



County of Santa Barbara Planning and Development

Lisa Plowman, Director

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December 16, 2022

Ms. Erinn Silva
GPA Consulting
840 Apollo Street, Suite 312
El Segundo, CA 90245

PLANNING COMMISSION
HEARING OF DECEMBER 14, 2022

RE: Highway 101 Widening Segment 4D; 21DVP-00000-00022, 21CDP-00000-00076

Hearing on the request of the State of California Department of Transportation (Caltrans) and the Santa Barbara County Association of Governments (SBCAG) to consider the following:

- a) **Case No. 21DVP-00000-00022** for approval of a Development Plan in compliance with Section 35-174 of Article II, the Coastal Zoning Ordinance, on land zoned TC (Transportation Corridor), to improve approximately 1.4 miles of Highway 101 between P.M. (post miles) 9.2 and 10.6 by adding a part-time, continuous access HOV (High Occupancy Vehicle) lane in both the northbound and southbound directions within the highway corridor, and for related development including on/off ramp improvements, undercrossing improvements, freeway signage, bridge replacement, and landscaping improvements;
- b) **Case No. 21CDP-00000-00076** for a Coastal Development Permit in compliance with Section 35-169 of Article II, the Coastal Zoning Ordinance on land zoned TC, for improvements described under 21DVP-00000-00022, above.

Caltrans is the designated lead agency under California Environmental Quality Act (CEQA), and Santa Barbara County is acting as a responsible agency under CEQA. Caltrans completed an Environmental Impact Report (EIR) on August 26, 2014, a revised EIR on October 27, 2017, an EIR Addendum on June 1, 2018, an EIR Addendum on May 3, 2020, an EIR Addendum on May 5, 2021, and a final Addendum in February 2022. As a result of this project, potentially significant and unmitigable (Class I) effects on the environment are anticipated for project-specific and cumulative Visual Resource impacts, and project-specific and cumulative Transportation/Circulation impacts. Potentially significant but mitigable (Class II) effects on the environment are anticipated in the following categories: Biological Resources, Cultural Resources, Noise, Paleontology, and Water Quality. All documents associated with this project may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara and online at www.sbcountyplanning.org. The project is located along Highway 101

between P.M. 9.2 and 10.6 in the Montecito Community Plan area in the Caltrans right-of-way, First Supervisorial District. (Continued from 11/02/22)

Dear Ms. Silva:

At the Planning Commission hearing of December 14, 2022, Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 5 to 0 to:

1. Make the required findings for approval of the project specified in Attachment A of the Memo dated December 6, 2022, including the CEQA findings;
2. After considering the environmental effects of the project as shown in the EIR dated August 26, 2014, the Revised EIR dated October 27, 2017, the EIR Addenda dated June 1, 2018, May 3, 2020, May 5, 2021, and February 2022 prepared and certified by Caltrans, the lead agency, determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project, and;
3. Approve the project, Case No's 21DVP-00000-00022, 21CDP-00000-00076 subject to the conditions of approval included as Attachment B-1 and B-2 of the Memo dated December 6, 2022, as modified at the hearing of December 14, 2022.

Revisions to the Conditions of Approval (Condition 2) of Attachment B-1, B-2)

The project description approved at the Planning Commission hearing of December 14, 2022 included the following:

1. **Proj Des-01 Project Description Part 2:** Construction activities would be supported by existing Construction Support Sites (CSS) including a concrete batch plant that was approved for use in Segments 4B and 4C. The CSS is proposed to be used throughout construction of Segment 4D from approximately Spring 2023 to Fall 2026 and is subject to the approvals by the Santa Barbara County Air Pollution Control District. The concrete batch plant allows for the manufacturing of concrete for the construction and rehabilitation of the paved lanes and structures to be built as part of the Highway 101 Project. The batch plant site includes a portable "wet mix" batch plant with equipment designed to form concrete, including water, air, admixtures, sand, aggregate, and cement. Sand and aggregate used for concrete production at the site is provided by the Gardner Ranch and Bee Rock facilities. Sand and aggregate is stockpiled using a drive over conveyor drop. The transfer of materials within the site is completed with a 243 horse power wheeled front loader with a Tier 4 final diesel engine. The front loader is permitted to operate up to 1,000 hours per year. Surface water is directed to the southwest corner of the site using a v-ditch along the southern and eastern boundaries of the site to capture, slow, and direct water toward a manageable discharge point. The batch plant is permitted to operate up to 12 hours per day and produce up to 220 cubic yards per hour, 2,500 cubic yards per day, or 50,000 cubic yards per year. All other staging locations are within the Caltrans ROW. Upon completion of lane paving for Segment 4D all asphalt and construction materials will be removed from the site and the site will be restored with native vegetation and maintained by Caltrans until established.

Phasing: In order to streamline construction and reduce ramp closures, Segment 4D improvements are divided into two components, Phase 1: San Ysidro to Olive Mill, and Phase 2: Sheffield to San Ysidro, as described in detail below:

Phase 1: San Ysidro to Olive Mill

This phase is located between PM 9.9 to the south and PM 10.6 to the north, from approximately 0.1-mile south of the San Ysidro Road Overcrossing to the County/City of Santa Barbara line at the Olive Mill Road Overcrossing. This phase is planned to be constructed concurrently with the Olive Mill Road and San Ysidro Road roundabout projects. This segment will include approximately 41,700 CY of cut and 350 CY of fill and includes the following project elements:

- Installation of a median barrier at a maximum height of 42 inches. The concrete median barrier will be approximately 1,917 ft. long and will include approximately 989 ft. of metal guard rail.
- Installation of guardrails and concrete barriers at a maximum height of 42 inches on the outside shoulders and ramps, on the Olive Mill Road southbound on-ramp Overcrossing, and on the San Ysidro Road Overcrossing.
- Installation of vinyl clad chain-link fencing to delineate Caltrans ROW and provide access control.
- Installation of a retaining wall on the south side of Highway 101. The retaining wall is proposed to be approximately 371 feet long and range from 3 to 8 ft. in height.
- Installation of a retaining wall on the north side of Highway 101 at San Ysidro Road. The retaining wall is proposed to be approximately 113 feet long and range from 10 to 30 feet high.
- Installation of a retaining wall on the north side of Highway 101 between San Ysidro Road and Olive Mill Road. The retaining wall is proposed to be approximately 602 feet long and ranges between 4 feet to 8 feet high.
- Construction of a 12 foot wide auxiliary lane in both the northbound and southbound direction, between San Ysidro Road and Olive Mill Road interchanges.
- The structural sections of the San Ysidro Road and Olive Mill Road interchange ramps will be rehabilitated, and ramp profiles will be updated to improve vertical stopping sight distance.

The attached findings and conditions reflect the Planning Commission's actions of December 14, 2022.

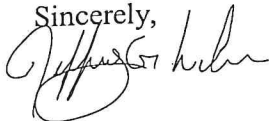
The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission 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 Tuesday, January 3, 2022 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: 21DVP-00000-00022, 21CDP-00000-00076
Planning Commission File
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Applicant: SBCAG, Fred Luna, 269 N. San Antonio Road, Ste. B, Santa Barbara, CA 93110
Applicant: CalTrans, Joe Erwin, 50 Higuera Street, San Luis Obispo, CA 93401
Das Williams, First District Supervisor
County Chief Appraiser
Montecito Fire District
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
✓ Michael Cooney, First District Planning Commissioner
Chris Schmuckal, Planner

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

JW/dmv

ATTACHMENT A: 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 stormwater 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 biostrips and documented to quantify effectiveness of reductions of particulate runoff. In addition, the selected locations would be used for constructing new biostrips and bioswales 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 diversion 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 pre-construction 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 soundwalls. 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 projects 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 soundwalls 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 designs 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 soundwalls 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 soundwalls. 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 surrounding 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 Planning Commission 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 Planning Commission 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 Planning Commission 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 Planning Commission finds and accepts that the Environmental Review Package constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA. The Planning Commission 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 Planning Commission, 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 Planning Commission 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 is 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 staff report dated October 25, 2022) together with the approved project description and conditions of approval (Attachment B of the staff memo dated December 6, 2022) 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 Planning Commission 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 County Planning Commission 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 Resources, 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 soundwalls from the project scope. The 2014 EIR, 2017 Revised EIR, 2018 Addendum, 2020 Addendum, 2021 Addendum, and 2022 Addendum are included as Attachments C-2 through C-7 to the staff report dated October 25, 2022 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 C-8 of the staff report dated October 25, 2022). The Caltrans Mitigation, Monitoring and Reporting Plan (Attachment C-9 of the staff report dated October 25, 2022), together with the approved project description and conditions of approval (Attachment B of the staff memo dated December 6, 2022), 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 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 B-1 and B-2 to the staff memo dated December 6,

2022 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 County Planning Commission 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 C-2 to C-7 of the staff report dated October 25, 2022) 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 County Planning Commission 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 is 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 County Planning Commission 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 C of the staff report dated October 25, 2022) 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 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 County Planning Commission 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 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 County Planning Commission 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 County Planning Commission 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 County Planning Commission finds that, as discussed in Section 5.2 of the 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 County Planning Commission 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 County Planning Commission finds that, as discussed in Section 5.2 of the 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 County Planning Commission finds that as discussed in Section 5.2 and 5.3 of the 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 County Planning Commission 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 County Planning Commission finds that, as discussed in Section 5.3 of the 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 County Planning Commission 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 County Planning Commission 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 County Planning Commission 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 County Planning Commission 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 County Planning Commission finds that, as discussed in Section 5.2 of the 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 County Planning Commission 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.

ATTACHMENT B-1: DEVELOPMENT PLAN CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Development Plan 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:

The project is a proposal by the California Department of Transportation (Caltrans) and Santa Barbara County Association of Government (SBCAG) to improve Highway 101 by adding a part time, continuous access High Occupancy Vehicle (HOV) lane in both the northbound and southbound directions within the highway corridor. The project is located along approximately 1.4 miles of Highway 101, between Post Mile (PM) 9.2 and PM 10.6. Part-time continuous access means that the HOV lanes would be open to all vehicles during off-peak periods (part-time), and access to and from the HOV lane would be unrestricted (continuous access). The HOV lanes will operate during peak periods, between the hours of 6 a.m. to 9 a.m. and 3 p.m. and 6 p.m., Monday through Friday. Outside of these hours, the HOV lanes would be open to mixed-flow traffic.

All vehicular travel lanes are proposed to be 12 feet wide, with 10 foot mainline shoulders, and 8-foot ramp shoulders. The inside mainline shoulders would vary from 2 feet to 18 feet, depending upon the available right-of-way (ROW). The wider shoulders would also be varied to provide adequate sight distance through curves along Highway 101.

Interchanges within the project limits consist of the southbound Posilipso on-ramp, southbound San Ysidro off-ramp, northbound San Ysidro on and off-ramps, southbound Olive Mill Road on-ramp, and northbound Olive Mill Road off-ramp. The maximum distance between interchanges is 0.5 miles between San Ysidro Road and Olive Mill Road. The project area is currently bounded by frontage roads and homes/businesses to the north and south of Highway 101, as well as the railroad ROW to the south.

The project would include replacement of existing roadway pavement surface with 40-year long-life concrete pavement on existing lanes and ramps within the project limits. Following several years of public input, one of the goals developed for the project was to ensure all improvements would be constructed entirely within Caltrans ROW. Work would be completed in the shoulder and median areas along the existing Highway 101 corridor. The project would also add non-standard shoulder widths for improved vehicle recovery; address sight distance on the mainline and ramps; and make upgrades to drainage, signage, lighting, and barriers.

Project construction would include the removal of approximately 157 non-native trees, 136 oak trees, 25 specimen trees, and 17 native trees. The project proposes to plant 449 trees, which includes 250 36" box oak trees, and 140 additional native trees as mitigation. Timing of the landscaping improvements, including replacement trees, would follow construction of the mainline improvements. The project proposes approximately 86,500 cubic yards (CY) of cut, 1,900 CY of fill, and the total haul volume is approximately 84,600 CY.

Overhead signs will be installed along the highway corridor to facilitate wayfindings. The overhead signs could include single or double signs on a post base. Typical post height is approximately 20 feet and typical signage height is approximately 8 feet, for a total height of 28 feet.

2. **Proj Des-01 Project Description Part 2:** Construction activities would be supported by existing Construction Support Sites (CSS) including a concrete batch plant that was approved for use in Segments 4B and 4C. The CSS is proposed to be used throughout construction of Segment 4D from approximately Spring 2023 to Fall 2026 and is subject to the approvals by the Santa Barbara County Air Pollution Control District. The concrete batch plant allows for the manufacturing of concrete for the construction and rehabilitation of the paved lanes and structures to be built as part of the Highway 101 Project. The batch plant site includes a portable “wet mix” batch plant with equipment designed to form concrete, including water, air, admixtures, sand, aggregate, and cement. Sand and aggregate used for concrete production at the site is provided by the Gardner Ranch and Bee Rock facilities. Sand and aggregate is stockpiled using a drive over conveyor drop. The transfer of materials within the site is completed with a 243 horse power wheeled front loader with a Tier 4 final diesel engine. The front loader is permitted to operate up to 1,000 hours per year. Surface water is directed to the southwest corner of the site using a v-ditch along the southern and eastern boundaries of the site to capture, slow, and direct water toward a manageable discharge point. The batch plant is permitted to operate up to 12 hours per day and produce up to 220 cubic yards per hour, 2,500 cubic yards per day, or 50,000 cubic yards per year. All other staging locations are within the Caltrans ROW. Upon completion of lane paving for Segment 4D all asphalt and construction materials will be removed from the site and the site will be restored with native vegetation and maintained by Caltrans until established.

Phasing: In order to streamline construction and reduce ramp closures, Segment 4D improvements are divided into two components, Phase 1: San Ysidro to Olive Mill, and Phase 2: Sheffield to San Ysidro, as described in detail below:

Phase 1: San Ysidro to Olive Mill

This phase is located between PM 9.9 to the south and PM 10.6 to the north, from approximately 0.1-mile south of the San Ysidro Road Overcrossing to the County/City of Santa Barbara line at the Olive Mill Road Overcrossing. This phase is planned to be constructed concurrently with the Olive Mill Road and San Ysidro Road roundabout projects. This segment will include approximately 41,700 CY of cut and 350 CY of fill and includes the following project elements:

- Installation of a median barrier at a maximum height of 42 inches. The concrete median barrier will be approximately 1,917 ft. long and will include approximately 989 ft. of metal guard rail.
- Installation of guardrails and concrete barriers at a maximum height of 42 inches on the outside shoulders and ramps, on the Olive Mill Road southbound on-ramp Overcrossing, and on the San Ysidro Road Overcrossing.
- Installation of vinyl clad chain-link fencing to delineate Caltrans ROW and provide access control.
- Installation of a retaining wall on the south side of Highway 101. The retaining wall is proposed to be approximately 371 feet long and range from 3 to 8 ft. in height.
- Installation of a retaining wall on the north side of Highway 101 at San Ysidro Road. The retaining wall is proposed to be approximately 113 feet long and range from 10 to 30 feet high.
- Installation of a retaining wall on the north side of Highway 101 between San Ysidro Road and Olive Mill Road. The retaining wall is proposed to be approximately 602 feet long and ranges between 4 feet to 8 feet high.

- Construction of a 12 foot wide auxiliary lane in both the northbound and southbound direction, between San Ysidro Road and Olive Mill Road interchanges.
- The structural sections of the San Ysidro Road and Olive Mill Road interchange ramps will be rehabilitated, and ramp profiles will be updated to improve vertical stopping sight distance.

3. **Proj Des-01 Project Description Part 3:** Existing drainage patterns will be retained to the extent feasible and existing pipe outfalls will remain in place. The project includes new drainage inlets and culverts along the Highway 101 mainline. Runoff will be contained by new drainage inlets along the inside shoulder and barrier. New inlets and pipe systems are also proposed in the outside shoulder to capture runoff before cross-slope transition. Roadside gutters, including high side gutters, will be lined to avoid potential erosion from concentrated runoff.

In this segment, a transverse overhead electrical distribution line, a pole and guy wire near the San Ysidro Creek Crossing and a longitudinal overhead electrical line along North Jameson Lane may require new, taller utility poles to meet the overhead clearance requirement. Southern California Gas has two transverse crossing that are in conflict with the proposed lowered grades and may need to be relocated. The Montecito Water District transverse line will be abandoned. The Montecito Sanitary District transverse line will be relocated to a nearby location.

Phase 2: Sheffield to San Ysidro

This segment is located between PM 9.2 to the south and PM 9.9 to the north, from 0.2 mile north of the Sheffield Avenue Undercrossing to 0.1 miles south of the San Ysidro Road Overcrossing. This segment is expected to include 44,800 CY of cut and 1,550 CY of fill and will include the following project elements:

- Installation of a concrete barrier and double thrie beam barrier at a maximum height of 42 inches in the median. The double thrie beam barrier would be constructed in locations where it is required to allow for proper drainage.
- Installation of guard rails and concrete barriers at a maximum height of 42 inches on the outside shoulders and ramps. In one location, a 45-inch-high concrete barrier would be installed at the Posilipo Lane south-bound on-ramp. The barrier would be 152 feet long.
- The structural sections of the Posilipo Lane southbound on-ramp would be reconstructed and concrete curbs/gutters would be replaced.
- The existing sound wall along the south side of Highway 101 between approximately San Ysidro Creek and Posilipo Lane would be retained.
- Installation of vinyl clad chain-link fencing to delineate Caltrans ROW and provide access control.
- Installation of one retaining wall between southbound Highway 101 and South Jameson Road near the Miramar Hotel. The retaining wall is proposed to be approximately 337 feet long and ranges between 5 to 12.5 feet high.
- Replacement of a bridge over Romero Creek. The creek has a natural channel with concrete walls which would remain unchanged, the replacement slab bridge will be longer to accommodate a wider channel in anticipation of increased capacity.
- Replacement of a bridge over San Ysidro Creek. The creek has a natural channel with concrete walls, which would remain unchanged; the replacement slab bridge would be longer to accommodate a wider channel in anticipation of increased capacity.

- Replacement of a new bridge over Oak Creek. The creek has a natural channel with concrete walls which would remain unchanged; the replacement slab bridge would be longer to accommodate a wider channel in anticipation of increased capacity.
- The profile of Highway 101 would be corrected just west of Oak Creek to provide improved stopping sight distance.

Existing drainage patterns will be retained to the extent feasible and pipe outfalls and creeks will remain in place. Runoff from off-site areas will drain to the same inlets and culverts. Runoff will be contained by a number of drainage inlets along the inside shoulder to capture runoff before cross-slope transitions. Roadside gutters, including high side gutters, will be lined to avoid potential erosion from concentrated runoff.

4. **Proj Des-01: Project Description Part 4:** The project also includes one Cox Communication transverse crossing that may require relocation based on the overhead clearance requirements. The Montecito Sanitary District owns two utility lines east of Oak Creek bridge that will be relocated to the Oak Creek bridge crossing. The Montecito Water District owns two transverse crossings within this segment that will need to be relocated to a nearby location. Two utility poles owned by Southern California Edison near San Ysidro Creek and Oak Creek will be relocated farther from the highway to accommodate the widening. SoCal Gas has two transverse crossings that will be relocated to a nearby location.

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.

5. **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

6. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Montecito Board of Architectural Review (MBAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials, and landscaping shall be compatible with vicinity development.
TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Zoning Clearance for the first phase of the project. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.
MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to project completion.
7. **Bio-01a Tree Protection Plan- Site Plan Component:** The Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or

biologist and designed to protect on-site trees. The plan shall include the following site plan components:

1. The Owner/Applicant shall comply with and depict the following on the TPP exhibit and Grading and Building Plans.
 - a. No Grading shall take place within the dripline of trees unless otherwise approved by P&D staff.
 - b. Depict equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking area during construction.
 - c. Depict the type & location of protective fencing (See below) or other barriers to be in place to protect trees in protection areas during construction.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) Submit the TPP; (2) Include all applicable components in Tree Replacement Plan and Landscape and Irrigation Plans; (3) 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.

TIMING: The Owner/Applicant shall comply with this measure prior to Zoning Clearance issuance for each phase of the project. Plan components shall be included on all plans prior to Zoning Clearance issuance. The Owner/Applicant shall install tree protection measures onsite prior to construction of each phase.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed as required by the TPP prior to project completion.

8. **Bio-01b Tree Protection Plan – Construction Component:** The Owner / Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect onsite trees. The Owner/Applicant shall comply with and specific the following as notes on the TPP and on the plans.
 - a. Fencing of all trees to be protected at least six feet outside the dripline with chain-link (or other material satisfactory to P&D) fencing at least 3 feet high, staked to prevent collapse, and with signs identifying the protection area placed in 15-ft. intervals on the fencing.
 - b. Fencing/staking/signage shall be maintained throughout all grading and construction activities.
 - c. All trees located within 25 ft. of structures shall be protected from stucco and/or paint during construction.
 - d. No irrigation is permitted within 6 ft. of the dripline of any protected tree unless specifically authorized.
 - e. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist.
 - a. Any trenching required within the dripline or sensitive root zone of any specimen.
 - b. Cleanly cutting any roots of one inch in diameter or greater, encountered during grading or construction.
 - c. Tree removal and trimming.
 - f. Special equipment: If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small excavator (i.e., 215 or small track hoe) may be used as determined by P&D staff and under the direction of a P&D approved biologist.
 - g. Grading shall be designed to avoid ponding and ensure proper drainage within dripline of oak trees.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and Landscape and Irrigation Plans; (3) include as notes or depiction all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

TIMING: The Owner/Applicant shall comply with this measure prior to Zoning Clearance issuance for each phase of the project. Plan components shall be included on all plans prior to the issuance of the Zoning Clearance for each phase. The Owner/Applicant shall install tree protection measures onsite prior to commencement of construction for each phase.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to completion of construction.

9. Bio-02 Tree Replacement: The replacement trees shall be as follows:

- a. Each oak tree called out for removal in the project description shall be replaced with the proposed number in the project description. In the event that unexpected damage or removal occurs, the tree replacement shall have the following ratios where feasible: 10:1 for 1 to 5 gallon trees, 5:1 with 15 gallon trees, 3:1 with 24-inch box trees, and 2:1 with 36-inch box trees. A mix of tree sizes and ratios may be used. The final proposed size and quantity of replacement trees shall be reviewed and approved by P&D staff. The location of the replanting shall be shown on the plans. All other native trees shall be replaced at a minimum 1:1 ratio.
- b. Each specimen tree removed shall be replaced at a minimum 1:1 ratio with a minimum 15-gallon sized trees.
- c. Where feasible, species shall be from locally obtained plants and seed stock.
- d. The trees shall be gopher fenced with root protectors.
- e. The trees shall be irrigated with a low volume, water efficient, fully automatic remote irrigation system. Long-term maintenance efforts of the system will provide supplemental water as necessary to keep plants in a healthy and vigorous condition.
- f. Trees shall be watered during the five-year plant establishment period while reducing the water use each year. Once under the care of Caltrans maintenance control, the watering times will be further reduced each year so that the plants adapt to the natural rainfall and climatic conditions.
- g. If replacement trees cannot be accommodated on site, the Owner/Applicant shall submit a plan for P&D approval for replacement trees to be planted off-site.
- h. All new and replanted 1-gallon trees shall be protected from predation by wild and domestic animals by the use of foliage protectors.

PLAN REQUIREMENTS: Show planting location, size, quantities, species, methods of irrigation, and provide details for root and foliage protection.

TIMING: Plans shall be submitted prior to issuance of the Zoning Clearance for each phase of construction.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to project completion.

10. CulRes-09 Stop Work at Encounter: The Owner/Applicant and/or their 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/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate

the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. If human remains are found, the Most Likely Descendent shall be notified.

PLANS REQUIREMENTS: This condition shall be included in the Project Specifications for the contractor and shall be included in the Mitigation Monitoring and Reporting Plan, **MONITORING:** P&D permit processing planner shall check the Project Specifications and MMRP prior to issuance of the Zoning Clearance for each phase of construction, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

- 11. Noise-04 Equipment Shielding-Construction:** Stationary construction equipment that generates noise which exceeds 65 dBA at the property lines of sensitive receptors adjacent to the project shall be shielded with appropriate acoustic shielding to P&D's satisfaction.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the equipment area with appropriate acoustic shielding on plans if applicable prior to issuance of Zoning Clearance for each phase of construction.

TIMING: Equipment and shielding shall be installed prior to use of noise generating stationary construction equipment and shall remain in the designated location during use of stationary construction equipment.

MONITORING: The Owner/Applicant shall demonstrate that the acoustic shielding is in place prior to commencement of the use of stationary construction equipment. P&D compliance staff shall perform site inspections throughout construction to ensure compliance.

- 12. Special Noise-01:** Caltrans shall coordinate with property owners identified as "severe receptors" in the 2014 Caltrans EIR, as amended by the 2017 Revised Caltrans EIR and 2018 Caltrans Addendum, to provide funding for acoustical treatment for severe receptor sites.

TIMING: Outreach to property owners shall be completed prior to issuance of Zoning Clearance for each phase. Funds for acoustical treatment shall be offered to property owners prior to project completion.

MONITORING: Caltrans shall submit proof to P&D staff that outreach to property owners was conducted and a draft agreement or refusal of the offer with the property owner has been reached regarding acoustical treatment and funding prior to Zoning Clearance issuance for each phase. Prior to completion of the project segment adjacent to the severe receptor, Caltrans shall submit proof to P&D Permit Compliance staff that funds for acoustical treatment were offered to effected property owners.

- 13. WatConv-07 SWPPP:** The Owner/Applicant shall submit proof of exemption or a copy of a Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

TIMING: Prior to Zoning Clearance issuance for each phase of construction, the Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities.

MONITORING: P&D permit processing planner shall review the documentation prior to Zoning Clearance issuance for each phase of construction. P&D compliance monitoring staff shall inspect during construction for compliance with the SWPPP.

County Rules and Regulations

- 14. Rules-02 Effective Date-Appealable to CCC:** This permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [Article II Section 35-169]
- 15. Rules-05 Acceptance of Conditions:** The Owner/Applicant'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.
- 16. Rules-07 DP Conformance:** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscapes areas shall be developed in conformity with the approved development plan.
- 17. Rules-14 Final DVP Expiration:** Final Development Plans shall expire ten 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.
- 18. Rules-18 CUP and DVP Revisions:** The approval by the Planning Commission of a revised Development Plan shall automatically supersede any previously approved Development Plan upon the effective date of the revised permit.
- 19. Rules-29 Other Department Conditions:** Compliance with Departmental/Division letter required as follows:
 1. Air Pollution Control District Letter dated May 11, 2022
 2. Flood Control Letter dated August 6, 2021
- 20. Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to Zoning Clearance issuance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;

- c. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D compliance monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors, and contracted monitors among others.

21. Rules-33 Indemnity and Separation: The Owner/Applicant (Caltrans) agrees to indemnify, defend, and hold harmless Santa Barbara County and its officers, officials, employees, and agents (collectively "County") as follows:

- a. From any claim, action, or proceeding by third parties against the County or its agents, officers or employees to attack, set aside, void, or annul, in whole or in part, an approval of the Project Application by the County and any related development approvals or project conditions (hereinafter "Claim");
- b. From any and all sets, errors, or omissions of the Owner(s) and Applicant and their officers, employees, agents, and contractors related to the Project Application;
- c. Owner(s) and Applicant shall permit County, with County's unlimited discretion, to direct and control the County's defense of any Claim against the County. In the event of a disagreement between County and the Owner(s) or Applicant over litigation issues, County shall have the authority to control the County's litigation and make litigation decisions, including but not limited to, the manner in which the County's defense is conducted. Owner(s) and Applicant shall have the right to employ their own counsel and defense against any Claim on behalf of Owner(s) and Applicant as real parties in interest. The County may use County Counsel, outside counsel, and/or counsel common to the Owner(s) and Applicant (reasonably approved by the County), or elect to not participate in the defense of any Claim. Regardless of the form of the County's participation in the litigation, Owner(s) and Applicant remain bound by the obligation imposed by this Agreement.

22. Rules-37 Time Extension-All Projects: The Owner/Applicant 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 the Owner/Applicant 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.

Other

23. EIR Compliance Mitigation and Monitoring: The project applicant and designees shall comply with all mitigation, minimization, and avoidance measure specified in the 2014 Caltrans EIR (as modified by the 2017 Revised EIR, 2018 Addendum, 2020 Addendum, 2021 Addendum, and 2022 Addendum). The applicant shall prepare a Final Mitigation Compliance, Monitoring, and Reporting Plan for all mitigation measures identified in the 2014 Caltrans EIR (as modified by the subsequent revisions and addendum mentioned above) that apply to segment 4D of the Highway 101 HOV project.

PLAN REQUIREMENTS: The Plan shall include, but not be limited to the following:

- a. Each of the projects mitigation measures.
- b. Timing and specific responsible party for implementation of each mitigation measure.

- c. Timing and party responsible for monitoring each mitigation measures and a list of monitors to be retained.
- d. Procedures, timing, and responsible party for reporting to P&D Permit Compliance staff on project mitigation compliance and monitoring.
- e. Specification of a qualified representative for the applicant to be designated as the coordinator responsible for ensuring full compliance with the provisions of the Plan. The designated coordinator shall have authority over all other monitors.

TIMING: The Plan shall be submitted to P&D staff for review and approval prior to Zoning Clearance issuance for the first phase of construction.

MONITORING: P&D staff will review the Mitigation Compliance, Monitoring, and Reporting Plan prior to issuance of the Zoning Clearance. P&D Permit Compliance staff will conduct intermittent field inspections and response to complaints.

- 24. Fire District Notification:** The Traffic Management Plan required by the 2014 Caltrans EIR (as modified by subsequent revisions and addendums) shall include notification of closures of off-ramps and/or roads by phone and email to the Montecito Fire District. Notification to Montecito Fire Protection District shall be provided to: Montecito Fire District (805-969-7762); Aaron Briner abriner@montecitofire.com.

TIMING: The Traffic Management Plan shall be submitted to P&D staff prior to Zoning Clearance issuance for the first phase of construction. Notification closure shall be made to the fire districts a minimum of 72 hours in advance of closures and a log of notifications shall be maintained by Caltrans staff.

MONITORING: Caltrans staff shall copy P&D Permit Compliance staff on emails to the fire districts and shall provide a log of calls upon Permit Compliance staff request.

- 25. Road Encroachment Permit:** The Owner/Applicant shall obtain a road encroachment permit from the Roads Division (Public Works) for any project elements that extend into the County right-of-way prior to issuance of Zoning Clearance for each phase.

- 26. Reanalyze Sound Walls:** FEMA is conducting an ongoing effort to update the current FEMA effective maps used to govern development in the HWY 101 Segment 4D area. If the FEMA effective maps are updated and Santa Barbara County adopts the new maps prior to, or during, Segment 4D construction, and the results of the revised FEMA effective maps are that sound walls identified in the initial Coastal Development Permit application for Segment 4D are no longer located in the Flood Hazard Overlay, Caltrans shall re-analyze the feasibility of implementing each soundwall not located in the Flood Hazard Overlay for this project. The analysis shall determine whether the soundwalls are reasonable and feasible to implement, which may result in a change to the Coastal Development Permit via the appropriate application (SCD, AMD, or RVP as determined by P&D) to allow construction of soundwalls.

PLAN REQUIREMENT AND TIMING: Within six months of HWY 101 Segment 4D being fully funded for all phases of construction, Caltrans shall contact County P&D and Flood Control to determine if the triggers specified herein, which will allow the construction of the soundwalls, have been met. In the event that the triggers have been met, and it is reasonable and feasible to add the soundwalls, Caltrans shall submit the appropriate application (SCD, AMD, or RVP, as determined by P&D) and plans to modify the Development Plan to include soundwalls, for review and processing by P&D. In the event the triggers have not been met, the project would be constructed with the design proposed at the time of project approval.

MONITORING: P&D compliance monitoring staff shall confirm construction in the field in compliance with this condition requirement.

- 27. Future Soundwalls Not Precluded:** The project shall be designed and constructed so as not to preclude future construction of soundwalls in the areas where soundwalls were originally proposed.

PLAN REQUIREMENTS: Caltrans shall design the final project plans so as not to preclude the future construction of soundwalls in the areas where soundwalls were originally proposed as part of this permit process.

TIMING: Project plans shall be submitted prior to final Montecito Board of Architectural Review approval.

MONITORING: P&D staff shall review project plans for conformance with this requirement.

- 28. Reclaimed Water for Dust Suppression:** To the maximum extent feasible, reclaimed water shall be used for dust mitigation for highway construction and irrigation for landscaping.

PLAN REQUIREMENTS: Caltrans shall submit a Reclaimed Water Plan that identifies how reclaimed water for dust mitigation and irrigation will be used in the project or why it is not feasible.

TIMING: The Reclaimed Water Plan shall be reviewed and approved by P&D prior to Zoning Clearance Issuance.

MONITORING: The Caltrans Resident Engineer and Permit Compliance staff shall spot-check to ensure that the Reclaimed Water Plan is implemented throughout construction.

- 29. Construction Support Site Noise Complaint Process:** Cell phone and text messaging numbers, as well as an e-mail address, for the on-site construction monitor responsible for the operation of the Construction Support Site (CSS) for noise complaints will be maintained and made available to P&D Permit Compliance staff prior to Coastal Development Permit issuance, and updated throughout the life of the project. The Caltrans project team will initiate a verification process and compile monitoring data to determine if noise levels from the Construction Support Site exceed 65 dBA CNEL (Community Noise Equivalent Level, which is an average over a 24 hour period) at the property lines of sensitive receptors, and will share this information with P&D Permit Compliance staff. If noise levels exceed 65 dBA CNEL at the property line, the Caltrans construction manager will address the specific noise-producing activity by changing, altering, or temporarily suspending that activity. Caltrans staff and the Caltrans Resident Engineer will be consulted if specific noise-producing activity cannot be addressed in the field and will propose additional measures to ensure that the project is compliant with all conditions and mitigation measures. The complainant and P&D Permit Compliance staff will be advised by Caltrans staff within 3 days of the receipt of a complaint concerning the source of the noise-producing activity and any actions to taken to address the complaint, and a record of all contacts will be provided to P&D Permit Compliance staff.

TIMING: Contact information shall be provided to P&D staff prior to Coastal Development Permit issuance.

MONITORING: Caltrans shall maintain a record of complaints and corrective actions and shall provide the records to P&D permit compliance staff upon request.

- 30. Construction Support Site Noise Shielding:** If stationary equipment generates noise which exceeds 65 dBA CNEL at the property lines of sensitive receptors, the Construction Support Site (CSS) shall be shielded with appropriate acoustic shielding to ensure shielding of noise experienced by sensitive receptors to the south of the CSS.

PLAN REQUIREMENTS AND TIMING: Prior to installation of any acoustic shielding, Caltrans shall provide plans of the acoustic shielding design and materials for P&D review prior to installation and shall make the plans available for public review. Caltrans

shall also maintain the CSS site in clean condition, including removal of graffiti within 48 hours of its occurrence.

MONITORING: The Caltrans Resident Engineer and P&D Permit Compliance staff shall confirm installation of the noise shielding at the CSS once it has been determined the shielding is necessary.

ATTACHMENT B-2: COASTAL DEVELOPMENT PERMIT CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This Coastal Development Permit 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:

The project is a proposal by the California Department of Transportation (Caltrans) and Santa Barbara County Association of Government (SBCAG) to improve Highway 101 by adding a part time, continuous access High Occupancy Vehicle (HOV) lane in both the northbound and southbound directions within the highway corridor. The project is located along approximately 1.4 miles of Highway 101, between Post Mile (PM) 9.2 and PM 10.6. Part-time continuous access means that the HOV lanes would be open to all vehicles during off-peak periods (part-time), and access to and from the HOV lane would be unrestricted (continuous access). The HOV lanes will operate during peak periods, between the hours of 6 a.m. to 9 a.m. and 3 p.m. and 6 p.m., Monday through Friday. Outside of these hours, the HOV lanes would be open to mixed-flow traffic.

All vehicular travel lanes are proposed to be 12 feet wide, with 10 foot mainline shoulders, and 8-foot ramp shoulders. The inside mainline shoulders would vary from 2 feet to 18 feet, depending upon the available right-of-way (ROW). The wider shoulders would also be varied to provide adequate sight distance through curves along Highway 101.

Interchanges within the project limits consist of the southbound Posilipso on-ramp, southbound San Ysidro off-ramp, northbound San Ysidro on and off-ramps, southbound Olive Mill Road on-ramp, and northbound Olive Mill Road off-ramp. The maximum distance between interchanges is 0.5 miles between San Ysidro Road and Olive Mill Road. The project area is currently bounded by frontage roads and homes/businesses to the north and south of Highway 101, as well as the railroad ROW to the south.

The project would include replacement of existing roadway pavement surface with 40-year long-life concrete pavement on existing lanes and ramps within the project limits. Following several years of public input, one of the goals developed for the project was to ensure all improvements would be constructed entirely within Caltrans ROW. Work would be completed in the shoulder and median areas along the existing Highway 101 corridor. The project would also add non-standard shoulder widths for improved vehicle recovery; address sight distance on the mainline and ramps; and make upgrades to drainage, signage, lighting, and barriers.

Project construction would include the removal of approximately 157 non-native trees, 136 oak trees, 25 specimen trees, and 17 native trees. The project proposes to plant 449 trees, which includes 250 36" box oak trees, and 140 additional native trees as mitigation. Timing of the landscaping improvements, including replacement trees, would follow construction of the mainline improvements. The project proposes approximately 86,500 cubic yards (CY) of cut, 1,900 CY of fill, and the total haul volume is approximately 84,600 CY.

Overhead signs will be installed along the highway corridor to facilitate wayfindings. The overhead signs could include single or double signs on a post base. Typical post height is approximately 20 feet and typical signage height is approximately 8 feet, for a total height of 28 feet.

2. **Proj Des-01 Project Description Part 2:** Construction activities would be supported by existing Construction Support Sites (CSS) including a concrete batch plant that was approved for use in Segments 4B and 4C. The CSS is proposed to be used throughout construction of Segment 4D from approximately Spring 2023 to Fall 2026 and is subject to the approvals by the Santa Barbara County Air Pollution Control District. The concrete batch plant allows for the manufacturing of concrete for the construction and rehabilitation of the paved lanes and structures to be built as part of the Highway 101 Project. The batch plant site includes a portable “wet mix” batch plant with equipment designed to form concrete, including water, air, admixtures, sand, aggregate, and cement. Sand and aggregate used for concrete production at the site is provided by the Gardner Ranch and Bee Rock facilities. Sand and aggregate is stockpiled using a drive over conveyor drop. The transfer of materials within the site is completed with a 243 horse power wheeled front loader with a Tier 4 final diesel engine. The front loader is permitted to operate up to 1,000 hours per year. Surface water is directed to the southwest corner of the site using a v-ditch along the southern and eastern boundaries of the site to capture, slow, and direct water toward a manageable discharge point. The batch plant is permitted to operate up to 12 hours per day and produce up to 220 cubic yards per hour, 2,500 cubic yards per day, or 50,000 cubic yards per year. All other staging locations are within the Caltrans ROW. Upon completion of lane paving for Segment 4D all asphalt and construction materials will be removed from the site and the site will be restored with native vegetation and maintained by Caltrans until established.

Phasing: In order to streamline construction and reduce ramp closures, Segment 4D improvements are divided into two components, Phase 1: San Ysidro to Olive Mill, and Phase 2: Sheffield to San Ysidro, as described in detail below:

Phase 1: San Ysidro to Olive Mill

This phase is located between PM 9.9 to the south and PM 10.6 to the north, from approximately 0.1-mile south of the San Ysidro Road Overcrossing to the County/City of Santa Barbara line at the Olive Mill Road Overcrossing. This phase is planned to be constructed concurrently with the Olive Mill Road and San Ysidro Road roundabout projects. This segment will include approximately 41,700 CY of cut and 350 CY of fill and includes the following project elements:

- Installation of a median barrier at a maximum height of 42 inches. The concrete median barrier will be approximately 1,917 ft. long and will include approximately 989 ft. of metal guard rail.
- Installation of guardrails and concrete barriers at a maximum height of 42 inches on the outside shoulders and ramps, on the Olive Mill Road southbound on-ramp Overcrossing, and on the San Ysidro Road Overcrossing.
- Installation of vinyl clad chain-link fencing to delineate Caltrans ROW and provide access control.
- Installation of a retaining wall on the south side of Highway 101. The retaining wall is proposed to be approximately 371 feet long and range from 3 to 8 ft. in height.
- Installation of a retaining wall on the north side of Highway 101 at San Ysidro Road. The retaining wall is proposed to be approximately 113 feet long and range from 10 to 30 feet high.
- Installation of a retaining wall on the north side of Highway 101 between San Ysidro Road and Olive Mill Road. The retaining wall is proposed to be approximately 602 feet long and ranges between 4 feet to 8 feet high.

- Construction of a 12 foot wide auxiliary lane in both the northbound and southbound direction, between San Ysidro Road and Olive Mill Road interchanges.
- The structural sections of the San Ysidro Road and Olive Mill Road interchange ramps will be rehabilitated, and ramp profiles will be updated to improve vertical stopping sight distance.

3. **Proj Des-01 Project Description Part 3:** Existing drainage patterns will be retained to the extent feasible and existing pipe outfalls will remain in place. The project includes new drainage inlets and culverts along the Highway 101 mainline. Runoff will be contained by new drainage inlets along the inside shoulder and barrier. New inlets and pipe systems are also proposed in the outside shoulder to capture runoff before cross-slope transition. Roadside gutters, including high side gutters, will be lined to avoid potential erosion from concentrated runoff.

In this segment, a transverse overhead electrical distribution line, a pole and guy wire near the San Ysidro Creek Crossing and a longitudinal overhead electrical line along North Jameson Lane may require new, taller utility poles to meet the overhead clearance requirement. Southern California Gas has two transverse crossing that are in conflict with the proposed lowered grades and may need to be relocated. The Montecito Water District transverse line will be abandoned. The Montecito Sanitary District transverse line will be relocated to a nearby location.

Phase 2: Sheffield to San Ysidro

This segment is located between PM 9.2 to the south and PM 9.9 to the north, from 0.2 mile north of the Sheffield Avenue Undercrossing to 0.1 miles south of the San Ysidro Road Overcrossing. This segment is expected to include 44,800 CY of cut and 1,550 CY of fill and will include the following project elements:

- Installation of a concrete barrier and double thrie beam barrier at a maximum height of 42 inches in the median. The double thrie beam barrier would be constructed in locations where it is required to allow for proper drainage.
- Installation of guard rails and concrete barriers at a maximum height of 42 inches on the outside shoulders and ramps. In one location, a 45-inch-high concrete barrier would be installed at the Posilipo Lane south-bound on-ramp. The barrier would be 152 feet long.
- The structural sections of the Posilipo Lane southbound on-ramp would be reconstructed and concrete curbs/gutters would be replaced.
- The existing sound wall along the south side of Highway 101 between approximately San Ysidro Creek and Posilipo Lane would be retained.
- Installation of vinyl clad chain-link fencing to delineate Caltrans ROW and provide access control.
- Installation of one retaining wall between southbound Highway 101 and South Jameson Road near the Miramar Hotel. The retaining wall is proposed to be approximately 337 feet long and ranges between 5 to 12.5 feet high.
- Replacement of a bridge over Romero Creek. The creek has a natural channel with concrete walls which would remain unchanged, the replacement slab bridge will be longer to accommodate a wider channel in anticipation of increased capacity.
- Replacement of a bridge over San Ysidro Creek. The creek has a natural channel with concrete walls, which would remain unchanged; the replacement slab bridge would be longer to accommodate a wider channel in anticipation of increased capacity.

- Replacement of a new bridge over Oak Creek. The creek has a natural channel with concrete walls which would remain unchanged; the replacement slab bridge would be longer to accommodate a wider channel in anticipation of increased capacity.
- The profile of Highway 101 would be corrected just west of Oak Creek to provide improved stopping sight distance.

Existing drainage patterns will be retained to the extent feasible and pipe outfalls and creeks will remain in place. Runoff from off-site areas will drain to the same inlets and culverts. Runoff will be contained by a number of drainage inlets along the inside shoulder to capture runoff before cross-slope transitions. Roadside gutters, including high side gutters, will be lined to avoid potential erosion from concentrated runoff.

4. **Proj Des-01: Project Description Part 4:** The project also includes one Cox Communication transverse crossing that may require relocation based on the overhead clearance requirements. The Montecito Sanitary District owns two utility lines east of Oak Creek bridge that will be relocated to the Oak Creek bridge crossing. The Montecito Water District owns two transverse crossings within this segment that will need to be relocated to a nearby location. Two utility poles owned by Southern California Edison near San Ysidro Creek and Oak Creek will be relocated farther from the highway to accommodate the widening. SoCal Gas has two transverse crossings that will be relocated to a nearby location.

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.

5. **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

6. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Montecito Board of Architectural Review (MBAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials, and landscaping shall be compatible with vicinity development.
TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Zoning Clearance for the first phase of the project. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.
MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to project completion.
7. **Bio-01a Tree Protection Plan- Site Plan Component:** The Owner/Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or

biologist and designed to protect on-site trees. The plan shall include the following site plan components:

2. The Owner/Applicant shall comply with and depict the following on the TPP exhibit and Grading and Building Plans.
 - d. No Grading shall take place within the dripline of trees unless otherwise approved by P&D staff.
 - e. Depict equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking area during construction.
 - f. Depict the type & location of protective fencing (See below) or other barriers to be in place to protect trees in protection areas during construction.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) Submit the TPP; (2) Include all applicable components in Tree Replacement Plan and Landscape and Irrigation Plans; (3) 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.

TIMING: The Owner/Applicant shall comply with this measure prior to Zoning Clearance issuance for each phase of the project. Plan components shall be included on all plans prior to Zoning Clearance issuance. The Owner/Applicant shall install tree protection measures onsite prior to construction of each phase.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed or if damage, or removal occurred, that correction is completed as required by the TPP prior to project completion.

8. **Bio-01b Tree Protection Plan – Construction Component:** The Owner / Applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved arborist and/or biologist and designed to protect onsite trees. The Owner/Applicant shall comply with and specific the following as notes on the TPP and on the plans.

- h. Fencing of all trees to be protected at least six feet outside the dripline with chain-link (or other material satisfactory to P&D) fencing at least 3 feet high, staked to prevent collapse, and with signs identifying the protection area placed in 15-ft. intervals on the fencing.
- i. Fencing/staking/signage shall be maintained throughout all grading and construction activities.
- j. All trees located within 25 ft. of structures shall be protected from stucco and/or paint during construction.
- k. No irrigation is permitted within 6 ft. of the dripline of any protected tree unless specifically authorized.
- l. The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist.
 - d. Any trenching required within the dripline or sensitive root zone of any specimen.
 - e. Cleanly cutting any roots of one inch in diameter or greater, encountered during grading or construction.
 - f. Tree removal and trimming.
- m. Special equipment: If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small excavator (i.e., 215 or small track hoe) may be used as determined by P&D staff and under the direction of a P&D approved biologist.
- n. Grading shall be designed to avoid ponding and ensure proper drainage within dripline of oak trees.

PLAN REQUIREMENTS: The Owner/Applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and Landscape and Irrigation Plans; (3) include as notes or depiction all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures.

TIMING: The Owner/Applicant shall comply with this measure prior to Zoning Clearance issuance for each phase of the project. Plan components shall be included on all plans prior to the issuance of the Zoning Clearance for each phase. The Owner/Applicant shall install tree protection measures onsite prior to commencement of construction for each phase.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to completion of construction.

9. Bio-02 Tree Replacement: The replacement trees shall be as follows:

- i. Each oak tree called out for removal in the project description shall be replaced with the proposed number in the project description. In the event that unexpected damage or removal occurs, the tree replacement shall have the following ratios where feasible: 10:1 for 1 to 5 gallon trees, 5:1 with 15 gallon trees, 3:1 with 24-inch box trees, and 2:1 with 36-inch box trees. A mix of tree sizes and ratios may be used. The final proposed size and quantity of replacement trees shall be reviewed and approved by P&D staff. The location of the replanting shall be shown on the plans. All other native trees shall be replaced at a minimum 1:1 ratio.
- j. Each specimen tree removed shall be replaced at a minimum 1:1 ratio with a minimum 15-gallon sized trees.
- k. Where feasible, species shall be from locally obtained plants and seed stock.
- l. The trees shall be gopher fenced with root protectors.
- m. The trees shall be irrigated with a low volume, water efficient, fully automatic remote irrigation system. Long-term maintenance efforts of the system will provide supplemental water as necessary to keep plants in a healthy and vigorous condition.
- n. Trees shall be watered during the five-year plant establishment period while reducing the water use each year. Once under the care of Caltrans maintenance control, the watering times will be further reduced each year so that the plants adapt to the natural rainfall and climatic conditions.
- o. If replacement trees cannot be accommodated on site, the Owner/Applicant shall submit a plan for P&D approval for replacement trees to be planted off-site.
- p. All new and replanted 1-gallon trees shall be protected from predation by wild and domestic animals by the use of foliage protectors.

PLAN REQUIREMENTS: Show planting location, size, quantities, species, methods of irrigation, and provide details for root and foliage protection.

TIMING: Plans shall be submitted prior to issuance of the Zoning Clearance for each phase of construction.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to project completion.

10. CulRes-09 Stop Work at Encounter: The Owner/Applicant and/or their 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/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate

the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. If human remains are found, the Most Likely Descendent shall be notified.

PLANS REQUIREMENTS: This condition shall be included in the Project Specifications for the contractor and shall be included in the Mitigation Monitoring and Reporting Plan, **MONITORING:** P&D permit processing planner shall check the Project Specifications and MMRP prior to issuance of the Zoning Clearance for each phase of construction, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

- 11. Noise-04 Equipment Shielding-Construction:** Stationary construction equipment that generates noise which exceeds 65 dBA at the property lines of sensitive receptors adjacent to the project shall be shielded with appropriate acoustic shielding to P&D's satisfaction.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the equipment area with appropriate acoustic shielding on plans if applicable prior to issuance of Zoning Clearance for each phase of construction.

TIMING: Equipment and shielding shall be installed prior to use of noise generating stationary construction equipment and shall remain in the designated location during use of stationary construction equipment.

MONITORING: The Owner/Applicant shall demonstrate that the acoustic shielding is in place prior to commencement of the use of stationary construction equipment. P&D compliance staff shall perform site inspections throughout construction to ensure compliance.

- 12. Special Noise-01:** Caltrans shall coordinate with property owners identified as "severe receptors" in the 2014 Caltrans EIR, as amended by the 2017 Revised Caltrans EIR and 2018 Caltrans Addendum, to provide funding for acoustical treatment for severe receptor sites.

TIMING: Outreach to property owners shall be completed prior to issuance of Zoning Clearance for each phase. Funds for acoustical treatment shall be offered to property owners prior to project completion.

MONITORING: Caltrans shall submit proof to P&D staff that outreach to property owners was conducted and a draft agreement or refusal of the offer with the property owner has been reached regarding acoustical treatment and funding prior to Zoning Clearance issuance for each phase. Prior to completion of the project segment adjacent to the severe receptor, Caltrans shall submit proof to P&D Permit Compliance staff that funds for acoustical treatment were offered to effected property owners.

- 13. WatConv-07 SWPPP:** The Owner/Applicant shall submit proof of exemption or a copy of a Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

TIMING: Prior to Zoning Clearance issuance for each phase of construction, the Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities.

MONITORING: P&D permit processing planner shall review the documentation prior to Zoning Clearance issuance for each phase of construction. P&D compliance monitoring staff shall inspect during construction for compliance with the SWPPP.

County Rules and Regulations

- 14. Rules-02 Effective Date-Appealable to CCC:** This permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [Article II Section 35-169]
- 15. Rules-05 Acceptance of Conditions:** The Owner/Applicant'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.
- 16. Rules-07 DP Conformance:** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscapes areas shall be developed in conformity with the approved development plan.
- 17. Rules-11 CDP Expiration – With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
- 18. Rules-23 Processing Fees Required.** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 19. Rules-29 Other Department Conditions:** Compliance with Departmental/Division letter required as follows:
 3. Air Pollution Control District Letter dated May 11, 2022
 4. Flood Control Letter dated August 6, 2021
- 20. Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

- d. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - e. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to Zoning Clearance issuance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
 - f. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D compliance monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors, and contracted monitors among others.
- 21. Rules-33 Indemnity and Separation:** The Owner/Applicant (Caltrans) agrees to indemnify, defend, and hold harmless Santa Barbara County and its officers, officials, employees, and agents (collectively "County") as follows:
- d. From any claim, action, or proceeding by third parties against the County or its agents, officers or employees to attack, set aside, void, or annul, in whole or in part, an approval of the Project Application by the County and any related development approvals or project conditions (hereinafter "Claim");
 - e. From any and all sets, errors, or omissions of the Owner(s) and Applicant and their officers, employees, agents, and contractors related to the Project Application;
 - f. Owner(s) and Applicant shall permit County, with County's unlimited discretion, to direct and control the County's defense of any Claim against the County. In the event of a disagreement between County and the Owner(s) or Applicant over litigation issues, County shall have the authority to control the County's litigation and make litigation decisions, including but not limited to, the manner in which the County's defense is conducted. Owner(s) and Applicant shall have the right to employ their own counsel and defense against any Claim on behalf of Owner(s) and Applicant as real parties in interest. The County may use County Counsel, outside counsel, and/or counsel common to the Owner(s) and Applicant (reasonably approved by the County), or elect to not participate in the defense of any Claim. Regardless of the form of the County's participation in the litigation, Owner(s) and Applicant remain bound by the obligation imposed by this Agreement.
- 22. Rules-37 Time Extension-All Projects:** The Owner/Applicant 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 the Owner/Applicant 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.

Other

- 23. EIR Compliance Mitigation and Monitoring:** The project applicant and designees shall comply with all mitigation, minimization, and avoidance measure specified in the 2014 Caltrans EIR (as modified by the 2017 Revised EIR, 2018 Addendum, 2020 Addendum, 2021 Addendum, and 2022 Addendum). The applicant shall prepare a Mitigation Compliance, Monitoring, and Reporting Plan for all mitigation measures identified in the 2014 Caltrans EIR (as modified by the subsequent revisions and addendum mentioned above) that apply to segment 4D of the Highway 101 HOV project.

PLAN REQUIREMENTS: The Plan shall include, but not be limited to the following:

- f. Each of the projects mitigation measures.
- g. Timing and specific responsible party for implementation of each mitigation measure.
- h. Timing and party responsible for monitoring each mitigation measures and a list of monitors to be retained.
- i. Procedures, timing, and responsible party for reporting to P&D Permit Compliance staff on project mitigation compliance and monitoring.
- j. Specification of a qualified representative for the applicant to be designated as the coordinator responsible for ensuring full compliance with the provisions of the Plan. The designated coordinator shall have authority over all other monitors.

TIMING: The Plan shall be submitted to P&D staff for review and approval prior to Zoning Clearance issuance for the first phase of construction.

MONITORING: P&D staff will review the Mitigation Compliance, Monitoring, and Reporting Plan prior to issuance of the Zoning Clearance. P&D Permit Compliance staff will conduct intermittent field inspections and response to complaints.

- 24. Fire District Notification:** The Traffic Management Plan required by the 2014 Caltrans EIR (as modified by subsequent revisions and addendums) shall include notification of closures of offramps and/or roads by phone and email to the Montecito Fire District. Notification to Montecito Fire Protection District shall be provided to: Montecito Fire District (805-969-7762); Aaron Briner abriner@montecitofire.com.

TIMING: The Traffic Management Plan shall be submitted to P&D staff prior to Zoning Clearance issuance. Notification closure shall be made to the fire districts a minimum of 72 hours in advance of closures and a log of notifications shall be maintained by Caltrans staff.

MONITORING: Caltrans staff shall copy P&D Permit Compliance staff on emails to the fire districts and shall provide a log of calls upon Permit Compliance staff request.

- 25. Road Encroachment Permit:** The Owner/Applicant shall obtain a road encroachment permit from the Roads Division (Public Works) for any project elements that extend into the County right-of-way prior to issuance of Zoning Clearance for each phase.

- 26. Reanalyze Sound Walls:** FEMA is conducting an ongoing effort to update the current FEMA effective maps used to govern development in the HWY 101 Segment 4D area. If the FEMA effective maps are updated and Santa Barbara County adopts the new maps prior to, or during, Segment 4D construction, and the results of the revised FEMA effective maps are that sound walls identified in the initial Coastal Development Permit application for Segment 4D are no longer located in the Flood Hazard Overlay, Caltrans shall re-analyze the feasibility of implementing each soundwall not located in the Flood Hazard Overlay for this project. The analysis shall determine whether the soundwalls are reasonable and feasible to implement, which may result in a change to the Coastal Development Permit via the appropriate application (SCD, AMD, or RVP as determined by P&D) to allow construction of soundwalls.

PLAN REQUIREMENT AND TIMING: Within six months of HWY 101 Segment 4D being fully funded for all phases of construction, Caltrans shall contact County P&D and Flood Control to determine if the triggers specified herein, which will allow the construction of the soundwalls, have been met. In the event that the triggers have been met, and it is reasonable and feasible to add the soundwalls, Caltrans shall submit the appropriate application (SCD, AMD, or RVP, as determined by P&D) and plans to modify the Development Plan to include soundwalls, for review and processing by P&D. In the event the triggers have not been met, the project would be constructed with the design proposed at the time of project approval.

MONITORING: P&D compliance monitoring staff shall confirm construction in the field in compliance with this condition requirement.

- 27. Future Soundwalls Not Precluded:** The project shall be designed and constructed so as not to preclude future construction of soundwalls in the areas where soundwalls were originally proposed.

PLAN REQUIREMENTS: Caltrans shall design the final project plans so as not to preclude the future construction of soundwalls in the areas where soundwalls were originally proposed as part of this permit process.

TIMING: Project plans shall be submitted prior to final Montecito Board of Architectural Review approval.

MONITORING: P&D staff shall review project plans for conformance with this requirement.

- 28. Reclaimed Water for Dust Suppression:** To the maximum extent feasible, reclaimed water shall be used for dust mitigation for highway construction and irrigation for landscaping.

PLAN REQUIREMENTS: Caltrans shall submit a Reclaimed Water Plan that identifies how reclaimed water for dust mitigation and irrigation will be used in the project or why it is not feasible.

TIMING: The Reclaimed Water Plan shall be reviewed and approved by P&D prior to Zoning Clearance Issuance.

MONITORING: The Caltrans Resident Engineer and Permit Compliance staff shall spot-check to ensure that the Reclaimed Water Plan is implemented throughout construction.

- 29. Construction Support Site Noise Complaint Process:** Cell phone and text messaging numbers, as well as an e-mail address, for the on-site construction monitor responsible for the operation of the Construction Support Site (CSS) for noise complaints will be maintained and made available to P&D Permit Compliance staff prior to Coastal Development Permit issuance, and updated throughout the life of the project. The Caltrans project team will initiate a verification process and compile monitoring data to determine if noise levels from the Construction Support Site exceed 65 dBA CNEL (Community Noise Equivalent Level, which is an average over a 24 hour period) at the property lines of sensitive receptors, and will share this information with P&D Permit Compliance staff. If noise levels exceed 65 dBA CNEL at the property line, the Caltrans construction manager will address the specific noise-producing activity by changing, altering, or temporarily suspending that activity. Caltrans staff and the Caltrans Resident Engineer will be consulted if specific noise-producing activity cannot be addressed in the field and will propose additional measures to ensure that the project is compliant with all conditions and mitigation measures. The complainant and P&D Permit Compliance staff will be advised by Caltrans staff within 3 days of the receipt of a complaint concerning the source of the noise-producing activity and any actions to be taken to address the complaint, and a record of all contacts will be provided to P&D Permit Compliance staff.

TIMING: Contact information shall be provided to P&D staff prior to Coastal Development Permit issuance.

MONITORING: Caltrans shall maintain a record of complaints and corrective actions and shall provide the records to P&D permit compliance staff upon request.

- 30. Construction Support Site Noise Shielding:** If stationary equipment generates noise which exceeds 65 dBA CNEL at the property lines of sensitive receptors, the Construction Support Site (CSS) shall be shielded with appropriate acoustic shielding to ensure shielding of noise experienced by sensitive receptors to the south of the CSS.

PLAN REQUIREMENTS AND TIMING: Prior to installation of any acoustic shielding, Caltrans shall provide plans of the acoustic shielding design and materials for P&D review prior to installation and shall make the plans available for public review. Caltrans shall also maintain the CSS site in clean condition, including removal of graffiti within 48 hours of its occurrence.

MONITORING: The Caltrans Resident Engineer and P&D Permit Compliance staff shall confirm installation of the noise shielding at the CSS once it has been determined the shielding is necessary.



air pollution control district
SANTA BARBARA COUNTY

May 11, 2022

Chris Schmuckal
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Sent Via Email: cschmuckal@countyofsb.org

Re: Santa Barbara County Air Pollution Control District Suggested Conditions on Caltrans HWY 101 HOV Project – Segment 4D, 21DVP-00000-00022

Dear Chris Schmuckal:

The Santa Barbara County Air Pollution Control District (District) has reviewed the referenced project, which consists of improvements within the Highway 101 corridor associated with Segment 4D of the Highway 101: Carpinteria to Santa Barbara Project (Highway 101 Project). Improvements in Segment 4D generally include the new high occupancy vehicle (HOV) lanes, new auxiliary lanes, pavement rehabilitation across all lanes, ramp improvements, vehicle barriers, retaining walls, fences, landscaping, and creek bridge replacements. The limits of the Highway 101 Project extend from Post Mile (PM) 1.4 in the City of Carpinteria, through an unincorporated portion of the County, to the City of Santa Barbara at PM 12.3. Segment 4D is located between PM 9.2 at Sheffield Avenue to the south and PM 10.6 at Olive Mill to the north. Segment 4D is expected to include a total cut volume of approximately 86,500 cubic yards (CY), a total fill volume of approximately 1,900 CY, and a total haul volume of approximately 84,600 CY. Construction activities would primarily be supported by an existing Construction Support Site (CSS), including a concrete batch plant, located adjacent to the southbound North Padaro Lane on-ramp in Caltrans' Right-of-Way. The CSS is proposed to be used throughout construction of Segment 4D, between approximately Spring 2023 and Fall 2026.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

1. **Portable Diesel Generators:** All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from the District permit, provided they will be on-site for less than 12 months.
2. **Asphalt Paving:** Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
3. **Construction and Demolition Activities:** Construction/demolition activities are subject to District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see www.ourair.org/wp-content/uploads/

Aeron Arlin Genet, Air Pollution Control Officer

[rule345.pdf](#). Activities subject to Rule 345 are also subject to Rule 302 (*Visible Emissions*) and Rule 303 (*Nuisance*).

4. **Asbestos:** The applicant is required to complete and submit an **Asbestos Demolition/ Renovation Notification or an EXEMPTION** from Notification for Renovation and Demolition (District Form ENF-28 or District Form ENF-28e), which can be downloaded at www.ourair.org/compliance-forms for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed exemption or notification should be presented, mailed, or emailed to the District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant should visit www.ourair.org/asbestos to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.
5. **Diesel Truck Idling:** At all times, idling of heavy-duty diesel trucks should be minimized; auxiliary power units should be used whenever possible. State law requires that:
 - Drivers of diesel-fueled commercial vehicles shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location.
 - Drivers of diesel-fueled commercial vehicles shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle. Trucks with 2007 or newer model year engines must meet additional requirements (verified clean APS label required).
 - See www.arb.ca.gov/noidle for more information.
6. **Contaminated Soil:** If contaminated soils are found at the project site, the District must be contacted to determine if Authority to Construct and/or Permit to Operate permits will be required. District permits are required for all soil vapor extraction activities. District permits are also required for the excavation ("dig-and-haul") of more than 1,000 cubic yards of contaminated soil.

In addition, the District recommends that the following **best practices** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, and dust:

1. **Fugitive Dust Control Measures:** To reduce the potential for violations of District Rule 345 (*Control of Fugitive Dust from Construction and Demolition Activities*), Rule 302 (*Visible Emissions*), and Rule 303 (*Nuisance*), standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
2. **Diesel Particulate and NOx Emission Measures:** The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures should be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building

plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

3. **Use of Low Emission Equipment:** In order to minimize public exposure to air pollution, the District recommends the use of low emission equipment, including zero to near-zero emission technology, as feasible during project construction. This includes using the cleanest technologies available and providing the necessary infrastructure to support the zero-emission vehicles and equipment that will be operating onsite.

Lastly, the District has the following **advisory** regarding onsite equipment permitted through the District:

1. **Limitation of Equipment and Operations at Construction Support Site (CSS):** The proposed project will be supported by the CSS at South Padaro Lane. Equipment and operations associated with the CSS are subject to District permit requirements and prohibitory rules as specified in District Authority to Construct (ATC) permits 15552 and ATC 15729. Pursuant to District permit conditions, the concrete batch plant and diesel generator shall not be located within the South Coast 101 HOV Lanes Project corridor for more than six (6) years from initial operations. Initial operations commenced on September 22, 2021. Therefore, the operation of equipment included in these permits is prohibited beyond September 22, 2027.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 979-8337 or via email at BarhamC@sbcapcd.org.

Sincerely,



Carly Barham
Planning Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: David Harris, Manager, District Engineering Division [email only]
Charlotte Mountain, Air Quality Engineer, District Engineering Division [email only]
Planning Chron File



air pollution control district
SANTA BARBARA COUNTY

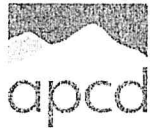
ATTACHMENT A FUGITIVE DUST CONTROL MEASURES

These measures should be required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks, sprinkler systems, or dust suppressants in all areas of vehicle movement to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. When using water, this includes wetting down areas as needed but at least once in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

PLAN REQUIREMENTS: All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



air pollution control district
SANTA BARBARA COUNTY

ATTACHMENT B DIESEL PARTICULATE AND NO_x EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO_x), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO_x and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO_x idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

PLAN REQUIREMENTS AND TIMING: Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

MONITORING: The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



Santa Barbara County Public Works Department Water Resources Division

Flood Control • Water Agency • Project Clean Water

130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101

PH (805) 568-3440 FAX (805) 568-3434

<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956>

SCOTT D. MCGOLPIN
Director Public Works

THOMAS D. FAYRAM
Deputy Director Water Resources

August 6, 2021

Nicole Lieu, Planner
County of Santa Barbara, Planning & Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

**Re: 21DVP-00000-00022, 21CDP-00000-00076; Highway 101 Widening- Segment 4D
APN: Various; Montecito**

Dear Ms. Lieu:

This project is located in two Special Flood Hazard Areas (SFHA): the FEMA Recovery Map High Hazard Area and the FEMA Regulatory Floodplain.

The Public Works Department, Water Resources Division has the following conditions for the subject project which proposes improvements to Highway 101 between post mile 1.4 and post mile 12.3, including northbound and southbound high occupancy vehicle (HOV) lanes, new creek crossings, bridges, new medians, sound walls, and landscaping.

A. Flood Control & Water Conservation District

Upon reviewing the subject project, the District concludes that no mitigation measures have been proposed to offset the adverse SFHA-wide impacts of the proposed sound walls, barriers, and other obstructions.

The District recommends that no sound walls, barriers, structures, or any aspect of design be allowed which could affect the following areas: the current FEMA Effective Flood Mapping Special Flood Hazard Areas, the new FEMA Flood Mapping Special Flood Hazard Areas (if they are released prior to project construction), AND the Current FEMA Recovery Map High Hazard Area.

Furthermore, the project must cause no impediments to Santa Barbara Flood Control maintenance operations.

B. Project Clean Water

Caltrans is a regulated Permittee under a separate NPDES Permit, and the design of this project will be in accordance with the Central Coast Regional Water Quality Control Board's Post-Construction Requirements (Resolution No. R3-2013-0032). Further, we understand that any storm water facilities will be owned and maintained by Caltrans in perpetuity. As such, the

21DVP-00000-00022, 21CDP-00000-00076, Highway 101 Widening- Segment 4D
August 6, 2021
Page 2 of 2

County defers to Caltrans for implementation of the post-construction requirements; Project Clean Water has no conditions.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: Karen Sullivan
Karen Sullivan, P.E.
Development Review Engineer

Cc: Caltrans, c/o Joe Erwin, 50 Higuera Street, San Luis Obispo, CA 93401
GPA Consulting, c/o Erinn Silva, 305 South Kalorama Street, Suite B, Ventura, CA 93001
Fred Luna; SBCAG, 260 N. San Antonio Road, Santa Barbara, CA 93110