

ATTACHMENT 2

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Daniel T. Klemann, Deputy Director, Long Range Planning

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: Not applicable

Case Nos.: 13GPA-00000-00007, 13ORD-00000-00007, and 13RZN-00000-00003 (California Coastal Commission Case No. LCP-4-STB-16-0067-3)

Location: Coastal Zone of the Gaviota Coast Plan Planning Area

Project Title: Gaviota Coast Plan – California Coastal Commission Local Coastal Program Amendment No. LCP-4-STB-16-0067-3 Staff Report

Project Applicant: County of Santa Barbara

Project Description: Receive and file a report on the California Coastal Commission staff's suggested modifications to Local Coastal Program Amendment No. LCP-4-STB-16-0067-3 to certify the Gaviota Coast Plan and associated amendments to Article II; provide direction to staff on the contents of a comment letter to be sent to the Coastal Commission, authorize the Chair of the Board to sign a comment letter on behalf of the Board regarding the suggested modifications, and direct staff to present the Board's comment letter to the Coastal Commission at its hearing on the Gaviota Coast Plan and associated amendments to Article II; and authorize staff to withdraw and resubmit the Gaviota Coast Plan associated amendments to Article II to the Coastal Commission to allow their hearing on this matter to occur in July in the Central Coast District.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: County of Santa Barbara

Exempt Status:

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

Cite specific CEQA and/or CEQA Guideline Section: CEQA Guidelines Section 15265 states, in relevant part:

- (a) *CEQA does not apply to activities and approvals pursuant to the California Coastal Act (commencing with Section 30000 of the Public Resources Code) by:*
 - (1) *Any local government as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program, ...*
- (b) *CEQA shall apply to the certification of a local coastal program ... by the California Coastal Commission.*
- (c) *This section shifts the burden of CEQA compliance from the local agency ... to the California Coastal Commission. The Coastal Commission's program of certifying local coastal programs...has been certified under Section 21080.5, Public Resources Code.*

Reasons to support exemption findings: Section 15265 is a statutory exemption that states CEQA does not apply to activities and approvals by a local government to adopt a local coastal program. In reviewing and suggesting modifications to those portions of the Gaviota Coast Plan and Coastal Zoning Ordinance that apply within the Coastal Zone, the California Coastal Commission complied with CEQA, completing environmental review. CEQA Guidelines Section 15265 states that CEQA does not apply to local governments to adopt a local coastal program, and shifts the burden of CEQA compliance to the Coastal Commission. Thus, the Board of Supervisors' actions to receive and file a report regarding the California Coastal Commission staff's suggested modifications to Local Coastal Program (LCP) Amendment No. LCP-4-STB-16-0067-3 to certify the Gaviota Coast Plan and associated amendments to Article II, and to provide direction to staff, send a comment letter to the Coastal Commission, and authorize staff to withdraw and resubmit the LCP Amendment, are exempt from further environmental review.

Nevertheless, in approving the Gaviota Coast Plan as a whole, which applies to both inland and coastal areas of the Gaviota Coast Plan Area, and the amendments to the Coastal Zoning Ordinance on November 8, 2016, the County relied upon the Gaviota Coast Plan Final Environmental Impact Report (EIR) for environmental review, which the Board of Supervisors certified on November 8, 2016. The EIR (15EIR-00000-00003) analyzed impacts associated with the whole of the project, inland and coastal, associated with Case Nos. 13GPA-00000-00006, 13GPA-00000-00007, 13ORD-00000-00006, 13ORD-00000-00007, 13RZN-00000-00002, and 13RZN-00000-00007.

Lead Agency Contact Person: Julie Harris **Phone #:** (805) 568-3543

Department/Division Representative: _____ **Date:** _____

Date of Final Action: May 15, 2018

distribution: Hearing Support Staff

Date Filed by County Clerk: _____