



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: January 5, 2016
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805) 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review South
(805) 568-2518

SUBJECT: Montecito Growth Management Ordinance (MGMO) Annual Director's Report-
2014/2015

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: No

Other Concurrence: Public Works

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file the Planning & Development Director's 2014/2015 annual report (Attachment A) regarding the health and safety findings relative to continuing the Montecito Growth Management Ordinance No. 4763 (MGMO); and,
- b) Determine that, pursuant to Attachment B (Notice of Exemption) the above action is an administrative activity that will not result in direct or indirect physical changes to the environment and thus is not a project as defined under Section 15378(b)(5) of the State Guidelines for the Implementation of the California Environmental Quality Act.

Summary Text:

The attached report (Attachment A) fulfills the requirements of the Montecito Growth Management Ordinance No. 4763 (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 that 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 areas of water resources, fire protection, waste water disposal, or traffic and circulation.

Background:

On October 5, 2010, the Board of Supervisors renewed and extended the provisions of the Montecito Growth Management Ordinance (MGMO) for twenty years. The expiration date for the Ordinance, therefore, is December 31, 2030. Section 35B-11 of Ordinance No. 4763 requires:

1. That the Director of Planning & Development and Public Works annually compile and forward to the Board of Supervisors a report regarding the operation of the Montecito Growth Management Ordinance; and
2. That the Board of Supervisors shall receive the Director’s report and may schedule a hearing to determine whether the public health and safety are no longer jeopardized by residential construction regulated by the MGMO.

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

Fiscal and Facilities Impacts:

Budgeted: Yes.

Funding to prepare this report is included in the Permitting Program on page D-289 of the adopted 2015/2017 fiscal year budget. The total estimated time to prepare this report is approximately ten staff hours, which equates to approximately \$1,887. Costs associated with implementing the Montecito Growth Management Ordinance on a parcel-specific basis are applicant reimbursable. There are no facilities impacts.

Special Instructions:

Not applicable.

Attachments:

- A. Planning and Development Director’s Annual Report for 2014/2015
- B. Notice of Exemption

Authored by:

Nicole Lieu, (805) 884-8068

ATTACHMENT-A
PLANNING AND DEVELOPMENT DIRECTOR'S ANNUAL REPORT FOR 2014/2015
ON THE MONTECITO GROWTH MANAGEMENT ORDINANCE

1.0 Conclusion

Out of the 19 allocations that may be issued in a year, zero allocations were issued in 2014 and three allocations were issued in 2015. 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. 4763 (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 areas of water resources, fire protection, waste water disposal, or traffic and circulation.

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. On October 5, 2010, the ordinance was renewed and extended through adoption of Ordinance 4763, with revisions to health and safety criteria based on an updated analysis of environmental resources and constraints.

The status of available services and resources in the Montecito Planning Area was analyzed in 1992 in the Montecito Community Plan EIR (92-EIR-03) and again in 2010 in a Subsequent EIR (SEIR) that was prepared as the environmental document for the 2010 MGMO extension. The Montecito Community Plan EIR was prepared in 1992 shortly after the 1991 adoption of the MGMO and provided information pertaining to the available services and resources at that time. The 2010 SEIR was prepared specifically to support the 2010 MGMO extension and includes environmental analysis of the issue areas (Water Resources, Fire Protection, Wastewater, and Traffic and Circulation) that supported the extension of the MGMO until 2030.

The MGMO (Section 35B-11) requires that the Director of Planning & Development forward a report to the Board of Supervisors each year on the status of the health and safety criteria considerations that provide the basis for continuing the growth management ordinance. These considerations are water resources, transportation /circulation, waste-water infrastructure, and fire protection services. The ordinance requires that the Board receive the report. The Board may schedule a hearing to determine whether the public health and safety are no longer jeopardized by the residential construction which is regulated by the MGMO.

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, waste water disposal, and traffic and circulation discussed in the following sections are met (Section 35B-11.4).

Water Resources Criterion:

Long and short term water demand is within reliable long- and short-term supply and is consistent with the 10 percent buffer as required by the Montecito Community Plan Policy WAT-M-1.5. If water demand approaches or exceeds water supply, the bi-annual allocation may be reduced until the situation is alleviated.

The Montecito Water District (MWD) is the primary water purveyor to the Montecito Community Plan area serving the majority of properties, with several private water companies and individual water systems serving the rest. Montecito Water District water comes from a combination of sources, including the State Water Project and local surface and groundwater supplies. 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 and a MWD water meter moratorium was in effect. In 1997, the MWD, now a participant in the State Water Project, lifted the water shortage emergency condition enacted in 1973 and began permitting the issuance of new water meters. Water resources were fully analyzed in the Supplemental EIR certified by the Board of Supervisors on October 5, 2010. The following discussion includes information summarized from the SEIR as well as additional updated information.

In 2008, the MWD recognized that water shortages had again become an issue when it identified that during 2007 the total demand for water exceeded the district's reliable supply by approximately 600 acre-feet. In response, the MWD adopted Ordinances 89 and 90, which established specific water allocations and redefined customer classifications. A Certificate of Water Service Availability (CWSA) stating the amount of water to be allocated to a property and new development is now required for all new development as the District moves toward the State mandated 20% reduction in water use by 2020. The MWD also adopted Resolution 2047 which established a new rate structure for water use designed to encourage water conservation. Overall, MWD customers responded well to the conservation measures established by the MWD. In 2013, the District adopted new water rates and charges along with a Five Year water rates and charges escalation schedule.

The availability of a reliable water supply remains a serious challenge for MWD as State Water is not as abundant or reliable as anticipated under the original MCP EIR. Increased reliability of State Water deliveries and additional efficiencies are required to meet both short-term and long-term demand. However, State Water allocations have fluctuated over the years as discussed in the SEIR. Although the Department of Water Resources is working on solutions to these issues, supplemental water purchases from the State Water Project and other Central Coast Water Authority contractors are not considered sustainable sources for an adequate long-term supply, which is required along with the 10% supply buffer mandated by Policy WAT-M-1.5.¹

Below average rainfall over the past four years has significantly impacted all MWD water supplies. MWD relies on Jameson and Cachuma Lakes for the majority of its water supplies, followed by Doulton Tunnel infiltration, local groundwater (usually private wells) and lastly the State Water Project.² As a result of the below-average rainfall, storage volume at Jameson Lake is at 21% of its capacity, and Cachuma Lake is at 28% of capacity.³ Several local groundwater wells have stopped producing, leading

¹ MGMO Final Supplemental EIR. 2010.

² Montecito Water District Memorandum from the Engineering Director to the Board of Directors, dated October 15, 2013.

³ Email from Tom Mosby, dated June 10, 2015

to increased demand on MWD water resources. The State Water Project provided a 5% Table A allocation in 2014, which is the lowest allocation to all State Water Project contractors since the formation of the Department of Water Resources in the 1950s. In 2014 the MWD declared a Water Shortage Emergency requiring mandatory water rationing, and instituted a water meter moratorium on new water service within the District's service boundary. Since declaration of the Water Shortage Emergency, the District has purchased supplemental water supplies that will temporarily and partially offset the loss of local and State Water Project Table A water supplies. Total purchase of supplemental water has exceeded 5,300 acre feet. These purchases are expected to carry the District through spring 2017, subject to water rationing remaining in place. However, the water purchases are temporary and did not result in repeal of the water meter moratorium or a long-term solution to water shortages. Reliable long-term water supplies have not been established and the pattern of below-average rainfall has continued. Thus, this criterion for MGMO expiration has not been met and the MGMO remains necessary from a water resources standpoint.⁴

Fire Protection Criteria:

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

The Montecito Fire Protection District operates two fire stations and is still in the planning stages for a third station proposed 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 an attendant influx of population. Potential development in the foothill areas of Montecito presents 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. Fire Protection was fully analyzed in the Supplemental EIR certified by the Board of Supervisors on October 5, 2010.

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 a ratio of firefighters per population at one per 2,000 or better. However, the 2010 Supplemental EIR for the MGMO extension identified new information and circumstances determining that several locations within the urban area of Montecito remain outside of the desired five minute or better response time. While the criterion pertaining to the ratio of firefighters per population served has been met, the criterion related to the response time of five minutes or better has not been met for the whole of the community, and a third fire station has not been constructed. Thus, the criteria have not been fully met and the MGMO remains necessary from a fire protection standpoint.

⁴ All water resources information reviewed and verified by Tom Mosby, General Manager, Montecito Water District, June 19, 2015.

Wastewater Disposal Criterion:

Montecito Sanitary District infrastructure is sufficient to serve urban areas of the Montecito Planning Area at build-out under the land uses established as part of the Montecito Community Plan.

Wastewater collection, treatment, and disposal were fully analyzed in the Supplemental EIR certified by the Board of Supervisors on October 5, 2010. The SEIR concluded that due to aging infrastructure, upgrades and/or replacements are necessary to continue to provide sufficient service to the urban areas of Montecito as build out continues under the land uses established by the Montecito Community Plan. Since 2010, the MSD has continued to make infrastructure improvements including lining of old pipes and replacing pumps, motors, generators, and maintenance equipment. However, none of these improvements increase the capacity of the collection system infrastructure or treatment plant.⁵ Therefore, the criterion has not been met and the MGMO remains necessary from a waste water disposal standpoint.

Traffic and Circulation Criterion:

Completion of improvements to the following identified roadways, intersections and interchanges identified in the Montecito Growth Management Ordinance Amendments and Extension Supplemental EIR, or completion of any equivalent or more effective measures:

- Roadways:
*North Jameson Lane
Sheffield Drive between Jelinda Drive and Birnam Wood Drive
East Valley Road between Cota Lane and Picacho Lane
Olive Mill Road between Olive Mill Lane and Hot Springs Road*
- Intersections:
*Sycamore Canyon Road/Barker Pass Road
Olive Mill Road/Spring Road
San Ysidro Road/East Valley Road*
- U.S. 101 Interchanges:
*Olive Mill Road
San Ysidro Road
Sheffield Drive*

An updated traffic and circulation analysis was prepared in 2010 for the *Montecito Growth Management Ordinance Amendments and Extension Supplemental EIR (SEIR)* and the traffic and circulation criterion above was identified as a mitigation measure.

⁵ Diane Gabriel, General Manager, Montecito Sanitary District. November 25, 2015 personal communication to Nicole Lieu.

Roadways

In 2010, the MGMO Extension SEIR identified the current Levels of Service⁶ for the four identified roadways listed in the criterion above (LOS A for the first three and LOS B for the fourth). The Montecito Community Plan identifies LOS B as the acceptable minimum Level of Service. The SEIR forecasts future LOS at build-out of the planning area to be LOS F, D, C and C for these four roadway segments, respectively. The SEIR identified road widening of these segments to mitigate the decrease in LOS at build-out. To date, the roadways have not been widened and no other equivalent measures have been implemented.

Intersections

The MGMO identifies three intersections that would be impacted by future buildout of the MGMO, as listed above. The operation of these intersections was evaluated in the 2010 MGMO Extension SEIR.

These intersections currently operate at LOS B.⁷ At buildout, the 2010 SEIR anticipates that all three intersections will be operating at LOS C. The SEIR identified several intersection improvements as mitigation measures, including converting the Sycamore Canyon Road/Barker Pass Road and the Olive Mill Road/Spring Road intersections to all way stop controls, and restriping the eastbound approach to San Ysidro Road/East Valley Road. To date, none of these improvements have occurred, nor have any other improvements been implemented.

Highway 101 Interchanges

Several operational improvements to the Highway 101 corridor through Montecito are in various stages of planning and construction by local and state agencies. Overall, these improvements include a plan to widen Highway 101 from Sycamore Creek in the City of Santa Barbara to Carpinteria Creek in the City of Carpinteria, and include several interchange upgrades (South Coast 101 High Occupancy Vehicle project). Construction of a portion of this project has been completed from Milpas Street in Santa Barbara to the interchange with Cabrillo Boulevard near the west boundary of the Montecito Community Plan area. This initial phase of the project included changes to the Highway 101/Cabrillo Boulevard interchange and construction of a roundabout at Hot Springs Road and Coast Village Road. Other portions of the project are in the planning and environmental review stages. The California Department of Transportation (Caltrans) released a draft EIR to the public and the comment period closed in summer 2012. The Final EIR was released August 28, 2014. On December 15, 2015 the Santa Barbara County Superior Court directed that a revised EIR be prepared and circulated. Separately, design of the project is expected to occur between the fall of 2015 and fall of 2017. Permitting for various stages of the project will occur over the next 5-10 years.

Currently, no changes are proposed to the Highway 101 interchanges with Olive Mill and San Ysidro Roads. Changes to the interchange with Sheffield Drive are proposed as the existing southbound off- and on-ramps would conflict with a High Occupancy Vehicle lane. Once completed, the operations of these interchanges and associated surface streets are expected to improve in terms of safety and level of service.

⁶ 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.

⁷ 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. The 2010 SEIR included a mitigation measure requiring a new traffic study once the Highway 101 improvements have been constructed in order to reassess traffic conditions in the Montecito area.

Therefore, as none of the identified improvements have occurred,^[1] the ordinance criterion for traffic and circulation has not been met and the continuation of the MGMO is necessary to preserve the public health and safety on the roadways of Montecito.

4.0 Ordinance Implementation

From the time when the MGMO became effective in July of 1991 through December 2015, 328 allocations for the development of new residential units have been granted. Of this number, construction has been completed on 121 residences, 182 allocations have expired without being utilized, seven have either been issued a building permit or are under construction, 13 are undergoing Montecito BAR, two have received a zoning clearance but have not applied for building permits, and the remaining three cases have not yet applied for BAR, zoning, or building review. 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.

^[1] Information regarding roadway, intersection and interchange improvements was verified by Will Robertson, Public Works, Transportation Division, November 25, 2015, and Matt Dobberteen, Public Works, Transportation Division, June 2, 2015 and December 7, 2015.

ATTACHMENT-B

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Nicole Lieu, Planning and Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: N/A

Case No.: N/A

Location: Montecito

Project Title: Montecito Growth Management Ordinance (MGMO) Annual Director's Report

Project Applicant: N/A

Project Description:

Receive and file the Planning & Development Director's 2014/2015 annual report regarding the health and safety findings relative to continuing the Montecito Growth Management Ordinance No. 4763 (MGMO).

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: N/A

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section 15378(b)(5) – Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Reasons to support exemption findings:

Receipt and filing of the Planning & Development Director's 2014/2015 annual report regarding the health and safety findings relative to continuing the Montecito Growth Management Ordinance No.

4763 (MGMO) is not a project. It is an administrative government activity that will not result in direct or indirect physical changes in the environment.

Lead Agency Contact Person: Nicole Lieu

Phone #: 884-8068 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.