



Agenda Item No. _____

File Code No. 640.07

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 26, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeals Of The Planning Commission Approval Of The Highway 101 Operational Improvements Salinas Ramps Coastal Development Permit Amendment

RECOMMENDATION:

That Council deny both appeals and uphold the decision of the Planning Commission to approve the Highway 101 Operational Improvements Salinas Ramps Coastal Development Permit Amendment.

EXECUTIVE SUMMARY:

On March 17, 2011, the Planning Commission held a public hearing and approved the Highway 101 Operational Improvements Salinas Ramps Coastal Development Permit Amendment on a 3-2 vote. The decision was appealed by two different parties: Brownstein Hyatt Farber Schreck, LLP (Brownstein) on behalf of John and Helen Free, owners of Santa Barbara Sunrise RV Park, and Philip Suding (see appeal letters, Attachments 1 and 2).

DISCUSSION:

The appeal issues raised in the Brownstein letter relate to the environmental review of the project, and a claim of an unconstitutional taking of private property. Philip Suding's appeal is focused on the consistency of the project with a design guideline related to median planting width. Each of the appeal issues is discussed below.

Noise

The Brownstein appeal states that noise impacts of the subject project were not adequately analyzed. Noise impacts are discussed in the 2004 Environmental Impact Report (EIR) Addendum prepared for the project and in the CEQA findings made by the Planning Commission for the March 17, 2011 approval. According to the certified EIR, the approved Operational Improvements Project without the construction of any soundwalls would have potentially increased noise levels at adjacent residential areas by 2 dBA. The certified EIR concludes that this 2 dBA increase in noise level would be considered a less than significant when evaluated against federal, State, and the City of Santa Barbara noise policies. The certified EIR states that while the expansion and reconfiguration portions of the highway project would increase noise levels by 2 dBA, the originally proposed soundwalls would reduce noise levels at adjacent residential

areas between 4-6 dBA. The soundwalls, therefore, would further lessen an already less than significant impact of the highway expansion project and, in fact, represent a net benefit to the noise conditions existing at the time the EIR was prepared.

The subject project would reduce the originally approved 600 foot long soundwall between Salinas and Punta Gorda by approximately 18 feet in the vicinity of the Salinas Street onramp and shift a short portion of soundwall near the end of the Salinas Street off ramp. Any vibration effects of the amended project would be minimized with application of measures to provide smooth surfacing and the use of lower-noise surfacing materials as feasible. Elimination of 18 feet of soundwall would expose slightly more of the neighboring RV park to existing traffic noise. While the noise abatement provided by the originally approved soundwall would be slightly decreased, the subject project would not substantially increase the severity of the noise impacts described for the originally approved project nor would the subject project change the previous EIR determination that the projects noise and vibration impacts would be less than significant.

Circulation and Traffic Safety

The Brownstein appeal states that the redesigned Salinas on and off ramps would result in significant impacts to circulation and traffic safety. Caltrans engineers have reviewed the circulation and traffic concerns expressed by the appellant and provide the following additional information:

The proposed reconstruction of the Salinas Street on- and off-ramps to current design standards will mean an immediate improvement in both operations and safety. Specifically, the increased off-ramp length compared to the current ramp will allow drivers to change speed gradually and go around the corner safely. In this respect, the potential for vehicles to overshoot the exit curve, as alleged in the appeal letter, would actually be reduced compared to the currently approved project which retains the original ramp. The new offramp will be clearly marked as an exit ramp, and new markings and signs will be installed to ensure that drivers are aware of the ramp curve in all conditions including at night. It is important to note that the soundwall was not constructed for the purpose of shielding the RV park from traffic, and therefore its removal cannot be construed as increasing such risk.

The new ramps are designed to align properly with the existing Salinas Street, requiring no changes to the street alignment. The reconfigured ramps have been designed such that ingress and egress from the RV park can be conducted in the same way as they currently exist, and there is no expected change in traffic circulation once the ramps are completed and opened to traffic.

City staff does not believe that evidence presented by Brownstein demonstrates that a new significant impact to traffic and circulation would result from the subject project or that the subject project would substantially increase the severity of traffic impacts described in the certified EIR.

Wetlands

The Brownstein appeal states that the mitigation of wetland impacts has not been adequately analyzed. Wetland impacts are discussed in the 2011 EIR Addendum prepared for the subject project and in Section I.A.i. of the CEQA findings for the Planning Commission approval of March 17, 2011. The certified EIR and 2004 EIR Addendum describe temporary (1,852 sq. ft) and permanent (1,338 sq. ft.) impacts to jurisdictional waters and wetland areas at Sycamore Creek and several culverts in the vicinity of Salinas Street as a result of the original project. These impacts were described as significant, but mitigable with the implementation of a mitigation measure to replace and replant native wetland and riparian species. Any alteration of streams or wetlands requires permits from both the California Department of Fish and Game (CDFG) and the Army Corps of Engineers (ACOE). It is a standard practice for the City to consult with these agencies when wetland impacts are proposed to determine the appropriate level of replacement mitigation based on the type of habitat impacted. When the original project was approved, the City had consulted with CDFG and determined that the appropriate level of mitigation given the types of wetlands impacted by the original project was 5:1 for permanent impacts and 3:1 for temporary impacts.

The subject project would require 800 square feet of a concrete lined drainage ditch running parallel to the freeway to be enclosed in a box culvert. The concrete ditch is currently filled with sediment that supports aquatic plant species. While this drainage ditch is considered to be Waters of the United States, the habitat provided by the concrete ditch is very limited. The applicant and the City have consulted with both CDFG and ACOE who have reviewed the subject project and determined that replacement at a 1:1 ratio is the appropriate level of mitigation needed for the type of wetlands impacted by the amended project. With implementation of this replacement mitigation, the impacts of enclosing 800 square feet of concrete-lined drainage ditch would be considered less than significant. The originally certified EIR considers a range of wetland impacts associated with the original project and discusses the various issues related to wetland and creeks impacts. The subject project would not represent a new significant impact nor would it substantially increase the severity of the wetland impacts previously described in the certified EIR.

Aesthetics

The Brownstein appeal states that there is not substantial evidence that the subject project would not result in significant additional visual impacts beyond those analyzed in the EIR. The certified EIR and 2004 EIR Addendum for the originally approved project describe a variety of less than significant and significant but mitigable visual impacts associated with the installation of soundwalls, removal of significant portions of vegetation, loss of mature skyline trees, and changes to public views. The subject project would result in reduced blockage of mountain views due to changes to the soundwalls. The subject project would also result in an increased loss of trees and screening vegetation that would be mitigated to a less than significant level through the planting of vegetation away from the removal site. Public scenic views and vistas would not be substantially impacted and the changes to vegetation would occur over a

relatively small portion of the highway. The subject project does not present any new visual impact that was not previously identified in the certified EIR. Additionally, the proposed changes do not represent a substantial increase in severity of the visual impacts described in the previous EIR.

Policy/Guidelines Consistency

The Brownstein Appeal asserts that the subject project is inconsistent with City policies and guidelines related to views and aesthetics and the inconsistency would result in a significant impact under CEQA. The Planning Commission staff report describes at length the subject project's consistency with applicable City design guidelines and policies. As stated in the *Highway 101 Santa Barbara Coastal Parkway Design Guidelines*, The guidelines are meant to guide those who are designing improvements to the highway to help preserve the dominant character of the highway corridor, but are not meant to discourage changes needed for safety and operations on the freeway. They are intended as guidelines, not hard and fast significance thresholds in relation to the California Environmental Quality Act.

Adequacy of Environmental Review

The Brownstein Appeal asserts that the 2011 EIR Addendum does not provide adequate environmental documentation for the subject project. Pursuant to Section 15162 and 15164 of the state Guidelines for the Implementation of CEQA, an addendum to a previously certified EIR can be used if some changes and additions are necessary to a project but those changes do not cause a new significant environmental effect not previously described in the certified EIR or substantially increase the severity of a significant environmental effect previously identified in the certified EIR. City staff have reviewed the record and do not believe any of the conditions in CEQA Guidelines Section 15162 exist that would require a supplemental or subsequent EIR. The submitted addendum, therefore, in addition to the previously certified EIR and 2004 addendum, represent adequate environmental review for the subject project.

Unconstitutional Taking of Property

The Brownstein Appeal claims that the project would result in an unconstitutional taking of the Sunrise RV Park property. The takings claim is not relevant to the issue of whether or not a Coastal Development Permit should be issued for the subject property. If there were a taking of property resulting from the approval of the project, it would be Caltrans taking of the Sunrise RV Park property. The City is not the appropriate body to determine whether a taking would occur with the project's approval.

Median Landscaping

The Suding Appeal focuses on one guideline provided in the *Highway 101 Santa Barbara Coastal Parkway Design Guidelines*:

Median landscaping is fundamental to the appearance of a parkway. When median planting is small, the opposite travel lane becomes conspicuous. In the Crosstown Freeway area, there is just a ribbon of plant material which softens the look of the roadway but does not screen the opposite lane. Pronounced

vegetation in the median is very important and medians should be wide enough to accommodate it. Minimum median width should be similar to what exists near the bird refuge and throughout Montecito (approximately 10 feet of planting area).

The original project was approved with a 10 foot wide median (measured barrier face to barrier face). The subject project approved by the Planning Commission included a median varying between 6 and 3.25 feet (measured barrier face to barrier face). Mr. Suding has stated that the proposed planting would be inadequate and inconsistent with the design guidelines. Caltrans has resurveyed the right-of-way and found that a median can be provided with the subject project varying between 7.3 and 4.7 feet. Caltrans has stated that right of way acquisition to provide more planting area is infeasible due to the constraints of the Union Pacific right-of-way on the south side of Highway 101 and affordable housing on the north side. Caltrans has also stated that design exceptions to provide less than standard highway features (e.g., narrower shoulders or lane widths) are not available for the provision of additional landscaping.

DESIGN REVIEW:

As stated above, since the Planning Commission appeals were filed, the project was revised based on a re-survey of the right-of-way. The Architectural Board of Review (ABR) reviewed the revised project on April 4, 2011 and indicated that the project was proceeding in the right direction. The Architectural Board of Review requested that the project-specific Highway 101 Design Review Team re-review the project and the project return to ABR on April 18th. Staff will provide the Council updates on the ABR and Highway 101 Design Review Team reviews at the appeal hearing.

CONCLUSION:

Staff recommends that City Council deny the appeals and uphold the decision of the Planning Commission to approve the project, making the findings for denial contained in Planning Commission Resolution No. 001-11 (Attachment 4).

- ATTACHMENTS:**
1. Appeal Letter from Sunrise RV Park dated March 25, 2011
 2. Appeal Letter from Phil Suding dated March 28, 2011
 3. Planning Commission Minutes of March 17, 2011
 4. Planning Commission Resolution No. 006-11
 5. Planning Commission Staff Report dated March 10, 2011
(Exhibits location in City Clerk's Office reading file)
 6. ABR Minutes of February 7 and April 4, 2011

PREPARED BY: Daniel Gullett, Associate Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator/Community
Development Director

APPROVED BY: City Administrator's Office

Brownstein
Farber | Schreck

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March 25, 2011

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE
Susan F. Petrovich

VIA HAND DELIVERY

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Honorable Mayor Schneider and Members of the City Council
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

RE: Appeal of March 17, 2011 Planning Commission Decision
CalTrans, District 5 – Highway 101 Operational Improvements, Salinas Ramps Amendment
MST 2004-00701 (CDP2011-00003)

Dear Mayor Schneider and Members of the City Council:

Brownstein Hyatt Farber Schreck represents John and Helen Free. We submit this appeal letter on behalf of John and Helen Free as owners of Santa Barbara Sunrise RV Park, located at the corner of Highway 101 and Salinas Street (516 South Salinas Street). By this appeal, we request that the City Council reverse the Planning Commission's March 17, 2011 approval of an amendment to the Coastal Development Permit (CDP) for CalTrans' Highway 101 Operational Improvements Project. The amendment would allow changes to the configuration of the Salinas Street on/off ramps, addition of a new through lane of traffic on the northbound side of Highway 101, removal or deletion of landscaping near the on/off ramps, reduction in the size of the freeway median, changes to the landscaping in the freeway median, relocation of a portion of the sound wall, and removal of a portion of the sound wall just completed along the freeway frontage and the Frees' property.

This amendment to the Highway 101 Operational Improvements (Milpas to Hot Springs) Project will negatively impact the Frees' business and submit their guests to risk of property damage, personal injury and even death. The change to the project did not undergo the thorough environmental analysis or public review mandated by the California Environmental Quality Act (CEQA). As explained in greater detail below, the project materials available for public inspection prior to the hearing, and the plans submitted at the Planning Commission hearing, did not provide adequate information to allow members of the public, particularly adjacent residents and businesses, or the decision-makers to understand the proposed project's potential impacts.

Requested Action

We request that the City Council uphold this appeal, overturning the Planning Commission's decision to approve the CDP amendment and (1) require that the applicant and staff work together to redesign the project to comply with City policies and guidelines and to protect the safety of the guests of Sunrise RV Park as well as the safety of the traveling public, and (2) conduct the required environmental review, including adequate opportunity for meaningful public input, before having the Planning Commission reconsider the proposed project.

Grounds for Appeal

The Proposed Project Constitutes an Unconstitutional Regulatory Taking of Private Property.

The modifications to the originally approved Highway 101 Operational Improvements project in this area will have substantial detrimental impacts on the operation of Santa Barbara Sunrise RV Park with no mitigation or compensation having been proposed for this loss. This constitutes an unconstitutional taking of property. The previous, and as yet uncompleted, phase of this CalTrans project included construction of a sound wall on an easement located on the Frees' property. Before construction began on that project phase, many of the Santa Barbara Sunrise RV Park guests were nurses working locally on a temporary basis. Most of these nurses worked the night shift. CalTrans construction significantly impacted the Park's business and good will and the business is still recovering. Because of the construction noise, these guests ceased to patronize the Sunrise RV Park. Because the construction continued over such a long period of time and included nighttime construction activity, even vacationers elected not to stay at the Park. CalTrans removed the Frees' privacy fence early in the project but left the sound wall unconstructed for many months, so Park visitors had no sense of privacy or security. They may as well have been parked on the side of the busy freeway. The Park's vacancy rate shot up and preconstruction occupancy rates have not yet been restored. Since the completion of the sound wall in or around July 2010 the Park has been in the gradual process of rebuilding its reputation and good will to attract new visitors. CalTrans' proposal to remove a portion of the sound wall on the Free property and undertake new construction adjacent to the RV Park, including the reduction of landscaping, will have a profound impact upon the Park's ability to recover its lost trade. The proposed removal of a portion of the sound wall constructed to reduce noise impacts not only will adversely affect this business in the short-term with more construction noise and disturbances for patrons, but will result in the long-term impacts of increased noise and vibrations, potential circulation issues associated with the redesigned off ramp, and increased risks of injury from out of control vehicles using the substandard ramps at Salinas Street. These issues are discussed in greater detail below.

The Project Was Not Adequately Analyzed as Required by CEQA. CalTrans, as the lead agency for this project, adopted an EIR Addendum (CalTrans Addendum), dated February 23, 2011, finding that the "only minor technical changes or additions to the previous [EIR] are necessary." The Planning Commission made a finding that the CEQA analysis was adequate environmental documentation for the amended project.

However, CEQA Guidelines section 15164(e) requires that the decision not to prepare a subsequent EIR must be "supported by substantial evidence." Neither CalTrans nor the City provided substantial evidence to demonstrate that the conditions described in CEQA Guidelines section 15162, calling for the preparation of a subsequent EIR, do not exist. In fact, the changes to the project do have the potential to result in one or more significant effects not discussed in the previous EIR. Pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163, CalTrans must prepare and circulate a subsequent or supplemental EIR to document the project changes, analyze the potential environmental impacts, identify appropriate mitigation measures, and allow the public an opportunity to review and comment.

Specifically, the proposed project changes include reconfiguration of the Salinas Street on/off ramps; widening Highway 101 to three travel through-lanes in the vicinity of the Salinas Street on/off ramps; reducing or eliminating previously proposed and/or installed landscaping in the median and adjacent to the new sound walls, relocating a portion of the sound wall near the Salinas off ramp, removing of a portion of the wall adjacent to the Salinas on ramp and along the RV Park's frontage, installing new guard railings, and enclosing a portion of a drainage ditch in a box culvert. These changes will increase or result in new environmental impacts related to noise, circulation and traffic, public safety, wetlands, views/aesthetics, and land use and planning policy consistency. Substantial evidence has not been provided to demonstrate that these impacts can or will be adequately mitigated. The public has not

been afforded adequate opportunity required by law to review and comment on the environmental impacts and mitigation measures. Each of these impacts are discussed below:

- o **Noise.** The EIR prepared by CalTrans concluded that pre-project ambient noise levels exceeded both City Noise Element guidelines and Federal Highway Administration standards. CalTrans included sound walls in the original project design to mitigate noise impacts resulting from the project and cumulative noise impacts. The sound wall installation included a substantial block wall between the freeway travel lanes and the RV Park. With the amendment, CalTrans now proposes to remove a substantial portion of the brand new sound wall that provides protection for the RV Park. The amendment also includes removal or deletion of virtually all of the landscaping approved for the area adjacent to the RV Park and the Salinas on- and off-ramps. In short, CalTrans now proposes to remove important mitigation measures without conducting a thorough environmental analysis of the resulting impacts to visual resources and noise. Clearly, removal of part of the sound wall will increase noise and vibrations within the RV Park. Removal of the sound wall section closest to the exit and elimination of the landscape buffer between the highway and RV Park will expose occupants of RVs parked at the Sunrise RV Park to unmitigated noise from the freeway. CalTrans and City staffs' analyses do not quantify or provide any analysis of potential impacts from these proposed changes or include any evidence to support the conclusion that these changes "do not represent a significant change to the temporary or long term noise impacts of the original project" (Planning Commission Approval Findings, pp. 3-4).
- o **Circulation and Traffic Safety.** CalTrans and City staffs' analyses do not include any analysis of how the redesigned Salinas Street on/off ramps and the removal of the section of wall closest to Salinas Street will impact circulation and traffic safety in the adjacent neighborhood. Removal of a section of the sound wall that now protects the RV Park introduces a new safety impact. In the past, vehicles using the Salinas Street exit have overshot the curve and have flown into the RV Park. The recently installed sound wall, because it is constructed of solid block, provides some protection from out of control vehicles unable to make the Salinas Street curve. With the present configuration of the northbound freeway lanes, those exiting at Salinas Street are in a lane clearly marked as an exit lane so they are forewarned to slow for the exit. With the proposed project amendment, this exit lane will become a third northbound through-lane so travelers exiting at Salinas Street will be traveling at full freeway speeds onto an exit with a sharp curve. The hazard is particularly dangerous at night when drivers cannot see that the exit is short and sharply curved and when the freeway is lightly traveled so vehicles tend to be traveling at higher speeds. This is the very time that the RV owners are most likely to be inside their RVs. Removal of the sound wall section closest to the exit and elimination of the landscape buffer between the highway and RV Park will expose occupants of RVs parked at the Sunrise RV Park to a serious safety hazard from drivers unfamiliar with the exit overshooting the curve and entering the Park at high speeds. The Park has experienced out of control vehicles plowing into the Park, including one such incident that damaged a fence and an RV very recently. Luckily, no one was injured or killed, but the hazard is real, not imagined. This is a significant impact that must be analyzed under CEQA.

The project plans provided for public inspection and even those presented during the Planning Commission hearing did not show how the reconfigured Salinas Street off-ramp will align with Salinas Street as it exists today because the project plans are cut off immediately north of the ramps. The redesigned ramps do not look like they could feasibly align with the existing roadway. If this is true, additional changes would be required to Salinas Street that have not been disclosed or evaluated.

The project plans also fail to show how the redesign will affect ingress and egress for the RV Park, the driveway for which is very close to the ramps. This reconfiguration could make it difficult for RVs to exit from the Park and turn right directly onto the freeway, as they always have in the past.

If the alignment of Salinas Street changes, the right turn out of the Park could become too tight, forcing exiting RVs to turn directly into oncoming traffic using the off-ramp. Because the off-ramp is short and sharply curved, the sight distance is inadequate for both the oncoming traffic and for the exiting RVs. To avoid this hazard, the RVs would need to instead turn left, again into fast moving traffic exiting the freeway at the off-ramp, and then travel through the narrow, car-lined streets in the residential neighborhoods between the RV Park and Milpas Street – resulting in traffic, noise and air quality impacts that CalTrans has not analyzed.

- o **Wetlands.** The staff report and CalTrans Addendum acknowledge that replacing the ditch culvert in the original project design with a box culvert will result in new impacts to wetlands. CalTrans proposes 800 square feet of planting in Sycamore Creek to offset this impact. However, there is not substantial evidence to support a finding that the mitigation is adequate to address this new impact. Per CEQA Guidelines section 15162, this impact and proposed mitigation, which was not evaluated in the previous EIR, requires subsequent environmental and public review.
- o **Views/Aesthetics.** When the Highway 101 Operational Improvements (Milpas to Hot Springs) Project was originally approved, the City required that the median be widened from the CalTrans proposed 6 feet to 10 feet in order to be consistent with City policies and guidelines related to views and aesthetics along the Highway 101 corridor. The redesign would now reduce the median width to between 6 and 3.25 feet for a distance of 2,284 feet. Planned landscaping on the sides of the freeway would also be reduced or eliminated and some existing landscaping removed. The Planning Commission's findings state that the loss of trees and screening vegetation is a potentially significant impact (Planning Commission Findings, p. 5). The proposed mitigation is the installation of additional landscaping for a stretch of approximately 1,900 feet at another location along the freeway. This does not mitigate the impacts on this stretch of the freeway, particularly the visual impacts of the vital (but not particularly attractive) sound walls. The reduction of the median will make this section of the freeway look exactly like the downtown Los Angeles freeways. This is not consistent with the policies of the City or the expectations of local residents. It also creates an unsuitable and unacceptable gateway to our City.

There is no substantial evidence to demonstrate that the redesigned improvements will not have a significant impact based on the City's thresholds or that off-site mitigation, at a ratio of less than 1:1, is adequate to mitigate the new impact. In fact, the staff report states that an earlier and slightly different version of the project was reviewed by the City's Design Review Team (DRT) and Architectural Board of Review, both of which concluded that the proposed landscaping was inconsistent with the City's policies and guidelines and therefore unacceptable. Per the staff report, "All DRT members indicated that the loss of median landscaping was unacceptable, and a median no narrower than the 10 foot wide median approved as part of the Highway 101 Operational Improvements project is necessary to support appropriate planting. Individual members also indicated concern regarding the loss of landscaping along the sound walls" (Planning Commission Staff Report, p. 5). The evidence in the record demonstrates that additional environmental analysis is required to address the new visual impacts.

The CalTrans modeling and project plans all focus on views up and down the freeway. They do not show before and after simulations or overlays for the Salinas Street exit. Before and after simulations and overlays that show the changes to the sound walls and the layout at the Salinas Street ramps, and associated landscaping, is necessary for the public and decision-makers to understand and evaluate the project. Without this information, there is not substantial evidence to demonstrate that the project changes will not result in additional visual impacts. The removal of the sound wall and adjacent landscaping is a new significant impact that must be analyzed and mitigated if feasible. Therefore, supplemental environmental analysis and public review is required.

- o **Land Use and Planning Policy Consistency.** As stated above, there is substantial evidence in the record that the redesigned improvements are inconsistent with City policies and guidelines related to views and aesthetics. The City's Design Review Team, Architectural Board of Review, and Community Development staff all have identified inconsistencies. Inconsistency with City land use and planning policies applicable to this project is a significant impact under CEQA. This was not analyzed in the previous EIR and is not sufficiently analyzed in the addendum. CEQA requires that subsequent environmental review be conducted and an opportunity for public review and comment provided to fully consider the analysis and potential mitigation of the impacts.

Conclusion

Based on the foregoing, we respectfully request that the City Council reverse the Planning Commission's decision and deny this project until it can be redesigned to mitigate negative impacts and adequate CEQA review is completed.

Thank you for your time and consideration.

Sincerely,



Susan F. Petrovich

cc: Helen and John Free (by email)
Paul Casey, Community Development Director (by email)
Danny Kato, Senior Planner (by email)
Allison DeBusk, Associate Planner (by email)

Phillip Suding, Landscape Architect
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Phillip@SudingDesign.com
RECEIVED

2011 MAR 28 PM 3: 26

March 28, 2011

Santa Barbara City Council
735 Anacapa Street
Santa Barbara, CA 93101

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Re: Planning Commission Approval of the March 17, 2011 Hearing on the 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)

Mayor Schneider and Council Members:

I hereby file this appeal for the above referenced Planning Commission item. I am appealing the Planning Commission decision that the proposed project's landscape conform "within the given physical constraints that are being approved by the Planning Commission today."

The only focus of this appeal is the landscape median's proposed width. As approved by the above decision, the median width is 3'-3" (or 3.25'). The City of Santa Barbara Highway 101 Santa Barbara Coastal Parkway Design Guidelines, as Certified By The California Coastal Commission, 04/10/96, states on page 21: "Minimum median width should be similar to what exists near the Bird Refuge and throughout Montecito (approximately 10 feet of planting area)." To be fair, the document also states on the same page: "Safety and maintenance concerns surrounding the use of median planting should be taken into consideration."

Both the appointed Design Review Team (DRT) (consisting of an Architectural Board of Review (ABR) member and a Historic Landmarks Commissioner, among others) reviewed the plans on 1-12-11. The team did not support the median width of 3'-3". On 2-7-11, the ABR reviewed the plans and likewise did not support the 3'-3" median width. I am a commissioner on the Historic Landmarks Commission and a member of the DRT. I am not representing either group. I am appealing the decision as an individual.

One possible solution more in keeping with the median width as described in the City of Santa Barbara Highway 101 Santa Barbara Coastal Parkway Design Guidelines would be to apply a design exception to the standards for the lane widths. For instance, by reducing each of the north bound lane and ramp widths by 4", the median landscape would be 5'-11". This is obviously a compromise to the Guideline width of 10', but it is more appropriate than 3'-3". For many reasons, it is much easier for a plant to flourish in a larger planting area.

Caltrans indicated that they do not use design exceptions for landscape. I don't believe it is the landscape that is the cause for a design exception but rather the reconfiguration of the ramps into a third lane that triggers the need for the exception. It is true that the design exception would be applied

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to the lane widths to allow for more landscape in the proposed solution but it is the addition of the third lane that diminishes the width of the landscape median. If the highway configuration were to remain as it is built today, the median width is acceptable.

I respectfully request that you give this item your focused attention. I have presented one possible solution. I know there are others. Please honor this appeal and overturn the Planning Commission decision to use the proposed physical constraints for landscape. I believe the DRT, Caltrans and City Staff may be able to work out a solution if given the opportunity to apply design exceptions and change the physical constraints as proposed.

Sincerely,

A handwritten signature in black ink, appearing to be 'PS', followed by two dots.

Philip Suding

B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

C. Announcements and appeals.

Mr. Kato announced that the Planning Commission's decision on 415 Allan Road has been appealed to City Council and will be scheduled in July.

D. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:06 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Jacobs recused herself due to the neighboring property being represented by her husband's law firm.

Commissioner Jacobs left the dais at 1:07 P.M. and did not return.

APPLICATION OF CALTRANS, DISTRICT 5, LOCATION: HIGHWAY 101 IN THE VICINITY OF SALINAS ST. ON/OFF RAMP, 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.

Case Planner: Dan Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4550

Dan Gullett, Associate Planner, gave the Staff presentation.

Gregg Hart, Director of Government Affairs, Santa Barbara County Association of Governments (SBCAG), gave the applicant presentation, joined by David Beard, Caltrans Project Manager; and David Emerson, Caltrans Landscape Architect.

Chair Jostes opened the public hearing at 2:02 P.M.

Paul Zink, Architectural Board of Review Member (ABR), stated that ABR found the proposal unacceptable by a unanimous vote. Suggested the Applicant come back with revised landscaping which has not been seen. ABR remains concerned over the visual aspects of proposal.

Phil Suding, Highway 101 Design Review Team Member, stated that no reduction should be made in median landscape width. It should remain 10 feet per page 21 of the Highway 101 Santa Barbara Coastal Parkway Design Guidelines.

The following people spoke in support of the project:

1. Pat Kissler, Carpinteria Chamber of Commerce
2. Bob Short, Montecito Association

The following people spoke in opposition to the project or with concerns:

1. Beth Collins-Burgard, Brownstein, Hyatt, Farber, and Schreck, for Santa Barbara Sunrise RV Park: construction impacts, safety concerns, and CEQA impacts

With no one else wishing to speak, the public hearing was closed at 2:14 P.M.

Many of the Commissioners were concerned with preservation of the aesthetics of the Highway 101 corridor.

MOTION: Larson

Approve the project for a third lane at Salinas, making findings in the Staff Report, with a return to ABR and HLC with the understanding that the boards will make decisions with a reasonable time for turn-around.

The motion was withdrawn.

MOTION: Bartlett/Jordan

Assigned Resolution No. 006-11

Approve the project, making the CEQA and Coastal Development Permit findings as outlined in the Staff Report, with a condition that alternate offsite areas for the wetland mitigation be explored for areas more appropriate for the Sycamore Creek riparian habitat, and the understanding that the project will return to Architectural Board of Review (ABR) for further consideration of landscaping within the given physical constraints approved by the Planning Commission.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Larson, Lodge) Abstain: 0 Absent: 2 (Jacobs, Schwartz)

Chair Jostes announced the ten calendar day appeal period.

Chair Jostes called for a recess at 2:56. P.M. and reconvened at 3:07 P.M.

Mr. Kato did not return to Council Chambers after the break with John Ledbetter, Principal Planner continuing the meeting.

IV. DISCUSSION ITEM

ACTUAL TIME: 3:08 P.M.

EX PARTE COMMUNICATION:

Commissioner Lodge disclosed an ex parte communication with Council Members Dale Francisco and Das Williams regarding the General Plan Update.

REQUEST OF PLANNING COMMISSION CHAIR JOHN JOSTES FOR A STATUS REPORT ON PLAN SANTA BARBARA GENERAL PLAN UPDATE, COMMISSION DISCUSSION OF CONTINUED COMMUNICATION WITH COUNCIL AND THE ADHOC SUBCOMMITTEE, AND APPOINTMENT OF PLANNING COMMISSION PLANSB SUBCOMMITTEE.

Website and email: www.YouPlanSB.org

John Ledbetter, Principal Planner, provided the Staff update.



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 and 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:

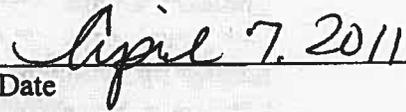
AYES: 3 NOES: 2 (Larson, Lodge) ABSTAIN: 0 ABSENT: 2 (Jacobs, Schwartz)

PLANNING COMMISSION RESOLUTION NO. 006-10
HIGHWAY 101 IN THE VICINITY OF SALINAS STREET ON/OFF RAMPS
MARCH 17, 2011
PAGE 10

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.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 10, 2011
AGENDA DATE: March 17, 2011
PROJECT: Highway 101 Operational Improvements (Milpas to Hot Springs)
 Salinas Ramps Amendment (MST2004-00701)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Daniel Gullett, Associate Planner *DG*

I. PROJECT DESCRIPTION

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 Salinas off ramp, removal of a portion of the wall adjacent to the Salinas on ramp, new guard railings, and enclosure of a portion of a drainage ditch in a box culvert

II. REQUIRED APPLICATION

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

III. PROJECT SUMMARY

The Planning Commission approved the Highway 101 Operational Improvements project in December 2004 (PC Resolution attached as Exhibit I). The project, which is currently under construction, includes structural changes within a two-mile section of the Highway 101 corridor between the Milpas and Hot Springs/Cabrillo interchanges with the objective of improved merging, circulation, and safety. As approved in 2004, the completed project would result in two northbound lanes and separate auxiliary lanes between the three interchanges (Hot Springs on-ramp to Salinas off-ramp, and Salinas on-ramp to Milpas off-ramp). The approved project was refined through extensive review by a Project Development Team, Design Review Team, Planning Commission, Architectural Board of Review, and Historic Landmarks Commission. The approved project includes a landscaped ten-foot wide median

with three-beam barriers on either side of the median for the segment between Sycamore Creek and the Hot Springs/Cabrillo interchange.

The Highway 101 HOV project, currently in project design and development, would widen Highway 101 to three lanes between the City of Carpinteria and Sycamore Creek (including the subject segment of highway). Caltrans expects construction of the HOV project to commence in 2014 with an anticipated completion date of 2020.

The subject proposal to widen the highway to three lanes at the Salinas ramps was prompted by the Montecito Association, who encouraged Caltrans to accelerate the construction of a third northbound lane through the Salinas interchange (see Exhibit C). In addition to providing congestion relief five to ten years sooner than the HOV project, Caltrans indicates that there would be several benefits to the project: new money available to help pay for construction of the revised project, project cost savings, and reduced construction impacts by incorporating the third lane in the current project. The highway would remain as a two-lane highway south of the Hot Springs on-ramp following the revised project, until such time that the HOV or other successor project is constructed.

Because the current proposal is designed to full Caltrans standards (lane width, shoulder widths and ramp geometry), without the acquisition of any additional right of way, the current proposal will result in a substantial reduction of area available for landscaping. According to the Caltrans District 5 Director, Caltrans has explored all options, and the current proposal is the best Caltrans can do either now or in the future for the following reasons: limited right of way availability; Caltrans District 5 staff's belief that design exceptions would not be approved for reduced shoulders to provide additional landscaping due to concerns about Caltrans maintenance worker safety; and Caltrans' anticipated inability to acquire additional right of way in the area due to constraints associated with the railroad property and lower income housing adjacent to the highway.

The current proposal reduces the median width of the approved project from 10 feet (barrier face to barrier face) to between 6 and 3.25 feet (barrier face to barrier face) for a distance of 2,284 feet. Excluding the widths of the barriers, the actual planting width would be as narrow as 2.67 feet, not accounting for further reduced width at the barrier support posts. The proposal reviewed by the Architectural Board of Review (the plans for the current proposal are different than the plans presented to the ABR) also included removal of approximately 1,135 feet of approved landscaping, including trees and shrubs along the soundwalls on either side of Salinas Street.

In review of the subject project, both the Design Review Team (consisting of members of the Architectural Board of Review, the Historic Landmarks Commission and the Planning Commission) and the full Architectural Board of Review indicated that the proposed landscaping was inconsistent with related City's policies and guidelines, and therefore not acceptable.

Caltrans responded to the Design Review Team and Architectural Board of Review by providing some additional planting along the new soundwall between Salinas Street and Sycamore Creek in addition to the vines previously proposed, and proposing providing additional landscaping in the Highway 101 median at a nearby location between Laguna Street and Chapala Street (see Exhibit D). Changes to the median plantings at that location would require appropriate design review approvals from the Architectural Board of Review and the Historic Landmarks Commission. Due to time constraints,

neither the Design Review Team nor the Architectural Board of Review has reviewed the current proposal.

Like the Design Review Team and the Architectural Board of Review, staff has had concerns regarding conformance of the current proposal with policies and guidelines related to landscaping. Staff supports the concept of widening Highway 101 to three lanes through the City consistent with 101 In Motion, and recognizes the constraints of the right of way at this location, and the benefits of the project, including cost savings and congestion relief 5-10 years sooner than anticipated with the HOV project. Because these conflicting goals are of similar importance and because Caltrans has slightly modified the landscaping since the Architectural Board of Review and Design Review Team reviews, staff will not be making a recommendation on the proposal. Should the Planning Commission choose to approve the current project, staff suggests findings and several recommended conditions to enhance the current project's compliance with various policies of the Local Coastal Plan, including water quality and biological resources in Exhibit A. If the Planning Commission chooses to deny the current proposal, findings for project denial are provided below.



Figure 1: Salinas Ramps and Vicinity

IV. BACKGROUND

In 1993, Caltrans proposed a project, which would have widened Highway 101 to three lanes in each direction between the Ventura County and Milpas Street. That project received substantial community opposition and was ultimately abandoned. As a result of community feedback on that project, City Council initiated an amendment to the City's Local Coastal Plan (LCP) to provide specific discussion

and policy guidance regarding future development of Highway 101 in the Coastal Zone. The LCP amendment was adopted by City Council and certified by the Coastal Commission in April 1994.

The 1994 LCP amendment included an implementation action to develop design guidelines for the highway corridor in the City's Coastal Zone. The *Highway 101 Santa Barbara Coastal Parkway Design Guidelines* were developed in 1994-1995 by a subcommittee of the Architectural Board of Review and Historic Landmarks Commission members with assistance from Caltrans staff, City Planning and Transportation staff, and members of the public. The Design Guidelines were adopted by City Council and certified by the Coastal Commission in April 1996.

During the same time period, the Santa Barbara Association of Governments (SBCAG) began a series of studies assessing options for relieving congestion in the corridor, including the *Highway 101 Alternatives Study* (1995) and *The South Coast Highway 101 Deficiency Plan* (2002). The Deficiency Plan proposed both long- and short-term strategies aimed at improving transportation along the corridor. In response to the Deficiency Plan findings, SBCAG and local cities adopted 34 short-term projects aimed at correcting operational deficiencies on Highway 101 and adjacent roads. The Operational Improvements project was designed to improve traffic congestion, ramp access, and safety concerns consistent with the direction of the 101 Deficiency Plan. The 101 Deficiency Plan concluded that its identified improvements did not address long-term freeway congestion, and that further action on a community-wide basis would be required to alleviate increases in traffic volumes and ensuing congestion along the corridor.

The Deficiency Plan required development of an implementation plan for the identified long-term projects. The implementation plan began in 2004 and was eventually known as *101 In Motion*. The goal of *101 In Motion* was to bring the communities together to agree on a long-term, 20-40 year, plan that addressed congestion along the 101 corridor. *101 In Motion* evaluated a wide range of improvement approaches and strategies, and involved staff participation from area cities, Santa Barbara County and the Metropolitan Transit District, along with local decision makers and members of the public. The consensus recommendation for implementation of *101 in Motion* process included a number of strategies, but the primary recommendation was "add a lane and a train" to address commuter and goods movement needs between the Ventura County line and the City of Santa Barbara. The SBCAG Board unanimously approved the *101 In Motion* consensus recommendation in October 2005. The Highway 101 HOV project, was programmed to implement the "add a lane" portion of the *101 In Motion's* primary recommendation for the highway segment between Sycamore Creek and the City of Carpinteria. The subject project would add a lane between the Hot Springs on ramp and Sycamore Creek.

SBCAG provided the Planning Commission with an annual update on the Operational Improvements project at the October 14, 2010 hearing and indicated that SBCAG and Caltrans were interested in pursuing the subject project with a Coastal Development Permit amendment and would need to obtain approvals for the change in a short timeframe to include the changes in the project. At that hearing, SBCAG stated that the pedestrian and bicycle tunnel adjacent to the Union Pacific railroad bridge, which was approved with the Operational Improvements project, was not feasible because Union Pacific would not agree to a tunnel adjacent to the existing bridge. SBCAG has indicated that they

intend to file a separate application to request a Coastal Development Permit amendment to remove the tunnel from the Operational Improvements project and provide an alternative facility beneath the bridge.

V. DESIGN REVIEW

A. DESIGN REVIEW TEAM

As mandated by the City's *Highway 101 Santa Barbara Coastal Parkway Design Guidelines*, a Design Review Team (DRT) composed of members of the Architectural Board of Review (Chris Gilliland, Chris Manson-Hing), Historic Landmarks Commission (Robert Adams, Alex Pujo, Phil Suding), and Planning Commission (Bruce Bartlett, Charmaine Jacobs, alternate Deborah Schwartz) was appointed to review the subject project. The DRT met three times. The first meeting was November 9, 2010. The second meeting was a site visit on November 17, 2010, and the final meeting was January 12, 2011. All DRT members indicated that the loss of median landscaping was unacceptable, and a median no narrower than the 10 foot wide median approved as part of the Highway 101 Operational Improvements project is necessary to support appropriate planting. Individual members also indicated concern regarding the loss of landscaping along the sound walls. The DRT consensus was that the short-term benefits of the third lane were not worth the long-term loss of landscaping, considering the pending Highway 101 HOV project, which would also add a lane and provide more time for Caltrans to pursue options to provide additional landscaping. Caltrans has since stated that design exceptions to provide additional landscaping are not available at this location and right-of-way acquisition is not feasible. The subject project has been refined since the DRT review to include some additional landscaping along the sound walls, which is reflected in the current proposal before the Planning Commission.

B. ARCHITECTURAL BOARD OF REVIEW

The Architectural Board of Review (ABR) reviewed the subject project February 7, 2011. The ABR unanimously continued the project indefinitely, stating that the subject project, as presented to the ABR, was not consistent with the Design Guidelines direction for this segment of 101 to serve as a gateway into the City. ABR meeting minutes are included as Exhibit E. The project has been refined since the ABR review to include some additional landscaping along the sound walls on either side of the Salinas ramps, as reflected in the current proposal. Caltrans is also now proposing landscaping enhancements for a segment of Highway 101 median outside the project area between Chapala and Laguna Streets, as shown on Exhibit D.

VI. ENVIRONMENTAL REVIEW

Caltrans is the Lead Agency for environmental review of the project pursuant to the California Environmental Quality Act (CEQA). The City is a Responsible Agency under CEQA, and relies upon the Environmental Impact Report (EIR) prepared by Caltrans for CEQA compliance. A Final EIR/Finding of No Significant Impact for the Operational Improvements (Milpas to Hot Springs) project was certified by Caltrans and the Federal Highway Administration in March 2004. The Operational Improvements EIR analyzed a six-foot-wide median through the project. As a result of the

City review process following EIR Certification and prior to project approval, the project was refined to include a ten-foot-wide median between Sycamore Creek and the Hot Springs/Cabrillo Interchange. The City prepared an Addendum to the FEIR to document changes to the FEIR, including the added median width prior to City approval of the project in December 2004. (The FEIR and previous addendum have been provided to the Planning Commission under a separate cover)

Caltrans completed a CEQA Addendum to the EIR) to document the additional changes to the subject project (attached as Exhibit F). Staff concluded that the Addendum is adequate to complete CEQA review of the current project presented to the Planning Commission. The Caltrans Addendum states that the visual change resulting from the subject project is similar to the approved project and there are no additional impacts resulting from the reduced landscaping. Although the additional visual impacts have policy implications (as seen below), the visual analysis provided in the FEIR and Addendum for the subject project is adequate for the purposes of CEQA.

The original EIR identified wetland impacts from the project. The Addendum identifies an increase in the magnitude of the wetland impacts with this project due to the proposed enclosure of an 800 square foot concrete drainage ditch with a new culvert. The ditch is currently filled with sediment and contains aquatic plant species. The addendum includes a 1:1 mitigation to provide 800 square feet of planting on Sycamore Creek to mitigate the loss of wetland area. As presented in the submitted addendum, this mitigation would reduce the wetland impacts of the subject project to a less than significant level. The suggested conditions of approval in Exhibit A include a condition for wetlands mitigation where the location(s) for wetland mitigation would be confirmed through consultation and regulatory permitting processes of the California Department of Fish and Game and the US Army Corps of Engineers. Additionally, staff recommends a condition of approval that requires the project's drainage comply with the City's SWMP (see Policy/Guideline Consistency Section below) to ensure protection of water quality in other wetlands and waters of the U.S. affected by the project. The City's SWMP was not yet adopted at the time of the original project approval.

Should the Planning Commission approve the project, CEQA findings are required.

VII. POLICY/GUIDELINE CONSISTENCY

To approve the project, the Planning Commission must find that the project is consistent with the policies of the Coastal Act, Local Coastal Plan, and all implementing guidelines, including the *Highway 101 Santa Barbara Coastal Parkway Design Guidelines*.

A. HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY DESIGN GUIDELINES

The *Highway 101 Santa Barbara Coastal Parkway Design Guidelines* were established to implement LCP Policy 9.8, which calls for design guidelines to guide development of the Highway 101 Corridor. The document is available on the City's website at <http://www.SantaBarbaraCA.gov/Resident/Home/Guidelines>

The stated purpose of the Design Guidelines is to preserve the historic character and visual quality of the segment of Highway 101 within the City's Coastal Zone. Their intent is to serve

as a guide to those who are designing improvements to the highway and to the decision makers who must make the necessary findings for their design-related decisions. The Guidelines state that the coastal segment of Highway 101 provides a distinctive visual gateway to the City with its lush, established landscaping, unobstructed views of the mountains and ocean and its unique highway structures. The Guidelines also state the following with regard to future improvements to the Highway 101 and conflicting policies:

The design guidelines set forth in this document are not meant to discourage needed changes in the Highway 101 corridor; rather they are intended to serve as a guide to those who are designing improvements to the highway and the decision makers who must make the necessary findings for their design-related decisions. It is recognized that Caltrans' primary obligation is operating the highway in a safe and efficient manner and that there may be situations where state and federal policies conflict with the City's design guidelines.

The Guidelines are divided into three separate sections: grading, landscaping, and structures. At issue with the subject project are various guidelines related to the provision of highway landscaping.

The General Landscaping Guidelines include the following:

- *The primary goals of landscaping are to soften the appearance of structures, to screen undesirable views and to screen and enhance the view of the highway from the City and the City from the Highway.*
- *If landscaping changes are made, revegetation which, where feasible, fully mitigates the visual impact created by removal of existing vegetation area shall be provided. Accomplishing this may require acquisition of land. When landscaping is removed, sufficient shoulder area should be provided to allow placement of a similar type of replacement landscaping.*
- *When considering new landscaping, significant existing landscaping shall be identified by the applicant in the landscape plan and, if possible, preserved.*

The Plant Selection Guidelines include the following:

- *An important factor in reducing the scale of structures and the roadway is the use of tall trees.*
- *Significant trees proposed for removal should be identified on the landscape plan for consideration by the appropriate City design review board. Significant trees that are removed should be replaced in kind if possible.*

The landscaping guidelines addressing median treatments include the following:

- *Median landscaping is fundamental to the appearance of a parkway. When median planting is small, the opposite travel lane becomes conspicuous. In the Crosstown Freeway area, there is just a ribbon of plant material which softens the look of the roadway but does not screen the opposite lane. Pronounced vegetation in the median is*

very important and medians should be wide enough to accommodate it. Minimum median width should be similar to what exists near the Bird Refuge and throughout Montecito (approximately 10 feet of planting area).

- *It is desirable to allow median landscaping to balloon over the median planters. Since this can only occur when the shoulders are wide enough to allow cars to use the shoulder area in an emergency, the width of the median is important.*
- *Median landscaping substantial enough to screen opposing traffic is encouraged....*

The Design Review Team (DRT) and Architectural Board of Review (ABR) did not believe that the project that they reviewed (less landscaping at the sound wall near the Salinas on-ramp and no enhanced median landscaping in the Laguna to Chapala segment of Highway 101) was consistent with this guidance. The DRT and ABR did not consider the visual effect reduced landscaping area proposed in the further-constrained median and adjacent to the outside shoulder to be substantially similar to the landscaping provided in the approved planting plan, and were concerned that the reduced median planting widths in the narrowest median sections would not appropriately screen the opposite travel lane consistent with the guidelines. However, Caltrans has indicated that design exceptions, such as reduced shoulder widths to provide additional area for landscaping in the existing right of way, are not available for this project and would not be available for a future project at this location, and that right-of-way acquisition is not feasible either now or in the future due to constraints on this segment of highway. If this is the case, any future third lane proposed through the Salinas ramps would result in similar reductions in landscaping.

B. COASTAL ACT, LOCAL COASTAL PLAN & GENERAL PLAN POLICIES

Below are selected relevant policies and guidelines related to aesthetics, coastal access, and water quality follow. The DRT and ABR stated that the proposals they reviewed were not compatible with policies related to aesthetics that are included below. Coastal access policies and discussion are included below due to consideration of a new pedestrian access across the highway in this segment. Policies regarding water quality are included below since the subject project does not yet include post-construction storm water management consistent with the City's standards. A complete list of relevant policies is provided in Exhibit G. Staff believes that the project is consistent with the remainder of the policies required for review of a Coastal Development Permit included in Exhibit G. The Pedestrian Master Plan was adopted in July 2006, after the approval of the original project. The Pedestrian Master Plan provides guidance to staff and decision makers, however a finding of consistency with the Pedestrian Master Plan is not required for approval of a Coastal Development Permit.

Aesthetics

The General Plan Map and Open Space Element classify the Highway 101 corridor as Open Space. It states that freeway is classified as an open space because, *in addition to its being indeed open and of such scale as to be significant, it must be developed in a manner that will qualify it as open space in order that the adverse impact of the traffic through the corridor of the community will be minimized.*

The Open Space Element continues its discussion of highway landscaping stating:

A fully landscaped freeway is vital to expressing the character of Santa Barbara on the freeway passing through it. There would be nothing so foreign to the quality of this community than to create a barren freeway that results from the addition of lanes of traffic either on the outside or in the median strip, the elimination of all landscaping, and the construction of a chain link and cable restraining fence to separate opposing traffic.

The General Plan Map also indicates a buffer along the north side of the Highway 101 right-of-way at this location. The Local Coastal Plan defines the purpose of the buffer as to “signify the need for a separation between potentially conflicting uses or an area of transition between land uses not directly compatible.”

The City’s Local Coastal Plan also includes a map cataloguing the visual quality of certain viewpoints in the City’s Coastal Zone, including on Highway 101 at Salinas Ramps (see Exhibit H). The map identifies a desirable foreground view at this location due to the freeway landscaping. The Local Coastal Plan states: *The vast amount of landscaping and the human-scale character of the highway’s bridges, walls, and interchanges set highway 101 apart from other urban highways in Southern California and convey an immediate first impression to visitors and residents alike that Santa Barbara is unique.* The Local Coastal Plan goes on to say: *critical to maintaining the character of this outstanding community gateway is the preservation of established mature landscaping as well as skyline trees.*

Coastal Act Section 30251 *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

LCP Policy 9.8. *The City shall seek to preserve the unique scenic and aesthetic quality of Highway 101.*

LCP Policy 9.11. *Improvements proposed for Highway 101 shall minimize the removal of existing landscaping and particularly specimen and/or skyline trees. Where the City finds that vegetation removal is unavoidable, cannot be prevented, and is in the best public interest, replacement plant material shall be incorporated into the project design so as to achieve wherever feasible comparable or better landscape screening in a timely manner.*

LCP Policy 9.12. *When improvements are proposed to Highway 101 in the Coastal Zone that will result in plant removal, the applicant shall submit a landscape plan prepared by a licensed landscape architect which is consistent with Architectural Board of Review requirements.*

Landscape plans shall be consistent with Architectural Board of Review guidelines and shall be reviewed and approved by the Architectural Board of Review prior to issuance of a Coastal Development Permit. Conformance with the approved landscape plan shall be a condition of Coastal Development Permit approval.

LCP Policy 9.13. *Landscaping shall be used to improve areas where views are currently degraded (e.g., Castillo Street interchange to Hot Springs/Cabrillo interchange).*

LCP Policy 9.14. *New highway projects which require Coastal Development Permits within the Highway 101 right-of-way between Castillo Street and Hot Springs/Cabrillo interchanges shall provide additional landscaping to create a lush appearance similar to the existing Olive Mill Road to Hot Springs/Cabrillo segment.*

The LCP also includes Policy 9.3, which states: *All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.* The approved project includes a condition stating that all overhead utilities be undergrounded. The subject project includes existing overhead utilities between Sycamore Creek and Salinas Street, which have not yet been undergrounded but are subject to the undergrounding condition of the approved project. Staff understands that Caltrans has had difficulty acquiring consent from Union Pacific to underground across the railroad right-of-way, but the condition remains effective and Caltrans is required to underground the utilities at this location unless granted permission by the City through a new condition or substantial conformance determination to allow the utilities to remain.

Coastal Access – New Pedestrian Crossing

Coastal Act Section 30252 *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

LCP Policy 3.14. *All improvements to Highway 101 shall be designed to provide as appropriate benefits (such as improved public access across and along the highway corridor to the waterfront, beach, and other recreation areas) and limit negative impacts (such as increased visibility of the freeway structure, increased noise or glare, or restricted access) to nearby recreational facilities within the Coastal Zone (e.g., Municipal Tennis Courts, the Child's Estate (Santa Barbara Zoo), Andree Clark Bird Refuge, beaches, harbor, waterfront area).*

LCP Policy 11.16. *In order to encourage walking as an alternative to travel by automobile, the City shall protect existing pedestrian access to coastal areas from areas north of Highway 101 and strongly encourage the development of new pedestrian accessways.*

LCP Policy 11.18. *Where feasible, proposed improvements to Highway 101 shall include provisions for functional pedestrian access. The location of pedestrian access should be carefully considered in order to provide a functional, accessible, and comfortable path of travel. Sidewalks and walkways shall be wide enough to comfortably accommodate at least two persons walking side-by-side (a minimum of 4 feet), shall include shade and resting areas, and shall provide adequate protection from nearby automobile and bicycle traffic. Provision of new pedestrian access in the area of Milpas Street from Santa Barbara's East Side to East Beach and the Santa Barbara Zoo shall be the highest priority.*

Circulation Element Implementation Strategy 9.1.2 *Increase pedestrian, bicycle, and transit access from the Westside, Eastside, and Downtown through such methods as... creating access to the Waterfront from both a Cacique Street under-crossing at Highway 101 and a Voluntario Street pedestrian overcrossing at Highway 101...*

Pedestrian Master Plan Policy 1.4. *The City shall work to eliminate Highway 101 as a barrier to pedestrian travel.*

Pedestrian Master Plan Strategy 1.4.1. *Identify opportunities to improve or add pedestrian crossings of Highway 101. [The Pedestrian Master Plan includes a discussion and graphic of a pedestrian overcrossing to the zoo as implementation of this strategy, which is included in Exhibit G]*

Pedestrian Master Plan Strategy 1.4.2. *Work with Caltrans to implement the projects identified in the Pedestrian Master Plan that enhance pedestrian safety and connectivity across the Highway 101 corridor and other State Highways*

The current General Plan Map includes an icon showing a pedestrian grade separation in the vicinity of Sycamore Creek. An icon for a pedestrian grade separation at this location has been on the General Plan Map since 1964.

Since the subject project would result in a long-term condition and buildout of existing Highway 101 right-of-way, the policy direction to provide pedestrian access across Highway 101 at this location is especially relevant. Due to the time constraints associated with the subject project, new pedestrian access is not being provided as part of the project description. Staff has been in discussions with Caltrans and SBCAG regarding new pedestrian access, and both Caltrans and SBCAG have indicated that they are supportive of a future project to provide pedestrian access across Highway 101 and that the current project would not preclude access described in these policies. As indicated in the attached letter (Exhibit J), SBCAG has committed to seeking funding for a feasibility study to provide pedestrian access in Sycamore Creek vicinity.

Water Quality

Coastal Act Section 30231 *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30240 (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts, which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

LCP Policy 6.8 *The riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored.*

LCP Policy 6.11-B *New highway structures shall be designed to protect stream and creek environments from non-point pollutants (such as oil and rubber residues from the road surface) and from accidental spills of toxic materials.*

LCP Policy 6.14 *Development adjacent to the Andree Clark Bird Refuge shall be designed and constructed in such a manner as to be compatible in terms of building location, character and intensity. Furthermore, new development in this area shall protect, and, where feasible, enhance the sensitive habitat of the Andree Clark Bird Refuge, specifically addressing issues of drainage, traffic, noise and aesthetics.*

The project site drains into the Andree Clark Bird Refuge and is adjacent to Sycamore Creek. The project is not currently proposing to comply with the City's Storm Water Management Program (SWMP), and is proposing increased impervious area. The City's SWMP was formally implemented in January 2009. Pursuant to the terms of Caltrans' Federal Clean Water Act permit, Caltrans is required to comply with the City's Storm Water Management Program, which requires retention and treatment of runoff from the project. Staff has proposed a condition of approval for the current project that requires compliance with the City's SWMP. With compliance with the City's SWMP, the project would be consistent with these water quality policies.

VIII. FINDINGS

The subject project would provide congestion relief five to ten years sooner than the next programmed project at this location and would provide cost savings and reduce construction impacts by incorporating the third lane into a current project. However, as expressed above, there are concerns regarding consistency with aesthetic guidelines and policies.

If the Planning Commission finds the current project consistent with the Local Coastal Program and chooses to approve the project, approval findings and conditions are provided in Exhibit A.

If the Planning Commission chooses to deny the project, staff suggests making the following finding: The project presented to the Planning Commission on March 17, 2011 is not consistent with applicable aesthetic policies and guidelines related to highway landscaping within the Coastal Zone included in Section VII of the Staff Report dated March 10, 2011.

Exhibits:

- A. Approval Findings and Conditions
- B. Letter from Caltrans dated March 7, 2011
- C. Letter from Montecito Association dated February 24, 2011
- D. Off-site area for enhanced landscaping
- E. ABR Minutes of February 7, 2011 (excerpt)
- F. Caltrans EIR Addendum dated February 23, 2011
- G. Applicable Policies
- H. Local Coastal Plan Visual Resources Map
- I. Planning Commission Resolution #059-04
- J. Letter from SBCAG dated March 4, 2011 and letter from Caltrans dated February 28, 2011

REVIEW AFTER FINAL**1. U.S. HIGHWAY 101 AT SALINAS STREET**

(3:10) Assessor's Parcel Number: 099-MSC-PW
 Application Number: MST2004-00701
 Owner: City of Santa Barbara and State of California
 Applicant: Michael Sandecki, Caltrans

(This is a request of Caltrans to perform operational improvements between Milpas Street and Hot Springs and Cabrillo Boulevard. The project is a wetland mitigation site situated on Parks and Recreation property consisting of approximately 400 cubic yards of soil and concrete rubble removal to be replaced with landscaping and irrigation. The project requires Planning Commission approval for a Coastal Development Permit.)

(Review After Final to amend the approved Coastal Development Permit for the Highway 101 Milpas to Hot Springs/Cabrillo Operational Improvements Project, to widen Highway 101 to three lanes in the vicinity of the Salinas Street on/off-ramps. The 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 soundwalls. The project also includes relocation of a portion of the soundwall near the end of the offramp and installation of guard railings. Project requires Compatibility Analysis comments and Planning Commission review to amend a Coastal Development Permit.)

Actual time: 3:07

Present: David Beard, Project Manager; David Emerson, Landscape Architect; Jim Porano, Design Manager

Mr. Beard provided background information about the project and responded to questions from board members.

Public comment was opened at 3:36 p.m.

Philip Suding, opposed: concerned about the median reduction and lack of design exception for the corridor.

Caroline Klein, opposed: concerned about the negative construction impacts of her property and safety.

Fatima Nurray, opposed to the added lane and the spending public funds for construction.

Public comment was closed.

Phil Suding: clarified that what is being called the third lane was designed as a transition lane onto Hot Springs.

Motion: Continued indefinitely to the Full Board with the following comments:

The project is not supportable as presented. The proposal is not consistent with the aesthetic design guidelines for the Salinas Street portion of Highway 101 as a gateway into the City.

Action: Sherry/Aurell, 7/0/0. Motion carried.

REVIEW AFTER FINAL**1. CITYWIDE - U.S. HIGHWAY 101**

(3:50) Assessor's Parcel Number: 099-MSC-PW
 Application Number: MST2004-00701
 Owner: City/State
 Applicant: Julie McGuigan, Caltrans

(This is a request of Caltrans to perform operational improvements between Milpas Street and Hot Springs and Cabrillo Boulevard. The project is a wetland mitigation site situated on Parks and Recreation property consisting of approximately 400 cubic yards of soil and concrete rubble removal to be replaced with landscaping and irrigation. The project requires Planning Commission approval for a Coastal Development Permit.)

(Second Review After Final. The project was last reviewed on February 7, 2011.)

Actual time: 3:45

Present: David Emerson, Landscape Architect; Erin W , Project Engineer

Dan Gullett, Associate Planner, provided a brief background of the project and announced the appeal to City Council set for April 26.

Public comment was opened at 4:04 p.m.

Alex Pujo: wants a design the city can be proud of for the important entry into Santa Barbara.

Bob Short, representing Montecito Association: concerned that if project is not approved at this time the same design will be reviewed in 10 years.

Phil Suding, local resident, expressed concern that the increased landscape area will not be a planting area and that a 10 foot median is not being provided; suggested reconvening the DRT for further review.

Public comment was closed at 4:10 p.m.

Public comment reopened at 4:34 p.m.

Phil Suding: The appeal regarding landscaping might eliminated if compromise between DRT and applicant can be reached.

Public comment was closed.

Motion: Continued to DRT and return to the Full Board prior to City Council hearing with the following comments:

- 1) Study introducing additional trees and other landscape elements at the median strip.
- 2) Confirm the number, sizes, and species of all proposed planting.
- 3) The Board appreciates the increased median strip and finds that the project moving in a positive direction.

Action: Gilliland/Rivera, 5/0/0. Motion carried. (Aurell and Manson-Hing absent)