

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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F11a

Appeal Filed: 6/2/22
 49th Day: Waived
 Staff: SF - V
 Staff Report: 10/26/23
 Hearing Date: 11/17/23

STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE

APPEAL NUMBER: A-4-STB-22-0027

APPLICANT: BMO, LLC (Robert Mecay)

APPELLANT: Dominique Lacerte (Lacerte Family Trust)

LOCAL GOVERNMENT: County of Santa Barbara

LOCAL DECISION: Coastal Development Permit No. 21CDP-00000-00053 approved by the County of Santa Barbara on May 17, 2022

PROJECT LOCATION: 2305 Finney Street, Summerland, Santa Barbara County (APN: 005-230-008)

PROJECT DESCRIPTION: Construction of a 795 sq. ft. second-story attached accessory dwelling unit with 142 sq. ft. deck to an existing 1,638 sq. ft., single-story, single-family residence.

STAFF RECOMMENDATION: No Substantial Issue

MOTION & RESOLUTION: Page 7

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.

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 appellant contends that the approved project is not consistent with the policies of the County of Santa Barbara’s certified LCP regarding public access, visual resources, environmental resources, and conformance with local development restrictions. Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for “no substantial issue” findings (for which a “yes” vote is recommended) are found on page 7.

The approved project consists of the construction of a new 795-square-foot second-story attached accessory dwelling unit with a 142-square-foot deck addition to an existing 1,638 square foot, single-story, single-family residence on a 0.35-acre parcel located at 2305 Finney Street in the Summerland area of Santa Barbara County. The property is located on a coastal bluff above Summerland Beach, seaward of Highway 101, Wallace Avenue, and the Union Pacific Railroad. The site is bordered by residentially developed lots to the east and north, a public park (Lookout Park) and associated beach access trail to the west, and Summerland Beach and the Pacific Ocean to the south. The approved ADU addition would occur within the footprint of the existing residence.

The appellant contends that the approved project is not consistent with the policies and provisions of the County of Santa Barbara’s certified LCP related to public access, visual resources, and environmentally sensitive habitat. Regarding public access, the appellant asserts that adding a new residential unit (ADU) at the site without adequate on-site parking will increase private use of public parking available along the ocean-side of the Finney Street neighborhood and result in less public parking. The appellant also contends that the applicant failed to provide certain public access improvements related to beach access trails and parking as required by a previously approved LCP Amendment (No. MAJ-1-03-B) and that a consistency analysis should have been performed to account for potential beach access parking impacts that could be caused by the proposed development. The Coastal Act and LCP prioritize and protect public access to the coast and require that adequate parking is provided. However, the certified LCP does not require additional on-site parking be provided for attached ADUs, nor for detached ADUs within a half mile of public transit. In this case, the existing residence has two existing on-site parking spaces and no additional parking is required by the LCP for the attached ADU addition. Furthermore, the project is located less than a half mile from a public transit/bus stop. In its approval of the CDP, the County applied the Coastal Act and LCP policies correctly in finding that the project would maintain the availability of public parking within the vicinity of the subject property and not adversely impact public access.

As discussed in further detail in this staff report, a previous County-approved lot line adjustment (in 2003) and Commission-approved LCP Amendment (in 2005) had required that equal public access benefits shall be provided in the form of a minimum of 40 new parking spaces, coastal access signage, and other minor access improvements along two existing, nearby vertical public accessways in order to mitigate for the loss of public access associated with private encroachments on public property at the subject site. Regarding the appellant's assertion that the applicant has not complied with the public access requirements of the LCP associated with LCP Amendment No. STB-MAJ-1-03-B, the County's record and the LCP are clear that the responsibility of implementing the required public access improvements rests with the County, and the property owner had fulfilled their obligations under the County's permit by providing the required funding to the County to plan and implement the public improvements.

Concerning visual resources, the appellant asserts that the approved ADU would be visible from the public beach below the site and impact public views. Visual resource impacts associated with the approved ADU addition were adequately analyzed by the County. The approved 795 sq. ft. ADU would be added as a partial second story to an existing 1,638 sq. ft. single-story residence and would comply with the height and size requirements of the LCP. Further, based on review of site photos, the addition would not significantly alter or obscure protected scenic views (mountain, ocean) from public viewing areas (beach, trail, park) and would conform with the character of the area. Public views of the ocean and beach across the site from the north would not be impacted due to existing vegetation and structures. In addition, public views from Lookout Park and trails to the west also would not be impacted due to intervening topography and vegetation. Further, the ADU addition would not adversely impact public views of the mountains from the beach given the existing topography and angle of views from the beach. The majority of homes on Finney Street are two-story and comparable in size. With the ADU addition, the subject residence would be 2,433 sq. ft. in size. The 12 other adjacent homes on Finney Street range from 1,951 sq. ft. to 3,483 sq. ft. in size, and average is 2,711 sq. ft., so the approved project would be consistent with the size, scale, and character of the area. For these reasons, the County's action on the subject CDP included findings and evidence in support of their conclusion that the approved ADU is consistent with relevant visual resource policies and provisions of the County's LCP.

The appellant also alleges that the County did not analyze the project's consistency with the ESHA protection policies of the LCP and that unpermitted additions to the existing residence occurred that never received proper permits or environmental review and unauthorized development encroaches into the required Development Exclusion Area. With the approval of LCP Amendment No. STB-MAJ-1-03-B in 2005, a Development Exclusion Area was established along the western extent of the applicant's and appellant's parcels, prohibiting new development within that area in an effort to avoid adverse impacts to monarch butterfly habitat located in a grove of eucalyptus trees. In this case, the approved ADU would be within the footprint of the existing residential development, not within the designated Development Exclusion Area. Further, no new or additional fuel modification would be required for the second-story ADU addition. The

County also thoroughly analyzed the appellant's assertions regarding unpermitted development at the subject site and determined that the existing residence is considered legally existing based on their permit records. Therefore, the County's action in this case included findings and evidence in support of their conclusion that the approved development avoids the designated Development Exclusion Area and would not result in any significant disruption of habitat values in the adjacent ESHA consistent with relevant policies and provisions of the County's LCP.

In summary, the County's record includes extensive factual evidence and legal support for the County's findings that the project is consistent with the relevant policies of the certified LCP and the public access policies of the Coastal Act. The extent and scope of the development is relatively small, and significant coastal resources would not be affected by this decision. In addition, the project does not raise issues of regional or statewide significance, and the County's decision will not have an adverse precedential value for future CDP decisions. Therefore, staff recommends that the Commission find that the appeal does not raise a substantial issue with respect to the grounds on which it was filed.

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EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial Overview

Exhibit 3 – Project Plans

Exhibit 4 – Site Photos

Exhibit 5 – Development Exclusion Area

Exhibit 6 – Appeal by Dominique Lacerte

Exhibit 7 – County Notice of Final Action for CDP No. 21CDP-00000-00053

Exhibit 8 – Correspondence Received

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 natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section 30603(a)). Additionally, any development approved by a county that is not designated as the principal permitted use within a zoning district may be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603(a)(4)). 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 County's CDP approval is appealable to the Coastal Commission because the project is located between the first public road and the sea.

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 Permit Hearing

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

The project that is the subject of this appeal was approved by the County of Santa Barbara Planning and Development Director on June 4, 2021. The decision was then appealed to the Planning Commission by the appellant. The Planning Commission denied the appeal on December 8, 2021. The decision was then appealed to the County Board of Supervisors by the appellant. The County Board of Supervisors unanimously denied the appeal and upheld the CDP approval on May 17, 2022. The County's Notice of Final Action (4-STB-22-0430) for the project was received by Commission staff on June 6, 2022 (**Exhibit 7**). Commission staff provided notice of the ten working day appeal period, which began on June 7, 2022 and ended on June 20, 2022. An appeal of the County's action was filed by Dominique Lacerte (Lacerte Family Trust) on June 8, 2022, during the Commission's appeal period (**Exhibit 6**). 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 County's administrative record was received on June 21 2022. 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 August 17, 2022; however, according to Section 30625(a), the applicant can waive that time limit. The time limit was waived by the applicant on July 12, 2022, prior to expiration of the 49-working day deadline for Commission action.

II. STAFF RECOMMENDATION FOR NO SUBSTANTIAL ISSUE

MOTION: I move that the Commission determine that Appeal No. A-4-STB-22-0027 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

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-22-0027 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 subject CDP approved by the County of Santa Barbara permits the construction of a new 795 sq.ft. second-story attached accessory dwelling unit (ADU) with a 142 sq.ft. deck to an existing 1,638 sq. ft., single-story, single-family residence on a 0.35-acre blufftop parcel located at 2305 Finney Street in the Single-Family Residential (7-R-1) zoning district within the Summerland Community Plan area of the County of Santa Barbara (**Exhibits 1-2**).

Specifically, the approved ADU and attached deck would be located atop the western extent of the existing single story residence as a partial second story. The approved project includes the addition of a lower-level stairway and entry required for access to the upper floor ADU, and changes to the existing first floor deck, spa, and laundry room as necessary to construct the new ADU (**Exhibit 3**). All work would occur on the western side of the house, within the footprint of the existing residential development.

The subject property is located on a coastal bluff above Summerland Beach, seaward of Highway 101, Wallace Avenue, and the Union Pacific Railroad (**Exhibit 2**). The appellant's property at 2311 Finney Street is located immediately to the north and landward of the subject property. A common access driveway is used to reach the subject property, beginning at Finney Street and then extending past the appellant's property before terminating at the subject (applicant's) property. The subject site is bordered by residentially developed lots to the east and north, a public park (Lookout Park) and associated beach access trail to the west, and Summerland Beach and the Pacific Ocean to the south. A small, seasonal drainage forms a canyon in the coastal bluff immediately upcoast of 2305 and 2311 Finney Street, which is vegetated with a dense stand of eucalyptus trees as well as riparian vegetation. The eucalyptus grove is known to support an autumnal aggregation of Monarch butterflies. An existing public trail runs along the bottom of the drainage through the eucalyptus grove adjacent to the western property line.

B. BACKGROUND AND PERMIT HISTORY

According to the County's record, a 1,054 sq. ft. single-story single-family home was built on the subject property in 1949, then later expanded to its current 1,638 sq. ft. size at an unknown time after 1949, since no building permits are on record to show when the expansion occurred. As of 2000, the County considered the residence to be non-conforming due to unpermitted additions that caused the residence to encroach on the

County-owned road right-of-way to the east, land zoned as Recreation (REC) to the west, and property boundaries to the north. To resolve this issue, the County approved a Lot Line Adjustment and Coastal Development Permit (LLA No. 00-LA-018 and CDP No. 02CDH-00000-0004) on March 18, 2003 to adjust the existing lot lines of the subject parcel, the adjacent parcel to the north (now owned by the appellant), and portions of two adjacent County-owned properties (public rights-of-way), which created the existing parcel configurations of all four involved parcels, and authorized the current configuration of the subject residence at 2305 Finney Street. A notice of final action for this County action was received by the Commission's South Central Coast District Office on April 9, 2003, no appeals were filed, and the appeal period ended April 23, 2003.

As part of the approval, the County entered into an agreement to vacate the County ownership of a portion of Finney Street, which resolved the non-conformance of the residential structure that was built over the property line. The County sold the subject area of the public rights-of-way for \$125,000 (\$6.64 per sq. ft.) and the proceeds from the sale were specifically designated for beach parking or other coastal access improvements in the Summerland area, to be used by the County, per Condition 7 of the County's LLA permit. Additionally, Condition 8 of the County's LLA permit required the applicant to improve two beach access trails and associated signage (one at Lookout Park and one at another location in the Summerland area to be identified by the County) to County Parks Department standards and specifications prior to approval of permits for development on the private properties, or within one year of recordation of the lot line adjustment, whichever occurred first. However, Condition 8 also required a payment of a \$15,000 performance security to the County prior to recordation of the LLA. If the applicant was unable to complete the required trail improvements within the timeframe specified due to a third-party dispute, the County's approved \$15,000 performance security would be used by the County for public access improvements in the vicinity.

The County also approved an LCP amendment to re-zone the portions of the two County-owned properties subject to the encroachment from public recreation/open space to private residential. The Coastal Commission certified the re-zone LCP amendment in 2005 (Amendment No. STB-MAJ-1-03-B), subject to a policy requirement (Policy CIRC-S-18) that the subject public right-of-way abandonment may only occur in exchange for equal public access benefits in the Summerland area, which shall consist of developing a minimum of 40 public parking spaces along Wallace Avenue and improving two beach access trails and instructional access signage along Wallace Avenue. The Commission's findings for the LCP amendment recognized the County's LLA action and memorialized the public access improvements that should result from the approved LLA and right-of-way abandonment. In addition, as part of the re-zone LCP amendment, the Commission required the establishment of a Development Exclusion Area to prohibit new development within the vacated portion of the public right-of-way that includes a eucalyptus grove used by monarch butterflies (**Exhibit 5**). Although a portion of the monarch habitat within the canyon became privately owned as a result of the approved lot line adjustment, the designated Development Exclusion Area required by the Commission as part of the re-zone LCP

amendment serves to protect the monarch habitat from future development such as limbing or trimming of trees, grading, or addition of any additional structures in and around the eucalyptus grove. The policy allowed existing stairways within the exclusion area to remain.

In 2016, an update to the Summerland Community Plan was certified by the Commission (LCP Amendment No. 14-0836-2-Part C), which clarified development restrictions within the previously established Development Exclusion Zone at the subject site, and clarified the County's responsibilities in providing the required public access improvements associated with the previously approved LLA and LCP Amendment No. STB-MAJ-1-03-B (which had not been implemented in 2016 and have still not been implemented by the County to-date). On May 9, 2019, the Commission certified an amendment to the LUP and Implementation Plan/Coastal Zoning Ordinance (CZO) components of the County's LCP, with regard to wetland, recreation, and access policies and provisions to allow for the development of a transportation improvement project, which includes construction of high occupancy vehicle (HOV) lanes 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, and coastal access improvement projects. This LCP amendment added LUP Policy 7-32, which requires specific projects to achieve regional improvements to alternative transportation modes for the purposes of increasing access to coastal resources for all members of the public. Two of the coastal access improvement projects identified in Policy 7-32 that the County shall require when reviewing the Highway 101 HOV CDP applications are (1) Finney Street coastal access enhancements that would provide benches and tables along the bluff top on Finney Street to enhance the coastal access experience and use, particularly for those with mobility challenges; and (2) Wallace Avenue coastal parking and sidewalk enhancements that would widen the roadway and create striped parking spaces to provide more available parking and the addition of a sidewalk to improve coastal access from the parking area to the beach at Lookout Park. As such, it is clear that the County intends to pursue public access improvements in this area as required by the LCP.

According to the County's staff reports regarding the subject CDP, the County's Planning and Development Department issued a Notice of Violation (Case No. 20ZEV-00000-00340) on February 5, 2021 for unpermitted development on the subject property at 2305 Finney Street consisting of a deck enclosure (pergola), installation of utilities, expansion of the deck over the former hot tub/spa, and the installation of flatwork less than 300 feet from the top of the bluff. The County's staff report states that the owner then removed the flatwork near the bluff, the pergola, and the deck addition, prompting the County to determine that all violations were abated and to close the violation case on April 2, 2021.

C. SUMMARY OF APPEAL CONTENTIONS

The County's final action on the subject CDP was appealed to the Commission by Dominique Lacerte (Lacerte Family Trust) on June 8, 2022 and is attached as **Exhibit 6**. The appeal contends that the approved project is not consistent with the policies and provisions of the County of Santa Barbara's certified LCP related to public access,

visual resources, environmental resources, or conformance with local development restrictions. Concerning public access, the appellant asserts that LCP Amendment No. MAJ-1-03-B required the applicant to provide certain public access improvements related to beach access trails and parking but has since failed to do so, and that a consistency analysis should have been performed to account for potential beach access parking impacts that could be caused by the proposed development. The appellant also asserts that adding a new residential unit (ADU) at the site without adequate on-site parking will increase private use of public parking available along the ocean-side of the Finney Street neighborhood and result in less public parking. Concerning visual resources, the appellant asserts that the approved ADU would be visible from the public beach below the site and impact public views, inconsistent with Coastal Act Section 30251 (incorporated as a policy of the County's LCP) and Land Use Plan Policy 4-3. The appellant also contends that the LCP requires review of the approved project by the County's Board of Architectural Review, which was not performed. Concerning environmental resources, the appellant asserts that the LCP requires a consistency analysis for possible impacts of proposed development upon adjacent Environmentally Sensitive Habitat Areas (ESHA), which was not performed. Additionally, the appellant asserts that the subject property is currently in a state of non-conformance with the LCP, citing unpermitted upgrades described as occurring both before and after approval of LCP Amendment No. MAJ-1-03-B in 2003. Finally, the appellant asserts that the approved development would be incompatible with the restrictions of the Development Exclusion Area established by LCP Amendment No. MAJ-1-03-B to protect sensitive habitat, and would therefore be inconsistent with the LCP.

Correspondence dated July 10, 2023 was received from applicant in response to the appeal, and correspondence dated October 23, 2023 was received from appellant as well. Both letters have been addressed in this staff report and can be found in **Exhibit 8**. In their October 23, 2023 letter, the appellant provided Commission staff with a letter in support of their appeal and responding to a July 10, 2023 letter from the applicant. In addition to reiterating the points raised in the subject appeal, the appellant's letter asserts that the applicant's property is burdened by a Court Judgement that prohibits parking within the easement across the appellant's property that connects Finney Street to the applicant's home and that the applicant has, and will continue, to violate the terms of the easement for residents, guests, and construction. However, the private easement establishes access over 2311 Finney Street for ingress, egress, and private utilities, and disputes over alleged overburden of the easement is a private civil matter between the property owners and are separate from the subject CDP and not a valid ground for appeal.

D. 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 (where applicable). In this case, the appellant cited the

County's LCP policies related to public access, visual resources, and environmentally sensitive habitat resources.

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;
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. Environmentally Sensitive Habitat (ESHA) Protection

The appellant contends that the County failed to provide a consistency analysis for possible impacts to adjacent ESHA, citing Land Use Plan (LUP) Policy 2-11, Coastal Act Section 30240, and refer to the relevant requirements of the Summerland Community Plan (which is a component of the County's LUP), cited below.

Coastal Act Section 30240 (incorporated into the County's LCP as a policy per LUP Policy 1-1) states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

LUP Policy 2-11, from the County of Santa Barbara's Coastal Land Use Plan, states:

All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

Action CIRC-S-17.2, from the Summerland Community Plan, states:

In the case of the Morris Place ROW and a portion of the West Finney Street ROW adjacent to Assessor Parcel No. 005-240-001 and Assessor Parcel No. 005-240-002, as shown in Exhibit 7 of the California Coastal Commission Staff Report for Santa Barbara County Amendment No. 1-03-B, ROW abandonment may occur in exchange for equal public access benefits which shall include all of the following: improving two beach access trails, within the Summerland Community Plan Area, providing a minimum of 40 public coastal parking spaces along Wallace Avenue, and installing instructional access signage along Wallace Avenue. As a condition of rezoning a portion of the Morris Place ROW and a portion of the West Finney Street ROW from recreational and open space use to residential use, the property owner(s) shall sign a written agreement acknowledging and agreeing that new development (including any modification of trees such as trimming or limbing, grading, and fences) shall be prohibited in the designated exclusion area as shown on Exhibit 7 referenced above. However, under limited circumstances, trees may be modified in the designated exclusion area for the protection of life and safety consistent with fire department requirements as allowed in Action BIO-S-6.6. The existing stairways may remain. The designated exclusion area requirement shall run with the land and all present and future owners shall be subject to the prohibition of additional development.

Action BIO-S-6.6, from the Summerland Community Plan, states:

New development within the designated exclusion area of the former Morris Place right-of-way (i.e. the eucalyptus butterfly habitat east of Lookout Park) is prohibited, except for limited fuel modification for the protection of life and safety consistent with fire department requirements, where such modification avoids adverse impacts to the monarch butterfly habitat. A proposed fuel modification plan shall be prepared and monitored by an independent monarch butterfly specialist approved by P&D staff, and if necessary a qualified arborist. The proposed fuel modification plan shall only be approved if the fuel modification plan concludes that the proposed fuel modification is limited to the minimum necessary to protect life and safety and that such development would not have an adverse impact to the butterfly habitat. All fuel modification shall take place when monarch butterflies are not present (outside the months of autumnal aggregation, October to March) (LCP Amendment STB-MAJ-1-03-B).

The appellant states that the County did not analyze the project's consistency with the ESHA protection policies cited above, but should have, given the proximity of existing ESHA to the approved development. Further, the appellant alleges that unpermitted additions to the existing residence occurred that never received proper permits or environmental review and unauthorized development encroaches into the required Development Exclusion Area. With the approval of LCP Amendment No. STB-MAJ-1-03-B in 2005, a Development Exclusion Area was established along the western extent of the applicant's and appellant's parcels, prohibiting new development within that area in an effort to avoid adverse impacts to monarch butterfly habitat located in a grove of eucalyptus trees. This policy did, however, allow limited fuel modification where such modification would avoid adverse impacts to the monarch butterfly habitat.

In this case, the approved project to add a second-story ADU to the existing residence would occur within the footprint of the existing residential development and would therefore be located no closer to the designated Development Exclusion Area than the existing house. Further, no new or additional fuel modification would be required for the second-story ADU addition. Additionally, no grading is proposed, no changes to the site's stormwater drainage are proposed, and no development would be located within the Development Exclusion Area. Further, all proposed exterior lighting would be designed to direct light downwards and minimize spillover into surrounding areas. The County also determined that the project would not result in adverse impacts to adjacent habitats or monarch butterfly roosting habitats since the improvements would be located within the footprint of existing development and the project is conditioned to prohibit construction during butterfly roosting season between November 1 and April 1 within 200 feet of Monarch roosting/nesting sites, and that requirement may only be modified if a biological survey is completed that demonstrates overwintering monarch roosts have dispersed in late winter/early spring (Condition 7).

Regarding the assertion of unpermitted additions to the existing residence that the approved ADU may rely upon, the County's staff reports state that the existing residence is legal at its current configuration and size of 1,638 sq. ft. The County thoroughly analyzed the appellant's assertions regarding unpermitted development at the subject site and indicated that the Lot Line Adjustment and Coastal Development Permit (LLA No. 00-LA-018 and CDP No. 02CDH-00000-0004) approved by the County in 2003 resolved unpermitted additions and development encroachment on adjacent properties and authorized the current configuration of the subject residence. Regarding a 2019 complaint about creation of an unpermitted trail on the property to access the beach from the bluff within the Development Exclusion Area, the County staff reports indicate that County Zoning Enforcement staff conducted a site visit and determined that no trail or development violation occurred in the Exclusion Area. Further, the County also resolved a prior issue regarding an unpermitted deck enclosure (pergola), deck expansion over the former hot tub/spa, and flatwork on the subject residence site by forcing the owner of the subject property to remove the unpermitted development in 2021. The County determined that all violations were abated and closed the violation case on April 2, 2021. For these reasons, there is no evidence of unpermitted development onsite.

The County's action on the CDP included findings and evidence in support of their conclusion that the approved development avoids the designated Development Exclusion Area and would not result in any significant disruption of habitat values in the adjacent ESHA consistent with relevant policies and provisions of the County's LCP cited above. As such, the Commission finds that the appeal contentions regarding biological resources does not raise a substantial issue.

2. Public Access

The appellant contends that the applicant is currently in a state of non-conformance with the LCP, alleging failure to uphold certain public access provisions required by the LCP through LCP Amendment No. STB-MAJ-1-03-B. Additionally, the appellant contends that parking impacts were not adequately analyzed by the County to ensure that the approved development will not negatively impact beach access parking. The following policies from the County of Santa Barbara's LCP and the public access policies of the Coastal Act were cited by the appellant or are relevant to the appellant's allegations:

LUP Policy 7-1, from the County of Santa Barbara's Coastal Land Use Plan, states:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

- a. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.
- b. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.
- c. Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.

Action CIRC-S-15.1, from the Summerland Community Plan, states:

The County shall improve two beach access trails within the Summerland Community Plan Area, provide a minimum of 40 public coastal parking spaces along Wallace Avenue, and install instructional access signage along Wallace Avenue. Additionally, the County shall study the feasibility of improving beach access and parking along Wallace Avenue, including, but not limited to:

- developing a trail adjacent to the Union Pacific Railroad tracks, which would tie into Padaro Lane and the City of Carpinteria planned bicycle route to the south, as depicted in Figure 15 (Parks, Recreation, and Trails/Open Space)

Action CIRC-S-17.2, from the Summerland Community Plan, states:

In the case of the Morris Place ROW and a portion of the West Finney Street ROW adjacent to Assessor Parcel No. 005-240-001 and Assessor Parcel No. 005-240-002, as shown in Exhibit 7 of the California Coastal Commission Staff Report for Santa Barbara County Amendment No. 1-03-B, ROW abandonment may occur in exchange for equal public access benefits which shall include all of the following: improving two beach access trails, within the Summerland Community Plan Area, providing a minimum of 40 public coastal parking spaces along Wallace Avenue, and installing instructional access signage along Wallace Avenue. As a condition of rezoning a portion of the Morris Place ROW and a portion of the West Finney Street ROW from recreational and open space use to residential use, the property owner(s) shall sign a written agreement acknowledging and agreeing that new development (including any modification of trees such as trimming or limbing, grading, and fences) shall be prohibited in the designated exclusion area as shown on Exhibit 7 referenced above. However, under limited circumstances, trees may be modified in the designated exclusion area for the protection of life and safety consistent with fire department requirements as allowed in Action BIO-S-6.6. The existing stairways may remain. The designated exclusion area requirement shall run with the land and all present and future owners shall be subject to the prohibition of additional development.

Policy CIRC-S-18, from the Summerland Community Plan, states:

Existing authorized landscape and hardscape within the public roadways and ROW are functionally and aesthetically valuable to the community and shall be protected and maintained for public use. Permitted encroachments shall not compromise public safety; block sight distances; impede existing or planned pathways, trails, and bikeways; or obstruct on-street parking areas or travel lanes. Encroachments shall be subject to coastal development permit requirements in accordance with Section 35-169 of the County's Coastal Zoning Ordinance and a Public Works encroachment permit and may only be approved if a clear zone from the curb face and/or edge of pavement to the proposed encroachment is preserved for a minimum distance of seven feet and the clear zone is improved by the property owner as feasible for on-street parking or bicycle and pedestrian passage. The County shall not authorize encroachments that would preclude adequate sight distance or safe pedestrian access or parking where it currently exists or is potentially available within the public road ROW.

Section 35-108.1 of the Santa Barbara County Coastal Zoning Ordinance states:

Parking spaces shall be permanently maintained on the same building site on which the dwelling(s) is located, except as provided in Section 35-76, Medium Density Student Residential, and Section 35-77, High Density Student Residential:

1. Single family and two family dwellings: Two spaces per dwelling unit.

Section 35-142.7.10.b of the Santa Barbara County Coastal Zoning Ordinance states:

b. Additional off-street parking spaces are not required to be provided for new, detached accessory dwelling units that comply with any of the following criteria:

- 1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The approved project includes a second-story ADU addition to an existing single-story single-family residence on a bluff. The subject residence is accessed off of Finney Street, via a shared driveway within an easement on the neighboring property to the north (currently owned by the appellant) for ingress/egress. The subject site is bordered by residentially developed lots to the east and north, a public park (Lookout Park) and associated beach access trail to the west, and Summerland Beach and the Pacific

Ocean to the south. In conformance with Article II Section 35-108 of the Implementation Plan, two parking spaces are provided on-site to serve the existing single-family dwelling. Section 35-142.7.10 of the County's Coastal Zoning Ordinance requires additional parking spaces for detached ADUs; however, no additional parking is required for attached ADUs. The approved project is an attached ADU and the County correctly determined that no additional parking is required beyond the two spaces on-site that serve the existing residence. Additionally, Section 35-142.7.10.b of the County's Coastal Zoning Ordinance does not require parking spaces for detached ADUs that are proposed within a half mile of public transit (e.g. a bus stop). Although the approved project is an attached ADU and does not require additional parking, the project is also located approximately 0.3 miles from the closest public transit/bus stop and would not require additional parking for the ADU even if it were a detached ADU structure. As such, the approved ADU is in conformance with the LCP's parking requirements. Additionally, given the subject site's location in a Special Problems Area,¹ the project and associated access and parking components were also reviewed and approved by the County's Special Problems Committee, as required by the LCP. Finally, the Carpinteria/Summerland Fire Protection District did not have any conditions regarding emergency access to the property.

Further, the County's findings evaluated project consistency with the public access and recreation policies of the LCP. Existing public access to the coast is located approximately 600 feet upcoast at Lookout Park where there are existing vertical accessways down the bluff to the beach and a public parking lot. Existing coastal access parking also currently exists along Wallace Avenue to the north of this residential blufftop neighborhood. The County determined that the approved ADU addition would not result in any public access impacts given that adequate parking for the residence exists on-site. Since site construction to construct the approved ADU would require additional construction-related vehicles and equipment on-site that would have the potential to impact access, the County required Condition 9 as part of the subject CDP, which requires that all construction-related vehicles, equipment staging and storage areas shall be located either onsite in the driveway and outside of the road and highway right-of-way, or on Wallace Avenue only between the hours of 7am and 4pm, and no construction parking is permitted in the access easement.

Regarding the appellant's assertion that the applicant has not complied with the public access requirements of the LCP associated with LCP Amendment No. STB-MAJ-1-03-B, the County's record is clear that the responsibility of implementing the required public access improvements rests with the County, and the property owner had fulfilled their obligations. As discussed in the Background and Permit History section of this staff report, to mitigate for the loss of public access associated with: private encroachments

¹ A Special Problems Area is defined in the LCP as an area designated by the Board of Supervisors in compliance with Article XV (Special Problems Areas) of Chapter 10 (Building Regulations) of the Santa Barbara County Code as having severe constraints to development that include access, drainage and wastewater disposal. The County designated Summerland as a Special Problems Area given the hazards and access constraints within this area, and additional County review by the Special Problems Committee is required for proposed development within this area.

on public property at the subject site; a County-approved lot line adjustment; road ROW abandonment; and rezone of recreational land to residential use, LCP Amendment No. STB-MAJ-1-03-B required that “equal public access benefits shall be provided in the immediate vicinity [of Parcels 1 and 2] in the form of a minimum of 40 new parking spaces, coastal access signage, and other minor access improvements along two existing, nearby vertical public accessways.” As part of the approval, the County entered into an agreement to vacate the County ownership of a portion of Finney Street and Morris Place, which resolved the non-conformance of the residential structure that was built over the property line. The County sold the subject area of the public rights-of-way for \$125,000 (\$6.64 per sq. ft.) and the proceeds from the sale were specifically designated for beach parking or other coastal access improvements in the Summerland area, to be used by the County, per Condition 7 of the County’s LLA permit. Additionally, Condition 8 of the County’s LLA permit required the applicant to improve two beach access trails and associated signage (one at Lookout Park and one at another location in the Summerland area to be identified by the County) to County Parks Department standards and specifications prior to approval of permits for development on the private properties, or within one year of recordation of the lot line adjustment, whichever occurs first. However, Condition 8 also required a payment of a \$15,000 performance security to the County prior to recordation of the LLA. If the applicant was unable to complete the required trail improvements within the timeframe specified due to a third-party dispute, the County’s approved \$15,000 performance security would be used by the County for public access improvements in the vicinity.

The County also approved an LCP amendment to re-zone the portions of the two County-owned properties subject to the encroachment from public recreation/open space to private residential. The Coastal Commission certified the re-zone LCP amendment in 2005 (Amendment No. STB-MAJ-1-03-B), subject to a policy requirement (Policy CIRC-S-18) that the subject public right-of-way abandonment may only occur in exchange for equal public access benefits in the Summerland area, which shall consist of developing a minimum of 40 public parking spaces along Wallace Avenue and improving two beach access trails and instructional access signage along Wallace Avenue. The Commission’s findings for the LCP amendment recognized the County’s LLA action and memorialized the public access improvements that should result from the approved LLA and right-of-way abandonment. In 2016, an update to the Summerland Community Plan was certified by the Commission (LCP Amendment No. 14-0836-2-Part C), which clarified the County’s responsibilities in providing the required public access improvements associated with the previously approved LLA and LCP Amendment No. STB-MAJ-1-03-B. Therefore, it is clear that the applicant fulfilled their responsibility in providing funding to the County for the access improvements and is not responsible to implement the required improvements.

The County’s action on the subject CDP included findings and evidence in support of their conclusion that the approved ADU does not require additional parking on-site and is consistent with relevant public access and recreation policies and provisions of the County’s LCP. As such, the Commission finds that the appeal contentions regarding public access do not raise a substantial issue.

3. Visual Resources

The appellant contends that the approved development is in conflict with the visual resource protection policies of the LCP and should have been reviewed by the County's Board of Architectural Review. The visual resource policies from the County of Santa Barbara's LCP cited by the appellant and relevant to the approved project include the following:

Coastal Act Section 30251 (incorporated into the County's LCP as a policy per LUP Policy 1-1) states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LUP Policy 4-3, from the County of Santa Barbara's Coastal Land Use Plan, states:

In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

Section 35-142.7.5.b of the Santa Barbara County Coastal Zoning Ordinance states in relevant part:

b. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.

Section 35-142.7.4 of the Santa Barbara County Coastal Zoning Ordinance states, in relevant part:

- a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following:
 - 1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

Visual resource impacts associated with the approved ADU addition were analyzed by the County and found to be in conformance with the standards of the LCP. The approved 795 sq. ft. ADU would be added as a partial second story to an existing 1,638 sq. ft. single-story residence and would not significantly alter or obscure protected scenic views (mountain, ocean) from public viewing areas (beach, trail, park) and would not significantly alter the character of the area (**Exhibit 4**). The existing structure on the subject site is one of the only remaining single story homes in the area (most of the adjacent homes are two-story), and public views of the beach from public roads and Finney Street to the north are already obscured by existing vegetation and the existing structure present on the appellant's property north of the subject site. Therefore, public views of the ocean and beach across the site from the north would not be impacted. In addition, public views from Lookout Park and trails to the west also would not be impacted due to intervening topography and vegetation. Further, the ADU addition would not adversely impact public views of the mountains from the beach given the existing topography and angle of views from the beach.

Regarding appearance and style, the approved ADU was designed to be architecturally compatible with the existing residence as required by Coastal Zoning Ordinance Section 35-142.7.4 cited above, and would not significantly alter the character of the area given that the majority of homes on the west side of Finney Street are two-story and comparable in size. With the ADU addition, the subject residence would be 2,433 sq. ft. in size. The 12 other adjacent homes on Finney Street range from 1,951 sq. ft. to 3,483 sq. ft. in size, and average is 2,711 sq. ft., so the approved project would be consistent with the size, scale, and character of the area. Regarding the appellant's assertion that the project was not reviewed by the County's Board of Architectural Review, Section 35-184.3 of the County's Coastal Zoning Ordinance does not require Board of Architectural Review for ADUs.

The County also analyzed the height of the structure with the ADU addition and determined that it conforms with the standards of the LCP which requires that an ADU shall not exceed a vertical distance of 16 feet and the entire structure with the addition shall not exceed a total height of 25 feet. The ADU has a vertical distance of 15'-6" and therefore does not exceed the 16 foot distance specified by Section 35-142.7.6, and the entire single-family dwelling, including the approved ADU, has a maximum height of 23'-6" feet from existing grade and complies with Section 35-71.10.

For these reasons, the County's action on the subject CDP included ample findings and evidence determining that the approved ADU is consistent with relevant visual resource policies of the County's LCP. As such, the Commission finds that the appeal contentions regarding visual resources do not raise a substantial issue.

4. Factors Considered in Substantial Issue Analysis

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 appellants relative to the locally-approved project's conformity to the

policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellants cited policies contained in the certified LCP and several public access policies of the Coastal Act as grounds for appeal.

The Coastal Act requires that the Commission shall hear an appeal de novo 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, where applicable, the public access and recreation provisions 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;
4. The precedential value of the local government's decision for future interpretation of its local coastal program; and
5. Whether the appeal raises only local issues as opposed to those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to a factor. In this case, the Commission determines that the appeal raises no substantial issue with regard to the grounds on which the appeal has been filed, as discussed 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 relevant standard of review. In this case, as discussed in detail above, the Commission finds that the County had substantial factual and legal support for its conclusion that the approved project is consistent with the subject provisions of the certified LCP and public access policies of the Coastal Act. For these reasons, this factor weighs heavily against finding 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. As described above, the approved project involves construction of a new second story 795-square-foot attached accessory dwelling unit with a 142-square-foot deck within the footprint of an existing 1,638 square foot, single-story, single-family residence in a residentially-zoned area developed with residences of similar size and character. The approved ADU complies with the development standards and resource protection policies of the LCP, is not large in size, and the resulting structure containing two residences would be similar in size to nearby single-family residences. For these reasons, the Commission finds that the extent and scope of the development is not significant and this factor weighs heavily against 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. In this case, the improvements will not impact ESHA, public views, public access, or any other significant

coastal resources. As such, significant coastal resources would not be affected by this decision. Therefore, this factor weighs heavily 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. In this case, the Commission finds that the County applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact coastal resources and is consistent with the policies of the LCP with respect to the grounds of the appeal . As such, the County's decision will have no adverse precedential value for future CDP decisions and this factor weighs against finding substantial issue.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises issues of regional or statewide significance. This project is for an ADU addition to an existing single-family residence, is consistent with the policies and provisions of the LCP, will not result in any adverse impacts to significant coastal resources inconsistent with the LCP, and does not raise regional or statewide issues, much less significant ones. Thus, this factor also weighs against finding substantial issue.

In conclusion, the Commission finds that none of the factors listed above, used to evaluate the question of substantial issue, favor a finding that a substantial issue exists. For the reasons discussed above, the Commission finds that the appeal raises no substantial issue with respect to the consistency of the approved development with the policies of the City's certified LCP or the public access policies in Chapter 3 of the Coastal Act.

APPENDIX 1

Substantive File Documents

County of Santa Barbara Administrative Record for CDP No. 21CDP-00000-00053; LCP Amendment No. STB-MAJ-1-03-B (Mecay-Hotchkiss Rezone); LCP Amendment LCP-4-STB-14-0836-2-Part C (Summerland Community Plan Update); LCP Amendment LCP-4-STB-18-0071-2-A (Highway 101 HOV: Carpinteria to Santa Barbara)