

## ATTACHMENT 2: CEQA NOTICE OF EXEMPTION

### NOTICE OF EXEMPTION

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Tess Harris, Planning & Development

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

**APN:** 111-111-111 (no assigned APN) **Case Nos.:** 17GPA-00000-00003 and 18ORD-00000-00004

**Location:** The project is located along and adjacent to the U.S. Highway 101 from the City of Carpinteria to approximately 0.25 miles north of Padaro Lane in the Summerland Community Plan and Toro Canyon Plan Areas, First Supervisorial District.

**Project Title:** Highway 101: Carpinteria to Santa Barbara Local Coastal Program Amendment

**Project Applicant:** California Department of Transportation

#### **Project Description:**

The California Department of Transportation (Caltrans) is requesting a Local Coastal Program (LCP) Amendment to address potential wetland policy conflicts with the Highway 101: Carpinteria to Santa Barbara project and the Santa Claus Lane Bikeway project. In addition, the County of Santa Barbara requests the LCP Amendment to address potential wetland policy conflicts with the Santa Claus Lane Beach Access and Streetscape Improvements project. The proposed LCP Amendment consists of changes to the Coastal Land Use Plan (CLUP) and Implementation Plan (i.e. Article II) portions of the certified LCP to allow for development of transportation improvement projects that would serve to enhance recreation and access opportunities for both local residents and visitors to the coastal area between Carpinteria and Montecito. Recreation and access improvements identified in the LCP Amendment will be constructed and opened to the public no later than the completion of the adjacent phase of construction for the Highway 101: Carpinteria to Santa Barbara project.

The proposed LCP Amendment modifies policy and development standards for wetland resources to acknowledge necessary encroachments of limited transportation project improvements into areas containing sensitive resources. Specifically, the LCP Amendment will establish a Wetland Protection Policy under the Environmentally Sensitive Habitat Area Overlay Designation and will establish policies specific to the Highway 101: Carpinteria to Santa Barbara project under the Coastal Access and Recreation section of the CLUP. The LCP Amendment also proposes to create a TCWO District in Article II.

**Wetland Policies:** The proposed wetland protection policies allow specific transportation improvement projects to encroach into wetlands and wetland buffer strips, while also adding policies that encourage non-motorized travel and California Coastal Trail linkage across the

south Santa Barbara County coast. The proposed amended and new policies under the Environmentally Sensitive Habitat Area Overlay Designation and Coastal Access and Recreation sections of the CLUP identify specific projects that would increase access to coastal resources within the corridor as well as projects that could be pursued during the Coastal Development Permit process for the Highway 101 expansion. Further, the LCP Amendment includes a policy under the Coastal Access and Recreation section of the CLUP that encourages development of new multi-modal paths and prohibits the removal of existing bicycle or pedestrian pathways without providing comparable replacement facilities.

**Transportation Corridor Wetland Overlay District (TCWO):** The proposed TCWO establishes standards that would apply to the encroachment of development into the wetlands and/or wetland buffer strips located within the boundaries of the overlay district. The overlay district limits the geographical boundaries whereby an encroachment could be permitted into a wetland and/or wetland buffer strip and designates specific transportation-related projects that would be eligible to encroach into a wetland and/or wetland buffer strip. The TCWO also specifies that encroachment into a wetland or wetland buffer strip would only be allowed after attempts to avoid and/or minimize encroachment. The TCWO’s development standards include Best Management Practices to design development that avoids fill in wetlands, provides a 100-foot wetland buffer strip, and mitigates impacts to wetlands through wetland restoration, wetland establishment, and wetland enhancement.

No grading, tree, or vegetation removal is proposed as part of the LCP Amendment; however, grading, tree removal, and vegetation removal may occur as part of the Highway 101: Carpinteria to Santa Barbara project, Santa Claus Lane Bikeway project, Santa Claus Lane Beach Access and Streetscape Improvements project, and other projects identified in CLUP policies 7-31 and 7-32. Urban residential development and agriculture surround the project sites that have been identified in the LCP Amendment. The LCP Amendment will take effect in numerous locations along the Santa Barbara County coastline, including Caltrans-owned property. Therefore, the project is not identified with Assessor’s Parcel Numbers. This LCP Amendment would affect an area along Highway 101 from PM 4.59 to PM 9.2 (from the City of Carpinteria to approximately 0.25 miles north of Padaro Lane) in the Summerland Community Plan and Toro Canyon Plan Areas, First Supervisorial District.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Agency Carrying Out Project:** Caltrans

**Exempt Status:**

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

**CEQA Guidelines Section:** §15265 [Adoption of Coastal Plans and Programs]

**Reasons to support exemption findings:**

State CEQA Guidelines Section 15265(a) states that CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government, as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program. This project consists of a LCP Amendment, which proposes to change the CLUP and Article II portions of the certified LCP to allow for development of transportation improvement projects that would serve to enhance recreation and access opportunities for both local residents and visitors to the coastal area in southern Santa Barbara County.

Specifically, the LCP Amendment will establish a Wetland Protection Policy under the Environmentally Sensitive Habitat Area Overlay Designation and policies specific to the Highway 101: Carpinteria to Santa Barbara project under the Coastal Access and Recreation section of the CLUP. In addition, the LCP Amendment proposes to create a Transportation Corridor Wetland Overlay District (TCWO) in Article II. The proposed LCP Amendment modifies the language regarding wetland resources to acknowledge necessary encroachment of limited project improvements into areas containing sensitive resources. By identifying numerous projects in the LCP Amendment that balance the wetland policy conflicts associated with the Highway 101: Carpinteria to Santa Barbara project, the package of projects is the most protective of coastal resources and consistent with Public Resources Code Section 30515.

Please see Attachment 3 and 4 of the Board Agenda Letter for the August 14, 2018 Board hearing, and incorporated herein by reference, for the LCP Amendment, including the text amendment to the CLUP and the ordinance amendment to Article II. While the LCP Amendment identifies specific projects that the TCWO would apply to, the projects identified in CLUP policies 7-31 and 7-32 are not being proposed at this time. Therefore, the LCP Amendment is exempt from CEQA since it consists solely of a project necessary for the preparation and adoption of a local coastal program.

In addition to State CEQA Guidelines Section 15265(a), State CEQA Guidelines Section 15265(c) states that this section shifts the burden of CEQA compliance from the local agency to the California Coastal Commission. Therefore, the California Coastal Commission will analyze CEQA compliance for the LCP Amendment. As indicated in State CEQA Guidelines Section 15265, the Coastal Commission's program of certifying local coastal programs and long-range land use development plans has been certified under Section 21080.5, Public Resources Code. Therefore, the proposed project will fall within the limits of the Coastal Commission's program of certifying local coastal programs, and the State CEQA Guidelines Section 15265 statutory exemption is applicable to this project.

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Department/Division Representative: Tess Harris

Date: 8/1/2018

Acceptance Date: \_\_\_\_\_

Distribution: Hearing Support Staff

Date Filed by County Clerk: \_\_\_\_\_.