



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 006-11

#### HIGHWAY 101 IN THE VICINITY OF SALINAS STREET ON/OFF RAMPS SALINAS RAMPS COASTAL DEVELOPMENT PERMIT MARCH 17, 2011

#### APPLICATION OF CALTRANS, DISTRICT 5, LOCATION: HIGHWAY 101 IN THE VICINITY OF SALINAS ST. ON/OFF RAMPS, APN: 099-MSC-0PW, SD-3 (COASTAL) ZONE, GENERAL PLAN DESIGNATION: OPEN SPACE/BUFFER (CASE# MST2004-00701)

The proposed project is to amend the approved Coastal Development Permit for the Highway 101 Operational Improvements Project (Milpas to Hot Springs), to widen Highway 101 to three lanes in the vicinity of the Salinas Street on/off-ramps. The revised project will require the reduction or elimination of previously improved landscaping in the median (between the northbound and southbound lanes) and the area adjacent to the new sound walls. The project also includes relocation of a portion of the sound wall near the end of the off ramp, installation of guard railings, and enclosure of a portion of a drainage ditch in a box culvert.

The discretionary application required for this project is an amendment to an approved Coastal Development Permit (CDP2011-00003) to allow revisions to an approved development in the Coastal Commission's Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

A Final Environmental Impact Report (FEIR)/ Federal Environmental Assessment Finding of No Significant Impact (FONSI) was certified for the Highway 101 Operational Improvements Project by Caltrans District 5 in March 2004. The City prepared an Addendum to the FEIR to document minor changes to the project description prior to Planning Commission approval of the project in December 2004. Caltrans prepared an Addendum to the FEIR in February 2011 to reflect the changes in the proposed project. Prior to action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act (CEQA) §§21081 and 21081.6 and CEQA Guidelines §§15091, 15092, 15096, 15097, and 15164.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 2 people appeared to speak in favor of the application, and 4 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 10, 2011.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Richard Nordlund, Montecito Association
  - b. Richard Krumholz, Department of Transportation
  - c. Lynda Lang, Carpinteria Valley Chamber of Commerce
  - d. Goleta Valley Chamber of Commerce

- e. Suzanne Scar, Chamber of Commerce Alliance of Ventura & Santa Barbara Counties
  - f. Stephen Cushman, Santa Barbara Region Chamber of Commerce
  - g. Kristen Amyx, Santa Barbara Conference and Visitors Bureau and Film Commission
  - h. Jim Kemp, Santa Barbara County Association of Governments (SBCAG)
4. Correspondence received in opposition to the project:
- a. Paula Westbury, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

**I. Approved the subject application making the following findings and determinations:**

**A. California Environmental Quality Act (CEQA) Findings.** Pursuant to CEQA (California Public Resources Code Sections 21081, 21081.6) and the Guidelines for the Implementation of CEQA (California Code of Regulations Section 15091, 15096, 15097, 15162, 15164):

The Planning Commission has considered the Final Environmental Impact Report (EIR), EIR Addendum dated December 8, 2004 (City Addendum) and EIR Addendum dated February 23, 2011 (Caltrans Addendum). The Caltrans Addendum was prepared in accordance with the provisions of the State Guidelines for the Implementation of CEQA and documents minor changes and additions to the Certified EIR that do not involve substantial changes to the project, circumstances, impacts, or mitigation measures, and do not identify new or substantially more significant impacts; therefore, a Subsequent or Supplemental EIR is not required to be prepared. The Certified EIR together with the City and Caltrans Addenda constitute adequate CEQA environmental documentation for the project.

The location and custodian of the documents which constitute the record of proceedings upon which the project decision is based is the City of Santa Barbara Planning Division, 630 Garden Street, Santa Barbara, California. The California Department of Transportation (Caltrans) located at 50 Higuera Street, San Luis Obispo, California is the Lead Agency and custodian of documents for the environmental impact report.

A mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.

Design features incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts identified in the Final EIR and Addenda. These findings are supported by substantial evidence in the record, including the Certified Final EIR, Addendum dated December 8, 2004, Addendum dated February 23, 2011, and associated appendix materials.

The following are anticipated changes to the environmental impacts of the current proposal, as compared to the approved project.

- 1. Air Quality: No significant increase in long-term air quality impacts is anticipated from the subject project either from project-specific impacts or project contribution to

cumulative impacts. Temporary construction dust effects would be mitigated to less than significant levels by application of standard Air Pollution Control District and City measures required as conditions of approval of the original approved project an applicable to the subject project. These measures include daily watering of exposed soils and stockpiles, stabilization of disturbed soil areas, covered truck transport, reduced construction vehicle speeds on unpaved surfaces, dust control monitoring and reporting, and complaint resolution procedures.

2. **Circulation and Traffic:** The subject project is anticipated to benefit long-term vehicle circulation and safety on the highway mainline. As with the approved project, during project construction, mainline highway capacity would be maintained with two travel lanes northbound and southbound. Ramp closures and detours would be instituted at various locations and time periods during project construction, resulting in temporary localized adverse but less than significant traffic impacts. Construction traffic management measures to minimize temporary construction effects have been incorporated as part of the project description and applied as conditions of project approval, including a public awareness/ driver information measures (website, mailings, speakers bureau, public service announcements in the media, roadway signs, telephone information line), operations strategies (management plan evaluation and adjustment, freeway surveillance, reduced speeds through construction zones, alternate route strategies, temporary traffic management equipment, roadway signs, California Highway Patrol presence and enforcement, tow service for incident response, construction staging, parking, and traffic route management), and alternative transportation modes and transportation demand management measures (bus, rail, and rideshare subsidies and marketing, employer-based incentives for telecommuting, alternate work hours, and alternative travel modes).
3. **Geology and Seismicity:** As with the originally approved project, potential impacts from the subject project associated with earthquake ground shaking would be reduced to less than significant levels through implementation of project design measures to provide for resistance of the maximum credible earthquake associated with nearby faults without endangering human life through structural collapse, as identified in geotechnical reports based on site testing and applied as conditions of project approval. As with the approved project, potential soil settlement and liquefaction hazards of the subject project would be reduced to less than significant levels with incorporation of design features as identified in geotechnical reports based on site testing and applied as conditions of project approval, which may include deep compaction of soil, use of deep structure foundations to increase stability, use of grouting to carry loads and increase lateral strength, use of gravel to carry loads and provide a pathway for water migration, and use of mechanical embankment fill stabilizers.
4. **Hazardous Materials and Waste:** The originally approved project affected soils contaminated by petroleum hydrocarbons and groundwater contaminated by benzene which were identified in a few locations by the initial site assessment, and potential project impacts associated with exposure of contamination would be mitigated to less than significant levels through measures applied as conditions of approval, including clean-up of contaminated soils and groundwater in all locations encountered in

accordance with federal, state, and local regulations for worker and public protection, clean-up, and transport and disposal of hazardous waste. Soils along the highway, medians and shoulders have been exposed to lead from vehicle exhaust, and potential hazardous materials impacts would be reduced to less than significant levels by measures applied as conditions of project approval to treat affected soils in accordance with criteria and permitting of the State Department of Toxic Substances, including reuse of soils along the highway only in areas determined safe. The subject project would result in no change to the level of significance of these impacts or the associated mitigations.

5. **Hydrology and Water Quality:** The subject project result in increased impervious surface area compared to the approved project, thereby increasing the amount and volume of storm water runoff and potential downstream erosion. Drainage design of the subject project would accommodate increased flow, and project-specific and cumulative hydrological impacts would be less than significant. Long-term water quality effects (project-specific and cumulative) from increased discharge of urban pollutants and sediment to the Andree Clark Bird Refuge and Sycamore Creek would be minimized with mitigation measures applied as conditions of project approval, including compliance with the City's adopted Storm Water Management Program, pollution prevention best management practices (i.e., preservation of existing vegetation, concentrated flow conveyance systems, and slope surface protection systems), and treatment control best management practices, (i.e., biofiltration strips and swales). Temporary construction impacts to drainage and water quality would be reduced to less than significant levels with temporary best management practices mitigation applied as conditions of project approval, including temporary sediment control, temporary soil stabilization, temporary concentrated flow conveyance systems, scheduling, preservation of vegetation, clear water diversion, dewatering operations, wind erosion control, sediment tracking control, solid waste management, materials handling, concrete waste management, vehicle and equipment operations, paving operations, stockpile management, water conservation practices, illegal discharge detection and reporting, storm drain inlet protection, and contaminated soil management.
6. **Floodplain:** The highway is located with the designated 100-year floodplain and floodway on the federal Flood Insurance Rate Maps. Project structures to be located within the floodplain are the addition of a paved lane, addition of a box culvert, and reconfiguration of soundwalls. Conditions of approval require that further floodplain analysis be provided based on more detailed project plans to confirm the preliminary analysis, and a Letter of Map Revision be processed through the City Floodplain Manager and Federal Emergency Management Agency.
7. **Noise and Vibration:** Baseline pre-project highway noise in the project area affected some residential areas next to the freeway at ambient levels that exceeded City Noise Element guidelines of 60 dBA and Federal Highway Administration standards of 67 dBA, and also affected adjacent recreational uses. The approved project had the potential to increase noise levels at adjacent areas by 2 dBA, a less than significant increase. The approved project replaced the existing sound barrier wall on the north side of Highway 101 from Punta Gorda to Salinas Street, and added new sound walls from Milpas to Punta Gorda and along the Municipal Tennis Courts on the north side. The noise barriers were

expected to reduce noise levels by 4-6 dBA at adjacent residential and recreational areas, mitigating the project noise impact and the project contribution to cumulative noise impacts. The subject project shifts a short portion of soundwall near the end of the off ramp away from the ramps and decreases the length of the soundwall near the beginning of the on ramp by approximately 18 feet. Long-term vibration effects of the project to adjacent land uses due to passing heavy trucks and buses would be less than significant, and would be minimized with application of measures to provide smooth surfacing, and use of lower-noise surfacing materials as determined feasible. Sporadic disruptive construction noise would occur temporarily during the project construction period, an adverse but less than significant effect to adjacent residential uses with the application of mitigation measures as conditions of approval, including use of equipment noise control (newer, quieter equipment with noise abatement measures such as mufflers, engine covers, and vibration isolators), administrative measures (schedule construction activities to minimize noise effects during nighttime and weekend hours; locate stationary construction operations to be least disruptive), barriers (construct project noise barriers at the beginning of construction when possible; use temporary wooden barriers if nighttime construction activities occur); and notification (advance notice of construction schedule, and identified contact for complaints/resolution). As stated in the Caltrans Addendum, the proposed changes to the soundwall and highway facility do not represent a significant change to the temporary or long term noise impacts of the original project.

8. **Biological Resources:** The original project identified a potentially significant impact due to removal of native oak and sycamore trees (estimated at 24 trees with the original approved project). Existing native oak and sycamore trees that would be removed as part of the subject project would be mitigated to a less than significant level with measure applied as a condition of approval requiring installation of replacement native trees at a 5:1 ratio with trees to be maintained by Caltrans in perpetuity. Unplanted trees provided in the originally approved project plans as mitigation for existing native tree removal shall be replaced at a 1:1 ratio with trees to be maintained by Caltrans in perpetuity. As with the originally approved project, potentially significant impacts to birds nesting would be avoided by a measure applied as a condition of approval requiring vegetation removal to occur between August 1 and March 15, outside the nesting season. Also as with the originally approved project, potentially significant impacts to special status aquatic species (steelhead and tidewater goby) during project construction would be mitigated to less than significant levels with measures applied as conditions of approval to the originally approved project requiring work within Sycamore Creek and culvert outlets to take place during low-flow period; maintenance of fish passage; control of sedimentation; wetlands replacement; use of protective fencing; revegetation of exposed soil; and conditions established by regulatory permit process of the U.S. Fish & Wildlife Service and National Marine Fisheries Service.
9. **Wetlands:** Construction of the project would result in impacts waters of the U.S. in the concrete lined drainage ditch. 1:1 Mitigation at a location along Sycamore Creek is required for the identified impacts, unless the U.S. Army Corps of Engineers or California Department of Fish & Game requires a higher mitigation ratio. With this mitigation measure, wetland impacts would be reduced to less than significant levels.

10. **Visual Resources:** The subject project would reduce blockage of coastal and mountain views compared to the originally approved project due to the reduction and reconfiguration of sound walls. The additional lane would require the loss of trees and screening vegetation, a potentially significant impact. With installation of replacement vegetation and soundwalls proposed as part of the project and to be approved by the City Design Review process, the project impact would be reduced to an adverse but less than significant level. Temporary reduction in visual quality of the area would occur during construction and until vegetation matures (estimated five years), an adverse but less than significant impact.
11. **Cultural Resources:** As with the originally approved project, potentially significant project impacts to archaeological resources would be reduced to less than significant levels with implementation of mitigation measures applied as conditions of project approval, including archaeological monitoring of disturbance within sensitive areas and discovery procedures requiring evaluation of any resources discovered and mitigation of impacts.
12. **Land Use, Socioeconomics, and Housing:** Project impacts associated with conversion of areas for transportation facilities use and loss of several housing and commercial structures as identified in the Final EIR would not change with the project design refinements.

**B. Coastal Development Permit (CDP) findings, pursuant to SBMC (§28.44.150).**

1. *The project is consistent with the policies of the California Coastal Act.*  
As discussed in the Staff Report dated March 10, 2010, the certified EIR dated March 2004, the EIR addendum prepared by the City of Santa Barbara dated December 8, 2004, and the Addendum prepared by Caltrans dated February 23, 2011, and testimony at the hearing of March 17, 2011, the project is consistent with all applicable policies of the Coastal Act including policies related to public access, aesthetics, water quality, and biology.
2. *The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.*  
As discussed in the Staff Report dated March 10, 2010, the certified EIR dated March 2004, the EIR addendum prepared by the City of Santa Barbara dated December 8, 2004, and the Addendum prepared by Caltrans dated February 23, 2011, and [insert information based on testimony at the hearing of March 17, 2011], the project is consistent with all applicable policies of the Local Coastal Plan, including policies related to aesthetics, water quality, and biology, all applicable implementing guidelines including the *Highway 101 Santa Barbara Parkway Design Guidelines*, and all applicable provisions of the Municipal Code including:

**II. Sa'd approval is subject to the following conditions:**

- A. **Permitted Development.** The development approved by the Planning Commission on March 10, 2011 amends the approved Coastal Development Permit for the Highway 101 Operational Improvements Project (MST2004-00701), to widen Highway 101 to three lanes in the vicinity of

the Salinas Street on/off-ramps and consists of the improvements shown on the plans and written project description signed by the Chairman of the Planning Commission on said date and the conditions of approval on file at the City of Santa Barbara, subject to further City review and approval detailed below.

- B. **Wetland Mitigation.** Caltrans shall identify location(s) along Sycamore Creek for conducting wetland restoration to mitigate impacts to wetlands resulting from the highway improvement project. Impacts to wetlands shall be mitigated at a minimum 1:1 ratio, pending approval of the U.S. Army Corps of Engineers and the California Department of Fish and Game. Caltrans shall explore locations along Sycamore Creek upstream of Highway 101 or downstream of the railroad tracks for potential restoration areas. The location(s) for restoration within the City of Santa Barbara shall be approved by the City with concurrence by State and Federal permitting agencies.

Caltrans shall provide the Creeks Division a description and schedule for obtaining all necessary Local, State and Federal permits required for conducting restoration work.

A preliminary restoration plan shall be provided to the Creeks Division, Public Works Department, and County Flood Control and Water Conservation District for review and City approval. The restoration plan shall include a description of all proposed restoration activities, including but not limited to: plants/trees to be removed; grading; bank/bed stabilization methods; post construction erosion control methods, plant species to be installed, including density and sources; estimated costs; construction schedule; construction techniques, long term monitoring criteria and procedures. Engineered project drawings at minimum 65% detail shall also be provided as part of the restoration plan with a site map of the restoration area that includes property lines and square footage estimates.

- C. **Storm Water Management.** The project is required to comply with Tier 3 of the City's Storm Water Management Plan (treatment, rate and volume). Caltrans shall submit drainage calculations, a hydrology report, and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

Caltrans shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- D. **Landscape Plan Compliance.** Caltrans shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be installed and maintained in accordance with said landscape plan, including any tree protection measures. If

said landscaping is removed for any reason without approval by the ABR, the Caltrans is responsible for its immediate replacement.

- E. **Architectural Board of Review.** The project shall return to the Architectural Board of Review (ABR) for consideration of landscaping opportunities within the given physical constraints of the project as approved by the Planning Commission. ABR shall consider requiring more mature landscaping with the project as appropriate.
- F. **Crosstown Freeway Landscaping.** Within six months of approval, Caltrans shall submit application to the Historic Landmarks Commission and the Architectural Board of Review for median landscaping enhancements consistent with the Highway 101 Santa Barbara Coastal Parkway Design Guidelines at the location between Laguna Street and Chapala Street shown on Exhibit D of the Staff Report dated March 10, 2011 with the objective of screening oncoming freeway traffic while preserving desirable views of distant features, including the ocean and mountains. Caltrans shall diligently pursue the approval of this project at the ABR and HLC. The approved landscaping plan shall be subject to the requirements in Conditions II.D., above.
- G. **General Conditions.**
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 059-04.
  2. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
  3. **Approval Limitations.**
    - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
    - b. All Highway facilities and associated structures shall be located substantially as shown on the plans approved by the Planning Commission.
    - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
  4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.



Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

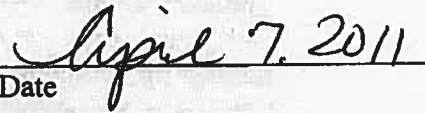
This motion was passed and adopted on the 17th day of March, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Larson, Lodge) ABSTAIN: 0 ABSENT: 2 (Jacobs, Schwartz)

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I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**