


AMENDMENT TO
CATEGORICAL EXCLUSION ORDER E-83-1

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.(5), which categorically excludes from the permit requirements of the California Coastal Act of 1976 certain developments in the Coastal Zone of the County of Ventura, except as specifically limited under the categories below and except for tide and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject or potentially subject to the public trust. Within the specific area the following categories of development shall not require a coastal development permit:

Section 8174-6.b. (number refers to County zoning ordinance)

"The following developments, except when proposed in any of the following sensitive areas; on or in a beach, wetland, tideland, submerged land, river, stream, estuary, sand dune, edge of a coastal bluff, environmentally sensitive habitat or riparian habitat, or within 100 feet of such areas; on slopes greater than 20%; on lots between the mean high tide line and the first public road parallel to the sea, or within 300 feet of the mean high tide line where the nearest public road is not parallel to the sea; on lots immediately adjacent to the inland extent of any beach, or to the mean high tide line of the sea where there is no beach; or any land or water subject or potentially subject to the public trust:

- (9) The removal of architectural barriers to facilitate access by the physically handicapped;
- 10) On lots containing an existing single-family dwelling, structures normally associated therewith, such as garages, swimming pools, fences and storage sheds, in accordance with Title 14, California Administrative Code, Section 13250(a), provided that such accessory buildings are not used for human habitation and do not exceed 400 square feet (in aggregate) in gross floor area, and provided that such structures do no conflict with Title 14, California Administrative Code, Section 13250(b)(6);
- (11) The demolition of single-family dwellings, and of accessory structures such as garages, carports and storage sheds;
- (12) The replacement of existing public works facilities, furnishings and equipment which shall:
 - a. be for the same use as the structure replaced;
 - b. not exceed the capacity, surface coverage, height, or bulk of the structure replaced by more than ten percent;

EXHIBIT NO. 1
Attachment
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Order and Findings
 California Coastal Commission

- c. be sited in the same location on the affected property or right-of-way; and
- d. not include water, sewer, and power plants or stations, public transportation stations, oil and gas production, processing, and Pipelines, and similar development."

II. CONDITIONS

1. Determination by Executive Director

The order granting a categorical exclusion for these categories of development in the County of Ventura, pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the State Coastal Commission has determined in writing that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.

2. Exclusion Limited to Coastal Permits

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30160.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

3. Records

The County shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request.

4. Notice

Within five (5) working days of the issuance of a permit in conformity with this order of categorical exclusion as amended the County shall provide notification of such issuance on a form containing the following information to the south central area office of the North Coast District, and to any persons who in writing requested such notice. Unless the County provides such notification to the Area Office, the development will not be exempted from coastal development permit requirements under this order.

- i) developer's name
- ii) street address and assessor's parcel number of property on which development is proposed.
- iii) brief description of development
- iv) date of application for other permit(s)
- v) all terms and conditions of development imposed by local government in granting its approval.

5. Conformity with LCP

Development under this exclusion shall conform with the County of Ventura Local Coastal Program in effect on the date this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

6. Amendment of LCP

In the event an amendment of the Local Coastal Program of the County of Ventura is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this order shall comply with the amended Local Coastal Program except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

8. Non-exclusion of Buffer Zone

This order does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream wetland, estuary, or lake, regardless of whether such coastal waters are depicted on the exclusion map, or not.

9. Limitation

Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds, for the reasons set forth below, that this exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast.

The Commission finds that this exclusion will not have any significant effect, either individually or cumulatively, on coastal resources and will not have significant effect on the environment for purposes of the CEQA.

The Commission further finds and declares as follows:

1. Provisions for Categorical Exclusions

Specifically, Public Resources Code Section 30610(e) states that no coastal development permit shall be required for...

"Any category of development within a specifically defined geographic area, that the Commission, by regulation, after public hearing, and by two-thirds vote of its appointed members, has described or identified with respect to which the Commission has found that there is no potential for

any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast and that such exclusion will not impair the ability of the local government to prepare a local coastal program."

Public Resources Code Section 30610.5(b) requires:

"Every exclusion granted shall be subject to terms and conditions to assure that no significant change in density, height or nature of uses will occur without further proceedings under this division and an order granting an exclusion under Subdivision (d) of Section 30610 ...may be revoked at any time by the Commission if the conditions of the exclusion are violated."

It is found that provisions for categorical exclusions are appropriately applied. The necessary findings are made as outlined in the following material. This is consistent with the requirement that no exclusion shall be granted for specific areas where coastal resources could be adversely impacted. The statute requires that the Commission may exclude development when they find that there is not potential for significant adverse effect on coastal resources or coastal access. The staff recommended additions, to the description of development which can be excluded, comply with that requirement. Those modifications were necessary for the reasons noted below to preclude potential significant environmental effects.

2. General Findings

a. Public Access

Public Resources Code Sections 30211 and 30212 require that existing public access be protected and that new development along the shoreline provide access.

The proposed exclusions will not have significant adverse impacts on existing or potential new public access. Development along the shoreline that could involve access questions is either within the Commission's original jurisdiction or on beaches and the area of the first tier of lots adjacent to the beach, both of which are not subject to this exclusion. Access from more inland areas will not be significantly affected because of the minor nature of any change in development, or the replacement or removal of same, allowed under this amendment and its non-applicability to stream corridors where accessways are possible.

b. Environmentally Sensitive Habitats/Water Resources

Public Resources Code Section 30231 ensures protection of the biological productivity and quality of coastal waters. Public Resources Code Section 30240 provides that environmentally sensitive habitat areas (ESHA) be protected from disruption and that only those uses dependent upon the resources within the habitat be allowed within such areas. Section 30240(b) requires that development in areas adjacent to ESHA be sited and designed to protect the habitat. The area of the exclusion does not

include resource areas where conflicts with protection of environmentally sensitive habitats and water resources would result.

c. Agricultural Resources

Public Resources Code Sections 30241 and 30242 require that prime agricultural land and other land suitable for agricultural use be protected by limiting non-agricultural uses. Areas where development may take place under this exclusion have already been recognized by the Commission in the certified LCP as not viable for agriculture.

d. Hazards

Public Resources Code Section 30253 provides in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity.

The siting of structures along bluffs and beaches involve hazards and potential damage due to beach erosion, wave attack and land failures. The order does not exclude development in the Commission's retained jurisdiction, appeal area, or areas nearby where shoreline, flooding, and beach erosion hazards exist. The amendment will not result in any significant development subject to, or potentially increasing, fire hazard in more inland areas.

e. Visual and Scenic Resources

Public Resources Code Section 30251 states in part:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance."

Visual quality is assured by the development standards of the individual zones. Areas of significant visual character along the immediate coast are not excluded. The insignificant size and bulk impact of development allowed under the amendment results in no significant visual impact.

f. Locating New Development/Public Services

Public Resources Code Section 30250(a) provides:

(a) New development, except as otherwise provided in this division shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Additionally, Section 30254 requires that new development be capable of being served by public services (such as roads, water, sewer) without precluding service capacities of Coastal Act priority uses, such as recreation and other visitor-serving facilities.

The County of Ventura LCP confines urban new development to existing enclaves. Further, the type of development excluded is of a minimal nature which does not change intensity of use, landform, and the like so that public services and coastal resources would be adversely affected.

g. Archaeological and Historical Preservation

The proposed amendment will either not apply to areas of known archaeological sites or historical buildings or to areas previously disturbed.

3. Additional Findings: Specific Components of Categorical Exclusion Amendment

a. Architectural Barriers Removal

Such development is of a type which qualifies as an exempt ministerial project under CEQA guidelines, especially 15301 (Class 1) involving the minor alteration of existing private structures, involving negligible or no expansion of use beyond that previously existing. Because the type of development possible will result in the removal of portions of existing development which constitute architectural barriers, any impact of such existing development can be expected to decrease.

Further, the exclusion will facilitate public access because it deletes removal of architectural barriers to the handicapped from permit requirements.

b. Structures Associated with Single-family Dwellings

Such additions have been found by the Coastal Commission, in adopting administrative regulations Section 13250, to be significant in only certain specific areas where there is a risk of adverse environmental effect, pursuant to PRC Section 30610(a). This exclusion will not apply to such areas. Further, any other potential impact is mitigated by the provision that the exemption only apply to additions to existing single family residences and that such additions not exceed 400 square feet in aggregate. Development which involves risk of adverse environmental effect under Section 13250(b)(6) of the Commission's regulations and PRC Section 30610(a) is not part of the exclusion.

Visual quality of single family development is assured by the development standards of the residential zones. Areas of significant visual character adjacent to Channel Islands Harbor, the Port of Hueneme, and the Hueneme Beach Park are either not excluded and within the Coastal Commission retained jurisdiction or are in areas appealable to the Commission where

the exclusion will not apply, e.g. seaward of the first public road. Development further inland cannot adversely affect views to and long the coast because of flat topography or, in the Santa Monica Mountains, because the limited size of potential additions is minimal relative to large lot sizes and site distances which are typical of this area, and will continue to be typical because of the limitations on creation of new lots under the certified LCP.

c. Demolitions of Single Family Residences and Accessory Structures

Demolitions are not proposed for exclusion in areas where there may be significant environmental impact, because of the restrictive language this amendment and the existing categorical exclusion order which this will amend. Demolitions will lessen the significance of impacts of existing development. Such demolitions will not be in areas of potential archaeological resources.

d. Public Works Replacement

See pp. 2 and 3 for language proposed by County staff and additional language proposed by Coastal Commission staff. The area proposed for public works projects exclusions is in inland areas where such development will not raise issues relative to Coastal Act policies, provided the type of replacement is limited to minor developments closely similar to those already existing under the Coastal Commission's 1978 document entitled "Repair, Maintenance and Utility Hookups". The limitation on replacement of public works facilities, furnishings, and equipment will assure that such activity will not significantly affect air quality, water quality, public health, visual resources and will not significantly intrude into archaeological resources which are presently unknown. Such replacement will be confined to existing public works facilities, furnishings and equipment which are closely similar to that replaced. Large facilities and energy pipelines are specifically not excluded.

Provision b. relative to not exceeding the capacity, surface coverage, height, or bulk of the structure replaced by more than ten percent corresponds to previous actions. The Commission has previously used this criteria in allowing expansion of other than public works facilities. In such cases this criteria was found in regulations where the Coastal Commission has found that there is no significant impact i.e. PRC Section 30610(b).

IV. Rescission and Revocation

Pursuant to Title 14 of the California Administrative Code Section 13254(e) the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership after public hearing that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this order may be revoked at any time that the terms and conditions of the order are violated.