

Appendix A
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Revised Draft

MONTECITO GROWTH MANAGEMENT ORDINANCE

ORDINANCE NO. _____

(Case #: 09ORD-00000-00014)

ORDINANCE AMENDING CHAPTER 35B, MONTECITO GROWTH MANAGEMENT ORDINANCE OF THE SANTA BARBARA COUNTY CODE, 35B TO RENEW AND EXTEND THE PROVISIONS OF CHAPTER 35B TO DECEMBER 31, 2030; AMEND SECTIONS 35-1, SHORT TITLE PURPOSE;, 32B-2, FINDINGS; SECTION 35B-3, APPLICABILITY; SECTION 35B-4, DEFINITIONS; SECTION 35B-5, ESTABLISHMENT OF ANNUAL DWELLING UNIT PERMIT ALLOCATIONS; SECTION 35B-6, PROCEDURES FOR ALLOCATIONS; SECTION 35B-7, POINT ASSIGNMENT SYSTEM; DELETING SECTION 35B -8 AND RENUMBERING SUBSEQUENT SECTIONS; AMENDING SECTION 35B-9, EXEMPTIONS; SECTION 35B-10, MODIFICATIONS; AND SECTION 35B-11, EXPIRATION

WHEREAS, the public health and safety, the preservation of the semi-rural character of the Montecito area and the necessity of assuring adequate services consistent with available resources and environmental constraints require adoption of a system for growth management in the Montecito Planning Area;

WHEREAS, the County, in consultation with the General Plan Advisory Committee (GPAC), has completed studies, including an Environmental Impact Report, which evaluate the need for and effects of a comprehensive Growth Management Plan for the Montecito Planning Area as defined in the County Comprehensive Plan, including management of residential development; and

WHEREAS, the County has prepared a Montecito Growth Management Plan, consisting of this ordinance, ~~amendments to the Comprehensive Plan and Coastal Plan Text which add new goals, policies and implementation measures and change residential land use designations, and a zoning ordinance amendments which add a growth management overlay to all zone districts in the Montecito Planning area;~~ and

WHEREAS, the Growth Management Ordinance is necessary to implement certain provisions of the Montecito Growth Management Plan; and

WHEREAS, the County has determined that the most effective method of preserving opportunities to meet the County's affordable housing needs in the Montecito Planning Area is to provide priorities and/or exemptions under a growth management plan as implemented by this growth management ordinance while continuing to explore other feasible alternative methods by which these needs might be met; and

WHEREAS, duly noticed public hearings have been held pursuant to Government Code §§ 65090 and 65091 before the Montecito Planning Commission and the Board of Supervisors to allow participation and comments on the adequacy of the MCP EIR (92-EIR-03), the SEIR (10EIR-00000-00003), and the provisions of this ordinance, and which have afforded an opportunity for all interested parties and affected property owners to appear and present testimony in connection with these matters; and

WHEREAS, the County has completed and certified the Environmental Impact Report (EIR), including the 2010 Supplement to the EIR, which analyzed appropriate management programs for the Montecito area and assessed a range of alternative growth scenarios; and

~~WHEREAS, the annual one percent permit allocation rate alternative as analyzed in the EIR would result in significantly increased adverse environmental impacts; and~~

WHEREAS, the annual one-fourth percent permit allocation rate alternative, which provides for a total permitted number of 10 units a year, as analyzed in the EIR had ~~no significant benefits compared to the project special affordable housing provisions;~~ and

~~WHEREAS, the annual one-eighth percent permit allocation rate alternative, which provides for a total permitted number of 5 dwelling units a year, as analyzed in the EIR would impede the County from meeting its affordable housing needs in the South Coast Housing Market Area; and~~

WHEREAS, the County-adopted permit allocation growth rate of one-half percent along with exemptions will enable the County to meet its affordable housing obligations in the most feasible and environmentally protective manner; and

WHEREAS, prior to the growth management ordinance the Montecito Planning Area ~~currently has~~ an average population increase of 2.26 percent per year which ~~was out of balance with community resources inconsistent with the recommended population growth rate of the Land Use Element adopted in 1980;~~ and

WHEREAS, Land Use Policy Number 4 of the Land Use Element obligates the County to perform its long-term and land use permitting functions for new development consistent with available groundwater resources and other resource and public service constraints; and

WHEREAS, the Montecito Growth Management EIR, and the Montecito Community Plan EIR and its 2010 Supplement, confirmed existing resource and service deficiencies including but not limited to the following areas: water supply and demand, traffic capacity and levels of service, air quality, ~~and~~ fire protection, sanitary services; and

WHEREAS the primary purpose for adoption of a growth management ordinance is to pace development at a rate appropriate for the community and that affords the best opportunity for bringing resources related to water, fire, ~~and~~ sanitary services, transportation infrastructure and service, and air quality into balance with development; and

WHEREAS, the estimates of existing water supply are subject to uncertainties in the quantities of water delivered from year to year involving 1) existing and potential legal challenges affecting the water rights and entitlements of the Montecito Water District, 2) pending revisions to contractual arrangements affecting deliveries from major water sources of supply; and 3) changes in hydrologic and physical conditions affecting the method of determining the availability of water; and

WHEREAS, estimates of water demand are subject to uncertainties involving 1) the effect of long term water conservation measures, 2) the use of ground water by private pumpers, and 3) pricing and water use policies of the Montecito Water District; and

WHEREAS, because uncertainty in both supply and demand figures will affect the available balance of water supplies in the Montecito Planning area, it is the policy of Santa Barbara County to closely monitor this data on an ongoing basis and to evaluate supplies and adjust development controls and allowable rates accordingly; and

WHEREAS, traffic levels on Montecito Planning Area roads are exceeding or approaching their design and acceptable capacities and pacing development will allow the County to plan for a more efficient use of its transportation network before roadways are additionally and unduly strained; and that is consistent with Montecito Community Plan policies that protect narrow road widths and minimal traffic lights in order to maintain community character; and

WHEREAS, meeting community needs for fire protection services would be impaired by lack of adequate water supply and pressure, and uncontrolled residential development increases the probability of inadequate response times; and

WHEREAS, the ~~capacity~~ infrastructure of the existing sanitary service area sewer plant may not be

adequate to meet build-out of the Montecito Planning Area under current general plan designations; ~~dewatered sludge disposal is a local and regional problem, and reports of failed individual sewage disposal systems are causing concern in parts of the community;~~

THEREFORE, the Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 35B of the Santa Barbara County Code is hereby amended ~~to add Section 35B~~ as follows:

Section 35B-1 SHORT TITLE. PURPOSE.

- 1.1 This Section 35B shall be known as the "Montecito Growth Management Ordinance" and is referred to herein as "this Ordinance."
- 1.2 It is the purpose of this Ordinance to accomplish the following:
 - 1.2.1 Pace residential growth and prevent rapid depletion of constrained resources in the Montecito Planning Area until such time as development and growth can be brought into balance with resources, services, and infrastructure.
 - 1.2.2 Augment and implement goals, policies and objectives expressed in the Comprehensive Plan, including the Local Coastal Plan and Zoning Ordinances relating to water resources, transportation/circulation, fire protection, public sanitary services and housing.
 - 1.2.3 Preserve the semi-rural character, quality of life, open space and environmental resources of the community.

SECTION 35B-2: FINDINGS

The provisions of this Ordinance are based on the following Findings:

2.1 Necessity of Growth Management Ordinance. The County must plan for a steady, rather than fluctuating, overly rapid rate of growth each year so as to allow resources, services, and infrastructure capacities in the County to be properly and effectively monitored and provided without further overextending existing facilities or incurring the increasing cost of short-sighted facility expansion, and to bring all deficient services to required standards through long-range planning.

2.2 Existing Policies. The County has adopted a Comprehensive Plan ~~and including a Local Coastal Program-Plan~~ consisting of land use designations, and development goals and policies as well as ~~and~~ zoning ordinances regulating residential, commercial and industrial development in the Montecito area. The Comprehensive Plan ~~and including the Coastal Land Use Plan and the Montecito Community Plan,~~ contain the following applicable policies, which mandate that growth occur at a steady, defined rate and within existing resources and service levels:

2.2.1 "Environmental constraints on development shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources." (Land Use Element: Countywide Goals and Policies 1.a. Environmental Goal)

"In order to pace development within long-term readily available resources and services (i.e., water, sewer, roads, schools), the County shall not permit the number of primary residential units to exceed an annual rate of one half of one percent of the permitted 1989 housing stock unless specifically exempted by ordinance. This rate shall represent the maximum allocated residential growth rate until such time that the County determines, through a periodic public review of the status of services and infrastructure in the Montecito Planning Area, that further growth can be accommodated by acceptable and reliable supplies and capacities without diminishing the quality of life in the community." (Land Use Element Policy I.A.1)

“A temporary reduction in the annual one-half percent dwelling unit permit rate and corresponding reduction in number of permit allocations for the Montecito Planning Area may be enacted by the Board of Supervisors, if the short term availability of resources is jeopardized by the continued allocation of such permits.” (Land Use Element Policy I .A. 2)

- 2.2.2 “Prior to issuance of a development –use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.” (Land Use Element Policy 4, Coastal Land Use Plan Policy 2.6)
- 2.2.3 “The Board of Supervisors and/or Planning Commission shall not approve new housing developments within the unincorporated South Coast Area which would utilize new extractions or increases in extractions of groundwater from any physically overdrafted groundwater basin, or which through such new or increased groundwater extractions would create a condition of physical overdraft in any groundwater basin. A condition of existing physical overdraft or project-induced physical overdraft shall be verified by the County Water Agency.” (Land Use Element South Coast Policy 1)
- 2.2.4 “The Board of Supervisors strongly encourages the governing Board of the various water purveyors within the unincorporated area of the County to take steps to increase their firm water supplies, including but not limited to placing water supply augmentation projects and/or funding measures on the ballot for decision by the voters.” (Land Use Element South Coast Policy 2)
- 2.2.5. “New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.” (Coastal Land Use Plan Section 3.2.1, and Coastal Act section 30250)
- 2.2.6. “The long term integrity of groundwater basins or sub-basins located wholly within the coastal zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded...” (Coastal Land Use Plan Policy 2.2)

2.3 Service and Resource Constraints. The rate of growth in the Montecito Planning Area prior to growth management for the last five year period from 1985–1990 has averaged 2.26 percent per year, which is in excess of the one half percent annual rate of primary units specified in the Land Use Element, of population growth recommended in the 1980 Comprehensive Plan.

- 2.3.1 ~~Documents prepared by the Resource Management Department staff, County Water Agency staff, and the Montecito Water District demonstrate t~~There is a documented limited amount of water available to the Montecito Planning Area for new construction, and ~~that the~~ available water resources must be carefully managed for the protection of the groundwater basin, the current users, and the potential new users.

- 2.3.2 Roadway Segments and intersections of four main roadways in the Montecito Planning Area are currently operating close to or exceed the current design or acceptable capacity or average daily trips identified in the current Circulation Chapter Element of the Montecito Community Comprehensive Plan.
- 2.3.3 ~~Eight~~ Other roadway segments or intersections are projected to exceed acceptable or design capacity the Circulation Element standards over the next twenty years, ~~if unregulated growth continues~~.
- 2.3.4. The South Coast of Santa Barbara County is state federally designated in non-attainment for ozone and particulate matter and is striving to reach attainment through measures adopted in the Air Quality Attainment Clean Plan Air Plan including the encouragement of growth management.
- 2.3.5 The "Montecito Community Plan Existing Setting Report, Part I, June 1990" found that Tthere approximately 3,84000 existing permitted dwelling units in the Montecito Planning Area on record with the County.
- 2.3.6 Montecito is a wildland-urban interface area and experiences periodic wildland fires, including the 2008 Tea Fire and the 2009 Jesusita Fire.
- 2.3.7 A substantial portion of the Montecito Planning Area lies outside the five minute response time for fire protection. Montecito public facilities, such as sanitary infrastructure and pump station locations will need improvements and upgrades to keep pace with existing and future build-out.

2.4 Growth Rate.

- 2.4.1 In view of the documented limited resources available ~~as documented in the Existing Setting Report~~, it is necessary and appropriate to establish an annual permit allocation for new dwelling units of not more than one-half percent of the currently existing permitted units.
- 2.4.2 The annual permit allocation for new dwelling units is a flat rate percentage of the base number of existing legally permitted dwelling units (approximately 3,800), using 1989 as a base year count. The one-half percent permit allocation limit will allow the County to work towards a balance between growth and resources. It is recognized that the short term annual increase in dwelling units may in fact exceed one half approach one percent due to construction of units exempted from this ordinance, but that the cumulative impacts of these exemptions would not add substantially to the resource constraints already present in the community. ~~A one half percent annual permit allocation would not cause any roadway currently operating below its designated Circulation Element capacity to exceed that capacity as a result of project buildout, and, given current water supply and demand, One half percent would continue to be the most feasible rate for providing consistency with public resource goals conservation of ground water resources for the long-term planning horizon.~~
- 2.4.3 An annual permit allocation of one-half percent, for purposes of this ordinance, is 19 dwelling units per year. Periodic resource and infrastructure constraint reports may cause the Board of Supervisors to further reduce this number. The growth rate will be monitored by tracking with allocations permits to be granted issued according on a to a bi-annual basis ~~allocation system~~. One-half of the yearly allocation will be distributed each six months.
- 2.4.4 The growth management ordinance establishes a priority for the distribution and timing of development which slows the service demands on the community by limiting the number of new dwellings allowed each year and by prioritizing those units based on a point system designed to give credit to development that demonstrates particularly reduced impacts on the services and resources which can best benefit from the establishment of such a point system.
- 2.4.5 A growth management ordinance establishes a mechanism that is "self-monitoring" and "self-regulating" because:

1. Resources will be closely monitored by the County and will be reviewed regularly in light of the demand created by the allowed growth rate. If the allowed growth rate is found to exceed the availability of water (or of other service and infrastructure constraints) the ordinance growth rate would be reassessed, and
2. Conversely, if water or the availability of various services are found to be sufficient to allow for a higher rate of growth, the ordinance would be reviewed for an increase in the growth rate, and
3. The periodic review procedure allows the County to assess and avoid possible future environmental impacts by maintaining a balance between growth and available resources, and
4. The review procedure also provides for the establishment of a database containing current and periodically updated information on resources. ~~Such a database is not now available.~~

2.4.6 The limitation on the rate of development of new dwelling units provided by this plan is consistent with the County Comprehensive Plan, including the Montecito Community Plan, and the Local Coastal Plan, ~~and the Air Quality Attainment Plan.~~ The growth management program as implemented through this Ordinance will augment policies and goals of the Comprehensive Plan, including the Montecito Community Plan and the Local Coastal Plan. The Growth Management Ordinance, ~~the Groundwater Resources section of the initiated Conservation Element, the initiated amendments to Circulation Element, and the Montecito Community Plan policies initiated as part of the Montecito Growth Management Plan will~~ pace development in order not to exacerbate the existing constraints that have required its ~~implementation of this Ordinance.~~

2.5 In addition, the pacing of new development is reasonably expected to:

- 2.5.1 Prevent the accelerated rate of depletion and/or overdrafting of the groundwater basin while encouraging cooperative efforts with Water Agencies and purveyors to obtain a long range, acceptable, and reliable source of water to serve the community.
- 2.5.2 Reduce growth in future demand on the roadways while exploring Circulation Element and Montecito Community Plan alternatives and implementing new roadway and planning strategies which reduce the need for future capital improvements and increase efficiency.
- 2.5.3 Encourage water conservation and monitoring the efficient use of available supplies.
- 2.5.4 Prevent rapid depletion of service resources by monitoring and ~~bi~~annually reporting on the status of services.

2.6 Housing Element Consistency.

2.6.1 The growth rate is consistent with Housing Element identified goals as follows:

The identified Regional Housing Needs Allocation for the South Coast Housing Market Area is ~~1,821~~ 1,182 units as identified in the 2003-2008 ~~1993~~ Housing Element.

2.6.2 This ordinance provides for exemptions for affordable units and second residential units.

2.6.3 Based on the exemption provisions of affordable units, the delay in the construction of market rate and luxury units will have a negligible effect on the provision of housing opportunities in the region.

2.6.4 To achieve an appropriate balance in the type of housing provided, exemptions and incentives for affordable housing are provided in the growth management ordinance.

2.6.5 The Board of Supervisors finds, pursuant to Government Code §65863.6, that the public service needs of the residents of the region and the lack of availability of fiscal and environmental

resources outweigh any effect of this ordinance on the housing needs of the region in limiting the number of housing units which may be constructed on the annual basis.

SECTION 35B-3: APPLICABILITY.

The provisions of this Ordinance shall apply to the following:

- 3.1 All ~~Land Use Permit, Zoning Clearance, and Coastal Development Permit~~ applications sought under Chapter 35, Zoning, of the Santa Barbara County Code, including the Montecito Land Use and Development Code and Articles II or its successor and IV of the County Zoning Ordinances which add or create the potential for additional new residential units in the Montecito Planning Area.
- 3.2 All new applications for Subdivisions (Tentative Maps), Lot Line Adjustments, Development Plans, Conditional Certificates of Compliance or any other action excluding applications for certain exempted classes, which could result in the potential to add a new primary residential unit where that potential did not previously exist.

SECTION 35B-4: DEFINITIONS.

For the purposes of this ordinance, the following terms shall be defined as follows:

"Calendar Year" shall be defined as January 1 through December 31 of each year.

"Group Quarters" shall be defined as a lodging or boarding house, residence hall, sanitarium, or special care home.

"Dwelling Unit" shall be defined pursuant to the definition in the Montecito Land Use and Development Code and Articles II or its successor and IV.

"Allocation" shall be defined as a written authorization which enables a property owner or agent to apply for a development permit or Zoning Clearance for a ~~primary~~ dwelling unit.

SECTION 35B-5: ESTABLISHMENT OF ANNUAL DWELLING UNIT PERMIT ALLOCATIONS.

~~Allocations for Land Use Permits and Coastal Development Permits for new dwelling units hereinafter to be granted~~ issued while this ordinance is in effect shall be ~~issued~~ granted at a rate of 19 per year. Certain projects are exempt from the annual permit allocation pursuant to Section 35B-~~89~~.

SECTION 35B-6: PROCEDURES FOR ALLOCATION.

- 6.1 Determination of points and ~~issuance~~ granting of an allocation shall be made in writing by the ~~Resource Management Department Director of P&D staff~~ on applications that which do not require approval by ~~the Zoning~~ the Zoning Administrator, Montecito Planning Commission, or Board of Supervisors. Allocations shall be based on point assignments and, as necessary, lottery.
 - 6.1.1 The point assignment shall be adopted by the ~~decision-maker~~ review authority as a finding of approval on discretionary projects. A subsequent allocation shall be granted by the Director of P&D if appropriate using the point assignment adopted by the review authority.
- 6.2 ~~Appeals.~~ All appeals of actions on determinations of points and allocations shall be filed within the 10 calendar days following of such action in compliance with ~~pursuant to~~ Article II or its successor and Article IV ~~the Montecito Land Use and Development Code~~ requirements governing appeals.
 - 6.2.1 If an appeal of point assignment is granted such that the point assignment is increased, and the new assignment, when competitively ranked against other applications for allocation received in the allocation period in which the appealed point assignment was received, would result in an allocation being granted, then the allocation shall count toward the available allocation in the then

current six month period. If the available allocations in the then current six month period are insufficient to distribute to all successful appellants, the allocations for the succeeding six month period shall be reduced accordingly.

- 6.3 Each allocation shall be valid only for the specific ~~parcel~~ lot for which application was made, and the allocation shall run with the land.
- 6.4 Application for an ~~land use~~ allocation may be made at any time during the year, except within the 45-day period prior to June 15 and December 15 of each calendar year. With the exception of Category B exemptions, ~~issuance~~ granting of allocations shall occur no later than the subsequent June 15 or December 15 following the date of their approval.
- 6.5 Applicants for an allocation not granted an allocation in one biannual period, may request in writing reconsideration in subsequent periods without re-application, if no substantial changes are made in the project description. Such application shall be required to compete against all other applications considered in the new period.
- 6.6 In the event that there are an insufficient number of allocations for distribution to all applicants for affordable projects, or to a group of applicants with an equal number of total points, available allocations will be awarded by lottery from amongst the applicants in that group, with priority given to the affordable housing units.
- 6.7 The number of allocations ~~assigned~~ granted shall not exceed 19 per ~~calendar year~~, nine to be ~~issued~~ granted by June 15, and 10 to be granted issued by December 15, except as otherwise provided in this ordinance. Allocations left unassigned may carry ~~over~~ over to the next cycle of that calendar year providing that the annual distribution shall not exceed 19 allocations in the calendar year. into future years.
- 6.8 Upon request of the applicant, which may only be made at the time of submittal of an application for point assignment and allocation, duplexes, condominiums and adjacent parcels in identical ownership may be reviewed as though they are one application and allocations shall be awarded for each dwelling unit, if successful in the point system, sufficient number of points are assigned ~~Points~~ The point assignment shall be an the average of the total for of the number of points assigned to each parcel divided by the total number of parcels. If assignment of allocations of the aforementioned application results in the distribution of more than nine allocations for the first six month period or 10 allocations for the second six month period for the calendar year, available allocations for the ~~succeeding~~ following six month period shall be reduced accordingly.
- 6.9 An Allocation shall must be obtained prior to commencing submittal of an application for the Montecito Board of Architectural Review (MBAR) process and development permit or zoning clearance. An allocation granted issued by the County shall expire, unless an application for MBAR review has been submitted within the six months following the granting of the application of issuance. An allocation shall be valid for no longer than three years following the granting of an allocation issuance, with one ninety day extension allowed, which may be granted by (The Director of P&D the Planning and Development Department may extend this three year period one time for 90 days based upon documentation of active and substantial effort toward issuance of a Coastal Development Permit, Land Use Permit, or Zoning Clearance completion of the land use permitting process. An application for a development permit or zoning clearance shall substantially comply with the project submittal relied upon in granting the allocation; however withdrawal and submittal of applications for a "Minor Change" to a Coastal Development Permit, Land Use Permit, or Zoning Clearance in compliance with the Montecito Land Use and Development Code, Article II or its successor and Montecito Board of Architectural Review approval is allowed within this three year period. A change in the project submittal which could affect the assignment issuance of points in any individual category, the affordability of a dwelling unit, and/or the potential number of units, as determined by the Director of P&D the Planning and Development

Department, shall invalidate the granted ~~issued~~ allocation.

6.9.1 In addition to the 90 day time extension provided in Subsection 6.9, above, the Director for good cause may extend one time the expiration of an active, unexpired allocation for an additional 24 months in compliance with the following:

- a. The Director has determined that an additional time extension is necessary due to an economic hardship resulting from a national economic recession.
- b. The time extension request is filed with the Department before the expiration of the allocation that is the subject of the time extension request.

This Subsection 6.9.1 shall expire, and be of no further force or effect, on January 12, 2012, unless extended by ordinance.

6.10 Appropriate fees as established by resolution of the Board of Supervisors shall be charged for processing ~~allocation~~ applications for allocations, reconsideration, and point assignments.

SECTION 35B-7: POINT ASSIGNMENT SYSTEM

7.1 Allocations for dwelling units subject to the allocation system shall be awarded twice a year, on the basis of a point assignment system. Projects with the highest number of points will be awarded available allocations for each six month period.

7.2 ~~Competing p~~Projects shall be evaluated under the following:

7.2.1 Project includes an irrevocable agreement running with the land or change to a Comprehensive Plan Designation that reduces or eliminates potential residential development.

~~Number of p~~Points for one or the first potential residential ~~more potential residential~~ units removed 20

~~b. Points for the second and each subsequent unit potential removed~~10

7.2.2 ~~Project may receive points for the following categories:~~

~~a. Project demonstrates that it has obtained a Certificate of Water Service Availability or its equivalent, does not increase net water usage for the parcel in question above historic level of 1979 to 1988, or above current water use, whichever is less.~~

Number of points10

~~b. Project utilizes a private on-site well from demonstrated perennial sources located outside of the Montecito groundwater basin or water allotment from the City of Santa Barbara~~

~~Number of points~~10

7.2.3 Project demonstrates that it does not direct vehicular access ~~measurable traffic~~ to any one or more of the following roadways:

- 1. Hot Springs Road
- 2. Olive Mill Road
- 3. San Ysidro Road, south of East Valley intersection
- 4. East Valley Road, between San Ysidro and Sheffield

Number of points 20

7.2.4 Project is within 1/4 mile walking distance along roadways from a bus stop 5

7.2.5 Project complies with all of the following:

- a. Travel distance from nearest Montecito Fire Protection District fire station to proposed structure is less than three miles.
- b. Response time for fire apparatus from fire station to proposed structure does not exceed five minutes.
- c. The project shall be served by a fire district approved water supply system which satisfies fire flow criteria identified in Montecito Fire Protection District Standards, ~~88-3~~
Number of points 20

7.2.6 Portions of the site which would be disturbed for preparation and construction activities (including access, roads, structured pads, accessory structures and buildings, and exterior accessory areas) shall not exceed 10 percent slope

Number of points 20

7.2.7 Project site does not contains ~~no any mapped~~ habitat areas 15

Number of points 20

7.2.8 Project may receive ~~a maximum of 10 points from in~~ the following categories; points may be awarded only if the applicant has the ability to site the project so that it would be located closer than the distances specified:

- a. Project protects oak trees and oak woodland areas by providing a minimum of a ~~20~~ 25 feet undisturbed buffer around all oak woodlands and all mature individual oak trees on site as measured from the tree trunk ~~10~~ 5
- b. Project ~~includes protection of~~ protects mapped monarch butterfly wintering sites from development by providing a minimum 100 foot undisturbed buffer from all encroachment within 100 feet of the nearest butterfly trees ~~10~~ 5
- c. Project includes restoration of all disturbed and/or artificially channelized wetlands or riparian areas and surrounding stream habitats on the parcel ~~10~~ 5
- d. Project protects undisturbed or restored stream(s), creek(s), and riparian vegetation by providing a minimum 75 foot undisturbed buffer strip of 75 feet from the top of the bank for urban area streams and 125 feet in other areas ~~10~~ 5

7.2.9 Project proposed for development is located site is outside the 100 year floodplain 10

Number of points 10

7.2.10 Project is outside Cold Springs and Montecito Union School District Boundaries

Number of points 10

----- 10

7.2.11 Public hiking and/or equestrian trail(s) ~~is/are offered as part of the application for point assignment and allocation for dedication to the County adjacent to or along public right of ways and/or which connect other public trail segments~~ acceptable to the County and consistent with community plans is/are offered as part of the application for point assignment and allocation for dedication to the County

Number of points 20

----- 5

7.2.12 Project connects ~~hooks up to~~ Montecito Sanitary District sewer system 5

Number of points 5

7.2.13 For projects that propose use of private ~~septic~~ sewage disposal systems, soil type indicates a less than moderate restriction for sanitary facilities, as indicated on the Soil Conservation Service Maps, unless the factors which indicate a moderate or severe restriction are not present on the specified project site

Number of points 5

5

~~SECTION 35B-8: (Deleted by Ordinance 4133)~~

SECTION 35B-89: EXEMPTIONS

There shall be three classes of exemptions:

89.1 Category A: Projects which are exempt from all provisions of this ordinance.

89.1.1 Any second residential dwelling unit located in a single family zone district, which provides complete independent living facilities for one or more persons ~~pursuant to~~ in compliance with Sections 35-442.160 70 of the Montecito Land Use and Development Code ~~Santa Barbara County Zoning Ordinance, Article IV,~~ and Section 35-142, of the Article II Coastal Zoning Ordinance or its successor.

89.1.2 Facilities that provide housing for supervised seniors and/or handicapped persons, or group quarters.

89.1.3 Reconstruction or replacement of permitted or ~~legal~~ nonconforming units consistent with the nonconforming use or structure provisions of Article II and ~~Article IV.~~ The Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance or its successor.

~~9.1.4 Units subject to an approved and recorded phasing agreement under Section 2.h. of Interim Ordinance 3763.~~

~~89.1.45~~ Conversions Condominium of existing units condominiums. Conversions of existing units.

~~89.1.56~~ Permitable structures inhabited as a dwelling unit and not requiring a land division, documented to exist prior to August 3, 1990. Structures documented to exist prior to August 3, 1990 that have been continuously inhabited since that time than may be permitted as a dwelling unit in compliance with the Montecito Land Use and Development Code or the Article II Coastal Zoning Ordinance, as applicable, without requiring a land division.

~~9.1.7 Projects with final Board of Architectural Review approval as of the effective date of this ordinance. Projects under appeal of a Board of Architectural Review decision as of the effective date of this ordinance, and subsequently granted approval shall also be exempted.~~

89.2 Category B: High Priority Units.

89.2.1 Units not subject to the yearly allocation permit caps: Up to a maximum of eight affordable units per year, on a first come basis, which meet the requirements of the County's Housing Element ~~and the Resource Management Department Housing Guidelines,~~ shall have the highest priority and shall not be counted against the yearly permit allocation cap of 19 units per year, nor subject to the biannual allocation system described in Section 35B-6.

8.2.2 Units subject to the yearly allocation ~~permit~~ cap, but exempt from the point allocation system: Up to ~~the maximum number of allocations~~ (19) allocations may be granted in a calendar year shall be allowable for the following type of projects, per year. Allocations shall be made prior to the granting issuing of any other allocations subject to the cap for a given six month period.

a. Affordable units that meet the requirements of the County's Housing Element in excess of

eight per year;

- b. Market rate units that are part of a 50 percent or more affordable project qualifying under 9.2.1 above;

89.3 Category C: Hardship.

A hardship exemption may be ~~granted issued~~ by ~~the the~~ Montecito Planning Commission Zoning Administrator or his/her designee, upon notice and hearing, if all of the following findings can be made:

~~89.3.1. The application is for a Ssingle fFamily Residence dwelling that which~~ will be occupied as the primary residence of the applicant.

~~89.3.2. The applicant is not entitled to any other exemption enumerated in this the~~ ordinance.

~~89.3.3. The applicant has either applied for and made a good faith effort to compete with the maximum number of points possible, but failed to receive an allocation under the ordinance in the allocation period immediately preceding the request for exemption, or participated in the Interim Ordinance 3763 lottery process pursuant to Section 3.e., but failed to receive an allocation.~~

~~89.3.4. Strict application of the ordinance will cause a substantial and irrevocable interference with owner's good faith, reasonable investment backed expectations.~~

~~89.3.4.1~~ For purposes of this subsection, purchase of the subject property on or after April 4, 1989 shall not be deemed to provide the basis for a reasonable expectation of development.

~~89.3.4.2~~ For purposes of this subsection, historic cash investment and carrying costs may be considered but shall not be determinative of entitlement to a hardship exemption. Factors which may be considered include, but are not limited to: date of purchase, purchase price, value of parcel in relation to other assets, financial impact of delayed development, location and value of current primary residence, purchase date and rental history of current primary residence, other real estate holdings, unanticipated unusual circumstances creating hardship, health considerations, household size.

~~89.3.5. The grant of the exemption shall not impair the purpose and intent of the ordinance. This finding shall not be made unless the applicant demonstrates that the dwelling will not measurably cause or exacerbate service and resource constraints enumerated in this ordinance and analyzed in the EIRthe Montecito Community Plan EIR (92-EIR-03), including the SEIR (10EIR-00000-0003) or other relevant studies or documents.~~

~~89.3.6~~ An allocation based on hardship pursuant to this section shall automatically expire upon transfer of the property.

~~89.3.7~~ Decisions of the Montecito Planning Commission Zoning Administrator or his/her designee shall be the final decision of the County, pursuant to notwithstanding the provisions of Section 35.-492.0540327.3.4 of the County Code. Montecito Land Use and Development Code and Section 35-182 (A) (3) of Article II or its successor.

~~89.3.8~~ Applicant shall deposit fees to cover the costs of processing the exemption application pursuant to a schedule established by the Planning and Development Department. the fee resolution adopted by the Board of Supervisors

~~89.3.9~~ The Montecito Planning Commission Zoning Administrator shall establish rules of procedure pursuant to County Code Section 2-31.

SECTION 35B-240: MODIFICATION AND AMENDMENT OF ORDINANCE.

This ordinance shall be reviewed for possible amendments by the Board of Supervisors at least once every five years during its life. This ordinance may be ~~modified~~ amended as necessary by the Board of Supervisors to account for:

- ~~910.1~~ Changes in County-wide or Montecito Community Plan Area Plans and policies. Consistency between this ordinance and the Comprehensive Plan, including the Montecito Community Plan, and the updated Land Use and Circulation Elements and Local Coastal Plan shall be reassessed after adoption of said future updates of said elements and plan and this ordinance shall be amended a necessary to comply with those documents.
- ~~910.2~~ Changes in County or Montecito Community Plan A area ~~fair share~~ of regional housing needs. Once the Housing Element is updated ~~based on 1990 census data and new fair share~~ housing estimates are produced, the residential growth rate shall be re-evaluated to ensure that affordable housing needs can be met.
- ~~910.3~~ Need for additional encouragement of the construction of affordable units.
- ~~910.4~~ Additions to or deletions from projects exempt under Section 35B-9.
- ~~910.5~~ Need for adjustment of the maximum number of yearly allocations based on information in the reports on available services and resources presented to the Board at the time of periodic ordinance review as provided by this section.
- ~~910.6~~ Need for additional or revised point assignment categories.

SECTION 35B-104: SEVERABILITY

This ordinance shall be fully severable. If any portion of this ordinance is determined to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 35B-112: EXPIRATION

- ~~112.1.~~ This ordinance shall expire on December 31, ~~2010~~ 2030 unless the Board of Supervisors extends its provisions by amendment. It shall also cease to be in effect at any time the Board of Supervisors determines that public health and safety are no longer jeopardized by residential construction regulated by this ordinance.
- ~~112.2.~~ The Planning and Development Department and, ~~in conjunction with the~~ Public Works Department, shall annually compile and forward to the Board for consideration a report on the considerations relevant to the public health and safety findings in Section 35B-2 regarding water resources, circulation and traffic, circulation, wastewater infrastructure, and fire protection services. The Director of the Planning and Development Department shall report sooner upon receipt of information indicating that the public health and safety is no longer jeopardized by residential construction regulated by this ordinance.
- ~~112.3.~~ The Board of Supervisors shall receive the Director's report and may schedule a hearing to determine, for purposes of Section 35B-12.1, whether the public health and safety are no longer jeopardized by residential construction regulated by this ordinance.
- ~~112.4~~ For the purpose of Section 35B-12.1, the public health and safety will be considered no longer jeopardized and this Ordinance shall terminate if all of the following criteria are met:

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

Fire Protection: The ratio of firefighters per population served has reached and been maintained at one-per-2000 or better, and response time to all areas within the Urban Boundary of Montecito is five minutes or better;

~~and~~

Traffic and Circulation: Completion of improvements to the following identified roadways, intersections and interchanges ~~identified in the Montecito Community Plan EIR,~~ or completion of any equivalent or more effective ~~measures;~~ measures that meet the goals of the Comprehensive Plan, including the Montecito Community Plan and Local Coastal Plan, and its associated implementation.

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.

SECTION 2

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 3:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2010, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

 JANET WOLF
 Chair, Board of Supervisors
 County of Santa Barbara

ATTEST:

 MICHAEL F. BROWN
 Clerk of the Board of Supervisors

APPROVED AS TO FORM:

 DENNIS A. MARSHALL
 County Counsel

By _____
 Deputy Clerk

By _____
 Deputy County Counsel

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Appendix B
Montecito Build-out Map


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


Montecito Residential Buildout

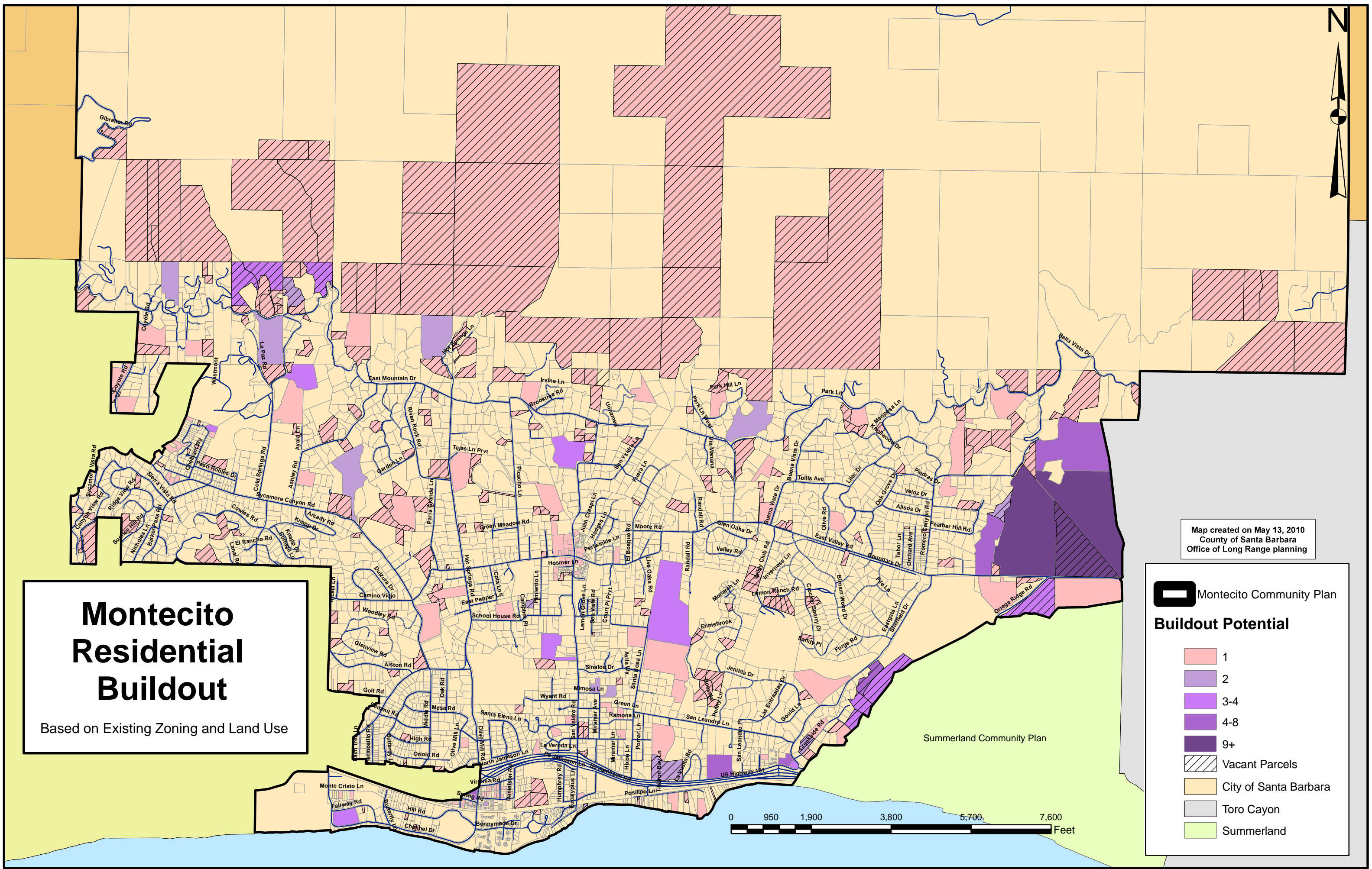
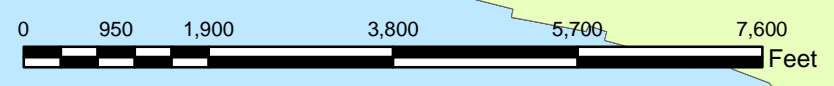
Based on Existing Zoning and Land Use

Map created on May 13, 2010
County of Santa Barbara
Office of Long Range planning

 Montecito Community Plan

Buildout Potential

-  1
-  2
-  3-4
-  4-8
-  9+
-  Vacant Parcels
-  City of Santa Barbara
-  Toro Cayon
-  Summerland



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Appendix C
Notice of Preparation

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County of Santa Barbara Planning and Development

Glenn Russell, Director

Dianne Black, Director Development Services

Derek Johnson, Director Long Range Planning

NOTICE OF PREPARATION

TO: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

FROM: Santa Barbara County
Office of Long Range Planning
Holly Bradbury, Project Manager

SUBJECT: Notice of Preparation of a Draft Supplemental Environmental Impact Report (Supplement to the Montecito Community Plan EIR, 92-EIR-3)

LEAD AGENCY: County of Santa Barbara Planning and Development Department

PROJECT NAME: Montecito Growth Management Ordinance Extension

DATE: April 8, 2010

PROJECT LOCATION: The unincorporated community of Montecito generally lies between the Pacific Ocean and foothills of the Santa Ynez mountain range, with the City of Santa Barbara to the west and the unincorporated communities of Summerland and Toro Canyon to the east. Interstate Highway 101 and State Highway 192 are the main regional transportation routes through the project site.

PROJECT CASE #: 09ORD-00000-00014; 92-EIR-3 Supplement

The County of Santa Barbara Planning and Development Department, acting as the Lead Agency, will prepare a Supplemental Environmental Impact Report to the Montecito Community Plan EIR for the Montecito Growth Management Ordinance Extension. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project.

Please send your response and the name of a contact person in your agency to Holly Bradbury, Project Manager, at the address shown below. Due to the time limits mandated by State law, your response must be received at the earliest possible date but not later than 30 days after receipt of this notice. Due date: Wednesday, May 12, 2010, 5:00 p.m. Postmarks will not be accepted.

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

The proposed project is the extension of the Montecito Growth Management Ordinance and language clarifications, which would extend the ordinance beyond the December 2010 expiration. The project description, location and the potential environmental effects are contained in the Initial Study. The *Draft Montecito Growth Management Ordinance Extension Initial Study* and the current ordinance may be downloaded from the Office of Long Range Planning webpage located on the internet at:

<http://longrange.sbcountyplanning.org/planareas/montecito/mgmo.php>

SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS: The Initial Study determined new potentially significant environmental impacts or increase in severity in the following resources areas:

- Public Facilities, Water Resources, Fire Protection, and Transportation/Circulation due to changed circumstances in available public services.

SCOPING MEETING: A scoping meeting will be held on **April 20, 2010 at 5:30PM, in the Planning Commission Hearing Room, 123 E. Anapamu St, Santa Barbara, CA 93101** to receive public comments regarding the Supplemental EIR scope of work and potential project impacts.

Planner: Holly Bradbury, Project Manager

Division: Long Range Planning

Telephone: (805) 568-3577

Fax: (805) 568-2076

Email: hbradbur@co.santa-barbara.ca.us

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, and 15375.

cc: Clerk of the Board (please post for 30 days)

Appendix D

GHG Emissions Worksheet, Mitigation Measure
Reductions, and Substantial Evidence

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Appendix D: GHG Emissions Worksheet, Mitigation Measure Reductions, and Substantial Evidence

GHG Calculation Worksheet and CO₂ Equivalent Calculations

Project:	MGMO			
<i>Plan Information</i>			<i>Units</i>	<i>Source</i>
Plan horizon	20		years	MGMO
Residences (new)	455		residences	MGMO
Household size	2.41		persons/household	Census
Existing Plan Area population		10,000	persons	Census
Additional Plan Area population at build-out		1,097	persons	Calculated
Total Plan Area population at build-out		11,097	persons	Calculated
Total service area population		1,097	persons	Calculated
<i>Conversion Factors</i>				
<i>Carbon dioxide</i>				
				Climate Action Registry General Reporting Protocol (CAR GRP)
CO ₂ emissions/kWh	0.399		kg/kWh	
CO ₂ emissions/therm of natural gas	5.299		kg/therm	CAR GRP
CO ₂ emissions/gallon gasoline	8.81		kg/gallon	CAR GRP
CO ₂ emissions/gallon diesel	10.15		kg/gallon	CAR GRP
<i>Methane</i>				
MH ₄ emissions/kWh	0.003		kg/MWh	CAR GRP
MH ₄ emissions/therm of natural gas	0.0001		kg/therm	CAR GRP
MH ₄ emissions/gallon gasoline	0.0178		g/mi	CAR GRP
MH ₄ emissions/gallon diesel	0.0051		g/mi	CAR GRP
<i>Nitrous oxide</i>				
N ₂ O emissions/kWh	0.0017		kg/MWh	CAR GRP
N ₂ O emissions/therm of natural gas	0.00001		kg/therm	CAR GRP
N ₂ O emissions/gallon gasoline	0.0273		g/mi	CAR GRP
N ₂ O emissions/gallon diesel	10.15		g/mi	CAR GRP

CO₂e Conversion Factors (Global Warming Potential Factor)

Methane (MH ₄)	21	factor	CAR GRP
Nitrous oxide (N ₂ O)	310	factor	CAR GRP

Emissions Calculations

Subtotal direct emissions and vehicle miles traveled /year ¹	7,111	metric tons/year	URBEMIS
Subtotal direct emissions	138,101	metric tons	Calculated
Direct emissions/residence	0.04	metric tons	Calculated

Indirect Emissions

<i>Electrical</i>		<i>Units</i>	<i>Source</i>
Avg. electrical GHG emissions/household/yr	2.75	metric tons/household/yr	CEC
Avg. electrical CO ₂ emissions/yr	1,251	metric tons/yr	Calculated
Subtotal electrical CO ₂ e emissions to plan horizon	25,025	metric tons	Calculated

<i>Natural Gas</i>		<i>Units</i>	<i>Source</i>
Avg. natural gas emissions/household/yr	471	therms	CEC
Avg. natural gas emissions/yr	214,305	therms/yr	Calculated
Natural gas emissions to plan horizon	4,399,140	therms	Calculated
CO ₂ e emissions/yr	1,137	metric tons/yr	Calculated
Subtotal CO ₂ e emissions	22,734	metric tons	Calculated
Total CO₂e Emissions/year	9,499	metric tons/yr	Calculated
Total CO₂e Emissions	54,870	metric tons	Calculated

¹ URBEMIS 2007, includes direct emissions and VMT. Unmitigated with natural gas emissions excluded from model. Based on annual summary. URBEMIS modeling results and assumptions are on file with P&D.

<i>Significance Determination</i>		<i>Units</i>
Plan significance threshold	6.6	metric tons CO ₂ e/service population/year
Annual plan emissions at build-out/SP/year	8.+	metric tons CO₂e/service population/year

Emissions Reduction Worksheet (from ICLEI's CAPP Tool)

Assumptions

Residences	1
Floor Area (SF)	4,000
Persons/Household	2.41

Annual CO ₂ e Reduction (metric tons/yr)	Per Household	Per Person	Per SF	Per Device	Per Acre	Per kW	Per Daily Car Trip Avoided	Per Tree
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Energy Efficient Equipment, Heating and Cooling

ENERGY STAR Dishwasher Replacement	0.09	0.04		0.09				
ENERGY STAR Clothes Washer Replacement	0.07	0.03		0.07				
ENERGY STAR Water Heater Replacement	0.79	0.33		0.79				
Energy Efficient Room AC	0.04	0.02		0.04				
Fuel Switching, Electric to natural gas	0.32	0.13		0.32				
Geothermal heat pump	0.72	0.30		0.72				

Green Building

Green Building standard	9.03	3.75	0.002					
Residential Energy Code	0.77	0.32						
AB 811 Efficiency Loan	0.42	0.17						
Energy Efficiency Retrofits of Existing Facilities	3.61	1.50	0.001					

Energy Efficient Lighting

LED Christmas Lights (10 strings)	0.07	0.03						
Efficient Lighting Retrofit	3.72	1.54	0.001					
Energy Efficiency Education	0.82	0.34						

Annual CO2e Reduction (metric tons/yr)	Per Household	Per Person	Per SF	Per Device	Per Acre	Per kW	Per Daily Car Trip Avoided	Per Tree
Water Conservation								
Faucet Replacement				0.01				
Showerhead Replacement				0.13				
Toilet Replacement				0.01				
Irrigation Control	0.27	0.11			0.27			
Low-maintenance Landscaping	0.60	0.25						
Green Roofs								
			0.001					
Renewable Energy								
Solar PV Energy (3 kW)	1.98	0.82				0.66		
Solar Pool (2,000 SF)	20.00	8.30	0.010					
		0.344398						
Solar Hot Water	0.83	34						
Wind Energy	2.07	0.86				0.69		
Trip Reduction								
Bike Integration/Facilities	0.81	0.34					0.81	
Carbon Sequestration								
Shade Trees/Urban Forest (5 trees)	1.27	0.52						0.253
		0						
Total Emissions Reductions per Household								
	48.28	20.03						
Emissions Reductions/Person								
	20.03	8.31						

Support for Use of Bay Area Air Quality Management District Greenhouse Gas Emissions Standards

This memorandum discusses factual background and justification for the County's interim reliance on thresholds of significance for GHG emissions developed and proposed by the Bay Area Air Quality Management District (BAAQMD). The County is presently working to develop an inventory of current GHG emissions and a Climate Action Strategy and Climate Action Plan based on this data. Until County-specific data becomes available and significance thresholds applicable to GHG emissions are developed and formally adopted, the County has developed interim procedures that rely on the proposed BAAQMD standards. Santa Barbara is similar to certain Bay Area counties (in particular, Sonoma, Solano, and Marin) in terms of population growth, land use patterns, General Plan policies, and average commute patterns and times. Because of these similarities, the methodology used by BAAQMD to develop its GHG emission significance thresholds, as well as the thresholds themselves, have applicability to Santa Barbara County and represent the best available interim standards for Santa Barbara County.

A. Summary of BAAQMD Methodology

The BAAQMD has developed a methodology and significance thresholds for GHG emissions using the emission reduction goals of AB 32 while taking into account the emission reduction strategies outlined in the Scoping Plan. BAAQMD proposes thresholds for both land use projects (stationary and non-stationary sources) and plans. Using the emission reductions levels required to meet the goals of AB 32, BAAQMD identified two methods and thresholds for land use projects. The first threshold is based on a gap analysis and the second threshold is based on what would be considered a GHG-efficient project. The BAAQMD also established thresholds for land use plans based on the GHG-efficient method. Thresholds for stationary sources were established using a separate method specific to stationary source polluters.

1. Project-Level Thresholds

The Gap Analysis Approach

This approach focuses on a limited set of State mandates that appear to have the greatest potential to reduce land use development related GHG emissions. The BAAQMD's steps in determining the threshold are outlined below.

- 1) Determine growth in emissions attributable to land use driven sectors.
- 2) Estimate the anticipated GHG reductions affecting the same land use-driven emissions sectors associated with the AB 32 Scoping Plan.

- 3) Determine the gap between statewide inventory estimates and the estimated reductions from the adopted AB 32 Scoping Plan. The gap identified represents the additional GHG emissions reductions needed statewide from land use-driven emissions sectors, which represents new land use developments' share of the emissions reductions needed to meet the statewide reduction goals.
- 4) Determine the percent reduction that the gap represents in the land-use driven sectors from the BAAQMD's inventory. Identify the amount of reductions needed to meet this gap.
- 5) Assess historical CEQA documents to determine the frequency distribution trend of project sizes and types that have been subject to CEQA for the past several years.
- 6) Forecast new land use development for the Bay Area through the year 2020.
- 7) Estimate GHG emissions from each land use development project type and size using URBEMIS. Determine the amount of GHG emissions that can reasonable be reduced through current mitigation measures for future development projects subject to CEQA.
- 8) Conduct a sensitivity analysis of the GHG mass emissions threshold needed to achieve the desired reduction identified in Step 4. The mass emissions threshold is what would be needed to achieve the emissions reductions necessary by 2020 to meet the Bay Area's fare share of the statewide gap from land use-driven emissions.

Using these steps BAAQMD identified a significance threshold of 1,100 MT of CO₂e/year for non-stationary sources.

Efficiency-Based Approach

The threshold was determined by dividing the emissions inventory goal for 2020 (for land use-related sectors only) by the estimated 2020 population and employment. The number given by this calculation provides what would be considered a GHG efficient project if its emissions were to remain below that level.

This approach resulted in a significance threshold of 4.6 MT CO₂e/California Service Population/yr (residents + employees) for non-stationary sources and can be applied to both projects and plans.

Stationary Sources

BAAQMD determined a threshold of 10,000 MT CO₂/year for greenhouse gas emissions from stationary sources. This threshold was developed based on estimating CO₂ emissions from projects in the Air District from 2005 – 2007. Only CO₂ emissions were included as they represent the majority of GHG

emissions from stationary combustion. Emissions were estimated for the maximum permitted amount. Using this data, BAAQMD determined that a threshold of 10,000 MT CO₂/year would encompass 95% of all GHG emissions from stationary sources. While this threshold would capture 95% of emissions, only 10% of new permits would actually hit this threshold. Thus the threshold captures the large significant polluters.

2. Plan-Level Thresholds

Plans would be considered to have less than significant GHG emissions if they are:

- 1) Consistent with a locally adopted GHG Reduction Plan or Climate Action Plan
- 2) Less than the efficiency threshold identified for project level GHG impacts, 4.6 MT CO₂e/California Service Population/yr (residents + employees).

B. Reasoning for Santa Barbara County Reliance on BAAQMD Standards

Until the County of Santa Barbara has formally adopted thresholds of significance for GHG emissions, the County must look to other jurisdictions with similar characteristics for guidance in the interim. Currently the BAAQMD is the first air quality management district to have formally adopted GHG thresholds. As described above, BAAQMD's thresholds are based on a sound, factually supported methodology. While land use patterns in Santa Barbara County are different from the Bay Area as a whole region, the BAAQMD does contain county jurisdictions very similar to Santa Barbara County. Santa Barbara County and several Bay Area counties have similar demographics, land use patterns, and behaviors, while other Bay Area counties are quite different in these characteristics. Given that the BAAQMD's adopted thresholds provide the best and most defensible significance criteria available at this time, the County proposes to refer to the BAAQMD thresholds for determinations of impact significance with respect to GHG emissions as an interim measure. Once data is available on GHG emissions for Santa Barbara County, a locally based analysis will be conducted to update the significance criteria.

To the extent that Santa Barbara County is similar to certain counties in the Bay Area with similar land use patterns and past population growth rates, Santa Barbara County can be expected to continue to grow in a similar fashion to these Bay Area in the future as well. Examining land use policies in General Plans in the two regions, which guide growth in the future, provides support for this conclusion. Given that the two regions would be expected to have similar future growth, the forecast for future land use development in BAAQMD's gap analysis threshold methodology should also generally apply to Santa Barbara County, such that the BAAQMD thresholds would also be relevant to Santa Barbara County. It

should be noted that this methodology also applies in blanket fashion to areas that are very different from Santa Barbara County.

The BAAQMD encompasses all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties as well as the southwestern portion of Solano County and southern Sonoma County. While not all of these Counties are analogous to Santa Barbara County in land use characteristics, population growth, etc., three of these counties, Sonoma, Solano, and Marin, are considered to be Benchmark Counties to Santa Barbara County.¹ Benchmark Counties are considered to have common characteristics including, but not limited to, the following: total population of more than 250,000 but less than 500,000; suburban to rural environments; do not contain a large metropolitan city and are known for their scenic beauty and environmental focus. Table 1 below summarizes the population characteristics and commuter behavior for all Bay Area counties and Santa Barbara County. Sonoma and Solano Counties present a very similar picture to that of Santa Barbara County. The other seven counties show very different characteristics, especially with respect to population size and vehicle miles travelled (VMT). Marin and Napa Counties are smaller counties with slower growth, while the remaining counties contain a much larger populations and corresponding VMT.

Table 1. Bay Area and Santa Barbara County Characteristics^{234 5}

County	Population (2010)	% Change in Population (2009-2010)	Average Annual Growth Rate (2000 – 2009)	Average Household Size ⁶	Average Commute Time (minutes)	Daily VMT (millions)
Santa Barbara	434,481	1	0.86	2.73	20	9.7

¹ Santa Barbara County Operating Plan for 2010-2011

² 2006 -2008 American Communities Survey

³ Source Inventory of Bay Area Greenhouse Gas Emissions, BAAQMD, 2010

⁴ Vision 2030: SBCAG 2008 Regional Transportation Plan

⁵ California Department of Finance

⁶ 2006 -2008 American Communities Survey

Napa	138,917	0.9	1.13	2.63	24	4.5
Marin	260,651	0.8	0.5	2.36	29	6.2
Solano	427,837	0.5	0.79	2.9	30	7.2
Sonoma	493,285	1.2	0.67	2.53	25	10.6
San Mateo	754,285	1.2	0.61	2.74	25	19.4
San Francisco	856,095	1.1	0.96	2.42	29	12.4
Contra Costa	1,073,005	1.1	1.24	2.76	32	25.7
Alameda	1,574,857	1.1	0.86	2.75	28	38
Santa Clara	1,880,876	1.3	1.12	2.91	24	40.1

The efficiency-based approach applies to the entire State of California since the threshold which was calculated is based upon the State’s greenhouse gas emissions inventory and population growth and employment data. None of the data used to calculate this threshold was region or county-specific data.

The method used to calculate the threshold which applies to stationary sources is an industry-based threshold rather than land use-based. Some of the stationary sources represented in both regions include oil and gas industry, landfills, electric utilities, cogeneration, and food and agriculture (such as wine fermentation). Oil refineries were found to be the largest source of GHG emissions in the industrial sector in the Bay Area.⁷ Data is not yet available for GHG emissions from stationary sources in Santa Barbara County, but the oil and gas industry is the most prominent industrial use in the County.

CAPCOA conducted an analysis of permitting activity to estimate the number of stationary source projects with potentially significant GHG emissions for a given threshold that could be seen in a given year for the four largest air districts. The results of that analysis for a 10,000 MT/yr threshold is presented in Table 2 below.

⁷ Source Inventory of Bay Area Greenhouse Gas Emissions, BAAQMD, 2010

Table 2. Potential Stationary Source Projects Affected a Given Threshold⁸

	BAAQMD	Sacramento Metropolitan AQMD	San Joaquin Valley Unified APCD	South Coast AQMD
Applications per year affected at threshold of:	1,499	778	1,535	1,179
10,000 MT/yr	7	5	26	8

CARB has predicted that a threshold of 25,000 MT/year would capture greater than 90% of emissions from stationary sources. If this prediction holds true, then a lower threshold of 10,000 metric tons is likely to capture an even greater percentage of emissions. BAAQMD found that a 10,000 MT/yr threshold would capture 95% of GHG emissions, while SCAQMD found that this same threshold would capture at least 90% of GHG emissions.⁹ Table 2 illustrates that the 10,000 MT/yr threshold will capture greater than 90% of GHG emissions from stationary sources while only affecting a small portion of polluters for the four largest air districts. Without a GHG emissions inventory, the percentage of GHG emissions that would be captured from stationary sources in Santa Barbara County by this threshold cannot be determined with specificity.

However, insofar as Santa Barbara County is similar to the four air districts listed in Table 3, this high capture rate should hold true for Santa Barbara County as well. Santa Barbara County is located adjacent to the SCAQMD district, with that district including neighboring Ventura County. Additionally, Santa Barbara County, SCAQMD and BAAQMD are all coastal regions. As discussed above, BAAQMD contains many of the same types of stationary source polluters as Santa Barbara County. Given these factual similarities, the BAAQMD’s rationale for a 10,000-metric ton significance criterion for stationary sources also applies to Santa Barbara County.

C. Conclusion

⁸ CEQA & Climate Change, CAPCOA, 2008

⁹ South Coast Air Quality Management District, Draft Guidance Document – Interim CEQA GHG Significance Threshold

Given the similar population growth, land use patterns, General Plan policies, and behaviors such as average commute time that exist between these two regions, Santa Barbara County's future land use development can be shown to be similar to the Bay Area counties within the BAAQMD's jurisdiction discussed above. Relying as an interim measure on BAAQMD's gap analysis threshold methodology and significance thresholds for GHG emissions can therefore be justified. Because they are not based on region-specific data, the efficiency-based standards are applicable statewide.

Appendix E
Cumulative Project List

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Appendix 9: Cumulative Project List

Please see Section 3.3 of the MGMO SEIR for a discussion of the cumulative project list tier system.

Tier 1 Projects: COUNTY POLICY INITIATIVES/PROGRAMS POTENTIALLY AFFECTING MONTECITO

Project Name	Description	Location	CEQA Process	Status	Discussion
2009 - 2014 Housing Element Update	State law requires that the Housing Element be updated every five years. The planning cycle for this update has recently commenced.	County-wide	TBD	Draft submitted for State review	This planning effort is the state mandated update to the Housing Element. Due to environmental constraints, Montecito is not considered for rezones or further development opportunities beyond that already considered in the MCP.
Seismic Safety Update	This project updates the Seismic Safety & Safety Element to reflect the policies of the County's Hazard Mitigation Plan for natural events that apply to urban fire hazard, fault lines, emergency evacuation routes and emergency response planning as required by State and Federal law.	County-wide	ND	ND Circulating	The update strengthens flood protections and new development would be subject to new flood polices.
Mission Canyon Plan Update	The project consists of the draft Mission Canyon Community Plan, Residential Design Guidelines, a residential parking strategy, and implementing amendments to the County's Land Use and Development Code.	Mission Canyon	EIR	EIR in process	Design Guidelines and fire clearance requirements may have a positive cumulative effect on aesthetics and wildfire interface in Montecito
Isla Vista Master Plan	The Isla Vista Master Plan is based on existing land use pattern of Isla Vista. The Plan makes strategic adjustments to the way the community is designed and operated to better suit the needs of residents.	Isla Vista	EIR	BOS Approved in August 2007. CCC certification pending	Build out of the IVMP would result in 1,447 new residential units and 51,485 new s.f. of commercial space. However, this project is not geographically related to Montecito and would only potentially affect Air Quality.

Project Name	Description	Location	CEQA Process	Status	Discussion
Summerland Focused Community Plan Update	The focused update includes development of Summerland Commercial Design Guidelines, an update of the Board of Architectural Review Guidelines for Summerland, and a focused update of the 1992 Summerland Community Plan's Traffic, Circulation and Parking Chapter	Summerland	TBD	Approval and CC Certification 2012	Development of Design Guidelines may have a positive cumulative effect on aesthetics and fire safety. SCP Transportation Chapter update would improve vehicle and non-motorized connectivity between Montecito and Summerland
Climate Action Strategy and Climate Action Plan	The development a comprehensive set of local measures designed to reduce GHG emissions. Through it roles as: 1) a producer of GHG emissions, 2) a regulator of GHG emitting activities, and 3) an incentivizer of GHG reductions, the County would reduce community-wide emissions	County-wide	TBD	TBD	Measures adopted would help reduce cumulatively significant GHG production.

Tier 2 Projects: South Coast Area included in the MGMO Amendment and Extension project cumulative impact analysis

Montecito Discretionary Projects					
Project Name	Description	Location	Status	Discussion	
MIRAMAR HOTEL	Demo of existing vacant hotel and construction of an resort of 385,296 gross (164,849 net) total square feet	1555 JAMESON LN	Approved	May cumulatively affect aesthetics, sewage infrastructure, water resources, traffic, historic resources,	
CALTRANS HIGH OCCUPANCY VEHICLE LANES	New lane along 101 Santa Barbara-Ventura	Highway 101	4 phases, construction Phase I	Cumulative may affect traffic patterns during rush hour and onramp closures.	
SB CEMETERY MAUSOLEUM	1,926 sq. ft. mausoleum addition with 161 crypts and 291 niches.	901 CHANNEL DR	In progress	No cumulative impacts.	
CRANE SCHOOL UPDATED MASTER PLAN	demolition of 5, 645 sf. and the addition of 39,985 sf. with a total campus of 66,060 sf.	1795 SAN LEANDRO LN	In progress	TBD	

Montecito Discretionary Projects				
Project Name	Description	Location	Status	Discussion
Danielson Group (TPM 14,686)	Lot split of 2 parcels into 4 parcels.	1393 Danielson Lane	Approved. No Map Clearance yet	No cumulative impacts as mitigated.
CRAIL LOT SPLIT (TPM 14,758)	Split a 10-acre parcel into two 5-acre parcels. I existing unit	175 TIBURON BAY LN	approved. no map clearance yet	No cumulative impacts as mitigated.
LOIACONO LOT SPLIT	SPLIT AN 8.31 ACRE PARCEL INTO 2 PARCELS OF 5.30 AND 3.01 ACRES	1050 COYOTE RD	incomplete	No cumulative impacts as mitigated.
TOLLES LOT LINE ADJUSTMENT	Lot Line Adjustment of 1 parcel with 7 lots to create 2 parcel of 0.77 and 1.35 acre	602 PARA GRANDE LN	in progress	No cumulative impacts as mitigated.
GARNER LOT SPLIT	Subdivide a 20,977-sq. ft. (gross and net) lot into two lots	75 OLIVE MILL RD	Approved. No map clearance yet	No cumulative impacts as mitigated.
GUNNER COMMERCIAL BUILDING	18,014 gross 14,194 net commercial retail and office	525 SAN YSIDRO RD	Approved	No cumulative impacts as mitigated for sewage infrastructure impacts and traffic.

Montecito Ministerial				
Project Name	Description	Location	Status	Discussion
BOHLINGER NEW SFD/ACCSSRY BLDG	Single family dwelling	311 ENNISBROOK DR	Approved (not issued)	No considerable cumulative impacts.
DECKER NEW SFD/GSTHSE	Single family dwelling	680 STONEHOUSE LN	On appeal at BOS	No considerable cumulative impacts.
GOERNER NEW SFD	Single family dwelling	1017 HOT SPRINGS RD	In progress	No considerable cumulative impacts.
BISSELL NEW SFD/GARAGE/CABANA	Single family dwelling	1119 ALSTON RD	Approved (not issued)	No considerable cumulative impacts.
VALLE NEW SFD/POOL/CABANA/ACCSSRY	Single family dwelling	403 WOODLEY RD	In progress	No considerable cumulative impacts.
NEWMAN ATTACHED RSU &	Residential second unit	758 VIA MANANA	In progress	No considerable cumulative impacts.

Montecito Ministerial				
Project Name	Description	Location	Status	Discussion
SFD ADDITION				
LARSON NEW SFD/GUESTHOUSE /POOL	Single family dwelling	1355 OAK CREEK CANYON RD	Approved (not issued)	No considerable cumulative impacts.
LOMBARD NEW SFD	Single family dwelling	819 ASHLEY RD,	Approved (not issued)	No considerable cumulative impacts.
DEANSGRANGE TRUST NEW SFD/GARAGE/POND/GRADING	Single family dwelling	588 PICACHO LN	In progress	No considerable cumulative impacts.
TOLLES RESIDENTIAL DEVELOPMENT	Conversion of an existing three-unit residential structure to a single family dwelling	602 PARA GRANDE LN, SANTA BARBARA	In progress	No considerable cumulative impacts.

Unincorporated County: Summerland, Toro Canyon				
Project Name	Description	Location	Status	Discussion
CZYZYK TRUST NEW SFD/GAR/GUESTHSE	Single family dwelling	0 ORTEGA RANCH LN	In progress	No considerable cumulative impacts.
SMITH NEW SINGLE FAMILY DWELLING, GUEST HOUSE & POOL	Single family dwelling	380 ORTEGA RIDGE RD	In progress	No considerable cumulative impacts.
NORMAN COMM CHANGE OF USE	Conversion/Change of Use of 1004.22 sf. of basement to commercial business	2173 ORTEGA HILL RD	In progress	No considerable cumulative impacts.
POLLOCK NEW MIXED USE BUILDING	Demo of greenhouse and construction of new mixed-use building of 2,496 sf with 2 residential units totaling 2,144 sf on the 2nd	2360 LILLIE AVE, SUMMERLAND	In progress	No considerable cumulative impacts.
NGUYEN NEW SFD/GAR/GRADING	Single family dwelling	180 VALENCIA RD, SUMMERLAND	Approved, in building department	No considerable cumulative impacts.
HOLANI FARMS HORSE BOARDING FACILITY	COMMERCIAL HORSE BORADING FACILITY FOR UP TO	331 LAMBERT RD	In progress	No considerable cumulative impacts.

Unincorporated County: Summerland, Toro Canyon				
Project Name	Description	Location	Status	Discussion
	23 HORSES			
ESTANCIA LA SERENA EQUESTRIAN CENTER	A commercial horse training, breeding and boarding facility for up to 45 horses together with site improvements for the facility	3215 FOOTHILL RD	In progress	No considerable cumulative impacts.
VAN VLIET/GRIMES NEW SFD/GARAGE/GRADIN G	single family dwelling	838 TORO CANYON RD	In progress	No considerable cumulative impacts.
CAMERON TRUST NEW SFD	single family dwelling	2937 PADARO LN,	In progress	No considerable cumulative impacts.
FRENKEL NEW SFD	single family dwelling	2850 HIDDEN VALLEY LN	Appeal Period	No considerable cumulative impacts.
MEISTER DRSU	residential second unit	3165 SERENA AVE	In progress	No considerable cumulative impacts.
RENKER NEW SFD, DRSU, CABANA, GARAGE, POOLS, SPAS	residential second unit and SFD	3151 PADARO LN	Approved	No considerable cumulative impacts.

City of Santa Barbara				
Project Name	Description	Location	Status	Discussion
1298 Coast Village Road Mixed-Use Development	The project consists of the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second	1298 Coast Village Road	Approved	Possible Cumulative considerable impacts to traffic, aesthetics, air quality, water resources, waste disposal. Pending City of Santa Barbara projects were included in the traffic study.

City of Santa Barbara				
Project Name	Description	Location	Status	Discussion
	and third floors. Five residential units			
1085 Coast Village Road	Submittal for a Conditional Use Permit proposal to convert an existing lube bays and snack shop to 2,983 square foot foodmart and construct a new 1,890 square foot car wash structure.	1085 COAST VILLAGE RD	Pending	Possible cumulative impacts to air quality. Pending City of Santa Barbara projects were included in the traffic study.

TIER 3 Projects – Pending and Potential Future Annexations and Large Urban Projects Included in the SEIR Cumulative Impacts Analysis

Project Name	Description	Location	CEQA Process	Status	Discussion
Plan Santa Barbara City of Santa Barbara General Plan Update	Update of the City General Plan. Build-out would result in approximately 2,800 additional residential units (mostly of multiple-family) and 2 million square feet (sf) of new commercial development.	City of Santa Barbara	EIR	Draft EIR released.	Build-out would include 193 units along Coat Village Road. Cumulative impacts from this development may impact aesthetics, air quality, traffic, and water resources.
UCSB Long Range Development Plan	Long Range Development Plan to guide future campus development through 2025. The plan anticipates a net increase of 5,000 in student enrollment and 1,700 faculty/staff positions; 4.3 million new sf of academic space; 5,443 net additional bed spaces; 239 additional student family housing units; and 1,874 additional faculty/staff housing units	University of California Santa Barbara	EIR	Draft EIR released.	Not geographically related. Possible cumulative impacts to Air Quality and 101 Traffic.
City of Goleta General Plan	Excluding existing development, build-out under the City of Goleta's General Plan will result in 3,880 new residential units and 2,081 new sf of commercial and industrial development	City of Goleta	EIR	Complete, effective on November 1, 2006.	Not geographically related. Possible cumulative impacts to Air Quality and 101 Traffic.