

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
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September 30, 2019

Lisa Plowman, Director
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF SEPTEMBER 25, 2019

RE: *Santa Claus Lane Beach Access and Streetscape Improvements; 19DVP-00000-00028, 19CDP-00000-00066*

Hearing on the request of the County of Santa Barbara to consider Case Nos. 19DVP-00000-00028 and 19CDP-00000-00066 [application filed on May 6, 2019] for approval of a Development Plan (DVP) and Coastal Development Permit (CDP) in compliance with Sections 35-174 (Development Plans) and 35-169 (Coastal Development Permits) of Article II, the Coastal Zoning Ordinance, on properties zoned Transportation Corridor (TC) and Single-Family Residential (10-R-1), to develop a pedestrian at-grade rail crossing to the beach and streetscape improvements along Santa Claus Lane, including landscaping, restrooms, curbs and gutters, sidewalks, a multi-use path, and retaining walls/fencing; and to approve Mitigated Negative Declaration (MND), Case No. 19NGD-00000-00005, for the streetscape improvements, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). The MND and all documents referenced herein may be reviewed at the Planning and Development Department (P&D), 123 E. Anapamu Street, Santa Barbara, CA, 93101. The MND may also be reviewed on the County of Santa Barbara P&D website at www.countyofsb.org/plndev.

Dear Ms. Plowman:

At the Planning Commission hearing of September 25, 2019, Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0:

1. Make the required findings for approval of the rail crossing and streetscape improvements specified in Attachment A of the staff report dated September 17, 2019, including CEQA findings;
2. Adopt the MND, Case No. 19NGD-00000-00005, included as Attachment C of the staff report dated September 17, 2019, for the streetscape improvements and adopt the mitigation monitoring program contained in the conditions of approval;
3. Make the finding that MND, Case No. 14NGD-00000-00015, included as Attachment D of the staff report dated September 17, 2019, for the rail crossing, is adequate and no subsequent

environmental review is required for the rail crossing, pursuant to CEQA Guidelines Section 15162; and

4. Approve the rail crossing and streetscape improvements, Case Nos. 19DVP-00000-00028 and 19CDP-00000-00066, subject to the conditions of approval included as Attachment B of the staff report dated September 17, 2019.

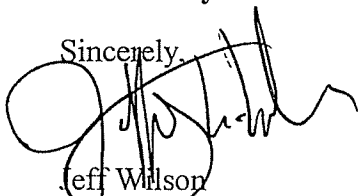
The attached findings and conditions reflect the Planning Commission's actions of September 25, 2019.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, October 7, 2019 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 19DVP-00000-00028, 19CDP-00000-00066
Planning Commission File
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Engineer: Christian Doolittle, Public Works Department, 620 W. Foster Road, Santa Maria, CA 93455
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Chris Sneddon, Public Works Department, 123 E. Anapamu Street, Santa Barbara, CA 93101 , CA 93103
Environmental Health Services
APCD
Das Williams, First District Supervisor
Michael Cooney, First District Planning Commissioner

Planning Commission Hearing of September 25, 2019

Santa Claus Lane Beach Access and Streetscape Improvements; 19DVP-00000-00028, 19CDP-00000-00066

Page 3

Jenna Richardson, Deputy County Counsel

Mark Friedlander, Planner

Kyle Jordan, Planner

Attachments: **Attachment A – Findings of Approval**
 Attachment B – Conditions of Approval

JW/dmv

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ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS

1.1 MITIGATED NEGATIVE DECLARATION – STREETSCAPE IMPROVEMENTS, CASE NO. 19NGD-00000-00005

1.1.1 CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION AND FULL DISCLOSURE

The County Planning Commission has considered Mitigated Negative Declaration (MND), Case No. 19NGD-00000-00005, for the proposed streetscape improvements, together with the comments received and considered during the public review process. This environmental document reflects the independent judgment and analysis of the County Planning Commission and has been completed in compliance with the California Environmental Quality Act (CEQA), and is adequate for the proposed streetscape improvements.

1.1.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the MND, Case No. 19NGD-00000-00005, and any comments received, the County Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received). There is no substantial evidence that the project will have a significant effect on the environment.

1.1.3 LOCATION OF DOCUMENTS

The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the County Planning Commission of the County of Santa Barbara (County) Planning and Development (P&D) Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.2 MITIGATED NEGATIVE DECLARATION – AT-GRADE PEDESTRIAN RAIL CROSSING, CASE NO. 14NGD-00000-00015

1.2.1 CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION AND FULL DISCLOSURE

On June 9, 2016, the County Zoning Administrator adopted MND, Case No. 14NGD-00000-00015, for the proposed rail crossing, together with the comments received and considered during the public review process. This environmental document reflects the independent judgment and analysis of the County Zoning Administrator and has been completed in compliance with CEQA, and is adequate for the proposed rail crossing.

The project description of the rail crossing in Case Nos. 19DVP-00000-00028 and 19CDP-00000-00066 does not include (1) substantial changes in the actual rail crossing, (2) substantial changes with respect to the circumstances under which the rail crossing will be undertaken, or (3) new information of substantial importance. Therefore, the County Planning Commission finds that the previously adopted MND, Case No. 14NGD-00000-00015, is adequate and no

subsequent environmental review is required for the rail crossing, pursuant to CEQA Guidelines Section 15162.

1.2.2 FINDING OF NO SIGNIFICANT EFFECT

On the basis of the whole record, including the MND, Case No. 14NGD-00000-00015, and any comments received, the County Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated and on the basis of the whole record (including the initial study and any comments received). There is no substantial evidence that the project will have a significant effect on the environment.

1.2.3 LOCATION OF DOCUMENTS

The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the County Planning Commission of County P&D located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.2.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 DEVELOPMENT PLAN FINDINGS – Case No. 19DVP-00000-00028

In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:

2.1.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, Santa Claus Lane is a County-owned two-lane roadway in a rural area characterized by beach, commercial, and transportation uses. The area is used as a transportation corridor by the County, Caltrans, and the Union Pacific Railroad (UPR).

The proposed rail crossing, signal house, signage, pedestrian walkway, and fencing would be within UPR right-of-way (ROW) (Assessor Parcel Number [APN] 005-010-025). The proposed pedestrian walkway would be within a portion of UPR ROW and two County-owned parcels on the beach (APN 005-440-002 and APN 005-440-003).

In part, the proposed streetscape improvements would retain two 14-foot travel lanes and expand the roadway from approximately 30 feet to 68 feet. The existing County ROW contains sufficient space to accommodate the expanded roadway and proposed sidewalks, curbs, gutters, restrooms, retaining walls, fencing, landscaping, and lighting. The County will acquire a ROW transfer from Caltrans (Condition 21), as necessary, north of the roadway and near the U.S. 101 south-bound on-ramp to accommodate additional parking, the multi-use path, and the roundabout. Public Works and Caltrans have reached preliminary agreements on the ROW

transfer. The County will also process a Government Code Section 65402 consistency determination (Condition 22) for the ROW transfer prior to issuance of the Zoning Clearance.

The proposed streetscape improvements and rail crossing will be located within County ROW, Caltrans ROW, and UPR ROW. They would not introduce new land uses or add density to the area. Therefore, the development site is adequate in size, shape, location, and physical characteristics to accommodate the proposed development. Therefore, this finding can be made.

2.1.2 That adverse impacts are mitigated to the maximum extent feasible.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, MND, Case No. 14NGD-00000-000015 (Attachment D, Santa Claus Lane Pedestrian At-Grade Rail Crossing) and Case No. 19NGD-00000-000005 (Attachment C, Santa Claus Lane Beach Access and Streetscape Improvements), identify potential adverse impacts related to aesthetics/visual resources, air quality, biological resources, geologic processes, land use, noise, recreation, transportation/circulation, and water resources/flooding. These environmental documents also include mitigation measures that would mitigate these impacts to the maximum extent feasible. The mitigation measures are incorporated in the Conditions of Approval (Attachment B) of this staff report, dated September 17, 2019, and herein incorporated by reference. The staff report also includes standard conditions of approval applicable to all permits that further reduce potential adverse impacts. Adherence to the mitigation measures and conditions of approval for the proposed rail crossing and streetscape improvements will either avoid or substantially reduce adverse impacts to the maximum extent feasible. Therefore, this finding can be made.

2.1.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, Associated Transportation Engineers (ATE) prepared a traffic study for the streetscape improvements (June, 2019) (Attachment 7 to Attachment C). The traffic study included traffic counts, intersection analysis, and trip generation analysis.

The Santa Claus Lane roadway currently carries low traffic volumes and operates at level-of-service (LOS) A during weekdays and weekend peak hours. Intersections surrounding the project site currently operate at LOS A during the weekday PM peak hour and LOS A-B during the weekend hours.

ATE determined that the proposed streetscape improvements and rail crossing will not result in significant increases in traffic during typical peak hour periods or weekend peak periods. Therefore, the Santa Claus Lane roadway and surrounding intersections are adequate and properly designed to carry the type and quantity of traffic generated by the rail crossing and streetscape improvements. Therefore, this finding can be made.

2.1.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements include a multi-use path, roadway reconstruction, rail crossing, fencing, landscaping, sidewalks, crosswalks, restrooms and other amenities to serve the existing commercial and/or recreational uses of Santa Claus Lane. The Carpinteria-Summerland Fire Protection District and the Santa Barbara County Sheriff's Office will continue to serve the project site. The Carpinteria-Summerland Fire Protection District determined that the proposed rail crossing and streetscape improvements do not warrant new fire hydrants or other fire suppression infrastructure.

The proposed restrooms, including the rinse station, are the only features which will require water and sewer services. The Carpinteria Valley Water District has capacity to provide water service for the restrooms. Stantec prepared a sewer connection study (Stantec, 2019) (Attachment 6 to Attachment C). It determined that the County could readily connect the restrooms to an existing Carpinteria Sanitary District (CSD) sewer line located in the commercial area. CSD reviewed and concurred with Stantec's findings and has adequate capacity to serve the proposed restrooms.

The restrooms site is located outside of CSD's sanitary district. Therefore, the County will request the Santa Barbara Local Agency Formation Commission (LAFCO) to approve annexation of the County ROW, including the restrooms site, into CSD's sanitary district. Condition 25 requires approval by LAFCO prior to issuance of Zoning Clearance. Therefore, this finding can be made.

2.1.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements include many features that will improve public health, safety, comfort, convenience, and general welfare. For example, the proposed sidewalks, crosswalks, multi-use path, and traffic calming measures will help pedestrians and bicyclists safely access and enjoy the beach and commercial areas. The rail crossing will eliminate dangerous uncontrolled public access across the UPR tracks. It will establish a legal and safe at-grade rail crossing that includes flashing/warning lights, bells, and gate arms. The proposed restrooms will include sinks, water fountains, rinse station, and trash receptacles and, as a result, will provide essential amenities for beachgoers.

MND, Case No. 14NGD-00000-000015 (Attachment D) and MND, Case No. 19NGD-00000-00005 (Attachment C), include mitigation measures which avoid or reduce short-term construction impacts to protect the health, safety, comfort, convenience, and general welfare of the neighborhood. Therefore, this finding can be made.

2.1.6 That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, as conditioned, the proposed rail crossing and streetscape improvements conform with all applicable requirements of the Coastal Zoning Ordinance and the Comprehensive Plan, including the Toro Canyon Plan and Coastal Land Use Plan. Therefore, this finding can be made.

2.1.7 That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the Santa Claus Lane project site is located within a non-agricultural rural area. The proposed rail crossing would include a pathway, boardwalk, signal devices (i.e., flashing/warning lights, bells, and gate arm), signal house, and fencing. The pathway and boardwalk would be constructed of materials (concrete and wood/composite material, respectively) that would be subordinate in appearance and commonplace in a beach setting. The signal devices and signal house would be relatively short and small structures similar to the type found at two other rail crossings that adjoin the project site (i.e., Padaro Lane crossing and Sand Point Road crossing). The rip-rap rocks seaward of the tracks would partially screen and

soften the appearance of these structures as seen from the beach. The fence landward of the tracks would vary between 4 feet to 4 feet 6 inches in height, follow the natural contours of the landscape, and consist of angled and irregularly spaced thin (3/8-inch diameter) vertical bars. Its form would mimic sand-drift fences that exist near the project site. The fence seaward of the railroad tracks would consist of simple posts and cables. Both fences would be visually permeable. Existing and proposed vegetation would partially to fully screen the fences from public views.

The proposed restrooms would have a low profile (approximately 10 feet in height), and a small and narrow footprint (approximately 500 square feet and 8 to 14 feet in depth). The exterior would consist of earth-tone colors and non-reflective finishes. Existing and proposed vegetation would partially screen the restrooms from Santa Claus Lane and U.S. 101. Many of the other proposed streetscape improvements would consist of pavement, sidewalks, and other types of hardscape that would replace or extend similar existing improvements. The County would replace trees proposed for removal at a ratio of 1:1, or greater. Based on these circumstances, the proposed rail crossing and streetscape improvements would be compatible with and subordinate to the rural character of the area. Therefore, this finding can be made.

2.1.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements will not conflict with any easements required for public access. The crossing and improvements will occur entirely within Caltrans ROW, County ROW, UPR ROW, and County-owned parcels. The County will secure a new easement from UPR for the rail crossing, which will provide safe and legal access to the beach. Therefore, this finding can be made.

2.2 COASTAL DEVELOPMENT PERMIT FINDINGS – Case No. 19CDP-00000-00066

2.2.1 Pursuant to Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, adequate public services are available to serve the proposed rail crossing and streetscape improvements. Therefore, this finding can be made.

2.2.2 In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

The development conforms:

- a) To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan**
- b) The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in of the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements are consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan, Toro Canyon Community Plan, and with all requirements of the Coastal Zoning Ordinance. The County is not requesting any exceptions allowed in compliance with Coastal Zoning Ordinance Section 35-161 (Nonconforming Use of Land, Buildings and Structures). Therefore, this finding can be made.

2.2.3 The proposed development is located on a legally created lot.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, except for the ingress and egress pedestrian walkways, the proposed rail crossing is sited within the UPR ROW (APN 005-010-025). The pedestrian walkways and the proposed streetscape improvements are sited entirely on public lands, including Caltrans ROW (no APN), County ROW (no APN), UPR ROW (APN 005-010-025), and County-owned parcels (APN 005-440-002 and APN 005-440-003). Therefore, this finding can be made.

2.2.4 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements would comply with all applicable laws, rules, and regulations pertaining to the Transportation Corridor and Single-Family Residential zone. There are no current violations associated with the affected properties. Therefore, this finding can be made

2.2.5 The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements will not significantly obstruct public views from Santa Claus Lane, U.S. 101, or the beach. The rail crossing includes a pedestrian walkway, signal devices, signal house, and fencing. The proposed signal devices and signal house are similar to the type of structures found at other rail crossings in the vicinity. Existing shrubs and trees located between the Caltrans storage yard and U.S. 101 would partially screen these structures from public views as seen from U.S. 101. The rip-rap on the seaward side of the tracks would partially screen and soften the appearance as seen from the beach. Therefore, the proposed rail crossing would not significantly obstruct public views from any public road or from a public recreation area.

The streetscape improvements include a reconstructed roadway, roundabout, multi-use path, curbs, gutters, sidewalks, and other ground-level hardscape which would not project into the public's sight lines or obstruct scenic vistas or views. The proposed restrooms may project into the public's (e.g., motorists, bicyclists, and pedestrians) sightlines from Santa Claus Lane looking southwest to the ocean. However, the proposed restrooms are designed to minimize visual and resource impacts. Specifically, the restrooms would have a low profile (approximately 10 feet in height), and a small and narrow footprint (approximately 500 square feet and 8 to 14 feet in depth). As a result, the restrooms would only partially obstruct views of the ocean as seen from short distances (approximately 150 feet northwest and 150 feet southeast of the restrooms) along Santa Claus Lane. Existing rip-rap and sand dunes along the seaward side of the UPR ROW would obstruct views of the restrooms as seen from the beach.

Additionally, only brief glimpses of Santa Claus Lane are provided from U.S. 101 due to existing vegetation, the Caltrans storage yard, and the high speeds of motorists on U.S. 101. Therefore, this finding can be made.

2.2.6 The proposed development will be compatible with the established physical scale of the area.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, Santa Claus Lane is a two-lane roadway in a rural area characterized by recreational, commercial, and transportation uses. The proposed development includes a rail crossing, streetscape improvements, and recreational amenities to support the existing uses in the area. All proposed development would occur within existing County ROW, Caltrans ROW, UPR ROW, and County-owned parcels (APN 005-440-002 and APN 005-440-003).

The proposed rail crossing includes a new walkway, signal devices, signal house, and fencing. The proposed signal devices and signal house are similar to the type of structures found at other rail crossings in the vicinity and would be compatible with the established physical scale of the area. The proposed fence would vary between 4 feet to 4 feet 6 inches in height, and follow the existing contours of the landscape.

The streetscape improvements include a reconstructed roadway, roundabout, multi-use path, curbs, gutters, sidewalks, and other ground-level hardscape consistent with other public roads. The proposed restrooms would have a low profile (approximately 10 feet in height), and a small and narrow footprint (approximately 500 square feet and 8 to 14 feet in depth). Therefore, this finding can be made.

2.2.7 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

As discussed in the staff report, dated September 17, 2019, and incorporated herein by reference, the proposed rail crossing and streetscape improvements would provide public beach access and enhance established recreational use of the beach. Beachgoers currently cross the UPR tracks at unmarked crossings to access the beach. The rail crossing will provide safe, legal, and single-point access to the beach.

The proposed streetscape improvements include recreational amenities, such as restrooms, a multi-use path, sidewalks, and additional parking spaces. The multi-use path would provide new bicycling and walking opportunities in the area. The sidewalks and additional parking spaces would more efficiently and safely accommodate beachgoer traffic. Therefore, the project will comply with the public access and recreation policies of the Coastal Zoning Ordinance, the Comprehensive Plan, including the Toro Canyon Plan, and the Coastal Land Use Plan, and this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL

PEDESTRIAN AT-GRADE RAIL CROSSING

1. **Proj Des-01 Project Description.** The rail crossing is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

A public, pedestrian at-grade rail crossing across the UPR tracks to the beach. The rail crossing would connect the County-owned Santa Claus Lane ROW to two County-owned lots on the beach and provide safe, legal access to the beach. The proposed rail crossing is located approximately 850 feet south of the existing vehicle at-grade crossing at Padaro Lane. The components of the rail crossing include the following:

- An approximately 180-foot long and 14-feet wide pedestrian pathway, located within the County ROW, UPR ROW, and County-owned lots on the sandy beach;
- Crossing gates and signs, located within the UPR ROW;
- A signal house (80 square feet in size and 9 feet in height), located within the UPR ROW;
- Approximately 1,935 feet of fencing (measuring 4 feet to 4.5 feet in height) along the seaward side of the tracks and within the UPR ROW;
- Approximately 1,370 feet of fencing (measuring 4 feet to 4.5 feet in height) along the landward side of the tracks and within the County ROW;
- Whistle boards, located within the UPR ROW;
- Approximately 130 cubic yards of cut and 203 cubic yards of fill; and
- The removal of up to three non-native cypress trees from the County ROW.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS BY ISSUE AREA, PEDESTRIAN AT-GRADE RAIL CROSSING

3. **Protect potential special status species occurrences.** A County-approved biologist with a current CDFW Scientific Collecting Permit (SCP) shall conduct pre-construction surveys immediately prior to (e.g., the morning of the commencement of) and during vegetation removal and/or ground disturbance. If special status species, such as legless lizards (*Aniella pulchra*), a Species of Special Concern, are found within the area of disturbance, the biologist shall relocate the animals to a pre-approved location outside the project site or work area. The biologist shall identify candidate locations for species relocation prior to construction and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. If other special status species are found, the biologist shall immediately contact CDFW, and implement an appropriate protection or relocation plan upon approval from CDFW and the County. The biologist shall prepare and submit a letter report that describes the number of animals relocated, any mortality identified during the relocation event, and the general health of the species. The biologist shall submit the letter report with a California Natural Diversity Database (CNDDDB) form to the CDFW and the County within 30 days relocation and file the form online, or as directed by CDFW. If no special status species

are detected, the biologist shall submit an email report to CDFW and the County when vegetation clearance and ground disturbance are complete.

TIMING: The County-approved biologist shall receive approval of candidate locations for species relocation from CDFW prior to construction.

MITIGATION MEASURES FROM MND, CASE NO. 14NGD-00000-00015, PEDESTRIAN AT-GRADE RAIL CROSSING

4. **Air-01 Dust Control.** The Owner shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner shall immediately:
 - (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by Planning and Development or Santa Barbara County Air Pollution Control District (APCD).

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide County Planning and Development permit compliance staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to any grading or construction activities. The dust control components apply from the beginning of any grading or construction throughout all development activities.

MONITORING: County Planning and Development permit compliance staff shall conduct site inspections to ensure compliance. APCD inspectors shall respond to nuisance complaints.

5. **Bio-07 Habitat Setback.** Except for construction of the fence, all ground disturbances and vegetation removal shall be prohibited in a 100-foot setback from the wetlands, a sensitive riparian habitat area. The setback boundary shall be fenced with a fencing type and in a location acceptable to P&D.

PLAN REQUIREMENTS: The wetlands shall be shown on all grading plans.

TIMING: Fencing shall be installed prior to any earth movement.

MONITORING: County Planning and Development permit compliance staff shall conduct site inspections to ensure compliance during grading and construction activities.

6. **Bio-13a Habitat Protection Plan.** The Owner shall submit for P&D approval a Wetland Protection Plan prepared by a P&D-approved biologist. The plan shall include the following components:
- a. Comply with and depict the following on the Wetland Protection Plan and Grading and Building Plans:
 - i. Structures and construction and grading activities shall be prohibited within the mapped wetlands.
 - ii. Excavation work for the fence and fence posts within the 100-foot wetland buffer strip shall be avoided to the maximum extent feasible.
 - iii. Depict approved development envelopes for the rail crossing and associated pathway and boardwalk.
 - iv. Depict equipment storage and construction staging and parking areas.
 - b. Comply with and specify the following as notes on the Wetland Habitat Protection Plan and Building and Grading Plans:
 - i. To avoid damage during construction, the wetland setback boundary shall be temporarily fenced with chain-link or other material satisfactory to P&D as required in Bio-07.
 - ii. Protective fencing/staking/barriers shall be maintained throughout all grading and construction activities.
 - iii. The following shall be done only by hand and under the direction of a P&D approved biologist:
 1. Any excavation or trenching required within the wetland setback, including the dripline or sensitive root zone of any trees along Santa Claus Lane.
 2. Cleanly cutting any roots of one inch in diameter or greater within the wetland buffer.
 3. Tree removal and trimming within the wetland buffer.
 - iv. If the use of hand tools is deemed infeasible, P&D may authorize work with rubber-tired construction equipment weighting five tons or less.

PLAN REQUIREMENTS: Include applicable components in Tree Replacement Plan and/or Landscape and Irrigation plans if these are required.

TIMING: The Owner shall submit the Habitat Protection Plan prior to permit approval. The Owner shall include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporality and/or permanently installed protection measures prior to issuance of grading/building permits. The Owner shall install habitat protection measures onsite prior to issuance of grading/building permits and pre-construction meeting.

MONITORING: The Owner shall demonstrate to compliance staff that habitat identified for protection was not damaged or removed or, if damage or removal occurred, that correction is completed as required by the Habitat Protection Plan prior to Final Building Clearance.

7. **Bio-20 Equipment Storage-Construction.** The Owner shall designate one or more construction equipment filling and storage areas to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from the mapped wetlands, any storm drain, waterbody or sensitive biological resources.
- PLAN REQUIREMENTS:** The Owner shall designate the P&D approved location on all permits.

TIMING: The Owner shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

8. **CulRes-09 Stop Work at Encounter.** The Owner and/or its agents, representatives, or contractors shall stop or redirect work immediately in the event archaeological remains are

encountered during grading, construction, landscaping or other construction-related activity. The Owner shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner.
PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.
MONITORING: County Planning and Development permit compliance staff shall conduct site inspections to ensure compliance during grading and construction activities.

9. **Noise-02 Construction Hours.** The Owner, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 AM and 5:00 PM Monday through Friday, as specified in the County's *Toro Canyon Plan* (2004), for construction activities within 1,600 feet of residential receptors. No construction shall occur on weekends or State holidays. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.
PLAN REQUIREMENTS: The Owner shall provide and post a sign stating these restrictions at all construction site entries.
TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.
MONITORING: County Planning and Development permit compliance staff shall conduct site inspections to ensure compliance prior to grading and construction activities.

10. **Noise-04 Equipment Shielding-Construction.** Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded with appropriate acoustic shielding to Planning and Development's satisfaction and shall be located at a minimum of 100 feet from occupied residences.
PLAN REQUIREMENTS: The Owner shall designate the equipment area with appropriate acoustic shielding on building and grading plans.
TIMING: Equipment and shielding shall be installed prior to construction and remain in the designated location throughout construction activities.
MONITORING: County Planning and Development permit compliance staff shall conduct site inspections to ensure compliance prior to grading and construction activities.

11. **WatConv-01 Sediment and Contamination Containment.** The Owner shall prevent water contamination during construction by implementing the following construction site measures:
- a. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
 - b. Apply concrete, asphalt, and seal coat only during dry weather.
 - c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
 - d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.
- PLAN REQUIREMENTS:** The Owner shall ensure all above construction site measures are printed as notes on plans.
TIMING: Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.
MONITORING: The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

- 12. Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner shall submit the SWPPP, SWMP or ESCP using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/wetlands, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP, SWMP or ESCP shall be a part of the Grading Plan submittal. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyp Planning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

PLAN REQUIREMENTS: The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

TIMING: The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

MONITORING: County Planning and Development permit compliance staff shall conduct site inspections to ensure compliance during grading and construction activities.

STREETSCAPE IMPROVEMENTS

- 13. Proj Des-01 Project Description.** The streetscape improvements is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

Collectively, the project includes:

Expanded Roadway:

The project would demolish, re-grade, and replace the entire length of Santa Claus Lane. The project would lower the existing profile of Santa Claus Lane by approximately 1 foot to contain stormwater flows within new curbs and gutters, conform to existing grades at commercial properties, and allow for American with Disabilities Act (ADA)-compliant access. The project would maintain one travel lane in each direction. Each lane would be approximately 14 feet wide to allow for angled parking. Asphalt and concrete surfacing would provide formal all-weather parking throughout the project site.

Additional Parking:

The project would increase the total number of parking spaces in the project site from the approximately 254 existing informal and marked stalls to approximately 329 marked stalls. The project would provide parking stalls on both sides of Santa Claus Lane, including 302 angled "head-in stalls," 19 parallel stalls, and 8 ADA-compliant stalls. Additionally, the project proposes a new short-term loading zone in front of the beach access point and restrooms. The additional parking is intended to meet the existing high demand for parking during weekends, holidays, and the summer season.

Roundabout:

A roundabout is proposed at the intersection of Santa Claus Lane, Spindrift Lane/Sand Point Road, and the U.S. 101 southbound on-ramp. The proposed roundabout is intended to improve circulation and traffic control along the commercial corridor of Santa Claus Lane and improve sight distance for vehicles turning from Spindrift Lane/Sand Point Road onto Santa Claus Lane and the U.S. 101 southbound on-ramp.

Recreational Amenities:

The project includes an approximately 500 square-foot restroom at the beach access point. The proposed restroom would contain changing areas, sinks, and toilets. Rinse stations, benches, trash/recycling receptacles, and bicycle racks would be installed adjacent to the proposed restroom.

Pedestrian and Bicycle Facilities:

The project would construct a new separated Class I bikeway/multi-use path on the north side of Santa Claus Lane. California Coastal Trail signs would be installed on both ends of the multi-use path connecting the existing Class II bikeway along Via Real to the northeast to the Santa Claus Lane Bikeway, a proposed Class I bikeway that would extend from Spindrift Lane/Sand Point Road to Carpinteria Avenue in the City of Carpinteria.

The south side of Santa Claus Lane will include an ADA-compliant sidewalk. Six new pedestrian crosswalks would connect the proposed multi-use path along the northern side of the roadway to the sidewalk, beach access, and commercial area along the southern side of the roadway.

Signage:

Both sides of the roadway and multi-use path will include new traffic control and guidance signs and posts.

Curbs and Gutters, Retaining Walls, and Fencing:

The project would replace the existing chain link fencing separating the north side of Santa Claus Lane from Caltrans ROW with new retaining walls, separating the multi-use path from the Caltrans storage yard and U.S. 101 to the north. Where possible, an 8 inch to 2-foot high concrete curb wall would be constructed to keep earthen materials from entering the multi-use path. Retaining walls would measure between 2 feet to 6 feet in height and vary between soldier piles with concrete lagging and reinforced concrete walls. Chain link fencing is proposed immediately behind the retaining walls and concrete curb walls in order to serve as a denial barrier to the Caltrans storage yard and U.S. 101. A reinforced concrete barrier rail may also be required in locations along the retaining wall where Santa Claus Lane and U.S. 101 are in close proximity, where necessary for safety.

The project includes a retaining wall and decorative fence on the beach side of the proposed ADA-compliant sidewalk. The wall and fence would extend from Padaro Lane to the commercial area, separating County ROW from UPR ROW, and directing beach users to the proposed pedestrian at-grade railroad crossing.

Stormwater Management:

New concrete curbs and gutters and curb extensions are proposed along Santa Claus Lane to control and direct stormwater run-off to new bioretention areas and drainage facilities. Approximately 14,500 square feet of bioretention areas are proposed for post-construction stormwater management. Landscaping would include street trees, shrubs and ground cover vegetation within the bioretention areas.

Public Services:

The project would extend an existing Carpinteria Sanitary District (CSD) sewer line approximately 640 feet to the west along Santa Claus Lane to the proposed restrooms. The project includes a sphere of influence expansion and annexation of County ROW to the CSD to provide sewer service to the restrooms, which are sited outside of CSD's service boundaries. An existing Carpinteria Water District water line runs along Santa Claus Lane and would serve the proposed restrooms. Southern California Edison, Carpinteria-Summerland Fire Protection District, and the Santa Barbara County Sheriff's Office would continue to serve the project site.

Utility Relocation:

Four privately owned and maintained streetlights within County ROW along Santa Claus Lane will require relocation and replacement. Existing utilities including utility boxes, fire hydrants, and water meters would be reset to the new roadway elevation. Additional utilities may require relocation to clear conflicts with proposed improvements.

Landscaping:

The project will include new landscaping in bioretention areas and screening plantings intended to preserve and enhance the aesthetic value and character of the setting (Attachment 2, Conceptual Landscape Plan).

Construction:

Construction activities for the project would include clearing, grubbing, excavating, grading, landscaping, and other activities. Construction is expected to occur in four stages with construction activities anticipated to commence in the fall of 2021, after the peak summer tourist period, and continue through the winter of 2023. The following summarizes the anticipated stages of construction.

Stage #1 – Construction of the north side of Santa Claus Lane

Stage #2 – Construction of the south side of Santa Claus Lane (beach area)

Stage #3 – Construction of the south side of Santa Claus Lane (commercial area)

Stage #4 – Construction of the roundabout at the intersection of Santa Claus Lane, Spindrift Lane, and the U.S. 101 on-ramp (commercial area)

Construction would require the use of heavy equipment to widen and lower the grade of the roadway, as well as haul equipment and materials. Every effort will be made to reduce temporary inconveniences to existing uses and emergency services, including police, fire, and medical response. Construction would be phased to keep Santa Claus Lane open during construction. Traffic control will either be maintained with one lane closed at a time, or with two 10 foot travel lanes and temporary roadway realignments within the project site. On-site signage will be posted to advise motorists of detours, lane closures, and pedestrian crossings. Staging areas would be located within the existing paved roadway and adjacent dirt shoulders within the project site. Construction equipment includes: manual and power hand tools, backhoes, skip loaders, front loaders, excavators, small cranes, vibratory compactors, concrete pump trucks, 10-wheeler dump trucks, demolition equipment (e.g., saw cut machines, jackhammers, air compressors), paving machines, steel drum compaction rollers, finish rollers, and other such equipment. Parking would be temporarily restricted adjacent to work zones, as well as contractor staging areas within the project site.

The proposed project would disturb approximately 257,595 square feet of area for grading, paving, and construction. Approximately 15,400 cubic yards of cut and 1,000 cubic yards of fill would be required. Vegetation located within the grading limits would be removed prior to or during construction. Most of this vegetation is composed of non-native species, including ice plant. Up to 71 non-native trees would also be removed, including 29 palms, 6 eucalyptuses, and 27 cypresses. No native trees or special status plant species would be removed.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

14. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS BY ISSUE AREA, STREETSCAPE IMPROVEMENTS

15. **CulRes-09 Stop Work at Encounter.** The County and/or their agents, representatives or contractors shall stop work or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The County shall retain an archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines.
PLAN REQUIREMENTS: This condition shall be printed on plan specifications
MONITORING: The County Resident Engineer shall check plans prior to approval of grading and building plans and shall spot check in the field throughout grading and construction.
16. **Tree Replacement.** The County shall replace trees proposed for removal at a replacement ratio of 1:1, or greater. The trees shall be gopher fenced and irrigated for a sufficient establishment and maintenance period.
PLAN REQUIREMENTS: Tree replacement requirements shall be included in plan specifications. The species, size, irrigation period in years, and location of the replacement trees shall be depicted on the final landscape plan.
TIMING: The County shall submit landscape plans, depicting the number and location of the replacement trees, for review and shall obtain final BAR approval prior to issuance of Zoning Clearance.
MONITORING: The Contractor shall demonstrate to the County Resident Engineer that the replacement trees have been planted consistent with the approved landscape plans prior to final inspection.
17. **LAFCO Approvals.** The County shall submit applications to the Santa Barbara Local Agency Formation Commission (LAFCO) for a sphere of influence expansion of the Carpinteria Sanitary District's service boundaries and an annexation of County ROW to the Carpinteria Sanitary District's service area to provide sewer service to the restrooms.
TIMING: The County shall obtain LAFCO approval of the sphere of influence expansion and annexation prior to issuance of Zoning Clearance.
18. **Streambed Alteration.** The County shall demonstrate receipt of all authorizations from the California Department of Fish and Wildlife (CDFW), including notifications and agreements under California Fish and Game Code section 1600 et seq., and/or federal agencies for any planned alteration to stream beds, channels, or banks. Planned alterations include permanent impacts to 0.13 acre of arroyo willow thickets, 0.05 acre of mulefat thicket, and approximately 0.02 acre of giant reed breaks and herbaceous wetland habitats considered Waters of the State

of California. In addition, temporary impacts would occur in 0.01 acre of arroyo willow thicket, 0.03 acre of mulefat thicket, 0.01 acre of giant reed break, and 0.01 acre of herbaceous wetland habitat.

TIMING: The County shall obtain all CDFW authorizations prior to issuance of Zoning Clearance.

19. **Agency Approvals.** The County shall obtain all required permits and/or other forms of approval (or notification of no approval required) from federal and state agencies for any planned alteration of wetlands. Planned alterations include direct impacts to potential federal jurisdictional wetlands that may total 0.09 acre for permanent impacts and less than 0.01 acre for temporary impacts. Alterations also include direct impacts to potential state jurisdictional wetlands that may total 0.2 acre for permanent impacts and 0.08 acre for temporary impacts. Required approvals include, but may not be limited to, the following:

- 1) U.S. Army Corps of Engineers – Clean Water Act Section 404 Nationwide Permit,
- 2) Regional Water Quality Control Board - Water Quality Act Section 401 Water Quality Certification, and
- 3) California Department Fish and Wildlife – Section 1602 Lake and Streambed Alteration.

TIMING: The County shall obtain all required permits and/or other forms of approval from federal and state agencies prior to issuance of Zoning Clearance.

20. **Protect potential special status species occurrences.** A County-approved biologist with a current CDFW Scientific Collecting Permit (SCP) shall conduct pre-construction surveys immediately prior to (e.g., the morning of the commencement of) and during vegetation removal and/or ground disturbance. If special status species, such as legless lizards (*Aniella pulchra*), a Species of Special Concern, are found within the area of disturbance, the biologist shall relocate the animals to a pre-approved location outside the project site or work area. The biologist shall identify candidate locations for species relocation prior to construction and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range. If other special status species are found, the biologist shall immediately contact CDFW, and implement an appropriate protection or relocation plan upon approval from CDFW and the County. The biologist shall prepare and submit a letter report that describes the number of animals relocated, any mortality identified during the relocation event, and the general health of the species. The biologist shall submit the letter report with a California Natural Diversity Database (CNDDB) form to the CDFW and the County within 30 days relocation and file the form online, or as directed by CDFW. If no special status species are detected, the biologist shall submit an email report to CDFW and the County when vegetation clearance and ground disturbance are complete.

TIMING: The County-approved biologist shall receive approval of candidate locations for species relocation from CDFW prior to construction.

21. **Caltrans Transfer.** The County shall acquire a right-of-way (ROW) transfer from Caltrans for land on the north side of Santa Claus Lane and near the U.S. 101 south-bound on-ramp for parking, multi-use path, the roundabout, as necessary.

TIMING: The County shall obtain the ROW transfer prior to issuance of Zoning Clearance.

22. **Government Code Section 65402, Consistency Determination for Caltrans Transfer.** The County shall process a Governmental Code Section 65402 consistency determination for the ROW transfer from Caltrans.

TIMING: The County shall make a Government Code Section 65402 consistency determination for the ROW transfer prior to issuance of Zoning Clearance.

23. **Union Pacific Railroad (UPR) Easement.** The County shall acquire an easement from UPR for the rail crossing.

TIMING: The County shall obtain the easement transfer prior to issuance of Zoning Clearance.

24. **Government Code Section 65402, Consistency Determination for UPR Easement.** The County shall process a Governmental Code Section 65402 consistency determination for the easement from UPR.

TIMING: The County shall make a Government Code Section 65402 consistency determination for the easement prior to issuance of Zoning Clearance.

MITIGATION MEASURES FROM MND, CASE NO. 19NGD-00000-00005, STREETScape IMPROVEMENTS

25. **MM Aest-01 BAR Required.** The County shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials, lighting, and landscaping shall be compatible with vicinity development and shall conform in all respects to BAR approval (19BAR-00000-00096).

TIMING: The County shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning Clearance.

MONITORING: The Contractor shall demonstrate to County Resident Engineer that the project has been built consistent with approved BAR design and landscape plans prior to Final Inspection.

26. **MM Aest-02 Building Materials.** Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures.

PLAN REQUIREMENT: Materials shall be denoted on plan specifications.

TIMING: Structures shall be painted prior to Final Inspection.

MONITORING: County Resident Engineer shall inspect prior to Final Inspection.

27. **MM Aest-03 Lighting.** The County Resident Engineer shall ensure that any exterior night lighting installed in the beach area is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the project site and prevent spill-over onto adjacent lots.

PLAN REQUIREMENTS: The County shall develop a Lighting Plan for BAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light cast by each fixture.

TIMING: Lighting shall be installed in compliance with this measure prior to Final Inspection.

MONITORING: BAR shall review the Lighting Plan for compliance with this measure prior to issuance of Zoning Clearance. The County Resident Engineer shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

28. **Aest-04 Construction Site Clean-Up.** The Contractor shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite. The Contractor shall ensure waste is picked up as frequently as needed, and shall ensure the site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: Plan specifications shall include notes that the site is to remain trash-free throughout construction.

TIMING: The Contractor shall designate and provide the County with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up.

MONITORING: County Resident Engineer shall inspect periodically throughout grading and construction activities and prior to Final Inspection to ensure the construction site is free of all trash and debris.

29. MM Air-01 Dust Control. In addition to the SBCAPCD's standard fugitive dust control measures, the Contractor shall also comply with the following dust control components at all times:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph, during working hours.
- e. When wind exceeds 15 mph, have site watered at least once each day.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

PLAN REQUIREMENTS: These dust control requirements shall be included in the Stormwater Pollution Prevention Plan (SWPPP).

TIMING: The dust control components apply from the beginning of any grading or construction throughout all development activities.

MONITORING: The County Resident Engineer shall conduct site inspections to ensure compliance. APCD inspectors shall respond to nuisance complaints.

30. MM Bio-01 Habitat Protection. Excavation work within wetland on adjoining properties shall be avoided.

- a. Comply with and depict the following on construction plans:
 - i. Wetlands on adjoining property shall be preserved.
 - ii. Depict equipment storage & construction staging and parking areas.
 - iii. Depict the type and location of protective fencing or other barriers to be in place to protect the adjoining wetland habitat areas.
- b. Comply with and specify the following as notes on construction plans:
 - i. To avoid damage during construction, all adjoining wetland habitat shall be temporarily fenced and staked to prevent any collapse.
 - ii. Protective fencing/staking/barriers shall be maintained throughout all grading & construction activities.
- c. In the event of unexpected damage or removal of wetland habitat on adjoining property, the following mitigation measures shall be followed:
 - i. If it becomes necessary (as authorized by the County) to disturb or remove any plants w/in adjoining wetland habitat area, a County-approved biologist shall direct the work. Wetland plants shall be restored onsite. Plants shall be replaced at a minimum using the standards of the Transportation Corridor Wetland Overlay and under the direction of the County-approved biologist. If unexpected permanent impacts occur on adjoining wetland habitat, the County will prepare a wetland restoration plan for wetland replacement to be planted offsite at a 3:1 mitigation ratio.
 - ii. Grading shall be designed to ensure that habitat areas have proper drainage during and after construction, per biologist recommendations.

REQUIREMENTS: The County shall include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures prior to initiation of construction. The Contractor shall install wetland habitat protection measures on adjoining properties prior to initiation of construction.

MONITORING: The Contractor shall demonstrate to the County Resident Engineer and County-approved biologist that wetland habitat on adjoining properties identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the Habitat Protection Plan prior to Final Inspection.

31. **MM Bio-02 Wetland Mitigation Plan.** The Contractor shall submit a wetland enhancement, restoration, and/or establishment (creation) plan prepared by a County-approved qualified professional and designed to mitigate permanent and temporary direct wetland impacts (e.g., fill in wetlands) and indirect wetland impacts (e.g., development in wetland buffer strip). The plan shall meet and/or include the following components:
- a. Fill or other impacts to wetlands or reduction of wetland buffer strips resulting from new development shall conform to the following:
 - i. New development shall be sited and designed to avoid fill or other impacts to wetlands. Impacts to wetlands that cannot be avoided through the implementation of siting and design alternatives shall be minimized to the maximum extent feasible and fully mitigated, with priority given to onsite mitigation. Offsite mitigation measures shall only be approved when it is not feasible to fully mitigate impacts onsite.
 - ii. New development shall be sited and designed to provide a minimum 100-foot wetland buffer strip in a natural condition along the upland limits of wetlands. If there is no feasible alternative that can provide a 100-foot wetland buffer strip, the alternative that can provide the widest buffer shall be selected, and impacts shall be minimized to the maximum extent feasible.
 - iii. Mitigation shall be provided for direct impacts to wetlands (e.g., fill in wetlands) and indirect impacts to wetlands (e.g., development in wetland buffer strips). Mitigation measures shall include, at a minimum, wetland establishment (creation), wetland enhancement, or wetland restoration of wetlands equal or similar to the impacted wetland type.
 1. Direct impacts to natural wetlands, including the Carpinteria Salt Marsh Reserve, wetlands associated with creeks, and other high-functioning wetlands, shall be mitigated through wetland establishment (creation) or wetland restoration at a ratio of 4:1.
 2. Direct impacts to created wetlands, such as low functioning wetlands associated with highway, roadway, and/or railroad infrastructure that have formed in ditches, basins, and BMP features, shall be mitigated through wetland establishment (creation) or wetland restoration at a ratio of 3:1.
 3. Indirect impacts to wetlands, such as development in the wetland buffer strip, shall be mitigated by enhancing or restoring (e.g., removing invasive species, planting native screening vegetation, planting appropriate native species, improving water quality, reducing sound) all available portions of the remaining undeveloped 100-foot wetland buffer strip of the impacted wetlands.
 4. Temporary direct and indirect impacts to wetlands shall be mitigated through the wetland restoration or wetland enhancement of temporary impact areas at a ratio of 1:1.
 - b. The wetland enhancement, restoration, and/or establishment plan shall include details of appropriate wetland enhancement, restoration, and/or wetland establishment acreage and location, including the following:
 - i. Introduction. A purpose statement, existing site resource description and inventory, proposed wetland mitigation site plan, and map comparing existing and future site conditions.
 - ii. Mitigation Goals. A clear statement of the wetland mitigation goals, including the desired wetland habitat type(s), major vegetation components, water quality improvements, and wildlife support functions.

- iii. **Planting Plan.** Description of the desired amount of particular wetland plant species in habitat type(s). Based on the mitigation goals, identify the species to be planted (plant “palette”), provide a rationale for and describe the size and number of container plants and/or the rate and method of seed application, and a site plan with planting location and planting guidelines for prescribed species. Plant material shall be collected locally, unless local plant stock is not readily available.
- iv. **Grading Plan.** A formal grading plan shall be included if wetland enhancement, wetland restoration, or wetland establishment requires topographic alterations.
- v. **Best Management Practices (BMPs).** Erosion control, irrigation, and weed eradication plans as necessary.
- vi. **Success Criteria.** Selection and rationale of quantifiable success criteria. There must be an empirical basis for the selection of each success criterion (e.g., reference site data and peer-reviewed literature).
- vii. **Monitoring.** A monitoring program that includes a detailed description of quantitative sampling design (e.g., sample sizes and sampling techniques, such as quadrants, transects, and photo plots), statistical procedures proposed for judging if success criteria are achieved, provisions for a five-year monitoring period, annual reporting and contingency measures should the mitigation efforts fail to achieve quantitative success criteria.
- viii. **Final Report.** A final monitoring report prepared by a qualified professional that evaluates whether the required wetland enhancement, wetland restoration, or wetland establishment has achieved the goals and success criteria set forth in the approved mitigation plan.

PLAN REQUIREMENTS: The County shall include the components of the wetland enhancement, restoration, and/or establishment plan in Landscape and Irrigation Plans if these are required and location warrants inclusion.

TIMING: The County shall approve the wetland enhancement, restoration, and/or establishment plan prior to issuance of Zoning Clearance.

MONITORING: The Contractor conducting wetland enhancement, restoration, and/or establishment shall demonstrate to the County that all required components of the approved plan(s) are in place as required prior to project completion and maintained throughout the maintenance period.

32. **MM Bio-03 Equipment Storage-Construction.** The Contractor shall designate one or more construction equipment filling and storage areas to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be approved by the County and located at least 100 feet from the mapped wetlands, sensitive biological resources, storm drains, and the Carpinteria Salt Marsh Reserve.

PLAN REQUIREMENTS: The Contractor shall submit a construction storage location plan for approval by the County Resident Engineer.

TIMING: The Contractor shall install the equipment storage area prior to commencement of construction.

MONITORING: County Resident Engineer staff shall ensure compliance prior to and throughout construction.

33. **MM Bio-04 Equipment Washout-Construction.** The Contractor shall designate one or more washout areas for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be approved by the County and located at least 100 feet from the mapped wetlands, sensitive biological resources, storm drains, and the Carpinteria Salt Marsh Reserve. Polluted water and materials shall be contained in these areas and removed from the site as needed.

PLAN REQUIREMENTS: The Contractor shall designate the approved equipment washout

area location on plan specifications.
TIMING: The Contractor shall install the equipment washout area prior to commencement of construction activities needing these facilities.
MONITORING: County Resident Engineer shall ensure compliance prior to and throughout construction

34. **MM Bio-05 Night Time Monitoring.** Biologists shall be on-site during any night time demolition, grading, and construction which may impact the Carpinteria Salt Marsh Reserve. The qualified biological monitor shall ensure compliance with light placement such that artificial lighting is shielded and directed away from the Carpinteria Salt Marsh Reserve or active nesting areas and focused on the ground.
TIMING: County shall designate an approved biologist prior to the commencement of construction.
MONITORING: County Resident Engineer shall site-inspect as appropriate

35. **MM Bio-06 Nesting Bird Surveys.** In order to avoid impacts to nesting birds, tree removal and vegetation clearance should be scheduled outside of the nesting season (February 1 to August 31). If vegetation clearance must occur during the nesting season, the following avoidance measures shall be implemented:
- If work occurs between February 1 and August 31, a preconstruction nesting bird survey shall be conducted within one week of ground disturbance activities. If surveys do not locate nesting birds, construction activities may be conducted.
 - If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged or the nest becomes inactive. Construction activities shall observe a 300-foot buffer for active raptor nests. The buffer from nests may be reduced based on a qualified biologist's recommendation.
 - Occupied nests shall be mapped using GPS or survey equipment. A preconstruction survey report shall be submitted to the County immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the report. The project biologist conducting the nesting surveys shall have the authority to reduce or increase the recommended buffer depending upon site conditions.
 - Occupied nests shall be monitored regularly to document nest success and check for project compliance with buffer zones.
 - Appropriate BMPs shall be utilized to minimize noise disturbances to sensitive bird species during nesting season.
- PLAN REQUIREMENTS:** These requirements shall be noted in plan specifications
TIMING: Compliance shall be verified prior to and during construction within the nesting season.
MONITORING: County Resident Engineer shall perform periodic site inspections to ensure compliance with these requirements.

36. **MM Noise-01 Sound Control and Equipment Shielding.** Construction noise shall be limited to 65 dB(a) CNEL as measured at the property line of any parcel with an existing residential use. The contractor may utilize a combination of techniques to reduce the impact of construction to less than 65 dB(a) CNEL threshold, such as the following noise attenuation techniques:
- Use new or well-maintained construction equipment that reduces sound levels.
 - Maintain acoustic shielding of stationary construction equipment that generates noise that exceeds 65 dB(a).
 - Implement a phased construction schedule to minimize or avoid multiple noise-generating activities occurring at the same time.
 - Reschedule or phase construction activity.

- Locate stationary construction equipment away from noise-sensitive land uses.
- Use vibration dampeners, aprons, or enclosures.
- Use stored supplies as a noise barrier.
- Pre-drill holes for pile-driven activities.
- Turn off idling equipment.
- Use other noise-dampening and sound diversion techniques.

TIMING: The contractor shall demonstrate compliance with noise standards to the County Resident Engineer prior to commencement of construction and throughout construction activities.

MONITORING: County Resident Engineer shall ensure compliance prior to and throughout construction, and shall respond to complaints

37. **MM Rec-01 Beach Access during Construction.** The County shall not obstruct public access to the beach during construction.

TIMING: Measures to maintain informal public access shall be implemented throughout the construction period, such as construction phasing and appropriate equipment and material storage.

MONITORING: County Resident Engineer shall perform site inspections throughout the construction phase to ensure construction activities do not interfere with existing informal beach access.

38. **MM Traf-01 Construction Staging and Traffic Control.** The construction staging area(s), including but not limited to the storage of equipment and materials, shall be in a location(s) that minimizes traffic hazards to motor vehicles, bicyclists, and pedestrians. If construction activities interfere with existing pedestrian routes, temporary access shall be provided to ensure continued access to commercial businesses during construction. Traffic control shall be provided during all construction hours.

Plan Requirements: The construction staging area(s) shall be clearly shown on plans. A traffic control plan shall also be provided.

Timing: The location of the construction staging area(s) and traffic control plan shall be reviewed and approved by the County Resident Engineer prior to initiation of construction activities.

Monitoring: County Resident Engineer and County staff shall conduct site inspections and respond to complaints as needed.

39. **MM Wat-01 Stormwater Pollution Prevention Plan (SWPPP).** The Contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP), which shall include BMPs to be implemented and monitoring prior to and during construction. The SWPPP shall be designed to address erosion, sediment, coastal water quality, and pollution control during all phases of construction. BMPs shall be included to address temporary sediment control, temporary soil stabilization, construction scheduling, impacts to vegetation, wind erosion, sediment tracking, waste management, materials handling, vehicle and equipment operations, and groundwater discharge.

PLAN REQUIREMENTS: Project-specific BMPs and requirements from the SWPPP shall be included in plan specifications.

TIMING: The Contractor shall submit the SWPPP for County review. The SWPPP requirements shall be implemented prior to the commencement of construction.

MONITORING: County Resident Engineer shall perform site inspections throughout the construction phase to ensure the measures are fully implemented.

40. **MM Wat-02 Water Quality BMPs.** To minimize pollutants impacting downstream waterbodies or habitat, the project shall be designed to minimize degradation of stormwater quality. BMPs, such as landscaped areas for infiltration (e.g., vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the *Stormwater Best Management Practice*

Handbook, New Development and Redevelopment (California Stormwater Quality Association, 2003) or other approved method shall be installed to intercept and remove pollutants prior to discharging to the storm drain system. The following coastal water quality standards shall also be met:

- a. Early site design planning shall emphasize Low Impact Development (LID) strategies and shall prioritize the minimization of runoff in accordance with the site hydrology and geotechnical considerations.
- b. Earthen- (soil) based and/or bioengineered BMPs may be located and maintained within the wetland buffer strip, where there is no feasible alternative location available to locate the BMPs, and where they support wetland protection.
- c. Additional measures, such as grading to create topographic depressions that capture and detain runoff, amending onsite soils to increase infiltration, and adding or replacing native plants in areas that receive runoff may be located and maintained within the wetland buffer strip where there is no feasible alternative location available to locate the BMPs and where they support wetland protection.
- d. Infiltration BMPs shall be designed, at a minimum, to handle runoff in accordance with the most current National Pollutant Discharge Elimination System (NPDES) permit regulations.
- e. BMPs shall be sized according to the surface area draining to the BMP(S). Where it is infeasible to separate the project's runoff from any existing impervious area, LID strategies shall be used to the maximum extent practicable to treat the entire contributing area, consisting of the project and existing untreated impervious area.
- f. Where site conditions make it infeasible to infiltrate or treat the stipulated minimum volume of runoff onsite, infiltration or treatment offsite within existing right-of-way can be substituted where it can be demonstrated that offsite infiltration or treatment will result in an equal or greater benefit to coastal water quality, consistent with the Central Coast Regional Water Quality Control Board NPDES requirements.
- g. Stormwater measures shall use plant material that is collected locally, unless local plant stock is not reasonably available.
- h. Where site or project conditions constrain any of the minimum requirements or practices in subsections above, the qualified professional shall document the nature and extent of the limitations and justify the alternative measures proposed to protect or enhance water quality.

PLAN REQUIREMENTS: The BMPs shall be described and detailed in the plan specifications and Contractor-submitted SWPPP

41. **MM Wat-03 Post-Construction Stormwater Control Plan.** The County shall prepare a final Post-Construction Stormwater Control Plan designed to prevent the entry of pollutants from the project site into the storm drain system after construction. The Post-Construction Stormwater Control Plan shall follow the County Stormwater Technical Guide. The Post-Construction Stormwater Control Plan shall include maps, figures, supporting design calculations, and a narrative explaining the methods and approach proposed to protect or enhance coastal water quality. The plan shall include supporting information including but not limited to the infiltration and retention properties of the native or engineered substrate, depth to groundwater, and the hydraulic design and pollutant treatment/removal capability of the proposed improvements adequate to ensure that water quality will be protected.

PLAN REQUIREMENTS: The County shall submit the final Post-Construction Stormwater Control Plan to the Water Resources Division for a courtesy review prior to issuance of Zoning Clearance.

TIMING: The County shall submit the final Post-Construction Stormwater Control Plan to the Water Resources Division for a courtesy review prior to issuance of Zoning Clearance. The Post-Construction Stormwater Control Plan measures shall be constructed and operation prior to project completion and maintained in working order.

MONITORING: County Resident Engineer and staff shall site inspect for installation prior to Final Inspection.

**COUNTY RULES AND REGULATIONS FOR THE PEDESTRIAN AT-GRADE RAIL
CROSSING AND STREETScape IMPROVEMENTS**

42. **Rules-05 Acceptance of Conditions.** The County's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
43. **Rules-14 Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
44. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
45. **Rules-20 Revisions to Related Plans.** The County shall request a revision for any proposed changes to approved permit plans. Substantial conformity shall be determined by the Director of P&D.
46. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
Santa Barbara County Air Pollution Control District dated June 19, 2019;
Water Resources Division dated June 19, 2019;
47. **Rules-37 Time Extensions-All Projects.** The County may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If County requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

