

CALIFORNIA COASTAL COMMISSION

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DATE: February 22, 2007
TO: Commissioners and Interested Persons
FROM: Jack Ainsworth, Deputy Director
Gary Timm, District Manager
Steve Hudson, Supervisor, Planning and Regulation
Melissa Hetrick, Coastal Program Analyst
SUBJECT: City of Santa Barbara Categorical Exclusion Order E-06-1 for Public Hearing and Commission Action at the March 15, 2007 Commission Meeting in Monterey

Description of Submittal

In 1986 the Commission approved Categorical Exclusion Order E-86-3 for the City of Santa Barbara. The proposed categorical exclusion order would amend Order E-86-03 to add an exclusion for demolition and reconstruction of a single family residence in the City's certified non-appeal zone; remove several exclusions already considered exempt under Section 30610 of the Coastal Act and Sections 13250-13253 of the CA Code of Regulations; and make other minor changes to the order.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the commission **approve** the proposed Categorical Exclusion Order E-06-1 for the City of Santa Barbara with **nine (9) special conditions** relating to: 1) distance from ESHA and archeological resources; 2) local agency acceptance; 3) incorporation into the City of Santa Barbara LCP; 4) determination by the Executive Director; 5) exclusion limited to coastal permits; 6) records; 7) notice; 8) conformity with LCP; and 9) amendment of LCP.

In 1986 the Commission approved Categorical Exclusion Order E-86-3 for the City of Santa Barbara that excluded several categories of development from coastal permitting requirements, including time-share conversions, vested rights, construction of a single family residence on a vacant lot in the non-appeal zone, among other types of development. The proposed categorical exclusion order would amend Order E-86-03 to add an exclusion for demolition and reconstruction of a single family residence in the City's certified non-appeal zone; remove several exclusions already considered exempt under the Coastal Act and the CA Code of Regulations; and make other minor changes to the order. The proposed order has been submitted in conjunction with LCP Amendment 1-06 that will be heard before the Commission at the March 15, 2007 hearing.

Pursuant to the Coastal Act, the Commission, after public hearing and by two-thirds vote of its appointed members, may certify a categorical exclusion order to exempt certain categories of development from the requirements of coastal development permitting. The proposed categorical exclusion order, as conditioned, would not have any potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast. Additionally, the order, as conditioned, would not result in any significant change in density, height, or nature of uses in the City's coastal zone. **The motion and resolution for Commission action begin on page 5.**

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EXHIBITS

Exhibit 1. LCP Jurisdiction Map

Substantive File Documents

Staff Recommendation and Proposed Findings, City of Santa Barbara Categorical Exclusion E-86-3 adopted June 23, 1986 by the California Coastal Commission; Certified and Signed Council Ordinance No. 5381, 05-093 and 05-094 adopted by the Santa Barbara City Council on December 13, 2005, and City of Santa Barbara LCP Amendment 1-06.

Additional Information: Please contact Melissa Hetrick, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA 93001. (805) 585-1800.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

Section 30610 of Coastal Act states, in part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:...

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program....

Section 30610.5(b) of the Coastal Act also states:

(b) Every exclusion granted under subdivision (a) of this section and subdivision (e) of Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section 30610.

The standard of review for the proposed Categorical Exclusion Order, pursuant to Section 30610(e) and 30610.5(b) of the Coastal Act, is that the category of development within a specifically defined geographic area does not have the potential for any significant adverse effects, either individually or cumulatively, on coastal resources and public access to or along the coast. Additionally, the Categorical Exclusion Order must be subject to terms and conditions assuring that no significant change in density, height or nature of uses will occur. In addition to these standards of review, the order must comply with the requirements of the California Environmental Quality Act (CEQA).

B. PUBLIC PARTICIPATION

Pursuant to Sections 13059, 13063, 13220, and 13243 of the California Code of Regulations, notice of the subject order has been distributed to all known interested parties, the applicant, and all affected cities and counties. Additionally, a hearing notice has been run in the Santa Barbara News-Press. The City of Santa Barbara has also held a series of public hearings on the proposed Categorical Exclusion Order and associated LCP Amendment 1-06 (9/16/04, 1/18/05, 4/7/05, 12/6/05, and 12/13/05) and

received verbal and written comments regarding the project from concerned parties and members of the public.

C. PROCEDURAL REQUIREMENTS

The request for Categorical Exclusion Order E-06-1 was received by the Commission on February 2, 2006. On April 4, 2006, Commission staff deemed the request for exclusion complete for filing. Pursuant to Section 13244 of the California Code of Regulations, upon adoption of an order granting the proposed exclusion, the Commission shall transmit copies of such order to the City of Santa Barbara. According to Section 13244, the subject categorical exclusion approved by the Commission shall not be effective until the following occur:

- (a) The City of Santa Barbara, by action of its governing body, acknowledges receipt of the commission's resolution of approval, including any conditions which may have been required;
- (b) The City of Santa Barbara, by appropriate action of its governing body, accepts and agrees to the terms and conditions to which the categorical exclusion has been made subject; and
- (c) The executive director of the commission determines in writing that the City's resolution is legally adequate to carry out the exclusion order and that the notification procedures satisfy the requirements of the exclusion order.

If the Commission denies the Categorical Exclusion Order, the Commission shall transmit copies of the Commission resolution that indicates the reasons for such denial. Upon receipt of this denial notice, no further action is required of the City.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON CATEGORICAL EXCLUSION ORDER NO. E-06-1

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. APPROVAL OF THE CATEORICAL EXCLUSION WITH CONDITIONS

MOTION: *I move that the Commission Adopt Categorical Exclusion E-06-1 for the City of Santa Barbara subject to the conditions suggested in the staff report.*

STAFF RECOMMENDATION FOR CERTIFICATION OF CATEGORICAL EXCLUSION:

Staff recommends a **YES** vote. Passage of this motion will result in the adoption of the order of categorical exclusion as conditioned. Public Resources Code § 30610(e) requires an affirmative vote by two-thirds of the appointed Commissioners to adopt a Categorical Exclusion.

ORDER:

The Commission by a two-thirds vote of its appointed members, hereby adopts this Order as conditioned as consistent with the requirements of § 30610(e) and 30610.5(b) of the Coastal Act to exclude the category of development detailed in the findings, from the permit requirements of the Coastal Act. Development subject to this Exclusion Order is limited to demolition and reconstruction of a single-family residence within the geographic areas shown on Exhibit 1. The exclusion does not apply to any development located on tide or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach or the mean high tide of the sea where there is no beach, any lands or water subject to or potentially subject to the public trust, or to uncertified segments where the City does not have coastal permit-issuing responsibility. Pursuant to the findings herein, the excluded development does not have the potential for any significant adverse impacts, either individually or cumulatively, on public access or coastal resources.

B. SPECIAL CONDITIONS

1. **Distance from Environmentally Sensitive Habitat Areas and Archeological Resources**

Section C2 of this Order of Categorical Exclusion shall be amended as follows:

2. Demolition and reconstruction of an existing single-family residence in the area designated as Non-appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, if an application for demolition and reconstruction of an existing single-family residence is submitted for a lot that either: (1) contains a City Landmark or Structure of Merit, (2) contains or is within 100 feet of archeological or paleontological resources, or ~~(2)~~ (3) contains or is within 100 feet of immediately adjacent to an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are

mapped or unmapped, then the application shall require a coastal development permit.

2. Local Agency Acceptance of Terms and Conditions

This Categorical Exclusion Order shall not be effective until the City submits, for the review and approval of the Executive Director, evidence that the City of Santa Barbara, by action of its governing body, has 1) acknowledged receipt of the commission's resolution of approval on the categorical exclusion order, including all conditions which were required for approval and 2) has accepted and agreed to all of the terms and conditions to which the categorical exclusion has been approved

3. Incorporation into the City of Santa Barbara LCP

The City shall submit, for the review and approval of the Commission, an amendment to the Implementation Plan of the City of Santa Barbara Local Coastal Plan that executes this Categorical Exclusion Order, as conditioned. This categorical exclusion order shall not be effective until final certification of the LCP amendment.

4. Determination by the Executive Director

The order granting a categorical exclusion for these categories of development in the City of Santa Barbara shall not become effective until the Executive Director of the Commission has certified, in writing, that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

5. Exclusion Limited to Coastal Permits

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state, or local government agency.

6. Records

The City of Santa Barbara shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any other interested person upon request.

7. Notice

Within five (5) working days of the issuance of a permit or comparable approval in conformity with this Order of Categorical Exclusion, the City of Santa Barbara Shall provide notification of such issuance on a form containing the following information to the relevant Coastal Commission area office and to any persons who in writing requested such notice. Unless the City provides such notification to the District office,

the Development will not be exempt from the Coastal Development Permit requirements under this order.

- i. Developers name;
- ii. Street address and assessor's parcel number of property on which development is proposed;
- iii. Brief description of development;
- iv. Date of application for other local permit(s);
- v. All terms and conditions of development imposed by local government in granting its approval; and
- vi. The site plan and the vicinity map of the project.

8. Conformity with LCP

Development under this exclusion shall conform with the City of Santa Barbara LCP in effect on the date of this exclusion as adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

9. Amendment of LCP

In the event an amendment of the City of Santa Barbara LCP is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this order shall comply with the amended LCP except where the terms and conditions of this order specify a more restrictive criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

C. RECISION AND REVOCATION

Pursuant to Title 14 of the California Code of Regulations Section 13243(e), the Commission hereby declares that the order grating this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership, after public hearing, that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code, Section 30610(e). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated as provided in Public Resources Code, Section 30610.5.

III. PROPOSED CATEGORICAL EXLCUSION ORDER

The City of Santa Barbara proposes to amend Categorical Exclusion Order E-86-3 approved by the Commission in July 8, 1986 so that the following categories of development are excluded from the requirements of obtaining a coastal development permit within the City of Santa Barbara. Please note that ~~strikethrough~~ indicates text proposed to be deleted from Categorical Exclusion Order E-86-3 and underline

indicates text proposed to be added to Categorical Exclusion Order E-86-3. As amended, the Exclusion Order is referred to as E-06-1.

The City of Santa Barbara requests that the Commission categorically exclude the following types of developments:

A. **TIME-SHARE CONVERSIONS EXCLUSION**. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 44003.5-11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

B. **VESTED RIGHTS EXCLUSION**. Any development which, on the effective date of this subsection, that has a valid approval from the Coastal Commission shall be considered to have a vested right until such time as said approval be made in any such development without prior City approval having been obtained by the developer.

C. **SINGLE FAMILY RESIDENCE EXCLUSIONS**.

1. Construction of one (1) single family residence on an existing vacant parcel in the area designated as Non-appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. ~~If demolition or relocation of any existing structure is necessary in order to accommodate such construction, or if such demolition or relocation has occurred in the year prior to the request for construction, the lot is not vacant.~~

~~2. Additions to existing single family residences in the area designated as Non-appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, except when such additions require other City approvals other than building permits.~~

2. Demolition and reconstruction of an existing single-family residence in the area designated as Non-appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, if an application for demolition and reconstruction of an existing single-family residence is submitted for a lot that either: (1) contains a City Landmark or Structure of Merit; (2) contains or is within 100 feet of archeological or paleontological resources; or (3) contains or is within 100 feet of an environmentally sensitive habitat area, then the application shall require a coastal development permit.

~~3. Improvements to existing single family residences in areas designated as Appeal Jurisdiction on Post LCP Certification Permit and Appeal Jurisdiction Map; provided, however, that those improvements which involve a risk of adverse environmental effect or adversely affect public access or result in a change of the~~

~~intensity of use shall require a coastal development permit, as provided in California Administrative Code Section 13250, as amended from time to time.~~

~~D. OTHER CONSTRUCTION. Improvements to any structure other than a single-family residence or a public works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use; shall require a coastal development permit, as provided in California Administrative Code Section 13253, as amended from time to time.~~

~~E. MAINTENANCE OF NAVIGATION CHANNELS. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.~~

~~F. REPAIR OR MAINTENANCE. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, shall require a coastal development permit, as provided in California Administrative Code Section 13252, as amended from time to time.~~

~~G. UTILITY CONNECTIONS. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 or the Coastal Overlay Zone requirements; provided that the City may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.~~

~~H. REPLACEMENT OF EXISTING STRUCTURE. The replacement of any structure, other than a public works facility, destroyed by a natural disaster, subject to Section 28.87.038 of this Code.~~

IV. FINDINGS FOR APPROVAL WITH CONDITIONS OF CATEGORICAL EXCLUSION ORDER E-06-1

The following findings support the Commission's approval of Categorical Exclusion Order E 06-01 for the City of Santa Barbara with the conditions outlined in Section II.B. above. The Commission hereby finds and declares as follows:

A. BACKGROUND

The City of Santa Barbara's Land Use Plan (LUP) was approved and certified by the Commission in 1981. The City of Santa Barbara Implementation Plan was certified subsequently in November 1986. The Implementation Plan included the addition of the S-D-3, Coastal Overlay Zone as a Special District codified in Section 28.45.009 of the City's Zoning Ordinance. The Implementation Plan submittal included an appendage, Map A, that defined the appealable and non-appealable areas in the City and the areas

of retained permit jurisdiction of the Commission. In 1991, the Commission certified the final version of the "Post-LCP Certification Permit and Appeals Jurisdiction" maps for the City of Santa Barbara.

The City of Santa Barbara's coastal zone has six miles of shoreline and a total area of approximately four square miles. The appeals area includes any areas between the sea and the first public road paralleling the sea or 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. Additionally, the appeals zone includes any areas located on tidelands, submerged lands, public trust lands, within 100 feet of any known wetland estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff that are not located within the Commission's retained jurisdiction area. The non-appealable areas are typically those areas of the City's coastal zone that are already developed and not on or near environmentally sensitive habitat areas.

In June 1986 the Commission approved, with conditions, Categorical Exclusion Order E-86-3 for the City of Santa Barbara. The language of the categorical exclusion order was incorporated into the City's LCP and S-D-3 Coastal Overlay Zone prior to certification in November 1986. The order excluded several types of development from the requirement to obtain a coastal development permit, including:

- i. Conversion of any existing multiple-unit residential structure to a time share project, estate, or use and associated improvements;
- ii. Vested development;
- iii. Construction of a single family residence on an existing vacant parcel in the City's non-appeal zone;
- iv. Additions to single family residences in the City's non-appeal zone.

The 1986 Categorical Exclusion Order also included several exclusions for categories of development already considered exempt from coastal permitting requirements under Section 30610 of the Coastal Act and Sections 13250-13253 of the California Code of Regulations including:

- v. Improvements to single family residences in the appeal zone pursuant to Administrative Code 13250;
- vi. Improvements to other structures pursuant to Administrative Code 13253;
- vii. Maintenance of navigation channels pursuant to Section 30610 (c) of the Coastal Act ;
- viii. Repair and maintenance pursuant to Administrative Code 13252;
- ix. Utility connections pursuant to Section 30610 (f) of the Coastal Act; and
- x. Replacement of an existing structure destroyed by a natural disaster pursuant to Section 30610 (g) of the Coastal Act.

In their approval of the Categorical Exclusion Order in 1986, the Commission found that the proposed types of development and exclusion areas were either already exempt under the Coastal Act and the California Code of Regulations, or involved development that did not have the potential to negatively impact coastal resources due to the location of the development in the highly developed non-appeal zone. In 1986, however, the

Commission did deny one portion of the proposed Categorical Exclusion Order which would have allowed the City to waive permitting requirements for certain emergency projects. The commission denied this emergency waiver exclusion on the basis that under Section 30611, the authority to waive a permit in certain emergencies remains with the Executive Director of the Commission even after LCP certification and is not transferable to the local government.

The proposed Categorical Exclusion E-06-1 would amend the 1986 Categorical Exclusion Order E-86-03 to:

- Add a new exclusion for demolition and reconstruction of an existing single family residence in the non-appeal area. Residences designated a City Landmark or Structure of Merit_u or within 100 feet of ESHA are not excluded.
- Remove an exclusion for any additions to single family residences in the non-appeal zone (The City has revised this exclusion to mirror the exemption for additions to single family homes outlined in Administrative Code 13250 and has included this new language in LCP Amendment 1-06 to be reviewed by the Commission).
- Removal of all categories of development already considered exempt from coastal permitting requirements under Section 30610 of the Coastal Act and Sections 13250-13253 of the California Code of Regulations (items v. – x. above).

The City has submitted an LCP Amendment 1-06 in conjunction with the subject categorical exclusion order that would incorporate these changes into the City's certified Implementation Plan. This amendment also adds the exemptions defined under Sections 30610 of the Coastal Act and the California Code of Regulations to the LCP, among other changes. This LCP Amendment is being reviewed at the March 15, 2007 Commission hearing in Monterrey.

B. IMPACTS TO COASTAL RESOURCES

The standard of review for the proposed Categorical Exclusion Order, pursuant to Section 30610(e) and 30610.5(b) of the Coastal Act, is that the category of development within a specifically defined geographic area does not have the potential for any significant adverse effects, either individually or cumulatively, on coastal resources and public access to or along the coast. Additionally, the Categorical Exclusion Order must be subject to terms and conditions assuring that no significant change in density, height or nature of uses will occur.

Notwithstanding the following discussion regarding coastal resources and development standards, any categorical exclusion order approved by the Commission requires acceptance by the local government of any conditions imposed on the order by the Commission, identification of the limitations of the categorical exclusion, and definition of a set of recordation and notification procedures for any exclusions. Accordingly,

Special Condition Two (2) requires the City to submit, for the review and approval of the Executive Director, evidence that the City, by action of its governing body, has accepted and agreed to all terms and conditions to which the categorical exclusion order has been approved. **Special Conditions Five (5), Eight (8), and Nine (9)** further clarify that the subject order applies only to the permit requirements of the Coastal Act; development under this exclusion shall conform with the City's LCP and subsequent amendments, except the terms and conditions of this exclusion where such terms and conditions are more restrictive; and no amendment of the City's LCP shall authorize additional exclusions or alter the geographic areas of the exclusion without an amendment or new categorical exclusion order. **Special Conditions Six (6) and Seven (7)** also require the City to keep a record of all development excluded under this order and to notify the Commission and other interested parties of any exclusions within five working days of approval of a permit or comparable approval in conformity with this categorical exclusion order.

The Commission further finds that, as required in **Special Condition Three (3)**, the City shall submit, for the review and approval of the Commission, an amendment to the Implementation Plan of the City of Santa Barbara Local Coastal Plan, that implements this Categorical Exclusion Order, as conditioned so that the LCP is consistent with the amendments made to the original categorical exclusion order approved for the City in 1986.

Environmentally Sensitive Habitat and Water Resources

Section 30240 of the Coastal Act provides that environmentally sensitive habitat shall be protected from disruption and that only those uses dependent upon the resources within the habitat may be allowed in such areas. In addition, Section 30240(b) requires that development in areas adjacent to sensitive habitat be sited and designed to protect the habitat. Section 30107.5 of the Coastal Act, as well as the City of Santa Barbara (S-D-3) Coastal Overlay Zone and Implementation Plan, designate environmentally sensitive areas as:

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act further states that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes shall be maintained through, among other means, minimizing adverse effects of waste water discharges, controlling runoff, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. Section 30233 also limits development in wetlands to certain designated allowable uses including restoration.

The non-appeal zone of the City of Santa Barbara as described in the LCP does not include any of the following: areas within 300 feet of the inland extent of any beach or of the mean high tide line of the sea; tidelands; submerged lands; public trust lands; areas within 100 feet of any known wetlands; estuaries, streams; and areas within 300

feet of the top of the seaward face of any coastal bluff. The majority of the non-appealable zone is already developed and does not appear to contain any environmentally sensitive habitat areas. While unlikely, it is possible, however, that environmentally sensitive habitat areas, including raptor habitats and oak woodlands, wetlands, or small tributaries to streams may be located in the non-appeal zone.

Categorical Exclusion Order E-86-3 approved by the Commission in 1986 for the City of Santa Barbara, excludes from coastal permitting requirements the construction of a single family residence on a vacant lot and additions to a single family residence in the non-appeal zone. The proposed categorical exclusion order would allow the demolition and reconstruction of an existing single family residence in the non-appeal zone provided the development is not located within 100 feet of an environmentally sensitive habitat area. The proposed exclusion, however, does not account for the unexpected occurrence of tributary streams or wetlands in the non-appeal zone. Should these resources be located in or around areas proposed for demolition or reconstruction, there is the potential to impacts to coastal waters. Therefore, the Commission requires **Special Condition One (1)**, which states that the demolition and reconstruction of single family residences shall only be excluded from coastal permitting requirements if they are not within 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped. As conditioned, the exclusions in this order present no potential for any significant adverse effect either individually or cumulatively on biological or marine resources and, therefore, this order is consistent with Section 30231, 30233 and 30240 of the Coastal Act.

Public Access

Section 30210 of the Coastal Act requires the provision of maximum public access to or along the coast. Section 30211 and 30212 require that existing public access be protected and that new development along the shoreline provide adequate access to the coast.

The subject categorical exclusion order would exclude the demolition and reconstruction of single family residences in the non-appeal zone of the City of Santa Barbara. The non-appeal zone does not include any areas between the first public road and the sea and does not front along any public beaches. The demolition and reconstruction of the an existing single family residence would not incrementally or cumulatively pose an impediment or burden on the public's ability to gain access to or along the shoreline. It would also not discourage the public from visiting the shoreline. This category of development in the non-appeal zone would not congest the beach or shoreline or alter any shoreline process. Additionally, the category of development would not significantly impact traffic or parking demand near shoreline areas. Accordingly, the Commission finds that the exclusions within the order present no potential for any significant adverse effect either individually or cumulatively on public access to or along the coast and therefore, this order is consistent with Section 30210, 30211, and 30212 of the Coastal Act.

Geologic Hazards

Section 30253 of the Coastal Act provides that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and assure stability and structural integrity. The siting of structures along bluffs, beaches, and streams involves hazards and potential damage due to erosion, wave action, flooding, and land failures. The subject exclusion order does not include residential development in areas adjacent to the shoreline, within 300 feet of the face of coastal bluff, or within 100 feet of known streams. It is unlikely, therefore, that a new single family residence constructed in this area would need specialized foundations or lead to unstable earth, erosion, and siltation of coastal waters. The Commission, therefore, finds that the exclusions in this order present no potential for any significant adverse effect either individually or cumulatively on geologic resources and, therefore, this order is consistent with Section 30253 of the Coastal Act.

New Development and Visual Resources

Section 30250 of the Coastal Act states that residential development shall be located within or adjacent to existing developed areas. Section 30251 of the Coastal Act also states that the scenic and visual qualities of coastal areas shall be protected and that permitted development should be designed to minimize alteration of natural land forms and to be visually compatible with the character of the surrounding area. Section 30252 of the Coastal Act further provides that new development shall maintain and provide access to the coast.

The City of Santa Barbara proposes to exclude the demolition and reconstruction of an existing single family residence in the non-appeal zone of the City. The non-appeal zone is a heavily developed area inland of the shoreline and first public road from the sea. The demolition and reconstruction of an existing single family residence will not alter the use or density of the area and would involve residential development in areas already capable of being served by existing public services. In addition, the exclusion would not change City zoning restrictions on building heights in the coastal zone. The excluded development would be visually compatible with the character of the surrounding area and would not impact scenic or visual qualities. Therefore, the Commission finds that the proposed exclusion will not result in significant change to the density, height, or nature of uses in the City of Santa Barbara, will not impact visual resources, and is consistent with Section 30250, 30251, and 30252 of the Coastal Act.

Archeological Resources

Section 30244 of the Coastal Act provides that reasonable mitigation measures shall be required where development would adversely impact archaeological or paleontological resources. The City of Santa Barbara has conducted several surveys of historic, archeological, and paleontological resources within the City. According to the City of Santa Barbara Cultural Resources Sensitivity Map (1997), a small area of potential archeological significance is located within the non-appeal area of the City. The City has proposed to exclude the demolition and reconstruction of single family residence in

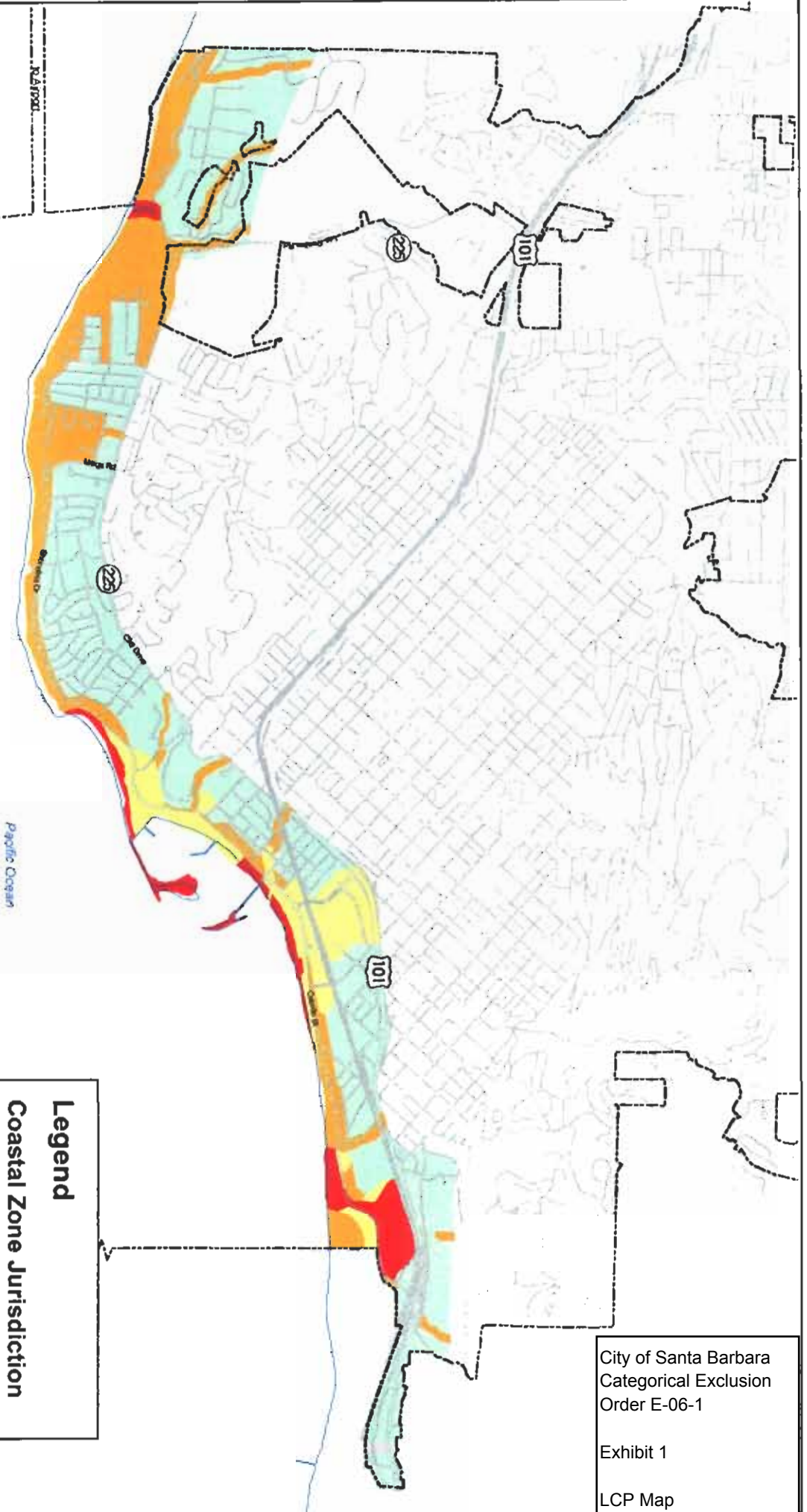
the non-appeal zone, except when the impacted residence is listed as a structure of merit or city landmark. These historic designations were developed based on a 2004 Historic Resources Survey conducted by the City. The proposed exclusion, however, would exclude this type of residential development in areas of potentially significant archeological resources. In order to protect archeological and paleontological resources in the non-appeal zone, **Special Condition One (1)** allows the exclusion of the demolition and reconstruction of single family residences in the non-appeal zone, except where said development is within 100 feet of archeological or paleontological resources. As conditioned, the proposed exclusions proposed in this order do not have the potential to significantly impact archeological or paleontological resources and, therefore, this order is consistent with Section 30244 of the Coastal Act.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Commission finds that adoption of the categorical exclusion with the conditions identified in Part II of these findings, is exempt from CEQA. Section 21080(b)(9) of CEQA exempts classes of projects designated pursuant to section 21084. The CEQA Guidelines at California Code of Regulations, Title 14, Division 6, sections 15300 to 15329 designate classes of development that do not have a significant effect on the environment and are therefore exempt from CEQA, pursuant to CEQA section 21084. The City is proposing to exclude one new type of development, i.e., demolition and reconstruction of a single family residence on a legal parcel, from the requirement to obtain a coastal development permit. Permitting the demolition of a single family residence is categorically exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which exempts the following class of activities associated with existing facilities:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. . . . Examples include but are not limited to: (l) Demolition and removal of individual small structures listed in this subsection; (1) one single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

Similarly, Section 15303(a) of the California Code of Regulations identifies the permitting of construction of a single family residence in a residential zone as a category of development that is exempt from CEQA. Thus, the permitting of the demolition and reconstruction of a single family residence is exempt from CEQA. Therefore, the Commission's adoption of a categorical exclusion that exempts demolition and reconstruction of single family residences from the requirement to obtain a coastal development permit is exempt from CEQA. Accordingly, approval of the subject categorical exclusion order does not require any further actions by the Commission to satisfy the requirements of CEQA.



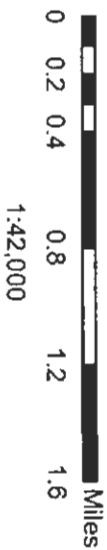
Legend

Coastal Zone Jurisdiction

- Appealable Jurisdiction I
- Appealable Jurisdiction II
- Non Appealable Jurisdiction
- Permit Jurisdiction (CCC)

City of Santa Barbara
 Categorical Exclusion
 Order E-06-1

Exhibit 1
 LCP Map



City of Santa Barbara - Categorical
 Exclusion Request - SBC-CFX-06-001

Coastal Zone
 Local Coastal Plan



City of Santa Barbara, California
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