

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 FINDINGS REGARDING PREVIOUS ENVIRONMENTAL DOCUMENT

An EIR was certified by Caltrans on August 26, 2014 (2014 EIR), a Revised EIR was certified by Caltrans on October 27, 2017 (2017 EIR), and Caltrans approved an EIR Addendum on June 1, 2018 (2018 Addendum), May 3, 2020 (2020 Addendum), May 5, 2021 (2021 Addendum), and in February 2022 (2022 Addendum). Together, these documents constitute the Environmental Review Package for the HWY 101 Widening project. The project was evaluated in the Environmental Review Package and mitigation measures were incorporated into the project by Caltrans as the lead agency. As a responsible agency under CEQA, the County is required to make specific written findings for each significant environmental effect identified in the EIR.

1.1.1 Environmental Effects Found to be Less than Significant

The Environmental Review Package identifies several issue areas for which impacts are considered less than significant. Those issue areas are as follows: consistency with local coastal plans, community character and cohesion, recreation, utilities/emergency services, hydrology/floodplains, hazards/hazardous materials, geology, air quality, and noise. A summary of the determination for the finding can be found in Chapter 3.2.1 of the EIR, no further findings are required for these subject areas.

1.1.2 Findings for Significant but Mitigated Effects

The following findings have been made for the significant environmental effects identified in the EIR related to cultural resources, paleontology, water quality/storm water runoff, and biological resources.

Impact: Cultural Resources

The project would have an adverse effect on the National Register-eligible Via Real Redeposited Midden. Studies showed that the national register-eligible portion of the site is located below the proposed project depth, however there is a remote possibility that the area could be impacted by the development.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measure: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

1. In the unlikely event that archaeological resources are encountered during construction, Caltrans will implement the *Treatment and Data Recovery Plan* for the South Coast 101 HOV Lane Project which is included as Appendix D of the EIR.

Significance after Mitigation: With incorporation of this mitigation measure, significant environmental effects to cultural resources would be reduced to less than significant.

Impact: Paleontology

The project would have a potentially significant impact on paleontological resources from ground disturbing construction activities such as excavation, which has the potential to expose sensitive paleontological resources.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measure: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

1. The mitigation measures include monitoring, salvaging of fossil specimens, and data recovery during construction excavation of the project.

Significance after Mitigation: With incorporation of this mitigation measure, significant environmental effects to paleontological resources would be reduced to less than significant.

Impact: Water Quality/Storm Water Runoff

The project would have a potentially significant impact to water quality and storm water runoff by adding additional impervious surface to the project site through the installation of an additional freeway lane in both the northbound and southbound directions.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measures: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

1. Riparian Shade Canopy – Revegetation along affected creeks would be designed to optimize shade canopy where feasible and not conflict with current flood control practices.
2. All existing vegetated locations to remain along the project limits would be evaluated for viability as bio-strips and documented to quantify effectiveness of reductions of particulate runoff. In addition, the selected locations would be used

for constructing new bio-strips and bio-swales to intercept runoff. If subsurface conditions are appropriate, these same locations would be also used for infiltration purposes.

3. Bridges – For all creeks requiring replacement or widening of existing bridges, new bridges would be designed to maintain or reduce the existing water velocity under the bridge. The Romero, San Ysidro, and Oak Creek bridges would be designed to pass the 100-year flow, but would be blocked to match current capacities within the creek channel until the capacity upstream and downstream has been improved.
4. Hydrology – Storm water runoff from the highway would be managed to maintain sheet flow to adjacent grasslands and wetlands, to the maximum extent feasible. The concentration of storm water flow would be minimized where feasible. Dikes and the concrete lining of drainage swales would be eliminated if feasible after considering the necessary function of each facility.
5. Litter – During construction, litter on the highway would be removed periodically as part of regular maintenance procedures.
6. Riparian Corridors – The project will be designed to minimize impacts to riparian areas, preserve channel length, and preserve shade canopy. Where impacts to riparian areas are unavoidable, mitigation onsite or offsite will be proposed.
7. Wetlands – For wetlands that cannot be avoided, mitigation wetlands would be created onsite or offsite to ensure no net loss of wetlands.
8. Design Best Management Practices – Storm water best management practices would be selected and designed during the design phase of this project. Best management practices would be selected to minimize pollutant discharges to surface waters, minimize storm water discharge rates and volumes, and recharge groundwater. A formal storm water drainage plan would be developed after the project enters the design phase.
9. Invasive Plants – All invasive plants that could adversely affect water quality and associated beneficial uses would be removed from specific work areas within creek channels and prevented from spreading, to the extent feasible. Invasive vegetation may also be removed from restoration and mitigation areas.

Significance after Mitigation: With incorporation of these mitigation measures, the impact to Water Quality/Storm Water Runoff will be reduced to a less than significant level.

Impact: Biological Resources

The project would result in a potentially significant impact on natural communities, wetlands, and other waters of the United States, animal species, and threatened and endangered species.

Natural Communities (Riparian and Coast Live Oaks)

Riparian habitat occurs on the banks of San Ysidro Creek. Riparian vegetation in and next to creek channels is limited within the state right-of-way due to routine clearance by the Santa Barbara County Flood Control District's annual maintenance plan. The project also includes removal of coast live oak trees.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measure: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

Riparian Community Mitigation Measures:

1. All work in riparian areas is confined to the Caltrans right-of-way and delineated temporary construction easements.
2. Prior to any ground-disturbing activities, environmentally sensitive area fencing would be installed around the drip line of the trees to be protected. Where feasible, fencing will be placed 5-ft. from the drip line of trees.
3. To avoid affecting nesting birds in riparian vegetation, no clearing activities will take place between February 15th and September 1. If tree removal is required during the nesting season, a qualified biologist will conduct a survey for active nests in trees to be removed.
4. Impacts to native riparian vegetation will be offset by replacement plantings within the project limits as follows: to avoid flooding, replanting plans for creek locations will be reviewed by Santa Barbara Flood Control to ensure that plantings will not impede flows within creek channels. The following ratios will be used: 3:1 for willows, 3:1 for coast live oaks or western sycamore greater than 6 inches in diameter at breast height. Monterey cypress and Monterey pine trees will be replaced in kind.
5. Disturbed areas that are not replanted with riparian trees or shrubs will be stabilized and seeded with native grasses and forbs (herbs). If replacement ratios cannot be met at these locations due to flood concerns, planting will occur at other appropriate locations within the state right-of-way. All riparian plantings will be monitored to ensure successful revegetation at six months after planting and then once a year for three years.

Coast Live Oaks Mitigation Measures

6. All existing trees and shrubs will be preserved to the greatest extent possible.
7. All oaks and other native trees greater than 6 inches in diameter at breast height to remain in the project vicinity will be delineated on design plans. Prior to any ground-disturbing activities, environmentally sensitive area fencing will be installed around the drip line of the trees to be protected. Where feasible, fencing will be placed at least 5 feet from the drip line.

8. To avoid affecting nesting birds that might use the landscaped portions of the right-of-way, tree removal should not occur between February 15 and September 1. If tree removal is required during the nesting season, a qualified biologist will do a focused survey for active bird nests. If any active migratory bird nests are found, Caltrans will coordinate with the California Department of Fish and Wildlife to determine an appropriate buffer based on the habits and needs of the species.
9. Impacts to native oak trees greater than 6 inches in diameter at breast height will be offset by replacement plantings within the Highway 101 HOV Lane limits. Replacement plantings, in accordance with Santa Barbara County Draft Guidelines for Urban Oak Trees (2006), would be achieved using a 3:1 ratio for each tree removed. Although higher number are sometimes appropriate, the limited habitat value of the trees to be removed and the fact that all replacement trees will be maintained within Caltrans right-of-way make this an appropriate number for this project. Replacement plantings will be detailed in the Caltrans landscape architecture Landscape Planting Plan. Oak tree plantings will be monitored to ensure successful revegetation at six months and then once a year for three years. It is recommended that native tree and shrub species such as western sycamore, lemonade berry, toyon, laurel sumac, and coyote brush also be included as replacement plantings.

Significance after Mitigation: With incorporation of these mitigation measures, the impact to Natural Communities will be reduced to a less than significant level.

Wetlands and Other Waters

The project will result in 0 acres of permanent impacts to streambeds and 0.091 acres of temporary impacts from construction related activities including equipment access, excavation and grading for new development.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measure: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

1. Human-made wetlands (roadside drainage features) will be replaced with more human-made wetlands. Sites chosen for mitigation will be within the project limits where feasible. New vegetated ditches that receive and filter highway runoff will replace the function of the vegetated roadside ditches that are considered coastal zone wetlands. Enough room will be available in the proposed right-of-way to replace most or all of the coastal zone wetland losses with vegetated ditches or bio-swales. Grasses and other low-growing vegetation will

- provide the greatest filtering capacity. Plantings should include native species such as horsetail, sedge, mugwort, marsh baccharis, and blackberry.
2. Offsite mitigation is proposed in the Carpinteria Salt Marsh if all mitigation cannot occur onsite.
 3. All human-made roadside drainage features delineated as “other waters” that are lost during construction will be replaced in-kind. Temporary impacts to other waters of the United States will be restored to reflect their preexisting state. Unlined channels will be stabilized according to the Caltrans National Pollution Discharge Elimination System Statewide Storm Water Permit. Caltrans will hydroseed roadside banks with native seed mix where practicable to benefit water quality by decreasing runoff and sedimentation into waterways.
 4. Areas of temporary impacts to creeks will be re-graded, as needed, to reflect their preexisting state. All partially modified creek channels are within the active floodplain and will quickly reestablish with natural vegetation. Vegetation in these creeks, however, remain subject to maintenance by Santa Barbara County Flood Control. Native vegetation will be planted on creek banks above other waters of the United States where replanting does not conflict with flood control practices.
 5. Work in creek channels will occur between May 1 and October 31, unless creek channels dry earlier than May 1. At San Ysidro Creek, work will be limited to June 1 through October 31 to avoid impacts to migrating steelhead trout or tidewater goby.
 6. Construction equipment, stockpiles, etc., will be located in upland locations that are at least 100 feet away from all waterways, wetlands, and riparian areas.

Significance after Mitigation: With incorporation of these mitigation measures, the impact to Wetland and Other Waters will be reduced to a less than significant level.

Animal Species

The project has the potential to impact animal species including migratory bird species and other animals not protected by the state or federal Endangered Species Act.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measure: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

1. To avoid impacts to nesting birds, tree removal would occur between September 1 and February 15. If tree removal is required during the nesting season, a qualified biologist would conduct a focused survey for active bird nests in the trees to be removed. If any active migratory bird nests are found, Caltrans would coordinate with the California Department of Fish and Wildlife to determine an

appropriate buffer based on the habits and needs of the species. The nest would not be removed until the young have fledged and nesting is complete.

2. The Caltrans Standard Specifications for Bird Protection would be included with the project's contract.

Significance after Mitigation: With incorporation of these mitigation measures, the impact to Animal Species will be reduced to a less than significant level.

Threatened and Endangered Species

Steelhead trout have the potential to be affected by this project. The bridge replacement at San Ysidro Creek is located in an area designated as critical habitat for steelhead trout. Temporary impacts could occur during water diversions and de-watering during project construction. In addition, the longer spans of the bridge could result in increased shading of the creek which could lower the water temperature. This is a beneficial impact for this species which prefers cooler temperatures.

Finding: Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental effect as identified in the EIR. (Section 15091(a)(1)).

Mitigation Measure: Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

1. Temporarily affected portions of critical habitat are expected to recover to pre-project conditions using detailed grading plans, riparian area replanting, and other minimization measures. Longer bridge spans would result in wider unlined channels and lower velocities at peak flows in the future, once the downstream facilities have been upgraded.
2. All work activities within or adjacent to critical creek habitat will take place only during the low-flow period between June 1 and October 31. This will avoid affecting migrating steelhead trout, unless creek channels dry earlier than June 1.
3. Preconstruction educational meetings that discuss steelhead trout and other sensitive species would be required for the construction personnel that work in the creeks.
4. Water diversions would be required at Romero Creek. San Ysidro Creek is typically dry at the state highway crossing by May 1 each year and remains dry until November. If water is flowing at San Ysidro Creek between June 1 and October 31, a water diversions will be required.
5. Only qualified personnel authorized under a Biological Opinion shall participate in activities associated with the capture, handling, relocation, and monitoring of steelhead trout. The names and credentials of personnel who are designated to conduct these activities shall be supplied to the National Oceanic and

Atmospheric Administration for its review and approval at least 15 days prior to the onset of these activities.

6. Prior to construction activities, the project area will be surveyed for the presence of special-status species, including steelhead trout. Additional surveys will be conducted upstream and downstream from the area of direct impact to identify appropriate habitat for temporary fish relocation. Fish barriers will be installed temporarily, and individuals inside the area of direct impact will be relocated within the creek by a Service-approved fish biologist, as authorized under a Biological Opinion.
7. No work will be performed in a wetted stream channel. A water diversion will be installed at the beginning of the construction window (June 1 or thereafter) and prior to any work in the creek. It will remain in place until October 31 or when construction in the creek is finished for the season. The water in the creek will be diverted using a pipe during construction activities. If the water is to be pumped around work sites, pump intakes will be completely screened with wire mesh not larger than 0.08 inch to prevent steelhead trout from entering the pump system.
8. During the de-watering effort, if present, steelhead trout shall be removed prior to draining the site. After barriers are constructed, steelhead trout shall be captured, transported in buckets, and released in the most appropriate habitat immediately adjacent to the de-watered area. Handling time for steelhead trout shall be minimal.
9. Upon completion of construction activities each year, flow barriers shall be removed in a manner that allows flow to resume with the least disturbance to the substrate.
10. All disturbance to potential steelhead trout habitat, including riparian vegetation and jurisdictional waters, shall be minimized with the use of environmentally sensitive area fencing, and all soil exposed as a result of project construction shall be revegetated using native-plant hydroseeding or live planting methods.
11. If the stream substrate is altered, the substrate shall be graded or otherwise returned to preconstruction conditions or better after the work is completed.
12. Any heavy equipment used in or near the creek channel shall be removed from the channel at the end of each workday.
13. All material and debris related to bridge demolition and construction shall be removed from the creek channel bed and riparian zone as soon as possible and prior to November 1.

Significance after Mitigation: With incorporation of these mitigation measures, the impact to Threatened and Endangered Species will be reduced to a less than significant level.

1.2 Finding for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and CEQA Guidelines Section 15093, require that the County balance the economic, legal, social, technological, or other benefit of a

proposed project against its unavoidable environmental effects when determining to approve a project. In approving a project that would result in one of more significant environmental effects, the County must find, with respect to each significant effect, that specific economic, legal, social, technological, or other considerations make infeasible mitigation or alternatives identified in the EIR. The County must also find that specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effect, and that the adverse effects may therefore be considered “acceptable.”

A significant and unavoidable effect related to Aesthetics/Visual Impacts and Traffic/Transportation and Bicycle Facilities was identified for the project. The following findings and the statement of overriding considerations in Section 1.3.5 outlines the specific reasons to support the County’s approval of the project.

Impact: Aesthetics/Visual Impacts

Aesthetics/Visual impacts resulting from the individual project and cumulatively with past and future projects: Substantial visual changes would occur throughout this ten-mile corridor due to the loss of vegetation, increased paving, and construction of recommended sound walls. There are several major projects that were either recently constructed, currently being constructed, or planned for construction that will all contribute to an increase in the visual scale of the highway corridor and its urban character. Although each of these project would individually minimize and/or mitigate visual impacts, the cumulative visual effect of those projects combined with the South Coast 101 HOV Lanes project would be substantial.

Finding:

The County finds that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

1. All sound walls shall include aesthetic treatment such as texture and/or color to blend with the community character.
2. All proposed concrete barriers shall include aesthetic treatment such as texture and/or color appropriate for the setting.
3. Drainage structures visible from public areas shall be designed to visually blend in with the setting as much as possible.
4. Changes to existing bridge structures shall reflect the visual character of the existing structures in terms of materials, color, style, and the existing human scale of the area.

5. Open-style bridge railing shall be used on all new or modified bridge structures, except at locations where solid barriers are needed to provide added noise attenuation.
6. If new traffic management system elements such as radar, cameras, and other equipment are added to the project, all visible components shall be located in the least obtrusive locations possible and colored to reduce visibility.
7. Aesthetic treatments and design such as textured surfaces, architectural relief, and color application shall be incorporated into all new bridge structures.
8. Any new signage would be located so that it minimizes view blockage of the Pacific Ocean to the greatest extent feasible, considering the necessary function of the sign.
9. All new lighting shall minimize excess light and glare by careful placement of the poles, height and position of luminaires, and the use of shielded lenses where feasible.
10. All areas where existing ramps and other paved surfaces are removed and where new landscaping is proposed shall be made suitable for planting.
11. Existing trees and shrubs shall be preserved to the greatest extent possible.
12. Existing healthy palm trees that would be affected by the project shall be transplanted to other areas within the project where feasible. Planting shall be included with all sound walls to the greatest extent possible.
13. Planting shall be included with all retaining walls to the greatest extent possible.
14. New landscaping shall minimize view blockage of the Pacific Ocean.
15. Plants with the potential of becoming skyline trees would be used as much as possible without blocking views of the Pacific Ocean.
16. The landscaping plan shall include historically successful plant species throughout the corridor.
17. All aesthetic planting shall use larger-container-size plant material where appropriate. Trees shall be planted, at minimum, from 15-gallon containers.
18. All permanent storm water treatment measures would be designed to visually fit with the ornamental or natural landscaped roadsides to the greatest extent feasible considering their intended function. Swales, ditches and basins should appear as natural as possible. Built structures would be architecturally treated, colored or hidden from view with planting.

Significance after Mitigation:

The County finds that the above mitigation measures to reduce impacts associated with Aesthetics/Visual Impacts are feasible and are adopted. However, these measures would not fully mitigate these impacts.

The mitigation measures would reduce the project's visual impact as seen from U.S. 101 and the surrounding communities. The intent of the mitigation measures is to mitigate the urbanizing effect of the project caused mainly by the additional highway lanes, reduction of highway landscaping, and construction of sound walls. The minimization

and mitigation measures, combined with proposed project features such as replacement landscaping and aesthetic treatments to walls, would lessen the adverse visual change to the corridor. However, because of the alteration of scale, increase of hard surface, and loss of vegetative character, substantial adverse visual impacts would remain.

The only project alternative that would have avoided significant visual impacts was the “no project” alternative, which would have achieved none of the project goals and benefits, and is therefore infeasible under CEQA Section 21081(a)(3). As specified in the Statement of Overriding Considerations (Section 1.3.4 below) the project benefits outweigh the project’s significant effects on the environment, including visual effects, and therefore are on balance acceptable.

Impact: Traffic and Transportation/Pedestrian Bicycle Facilities

The project will have a significant impact on traffic and transportation/pedestrian bicycle facilities because it would contribute to a substantial increase in traffic delay at certain intersections over time even though the project itself will improve overall congestion relief along the mainline freeway.

Finding:

The County finds that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Mitigation Measures:

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a MMRP that is to be adopted concurrently with these findings.

1. To reduce the significant impact to intersections, Caltrans shall provide improvements or provide a compensatory contribution to the appropriate local jurisdiction to improve traffic conditions to No-Build conditions or better at impacted intersections. In order to address the substantial delays that would occur at particular intersections by either opening day or 2040, a cooperative agreement or other binding agreement would need to be in place with each applicable local jurisdiction prior to initiating construction of HOV elements in that vicinity or local jurisdiction. The improvements that address substantial delays occurring by opening day need to be constructed prior to completion of phased construction within the applicable local jurisdiction.
2. Southbound Off-ramp and San Ysidro/Eucalyptus Lane. Prior to starting project construction within the County of Santa Barbara, Caltrans shall make all reasonable efforts to enter into a cooperative agreement or other binding agreement with the County of Santa Barbara setting forth a schedule and responsibilities for the funding and construction of improvements at the San Ysidro Interchange identified in Option 1 and/or Option 2 below. The

improvements identified in the agreement shall ensure levels of service at the intersection do not exceed 2040 No-Build conditions at the intersection as set for in the South Coastal 101 HOV Lanes Project Draft Revised EIR and supporting technical studies. Although the delay impacts will not occur until 2040, Caltrans intends to ensure improvements will be in place by the time the HOV features are constructed in the vicinity of this intersection.

Option 1: Install 4-way stop control at intersection #37.

Option 2: Install 4-way stop control at Southbound off-ramp and San Ysidro/Eucalyptus Lane intersection with single-lane roundabout at the Northbound ramp/N. Jameson/ San Ysidro intersection.

Significance after Mitigation:

The County finds that the above mitigation measures to reduce impacts associated with traffic and transportation or pedestrian facilities are feasible and are adopted. However, these mitigation measures may not fully mitigate these impacts at particular study intersections to a less than-significant level.

The mitigation measures would reduce the projects impacts on intersection traffic in the sounding area at certain intersections by funding improvements to those intersections to reduce traffic impacts. The only project alternative that would have ensured avoidance of a potential significant impact to intersection traffic is the “no project” alternative, which would have achieved none of the project goals and benefits, and is therefore infeasible under CEQA Section 21081(a)(3). Since some of the intersections are in the local jurisdiction, there is a possibility that the local jurisdiction will be unable to successfully complete the recommended mitigation which makes it difficult to ensure that the impacts will be reduced to a less than significant level.

1.3 CONSIDERATION OF THE EIR AS A RESPONSIBLE AGENCY PURSUANT TO CEQA GUIDELINES SECTION 15096 AND FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED WHERE THE COUNTY IS A RESPONSIBLE AGENCY RELYING ON AN EIR PREPARED AND ADOPTED BY THE LEAD AGENCY (per CEQA Section 15162)

1.3.1 An EIR was certified by Caltrans on August 26, 2014 (2014 EIR), a Revised EIR was certified by Caltrans on October 27, 2017 (2017 EIR), and Caltrans approved an EIR Addendum on June 1, 2018 (2018 Addendum), May 3, 2020 (2020 Addendum), May 5, 2021 (2021 Addendum), and in February 2022 (2022 Addendum). The project was evaluated in the Environmental Review Package and mitigation measures were incorporated into the project by Caltrans as the lead agency. CEQA Section 15162 provides that when an EIR has been certified for a project or a ND adopted for a project,

no subsequent EIR or ND shall be prepared unless the County determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Board of Supervisors finds and accepts that the Environmental Review Package (the 2014 EIR, 2017 Revised EIR, 2018 Addendum, 2020 Addendum, 2021 Addendum, and 2022 Addendum) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and accepts that the environmental review has been completed in compliance with CEQA. Section 15162 of the State CEQA Guidelines is found to be applicable to the effects of the project, Case No. 21DVP-00000-00022, 21CDP-00000-00076, within the scope of the County's jurisdiction. Subsequent to certification of the environmental review by Caltrans, no changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance is available. Therefore, pursuant to CEQA Section 15162, no subsequent EIR or ND need be prepared and the previous environmental review for the project may be used to fulfill the environmental review requirements for this project. In addition, the Board of Supervisors finds that no feasible alternative or feasible mitigation

measures within the County’s powers would substantially lessen or avoid any significant effect the project would have on the environment.

1.3.2 FULL DISCLOSURE

The Board of Supervisors finds and accepts that the Environmental Review Package constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA. The Board of Supervisors further finds and accepts that the environmental review has been completed in compliance with CEQA.

1.3.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. All documents associated with this project may be reviewed online at www.sbcountyplanning.org.

1.3.4 STATEMENT OF OVERRIDING CONSIDERATIONS:

Environmental review for the proposed project was completed by Caltrans, the lead agency under CEQA. The Environmental Review Package for the proposed project include an EIR certified by Caltrans on August 26, 2014 (2014 EIR), a Revised EIR certified by Caltrans on October 27, 2017 (2017 EIR), a EIR Addendum approved by Caltrans on June 1, 2018 (2018 Addendum), a EIR Addendum approved by Caltrans on May 3, 2020 (2020 Addendum), an EIR Addendum approved by Caltrans on May 5, 2021 (2021 Addendum), and an Addendum approved by Caltrans in February 2022 (2022 EIR Addendum). The 2014 EIR found significant unavoidable (Class I) impacts as a result of both project-specific and cumulative visual resource impacts. The 2017 Revised EIR identified significant unavoidable (Class I) impacts as a result of both project-specific and cumulative traffic impacts. The Board of Supervisors therefore makes the following Statement of Overriding Considerations which warrants approval of the project notwithstanding that all identified effects on the environment are not fully mitigated. With respect to each of the environmental effects of the project listed above, the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to lessen or avoid the significant effects. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15043, 15092, and 15093, the project’s specific economic, social, legal, and other benefits outweigh the unavoidable adverse effects of the project and the adverse environmental effects of the project are considered acceptable.

Motorists on Highway 101 in the project area experience significant traffic congestion during the morning and afternoon peak travel periods. Motorists within the project area currently experience traffic congestion for two to four hours around the morning and afternoon peak travel periods (6-9 A.M. and 3-6 P.M.). By 2040, delays are expected to

increase to 10-11 hours each day. The proposed project will reduce congestion and delay (by at least 7,000 person-hours daily); provide capacity for future travel demand; reduce peak hour peak direction travel time on U.S. 101 in the project area for carpoolers and express bus riders by 25% or more on average; improve travel time on U.S. 101 within the project limits; provide for high occupancy vehicle (HOV) lane continuity on U.S. 101 in southern Santa Barbara County; and encourage a modal shift to transit and carpooling. The chosen project alternative will maximize opportunities for retaining and enhancing high-value resources including outside landscaping. Additionally, the selected configuration will best address traffic circulation and safety in the project limits as well as satisfy the needs of motorists and residents in the vicinity.

1.3.5 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM: Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(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 Caltrans Environmental Commitments Record (Attachment C-8) of the Planning Commission staff report dated October 25, 2022 together with the approved project description and conditions of approval (Attachments 2 and 3) including Condition 23, which requires the preparation of a Final Mitigation Compliance, Monitoring, and Reporting Plan (MMRP), 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

A. Findings required for all Preliminary and Final Development Plans. 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:

- 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.**

The County Board of Supervisors finds that the site is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The project is located within the Caltrans right-of-way and involves expansion inward toward the highway median or outward from the existing lanes towards the edge of the right-of-way. These areas are adequate in size, shape, location, and physical characteristics to support the project. The project is designed to provide increased roadway capacity and reduce peak hour travel time in order to

accommodate existing and future traffic associated with the density and level of land use within Santa Barbara County.

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

The Board of Supervisors finds that adverse impacts are mitigated to the maximum extent feasible as discussed in the environmental review package for the proposed project (including the 2014 EIR, 2017 Revised EIR, 2018 Addendum, 2020 Addendum, 2021 Addendum, and 2022 Addendum). Environmental review for the project was completed by Caltrans, the lead agency under CEQA. An EIR for the South Coast HOV Lanes project, including segment 4D was certified on August 26, 2014. The 2014 EIR found significant (Class I) impacts are a result of both project-specific and cumulative Visual Resource impacts. The 2014 EIR identified significant but mitigable (Class II) impacts in the areas of Biological Resources, Cultural Resource, Noise, Paleontology, and Water Quality. A Revised EIR was prepared and certified on October 27, 2017. In addition to the impacts identified in the 2014 EIR, the 2017 Revised EIR identified significant (Class I) impacts as a result of both project-specific and cumulative traffic impacts. An EIR Addendum, approved on June 1, 2018, was prepared by Caltrans to address minor changes to the project and to the affected environment. Another EIR Addendum, approved on May 3, 2020, was prepared by Caltrans to include the rehabilitation of the Highway 101 mainline and ramps with construction of segment 4D. An EIR Addendum was approved on May 5, 2021, to include the use of a construction support site within the existing Caltrans right-of-way. The final EIR Addendum was approved in February 2022 to remove sound walls from the project scope. The 2014 EIR, 2017 Revised EIR, 2018 Addendum, 2020 Addendum, 2021 Addendum, and 2022 Addendum are included in the Environmental Review package (link provided in Attachment 4) and incorporated herein by reference. As part of the Environmental Review Package, mitigation measures were applied to reduce Class II impacts to less than significant and to reduce Class I impacts to the maximum extent feasible. For Class I impacts, Caltrans adopted a Statement of Overriding Considerations (Attachment 4). The Caltrans Mitigation, Monitoring and Reporting Plan (Attachment 4), together with the approved project description and conditions of approval (Attachment 2 and Attachment 3), with their corresponding permit monitoring requirements, provide the reporting and monitoring program for the project. In addition to the mitigation measures, additional conditions of approval have been added to ensure the project complies with the applicable County policies, as discussed in Section 5.2 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference. These conditions, including Condition 6 (Board of Architectural Review), 7 (tree protection), 10 (cultural resource protection), 11 (noise shielding), of Attachment 2 will further ensure that adverse impacts are reduced to the maximum extent feasible.

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

The Board of Supervisors finds that streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The project is designed to provide roadway capacity and to reduce peak hour travel time in order to accommodate existing and projected future traffic associated with motorists traveling along Highway 101 within the project area. Motorists on Highway 101 through the project limits experience traffic congestion during the morning and afternoon peak travel periods. By 2040, peak travel periods are expected to increase to 10-11 hours each day. The project will reduce congestion and delay; provide capacity for future travel demand; reduce peak hour travel time on U.S. 101 in the project area for carpoolers and express bus riders; and improve travel time on U.S. 101 within the project limits. The project is designed to provide an overall improvement to highway operations and includes resurfacing of the roadway with long-life, noise attenuating surface material to reduce long-term maintenance needs. The Construction Impacts portion of the Environmental Review Package (Attachment 4) specifies avoidance, minimization, and mitigation measures to address potential impacts associated with temporary road closures, and requires the preparation of a Traffic Management Plan in order to manage traffic, circulation, and access during construction of the project.

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.

The Board of Supervisors finds that there are adequate services to serve the project. Water to support landscaping associated with the project will be provided by the Montecito Water District. In some locations, a water truck will be used to establish vegetation and for dust control. The project area is served by the Montecito Fire Protection District. Police services are provided by the Santa Barbara County Sheriff and the California Highway Patrol. Caltrans will provide traffic control services and coordinate with the California Highway Patrol and emergency service providers during construction to ensure construction zone safety.

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.

The Board of Supervisors finds 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. The project is designed to provide roadway capacity and to reduce peak hour travel time in order to accommodate

existing and projected future traffic associated with motorists traveling along Highway 101, thereby ultimately improving travel conditions and supporting the general welfare and convenience of the community. The project includes installation of noise-attenuating pavement in order to reduce noise levels associated with highway traffic, thereby reducing the amount of noise generated from the project. In addition, severe receptors will receive payments to be used for home improvements to reduce the impact of the freeway noise. The Construction Impacts portion of the Environmental Review package, including the 2014 EIR (Attachment 4) specifies avoidance, minimization, and mitigation measures to address potential impacts associated with temporary construction impacts, including a Traffic Management Plan, dust control measures, noise minimization measures (such as limits on construction hours adjacent to sensitive receptors and sound control devices for construction equipment), and the use of low-vibration construction methods. These measures help to minimize short term construction impacts to the area and to preserve the health, safety, and comfort of the area. The project is also compatible with the surrounding area as it is located within a Transportation Corridor zone that has historically been used as a Highway. In addition, the design characteristics of the barriers, bridges, and guardrails designed with colors, textures, and materials are appropriate for the community and consistent with the design elements of other portions of the Highway 101 corridor. In addition, new landscaping is proposed that will help screen the proposed chain-link fencing and improve the aesthetics on the side of the highway and the project includes the planting of 449 trees of various sizes, including mature 36-inch box oaks. Also, the project is consistent with the Transportation Corridor Zone District, Coastal Land Use Plan and Montecito Community Plan as described in Section 5.2 and 5.3 of the Planning Commission staff report dated October 25, 2022 and incorporated herein by reference.

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

The Board of Supervisors finds that the project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan, and with the applicable provisions of Article II. As discussed in Section 5.2 and 5.3 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference, the project is consistent with all applicable policies of the County Comprehensive Plan, Coastal Land Use Plan, and Montecito Community Plan. The project is also consistent with the requirements of the Article II Coastal Zoning Ordinance and does not fall within the limited exceptions allowed under Section 35-161.7.

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

The Board of Supervisors finds that the project is located within the urban area and thus this finding is not applicable.

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

The Board of Supervisors finds that the project will not conflict with any easements required for public access through, or public use of a portion of the property. The project will occur within the Caltrans right-of-way area and will not conflict with any easements required for public access through or public use of the property. During temporary construction related closures, detour routes will be provided.

B. Additional findings required for sites within the Montecito Community Plan area.

1. All Preliminary and Final Development Plans. In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan on sites within the Montecito Community Plan area the decision-maker shall first make all of the following findings:

a. That the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

The Board of Supervisors finds that, as discussed in Section 5.2 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference, and in Finding 2.1.A.6 above, the project meets all the applicable development standards in the Montecito Community Plan of the Coastal Land Use Plan.

b. That the development will not adversely impact recreational facilities and uses.

The Board of Supervisors finds that the development will comply with the public access and recreation policies of the Article II Coastal Zoning Ordinance and the Comprehensive Plan including the Coastal Land Use Plan, and the Montecito Community Plan. Specifically, the project will not interfere with the public's right to access to the beach, and no elements of the project will block access to the coastline. During all temporary construction-related closures, detour routes will be provided.

2.2 COASTAL DEVELOPMENT PERMIT FINDINGS

- A. Findings required for all Coastal Development Permits. In compliance with 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.**

The Board of Supervisors finds that, as discussed in Section 5.2 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference, adequate public services, including but not limited to fire protection, water supply, and police protection are available to serve the project. As discussed in Findings 2.1.A.3 above, the streets and highways are adequate to carry the type and quantity of traffic generated by the proposed use.

- B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission. 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 subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:**

1. The proposed 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).**

The Board of Supervisors finds that as discussed in Section 5.2 and 5.3 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference, the project is consistent with all applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan and Montecito Community Plan, and with all the requirements of the Article II Coastal Zoning Ordinance. The project does not fall within the limited exceptions allowed under Section 35-161.7.

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

The Board of Supervisors finds that the project is located on legally created property. The project is located within the Caltrans right-of-way area and not within an individual lot. Pursuant to Division 1, Chapter 1, Article 3 (Department of Transportation) of the Streets and Highways Code, "The department [of transportation] shall have full possession and control of all state highways and all property and rights in property acquired for state highway purposes. The department is authorized and directed to lay out and construct all state highways

between the termini designed by law and on the locations as determined by the commission.”

- 3. 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).**

The Board of Supervisors finds that, as discussed in Section 5.3 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference, the project conforms to all applicable laws, rules, and regulations pertaining to the TC Zone. There are no current violations associated with the subject property.

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

The Board of Supervisors finds that development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. The project is designed to be visually compatible with the character of the surrounding area. The design characteristics of the barriers, bridges, and guardrails designed with colors, textures, and materials are appropriate for the community and consistent with the design elements of other portions of the Highway 101 corridor. In addition, new landscaping is proposed that will help screen the proposed chain-link fencing and improve the aesthetics on the side of the highway and the project includes the planting of 449 trees of various sizes, including mature 36-inch box oaks.

- 5. The proposed development will be compatible with the established physical scale of the area.**

The Board of Supervisors finds that the project is compatible with the established physical scale of the area. The established physical scale of the area is defined by the existing highway, center median barriers, and adjacent landscaping, including mature trees. The project will expand the highway use within the Caltrans right-of-way, thereby maintaining the established physical scale of the area. Landscaping along the road shoulders will be provided and enhanced where feasible. Removed trees and landscaping will be replaced within the Highway 101 corridor. The project includes the planting of 449 trees of various sizes and species, including 36-inch box oak trees. Design elements for the project have been refined in close coordination with the Montecito Board of Architectural Review (MBAR), and include community-appropriate color and texture, and design details for median barriers, underpasses,

and bridges. The treatments are consistent with the other segments of the Highway 101 HOV project to provide continuity. Landscape refinements include adding additional landscaping along N. Jameson Lane and using a variety of sizes of trees, shrubs, container plants, and vines to ensure a diverse landscape palette and ensure the long-term success of plant materials.

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

The Board of Supervisors finds that the development will comply with the public access and recreation policies of the Article II Coastal Zoning Ordinance and the Comprehensive Plan including the Coastal Land Use Plan, and the Montecito Community Plan. Specifically, the project will not interfere with the public's right to access to the beach, and no elements of the project will block access to the coastline. During all temporary construction-related closures, detour routes will be provided.

C. Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay. In compliance with Section 35-97.6 of the Article II Coastal Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay District the decision-maker shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through 97.19.

The Board of Supervisors finds that the project will meet all applicable development standards in Section 35-97.9 through Section 35-97.19 of the Article II Coastal Zoning Ordinance as discussed in Section 5.3.3 of the staff report dated October 25, 2022, and incorporated herein by reference.

D. Additional findings required for sites within the Montecito Community Plan area.

1. In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to approval or conditional approval of an application for a Coastal Development Permit on sites with the Montecito Community Plan area, the decision-maker shall first find for all development projects (as development is defined in the Coastal Land Use Plan) that the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

The Board of Supervisors finds that, as discussed in Section 5.2 of the Planning Commission staff report dated October 25, 2022, and incorporated herein by reference, the project meets all the applicable development standards included in the Montecito Community Plan of the Coastal Land Use Plan.

2. In compliance with Section 35-215 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Montecito Community Plan area the decision-maker

shall first find for projects subject to discretionary review that the development will not adversely impact recreational facilities and uses.

The Board of Supervisors finds that, as discussed in Finding 2.2.B.6 above, the project will not adversely impact recreational facilities and their uses because the project will not interfere with the public's right to access to the beach, no elements of the project will block access to the coastline, and during all temporary construction-related closures, detour routes will be provided.