming shall be done under the direction of a qualified arborist.

v. No heavy equipment, storage of materials or parking shall take place under the dripline of any tree(s), or within 5 feet of the dripline of any oak tree.

vi. Oak seedlings and saplings less than 4 inches at 4 feet above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one-to-one (1:1) ratio. Replacement trees shall be a minimum of 1-gallon size derived from South Coastal Santa Barbara County stock.

Significance After Mitigation

With implementation of Mitigation Measures BIO-1 through BIO-4, the proposed Project would not conflict with local policies of the City's General Plan and Local Coastal Plan protecting nesting birds, ESHA, waterways and wetlands, and coastal resources, and impacts would be less than significant. However, because the number and location of future replacement trees is not known and replanting at required ratios may not be feasible the proposed Project would not be consistent with General Plan and Local Coastal Program policies. Impacts would be significant and unavoidable even with implementation of Mitigation Measure BIO-5 to the extent feasible.

Threshold 6:	Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Impact BIO-2 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN AS NONE ARE APPLICABLE TO THE PROJECT SITE. NO IMPACT WOULD OCCUR.

The proposed Project site is not within any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan areas. No impact would occur.

4.2.4 Cumulative Impacts

The geographic scope for potential cumulative impacts to biological resources is the proposed Project site, plus a 0.5-mile radius. This geographic scope is appropriate because, generally, biological resources impacts associated with individual developments are site-specific in nature and must be addressed on a case-by-case basis. Other cumulative developments considered in this analysis that could contribute to cumulative impacts to biological resources are listed in Table 4-1 of this EIR.

Continued development in this area would cumulatively increase the potential for impacts to biological resources, in combination with the proposed Project. There is a potential for the proposed Project, when considered with the other cumulative projects, to contribute incrementally to cumulative impacts to habitat loss, CDFW/RWQCB jurisdictional areas, and sensitive plant and animal species in this area of Santa Barbara.

Existing City policies, as well as federal and state regulations, would protect special-status species, riparian habitats, sensitive natural communities, wetlands, and wildlife movement during the course of project development. In addition, the Project would include Mitigation Measures BIO-1 through BIO-4, which would reduce potential impacts to special-status species, nesting birds, ESHA, waterways and wetlands, and coastal resources to a less-than-significant level. Cumulative projects in the vicinity would require biological resources evaluations and implementation of best management practices and minimization and mitigation measures that would reduce individual project impacts. Accordingly, significant cumulative impacts to these resources would not occur.

As described above under Impact BIO-1, cumulative development such as the Caltrans 101 HOV Project would also involve tree removal. The Caltrans 101 HOV Project, which would occur before the proposed Project can be completed, would likely impact at least 64 of the City-protected trees within the proposed Project site. In addition, the 1 Hot Springs Road Residential Development project located near the Project site (south of U.S. 101-Cabrillo Boulevard intersection), if approved, would likely also require tree removal. Because available lands for planting of replacement trees has not been identified, cumulative development would result in significant cumulative impacts. The proposed Project would require the removal of up to approximately 100 trees, which would further contribute to cumulative impacts to biological resources. Accordingly, the proposed Project would have a cumulatively considerable contribution to cumulative impacts related to tree removal.

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4.3 Cultural Resources

This section provides background information pertaining to the cultural context of the proposed project and includes an overview of the regional post-contact history, a summary of the existing conditions and regulatory context relevant to the proposed project, and an assessment of potential impacts to cultural resources on the proposed project site. The analysis presented herein is based on the Historic Structure/Site Report (HSSR) prepared for the project by Rincon, dated February 2020 (included as Appendix C). Impacts related to archaeological resources and human remains were analyzed in the Initial Study prepared for the proposed project (Appendix A) and, therefore, are not addressed further in this document.

4.3.1 Setting

The setting discussed herein is a summary of the setting presented in the HSSR (Appendix C). (Refer to Appendix C for a more detailed discussion of post-contact history of the project region.)

City of Santa Barbara

In 1851, Captain Salisbury Haley surveyed and laid out the streets of the City of Santa Barbara. By 1860, its population was over 2,300 people. Two years later, the City Council authorized the leveling of State Street to accommodate traffic. A catastrophic drought during 1863–1864 ruined grazing lands and led to many rancheros losing or selling off their land, providing additional property for a growing population. The first wharf in the city was built at the foot of Chapala Street in 1869, followed by Stearns Wharf at the foot of State Street, built in 1872 (City of Santa Barbara 2016). During the 1870s, the blocks plotted at the waterfront were sought-after real estate for commercial and industrial development (Cole 1999).

Charles Nordhoff, a New York journalist, visited Santa Barbara in 1872 and extolled its merits, drawing many people to the city. By the following year Ventura County was created and separated from Santa Barbara County. The Southern Pacific Railroad (SPRR) arrived in Santa Barbara in 1887, passing just north of the "salt pond" or estuary (today's Andree Clark Bird Refuge). This advancement in transportation further increased tourism and relocation to the area. At the time, the SPRR route between San Francisco and Los Angeles traveled through the San Joaquin Valley. A connection to Santa Barbara was made from Newhall, an inland community about 40 miles north of Los Angeles. Progressing from the north, construction of the SPRR coastal route had only reached as far south as the community of San Miguel and was not developed through Santa Barbara until 14 years later (Conklin 1987; Graffy 2010).

The California land speculation boom peaked in Santa Barbara in 1887, and by 1890, its population had grown to over 5,800 people (City of Santa Barbara 2016). A Chinatown developed on Canon Perdido Street approximately between State and Anacapa streets. In 1891, the City created a boulevard along the oceanfront, which was known as East Boulevard. It was wider to the west of State Street and narrowed on the east side due to the marshy landscape (Cole 1999).

Completion of the SPRR coast route between Santa Barbara and San Luis Obispo was completed in 1901, bringing countless travelers between Los Angeles and San Francisco through Santa Barbara. Construction of the lavish Potter Hotel began in 1902 near the shoreline west of State Street. The first hotel in the city to deliberately cater to guests arriving by train, it opened the following year and became a popular destination for wealthy visitors (Cole 2006, Graffy 2010). Shortly thereafter, SPRR reportedly realigned the train tracks to cater to Potter Hotel guests. Between 1904 and 1905

the SPRR tracks were realigned to run adjacent to the hotel and closer to the shoreline instead of the earlier convoluted route along city streets (a large portion of which had been located on Gutierrez Street) (Cole 2006). A new Mission Revival-style train station was also built in 1905 on lower State Street to replace the earlier Victoria Street station (Conklin 1987).

Development at the west end of Santa Barbara's waterfront differed from the east end. The area west of State Street was relatively dry and easily developed; thus, it became the focus for tourism. The area east of State Street, was marshy; the salty estero would often flood during the winter rains. Therefore, the East Beach area was dedicated primarily to commercial and industrial use, such as fishing, lumber yards, and citrus shipping. East Beach was not particularly popular with beachgoers, also in part because the city's sewer outfall discharged into the ocean in that area. An early attempt at developing a tourism-related business there was James L. Barker's Shore Acres, a small, modest resort in the area of modern-day Calle Cesar Chavez and Cabrillo Boulevard. Developed starting in 1909, it was comprised of a grouping of cottages with thatched roofs, and palm trees, to help create the ambiance of a tropical beach (Cole 1999, Beresford 2014–2015).

In 1919, the City renamed East and West Boulevard "Cabrillo Boulevard" after the explorer Juan Rodriguez Cabrillo. By the 1920s, the City felt the pressure to improve the East Beach area, and concerned citizens became engaged in the effort (Cole 1999). In 1922, the Santa Barbara Community Arts Association organized a Plans and Planting division, focusing on the beautification of the city. At the time, Santa Barbara was one of the first cities in the country to consider historic preservation during the planning process. Shortly thereafter the City's Planning Commission was established in 1923. Well-known planner Charles H. Cheney was commissioned to work with Olmsted and Olmsted of New York to prepare a 70-page document titled Major Traffic Street Plan and Boulevard and Park System, also known as the "Olmsted-Cheney Plan", which was presented to the City Council in 1924 (Starr 1990). The plan recommended that the City focus on acquiring as much oceanfront land as possible. That same year, the East Boulevard Improvement Association was formed and purchased beachfront property on Cabrillo Boulevard to keep it from being developed. Similar philanthropic citizens' groups raised funds to acquire the Shore Acres parcels, and the Santa Barbara Lumber Company's property adjacent to Stearns Wharf, and this land was sold to the City in the late 1920s to early 1930s (Beresford 2014–2015).

A major earthquake in 1925 damaged many structures in the city. The city's first Architectural Board of Review was organized to review architectural plans for post-earthquake re-building. Since the 1920s, Spanish and traditional Mediterranean architectural styles have been advocated for building within the city (City of Santa Barbara 2016). A consequence of this was the dismantling of the city's old Chinatown (Santa Barbara Trust for Historic Preservation 2017).

By 1927, the City was successful in raising the funds to buy land and construct a new boulevard further inland from the existing road, spanning from State Street to the Old Coast Highway (Cole 1999). Over the next two years, East Cabrillo Boulevard was widened and moved northward, and a beautification program was completed (*The Morning Press* 1930, Beresford 2014–2015). During the 1870s and 1880s horse races were held on a track around the pond when conditions permitted. Then in the early 1900s, a group of 70 citizens made donations to purchase the salt pond to save it from oil development. It was sold to the City in 1909, and after it was set aside as a bird refuge, it sat in relative neglect. In 1928, Huguette M. Clark donated $50,000 in memory of her deceased sister Andrée to have the salt pond dredged and to create a shallow lake encircled by walking and bridle paths (Redmon 2016, Conard et.al. 2016). Improvements on the three islands and the Cabrillo Boulevard side of the Bird Refuge were completed by 1931. Grass lawns and shrubbery were planted around the lake, and trees and shrubs were planted on the islands. Water grass plants were

also planted within the Bird Refuge, and eucalyptuses and pines were planted on its eastern edge near the railroad embankment (*The Morning Press* 1931a, 1931b).

The early route of the Coast Highway, which ran adjacent to the east edge of the salt pond, used present-day Los Patos Way to pass under the SPRR underpass (the subject structure) before entering the east side of Santa Barbara. Because the highway route followed a circuitous network through city streets, by the 1930s, the need for a safer and more efficient route became apparent (Scott 1992). A new highway began being developed through the city in the 1930s, although it was curtailed at the start of World War II and was not completed until the late 1940s (UCSB Map and Imagery Lab 1928, 1938; Scott 1992). The SPRR merged with UPRR in 1996 creating the largest railroad in the United States (UPRR 1994–2018).

Santa Barbara's waterfront area, east of the wharf, has continued to develop throughout the twentieth century into a hub for tourism, and passive and active recreation. To the north of Cabrillo Boulevard, large-scale developments such as hotel and condominium complexes, the city zoo, and a large city park have been built. To the south, an emphasis on the creation of recreation facilities is noted; for example, the volleyball courts at East Beach, bicycle paths along the beachfront, a skateboard park, and public restrooms.

Stone Masonry Construction in Santa Barbara County

The following information is primarily derived from the book *Stone Architecture in Santa Barbara* by the Santa Barbara Conservancy (2009), except where noted.

Stone architecture and construction has been notable in Santa Barbara since the nineteenth century, with a surge between 1875 and 1940, as it evolved from a small semi-rural community into a lively city. The use of stone was made possible by several factors: the abundance of local sandstone, a growing number of expert artisans, and the seemingly bottomless pockets of wealthy private patrons. The city's picturesque setting and mild climate made it a popular destination for both vacationers and permanent transplants from across the country. Many of the newcomers were wealthy and bought land on which they created great estates. Stone was used as a locally available and naturally beautiful material in the construction of their homes, outbuildings and garden features. As stated in *Stone Architecture in Santa Barbara*, "with the availability of capital, raw materials, and, especially, a dedicated contingent of architects, builders, and masons devoted to the use of stone, Santa Barbara has been blessed by an abundance of stone houses and gardens…" (Santa Barbara Conservancy 2009). The trend was not just limited to the wealthy, however; others also used stone for more modest structures built throughout the city.

Stone construction was used in both private and public spaces, including homes, gardens, bridges and walls, which showcased the artistic expression of different stonemasons. The first group of stonemasons to work in Santa Barbara, beginning in the 1870s, were of various nationalities, including English, Scottish, German, French, Italian, Mexican and American. The next generation consisted primarily of Italians. A generation of Italian-American stonemasons followed, and afterwards, an influx of Mexican stonemasons also made their mark. These diverse stone masons created and maintained a high standard of workmanship in Santa Barbara stonework, much of which is still extant. Some of the masons and designers are recognized today, such as Joe Dover, Peter Poole, Owen O'Neill, John Arroqui, Atilio Bazzi, Joe Buzzella, and the Arnoldi brothers.

In addition to the aforementioned stonemasons, general laborers, such as Chinese immigrants, were hired to construct masonry infrastructure related to railroad development during the mid- to late-1800s. However, after this period of major railroad construction, immigration restrictions put in

place in 1882 led to a reduction in the Chinese population in the state. Those who stayed typically settled in more permanent communities and found employment in other sectors. In the report, *Survey and Evaluation of Masonry Arch Bridges*, authors Stacie Ham and Andrew Hope state by the early 1900s, the Chinese population that had earlier provided manual labor for masonry structures was replaced by second generation Chinese-Americans, most of whom either moved to cities or moved to their ancestral land (Ham and Hope 2003).

Stone bridges are located throughout the Santa Barbara area where many east-west roads span across canyons and creeks. Bridge construction using the engineering power of the arch "liberated stoneworkers from the construction of post and lintel…translated…to local construction with extraordinary results..." (Santa Barbara Conservancy 2009). In addition to bridges, numerous stone walls were constructed both in private and public places. They were used to delineate boundaries, hold back hillsides, and support roads. Although walls do not require as much in terms of engineering as bridges, stonemasons were able to express more artistry in the selection, carving, and setting of stones for wall design.

Stone architecture and construction in Santa Barbara lessened by the mid-twentieth century. Although local scholars have not elaborated on this, various factors were likely involved. Authors Ham and Hope describe the factors for the decrease in stone masonry construction in Napa Valley as including: newer, cheaper, labor-saving methods of construction; the loss of knowledge of the trade; loss of a large supply of inexpensive manual laborers; and a change in taste and style (Ham and Hope 2003).

Existing Conditions

In 2020, Rincon prepared the HSSR for the current project. The 2020 HSSR, which consisted of archival and background research and a field survey, assessed a single historic-age built environment resource on the proposed project site, the Los Patos Rail Bridge, a rail bridge that originally crossed above Los Patos Way, but now crosses over the Los Patos Way off-ramp from U.S. 101. The bridge was constructed in 1901 by the SPRR at the time the railroad company was completing the Coast Line as a through route between Los Angeles and San Francisco.

Background research revealed the Los Patos Rail Bridge (Bridge No. 51-0235) was previously evaluated by architectural historian John Snyder for Caltrans in 1991. The findings of the evaluation were documented in the *Historical Architectural Survey Report for the Carpinteria-Santa Barbara Median Widening and Interchange Project* (Scott 1992), completed as part of the *Historic Properties Survey Report for the Route 101 Six-Lane Project* (Caltrans District 5 1992). Snyder found the underpass ineligible for listing in the National Register of Historic Places (NRHP), a finding which received State Historical Preservation Office concurrence in 1993 (Craigo 1993). The underpass is currently listed on the Caltrans Historic Bridge Inventory as Category 5 ("Bridge not eligible for NRHP") and is listed on the Historic Resources Inventory for Santa Barbara County as resource number P-42-040888 with a California Historical Resource Status Code 6Y meaning, "Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing."

As part of the 2020 HSSR, Rincon reevaluated and recommended Los Patos Rail Bridge eligible for listing in the California Register of Historical Resources (CRHR) at the local level of significance under Criterion 1 as it is associated with events that have made a significant contribution to the broad patterns of local history, and Criterion 3 as it embodies the distinctive characteristics of a method of construction. Built in 1901 with local sandstone, the underpass is representative of sandstone architecture and construction, significant to the architectural heritage of the City of Santa Barbara. Therefore, the HSSR concludes the primary character-defining features of the Los Patos Rail Bridge

are its sandstone pier and abutments. The City's Historic Landmarks Commission reviewed and discussed the report during meetings held on December 11, 2019 and April 15, 2020, and determined that the bridge's steel girders are also considered character-defining features (City of Santa Barbara 2019, 2020). Non-character-defining features which are utilitarian and ubiquitous include the wooden ties, rails, ballast, wooden posts and cable railing.

The 2020 HSSR also recommended Los Patos Rail Bridge eligible for local designation as a City of Santa Barbara Landmark or Structure of Merit because it has character, interest, or value as a significant part of the heritage of the city (Criterion 3a); it exemplifies a particular architectural style or way of life important to the city, the state or the nation (Criterion 3d); and its unique location and physical characteristics represent an established and familiar visual feature of the surrounding neighborhood (Criterion 3i). Furthermore, the underpass was found to meets the City of Santa Barbara's definition of a significant historic resource, as described in the *Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites Guidelines*, as a structure that represents a particular architectural style or style that was popular 50 or more years ago (Criterion 2), and as a structure, site or object that conveys an important sense of time and place (Criterion 6). Therefore, the Los Patos Rail Bridge is considered a historical resource for the purposes of CEQA.

4.3.2 Regulatory Setting

a. Federal Regulations

National Register of Historic Places

Although the proposed project does not have a federal nexus, properties which are listed in or have been formally determined eligible for listing in the NRHP are automatically listed in the CRHR. The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture present in districts, sites, buildings, structures, and objects. Per 36 Code of Federal Regulations, Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

Criterion A: Is associated with events that have made a significant contribution to the broad patterns of our history

Criterion B: Is associated with the lives of persons significant in our past

Criterion C: Embodies the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction

Criterion D: Has yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several of these seven qualities, if not all, defined as follows:

Location:	The place where the historic property was constructed or the place where the historic event occurred
Design:	The combination of elements that create the form, plan, space, structure, and style of a property
Setting:	The physical environment of a historic property
Materials:	The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
Workmanship:	The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
Feeling:	A property's expression of the aesthetic or historic sense of a particular period of time
Association:	The direct link between an important historic event or person and a historic property

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The National Park Service states that 50 years is the general estimate of the time needed to develop the necessary historical perspective to evaluate significance. Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

b. State Regulations

California Environmental Quality Act

CEQA (PRC Section 21084.1) requires that a lead agency determine whether a project could have a significant effect on historical resources. A "historical resource" is a resource listed in, or determined to be eligible for listing in, the CRHR (PRC Section 21084.1), a resource included in a local register of historical resources or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the PRC (*CEQA Guidelines* Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (*CEQA Guidelines* Section 15064.5[a][3]).

PRC Section 5024.1, *CEQA Guidelines* Section 15064.5, and PRC Sections 21083.2 and 21084.1 were used as the basic guidelines for this historic resource study. PRC Section 5024.1 requires the identification and evaluation of historical resources that may be affected by a project.

California Register of Historical Resources

The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources in the CRHR were developed expressly to be in accordance with previously established criteria developed for listing in the NRHP, enumerated above under Federal Regulations.

According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it 1) retains substantial integrity and 2) meets at least one of the following CRHR criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. It is associated with the lives of persons important in our past.
3. It embodies the distinctive characteristics of a type, period, region, or method of installation; or represents the work of an important creative individual; or possesses high artistic values.
4. It has yielded or may be likely to yield information important in prehistory or history.

Impacts to significant cultural resources are considered a significant effect on the environment if they affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed in or eligible for listing in the CRHR. These impacts could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (*CEQA Guidelines* Section 15064.5 [b][1], 2000). *Material impairment* is defined as demolition or alteration in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR (*CEQA Guidelines* Section 15064.5[b][2][A]).

c. Local Regulations

City of Santa Barbara

Pursuant to the City's Master Environmental Assessment Guidelines, the City of Santa Barbara defines significant historic resources to include, but not be limited to, the following:

1. Any structure, site or object designated on the most current version of the following lists:
   a. National Historic Landmarks
   b. NHRP
   c. California Registered Historical Landmarks
   d. CRHR
   e. City of Santa Barbara Landmarks
   f. City of Santa Barbara Structures of Merit
2. Selected structures that are representative of particular architectural styles including vernacular as well as high styles, architectural styles that were popular 50 or more years ago, or structures that are embodiments of outstanding attention to architectural design, detail, materials, or craftsmanship
3. Any structure, site or object meeting any or all the criteria established for a City Landmark and a City Structure of Merit (Santa Barbara Municipal Code Section 22.22.040; Ord. 3900 ¶ I, 1977), as follows:
   a. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation
   b. Its location as a site of a significant historic event
   c. Its identification with a person or persons who significantly contributed to the culture and development of the City, the State or the Nation

d. Its exemplification of a particular architectural style or way of life important to the City, the State or the Nation
e. Its exemplification of the best remaining architectural type in a neighborhood
f. Its identification as the creation, design or work of a person or persons whose effort has significantly influenced the heritage of the City, the State or the Nation
g. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship
h. Its relationship to any other landmark if its preservation is essential to the integrity of that landmark
i. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood
j. Its potential of yielding significant information of archaeological interest
k. Its integrity as a natural environment that strongly contributes to the well-being of the people of the City, the State of the Nation

4. Any structure, site, or object meeting any or all the criteria provided for the NHRP and the California Historical landmark list
5. Any structure, site or object associated with a traditional way of life important to an ethnic, national, racial, or social group, or to the community at large; or illustrates the broad patterns of cultural, social, political, economic, or industrial history
6. Any structure, site, or object that conveys an important sense of time and place, or contributes to the overall visual character of a neighborhood or district
7. Any structure, site of object able to yield information important to the community or is relevant to historical, historic archaeological, ethnographic, folkloric, or geographical research
8. Any structure, site, or object determined by the City to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the City's determination is based on substantial evidence in light of the whole record (CEQA Guidelines Section 15064.5(a)(3)).

Highway 101 Santa Barbara Coastal Parkway Design Guidelines

The Highway 101 Santa Barbara Coastal Parkway Design Guidelines, adopted in 1996, intend to preserve the historic character and visual quality of the segment of U.S. 101 located within the City's Coastal Zone. These guidelines identify the Los Patos Rail Bridge as surviving example of stone work common to the city, and serves as an example for the span and scale of bridges in the Highway 101 Coastal Parkway area (City of Santa Barbara 1996).

4.3.3 Impact Analysis

Methodology

The methodologies and significance thresholds employed for the cultural resources impact analyses are described below in *Significance Thresholds* and in the *Regulatory Setting*, above.

Significance Thresholds

Based on Appendix G of the *CEQA Guidelines,* the effects of the project on cultural resources would be significant if the project would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
3. Disturb any human remains, including those interred outside of dedicated cemeteries.

Impacts related to archaeological resources and human remains were analyzed in the Initial Study prepared for the proposed project (Appendix A). As discussed therein, there are no known archaeological resources within the proposed project site and no archaeological materials were identified during preparation of a Phase 1 Archaeological Resources Report. With implementation of a standard condition of approval, which outlines procedures to follow if unanticipated archaeological resources are discovered, the Initial Study concluded that impacts to archaeological resources would be less than significant. The Initial Study determined there is no evidence that the proposed project site contains human remains. With implementation of standard conditions of approval, which outline procedures to follow if human remains are discovered, the Initial Study concluded impacts to human remains would be less than significant. This determination is summarized in Table 1-2, Issues Not Studied in the EIR, in Chapter 1, *Introduction*. Accordingly, Thresholds 2 and 3 are not analyzed further in the EIR.

Threshold 1:	Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Impact CUL-1 THE LOS PATOS RAIL BRIDGE QUALIFIES AS A HISTORICAL RESOURCE. THE PROPOSED PROJECT WOULD INVOLVE DEMOLITION OF THE BRIDGE, WHICH CONSTITUTES A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE. BECAUSE PRESERVATION IN PLACE OF THE BRIDGE IS NOT FEASIBLE, IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

As described above, the 2020 HSSR identified within the proposed project area one built environment resource that qualifies as a historical resource pursuant to CEQA, the Los Patos Rail Bridge. Specifically, Los Patos Rail Bridge is recommended eligible for listing on the CRHR under Criteria 1 and 3 and designation as a City of Santa Barbara Landmark or Structure of Merit under City assessment Criteria 2, 3a, 3d, 3i, and 6. Because the Los Patos Rail Bridge is eligible for listing on the CRHR and local designation, it is considered a historical resource pursuant to CEQA. A complete evaluation under all significance criteria is included in the HSSR, attached to this document as Appendix C.

The proposed project would involve the complete demolition and removal of Los Patos Rail Bridge. As discussed in Chapter 6, *Alternatives*, the City considered alternatives that would involve preservation of the bridge. However, UPRR has indicated the necessity of removal of the bridge and underpass, because the bridge has a non-standard vertical clearance, which has caused several trucks to hit the bridge and result in railroad operation shutdowns. In addition, UPRR has indicated that, once the vehicle underpass is removed during the separate Caltrans U.S. 101 HOV Project, any unused underpass area would likely create an attractive nuisance and result in an increased security risk to the railroad. Accordingly, preservation of the bridge in place is not feasible. The demolition of the underpass would result in the loss of all the character-defining features that convey its historical significance and justify its eligibility for the CRHR and local designation and, therefore, would

constitute a substantial adverse change in the significance of a historical resource. Full relocation of the bridge was assessed as to the potential to mitigate for the adverse change to a historical resource (Appendix E). In accordance with CEQA, relocation of an historical resource may avoid an adverse impact to a resource provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the CRHR (14 California Code of Regulations Section 4852(d)(1)). The underpass serves a very specific function as a railroad underpass, so there are no feasible options for "adaptive reuse" and identifying a compatible site with similar conditions is not likely and therefore would not reduce impacts to less than significant. This is included and further discussed as a proposed project alternative (Alternative 3) in Chapter 6 of this EIR. Partial relocation of the Los Patos Rail Bridge, which would involve replacing the steel girders and rail and retaining and preserving the sandstone abutments and pier, was also considered as an alternative; however, this alternative would still result in significant and unavoidable impacts to historical resources and was rejected for further consideration (see Section 6.2, *Alternatives Considered but Rejected,* In Chapter 6, *Alternatives*). Partial relocation, consisting of salvaging materials for reuse, is included as Mitigation Measure CR-3 to reduce impacts to the maximum extent feasible.

As required by CEQA, mitigation measures are required for the project to reduce impacts to the maximum feasible extent; however, the impacts to Los Patos Way off-ramp underpass would remain significant and unavoidable even with such mitigation.

Mitigation Measures

The following mitigation measures are required to mitigate the demolition of Los Patos Way off-ramp underpass to the maximum extent feasible.

CR-1 Historic American Engineering Record Documentation

Impacts resulting from the demolition of the subject structure shall be minimized through archival documentation of the structure in as-built and as-found condition. The City shall ensure that documentation of the structure is completed prior to its demolition in the form of Historic American Engineering Record documentation. This shall include a historical report consistent with the requirements outlined in the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: Historic American Engineering Record Guidelines for Historical Reports. The written narrative shall include a historical context covering the history of sandstone construction and the development of the railroad in Santa Barbara; a physical description of the underpass; and available information on the underpass' design and history. The documentation shall include large-format, black-and-white photographs, including elevations and significant details such as the sandstone block post and abutments and steel-riveted girders. Information in the existing historic structure/site report may be used and supplemented by additional historic research utilizing primary and secondary source information, as needed. UPRR will be consulted for any available information, drawings or images. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards for History and/or Architectural History. The documentation package shall be submitted to the Library of Congress in accordance with National Park Service and Library of Congress guidelines. An archival-quality copy of the documentation shall be submitted to each of the following: the City of Santa Barbara Planning Department/Urban Historian, the Santa Barbara Historical Museum Gledhill Library, and the Santa Barbara Public Library main branch, where it will be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the City of Santa Barbara.

CR-2 Development of Interpretive Display

A plan for, and implementation of, an interpretive display, or other suitable interpretive approaches conducted by a Secretary of the Interior-qualified historic preservation professional in coordination with a graphic designer and approved by the City of Santa Barbara, shall be developed focusing on the significant historic themes associated with the Los Patos Rail Bridge, particularly its design and construction, and the history of the railroad and sandstone construction in the city of Santa Barbara. The interpretive display shall be installed at an appropriate site, such as the City-owned Andree Clark Bird Refuge, which is the open space park adjacent to the UPRR alignment. The interpretive plan shall be completed and approved by the City prior to demolition of the underpass, and the display shall be installed on-site within one year of the completion of the proposed project. The interpretive display shall remain in public view for a minimum of 10 years, and if removed, shall be appropriately archived, as determined by the City's Architectural Historian or other Planning Division Staff.

CR-3 Salvaging of Materials for Reuse

The Los Patos Rail Bridge's ashlar, square-cut sandstone, a significant material and character-defining-feature of the structure, shall be salvaged to the extent feasible for re-use, such as in the interpretive display, as facing on abutments or center pier for a different undercrossing in a more prominent location, or another appropriate use such as a work of public art. The removal work shall be completed by a professional with experience removing historic stone to ensure that the sandstone can be reused.

Significance After Mitigation

Implementation of Mitigation Measure CR-1, CR-2, and CR-3 would reduce impacts to Los Patos Rail Bridge to the maximum extent feasible. However, even with implementation of these mitigation measures, the demolition of a historical resource cannot be mitigated to a less-than-significant level. Therefore, impacts would be significant and unavoidable.

4.3.4 Cumulative Impacts

The geographic scope for cumulative impacts related to cultural resources is the proposed project site and a 0.5-mile radius around the proposed project site. This geographic scope is appropriate because, generally, cultural resources impacts associated with individual developments are site-specific in nature and must be addressed on a case-by-case basis.

Past, present, and reasonably foreseeable future projects, including the projects listed in Table 4-1 in Chapter 4, *Environmental Impact Analysis*, would have the potential to adversely impact historical built environment resources. However, the magnitude of impacts for individual projects would depend upon the location, size of development, and proximity to historical built environment resources. Historic resource evaluations would be completed on a case-by-case basis for all future development. Compliance with applicable regulations and implementation of appropriate mitigation measures, including resource avoidance measures and noise and vibration reduction measures, would address impacts related to built environment resources associated with cumulative development. Therefore, cumulative impacts related to cultural resources would be less than significant. The proposed project would not directly facilitate substantial adverse changes to other historical resources, and would not have a cumulatively considerable contribution to cumulative impacts.

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4.4 Hazards and Hazardous Materials

This section describes the existing hazards and hazardous materials conditions in the Project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to hazards and hazardous materials that could result from implementation of the proposed Project. This section is based on an Initial Site Assessment (2023) and a Limited Phase II Environmental Site Assessment (ESA) (2024), both prepared by Rincon Consultants, Inc. (2024) for the proposed Project. Both reports are included in Appendix D.

4.4.1 Setting

The Project site consists of right-of-way owned by the California Department of Transportation (Caltrans), Union Specific Railroad (UPRR), and the City of Santa Barbara and encompasses approximately 6.6 acres. Located at UPRR mile-post 372.5 and Caltrans mile-post 11.65, the bridge carries railroad track over the Los Patos Underpass (Exit 95) on southbound U.S. Highway 101 (U.S. 101). Land uses surrounding the Project site include U.S. 101 and a golf course to the north; a shopping center and single-family residential uses to the east; the Andree Clark Bird Refuge, a restaurant and shops, a multi-family residential building, and the Santa Barbara Cemetery to the south; and U.S. 101 and the Santa Barbara Zoo to the west.

A material is considered hazardous if it appears on a list of hazardous materials from a federal, State, or local agency, or if it has characteristics defined as hazardous by an agency. A *hazardous waste* is defined in Title 22, Section 66261.10 of the California Code of Regulations (CCR) as one that has a characteristic that may:

> "Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed."

The following subsections provide information pertaining to the types of hazardous materials with the potential to be present in the Project site.

Asbestos-Containing Materials

Asbestos is a naturally occurring fibrous material that was widely used in asphalt and in structures built between 1945 and 1978 for its fireproofing and insulating properties. Asbestos-containing materials (ACM) were banned by the United States Environmental Protection Agency (USEPA) between the early 1970s and 1991 under the authority of the federal Clean Air Act and the Toxic Substances Control Act due to their harmful health effects. Exposure to asbestos increases the risk of developing lung disease, such as lung cancer, mesothelioma, or asbestosis (USEPA 2024a). Common ACMs include vinyl flooring and associated mastic, wallboard and associate joint compound, plaster, stucco, acoustic ceiling spray, ceiling tiles, heating system components, and roofing materials. Pre-1973 commercial and industrial structures are required to implement asbestos regulations if damage occurs, or if remodeling, renovation, or demolition activities disturb ACMs.

Lead and Lead-Based Paint

Lead is a naturally occurring metallic element. Because of its toxic properties, lead is regulated as a hazardous material. Excessive exposure to lead can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs. Lead can affect almost every organ and system in the body. In children, lead can cause behavior and learning problems, lower IQ and hyperactivity, hearing problems, and anemia. In adults, lead can cause cardiovascular effects, decreased kidney function, and reproductive problems. In addition, lead can result in serious effects to the developing fetus and infant for pregnant women (USEPA 2024b). Among its numerous uses and sources, lead can be found in paint (including paint used for roadway markings), water pipes, solder in plumbing systems, and in soils surrounding buildings and structures that are painted with lead-based paint (LBP). LBP was primarily used during the same period as ACMs. Pre-1978 commercial and industrial structures are required to implement LBP regulations if the paint is in a deteriorated condition or if remodeling, renovation, or demolition activities disturb LBP surfaces.

Hazardous Materials Sites

The locations where hazardous materials are used, stored, treated and/or disposed of come to the attention of regulatory agencies through various means, including licensing and permitting, enforcement actions, and anonymous tips. To the extent possible, the locations of these businesses and operations are recorded in database lists maintained by various State, federal, and local regulatory agencies. In addition, federal, State, and local agencies enforce regulations applicable to hazardous waste generators and users, and Santa Barbara County Environmental Health Services tracks and inspect hazardous materials handlers to ensure appropriate reporting and compliance.

Permitted uses of hazardous materials include those facilities that use hazardous materials or handle hazardous wastes in accordance with current hazardous materials and hazardous waste regulations. The use and handling of hazardous materials from these sites is considered low risk, although there can be instances of unintentional chemical releases. In such cases, the site would be tracked in the environmental databases as an environmental case. Permitted sites without documented releases are, nevertheless, potential sources of hazardous materials in the soil and/or groundwater due to accidental spills, incidental leakage, or spillage that may have gone undetected. Some facilities are permitted for more than one hazardous material use and, therefore, could appear in more than one database.

The potential to encounter hazardous materials in soil and groundwater in the Project site is based on a review of federal, State, and local regulatory databases that identify permitted hazardous materials uses, environmental cases, and spill sites. The California Department of Toxic Substances Control (DTSC) EnviroStor database contains information on properties in California where hazardous substances have been released or where the potential for a release exists. The California State Water Resources Control Board (SWRCB) GeoTracker database contains information on properties in California for sites that require cleanup, such as Leaking Underground Storage Tank (LUST) sites, which may impact water quality, including groundwater.

Use, Transport, and Abatement of Hazardous Materials

The use of hazardous materials is typically associated with industrial land use. Activities such as manufacturing, plating, cleaning, refining, and finishing frequently involve chemicals that are considered hazardous when accidentally released into the environment. To a lesser extent,

hazardous materials may also be used by various commercial enterprises, as well as residential uses. In particular, dry cleaners use cleaning agents considered to be hazardous materials. Hardware stores typically stock paints and solvents, as well as fertilizers, herbicides, and pesticides. Swimming pool supply stores stock acids, algaecides, and caustic agents. Most commercial businesses occasionally use commonly available cleaning supplies that, when used in accordance with manufacturers' recommendations, are considered safe by the State of California, but when not handled properly can be considered hazardous.

If improperly handled, hazardous materials can result in public health hazards through human contact with contaminated soils or groundwater, or through airborne releases in vapors, fumes, or dust. There is also the potential for accidental or unauthorized releases of hazardous materials that would pose a public health concern. The use, transport, and disposal of hazardous materials and wastes are required to occur in accordance with federal, State, and local regulations. In accordance with such regulations, the transport of hazardous materials and waste can only occur with transporters who have received training and appropriate licensing. Additionally, hazardous waste transporters are required to complete and carry a hazardous waste manifest, which includes forms, reports, and procedures designed to seamlessly track hazardous waste.

Hazardous materials used and generated in the Project site and their waste would be transported via major regional routes, such as U.S. 101 and the UPRR corridor. The City does not have direct authority over the transport of hazardous materials on major roads and railways. Instead, the United States Department of Transportation (USDOT), Federal Railroad Administration, and California Highway Patrol regulate transportation of hazardous materials by truck and train.

4.4.2 Regulatory Setting

The management of hazardous materials and hazardous wastes is regulated at federal, State, and local levels, including, among others, through programs administered by USEPA, DTSC, federal and State occupational and safety agencies, and County of Santa Barbara Public Health.

Federal

Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act

The USEPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III). RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and non-hazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities. As permitted by RCRA, in 1992, the USEPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by the DTSC, to regulate hazardous wastes in California, as discussed further below. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities. SARA relates primarily to emergency management of accidental releases and requires annual reporting of

continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the USDOT Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, highways, through air, or in pipelines, and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous-material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placarding, and shipping documentation. The DOT provides hazardous-materials safety training programs and supervises activities involving hazardous materials. In addition, USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

Lead-Based Paint Elimination Final Rule 24 Code of Federal Regulations

Governed by US Housing and Urban Development, regulations for LBP are contained in the Lead-Based Paint Elimination Final Rule 24 Code of Federal Regulations (CFR) 33, which requires sellers and lessors to disclose known LBP and LBP hazards to perspective purchasers and lessees. Additionally, all LBP abatement activities must follow California and federal occupational safety and health administrations (California Occupational Safety and Health Administration [CalOSHA] and federal Occupational Safety and Health Administration [OSHA], respectively) and with the State of California Department of Health Services requirements. Only LBP trained and certified abatement personnel can perform abatement activities. All lead LBP removed from structures must be hauled and disposed of by a transportation company licensed to transport this type of material at a landfill or receiving facility licensed to accept the waste.

State

California Hazardous Waste Control Law

The California HWCL is the primary hazardous waste statute in the State of California and implements RCRA as a "cradle-to-grave" waste management system in the State of California for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning, and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), which is implemented by regulations described in CCR Title 26. The State program is similar to, but more stringent than, the federal program under RCRA. The regulations list materials that may be hazardous, and establish criteria for their identification, packaging, and disposal. Environmental health standards for

management of hazardous waste are contained in CCR Title 22, Division 4.5. As required by California Government Code Section 65962.5, DTSC maintains a Hazardous Waste and Substances Site List for the State called the Cortese List.

If any soil excavated from a site contains hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed, or if certain other soil disturbing activities would occur. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking jurisdiction.

California Health and Safety Code

The California Health and Safety Code (HSC Section 25141) defines hazardous waste as a waste or combination of waste that may:

> "...because of its quantity, concentration, or physical, chemical, or infection characteristics:
>
> (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.
>
> (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed."

This statutory framework establishes criteria for identifying, packaging, and labeling hazardous wastes; prescribes management practices for hazardous wastes; establishes permit requirements for hazardous-waste treatment, storage, disposal, and transportation; and identifies hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and HWCL, hazardous-waste manifests must be retained by the generator for a minimum of three years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC Section 25404, et seq.), local regulatory agencies enforce many federal and State regulatory programs through the Certified Unified Program Agencies program, including:

- Hazardous Materials Business Plans (HMBPs) (HSC Section 25501, *et seq*.);
- State Uniform Fire Code (UFC) requirements (UFC Section 80.103, as adopted by the State Fire Marshal pursuant to HSC Section 13143.9);
- Underground Storage Tanks (USTs) (HSC Section 25280, *et seq*.);
- Aboveground storage tanks (HSC Section 25270.5[c]); and
- Hazardous-waste-generator requirements (HSC Section 25100, et seq.).

California Code of Regulations Title 8 (Workplace Safety Regulations)

CalOSHA assumes primary responsibility for developing and enforcing workplace safety regulations. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention

programs; hazardous-substance exposure warnings; and preparation of emergency action and fire prevention plans.

CalOSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. CalOSHA standards are generally more stringent than federal regulations. Construction workers and operational employees within the plan area would be subject to these requirements.

California Code of Regulations, Title 8, Section 1529 authorizes CalOSHA to implement the survey requirements of CFR Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and State OSHA requirements. The Santa Barbara County Air Pollution Control District oversees the removal of regulated asbestos-containing materials.

California Code of Regulations Title 8, Section 1532.1 includes requirements to manage and control exposure to lead-based paint. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling lead-based paint must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable hazardous waste thresholds. Federal and State OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where lead-based paint may be present. Special protective measures and notification of CalOSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures, where lead-based paint is present.

California Code of Regulations Title 22 (Environmental Health Standards for the Management of Hazardous Waste)

California Code of Regulations Title 22, Division 4.5 contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations Title 22, Chapter 11, Article 3, "Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits," identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (22 CCR Section 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in 22 California Code of Regulations Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR Section 67386) were developed by DTSC to allow for disposal of treated wood as a nonhazardous waste, to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

California Code of Regulations Title 24 (California Building Code)

Updated every three years through a rigorous stakeholder process, Title 24 of the California Code of Regulations requires California homes and businesses to meet strong fire and safety measures. Title 24 contains numerous subparts, including Part 1 (Administrative Code), Part 2 (Building Code), Part 3 (Electrical Code), Part 4 (Mechanical Code), Part 5 (Plumbing Code), Part 6 (Energy Code), Part 8 (Historical Building Code), Part 9 (Fire Code), Part 10 (Existing Building Code), Part 11 (Green Building Standards Code), Part 12 (Referenced Standards Code). The California Building Code is applicable to all development in California (Health and Safety Code Section 17950 and 18938(b).)

The regulations receive input from members of industry, as well as the public, with the goal of "[r]educing of wasteful, uneconomic, inefficient, or unnecessary consumption of energy." (Public Resources Code Section 25402.) These regulations are scrutinized and analyzed for technological and economic feasibility (Public Resources Code Section 25402(d)) and cost effectiveness (Public Resources Code Section 25402(b)(2) and (b)(3)).

California Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine Regional Water Quality Control Boards (RWQCBs). The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Resources Control Board (SWRCB) and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes SWRCB and the respective RWQCBs to issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes SWRCB and the respective RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments.

a. Local Regulations

City of Santa Barbara General Plan

The City's 2013 General Plan Safety Element includes the following goals and policies related to hazards and hazardous materials.

> **Hazard Risk Reduction.** Use the development review process to minimize public and private risk and minimize exposure of people and property to risks of damage or injury caused by natural and man-made hazards.
>
> S56. Hazardous Materials Exposure. Continue to provide adequate hazardous material collection facilities and to minimize the potential for exposure to hazardous materials and to provide for their safe disposal.
>
> S57. Contaminated Sites. The City shall continue to identify ways to facilitate hazardous waste site remediation, protect public health, and minimize environmental impacts resulting from the presence of waste material and from remediation activities.

S59. Prioritize Remediation. The City shall continue to prioritize remediation of contaminated soils and groundwater on City-owned land adjacent to creeks, wetlands, and the coastlines that may be subject to climate change induced coastal erosion and seawater intrusion.

Santa Barbara County Public Health Department

Santa Barbara County is certified by the California Environmental Protection Agency as the Certified Unified Program Agency (CUPA) for the County of Santa Barbara. The CUPA regulates businesses that handle hazardous materials, generate or treat hazardous waste or operate aboveground or underground storage tanks. The primary goal of the CUPA Program is to protect public health and the environment by promoting compliance with applicable laws and regulations.

4.4.3 Impact Analysis

Methodology and Significance Thresholds

This section describes the potential environmental impacts of the Project, relevant to hazards and hazardous materials. The impact analysis is based on an assessment of baseline conditions, including locations of hazardous materials and existing contaminated sites. This analysis focuses on the potential nature and magnitude of risks associated with the accidental release, storage, transportation, and use of hazardous materials during construction and operation of the Project.

The following databases, compiled pursuant to Government Code Section 65962.5, were reviewed for known hazardous materials contamination within the Project site:

- EnviroStor Database, DTSC
- GeoTracker Database, SWRCB
- List of “active” Cease and Desist Orders and Cleanup and Abatement Orders, SWRCB
- Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, DTSC

Based on Appendix G of the *CEQA Guidelines*, impacts related to hazards and hazardous materials would be significant if the Project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area;

6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

The Initial Study (Appendix A) determined that the Project would not result in significant impacts related to Thresholds 1, 3, 5, 6, or 7 due to the site's location, and existing and proposed uses. The transport, use, and disposal of hazardous materials would comply with federal, State and local regulations pertaining to the safe handling, transport, and disposal of hazardous materials. The Project site is not located near or within hazardous materials sites or other potential safety or aircraft hazards. The Project would not interfere with existing emergency evacuation and response protocols pursuant to the Santa Barbara Emergency Management Plan. The Project would not expose people or structures to significant fire risk. These determinations are summarized in Table 1-2, Issues Not Studied in the EIR, in Chapter 1, *Introduction*. Accordingly, Thresholds 1, 3, 5, 6, and 7 are not analyzed further in the EIR.

Project Impacts and Mitigation Measures

Threshold 2:	Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Impact HAZ-1 DEMOLITION ACTIVITIES AND CONSTRUCTION OF THE PROPOSED PROJECT WOULD HAVE THE POTENTIAL TO RESULT IN UPSET OR ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS. IMPLEMENTATION OF MITIGATION MEASURE HAZ-1 WOULD REDUCE THE POTENTIAL FOR REASONABLY FORESEEABLE UPSET OR ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

The proposed Project would require the excavation and transport of paving materials (e.g., asphalt, concrete, roadbed fill materials) and soils, which could be contaminated by vehicle-related pollution (e.g., oil, gasoline, diesel, and other automotive chemicals). Additionally, roadways constructed before the 1970s were known to use asbestos-containing materials in asphalt and LBP for roadway markings. Therefore, the existing pavement and rail bridge may contain asbestos and/or LBP due to its age. Yellow paint striping may also contain metals, such as lead and chromium, that require special handling and disposal.

Demolition of the Los Patos Rail Bridge would not create airborne hazards, as demolition would occur in an open-air environment and potential hazardous dust associated with asphalt demolition would dissipate quickly. Furthermore, any use or handling of potentially hazardous materials (including paving, roadbed materials, rail bridge materials, and removed soils) during demolition activities and construction of the proposed Project would be required to comply with all local, State, and federal regulations regarding the handling of hazardous materials as detailed in Section 4.4.2, *Regulatory Setting*, such as the Toxic Substances Control Act, HWCL, and CCR Title 22, all of which establish procedures for the proper transport, use, storage, and disposal of excess hazardous materials and hazardous construction waste.

An Initial Site Assessment (ISA) was prepared for the Project site on December 15, 2023, and is included in Appendix D. The 2023 ISA identified the potential presence of aerially deposited lead and petroleum hydrocarbons in shallow soils. As a result, soil sampling was recommended for the

proposed Project. Soil sampling was conducted as part of a Limited Phase II Environmental Site Assessment (Appendix D). The soil sampling indicated a presence of diesel total petroleum hydrocarbons (TPH-d), arsenic, and lead above applicable construction worker Environmental Screening Levels set by the San Francisco Bay Regional Water Quality Control Board (which apply statewide) for the protection of construction workers. Ground disturbance associated with the demolition and construction of the proposed Project could be a potentially significant hazard impact to construction workers, the public, and/or the environment and Mitigation Measure HAZ-1 would be required.

Mitigation Measures

HAZ-1 Soil Management Plan

Prior to commencement of ground-disturbing activities at the Project site, the City's Public Works Director or their designee shall retain a qualified environmental consultant (i.e., professional geologist [PG] or professional engineer [PE]) to prepare a Soil Management Plan (SMP) for the Project. The SMP shall address:

1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, soil with solvent or chemical odors) if such soils or impacted wastes are encountered, and
2. Specific actions to reduce hazards to construction workers and off-site receptors during the construction.

The SMP must establish engineering controls and soil management practices to ensure construction worker safety, ensure the health of future workers and visitors, and prevent the off-site migration of contaminants from the Project site. These measures and practices may include, but are not limited to:

- Stockpile management, including stormwater pollution prevention and the installation of best management practices.
- Proper transportation and disposal procedures for contaminated materials in accordance with applicable regulations, including CCR Title 22.
- Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities.
- A health and safety plan for contractors working at the Project site that addresses the safety and health hazards of each phase of Project construction activities with the requirements and procedures for employee protection and outlines proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
- Monitoring and reporting.

The City's Public Works Director or their designee shall review the SMP prior to construction (grading/excavation) activities at the Project site and prior to issuing grading permits. The City's Public Works Director or their designee shall implement the SMP during grading and construction at the Project site.

Significance After Mitigation

Implementation of Mitigation Measure HAZ-1 would ensure that potential hazardous materials encountered during construction would be properly transported and disposed of, reducing impacts to less than significant.

Threshold 4:	Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Impact HAZ-2 THE PROJECT SITE IS LISTED ON THE SWRCB GEOTRACKER DATABASE AS A CLEANUP PROGRAM SITE FOR THE PRESENCE OF LEAD IN SOIL. DEMOLITION AND CONSTRUCTION ACTIVITIES COULD RESULT IN A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT. IMPLEMENTATION OF MITIGATION MEASURE HAZ-1 WOULD REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT.

According to databases of hazardous material sites maintained by the DTSC (EnviroStor), there are no sites within the Project site that are still active or need further investigation (DTSC 2024). However, according to the SWRCB GeoTracker database, the Project site is identified as a cleanup program site, and its status is listed as Open-Site Assessment (SWRCB 2024). The cleanup program site is listed as the U.S. 101 High Occupancy Vehicle and Widening Project's 4E North Segment Project (U.S. 101 HOV Project) from Milpas Street to Cabrillo/Hot Springs Road. The site has been identified as Open-Site Assessment since 2000 for the presence of lead in soil (SWRCB 2024). The GeoTracker database includes site investigation and assessment reports dated from October 2000 through March 2007, which are summarized herein.

In 2000, Geocon Consultants, Inc. completed a site investigation of a proposed U.S. 101 improvement Project, which included the Project site and generally extended from the Milpas Street undercrossing west of the Project site to approximately 0.6 mile east of the Cabrillo Boulevard undercrossing. Investigation activities were based on the results of an ISA completed in April 2000. The ISA recommended further investigation into the following identified potential hazards:

- Documented soil and groundwater impacts from petroleum hydrocarbons associated with former service stations located at the north and east corners of Milpas Street
- Potential near-surface soil impacts within the UPRR right-of-way
- Potential near-surface soil impacts from lead within the unpaved median and shoulder areas of U.S 101 right-of-way
- Potential asbestos and lead-based paint impacts at the existing bridge and underpass structures

Soil sampling results and statistical analysis completed for the site investigation indicated that soil from the surface to 3.5 feet below ground surface within the studied area would be classified as a California hazardous waste if disturbed because lead exceeded acceptable concentrations. This investigation included the Project site. Metals other than lead were also detected in areas adjacent to the UPRR right-of-way, but at levels less than applicable thresholds (Geocon Consultants 2000).

In 2006, Shaw Environmental Inc. completed an aerially deposited lead survey in the same area investigated by Geocon Consultants, which includes the Project site. Soil samples were collected from 16 shallow soil borings completed along the southbound U.S. 101 shoulder, between Hot Springs Road and Ninos Drive. Soil samples were analyzed for total and soluble lead. Soil sampling results and statistical analysis indicated that soil from the surface to three feet below ground

surface along this portion of the southbound U.S. 101 shoulder would be classified as a California (non-RCRA) hazardous waste if disturbed (Shaw Environmental 2006).

As described under Threshold 2, the Limited Phase II Environmental Site Assessment completed for the Project (Appendix D) also identified contaminants in the soils above Environmental Screening Levels as determined by the San Francisco Bay RWQCB. These contaminants include lead, TPH-d, and arsenic. Ground disturbance associated with the demolition and construction of the proposed Project could be a potentially significant hazard impact and Mitigation Measure HAZ-1 would be required to mitigate the impact to a less than significant level.

Mitigation Measure

Mitigation Measure HAZ-1 would be required to reduce impacts to less than significant.

Significance After Mitigation

Implementation of Mitigation Measure HAZ-1 would ensure that potential hazardous materials encountered during construction would be properly handled, transported and disposed of, reducing impacts to less than significant.

4.4.4 Cumulative Impacts

The geographic scope for cumulative impacts related to hazards and hazardous materials is the Project site and areas within a 0.5-mile radius. This geographic scope is appropriate because, generally, hazards and hazardous materials impacts associated with individual developments are site-specific in nature and must be addressed on a case-by-case basis.

Past, present, and reasonably foreseeable future projects, including the projects listed in Table 4-1, would have the potential to expose residents, employees, and visitors to hazards and hazardous materials. However, the magnitude of hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. Hazard evaluations would be completed on a case-by-case basis for all future development. Compliance with applicable regulations and implementation of appropriate mitigation measures, including remedial action on contaminated sites, would address impacts related to these hazards and hazardous materials associated with future development. Therefore, cumulative development in the Project vicinity would have a less-than-significant cumulative impact, involving the transport, use, and disposal of hazardous materials; accidental release of hazardous materials; and creation of a hazard to the public or environment from listed hazardous material sites.

4.5 Land Use and Planning

4.5.1 Setting

a. Regional Land Use

The city of Santa Barbara is a vibrant coastal community located in Santa Barbara County, California. Regional land use in the city is characterized by a diverse mix of residential, commercial, industrial, and open space areas. The city's downtown area features a blend of historic buildings and modern developments, housing a variety of commercial businesses, restaurants, and entertainment venues in addition to residential development. Along the coastline, beaches and waterfront areas offer recreational opportunities such as surfing, swimming, and boating. Residential neighborhoods range from single-family homes to multi-unit complexes, providing a mix of housing options. Industrial zones support manufacturing and distribution activities; and open space areas, including parks, trails, and green spaces, are scattered throughout the city, offering residents and visitors opportunities for outdoor recreation and leisure. Overall, the regional land use in the city of Santa Barbara reflects a balance between urban development and the preservation of coastal character.

The city is bisected by U.S. Highway 101 (U.S. 101), the major coastal highway linking northern and southern portions of the state. A portion of the city, including its Pacific shoreline, is within the California Coastal Zone.

b. Project Site and Surrounding Land Uses

The Project site is located along Los Patos Way, directly off southbound Exit 95 from U.S. 101, and includes Union Pacific Railroad's (UPRR's) underpass at Los Patos Way. The Project site consists of right-of-way owned by the California Department of Transportation (Caltrans), UPRR, and the City of Santa Barbara, and encompasses approximately 6.6 acres. Land uses surrounding the Project site include northbound lanes of U.S. 101 and a golf course to the north; a shopping center and single-family residential to the east on the opposite side of U.S. 101; the Andree Clark Bird Refuge, a restaurant and shops, and a multi-family residential building, along Los Patos Way; the Santa Barbara Cemetery along Cabrillo Boulevard to the south; and the Santa Barbara Zoo to the west. City of Santa Barbara General Plan and Local Coastal Plan land use designations surrounding the Project site include Parks/Open Space north of the Project site and U.S. 101; Commercial/Medium High Residential to the east; Parks/Open Space to the south; and Parks/Open Space to the west. The Project site is located within the California Coastal Zone.

4.5.2 Regulatory Setting

a. State Regulations

California Coastal Act

The California Coastal Act of 1976 (Coastal Act) establishes goals and provisions for a designated Coastal Zone along the entire California coastline. Within the city of Santa Barbara, the Coastal Zone generally extends inland 0.5 miles from the ocean and includes about 6 miles of the city's shoreline. Approximately 70 percent of the city's Coastal Zone is held in public ownership, including numerous beaches and parks, an extensive public waterfront, and a full working harbor. In August 2019, the

California Coastal Commission certified the latest update of the City's Coastal Land Use Program, discussed further below.

Senate Bill 375

The adoption of California's Sustainable Communities and Climate Protection Act, Senate Bill (SB) 375 (Steinberg, Chapter 728, Statutes of 2008) on September 30, 2008, aligns with the goals of regional transportation planning efforts, regional greenhouse gas (GHG) reduction targets, and land use and housing allocations. SB 375 requires Metropolitan Planning Organizations such as the Santa Barbara County Association of Governments (SBCAG) to adopt a Sustainable Communities Strategy (SCS) within their Regional Transportation Plan to demonstrate achievement of GHG reduction targets. In compliance with SB 375, SBCAG has adopted an SCS that covers all of the City of Santa Barbara, as well as other cities and counties. The SCS is discussed further below.

b. Regional Plans and Regulations

Connected 2050

SBCAG is the designated Metropolitan Planning Organization for Santa Barbara County and all eight incorporated cities within the county, including the City of Santa Barbara. SBCAG is federally mandated to develop plans for transportation, growth management, hazardous waste management, and air quality. In 2021, SBCAG adopted Connected 2050, the region's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) pursuant to SB 375. Connected 2050 is a long-range planning document that defines how the region plans to invest in the transportation system over 20 years based on regional goals, multi-modal transportation needs for people and goods, and estimates of available funding. The SCS is a component of the RTP that sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce GHG emissions from passenger vehicles and light trucks to achieve the GHG reduction targets set by the California Air Resources Board. The future land use and transportation scenario presented in the SCS must accommodate forecasted population, employment, and housing sufficient to meet the needs of all economic segment of population, including the state-mandated Regional Housing Needs Assessment, while considering state housing goals (SBCAG 2021). Applicable goals from Connected 2050 are detailed in Table 4.5-1 under Impact LU-1.

c. Local Plans and Regulations

Plan Santa Barbara

California State Government Code Section 65300 requires that every city adopt a General Plan. Santa Barbara's General Plan, Plan Santa Barbara, was originally adopted in 1964 and is comprised of eight elements, seven of which are mandated by state law, and serves as the City's blueprint for growth and development. Plan Santa Barbara is a comprehensive statement of goals, objectives, and policies relating to the development of the community, the management of potential hazards, and the protection of natural and cultural resources within its boundaries. Plan Santa Barbara is the primary means for guiding future change in the city of Santa Barbara and provides a guide for decision-making. Plan Santa Barbara was most recently updated and adopted in December 2011, with several elements updated in the years following. Applicable goals from Plan Santa Barbara are detailed in Table 4.5-1 under Impact LU-1.

City of Santa Barbara Local Coastal Program

As discussed above, the Coastal Act requires proposed development to be consistent with the Local Coastal Program. The City's Local Coastal Program has two parts: (1) a Coastal Land Use Plan (LUP), which includes the kind, location, density and intensity of land uses within the Coastal Zone and coastal access and coastal resource protection policies and development standards; and 2) an Implementation Plan, which includes development standards and other ordinances relating to coastal access and coastal resource protection, and maps that delineate zoning districts within the Coastal Zone (City of Santa Barbara 2019). Applicable goals from the City's Local Coastal Program are detailed in Table 4.5-1 under Impact LU-1.

Together to Zero Climate Action Plan

The City of Santa Barbara's Climate Action Plan (CAP), titled "Together to Zero," serves as the City's roadmap to achieve carbon neutrality by 2035. The CAP outlines strategies to reduce greenhouse gas emissions across municipal, residential, and commercial sectors, and includes measures to remove carbon from the atmosphere. Key focus areas include reducing emissions from transportation, transitioning to cleaner energy sources, and improving energy efficiency in buildings. The CAP also addresses emissions from waste management and aims to engage the community in sustainability efforts. Applicable goals from the City's Local Coastal Program are detailed in Table 4.5-1 under Impact LU-1.

Santa Barbara Municipal Code

The City's municipal code establishes zone classifications and districts and regulates the use of property within the city. It defines the development regulations for existing and future growth in the different zone classifications while serving the public health, safety, comfort, convenience, and general welfare of the community. It includes standards for allowed uses, range of densities, setbacks, open space, parking, and landscaping requirements. Applicable regulations from the City's municipal code are detailed in Table 4.5-1 under Impact LU-1.

4.5.3 Impact Analysis

Based on Appendix G of the *CEQA Guidelines*, the effects of the Project on land use would be significant if the Project would:

1. Physically divide an established community; or
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect.

Impacts related to the physical division of an established community were analyzed in the Initial Study prepared for the proposed Project (Appendix A). As discussed therein, the Project would not physically divide an established community, and there would be no impact. This determination is summarized in Table 1-2, Issues Not Studied in the EIR, in Chapter 1, *Introduction*. Accordingly, Threshold 1 is not analyzed further in the EIR.

Land use impacts were assessed based upon consistency with adopted plans, policies, and regulations. For the purpose of this analysis, the proposed Project is considered consistent with the applicable land use plans if, considering all of its aspects, it will further the goals, objectives, and policies of the overall plan.

Threshold 2:	Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Impact LUP-1 THE PROJECT WOULD CONFLICT WITH LAND USE PLANS, POLICIES, AND REGULATIONS ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT. IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

The Project's consistency with applicable goals and policies from land use plans, including SBCAG's Connected 2050, Plan Santa Barbara, the City's Local Coastal Program, and the City's municipal code are discussed in Table 4.5-1. As detailed therein, the Project would conflict with some applicable regional and local land use policies. Although the Project would be consistent with policies that aim to increase transportation safety and reliability, the Project would not be consistent with policies that promote protection and preservation of historic resources and trees. Therefore, the Project would conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. As discussed in Section 4.2, *Biological Resources,* and Section 4.3, *Cultural Resources,* the Project would include implementation of mitigation measures to reduce impacts related to historic resources and tree removal to the extent feasible; however, impacts would remain significant and unavoidable even with implementation of mitigation measures.

4.5.4 Cumulative Impacts

The geographic scope for cumulative impacts related to land use and planning includes the Project site and a 0.5-mile radius around the Project site. This geographic scope is appropriate because it includes development projects adjacent to and nearby the Project site that could contribute to the physical division of an established community proximate to the Project. Past, present, and reasonably foreseeable future projects, including the projects listed in Table 4-1, would not physically divide an established community as these cumulative projects do not involve the creation of new linear features, such as roads, which could divide the community or prevent mobility of the community. Conflicts regarding compatibility between past, present, and reasonably foreseeable future projects, and applicable land use plans, policies, or regulations would be localized and addressed on a case-by-case basis, with potential impacts being reduced through design review. Therefore, cumulative development would not result in a significant cumulative impact to land use and planning.

Table 4.5-1 Project Consistency with Applicable Land Use Policies

Goal/Policy/Action	Consistency Discussion
Connected 2050	
Mobility & System Reliability: Ensure the reliability of travel by all modes.	**Consistent**. The Project would involve demolition and replacement of the Los Patos Rail Bridge, thereby eliminating maintenance needs that could interrupt rail service. The Project would improve safety and reliability of rail service, and accordingly would be consistent with these policies.
Health & Safety: Improve public health and ensure the safety of the regional transportation system.	
Plan Santa Barbara	
Historic Preservation: Protect, preserve and enhance the City's historic resources.	**Inconsistent**. As discussed in Section 4.3, *Cultural Resources,* elements of the Los Patos Rail Bridge are eligible for listing as a historic resource. The structure includes a pier and abutments constructed from sandstone, which make the bridge an example of local sandstone construction. The City's Historic Landmarks Commission also found that the bridge's steel girders contribute to the historical significance of the bridge. These features meet the criteria of Section 15064.5 of the California Environmental Quality Act Guidelines and the City Master Environmental Assessment Guidelines, which makes the Los Patos Rail Bridge eligible for listing in the California Register of Historical Resources and as a City of Santa Barbara Landmark or Structure of Merit. The Project would involve demolition and replacement of the Los Patos Rail Bridge. In 2020, a Potential Preservation Alternatives and Mitigation Options Memorandum was prepared for the City and its decision makers. This memorandum considered potential methods of preserving some or all of the Los Patos Rail Bridge to protect and preserve its historic elements to support the City's decision-making. However, because UPRR has determined the bridge must be removed due to increasing maintenance needs and safety concerns, protection, preservation, or enhancement of the bridge is not feasible. Accordingly, the Project would not be consistent with these policies with removal of the bridge.
Protection and Enhancement of Historical Resources: Continue to identify, designate, protect, preserve and enhance the City's historical, architectural, and archaeological resources. Ensure Santa Barbara's "sense of place" by preserving and protecting evidence of its historic past, which includes but is not limited to historic buildings, structures, and cultural landscapes such as sites, features, streetscapes, neighborhoods, and landscapes.	
HR1. Protect Historic and Archaeological Resources. Protect the heritage of the City by preserving, protecting and enhancing historic resources and archaeological resources. Apply available governmental resources, devices and approaches, such as the measures enumerated in the Land Use Element of this Plan, to facilitate their preservation and protection.	
HR1.1. Use all available tools. Consider specific preservation strategies and land use regulation mechanisms, including those listed in the Land Use Element, such as revised development standards, buffer protection, overlay zones, Design and Historic Districts, Landmark, and Structure of Merit designations.	
HR2.6. Use available interim protections. Interim protection measures shall be pursued, including revised development standards, buffer protection, overlay zones, special design districts, and related measures.	
HR2.1. Protect historic resources from harmful development. Development on parcels in proximity to historic resources shall be designed, sited and scaled to be compatible with their historic neighbor and with public enjoyment of the historic site. Construction activity in proximity to historic resources shall not damage or adversely impact the historic resources, and new structures themselves shall not pose a threat of either short or long term damaging effects upon the historic resources.	

Goal/Policy/Action	Consistency Discussion
HR3. Discourage Demolition. Develop effective measures to discourage and curtail the demolition of historic resources.	
HR3.3. Require project design alternatives. Required development proposals that request demolition of historic resources to present preservation alternatives, such as adaptive reuse, rehabilitation or relocation rather than demolition.	
Government Cooperation: incorporate preservation principles as a valid and necessary component in decision-making, at every phase of city government, and secure cooperation from all levels and agencies of government in these efforts.	**Consistent.** In 2020, a Potential Preservation Alternatives and Mitigation Options Memorandum was prepared for the City and its decision makers. This memorandum considered potential methods of preserving some or all of the Los Patos Rail Bridge to protect and preserve its historic elements to support the City's decision-making. Therefore, the Project would be consistent with this policy.
HR2.2. Consider impacts to historic resources comprehensively. Require the identification and analysis of potential impacts to historical resources as an integral component of the review process of all development applications. Evaluate the impacts of proposed development in proximity to historic resources. Review bodies shall not consider other existing incompatible development as a justification for additional potentially incompatible development.	**Consistent.** Impacts to historical resources are analyzed in the Initial Study prepared for the Project (Appendix A), the Historic Structures/Sites Report (Appendix C), and in Section 4.3, *Cultural Resources.* Impacts to historical resources were considered comprehensively and accordingly the Project would be consistent with this policy.
ER11. Native and Other Trees and Landscaping. Protect and maintain native and other urban trees, and landscaped spaces, and promote the use of native or Mediterranean drought-tolerant species in landscaping to save energy and water, incorporate habitat, and provide shade.	**Inconsistent.** As described in Chapter 2, *Project Description,* and Section 4.2, *Biological Resources,* implementation of the Project's shoofly track and bridge removal would require the removal of up to approximately 100 trees. The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted is not known. In addition, because replacement trees cannot be planted in the UPRR right-of-way there are limited options for locating replacement trees on-site. Although the Project would involve the planting of replacement trees, it is conservatively concluded that the Project would result in significant and unavoidable impacts related to tree removal and replacement per City policy as sufficient area to locate future replacement trees cannot be confirmed at this time. Therefore, the Project would not be consistent with these policies.
ER11.1. Tree Protection Ordinance. Update ordinance provisions to protect native oaks and other native or exotic trees. New development shall be sited and designed to preserve existing mature healthy native and non-native trees to the maximum extent feasible.	**Consistent.** Although the Project would require the removal of up to approximately 100 trees, existing trees would be protected to the extent feasible. In addition, the Project would include Mitigation Measure BIO-5, Tree Protection Plan, which would identify trees that may be impacted by the Project. The tree

Goal/Policy/Action	Consistency Discussion
ER11.2. Oak Woodlands. Site new development outside of oak woodlands to the maximum extent feasible. Within and adjacent to oak woodlands: a. Avoid removal of specimen oak trees; b. Preserve and protect oak saplings and native understory vegetation Within areas planned to remain in open space; c. provide landscaping compatible with the continuation and enhancement of the habitat area, consisting primarily of native species and excluding use of invasive non-native species; d. include conditions of approval for habitat restoration of degraded oak woodlands where such development creates direct or indirect impacts to the affected habitat; e. minimize or avoid installation of high water use landscaping (e.g., lawn) under the drip line of oak trees	protection plan would depict the locations of all protected trees in the Project site and would include protective fencing, monitoring during construction, activities allowed/prohibited within tree protection zones, proper root and canopy pruning techniques, and replacement standards if impacts exceed 20% of a tree's dripline. Therefore, the Project would be consistent with these policies.
C1. Transportation Infrastructure Enhancement and Preservation. Assess the current and potential demand for alternative transportation and where warranted increase the availability and attractiveness of alternative transportation by improving related infrastructure and facilities without reducing vehicle access.	**Consistent.** The Project would involve demolition and replacement of the Los Patos Rail Bridge, and would improve the safety and reliability of infrastructure that supports alternative transportation. If approved, the Project would be implemented after completion of U.S. 101 HOV Project, which would close the Los Patos Way off-ramp to vehicle traffic. Accordingly, the Project would not reduce vehicle access. Therefore, the Project would be consistent with this policy.
City of Santa Barbara Local Coastal Program	
Policy 4.1-13. Mitigation of impacts to ESHAs, Wetlands, and Creeks. Where unavoidable permanent impacts to ESHAs, wetlands, and creeks are allowed, mitigation in the form of habitat creation and/or restoration shall be required at a minimum 4:1 ratio (area restored to area impacted) for wetland, open water, or creekbed habitats and a minimum 3:1 ratio for all other ESHAs (including riparian ESHAs).Temporary impacts to ESHAs, wetlands, and creeks shall be restored at a minimum 1:1 ratio. Where mature native trees (four inches [4"] in diameter or greater at four feet six inches [4'-6"] above grade in height) are substantially impacted or removed, they should be replaced at a minimum 10:1 ratio for oak trees and a minimum 5:1 ratio for all other native trees or other trees providing habitat for sensitive species. Sizes of trees planted should be carefully selected to ensure successful restoration. Mitigation shall occur on-site to the maximum extent feasible. Where successful on-site mitigation is not feasible, mitigation may be provided at nearby off-site locations if the restoration area is within public parklands or restricted from development, and success and maintenance is guaranteed through binding agreements.	**Inconsistent.** As described in Chapter 2, *Project Description,* and Section 4.2, *Biological Resources,* implementation of the Project's shoofly track and bridge removal would require the removal of up to approximately 100 trees. The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted is not known. In addition, because replacement trees cannot be planted in the UPRR right-of-way there are limited options for locating replacement trees on-site. Although the Project would involve the planting of replacement trees, it is conservatively concluded that the Project would result in significant and unavoidable impacts related to tree removal and replacement per City policy as sufficient area to locate future replacement trees cannot be confirmed at this time. Therefore, the Project would not be consistent with these policies.

Goal/Policy/Action	Consistency Discussion
Policy 4.1-20. Native Tree Protection. Development shall be sited and designed to preserve to the extent feasible native trees within ESHAs, wetlands, creeks, and required habitat buffers that have at least one trunk measuring four inches (4”) in diameter or greater at four feet six inches (4'6") above grade in height. Removal or encroachment into the root zone of these native trees shall be prohibited except where no other feasible alternative exists. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the least adverse impacts to native trees and that would not result in additional adverse impacts to other coastal resources shall be required. Adverse impacts to native trees shall be fully mitigated as required by the Coastal LUP, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees.	
Policy 4.1-36. Bird Breeding and Nesting. A. Activities that could impact nesting or breeding birds (including tree trimming, tree removal, construction activities, noise, vibration, or lighting) within or adjoining ESHAs, creeks, wetlands, special wildlife areas, or known nesting or breeding areas shall be prohibited during the nesting and breeding season for birds (February 1-August 30) where feasible.	**Consistent.** As discussed in Section 4.2, *Biological Resources,* the Project would include implementation of Mitigation Measure BIO-2, Nesting Bird Surveys. This mitigation measure would require construction activities to occur outside of the bird breeding season (February 1 through August 30) if feasible. If construction must begin during the breeding season, a nesting bird survey would be required. As concluded in Section 4.2, *Biological Resources,* implementation of Mitigation Measure BIO-2 would reduce potential impacts to nesting birds to a less-than-significant level. Therefore, the Project would be consistent with this policy.
Policy 6.2-16. Preserve and Restore Historic Appearance of Highway 101. In order to preserve the historic appearance of Highway 101, exemplary bridges, structures, and other architectural features along the highway shall be preserved and restored to the maximum extent feasible. Where the City finds that no other feasible alternative exists, replacement structures shall be of similar character, proportion, and appearance as the replaced structure. New structures and other development shall capture human scale qualities similar to those that have historically contributed to the overall characterization of this highway segment. New elevated structures shall be avoided to the extent feasible; at-grade or below grade reconstruction should be encouraged in order to avoid visual intrusion, and to provide opportunities for landscaping.	**Inconsistent.** The Los Patos Rail Bridge is visible from U.S. 101. As discussed above and further in Section 4.3, *Cultural Resources,* the bridge is eligible for listing in the California Register of Historical Resources and as a City of Santa Barbara Landmark or Structure of Merit. The Project would involve demolition and replacement of the Los Patos Rail Bridge, and because UPRR has determined the bridge must be removed due to increasing maintenance needs and safety concerns, protection, preservation, or enhancement of the bridge is not feasible. In addition, the Caltrans 101 HOV Project would involve closure of the Los Patos Way offramp, and UPRR has determined that leaving the underpass in place would create an attractive nuisance and an increased security risk for UPRR. The Project would involve placing fill in the footprint of the underpass to continue the railroad track, and accordingly would not involve a replacement structure of similar character, proportion, and appearance as the existing bridge. Therefore, the Project would not be consistent with this policy.

Goal/Policy/Action	Consistency Discussion
Together to Zero Climate Action Plan	
CS 1.1. Implement and expand the Urban Forest Management Plan to include enhancing resiliency, increasing environmental and co-benefits, and public engagement in street tree health. Increase tree plantings to meet the goal of 4,500 new trees in the community by 2030.	**Inconsistent.** As described in Chapter 2, *Project Description,* and Section 4.2, *Biological Resources,* implementation of the Project's shoofly track and bridge removal would require the removal of up to approximately 100 trees. The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted is not known. In addition, because replacement trees cannot be planted in the UPRR right-of-way there are limited options for locating replacement trees on-site. Although the Project would involve the planting of replacement trees, it is conservatively concluded that the Project would result in significant and unavoidable impacts related to tree removal and replacement per City policy as sufficient area to locate future replacement trees cannot be confirmed at this time. Therefore, the Project would not be consistent with this policy.
Santa Barbara Municipal Code	
Chapter 15.24, Preservation of Trees, establishes requirements that regulate the removal and maintenance of trees, protect Historic and Specimen Trees, outline considerations for tree removal, and tree replacement ratios.	**Inconsistent.** As described in Chapter 2, *Project Description,* and Section 4.2, *Biological Resources,* implementation of the Project's shoofly track and bridge removal would require the removal of up to approximately 100 trees. The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted is not known. In addition, because replacement trees cannot be planted in the UPRR right-of-way there are limited options for locating replacement trees on-site. Although the Project would involve the planting of replacement trees, it is conservatively concluded that the Project would result in significant and unavoidable impacts related to tree removal and replacement per City policy as sufficient area to locate future replacement trees cannot be confirmed at this time. Therefore, the Project would not be consistent with this regulation.
Chapter 30.157, Historic Resources, establishes the procedures and criteria that apply citywide and where the City will use to regulate significant historic resources.	**Inconsistent.** As discussed above and further in Section 4.3, *Cultural Resources,* the Los Patos Rail Bridge is eligible for listing in the California Register of Historical Resources and as a City of Santa Barbara Landmark or Structure of Merit. The Project would involve demolition and replacement of the Los Patos Rail Bridge, and because UPRR has determined the bridge must be removed due to increasing maintenance needs and safety concerns, protection, preservation, or enhancement of the bridge is not feasible. Accordingly, the Project would not be consistent with this regulation.

Sources: SBCAG 2021; City of Santa Barbara 2011, 2019, 2024

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5 Other CEQA Required Discussions

This section discusses growth-inducing impacts, irreversible environmental impacts, and energy impacts that would be caused by the proposed project.

5.1 Growth Inducement

CEQA Guidelines Section 15126(d) requires a discussion of a proposed program's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed Project's growth inducing potential would therefore be considered significant if reasonably foreseeable induced growth could result in significant physical effects in one or more of the issue areas:

- Population growth;
- Economic growth; or
- Removable obstacles to growth.

These issue areas are discussed in Section 5.1.1 through Section 5.1.3.

5.1.1 Population Growth

As discussed in Section 12, *Population and Housing*, of the Initial Study (Appendix A), the proposed Project would not directly generate population growth because it does not involve a substantial increase in major public facilities such as extension of water or sewer lines or roads that would facilitate growth in new areas. The Project would not involve substantial employment growth that would increase population or housing demand as no housing is proposed for the Project. Therefore, the proposed Project would not result in significant long-term physical environmental effects associated with population growth.

5.1.2 Economic Growth

The proposed Project would generate temporary employment opportunities during construction. Because construction workers would be expected to be drawn from the existing regional work force, construction of the Project would not be growth-inducing from a temporary employment standpoint. Furthermore, as discussed in Section 12, *Population and Housing*, of the Initial Study (Appendix A), the proposed Project would not involve substantial employment that would induce economic growth. The proposed Project would not be expected to induce substantial economic expansion to the extent that direct physical environmental effects (e.g., new construction) would result. Moreover, the environmental effects associated with any future development in or around Santa Barbara would be addressed as part of the CEQA environmental review for such development projects.

5.1.3 Removal of Obstacles to Growth

The purpose of the Project is to remove from service the Los Patos Rail Bridge and construct new train tracks on new fill to ensure safe operation of the rail line. As discussed in Section 13, *Public Services and Utilities*, of the Initial Study (Appendix A), the proposed Project would not require new connections to existing water, sewer, and drainage infrastructure to serve the Project. Additionally, as discussed in Section 15, *Transportation and Circulation,* of the Initial Study (Appendix A) removal of the Los Patos Rail Bridge and underpass would address and improve the existing safety hazard concerns. The underpass would not be replaced with another structure. Rather, Los Patos Way would be reconfigured as a cul-de-sac similar to its current operating condition. Therefore, the Project would not increase roadway capacity or result in an increase in vehicle lane miles as there would be no change in the existing traffic pattern or capacity. Although the proposed Project would reconfigure Los Patos Way, the proposed changes would not present a substantial change to existing circulation and would be intended to accommodate expected traffic volumes and Project site access needs. No new roads would be required. Because the Project does not require the extension of new infrastructure through undeveloped areas, Project implementation would not remove an obstacle to growth.

5.2 Irreversible Environmental Effects

5.2.1 Significant Irreversible Environmental Changes

The CEQA Guidelines require that EIRs contain a discussion of significant irreversible environmental changes. This section addresses non-renewable resources, the commitment of future generations to the proposed uses, and irreversible impacts associated with the proposed Project. The Project would remove the existing Los Patos Rail Bridge located northwest of the intersection at Cabrillo Boulevard and Los Patos Way and replace it with solid fill material that is similar to the materials located on either side of the bridge. The U.S. 101 Los Patos Way exit (Exit 95) and underpass would be removed and Los Patos Way would be reconfigured as a cul-de-sac east of the rail tracks. Construction of the Project would involve an irreversible commitment of construction materials and non-renewable energy resources, including petroleum-based fuels used to power construction vehicles and equipment. The Project would involve the use of building materials and energy, some of which are non-renewable resources, to fill in the existing Los Patos Way underpass and construct Los Patos Way as a cul-de-sac.

Consumption of construction materials and energy resources would occur with any development in the region, and is not unique to the proposed Project. In addition, operation of the Project would not require continued use of these resources. As discussed in Section 6, *Energy,* of the Initial Study (Appendix A)*,* neither construction nor operation of the proposed Project would result in wasteful, inefficient or unnecessary consumption of energy resources. Although Project construction would involve the use of energy, this energy usage would not occur in a wasteful or inefficient manner and not result in irreversible environmental effects.

As discussed in Section 3, *Air Quality and Greenhouse Gas Emissions*, and Section 15, *Transportation and Circulation,* of the Initial Study (Appendix A), the Project would not increase roadway capacity or result in an increase in vehicle lane miles as there would be no change in the existing traffic pattern or capacity. Accordingly, development and operation of the Project would not generate air quality or greenhouse gas emissions that would result in a significant impact. Additional vehicle trips associated with Project construction would incrementally increase local traffic and regional air

pollutant and greenhouse gas emissions. Additionally, Section 15, *Transportation*, of the Initial Study (Appendix A) concluded that long-term impacts associated with the proposed Project would be less than significant based on City thresholds.

The Project would not involve land development requiring a commitment of law enforcement, fire protection, water supply, wastewater treatment, or solid waste disposal services such that new or increased public services or utility services would be necessary. As discussed in Section 13, *Public Services and Utilities*, of the Initial Study, impacts to these service systems would not be significant.

5.2.2 Significant and Unavoidable Impacts

CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve a project. The analysis contained in this EIR concludes that the proposed Project would result in a significant and unavoidable impact to aesthetics, biological resources, cultural resources, and land use and planning.

Aesthetics

As discussed in Section 4.1, *Aesthetics,* implementation of the Project's shoofly track would require the removal of up to approximately 100 trees, which would impact the visual setting of the Project area and alter views from scenic areas such as the Andree Clark Bird Refuge. The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted cannot be determined at this time. In addition, because replacement trees cannot be planted in the UPRR right-of-way, the location of replacement trees is not currently known. Although the Project would involve the planting of replacement trees, it is conservatively concluded that the Project would result in significant and unavoidable impacts related to scenic vistas and the existing visual character of the Project site.

Biological Resources

As discussed in Section 4.2, *Biological Resources,* implementation of the Project's shoofly track would require the removal of up to approximately 100 trees. The Project includes planting of replacement trees; however, because the precise number of trees to be removed is not currently known, the number of required replacement trees to be planted cannot be determined at this time. In addition, because replacement trees cannot be planted in the UPRR right-of-way, the location of replacement trees is not currently known. Although the Project would involve the planting of replacement trees, it is conservatively concluded that the Project would result in significant and unavoidable impacts related to tree removal as the number and location of future replacement trees is not known, and available lands for replanting trees have not been identified.

Cultural Resources

As discussed in Section 4.3, *Cultural Resources*, elements of the Los Patos Rail Bridge are eligible for listing as a historic resource. The structure includes a pier and abutments constructed from sandstone, which make the bridge an example of local sandstone construction. The City's Historic Landmarks Commission also found that the bridge's steel girders contribute to the historical significance of the bridge. These features meet the criteria of Section 15064.5 of the California Environmental Quality Act Guidelines and the City Master Environmental Assessment Guidelines, which makes the Los Patos Rail Bridge eligible for listing in the California Register of Historical

Resources and as a City of Santa Barbara Landmark or Structure of Merit. Accordingly, the bridge qualifies as a historical resource under CEQA.

The Project would involve demolition and replacement of the Los Patos Rail Bridge. Because UPRR has determined the bridge must be removed due to increasing maintenance needs and safety concerns, protection or preservation of the bridge is not feasible. Accordingly, the Project would result in significant and unavoidable impacts related to this historic resource.

Land Use and Planning

As shown in Table 4.5-1 in Section 4.5, *Land Use and Planning,* the Project would be inconsistent with policies of the City's General Plan, Local Coastal Program, and municipal code that aim to protect and preserve historical resources and trees. The Project would conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect, and therefore impacts would be significant and unavoidable.

Cumulative Impacts

As discussed in each topical section of Chapter 4, the Project has the potential to contribute to cumulative impacts in the Project area. Other cumulative development projects, such as the U.S. 101 HOV Project, would involve tree removal and would result in significant cumulative impacts. Because the Project would also involve tree removal, and tree replacement may not be feasible, the Project would result in a cumulatively considerable contribution to cumulative aesthetics and biological resources impacts related to tree removal.

6 Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, this EIR examines a range of reasonable alternatives to the proposed Project, or to the location of the proposed Project, that would feasibly attain most of the proposed Project's basic objectives but would avoid or substantially lessen the significant environmental impacts of the proposed Project. This section evaluates the comparative environmental merits of each of the identified alternatives.

6.1 Development of Alternatives

Section 15126.6(c) of the *CEQA Guidelines* requires that an EIR identify alternatives that were considered but rejected as infeasible and provide a brief explanation as to why such alternatives were not fully considered in the EIR. As required by the *CEQA Guidelines*, the selection of alternatives for this EIR included a screening process to determine a reasonable range of alternatives, which could reduce significant effects but also feasibly meet project objectives. Alternatives that do not clearly provide any environmental advantages compared to the proposed Project, do not meet basic proposed Project objectives, or do not achieve overall lead agency policy goals, have been eliminated from further consideration. Alternatives that were considered but rejected are discussed below in Section 6.2. The factors that may be considered when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (*CEQA Guidelines* Section 15126.6[f][1]). To develop a reasonable range of alternatives to the project, the City considered the following:

- Proposed Project objectives
- Potentially significant impacts of the proposed Project
- Alternatives suggested during the scoping process

During development of possible proposed Project alternatives, an alternatives and mitigation options memorandum was prepared for the City. The alternatives considered in this EIR are based on alternatives presented therein. The memorandum is included as Appendix E.

6.1.1 Project Objectives

As discussed in Chapter 3, *Project Description*, the objectives for the proposed Project are as follows:

- Safely reconfigure Los Patos Way upon closure of the off-ramp
- Remove the Los Patos Rail Bridge to increase safety for rail service and eliminate ongoing maintenance and liability
- Reduce substantial effects to the Los Patos Rail Bridge's historic elements as much as feasible and reasonable

6.1.2 Potentially Significant Impacts of the Project

As discussed throughout Chapter 4, *Environmental Impact Analysis*, and summarized in Table ES-1 in the Executive Summary, the proposed Project would result in significant and unavoidable impacts to biological resources, cultural resources, and land use and planning. The proposed Project would require mitigation to reduce significant impacts related to biological resources and cultural resources to the extent feasible, and to reduce potentially significant impacts related to aesthetics and hazards and hazardous materials. Identified mitigation measures in Chapter 4 would reduce potentially significant impacts related to aesthetics and hazards and hazardous materials to less-than-significant levels; impacts related to biological resources, cultural resources, and land use and planning would remain significant and unavoidable.

6.1.3 Project Alternatives

CEQA Guidelines Section 15126.6(a) states that "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The selected alternatives are limited to those that would avoid or substantially lessen any of the significant effects of the proposed Project, and those that the lead agency determines could feasibly attain most of the basic objectives of the proposed Project. This section presents the selected alternatives and includes an evaluation for the environmental topics addressed in Sections 4.1 to 4.5, although at a more general level to compare the merits of the alternatives to the proposed Project (consistent with *CEQA Guidelines* Section 15126.6[d]).

The following alternatives are evaluated in this EIR, including the CEQA-required "no project" alternative:

- Alternative 1: No Project
- Alternative 2: Preservation in Place
- Alternative 3: Relocation

6.2 Alternatives Considered but Rejected

The *CEQA Guidelines* state that an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination (*CEQA Guidelines* Section 15126.2[c]). The City considered an alternative that would involve partial preservation of the Los Patos Rail Bridge at its current location, which would involve replacing the bridge's steel girders and rail and retaining and preserving the sandstone abutments and pier. This alternative would potentially reduce the impact to the historic structure by retaining a portion of it. However, this alternative would still result in a significant and unavoidable impact to a historical resource and would not meet the proposed Project's objective to remove the bridge for safety and maintenance purposes. Therefore, this alternative was considered but ultimately rejected.

6.3 Alternative 1: No Project

6.3.1 Description

The No Project Alternative assumes that the proposed demolition and removal of the Los Patos Rail Bridge does not occur. As part of the separate U.S. 101 HOV Project, the Los Patos Way exit from U.S. 101 (Exit 95) would be closed to vehicle traffic and the off-ramp would be removed within the Caltrans right-of-way. Because the U.S. 101 HOV Project would occur with or without implementation of the proposed Project, an unused segment of Los Patos Way would remain under the Los Patos Rail Bridge under the No Project Alternative. Additionally, UPRR would not construct a new section of railroad tracks; rather, the current UPRR railroad tracks and bridge would remain in service.

As discussed in Section 3.3.1, *Project Background,* In Chapter 3, *Project Description,* the separate Cabrillo Boulevard Pedestrian and Bicycle Improvements, Los Patos/Cabrillo Roundabout and UPRR Bridge Replacement Project (Cabrillo/UPRR Bridge Project) is planned to be constructed consecutively with the proposed Project, as the Cabrillo/UPRR Bridge Project would also require the shoofly to provide rail service during removal and replacement of the Cabrillo Boulevard Rail Bridge. This method for replacing Cabrillo Boulevard Rail Bridge is required by UPRR. Under the No Project Alternative, the shoofly would not be constructed, thereby not allowing replacement of the Cabrillo Boulevard Rail Bridge to improve pedestrian and bicycle access for Cabrillo Boulevard. Replacement of the Cabrillo Boulevard Rail Bridge would not be possible without construction of a shoofly, so this component of the Cabrillo/UPRR Bridge Project would not occur under the No Project Alternative.

While the No Project Alternative would preserve the visual and historical integrity of the Los Patos Rail Bridge, it would not address the safety and maintenance concerns identified by UPRR. The existing underpass is a low-clearance structure (non-standard vertical clearance) and has caused numerous shutdowns to railroad operations, as several trucks have hit the structure. In addition, the underpass in place would create an attractive nuisance, creating an increased security risk for UPRR. These concerns would remain unresolved under this alternative. The No Project Alternative would not fulfill all project objectives, as it would not safely reconfigure Los Patos Way as a cul-de-sac upon closure of the off-ramp and would not remove the Los Patos Rail Bridge to increase safety for rail service nor eliminate the ongoing maintenance and liability with the bridge remaining in place. It would also not allow replacement of the Cabrillo Boulevard Rail Bridge to improve pedestrian and bicycle access.

6.3.2 Impact Analysis

a. Aesthetics

Alternative 1 would not involve demolition or removal of the Los Patos Rail Bridge, nor construction of the temporary shoofly or new portion of railroad track at Los Patos Way. Under the No Project Alternative, the Los Patos Rail Bridge would remain in its current location, continuing to support the UPRR railroad tracks over Los Patos Way. This alternative preserves the existing visual context of the bridge, maintaining its association with the rail line and its function as a railroad crossing, as well as access from U.S. 101. Because Alternative 1 would not require tree removal, Mitigation Measure BIO-5 would not be required and Alternative 1 would not result in a significant impact on scenic views. Accordingly, impacts to aesthetics under Alternative 1 would be less than significant and reduced compared to the proposed Project.

b. Biological Resources

Under Alternative 1, demolition or removal of the Los Patos Rail Bridge would not occur. Since the shoofly would not be constructed under this alternative, tree removal would not be required. Accordingly, this alternative would result in no impacts to trees and biological resources and would not conflict with local policies and ordinances protecting biological resources. Mitigation Measures BIO-1 through BIO-5 would not be required. Impacts to biological resources under Alternative 1 would be reduced compared to the proposed Project.

c. Cultural Resources

Under Alternative 1, demolition or removal of the Los Patos Rail Bridge would not occur. Alternative 1 would allow the Los Patos Rail Bridge to retain its historical significance by maintaining its original location and function. This alternative avoids the adverse impacts associated with relocation, such as the loss of integrity in setting, location, feeling, and association. Accordingly, the bridge's eligibility for listing on the CRHR would be preserved. No ground disturbance would occur and potential impacts to archaeological resources would be avoided. Therefore, this alternative would not result in impacts to a historical resource as outlined by Section 15064.5(b) of the *CEQA Guidelines*, and Mitigation Measures CR-1 through CR-3 would not be required. There would be no impact to cultural resources under Alternative 1, and impacts would be reduced compared to the proposed Project.

d. Hazards and Hazardous Materials

The proposed Project site is located on the SWRCB Geotracker database as a cleanup program site for the presence of lead in soil. However, under Alternative 1, ground disturbance associated with demolition or removal of the Los Patos Rail Bridge and construction of the shoofly would not occur. Accordingly, Mitigation Measure HAZ-1 would not be required. Overall, Alternative 1 would have no impacts related to hazards and hazardous materials, and impacts would be reduced under this alternative compared to the proposed Project.

e. Land Use and Planning

Under Alternative 1, there would be no changes to the existing Los Patos Rail Bridge and no changes to Los Patos Way beyond what is currently planned. Alternative 1 would not alter connectivity with adjacent areas or disconnect U.S. 101 from Los Patos Way. Since there would be no change from existing conditions, Alternative 1 would not conflict with land use plans, policies, and regulations for the preservation of trees. Overall, this alternative would have no impacts regarding land use and planning and impacts would be reduced compared to the proposed Project.

6.4 Alternative 2: Preservation in Place

6.4.1 Description

This alternative would entail the retention of the Los Patos Rail Bridge and efforts to preserve the bridge in-situ while still constructing a shoofly to allow for the construction of a new Cabrillo Rail Bridge per the requirements of UPRR. The Los Patos Rail Bridge would be retained in its current location and would continue to support railroad operations with the shoofly rejoining the mainline east of the Los Patos Rail Bridge. The structure would be kept in its current location and the sandstone abutments, pier, and steel girders would be retained and actions would be taken to

preserve the structure. Similar to Alternative 1, because the U.S. 101 HOV Project would occur with or without implementation of the proposed Project, an unused segment of Los Patos Way would remain under the Los Patos Rail Bridge under this alternative.

Although the methods of preservation and the structural feasibility of this approach are currently unknown, this alternative assumes the bridge's physical features would be able to be preserved in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. It is assumed that preservation of the Los Patos Rail Bridge could occur without closing the bridge to train service, and construction of a shoofly solely for the Cabrillo Boulevard Rail Bridge could be constructed without affecting the Los Patos Rail Bridge. The shoofly would be slightly shorter to merge back into the mainline before reaching the Los Patos Rail Bridge, such that no impact to the Los Patos Rail Bridge's historic elements would occur.

6.4.2 Impact Analysis

a. Aesthetics

Alternative 2 would not involve demolition or removal of the Los Patos Rail Bridge, and a shoofly solely for the Cabrillo Boulevard Rail Bridge would be constructed without affecting the existing bridge. Under Alternative 2, the existing structure would be retained in its current location and the sandstone abutments, pier, and steel girders would be preserved in place. Alternative 2 would preserve the existing visual character of the bridge. However, because the shoofly under this alternative would only be slightly shorter than the shoofly under the proposed Project, Alternative 2 would involve similar tree removal as the proposed Project without replacement within the UPRR right-of-way. Accordingly, Mitigation Measure BIO-5 would be required, similar to the proposed Project. Alternative 2 would substantially alter the visual character of public views of the site and its surroundings and impacts would be significant and unavoidable due to tree removal and unavailability to replant within UPRR right-of-way or having identified lands for the replacement similar to the proposed Project. Overall, impacts to aesthetics under Alternative 2 would be similar to the proposed Project.

b. Biological Resources

Alternative 2 would not involve demolition or removal of the Los Patos Rail Bridge, and construct a shoofly solely for the Cabrillo Boulevard Rail Bridge without affecting the existing Los Patos Rail Bridge. Although this bridge would not be removed, construction of the shoofly would involve ground disturbance and tree removal, which would result in significant impacts to biological resources. Similar to the proposed Project, Alternative 2 would require implementation of Mitigation Measures BIO-1 through BIO-4, which would reduce impacts related to nesting birds, environmentally sensitive habitat, waterways and wetlands, and coastal resources to less than significant. Additionally, because the Cabrillo Bridge shoofly would only be slightly shorter than the shoofly under the proposed Project, tree removal would be required to a similar degree under Alternative 2 as the proposed Project. Accordingly, Mitigation Measure BIO-5 would still be required, and impacts would remain significant and unavoidable due to tree removal, as availability of land for future replacement trees is not known. Furthermore, similar to the proposed Project, Alternative 2 would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan as none are applicable to the proposed Project site. Overall, impacts to biological resources under Alternative 2 would be similar to the proposed Project.

c. Cultural Resources

Alternative 2 would not involve demolition or removal of the Los Patos Rail Bridge, and a shoofly solely for the Cabrillo Boulevard Rail Bridge would be constructed without affecting the existing bridge. Under Alternative 2, the existing Los Patos Rail Bridge structure would be retained in its current location and the sandstone abutments, pier, and steel girders would be retained and preserved in place. The bridge would be preserved in accordance with Secretary of the Interior' Standards and would retain the physical characteristics which convey its significance. Alternative 2 would therefore avoid impacts to a historical resource per Section 15064.5(b) of the *CEQA Guidelines*. Measures CR-1 through CR-3 would not be required. Overall, impacts to cultural resources would be less than significant under Alternative 3 and reduced compared to the proposed Project.

d. Hazards and Hazardous Materials

Under Alternative 2, demolition or removal of the Los Patos Rail Bridge would not occur, and a shoofly solely for the Cabrillo Bridge would be constructed without affecting the existing bridge. The proposed Project site is located on the SWRCB Geotracker database as a cleanup program site for the presence of lead in soil. While demolition activities would not take place under Alternative 2, construction and ground-disturbing activities associated with construction of the shoofly would still occur. These activities could potentially result in upset or accident conditions involving the release of hazardous materials, such as lead-contaminated soil. Therefore, Mitigation Measure HAZ-1 would still be required. Overall, Alternative 2 would have similar impacts related to hazards and hazardous materials as the proposed Project.

e. Land Use and Planning

Alternative 2 would not involve demolition or removal of the Los Patos Rail Bridge, and a shoofly solely for the Cabrillo Bridge would be constructed without affecting the existing bridge. Accordingly, Alternative 2 would require implementation of Mitigation Measures BIO-1 through BIO-5 and HAZ-1. Similar to the proposed Project, Alternative 2 would be consistent with policies that aim to increase transportation safety and reliability. However, Alternative 2 would be more consistent with policies that promote protection and preservation of historic resources than the proposed Project. Overall, impacts to land use and planning under Alternative 2 would be slightly reduced compared to the proposed Project but would remain significant and unavoidable due to inconsistency with the City's tree protection policies.

6.5 Alternative 3: Relocation

6.5.1 Description

Under this alternative, the Los Patos Rail Bridge, including the steel girders and sandstone abutments and pier, would be relocated to a yet-to-be determined receiver site. It is presumed the bridge could not be relocated to another crossing within the existing rail line, as it would not be permitted by UPRR due to logistical and safety concerns. A site would therefore need to be selected which could include a pedestrian crossing or distinct location within a park. It is presumed a technical study would be prepared which would confirm relocation is feasible, and the bridge and its components would be transported whole, or dissembled and reassembled on-site. Once relocated, the bridge would be rehabilitated, and interpretive signage would be installed to present historic

information about the bridge. Similar to the proposed Project, this alternative would involve replacing the bridge with fill and new railroad track and would involve construction of a shoofly to allow continued rail service during construction.

6.5.2 Impact Analysis

a. Aesthetics

Alternative 3 would involve the same amount of demolition and tree removal at the proposed Project site, when compared to the proposed Project. However, compared to the proposed Project, Alternative 3 would require the total removal and relocation of the rail bridge from the existing site which would significantly alter the visual character of public views of the site and its surroundings. Under Alternative 3, tree removal would result in a reduction in character-defining vegetation associated with highway views and views from the Andree Clark Bird Refuge. The proposed Project would involve tree replacement; however, the number and location of replacement trees are not known. Despite implementation of Mitigation Measure BIO-5, the impacts on aesthetics would remain significant and unavoidable, similar to the proposed Project. Overall, impacts related to aesthetics under Alternative 3 would be significant and unavoidable, similar to the proposed Project.

However, unlike the proposed Project, Alternative 3 would require the identification of a secondary proposed Project site for the relocation of the Los Patos Rail Bridge. Although a site has not been identified at this time, it can be assumed that it would be located in an existing park or would require construction of a pedestrian crossing. Conservatively assuming that relocation of the bridge adversely affects views and/or the visual character of the receiver site, Alternative 3 would result in significant and unavoidable impacts to aesthetics and greater significant impacts compared to the proposed Project.

b. Biological Resources

Alternative 3 would involve the same amount of demolition and tree removal on the proposed Project site when compared to the proposed Project. However, compared to the proposed Project, Alternative 3 would involve significantly more ground disturbance with inclusion of the yet-to-be-determined bridge receiver site. Therefore, this alternative would result in potentially greater impacts to special-status plant and animal species at the receiver site. Like the proposed Project, Alternative 3 would require implementation of Mitigation Measures BIO-1 through BIO-4, which would reduce impacts related to nesting birds, environmentally sensitive habitat, waterways and wetlands, and coastal resources to less than significant. Similarly, Alternative 3 would require implementation of Mitigation Measure BIO-5, but Alternative 3 would still conflict with policies and ordinances protecting trees and impacts would remain significant and unavoidable. Similar to the proposed Project, Alternative 3 would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan as none are applicable to the proposed Project site.

However, unlike the proposed Project, Alternative 3 would require the identification of a secondary proposed Project site for the relocation of the Los Patos Rail Bridge. Although a site has not been identified at this time, it can be assumed that it would be located in an existing park or would require construction of a pedestrian crossing. Conservatively assuming that relocation of the bridge adversely affects views and/or the visual character of the receiver site, Alternative 3 would result in significant and unavoidable impacts to biological resources and have greater impacts compared to the proposed Project.

c. Cultural Resources

Alternative 3 would involve the complete removal and relocation of the rail bridge from the existing site. In accordance with CEQA, relocation of an historical resource may avoid an adverse impact to a resource provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the CRHR (14 California Code of Regulations Section 4852[d][1]). The structure serves a very specific function as a railroad bridge. There are no feasible options for "adaptive reuse" as a railroad bridge, and identifying a compatible site with similar conditions for the bridge to serve as a rail bridge is not likely. If the bridge was able to be reused as a pedestrian crossing, it would still lack the association of rail line from which it derives much of its significance; a consideration that would be further amplified by its placement within an incompatible location such as a park. Its integrity of setting, location, feeling and association would be diminished as a result of the relocation, leaving it without sufficient historic integrity to convey its significance as a historical resource. The bridge would therefore be materially impaired but preserved. While impacts would be reduced compared to the proposed Project, as the bridge would not be destroyed, this alternative would still result in a significant and unavoidable impact under CEQA. Mitigation Measures CR-1 through CR-3 would be required.

d. Hazards and Hazardous Materials

Alternative 3 would involve similar demolition and tree removal activities as the proposed Project. As such, Alternative 3 could result in the same potential to result in upset or accident conditions involving the release of hazardous materials as the proposed Project, and Mitigation Measure HAZ-1 would still be required. However, compared to the proposed Project, Alternative 3 would require the total removal and relocation of the rail bridge from the existing site. While a secondary proposed Project site for the relocation of the Los Patos Rail Bridge has not been identified at this time, it can be assumed that it would be located in an existing park or would require construction of a pedestrian crossing. This new location would require grading, construction, and earth moving activities to relocate the Los Patos Rail Bridge and create an area for public viewing of the historical resource. Overall, Alternative 3 would result in more significant impacts related to hazards and hazardous materials compared to the proposed Project. The additional activities required for the relocation and establishment of the new site would likely increase the potential for hazardous material release and associated risks. Therefore, while Mitigation Measure HAZ-1 would still be required, the overall environmental impact concerning hazards and hazardous materials would be greater under Alternative 3.

e. Land Use and Planning

Alternative 3 would involve the same amount of demolition and tree removal as the proposed Project. Similar to the proposed Project, Alternative 3 would require implementation of Mitigation Measures BIO-1 through BIO-5 and HAZ-1. Similar to the proposed Project, Alternative 3 would be consistent with policies that aim to increase transportation safety and reliability. However, it would be inconsistent with policies that promote the protection and preservation of historic resources and trees. This inconsistency arises from the need to remove and relocate the rail bridge, which would impact the historical significance of the Los Patos Rail Bridge and necessitate the removal of trees in the area. Mitigation Measures BIO-1 through BIO-5 would help reduce some impacts to less-than-significant levels, but the relocation activities and associated construction would still result in significant and unavoidable impacts to biological resources. Additionally, as mentioned above, Alternative 3 would still result in significant and unavoidable impacts to a historic resource even

after implementation of Mitigation Measures CR-1 through CR-3. Overall, impacts under Alternative 3 would be similar to those of the proposed Project.

6.6 Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative among the alternatives evaluated in an EIR. *CEQA Guidelines* Section 15126.6(e)(2) provides that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

This discussion identifies the environmentally superior alternative by assessing the degree to which each alternative avoids significant and unavoidable environmental impacts. In some cases, an alternative will avoid one or more significant and/or unavoidable impacts identified for the proposed Project but then introduce one or more new significant impacts. Therefore, selection of the environmentally superior alternative requires an overall assessment of the changes in the number and type of significant impacts.

The *CEQA Guidelines* do not define a specific methodology for determining the environmentally superior alternative. For the purposes of this analysis, the proposed Project alternatives have been compared within each issue area to the proposed Project, and a determination has been made as to whether the potential environmental effects of each alternative would be reduced, increased, or is similar in comparison to the proposed Project (refer to Table 6-1). For the purpose of this EIR, each impact is equally weighted. Decision-makers and the community in general may choose to emphasize one issue or another, which could lead to differing conclusions regarding environmental superiority.

Based on the alternatives analysis provided above, Alternative 1, No Project, would be the environmentally superior alternative. Alternative 1 would avoid the significant and unavoidable impact related to cultural resources as a result of leaving the Los Patos Rail Bridge in place, and the significant and unavoidable impact related to biological resources as a result of tree removal. Similarly, Alternative 1 would result in reduced impacts to hazards and hazardous materials and land use due to reduced earthmoving activities. Alternative 1 would meet the proposed Project's objective to minimize impacts to the Los Patos Rail Bridge by leaving the bridge in place and avoiding substantial effects to the Los Patos Rail Bridge's historic elements. However, the UPRR has determined the existing bridge will need to be removed due to increased maintenance and structural concerns; therefore, this alternative would not meet the other basic objectives of the proposed Project. This alternative would not safely reconfigure Los Patos Way upon closure of the off-ramp and would not remove the Los Patos Rail Bridge to increase safety for rail service and eliminate ongoing maintenance and liability associated with the Los Patos Rail Bridge.

Pursuant to CEQA, if the No Project Alternative is identified as the environmentally superior alternative, another alternative needs to be identified as the environmentally superior alternative. As identified in Table 6-1, Alternative 2 would be the environmentally superior alternative when excluding the No Project Alternative. Alternative 2 would have similar impacts to aesthetics, biological resources, and hazards compared to the proposed Project, and reduced impacts to cultural resources and land use and planning. The historic Los Patos Rail Bridge would remain in place, thereby avoiding impacts to a historic resource, but this alternative still allows construction of a shoofly that results impacts to aesthetics, biological resources, and hazards similar to the proposed Project. This alternative would result in similar significant and unavoidable impacts compared to the proposed Project with construction of the shoofly, and would not meet key

proposed Project objectives to remove the Los Patos Rail Bridge to reduce maintenance and safety issues with the bridge remaining in place. In addition, UPRR has determined the existing Los Patos Rail Bridge will need to be removed due to increased maintenance and structural concerns; therefore, this alternative would not meet the objectives of the proposed Project. Specifically, it would not safely reconfigure Los Patos Way upon closure of the off-ramp and would not remove the Los Patos Rail Bridge to increase safety for rail service and eliminate ongoing maintenance and liability.

Alternative 3 would not avoid the significant and unavoidable impact related to aesthetics, biological resources, and cultural resources. Furthermore, Alternative 3 would result in more significant impacts related to ground disturbance, including impacts to biological resources and hazardous materials, than the proposed Project due to the potential impacts at the secondary site the structure would be relocated to. Therefore, Alternative 3 would not be environmentally superior to the proposed Project. Alternative 3 would meet some of the proposed Project objectives; however, it would still result in a significant and unavoidable impact to a historical resource and potentially more significant impacts than the proposed Project.

Table 6-1 Impact Comparison of Alternatives

Issue	Proposed Project Impact Classification	Alternative 1: No Project	Alternative 2: Preservation in Place	Alternative 3: Relocation
Aesthetics	Significant and Unavoidable	+	=	-
Biological Resources	Significant and Unavoidable	+	=	-
Cultural Resources	Significant and Unavoidable	+	+	+
Hazards and Hazardous Materials	Less than Significant with Mitigation	+	=	-
Land Use and Planning	Significant and Unavoidable	+	+	=
Overall Impact Comparison		**5 +** **0 =** **0 -**	**2 +** **3 =** **0 -**	**1 +** **1 =** **3 -**

Note: Comparison of impacts is based on the overall impact of the alternative on the resource or issue.

\+ Alternative impacts would be reduced compared to the proposed Project.

= Alternative would result in impacts similar to the proposed Project.

\- Alternative impacts would be greater than those of the proposed Project.

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