

**ATTACHMENT-7  
NOTICE OF EXEMPTION FOR APPROVAL**

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

**FROM:** Nicole Lieu, Planner

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:** 005-250-001      **Case No.:** 08GPA-00000-00007, 08RZN-00000-00006, 12VAR-00000-00012, 08CDH-00000-00040

**Location:** 2551 Wallace Avenue, Summerland Area, First Supervisorial District

**Project Title:** O'Neil Residence

**Project Applicant:** Jeffery O'Neil

**Project Description:**

The proposed project includes a request for a General Plan Amendment, a Rezone, a Variance, and a Coastal Development Permit. The proposed General Plan Amendment would amend the Local Coastal Plan to change the land use designation of the property from Recreation/Open Space to Residential and the proposed Rezone would change the zoning of the property from REC to 7-R-1. The proposed Variance is a request to allow a north setback of 2 feet 4 inches instead of the required 10 feet, an east setback of 8 feet instead of the required 10 feet, and zero uncovered parking spaces instead of the required 2 uncovered parking spaces. The proposed Coastal Development Permit is for after-the-fact approval of the demolition of a 1,443 square foot residence and the construction of a 2,281 square foot residence.

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: Jeffery O'Neil

**Exempt Status:** (Check one)

- Ministerial  
 Statutory Exemption  
 Categorical Exemption

X   Adoption of Coastal Plans and Programs §15265  
       Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Sections:** 15265), 15301(l)(1), and 15303(a)

**Reasons to support exemption findings:**

Pursuant to CEQA Section 15265, “*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 section shifts the burden of CEQA compliance from the local agency ... to the California Coastal Commission.*” The proposed Coastal Land Use Plan Amendment would change the land use designation of the property from Recreation/Open Space to Residential and the proposed Rezone would change the zoning of the property from REC to 7-R-1. The Coastal Land Use Plan Amendment and Rezone constitute changes to the local coastal program which require approval by the California Coastal Commission and therefore CEQA Section 15265 applies to the requested Amendment and Rezone.

CEQA Section 15301(l)(1) exempts “*Demolition and removal of individual small structures listed in this subdivision,*” specifically, “*one single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.*” The proposed project includes demolition of an existing single-family residence and therefore this Section applies.

CEQA Section 15303(a) exempts “*One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.*” The proposed project is for a single family dwelling which will be located on a property zoned residential following approval of the action to change the land use designation of the property from Recreation/Open Space to Residential and the proposed zoning of the property from REC to 7-R-1.

There is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The project would not impact on any mapped environmental resource of hazardous or critical concern. There is no mapped biological environmentally sensitive habitat (ESH) on-site and no cultural resources are mapped on-site. The subject property is located adjacent to a coastal bluff that is subject to erosion. However, the residence has been set back from the bluff by 24 feet, which is projected to keep the structure safely away from the bluff edge for a period of 50 years. A 'Coastal Hazard & Wave Runup Study,' was prepared by GeoSoils, Inc. (2016) to analyze the effects of sea-level rise and wave run-up on the subject property. The study found that wave run-up will not reach the structure even under the highest sea-level rise estimate at 75 years. In addition, conditions applied to the project require that in the event the structure is damaged by coastal hazards (such as sea level rise or erosion) and removal is required by a government entity, the property owner will remove the development.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed project represents a unique set of circumstances making the likelihood of similar projects of the same type in the same geographical region (place) unlikely. The unique circumstances associated with the project include the fact that the subject property is a small 0.10-acre site zoned Recreation (REC) and surrounded on all sides by properties zoned Transportation Corridor (TC) as well as the fact that the subject property was originally developed with a single-family residence in 1900, prior to the zoning of the property as REC. There are no other properties within the Summerland Community with this same combination of unique circumstances and therefore the likelihood of cumulative projects of a similar type is low. In addition, should a project with similarly unique circumstances arise, it would be a rare case, and therefore the cumulative impact would remain less than significant.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

There is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment. The subject property has historically supported a nonconforming single family dwelling under the existing Recreation/Open Space land use designation and REC zoning. In addition, under the existing land use designation and zoning, the site could potentially be developed with restrooms, picnic tables, and other recreational amenities. Under the new requested land use designation and zoning, the property could be developed with a single family dwelling and associated accessory uses. Therefore, the level of total potential development on-site would be relatively similar under the new land use designation and zoning as it would be under the existing land use designation and zoning. The

proposed land use designation and zoning would be the same as the nearest coastal-adjacent residential area, which is located .24 miles northwest of the subject lot. These properties are zoned 7-R-1 and designated RES-4.6 and are located between the UPRR tracks and a coastal bluff, similar to the subject property. As discussed in section (a) above, the proposed development would be located a sufficient distance from the coastal bluff to keep the structure safely away from the bluff edge for a period of 50 years. Future development of the lot would be subject to similar protective restrictions. Accordingly, this exception to the Categorical Exemption is not applicable to the proposed project.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The subject property is not located adjacent to a designated scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

There are no identified historic resources located on-site.

Lead Agency Contact Person: Nicole Lieu

Phone #: (805) 884-8068 Department/Division Representative: \_\_\_\_\_

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

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

distribution: Hearing Support Staff

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