



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: P&D
Department No.: 053
For Agenda Of: November 17, 2020
Placement: Departmental
Estimated Time: 1 hour 5 mins
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development
Director (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review
(805) 568-2518

SUBJECT: **Hearing to consider the Becker Appeal of the Montecito Planning Commission Approval of the San Ysidro Roundabout Project, Case No. 20APL-00000-00015, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Consider the appeal by Thomas Becker of the Montecito Planning Commission's June 20, 2020 approval of the San Ysidro Roundabout project, Case Nos. 19DVP-00000-00030 and 19CDP-00000-00098.

Staff recommends that your Board take the following actions:

- a) Deny the appeal, Case Number 20APL-00000-00015;
- b) Make the required findings for approval of the project specified in Attachment 1, including CEQA findings;
- c) After considering the March 2020 Addendum to the previously certified EIR dated August 26, 2014, the Revised EIR dated October 27, 2017, and the EIR Addendum dated June 1, 2018 (on file with P&D), determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project.

- d) Grant *de novo* approval of the project, Case Nos. 19DVP-00000-00030 and 19CDP-00000-00098, subject to the conditions of approval included as Attachments 3 and 4.

Summary Text:

A timely appeal of the Montecito Planning Commission's June 10, 2020 approval of the San Ysidro Roundabout project (19DVP-00000-00030 and 19CDP-00000-00098) was filed on June 22, 2020. The proposed project is a request for a Development Plan and Coastal Development Permit to reconfigure the intersection at San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps from two stop-controlled intersections to a roundabout. The project will include new sidewalks, roadway pavement, curb and gutter, median islands, landscaping, stormwater improvements/bioretenion areas, lighting, signage, a retaining wall, and fencing. Please refer to the April 2, 2020 Montecito Planning Commission Staff Report (Attachment 6) for further details on the proposed project and for a comprehensive policy consistency analysis. The San Ysidro Roundabout was identified in the 2017 Highway 101 HOV Project Revised EIR as a mitigation option for intersection impacts that will occur as a result of the Highway 101 HOV project. The San Ysidro Roundabout is expected to reduce traffic delay and improve the overall Level of Service (LOS) at the intersection from LOS F (extreme congestion or considerable delays) to LOS B (minimal delays) (Traffic Operations Analysis Report, Omni Means, March 2018). Implementation of the San Ysidro Roundabout ensures compliance with Coastal Land Use Plan (CLUP) Policy 7-32. CLUP Policy 7-32 was initially adopted by the Board of Supervisors in 2018 and requires that the San Ysidro Roundabout project, among other projects, be completed prior the completion of the adjacent Highway 101 HOV segment located within the Montecito area.

Appellant Issues and Staff Responses:

Appeal Issue 1 (Coastal Policies and VMT): The appellant contends that the approval 1) does not comply with Coastal Act Section 30253[4] (which appears to be a reference to Coastal Act Section 30253[d]); 2) does not comply with Coastal Land Use Plan Section 3.11.1; and, 3) fails to minimize Vehicle Miles Travelled (VMTs) per CEQA Section 15064.3. Please refer to Attachments 8 and 9 for the appellant's full argument.

Staff Response to Appeal Issue 1: Both Coastal Act Section 30253[d] and Coastal Land Use Plan (CLUP) Section 3.11.1 indicate that new development should minimize vehicle miles traveled. The project is consistent with this requirement, as it will not measurably increase VMTs and includes improvements that support VMT reduction. The State Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory)* establishes that roundabout projects "would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis" (OPR 2018, page 20-21, available at https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). As supported by the Traffic Operations Analysis Report (Omni Means, March 2018) the roundabout will result in more efficient vehicle flow through the intersection, reducing delay and vehicle stops and starts. Beyond improving traffic efficiency for vehicles, the proposed project includes pedestrian and bicycle improvements. These improvements include: 1) slowing the vehicular traffic approaching the roundabout; 2) reducing conflicts at the intersection; 3) designating right of way to the pedestrians and bicyclists using the crosswalks; 4) providing refuge islands for the crossing pedestrians; and 5) filling in missing sidewalk sections. The County Public Works Department anticipates that these project features, which improve the safety and usability of the intersection for pedestrians and cyclists, thus encouraging active transportation options, will likely help

reduce VMT. . As the roundabout will not generate new VMTs and supports active transportation improvements, the project is consistent with the Coastal Act and Coastal Land Use Plan sections cited by the appellant.

Appeal Issue 2 (Environmental Review and VMT): The appellant contends that 1) there was a failure to discuss a range of alternatives; 2) that the project as proposed violates CEQA Sections 15021(a)(2), 15064.4, 15126(a) and 15126.6; and 3) CEQA requires that a good faith effort must be made to determine the GHG emissions associated with a proposed project.

Staff Response to Appeal Issue 2: CEQA sections 15126(a), 15126.6 and 15021(a)(2) pertain to EIRs and the consideration of alternatives. However, the EIR prepared for the HWY 101 High Occupancy Vehicle (HOV) project was certified in 2017 and is not the subject of review at this time. As discussed in the Montecito Planning Commission staff report (Attachment 6) and incorporated herein by reference, the Addendum prepared for the proposed project provides the appropriate environmental review. There is no requirement for analysis of alternatives under an Addendum. While an alternatives analysis was not required under CEQA for the Addendum, alternatives to the roundabout, including a “no build” alternative and all-way stop control alternative, were considered in a Traffic Operations Analysis (Omni Means, November 2019), which found that those alternatives would result in failing service levels at the intersection. A signal alternative was analyzed in an Intersection Control Evaluation (Kittleson, 2016) and would not provide acceptable operations.

CEQA Section 15064.4 states that a lead agency shall, “*make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.*” The Addendum (Attachment 2) prepared under CEQA in accordance with Section 15162 and 15264 of the State CEQA Guidelines did analyze GHG emissions. The Addendum states, “*The purpose of the proposed project is to improve traffic operations at the Project Intersection, which would not result in new vehicle trips. In addition, the proposed project would reduce the number of stop and start vehicles at the Project Intersection. Therefore, with implementation of 101 HOV Revised EIR Climate Change and CO2 Reduction strategies the proposed project would not generate substantial additional GHG emissions directly or indirectly beyond those identified in the 101 HOV Revised EIR.*” In summary, the appropriate environmental analysis was completed for the project and a roundabout is the appropriate intersection-improvement option.

Appeal Issue 3: The appellant contends that “*the exemption from VMT impact analysis found in Section 15064.3 and The New CEQA Guidelines for roundabouts does not apply to the San Ysidro Roundabout. The San Ysidro Roundabout’s purpose is to provide increased capacity to handle increased traffic volume from the VMT-inducing Highway 101 HOV project. The San Ysidro Roundabout project is VMT-inducing and subject to VMT impact analysis.*”

Staff Response to Appeal Issue 3: The Highway 101 HOV project is not the subject of this appeal and the EIR that evaluated the impacts of that project was certified in 2017 and is not the subject of review at this time. CEQA Section 15064.3 (b)(2) states, “*Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact.*” As discussed above, per OPR guidance, the roundabout will not measurably increase VMTs and includes active transportation improvements that support VMT reduction. Contrary to the representation made by the appellant, the sole purpose of the roundabout is not to accommodate traffic generated by HWY 101 HOV improvements. While the roundabout project will help to mitigate intersection impacts created by the

HWY 101 HOV Project, intersection improvements at the San Ysidro/North Jameson Lane intersection are required independent from the HWY 101 HOV project. The San Ysidro/North Jameson Lane intersection has been operating below an acceptable LOS (currently LOS F) for many years, and improvements to the intersection have been contemplated for nearly 30 years. In 1992, the Montecito Community Plan identified that the intersection was operating at LOS E during the PM Peak Hour and that by 2030 the intersection was expected to operate at LOS F during the PM Peak Hour (1992 Montecito Community Plan, Page 65). Montecito Community Plan Policy CIRC-M-1.6 indicates that intersections should operate at a minimal LOS B. In addition, the County Circulation Element, adopted in 1980 indicates that intersections should operate at a minimum LOS C (Circulation Element, Page 8, Adopted 1980, Republished April 2014).

Effective July 1, 2020, lead agencies under CEQA are now required to analyze a project's transportation impacts using vehicle miles traveled. However, this requirement does not apply retroactively to an EIR that was previously certified. Accordingly, a VMT analysis was not required under CEQA at the time the 2017 Highway 101 HOV Project Revised EIR was certified, and it is not required now. In summary, the need for improvements to this intersection has existed for several decades, separate from the HWY 101 HOV Project, and an induced VMT analysis is not required for the roundabout.

Appeal Issue 4 (CEQA Sections): The appellant contends that the approval violated the following sections of the California Environmental Quality Act (CEQA): 15126(e), 15126.6(e) and 15126.6(e)(1), 15126.4, 15126.6(f), 15162 (A)(3)(C), 15153, 15002 and 15002(j), 15003(i), 15003, 15021(a)(2), 15083, 15088, and 15097.

Staff Response to Appeal Issue 4: While the appellant contends that the project approval is in violation of a number of CEQA sections, he does not provide explanation or substantiation for this argument. As stated above, environmental review for the proposed project was appropriately completed through an Addendum (Attachment 2) to the previously certified EIR (on file with P&D), and the previously certified EIR is not subject to legal challenge.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$9,000.00 (40 hours of staff time). The costs for processing appeals are partially offset by a General Fund subsidy in Planning and Development's adopted budget. Funding for processing this appeal is budgeted in the Planning and Development Department's Permitting Budget Program, as shown on page D-294 of the County of Santa Barbara Fiscal Year (FY) 2020-21 adopted budget.

Special Instructions:

A display ad/notice shall be published at least 10 days prior to the hearing on November 17 2020. The display ad/notice shall appear in the Santa Barbara News-Press. Planning and Development shall fulfill noticing requirements. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention David Villalobos. A second minute order of the hearing shall be returned to Planning and Development, attention Nicole Lieu.

Attachments:

1. Findings for Approval
2. Addendum, dated March 2020
3. Development Plan Conditions of Approval
4. Coastal Development Permit Conditions of Approval
5. Project Plans
6. Montecito Planning Commission Staff Report, dated April 2, 2020
7. Montecito Planning Commission Action Letter, dated June 12, 2020
8. Appeal Application (First Submittal) dated June 22, 2020
9. Appellant Appeal Issues (Second Submittal) dated August 18, 2020

Authored by:

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