



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: August 19, 2014
Placement: Set hearing on 8/19/14 for 9/2/14
Estimated Tme: 1 hr on 9/2/14
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D. Director, Planning and Development
(805) 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review
(805) 568-2518
SUBJECT: Set Hearing to Consider the Caltrans Arroyo Parida Bridge Appeal (Case No. 14APL-00000-00014), First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On August 19, 2014, set a hearing for September 2, 2014, to consider Case No. 14APL-00000-00014, The Caltrans Bridge Appeal.

On September 2, 2014, staff recommends that your Board take the following actions:

1. Deny the appeal, Case No. 14APL-00000-00014;
2. Make the required findings for denial of the preliminary design for Case No. 12BAR-00000-00096, specified in Attachment 1 of this Board Letter, including CEQA findings;
3. Determine the denial is exempt from CEQA pursuant to CEQA Guideline Section 15270, included as Attachment 2 of this Board Letter; and
4. Deny Case No. 12BAR-00000-00096, thereby affirming *de novo* the decisions of the Planning Commission and South Board of Architectural Review (SBAR) to deny preliminary approval of Case No. 12BAR-00000-00096.

Alternatively, refer back to staff if your Board takes other than the recommended action for appropriate findings and, if necessary, conditions of approval.

Summary:

On May 7, 2014, the County Planning Commission (PC) denied Caltrans' appeal (Case No. 14APL-00000-00004) of SBAR's denial of preliminary approval of the Caltrans Bridge Replacement project. Caltrans timely filed an appeal of the County Planning Commission's denial on May 16, 2014. The project would replace the existing 1920's era Arroyo Parida Creek Bridge on State Route 192 with a new bridge measuring 60 feet long by 40 feet wide. The bridge width would provide two 12-foot lanes with 8-foot shoulders and would include bridge and bicycle rails. On the western approach to the bridge, the existing 11-foot roadway lanes would be widened to 12 feet with four-foot shoulders for about 690 feet. The eastern approach of the bridge would similarly be widened for about 290 feet. A sight distance deficiency on the western approach of roadway would be corrected by raising the profile of the road. A 74-foot long, 9 foot high retaining wall would be constructed at the southwest corner of the bridge in order to maintain the proposed elevated roadway. The top of the retaining wall would be just below the finished grade of the new pavement, requiring that the bridge and bicycle rail extend the length of the wall.

An existing 18-inch culvert west of the bridge would be replaced by a 10-foot by 6-foot concrete box culvert. The existing 70 foot long concrete channel beneath the bridge would be removed and replaced with a hybrid roughened channel/step pool channel designed to allow fish passage and meet hydraulic requirements. The roughened channel would extend approximately 110 feet upstream and 95 feet downstream from the center line of the new bridge. Rock slope protection would be installed on the southeast creek bank, extending 95 feet downstream of the structure. In order to protect against water and wind erosion, rock slope protection would also be placed around the abutments and drainage systems serving the bridge and roadway. The project would also include the replacement of five utility poles within the Caltrans right-of-way. Existing gas lines within the project site would be replaced and realigned.

A total of 75 trees may be impacted by the project. Sixty-Four (64) of the 75 trees to be impacted are proposed to be removed. Of these, 29 are natives (including 12 sycamores and 21 oaks) and 35 are non-natives. Twelve of the 29 native trees [(6) oaks and (6) sycamores] are trees that may have more than 20% of their root zones affected during construction. The applicant will attempt to preserve the (12) trees where the root zones would be partially affected by the project, but they have been included in the removal totals and mitigation for the loss of the trees is included in the project description. All native trees removed would be restored using Santa Barbara County-approved replacement ratios with plantings ranging in size from 1-gallon to 36"- boxes. Non-native trees will be restored with native understory plants at a 12:1 ratio.

Background:

The project was conceptually reviewed by the SBAR on three occasions: July 20, 2012, May 17, 2013 and October 18, 2013.

The SBAR had the same concerns throughout the conceptual reviews. Though they understood the need to replace the bridge due to its current state of deterioration, inadequate rebar, etc. they did not agree with the design of the project, including widening the roadway and flattening a vertical curve. Additionally, SBAR was opposed to the complete vegetation removal within 30 feet of the Highway 192 right-of-way, which they considered a very severe design approach to the replacement of the bridge, that would be visually disruptive and unacceptable. The current bridge and roadway have a narrow, wooded, rural, county aesthetic and the SBAR concluded that the future stretch of Highway 192 would look more like an urban bridge and freeway; the feeling of a rural highway would be lost. The SBAR urged Caltrans to consider decreasing the scope of the project by reducing the length and width of the project overall. They also urged the applicant to leave the vertical curve, remove fewer than the proposed 64 trees and use sandstone facing on the bridge (by reusing the existing sandstone). In regard to the proposed planting, the SBAR urged the applicant to cluster the vegetation instead of planting in a linear fashion, to create a more natural look. Also, SBAR urged the installation of more mature plantings to help immediately establish the project aesthetically.

On February 7, 2014, SBAR conducted a site visit and following, conceptual/preliminary review. Preliminary review was previously requested by the applicant. Comments were heard from five neighbors who expressed concerns about the improvements causing increasing speeds and eliminating the pastoral quality of the rural roadway. The neighbors called for a compromise of the Caltrans standards in order to improve safety and to preserve the beauty of the area.

SBAR agreed with the neighbors and stated that the bridge should be restored without the removal of major trees, without flattening the vertical curve, and without creating wider lanes and shoulders along the highway to either side of the bridge. SBAR unanimously denied preliminary approval stating that required Findings 1, 8, and 9 could not be made (See discussion of appeal issues with finding language below).

On February 18, 2014, the applicant timely submitted an appeal to the PC of SBAR's denial of the project. The appellant stated in the appeal application that SBAR's decision to deny preliminary approval of the project was not supported by the SBAR findings. The PC appeal application is included as Attachment 3. As noted above, the PC acted to deny the appeal and deny *de novo* the preliminary design review of the Bridge project.

On May 16, 2014, the appellant timely filed an appeal of the PC denial. The appeal issues listed in the application are the same as those considered by the PC. The Board of Supervisors appeal application is included as Attachment 6. According to Article II Section 35-182.5.C hearings on appeal to the Board of Supervisors shall be *de novo*.

Appellant Issues and Staff Responses:

The appellant's appeal issues focus on the findings the BAR was not able to make. Accordingly, the findings relevant to the appellant's appeal issues as well as the appellant's statements have been summarized below and are followed by staff's responses.

Appeal Issue 1

Finding #1: In areas designated as rural on the land use plan maps, the height, scale and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Appellant: The project footprint has been reduced to the minimum allowed by state safety standards. The 4-foot shoulders on the roadway will provide much needed safety for bicyclists. Extra shoulder width on the bridge is desired as there is no unpaved shoulder to provide an additional margin of safety, as on the adjacent roadway. This falls within the “technical requirements” exception allowed under Finding #1 (California Government Code section 14030 (d) Planning, designing, constructing, operating and maintaining those transportation systems that the Legislature has made, or may make, the responsibility of the department). The BAR is an architectural review board, not a team of design or highway safety engineers. This decision was an error in the discretion of the board’s purview and is not supported by the evidence presented for consideration.

Staff Response: Though the appellant has stated that the project footprint has been reduced to Caltrans’ minimum allowed state safety standards, the appellant has also discussed with County staff that safety standards can be modified on a case-by-case basis; therefore, staff’s opinion is that this is a case where the safety standards should be modified to consider the specific environment of the project site, including the rural character of the roadway and surrounding area and the environmentally sensitive habitat of the creek.

The SBAR’s denial was focused on the design of the project and was therefore squarely within their discretion. The proposed project would replace an existing, narrow stone bridge and would level and widen Highway 192 for a total of approximately 980 feet extending out from the bridge; thus the project does not follow the natural contours of the existing landscape. Vegetation removal necessary to build the project would denude what is now mature landscaping in a thirty foot swath on each side of Highway 192 for the entire length of the project except by the creek. Trees to be removed include specimen, +/- 80 foot tall clustered, native sycamore trees with an active hawk nest. The active hawk nest was identified by a neighbor of the project area and discussed at a SBAR meeting. The existence of the nest has not been confirmed by the County biologist. As such, the engineered bridge and roadway design would be incompatible with the existing character of the roadway and surrounding natural environment which is narrow, wooded, scenic and rural.

Appeal Issue 2

Finding #8: Site layout, orientation and location of structures, buildings and signs are in appropriate and well-designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property.

Appellant: The project involves the upgrading of an existing highway; it is not a new site development as envisioned in Finding #8. The bridge location cannot be changed without extraordinary impact to the surrounding environment.

The BAR was allowed to select its preferred options regarding every possible design element (bridge rails, concrete finish, end block and curb materials, etc.). The roadway shoulder width was reduced from the 8-foot standard in accordance with the BAR's desire. No hillside views will be obstructed. The vertical profile will be raised to correct a sight distance deficiency at the westerly bridge approach; the average fill depth will be about 2.5 feet with a maximum depth of 5 feet at the low point in the roadway. The bridge will remain at the current elevation. The highway's horizontal alignment is essentially the same. This was an inappropriate application of the Finding as this is not a new site development.

Staff Response: All projects subject to SBAR approval are subject to the same findings of approval, whether the project consists of a new project or a redesign of an existing structure. This finding relates directly to the proposed project as the project constitutes a replacement bridge and a newly widened and leveled stretch of highway. The proposed project would widen and level an existing stretch of narrow, scenic highway and would install a replacement bridge in the location of an existing narrow stone bridge. The widened and flattened area of the roadway would be incongruent with the stretches of highway to the east and west of the project area. Additionally, the project would require the removal of all trees within 30 feet on either side of the roadway for the entire length of the improvement thereby creating a sense of wide open highway where one does not currently exist. Therefore, the proposed project would be out of context with the rural, scenic segments of highway leading up to the project site in both directions, which makes the project incompatible with the environmental qualities of the area.

Appeal Issue 3

Finding #9: Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision for maintenance of all plantings.

Appellant: Adequate replacement landscaping is being provided. The replacement planting plan was based upon the BAR's wishes for a variety of replacement plant sizes and designed in accordance with the replacement ratios furnished by County Planning staff. The replacement plants are all native species indigenous to the local area and will be maintained until established, as a three year plant establishment contract is a feature of the project. During that time any plant that is damaged or fails to thrive will be replaced. The plants will be fully established at that point.

The only vegetation slated for removal is within the cut and fill limits of the proposed project, as detailed in the 3-20-13 and 10-13-13 tree removal and replacement reports prepared by Caltrans staff. The BAR is justifiably concerned about the large group of sycamore trees at the northeast corner of the bridge. As detailed in the tree reports, every effort will be made to preserve these trees and we do believe approximately 50% of the 11 trees can be saved. Nevertheless, we have provided for replacement plants in our restoration plan, and these plants will be planted even if the sycamores are preserved. The BAR's decision is not supported by the evidence presented for consideration.

Staff Response: The proposed project does not show due regard to the preservation of specimen and landmark trees and existing vegetation. The project includes removal of numerous mature specimen trees including approximately 12 sycamores and 21 oaks, many located within a riparian corridor. Some of the trees proposed for removal reach up to 80 feet in height. Proposed new landscaping would maintain a 30-foot wide clearance on either side of the widened roadway for the entire length of the project site and would not consist of mature landscaping that would be in proportion to the project, the site, and the surrounding environment. Rather, plants are proposed to be planted at sizes between 1 gallon to 36" boxes. The scale and design of the project is incompatible with the character of the surrounding natural environment and vegetation is not preserved to the maximum extent feasible. Therefore, as discussed in Section 6.3 of the Planning Commission staff report dated April 18, 2014, the project is inconsistent with Comprehensive Plan policies, including Coastal Plan Policy 4-3, regardless of the number of new plants proposed, since the landscaping will not be in proportion to the project, the site, or the area adjacent to Highway 192.

Fiscal and Facilities Impacts:

Budgeted: Yes

No appeal fees are required for appeals of projects that may be appealed to the Coastal Commission. The estimated staff cost to process the appeal is approximately \$1,887.60 (10 planner hours). This work is funded in the Planning and Development Permitting Budget Program on page D-212 of the adopted 2014-2016 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on September 2, 2014. The notice shall appear in the Santa Barbara News-Press. The Clerk of the Board shall fulfill noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos.

Attachments:

1. Board of Supervisors Findings of Denial
2. CEQA Exemption
3. Planning Commission Appeal Application
4. Planning Commission Action Letter for May 7, 2014 hearing, dated May 12, 2014
5. Planning Commission Staff Report dated April 18, 2014, including CEQA Exemption and SBAR minutes
6. Board of Supervisors Appeal Application

Authored by:

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