



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Board of Supervisors

FROM: Lisa Plowman, Director, Planning & Development Department,
(805) 568-2086

DATE: September 10, 2020

RE: Caltrans Gaviota Culvert Replacement Appeal, Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, 19CDP-00000-00133 and 20APL-00000-00009, 20APL-00000-00010, Third Supervisorial District

On Tuesday, September 22, 2020, the County Board of Supervisors (Board) will hold a public hearing to further consider the appeals filed by the Gaviota Coast Conservancy and the Coastal Ranches Conservancy, appellants, of the County Planning Commission's May 27, 2020 approval of the Caltrans Gaviota Culvert project, Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133. The Board heard this item on September 1, 2020, directed staff to return with findings for denial of the project, and continued the hearing to September 22, 2020.

The project is a request to authorize the replacement of an existing culvert off US Highway 101 in the Cañada del Barro drainage on the Gaviota Coast that has excessive cracking, spalling, and moderate scour behind and underneath the existing left inlet wingwall. The existing culvert is a 6' x 6' reinforced concrete box (RCB) and 72-inch reinforced concrete pipe (RCP) drainage facility and would be replaced with a 72-inch alternative pipe culvert. The new culvert alignment would be located just west of the existing culvert alignment off US 101 near Postmile 45.5. The existing culvert would be filled with grout and abandoned in place. Additional details on the project can be found in the Board Letter, dated September 1, 2020 and incorporated herein by reference as well as the Planning Commission Staff Report, dated May 19, 2020 and incorporated herein by reference.

At the September 1, 2020 hearing, staff recommended adding an additional condition of approval (DVP Condition 13, CUP Condition 15, and CDP Condition 12):

The Applicant (Caltrans) shall not accept any interest in the property described in Corporation Grant Deed on APN(S) 081-130-72 and 081-130-73, recorded July 6, 2009 (Document No. 2009-0039846), unless and until the California Department of Parks and Recreation obtains consent from NOAA, the County of Santa Barbara, and the Goleta Valley Land Trust, or their respective successor agencies, as required by the Corporation Grant Deed for the disposition, exchange, or encumbrance.

This condition is included in the Updated Conditions of Approval in Attachments 4-6 of this staff memo dated September 10, 2020.

Pursuant to the Board's direction on September 1, 2020, the Board's actions on September 22, 2020 should include the following:

- a) Uphold the appeals, Case Nos. 20APL-00000-00009 (Attachment 8 of the Board Letter, dated September 1, 2020) and 20APL-00000-00010 (Attachment 7 of the Board Letter, dated September 1, 2020);
- b) Make the required findings for denial of the project, Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133, including California Environmental Quality Act (CEQA) findings (Attachment 1 of the memo dated September 10, 2020);
- c) Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(b) (Attachment 2 of the memo dated September 10, 2020); and,
- d) Deny the project, Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133.

Alternatively, should the Board choose to deny the appeals and approve the project, the Board's actions on September 22, 2020 should include the following:

- a) Deny the appeals, Case Nos. 20APL-00000-00009 (Attachment 8 of the Board Letter, dated September 1, 2020) and 20APL-00000-00010 (Attachment 7 of the Board Letter, dated September 1, 2020);
- b) Make the required findings for approval of the project, Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133, including the California Environmental Quality Act (CEQA) findings (Attachment 1 of the Board Letter dated September 1, 2020);
- c) Consider the environmental effects of the project as shown in the Mitigated Negative Declaration (SCH# 2018071001) dated February 28, 2019 (Attachment 5 of the Board Letter dated September 1, 2020) prepared and adopted by Caltrans, the lead agency, and determine that none of the conditions in CEQA Guidelines Section 15162 requiring a subsequent MND or EIR have occurred; and
- d) Grant *de novo* approval of the project, Case Nos. 19DVP-00000-00034, 19CUP-00000-00054, and 19CDP-00000-00133, subject to the updated conditions of approval (Attachments 3-5 of the memo dated September 10, 2020).

Attachments:

1. Findings for Denial
2. CEQA Notice of Exemption for Denial
3. Updated Development Plan Conditions of Approval
4. Updated Conditional Use Permit Conditions of Approval
5. Updated Coastal Development Permit Conditions of Approval