



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: December 8, 2009
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., (805) 568-2085
Director(s)
Contact Info: Dave Ward, (805) 568-2520

SUBJECT: **Montecito Growth Management Ordinance (MGMO) Annual Director's Report**

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

- A. Review the Planning & Development Director's annual report (Attachment A) regarding the health and safety findings relative to continuing the Montecito Growth Management Ordinance No. 3916 (MGMO); and,
- B. Determine that the public health and safety continues to be jeopardized by residential construction such that the MGMO will remain in effect.

Summary Text:

The attached report (Attachment A) fulfills the requirements of the Montecito Growth Management Ordinance (MGMO) and provides a discussion of the considerations relevant to the public health and safety findings of the ordinance. The conclusion of the report is that the public health and safety continues to be jeopardized by residential construction such the continuation of the MGMO is necessary due to resource and service constraints. This conclusion is based on the fact that the ordinance criteria for expiration of the MGMO have not been satisfied in the area of traffic and circulation. In addition, while Water Resources have for a number of years been satisfactory because Montecito received its annual allotment from the State Water Project, due to the 2008 drought conditions in California, the adequacy and consistency of State Water deliveries to the area will be explored further as the County begins consideration in this Fiscal Year 2009/2010 whether to extend the MGMO beyond December 31,

2010 pursuant to Section 35B-12.1 of the MGMO. The extension of the ordinance past 2010 is currently undergoing additional analysis, including environmental review, by the Long Range Planning Division and will be considered by your Board of Supervisors in 2010. No applications for the second round of allocations for 2009 have been submitted; thus, no allocations will be awarded on December 15, 2009. This will be the first time since the inception of the MGMO that no allocations have been requested or awarded.

Background:

On December 6, 2005, the Board of Supervisors amended the Montecito Growth Management Ordinance (MGMO) to extend the life of the ordinance by five years. The new expiration date for the Ordinance is December 31, 2010. Section 35B-12 of Ordinance No. 3916 requires:

1. That the Director of Planning & Development annually file with the Board of Supervisors a report regarding the operation of the Montecito Growth Management Ordinance; and,
2. That the Board shall schedule a public hearing to consider the information contained in the report.

The attached report (Attachment A) fulfills the requirements of the MGMO.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Funding to prepare this report is included in the Permitting and Compliance Program of the Development Review South Division, as shown on page D-308 of the adopted 2009/2010 fiscal year budget. Costs associated with implementing the Montecito Growth Management Ordinance on a parcel-specific basis are applicant reimbursable. There are no facilities impacts.

Staffing Impacts:

Legal Positions:

0

FTEs:

0

Special Instructions:

N/A

Attachments:

- A. Planning and Development Director's Annual Report for 2009

Authored by:

Julie Harris

ATTACHMENT A

PLANNING AND DEVELOPMENT DIRECTOR'S ANNUAL REPORT FOR 2009 ON THE MONTECITO GROWTH MANAGEMENT ORDINANCE

1.0 Conclusion

Based upon the considerations discussed in this report, the public health and safety continue to be jeopardized by residential construction regulated by the Montecito Growth Management Ordinance No. 3916 (MGMO). The MGMO remains necessary due to resource and service constraints and to protect public health and safety in the Montecito Planning Area. The ordinance criteria for expiration of the MGMO have not been satisfied in the area of traffic and circulation. In addition, while Water Resources have for a number of years been satisfactory because Montecito received its annual allotment from the State Water Project, due to the 2008 drought conditions in California, the adequacy and consistency of State Water deliveries to the area and Montecito Water District's Ordinance No. 89 will be explored further as the County considers whether to extend the MGMO beyond December 31, 2010 this Fiscal Year 2009/2010, pursuant to Section 35B-12.1 of the MGMO. The extension of the ordinance past 2010 will require additional analysis, including environmental review, and will be considered by your Board of Supervisors in 2010.

2.0 Background

On March 12, 1991, the Board of Supervisors adopted the MGMO to pace development within the available services and resources in the Montecito Planning Area. The ordinance allows the issuance of a maximum of 19 land use permits for new residential market-rate units per year. This represents an annual growth rate of approximately one-half of one percent of the existing housing stock in Montecito in 1989. The ordinance is due to expire on December 31, 2010 unless extended by ordinance amendment.

The MGMO (Section 35B-12) requires that the Director of Planning & Development forward a report to the Board each year on the status of the health and safety considerations that provide the basis for continuing the growth management ordinance. These considerations are water resources, fire protection, and traffic and circulation. The ordinance requires that the Board schedule a hearing to determine whether the public health and safety are no longer jeopardized by the residential construction which is regulated by the growth management ordinance and provides for the expiration of the ordinance when the Board finds that the public health and safety are no longer jeopardized.

3.0 Discussion

The ordinance specifies that the public health and safety are no longer jeopardized if all of the criteria regarding water resources, fire protection, and traffic and circulation discussed in the following sections are met (Section 35B-12.4).

Water Resources Criterion:

Supplemental water resources, including but not limited to State Water, physically deliver 439 Acre Feet a Year in additional water above the levels identified in the Montecito Community Plan EIR.

The Montecito Water District (MWD), private water companies and individual water systems provide water services to the Montecito Community Plan area. In 1991, local water supplies totaled approximately 5,080 acre-feet/year (AFY). At the time of adoption of the MGMO, state water had not yet arrived, the water basin was in a state of over-commitment and a MWD moratorium was in effect.

The MWD holds a water entitlement of 2,700 AFY from the State Water Project as a supplement to their other pre-existing supplies. By 1996, the MWD began receiving its contracted water supplies from the State Water Project and the water moratorium was lifted. The planning area has been considered in a state of surplus, exceeding the MGMO water criterion of 439 AFY over 1991 supplies, cited above (i.e., exceeding $5,080 + 439 = 5,519$ AFY). Therefore, this criterion has been considered satisfied. However, the State of California currently is in a drought condition and a long-term water supply and demand issue was recently identified by the MWD.¹ To address this issue and improve water supply and demand the MWD has purchased and taken delivery of 1,400 acre-feet of supplemental water from the State Water Project through the San Luis Obispo Dry Year Water Purchase Program.^{2,3} The MWD also approved two ordinances (Ordinance 89, adopted in April 2008 and Ordinance 90, adopted in August 2008), which include among other measures the implementation of a new rate structure and required conservation measures. P&D will be tracking the water resources issue as the year progresses and will explore it further when the County considers whether to extend the MGMO beyond December 31, 2010. Pending this further review, this criterion can be found to have been met.

Fire Protection Criterion:

The ratio of firefighters per population served has reached and has been maintained at one per 2000 or better, and response times to all areas within Urban Boundary Area of Montecito is five minutes or better.

The Montecito Fire Protection District operates two fire stations and is currently in the planning stages for a third to be located in the eastern portion of the community. The District currently meets the National Fire Protection Association standard of one fire engine company (station) per 10,000-11,000 people. When the MGMO was adopted, the ratio of firefighters to population served was also well within the standards; however, there was the potential for development of a large number of new residential units with their attendant influx of population. Potential development in the foothill areas of Montecito presented significant potential impacts to fire protection due to the lack of access, the inadequacy of gravity pressurized water mains in the areas of higher elevation, long response times and the high danger posed by the chaparral prevalent in the foothills.

With the adoption of the Montecito Community Plan in 1992, the potential level of fire danger resulting from new residential units and population, particularly in the foothill areas, was significantly decreased due to the reduction in zoning densities. This reduction in the number of potential residential units has allowed the Montecito Fire Protection District to maintain both a ratio of firefighters per population at one per 2,000 or better and a three to five minute or better response time in the planning area. Thus, the criterion has been met such that the MGMO is not necessary from a fire protection standpoint.

¹ July 30, 2008. Tom Mosby. Letter from Montecito Water District to David Ward, County of Santa Barbara Planning & Development.

² *Ibid.*

³ November 13, 2008. Tom Mosby, General Manager, Montecito Water District. Personal communication.

Traffic and Circulation Criterion:

Completion of improvements to the following roadways, intersections and interchanges identified in the Montecito Community Plan EIR, or completion of any equivalent or more effective measures:

- Roadways:
Hot Springs Road, south of Sycamore Canyon Road
San Ysidro Road, south of North Jameson Lane

- Intersections:
Hot Springs Road/Coast Village Road
Hot Springs Road/East Valley Road
Sycamore Canyon Road/East Valley Road
San Ysidro Road/North Jameson Lane

- U.S. 101 Interchanges:
Hot Springs Road
Olive Mill Road
San Ysidro Road
Sheffield Drive

To date, none of the improvements identified in the Montecito Community Plan EIR have occurred; however, several other improvements have either been implemented or are in various states of the planning process.⁴

Roadways

In 1991, the roadway segment of Hot Springs Road between Sycamore Canyon and Coast Village Roads, while operating at acceptable capacity at the time, was forecasted as approaching Level of Service (LOS) D⁵ by buildout of the Montecito Community Plan, below the acceptable capacity for a primary (P-3) roadway classification. San Ysidro Road, between North and South Jameson, also operating at acceptable levels at the time, was also forecasted as approaching LOS D at buildout.

In general, Montecito traffic volumes on primary roadways have increased by up to 8% in the last 14 years.⁶ None of these roadways, including Hot Springs Road and San Ysidro Road, meet the acceptable capacities established by the Montecito Community Plan. Currently, the southern portion of Hot Springs Road (between Coast Village and Olive Mill Roads) is the most traveled roadway in Montecito and motorists are experiencing long delays during the morning and afternoon peak travel periods. San Ysidro Road is the second most-used roadway in Montecito. The short segment from North to South Jameson is substantially affected by congestion at the intersection and Highway 101 off-ramp, causing substantial delays.

⁴ The information stated in this report has been reviewed by Will Robertson, Public Works, Transportation Division, November 10, 2008.

⁵ Roadway Level of Service is a qualitative measure which varies according to traffic volumes, speed, travel time, delay and freedom to maneuver. Level A represents free-flowing conditions while F is severe congestion with stop-and-go conditions. The Montecito Community Plan sets the acceptable capacities and LOS for several roadways in the Planning Area.

⁶ SBCAG 2030 Travel Forecast, September 16 2004; County of Santa Barbara, Department of Public Works – Transportation Division. Traffic Volumes Booklet, 2004

Another roadway segment experiencing increases in traffic volume is Cold Springs Road, North of Sycamore Canyon Road (State Highway 192). Although this is a minor roadway and is not classified under the Montecito Community Plan (Policy CIRC-M-3.1), MCP Policy CIRC-M-3.3 states if an ADT count exceeds 5,530 ADT then a review of land use densities and roadways shall be conducted. Traffic counts measured in April 2005 indicate that volumes are approximately 4,700⁷.

Intersections

In 1991, four intersections were already operating below LOS C.⁸ Those intersections are:

- Sycamore Canyon Road/Hot Springs Road
- Hot Springs Road/Coast Village Road
- Olive Mill Road/Coast Village Road
- San Ysidro Road/North Jameson Lane

Of the above intersections, the Montecito Community Plan projected that at plan buildout the Olive Mill Road/Coast Village Road intersection would drop to LOS E during the afternoon peak hour and that the others would degrade to LOS F during the afternoon peak hour. Additionally, the Montecito Community Plan EIR projected that the Hot Springs Road/East Valley Road intersection, which was operating at LOS C at the time, would degrade to LOS D at Community Plan buildout.

None of the intersection improvements identified in the Montecito Community Plan have been implemented. However, construction of a roundabout at the Hot Springs Road/Coast Village Road intersection has just been completed as a part of the U.S. 101 operational improvements.

Highway 101 Interchanges

In the 1991 MGMO EIR, none of the Highway 101 interchanges were determined to be operating below acceptable capacities. However, in the subsequent EIR analysis for the Montecito Community Plan, the San Ysidro southbound off-ramp was projected to degrade to LOS E at plan buildout. This interchange has degraded to LOS F in the morning peak period, causing a greater than 60 second delay exiting the freeway.

Several operational improvements are planned by local and state agencies including a plan to widen Highway 101 from Sycamore Creek in the City of Santa Barbara to Carpinteria Creek, including several interchange and frontage road upgrades. Portions of this project are under construction (between Milpas Street in Santa Barbara to a stretch of 101 just east of Hot Springs Road). Other portions of the project are in the early planning phases, including information and data gathering, and whether any improvements to the identified interchanges covered by the MGMO may be included in the project. Once completed, the operation of these interchanges and associated surface streets are expected to improve in terms of safety and level of service.

⁷ County of Santa Barbara, *Final Subsequent Environmental Impact Report for Westmont College Master Plan Update*, 05SEIR-00000-00010 RV1, dated February 13, 2006 with revisions and errata dated September 29, 2006 and October 30, 2006, certified February 20, 2007.

⁸ LOS C is the Countywide threshold standard for traffic flow through intersections.

Although local and regional agencies are working to improve transportation system deficiencies, roadway volumes are continuing to increase within the Montecito Planning Area. Traffic and circulation in Montecito will not substantially improve until all planned and funded transportation projects are completed and additional improvements are carried out. Given the scope and cost of these projects, achieving a balance between transportation services and residential growth is not expected to occur within the next several years. Thus, the ordinance criteria have not been met and the continuation of the MGMO is necessary to preserve the public health and safety on the roadways of Montecito. The extension of the ordinance past 2010 is currently undergoing additional analysis, including environmental review, by the Long Range Planning Division and will be considered by your Board of Supervisors in 2010.

4.0 Ordinance Implementation

Since the MGMO became effective in July of 1991 and through June 2009, 306 allocations for the development of new residential units have been granted. Of this number, 103 residences have completed construction, five have either been issued a building permit or are under construction, 29 are undergoing Montecito BAR, zoning or building permit review and 152 allocations have been allowed to expire. Under the terms of the existing ordinance, allocations that are allowed to expire are not reallocated, but landowners may apply and compete for new allocations. No applications for the second round of allocations for 2009 have been submitted; thus, no allocations will be awarded on December 15, 2009. This will be the first time since the inception of the MGMO that no allocations have been requested or awarded.