

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

APPEAL NUMBERS: A-4-SBC-20-0065, A-4-STB-20-0078, A-4-STB-20-0079

APPLICANTS: City of Santa Barbara Public Works (A-4-SBC-20-0065 and A-4-STB-20-0079) County of Santa Barbara Public Works (A-4-SBC-20-0065, A-4-STB-20-0078, and A-4-STB-20-0079)

APPELLANTS: Scott Wenz (A-4-SBC-20-0065)
 Thomas Becker (A-4-STB-20-0078, A-4-STB-20-0079)

LOCAL GOVERNMENTS AND DECISIONS:

A-4-SBC-20-0065: Coastal Development Permit No. CDP2019-00008 approved by the City of Santa Barbara City Council on October 13, 2020

A-4-STB-20-0079: Development Plan No. 19DVP-00000-00024 and Coastal Development Permit No. 19CDP-00000-00048 approved by the County of Santa Barbara Board of Supervisors on November 27, 2020

A-4-STB-20-0078: Development Plan No. 19DVP-00000-00030 and Coastal Development Permit No. 19CDP-00000-00098 approved by the County of Santa Barbara Board of Supervisors on November 27, 2020

PROJECT LOCATIONS:

A-4-SBC-20-0065 and A-4-STB-20-0079: Intersection of Olive Mill Road, Coast Village Road, North Jameson Lane, and Highway 101 in the City of Santa Barbara and unincorporated Santa Barbara County, County of Santa Barbara.

A-4-STB-20-0078: Intersection of San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps in the Montecito Community Plan Area, Santa Barbara County.

PROJECT DESCRIPTIONS: A-4-SBC-20-0065 and A-4-STB-20-0079:
Reconfiguration of the six-legged intersection at Olive Mill Road, Coast Village Road, Jameson Lane, Highway 101 northbound off-ramp, and Highway 101 southbound on-ramp from a stop-sign controlled intersection to a single lane roundabout, and addition of pedestrian refuge islands, sidewalks, and crosswalks to improve pedestrian and bicycle safety.

A-4-STB-20-0078: Reconfiguration of the intersection at San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps from two stop-sign controlled intersections to a roundabout, and addition of new sidewalks and median islands to improve pedestrian and bicycle safety.

STAFF RECOMMENDATION: No Substantial Issue Exists

MOTIONS & RESOLUTIONS: Page 9-10

Important Hearing Procedure Note: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

Staff Note: There are three separate coastal development permits (CDPs) at issue in this case for the two subject intersection improvement projects. This is because the Olive Mill Road intersection is partially within the City of Santa Barbara permit jurisdiction and partially within the County of Santa Barbara permit jurisdiction, while the San Ysidro Road intersection is only within the County of Santa Barbara jurisdiction. The County processed a CDP for each of the two projects. The City processed a CDP for the portion of the Olive Mill Road intersection that is in their jurisdiction. Each local decision was appealed and thus, there are three separate appeals. However, Santa Barbara County Public Works is the applicant for each of the three CDPs, City of Santa Barbara Public Works is the applicant for two of the three CDPs, and two of the CDPs relate to one single project that splits jurisdictions. Further, the two subject projects are substantially similar and the appeal grounds for each CDP are substantially similar as well. As a result, these appeals will be evaluated in this single, combined staff report.

The hearing on these items will be combined as well. Even so, each appeal will still be considered separately and there is an individual motion and resolution necessary for each of the three Commission actions (see pages 9-10).

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE EXISTS

The Commission's role at the "substantial issue" phase of an appeal is to decide whether the appeal of the local government action raises a substantial issue with respect to the grounds on which the appeal was filed, which can include a claim that the approved development is not in conformity with the applicable provisions of the certified Local Coastal Program (LCP) or with the public access policies of the Coastal Act (Pub. Res. Code §§ 30210-14). Here, the appellants contend that the approved projects are not consistent with the policies of the City of Santa Barbara and County of Santa Barbara's certified LCPs regarding minimizing vehicle miles travelled (VMT). Staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which each appeal has been filed. The motion and resolution for "no substantial issue" findings for each appeal (for which a "yes" vote is recommended) are found on pages 9 and 10.

The Olive Mill Roundabout project is located partly within the jurisdiction of the City of Santa Barbara and partly within the jurisdiction of Santa Barbara County. The City and County each approved a CDP for the reconfiguration of the six-legged, stop-sign controlled intersection at Olive Mill Road, Coast Village Road, Jameson Lane, Highway 101 northbound off-ramp, and Highway 101 southbound on-ramp to a single lane roundabout. The approved project also includes new pedestrian refuge islands (a median with a refuge area that is intended to help protect pedestrians who are crossing a road), sidewalks, and crosswalks. For the San Ysidro Roundabout project, located approximately ½ mile downcoast of the Olive Mill Roundabout project in the Montecito area of Santa Barbara County, the County approved a CDP for reconfiguration of the intersection from two stop-sign controlled intersections to a single lane roundabout and sidewalk improvements at San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps. The Olive Mill and San Ysidro Roundabouts were identified in the 2017 Highway 101 High Occupancy Vehicle (HOV) Project Revised Environmental Impact Report (REIR) as mitigation for intersection impacts that would occur as a result of the Highway 101 HOV project between the City of Carpinteria and the City of Santa Barbara by improving the level of service (LOS) at the two intersections. LOS is a metric that measures automobile delay at intersections and congestion on highway segments. Below acceptable LOS has been identified at both intersections since 1992.

The City's action on the Olive Mill Roundabout project was appealed by Scott Wenz on the grounds that the project is inconsistent with the City's LUP policy 3.1-26 and Coastal Act section 30253(d) related to VMT. Similarly, the County's actions on both the Olive Mill Roundabout and San Ysidro Roundabout were appealed by Thomas Becker on the grounds that the projects are inconsistent with the County's LUP policy 3.11.1 and Coastal Act section 30253(d) related to VMT. VMT measures how much auto travel (additional miles driven) a proposed project would create on roads. Specifically, the

appellants contend that the City and County improperly applied the policies and provisions related to minimizing VMT in new developments by failing to require comparative alternatives analyses to identify the projects or project alternatives that achieve the greatest minimization of VMT and energy consumption in the planning of the Olive Mill Roundabout and the San Ysidro Roundabout. The City and County did not require alternatives analyses of intersection designs analyzing VMT impact. However, the City and County both demonstrated that neither the Olive Mill Roundabout nor the San Ysidro Roundabout would create any substantial increase in VMT since neither project will expand roadway. In fact, both include pedestrian and bicycle infrastructure improvements that would make it safer to walk and bike, thus helping to reduce VMT.

Both appellants claim to have submitted alternatives to the Highway 101 HOV and roundabouts construction projects during the draft phase of the HOV project REIR. The appellants further claim that their alternatives would reduce VMT, while the subject projects do not, and that the City and County refused to analyze or discuss their alternatives.

Appellant Scott Wenz stated that opening the Highway 101 on-ramp at Cabrillo Boulevard, which is approximately one mile west of the Olive Mill intersection and is currently closed, would mitigate traffic congestion issues at the Olive Mill intersection without requiring construction. However, although the future opening of the southbound on-ramp at Cabrillo Boulevard will decrease traffic coming to the Olive Mill intersection from Coast Village Road, overall traffic volume is expected to increase at the other legs of the intersection due to overall growth in the area resulting in a net increase in traffic volume in the future. Therefore, the opening of the Highway 101 on-ramp at Cabrillo Boulevard would not solve long-standing congestion issues that are projected to worsen under current conditions at the Olive Mill intersection, nor is it a feasible alternative to be analyzed for the Olive Mill intersection design. During the draft phase of the Highway 101 HOV project REIR, the appellant for the County's action on both roundabouts, Thomas Becker, submitted an alternative to the Highway 101 HOV and roundabout projects, which proposed instituting planning and development policies that would reduce VMT on Highway 101 as a method of reducing traffic impacts to the project intersections instead of constructing the roundabouts. However, since the subject CDPs are to improve the vehicle as well as pedestrian and bicycle circulation at the Olive Mill and San Ysidro intersections, alternatives to reduce VMT on Highway 101 are not feasible alternatives to be analyzed for the subject project.

Appellant Thomas Becker also claims that the roundabouts are problematic, because they will support the Highway 101 HOV project which involves highway widening and such widening will induce substantial increases in VMT, energy consumption, and traffic. While the roundabout projects will help to mitigate intersection impacts created by the Highway 101 HOV project, the two roundabouts are also needed independent of the Highway 101 HOV project as County staff identified that the two intersections have been operating at below acceptable LOS since 1992.

In summary, the City's and County's records include extensive factual evidence and legal support for the City's and County's findings that the projects are consistent with the policies and provisions of the City's and County's LCPs. Although the two

roundabouts constitute major public works projects, the subject decision may have precedential value in interpretation of the City's and County's LCP policies related to minimizing VMT, and the appeals do raise issues of regional and statewide significance, there is strong factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP and the coastal resources affected by the decision are not significant (and are in fact affected positively). Therefore, staff recommends that the Commission finds that the appellants' contentions raise no substantial issue with regard to the approved projects' consistency with the policies and provisions of the City of Santa Barbara's and County of Santa Barbara's certified LCPs.

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EXHIBITS

Exhibit 1.	Vicinity Map
Exhibit 2.	Olive Mill Roundabout Aerial Photo
Exhibit 3.	San Ysidro Roundabout Aerial Photo
Exhibit 4.	Olive Mill Roundabout Project Plans
Exhibit 5.	San Ysidro Roundabout Project Plans
Exhibit 6.	Appeal A-4-SBC-20-0065 by Scott Wenz
Exhibit 7.	Appeal A-4-STB-20-0079 by Thomas Becker
Exhibit 8.	Appeal A-4-STB-20-0078 by Thomas Becker
Exhibit 9.	Final Local Action Notice for CDP No. CDP2019-00008
Exhibit 10.	Final Local Action Notice for CDP No. 19CDP-00000-00048
Exhibit 11.	Final Local Action Notice for CDP No. 19CDP-00000-00098
Exhibit 12.	Highway 101 HOV Santa Barbara and Montecito Segments Map
Exhibit 13.	Correspondence with Appellant Thomas Becker

I. APPEAL JURISDICTION AND PROCEDURES

A. APPEAL PROCEDURES

The Coastal Act provides that after certification of a local government's Local Coastal Program (LCP), the local government's actions on Coastal Development Permit applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Approvals of CDPs by cities or counties may be appealed if the development authorized will be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea; within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater; on state tidelands; or along or within 100 feet of a wetland or stream; or within 300 feet of the top of the seaward face of a coastal bluff (Coastal Act Section 30603(a)). Any action on an application for development that constitutes a major public works project or major energy facility may also be appealed to the Commission (Coastal Act Section 30603(a)(5)). In this case, the Olive Mill and San Ysidro Roundabouts constitute major public works projects. As such, the City's one CDP and County's two CDPs for the subject projects are all appealable to the Commission.

2. Grounds for Appeal

The grounds for appeal of a local government approval of development shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in the Coastal Act (See Public Resources Code § 30603(b)(1)).

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the Commissioners present is required to determine that an appeal raises no substantial issue and that the Commission will therefore not review the coastal development permit *de novo*. If the Commission determines that no substantial issue exists, then the local government's coastal development permit action will be considered final.

4. De Novo Review

Should the Commission determine that a substantial issue exists, the Commission will consider the CDP application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified LCP and, if the development is between the sea and the first public road paralleling the sea, the public access policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

A Coastal Development Permit for the Olive Mill Roundabout project that is the subject of appeal No. A-4-SBC-20-0065 was approved by the City of Santa Barbara Planning Commission on August 20, 2020. The action by the Planning Commission was appealed to the Santa Barbara City Council by Scott Wenz of Cars Are Basic on August 28, 2020. The appeal was denied and the Planning Commission's decision approving the CDP was upheld. The City's Notice of Final Action for the project was received by Commission staff on October 26, 2020 (Exhibit 9). Commission staff provided notice of the ten working day appeal period, which began on October 26, 2020 and ended on November 9, 2020. Scott Wenz filed the subject appeal on November 9, 2020, during the Commission's appeal period (Exhibit 6). Commission staff notified the City, the applicant, and all interested parties that were listed on the appeal and requested that the City provide its administrative record for the permit. The administrative record was received on January 13, 2021. Pursuant to Section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which the appeal was filed with the Commission which would be January 25, 2021; however, according to Section 30625(a), the applicant can waive that time limit. On December 1, 2020, prior to expiration of the 49-working day deadline for Commission action, the applicant waived its right to a hearing within 49 working days.

A Development Plan and a Coastal Development Permit for the Olive Mill Roundabout project that is the subject of appeal No. A-4-STB-20-0079 was approved by the Montecito Planning Commission on September 16, 2020. The action by the Montecito Planning Commission was appealed to the Santa Barbara County Board of Supervisors by Thomas Becker on September 22, 2020. The appeal was denied and the Development Plan No. 19DVP-00000-00024 and Coastal Development Permit No. 19CDP-00000-00048 were approved by the County of Santa Barbara Board of Supervisors on November 17, 2020. The County's Notice of Final Action for the project was received by Commission staff on December 7, 2020 (Exhibit 10). Commission staff provided notice of the ten working day appeal period, which began on December 7, 2020 and ended on December 21, 2020. Thomas Becker filed the subject appeal on December 21, 2020, during the Commission's appeal period (Exhibit 7). Commission staff notified the County, the applicant, and all interested parties that were listed on the appeal and requested that the County provide its administrative record for the permit. The administrative record was received on January 14, 2021. Pursuant to Section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which the appeal was filed with the Commission which

would be March 4, 2021; however, according to Section 30625(a), the applicant can waive that time limit. On January 5, 2021, prior to expiration of the 49-working day deadline for Commission action, the applicant waived its right to a hearing within 49 working days.

A Development Plan and a Coastal Development Permit for the San Ysidro Roundabout project that is the subject of appeal No. A-4-STB-20-0078 was approved by the Montecito Planning Commission on June 10, 2020. The action by the Montecito Planning Commission was appealed to the Santa Barbara County Board of Supervisors by Thomas Becker on June 22, 2020. The appeal was denied and the Development Plan No. 19DVP-00000-00030 and Coastal Development Permit No. 19CDP-00000-00098 were approved by the County of Santa Barbara Board of Supervisors on November 17, 2020. The County's Notice of Final Action for the project was received by Commission staff on December 7, 2020 (Exhibit 11). Commission staff provided notice of the ten working day appeal period, which began on December 7, 2020 and ended on December 21, 2020. Thomas Becker filed the subject appeal on December 21, 2020, during the Commission's appeal period (Exhibit 8). Commission staff notified the County, the applicant, and all interested parties that were listed on the appeal and requested that the County provide its administrative record for the permit. The administrative record was received on January 14, 2021. Pursuant to Section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which the appeal was filed with the Commission which would be March 4, 2021; however, according to Section 30625(a), the applicant can waive that time limit. On January 6, 2021, prior to expiration of the 49-working day deadline for Commission action, the applicant waived its right to a hearing within 49 working days.

II. STAFF RECOMMENDATIONS FOR NO SUBSTANTIAL ISSUE

Appeal No. A-4-SBC-20-0065 - Olive Mill Roundabout in City of Santa Barbara

MOTION #1: *I move that the Commission determine that Appeal No. A-4-SBC-20-0065 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present (i.e., a tied vote results in a finding that a "substantial issue" is raised).

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-4-SBC-20-0065 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Appeal No. A-4-STB-20-0079 - Olive Mill Roundabout in Santa Barbara County

MOTION #2: *I move that the Commission determine that Appeal No. A-4-STB-20-0079 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present (i.e., a tied vote results in a finding that a “substantial issue” is raised).

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-4-STB-20-0079 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Appeal No. A-4-STB-20-0078 – San Ysidro Roundabout in Santa Barbara County

MOTION #3: *I move that the Commission determine that Appeal No. A-4-STB-20-0078 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present (i.e., a tied vote results in a finding that a “substantial issue” is raised).

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-4-STB-20-0078 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of

the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

The Olive Mill Roundabout project is located in the Montecito area of southern Santa Barbara County but is partly within the jurisdiction of the City of Santa Barbara and partly within the jurisdiction of Santa Barbara County. The Santa Barbara City Council approved CDP No. CDP2019-00008 and the Santa Barbara County Board of Supervisors approved CDP No. 19CDP-00000-00048 for reconfiguration of the six-legged stop-sign controlled intersection at the Olive Mill Road, Coast Village Road, Jameson Lane, Highway 101 northbound off-ramp, and Highway 101 southbound on-ramp to a single lane roundabout (Exhibit 2 and 4). The approaches to the intersection at each of the legs would be modified to include new road curvature (to slow traffic), pedestrian refuge islands (a median with a refuge area that is intended to help protect pedestrians who are crossing a road), sidewalks, street lighting, signage, crosswalks, landscaping, and drainage facilities. The 87,392-square-foot project footprint would extend beyond the existing road improvements; however, all improvements would be accommodated within existing Caltrans, City, and County right-of-way. The Olive Mill Roundabout site is adjacent to the 101 freeway on the southeast, Montecito Inn on the southwest, commercial stores on the northwest, and residential buildings on the northeast (Exhibit 2).

The San Ysidro Roundabout project is located approximately ½ mile downcoast of the Olive Mill Roundabout project site in the Montecito area of Santa Barbara County and completely within the County's permit jurisdiction. The Santa Barbara County Board of Supervisors approved CDP No. 19CDP-00000-00098 to reconfigure the intersection at San Ysidro Road, North Jameson Lane, and the northbound Highway 101 on- and off-ramps from two stop-sign controlled intersections to a single lane roundabout (Exhibit 3 and 5). The roundabout will consist of a single lane roadway 21 feet in width, varying in diameter from 110 feet to 180 feet. The project would include new sidewalks, roadway pavement, curb and gutter, median islands, landscaping, stormwater improvements/bioretenion areas, lighting, signage, and fencing. The proposed roundabout would be located within County and Caltrans right-of-way within the area of the existing intersection. The San Ysidro Roundabout site is adjacent to the 101 freeway on the southeast and southwest and residential buildings on the northeast and northwest (Exhibit 3).

Although the Olive Mill and San Ysidro intersections are on the inland side of Highway 101, they provide important connection to travel from the Coast Village Road commercial corridor, residential communities, and Highway 101 to coastal access

routes on the seaward side of Highway 101 and beaches such as Butterfly Beach and Hammond's Beach. Both roundabouts were identified in the 2017 Highway 101 HOV Project Revised EIR as mitigation options for intersection impacts that would occur as a result of the Highway 101 HOV project between the City of Carpinteria and the City of Santa Barbara (Exhibit 12). Level of service (LOS) is a metric that measures automobile delay at intersections and congestion on highway segments. The Olive Mill Roundabout is expected to reduce traffic delay and improve the overall LOS at the intersection from LOS F (extreme congestion or considerable delays) to LOS C (minimal delays) (Traffic Operations Analysis Report, Omni Means, November 2019). The San Ysidro Roundabout is expected to reduce traffic delay and improve the overall Level of Service (LOS) at the intersection from LOS F (extreme congestion or considerable delays) to LOS B (minimal delays) (Traffic Operations Analysis Report, Omni Means, March 2018). Independent of the Highway 101 HOV project, traffic congestion at the two intersections has been a long-standing issue. In 1992, the Montecito Planning Commission identified unacceptable LOS at both intersections in the Montecito Community Plan.

B. SUMMARY OF APPEAL CONTENTIONS

Appeal No. A-4-SBC-20-0065 - Olive Mill Roundabout in City of Santa Barbara

Appeal No. A-4-SBC-20-0065 filed by Scott Wenz of Cars are Basic (CAB) is attached as Exhibit 6. The appeal contends that the approved Olive Mill Roundabout project is not consistent with the policies and provisions of the City of Santa Barbara's certified LCP related to minimizing vehicle miles travelled (VMT). Specifically, the appellant raises issue with conformance with the City's LUP policy 3.1-26, which incorporates Coastal Act section 30253(d)¹ and states that new development and substantial redevelopment shall minimize energy consumption and vehicle miles traveled. VMT measures how much auto travel (additional miles driven) a proposed project would create on roads. The appellant asserts that City's LUP necessitates that the City identify the project or project alternative that achieves the greatest minimization of VMT and energy consumption, which the City has failed to do in planning of the Olive Mill Roundabout. The appellant claims that CAB submitted an alternative to the Highway 101 HOV and roundabout construction project during the draft phase of the HOV project REIR, and requested Caltrans to study reducing VMT on Highway 101 as a method of reducing impacts to the project intersection instead of constructing the roundabout. The appellant further claims that CAB's alternative would reduce VMT, while the subject project does not. The appeal contends that the City refused to prepare an analysis comparing the VMT reductions of CAB's alternative with the proposed project.

The appeal also contends that the City's use of CEQA requirements that offer a lower level of environmental protection is in error. The appellant states that Coastal Act Section 30253(d) and City's LUP policy 3.1-26 supersedes CEQA rules and guidelines,

¹ Coastal Act Section 30253(d), in and of itself, is also not a valid basis for appeal because it too is not a public access policy (PRC §§ 30210-30214). But it remains relevant to the extent that it is incorporated into the relevant LCP sections here.

as per Public Resources Code 21174, when determining the level of VMT impacts allowed by the project. The appellant also states that the Coastal Commission upholding the subject CDP may set a precedent. The appellant did not specify what precedent the decision would set. However, these three claims do not point to an inconsistency with any specific policy or provisions of the certified City of Santa Barbara LCP. Therefore, they are not valid grounds of appeal.

Appeal No. A-4-STB-20-0079 - Olive Mill Roundabout in Santa Barbara County

Appeal No. A-4-STB-20-0079 filed by Thomas Becker is attached as Exhibit 7. The appeal contends that the approved Olive Mill Roundabout project is not consistent with the policies and provisions of the County of Santa Barbara's certified LCP related to minimizing VMT. Specifically, the appellant contends that the approval is inconsistent with the County's Coastal Land Use Plan policy 3.11.1, which incorporates Coastal Act section 30253(d) and states that new development shall "[m]inimize energy consumption and vehicle miles traveled." The appellant asserts that LUP policy 3.11.1 necessitates the county prepare a comparative analysis for the submitted VMT reducing alternative and the proposed project, which should identify the project or project alternative that achieves the greatest minimization of VMT and energy consumption. The appellant asserts that the County has failed to do such a comparative analysis. The appellant claims that, during the draft phase of the Highway 101 HOV project REIR, he submitted an alternative to the Highway 101 HOV and roundabout projects, which proposed instituting planning and development policies that would reduce VMT on Highway 101 and into the project intersection. The appellant further claims that the alternative would reduce VMT by at least 15% into the project intersection and maintain that reduction, while the approved project would not reduce VMT and would allow VMT to increase. The appellant claims that County staff ignored repeated requests to participate in meetings to discuss the submitted VMT reducing alternative. The appellant also asserts that the subject roundabout supports the Highway 101 HOV and widening project that will induce substantial increases in VMT, energy consumption, and traffic.

Furthermore, the appeal also contends that the County staff appears to be claiming that the project is only required to meet CEQA section 15064.3 guidelines showing no substantial VMT increases, whereas the Coastal Act and County LUP supersede CEQA guidelines when determining the VMT impacts allowed for the project, per Public Resources Code 21174. However, as discussed above, Public Resources Code 21174 is not a valid basis for appeal. The appellant claims that Coastal Act section 30007.5 and other Coastal Act sections and policies state that when conflicts arise during the implementation of Coastal Act policies, the conflict shall be resolved in a manner that provides the greatest environmental protections. The appellant further claims that if the Coastal Commission upholds the County's decision that the project is only required to show no substantial VMT increase, then the Commission will be setting a precedent by rejecting the Commission's own accepted definition of the word "minimize", and that the rejection of the environmental protections afforded by the strict definition of the word "minimize" will severely degrade environmental protections for this project and all future projects and developments under the jurisdiction of the Coastal Act. Finally, the

appellant also asserts that if the Coastal Commission upholds the county's approval, the Coastal Commission will be setting a precedent by rejecting an environmentally superior alternative based on the spirit and guidelines of SB 743², while supporting a massive construction project that not only fails to reduce VMT, but supports the massive Highway 101 widening project that will induce substantial increases in VMT, energy consumption and traffic. However, the appeal's claims that do not point to the subject project's inconsistency with any specific policy or provisions of the certified County of Santa Barbara LCP, or with the public access and recreation policies of the Coastal Act, are not valid grounds for appeal.

Appeal No. A-4-STB-20-0078 – San Ysidro Roundabout in Santa Barbara County

Appeal No. A-4-STB-20-0078 filed by Thomas Becker is attached as Exhibit 8. The appeal contends that the approved San Ysidro Roundabout project is not consistent with the policies and provisions of the County of Santa Barbara's certified LCP related to minimizing VMT. The appeal contentions for the subject appeal are identical to that of appeal No. A-4-STB-20-0079, also filed by Thomas Becker, for the Olive Mill Roundabout project as discussed above.

C. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the locally-approved project's conformity to the policies contained in the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. In this case, the appellants cited the City's and County's LCP policies related to vehicle miles travelled.

The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603 (§ 30625(b)(2)). Section 13115(c) of the Commission's regulations provides that the Commission may consider various factors when determining if a local action raises a significant issue, including but not limited to the following five factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;

² Under SB 743, starting on July 1, 2020, agencies analyzing the transportation impacts of new projects under CEQA must look at vehicle miles traveled (VMT) instead of the traditionally used metric level of service (LOS). If the project adds VMT onto roads, the project may cause a significant transportation impact.

4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor.

In this case, for the reasons discussed below, the Commission determines that the appeal raises no substantial issue with regards to the grounds on which the appeal has been filed.

1. Minimization of Vehicle Miles Travelled

The appeals state that the City and County failed to conduct a comparative analysis for the designs of the San Ysidro and Olive Mill intersections to find alternatives that minimize VMT, thus violating the City's LUP policy 3.1-26 and the County's LUP policy 3.11.1 both of which incorporate Coastal Act section 30253(d) by reference. Specifically, the appellants claim that they submitted alternatives during the draft phase of the Highway 101 HOV project REIR, which would reduce VMT, while the subject projects would not reduce VMT. The appellants also claim that the City and County refused to analyze the VMT impacts of their alternatives against the subject projects.

Coastal Act Section 30253(d), as incorporated into the certified City of Santa Barbara LUP policy 3.1-26 and County of Santa Barbara LUP policy 3.11.1, states:

New development shall do all of the following:

...

(d) Minimize energy consumption and vehicle miles traveled

Coastal Act Section 30253, which is incorporated as a policy of the City's LUP policy 3.1-26 and County's LUP policy 3.11.1, mandates that new development shall minimize energy consumption and vehicle miles travelled.

Based on the records in this case, the City and County did not require the applicant to perform a comparative alternatives analysis to find the Olive Mill intersection design alternative with the lowest VMT. Although the City's LUP policy 3.1-26 and the County's LUP policy 3.11.1 do not specifically require such an alternatives analysis, it can be argued that analyzing alternatives is necessary to determine that new development will minimize VMT. The City's record shows that an Intersection Control Evaluation analyzed three alternatives: 1) all-way stop-control (existing conditions), 2) traffic signal, and 3) roundabout for Existing (Year 2014), Opening Year (Year 2022), and Design Year (Year 2042) conditions. The roundabout was the only alternative that would allow uninterrupted flow of traffic, reduce queues on all approaches, and provide adequate capacity through the 20-year analysis horizon. The alternatives analysis for the Olive Mill intersection demonstrated that no other design would provide acceptable service levels, but did not analyze for VMT impacts. However, the City demonstrated that the

Olive Mill Roundabout does not create substantial increase in VMT and includes features that serve to reduce VMT. Specifically, the City demonstrated that the Olive Mill Roundabout does not create substantial increase in VMT, because it does not involve roadway expansion. The roundabout project would reconfigure the existing six-legged intersection with one lane in each direction into a single-lane roundabout. No additional lanes are proposed and the roadway would be narrowed, rather than expanded, to reduce vehicle speeds upon entering the roundabout. Furthermore, the City cited that Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA from December 2018 established that roundabouts do not create substantial increases in vehicle travel. The City's record also demonstrates that the proposed roundabout improves pedestrian and bicycling conditions within the intersection in addition to improving efficiency of vehicle travel, which serves to reduce VMT. The record shows that the roundabout project would improve the pedestrian and bicycle facilities by: 1) slowing the vehicular traffic approaching the roundabout; 2) improving vehicular stopping sight distance; 3) designating right of way to the pedestrians and bicyclists using the crosswalks; 4) providing refuge islands for the crossing pedestrians; 5) providing new curb and gutter; and 6) providing some missing sidewalk/bike lanes where incomplete infrastructure exists. These features improve the safety and usability of the intersection for pedestrians and cyclists, thus encouraging active transportation options within the Coast Village Road commercial area and coastal access routes to Butterfly Beach.

Similar to the City's action on the Olive Mill Roundabout, the County also did not require the applicants to perform a comparative alternatives analysis to find the Olive Mill and San Ysidro intersections design alternatives with the lowest VMT, to demonstrate minimization of VMT. Alternatives to both roundabouts, including "no build" alternatives and all-way stop control alternatives, were considered in a Traffic Operations Analysis (Omni Means, November 2019), which found that those alternatives would result in failing service levels at the intersection. A signal alternative was also analyzed in an Intersection Control Evaluation (Kittelson, 2016) and would not provide acceptable operations. The alternatives analysis for the Olive Mill and San Ysidro intersections demonstrated that no other design would provide acceptable service levels, but did not analyze for VMT impacts. However, similar to what was demonstrated in the City's record for the Olive Mill Roundabout, the County also demonstrated that neither the Olive Mill Roundabout nor the San Ysidro Roundabout will measurably increase VMT and both include pedestrian and bicycle features that serve to reduce VMT. Similar to the City, the County demonstrated that neither the Olive Mill Roundabout nor the San Ysidro Roundabout create substantial increase in VMT, because neither involve roadway expansion. The two roundabout projects would reconfigure each existing stop-sign controlled intersection with one lane in each direction into a single-lane roundabout with no additional lanes or expansion proposed. Furthermore, the County cited that Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA from December 2018 established that roundabouts "would not likely lead to a substantial or measurable increase in vehicle travel". The County's record also demonstrates that the proposed roundabouts improve pedestrian and bicycling conditions within the intersection in addition to improving efficiency of vehicle travel, which are expected to help reduce VMT. The record shows that the pedestrian and

bicycle facilities improvements at both roundabouts include 1) slowing the vehicular traffic approaching the roundabout; 2) reducing conflicts at the intersection; 3) designating right of way to the pedestrians and bicyclists using the crosswalks; 4) providing refuge islands for the crossing pedestrians; and 5) filling in missing sidewalk sections.

The appellant for the City's action, Scott Wenz, has stated that an alternative to mitigating traffic impacts at the Olive Mill intersection that would not require construction is to open up the southbound Highway 101 on-ramp. It appears that he was referring to the Highway 101 on-ramp at Cabrillo Boulevard that is approximately one mile west of the Olive Mill intersection and is currently closed. However, as the City of Santa Barbara Public Works Department explained at the March 21, 2017 City Council meeting, although the future opening of the southbound on-ramp at Cabrillo Boulevard will decrease traffic coming to the Olive Mill intersection from Coast Village Road, traffic volume is expected to increase at the other legs of the intersection due to overall growth in the area resulting in a net increase in traffic volume at the intersection in the future . Therefore, the opening of the Highway 101 on-ramp at Cabrillo Boulevard would not necessarily help alleviate traffic that is projected to worsen under current conditions at the Olive Mill intersection, and it is not a feasible alternative to be analyzed for the Olive Mill intersection design.

The appellant for the County's actions on both roundabouts, Thomas Becker, claims that, during the draft phase of the Highway 101 HOV project REIR, he submitted an alternative to the Highway 101 HOV and roundabout project, which proposed instituting planning and development policies that would reduce VMT on Highway 101 and into the project intersection without needing construction. The appellant further claims that the alternative would reduce VMT by at least 15% into the project intersections and maintain that reduction, while the subject proposed projects would not reduce VMT and would allow VMT to increase. The appellant claims that County staff ignored repeated requests to participate in meetings to discuss the submitted VMT reducing alternative. However, since the subject CDPs are to improve the vehicle as well as pedestrian and bicycle circulation at the Olive Mill and San Ysidro intersections, alternatives to reduce VMT on Highway 101 are not feasible alternatives to be analyzed for the subject projects. Appellant Thomas Becker also claims that the roundabouts are problematic as they will support the Highway 101 HOV project which involves highway widening and will induce substantial increases in VMT, energy consumption, and traffic. While the roundabout projects will help to mitigate intersection impacts created by the Highway 101 HOV Project, both roundabouts are also needed independent of the Highway 101 HOV project as County staff identified that the two intersections have been operating at below acceptable LOS since 1992. Furthermore, the Coastal Commission previously approved a Santa Barbara County LCP Amendment (No. LCP-4-STB-18-0071-2-Part A) in 2018 to allow for various transportation and public access improvement projects along the U.S. Highway 101 corridor along the south coast of Santa Barbara County between the City of Carpinteria and the City of Santa Barbara, including adding HOV lanes in each direction along Highway 101 and the subject San Ysidro Roundabout and Olive Mill Roundabout projects.

Neither the City nor the County conducted an alternatives analysis for designs of the intersections with respect to VMT. Therefore, it could be argued that the City and County should have required analyses of the roundabouts to demonstrate that the final roundabout designs have lower VMT than all other reasonable alternatives.

Nonetheless, the respective records demonstrate that the single lane roundabouts are not expanding roadway capacity and that the pedestrian infrastructure improvements associated with the roundabouts contribute to lowering VMT. The approved roundabout designs would also serve to eliminate idling at a traffic signal or stop sign, which would reduce greenhouse gas emissions compared to the existing intersection or an alternative signalized intersection. Records show that no other reasonable alternative could be proposed that would result in a lower VMT while providing for other benefits such as improving vehicle traffic circulation and increasing pedestrian and bicyclist safety. Therefore, the intent of the City's LUP Section 3.1-26 and the County's LUP Section 3.11.1, which are to minimize VMT in new developments, were still met in the City's and County's actions.

2. Factors Considered in Substantial Issue Analysis

The standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the appealable development's conformity to the policies contained in the certified LCP and the public access policies of the Coastal Act. In this case, the appeals cite policies and provisions of the City of Santa Barbara's and County of Santa Barbara's LCPs related to minimizing VMT. The Commission's regulations indicate that the Commission will hear an appeal unless it "finds that the appeal raises no substantial issue[.]" (Cal. Code Regs., Title 14, Section 13115(b).) Section 13115(c) of the Commission's regulations provides that the Commission may consider various factors when determining if a local action raises a substantial issue, including but not limited to the five factors that are addressed below.

The first factor in evaluating the issue of whether the appeal raises a substantial issue is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. In this case, the City's and County's records include extensive factual evidence and legal support for the City's and County's findings that the projects are consistent with the VMT policies of the respective certified LCPs. While neither the City nor the County required alternatives analyses for designs of the intersections with respect to VMT to demonstrate that the roundabout designs minimize VMT, there is substantial evidence in the City's and County's records demonstrating that the approved projects contribute to lowering VMT by keeping the roundabouts single-laned and by improving pedestrian and bicycle infrastructure. No other reasonable alternative could be proposed that would result in a lower VMT while improving vehicle traffic circulation and increasing pedestrian and bicyclist safety. Therefore, the City's and County's records include substantial evidence that demonstrate the projects conform with the respective LCP policies and this factor strongly supports finding no substantial issue.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. The two intersection

reconfigurations constitute major public works projects. However, the approved roundabout projects will provide significant improvements to traffic congestion at the intersections, multimodal transportation infrastructure, and coastal public access, while limiting VMT. Therefore, this factor weighs slightly toward finding substantial issue.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. Vehicle miles travelled have implications on air quality, climate change, and sea level rise which affect significant coastal resources. But because the project, as described above, contribute to lowering VMT while improving vehicle traffic circulation and increasing pedestrian and bicyclists safety within the existing road intersections, the significance of the amount of coastal resources at issue here is low. Therefore, this factor weighs against finding substantial issue.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for the future interpretation of its LCP. The subject appeals could have precedential value in the interpretation of the City's and County's LCP policies related to minimizing VMT, thus this factor supports finding substantial issue.

The fifth factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. The appeals raise an issue about minimizing vehicle miles travelled which has implications on climate change mitigation and air pollution, both of which are important regional and statewide issues. Therefore, this factor supports finding substantial issue.

In conclusion, the first factor weighs heavily against finding a substantial issue and the third factor also weighs against finding a substantial issue. The second, fourth, and fifth factors weigh toward finding a substantial issue. However, since the first and third factors outweighs the second, fourth, and fifth factors, the Commission finds that, on balance, the appeals fail to raise a substantial issue. For the reasons discussed above, the Commission finds that the appeals raise no substantial issue with respect to the consistency of the approved development with the policies of the City's and County's certified LCPs. Applying the five factors identified above, the Commission finds the City's and County's records adequately support their positions that the proposed projects are consistent with the applicable LCP policies. Although the two roundabouts constitute major public works projects, the subject decision may have precedential value in the interpretation of the City's and County's LCP policies related to minimizing VMT, and the appeals raise issues of regional and statewide significance, there is strong factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP and the coastal resources affected by the decision are not significant (and are in fact affected positively). Therefore, the Commission finds that the appeals do not raise a substantial issue with respect to the grounds on which they were filed.

APPENDIX A – Substantive File Documents

Certified City of Santa Barbara Local Coastal Plan; County of Santa Barbara Local Coastal Plan; City of Santa Barbara Planning Commission Agenda Report and Presentation for CDP No. 2019-00008 dated August 13, 2020; City of Santa Barbara City Council Agenda Report and Presentation for Appeal of the Planning Commission's approval of a CDP for the Olive Mill Roundabout project dated October 13, 2020; Montecito Planning Commission Agenda Report and Presentation for CDP No. 19CDP-00000-00098 dated April 2, 2020; County of Santa Barbara Board of Supervisors Agenda Letter and Presentation for Appeal No. 20APL-00000-00015 dated November 17, 2020; Montecito Planning Commission Agenda Report and Presentation for CDP No. 19CDP-00000-00048 dated July 28, 2020; County of Santa Barbara Board of Supervisors Agenda Letter and Presentation for Appeal No. 20APL-00000-00025 dated November 17, 2020; Addendum to the Environmental Impact Report (SCH#2009051018) for Olive Mill Roundabout Project, Intersection of Olive Mill Road, Coast Village Road, Jameson Lane and Hwy 101 onramp and offramp, July 22, 2020; Addendum—Santa Barbara County South Coast 101 HOV Lanes EIR SCH#2009051018, dated March 2020; Highway 101 HOV Project Revised EIR, October 27, 2017; Olive Mill Road Traffic Operations Analysis Report, Omni Means, November 2019; City of Santa Barbara Administrative Record for CDP No. CDP2019-00008; County of Santa Barbara Administrative Records for CDP Nos. 19CDP-00000-00048 and 19CDP-00000-00098; Final Local Action Notice for City of Santa Barbara CDP No. CDP2019-00008; Final Local Action Notice for County of Santa Barbara CDP No. 19CDP-00000-00048; Final Local Action Notice for County of Santa Barbara CDP No. 19CDP-00000-00098.