

## ATTACHMENT C: CEQA EXEMPTION

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

**FROM:** Travis Lee, Planning and Development Department

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:** 007-050-032

**Case No.:** 19TPM-00000-00006 / TPM 14,845

**Location:** Located north of the intersection of Park Lane and East Mountain Drive on two existing legal lots (15.238 and 1.703 acres respectively) totaling 16.9-acres zoned 5-E-1 and shown as Assessor's Parcel Number 007-050-032, located at 809 Park Lane in the Inland area of Montecito Community Plan, First Supervisorial District.

**Project Title:** Miradero Tentative Parcel Map

**Project Applicant:** Gregg Crawford, owner

**Project Description:**

This project is a request for a Tentative Parcel Map to reconfigure two existing legal lots (15.238 and 1.703 acres respectively) and subdivide into three legal lots. No new structural development is proposed as part of this project. Building envelopes are proposed on Proposed Lots 2 and 3. The proposed lot sizes are as follows:

- Proposed Parcel 1 will be 5.62 acres in size and retain the existing structural development;
- Proposed Parcel 2 will be 5.34 acres with a building envelope of 1.83 acres (79,776 sf);
- Proposed Parcel 3 will be 5.93 acres with a building envelope of 1.34 acres (58,493 sf).

Access will be provided from Park Lane. Proposed Parcel 2 and 3 will be accessed from Park Lane via proposed driveway easements through Parcel 1 following existing improved and unimproved driveways.

Portions of the Wiman Trail and Old Pueblo Trail occur on the property and would remain open for public use consistent with an existing Consent. As part of the proposed project, the applicant is proposing an Offer to Dedicate (OTD) for a public trail easement along the existing Wiman Trail and Old Pueblo Trail for pedestrian, bicycle, and equestrian use. The OTD could be accepted by the County under two circumstances: 1) the property is sold, or 2) the existing Consent to Use of Land is revoked. The proposed OTD language is included herein by reference and would be recorded prior to or concurrently with the Parcel Map.

The property is currently served by the Montecito Water District, Montecito Sanitary District, and the Montecito Fire Protection District. The property consists of two lots totaling 16.9 acres zoned 5-E-1 and shown as Assessor's Parcel Number 007-050-032, located at 809 Park Lane in the Montecito Area, First Supervisorial District.

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

**Name of Person or Agency Carrying Out Project:** Gregg Crawford, Owner

**Exempt Status:** (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption(s)
- Emergency Project

**Cite specific CEQA and/or CEQA Guideline Section:** 15315.

**Reasons to Support Exemption Findings:** The proposed project is categorically exempt from environmental review pursuant to Section 15315 [Minor Land Divisions] of the *Guidelines for Implementation of the California Environmental Quality Act (CEQA)*. This exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The proposed project is a request to split two existing residential legal lots into three. The project is in conformance with the General Plan, including the Montecito Community Plan, and the Montecito Land Use & Development Code. The two newly created parcels would be consistent with the minimum parcel size requirements of the zone district and land use designation. No variances or exceptions are required and the proposed lots will have adequate services. The parcel was not previously divided from a larger parcel within the previous 2 years and the average slope on the property is less than 15%. There is no substantial evidence that there are 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 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.**

This exception does not apply to Class 15 exemptions. Therefore, this exception to the categorical exemption does not apply.

**(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 Tentative Parcel map would allow for the subdivision of two legal lots into three lots of 5.62, 5.34, and 5.93 acres, respectively, located within the 5-E-1 zone district. As such, the three parcels created through the subdivision would meet minimum parcel size requirements. The project site is surrounded by residential development and represents an infill site. Future residential development in a residential neighborhood characterized by single family dwellings on similar sized lots would not be expected to result in cumulative impacts. Therefore, no adverse cumulative impacts are anticipated with the proposed subdivision and this exception to the categorical exemption does not apply.

**(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 1.42 acres of coast live oak woodland throughout the parcels. However, the proposed project and associated future development will not affect the coast live oak woodland or individual coast live oak trees on the property. Coast live oak woodland is located outside of the building envelopes on proposed parcels 2 and 3 and all ground disturbance, vegetation removal, and development is prohibited within 25' of the coast live oak woodland in order to comply with policy. Existing paved driveway easements serves as a buffer between the coast live oak woodland and the proposed building envelopes. Otherwise, the project consists of a subdivision of two legal lots into three parcels that meet the minimum parcel size for the zone (five acres) and the project site is surrounded by other residentially zoned and developed properties. As such, there are no unusual circumstances on the property and this exception to the categorical exemption does not apply.

**(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 project site is not located within viewing distance of a highway officially designated as a state scenic highway. Therefore, this exception to the categorical exemption does not apply.

**(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 site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (hazardous and toxic waste sites). Therefore, this exception to the categorical exemption does not apply.

**(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.**

An architectural historic report dated November 23, 2016 concluded that besides the existing single family dwelling on proposed Parcel 1 that is eligible for County Landmark status, none of the other existing building are considered significant. No changes to the existing historic residence are proposed as part of this project. Since the other proposed lots are vacant and do not constitute a Cultural Landscape, the proposed lot split will not have a significant impact to an historic resource.

An Extended Phase 1 Archaeological Investigation dated October 2020 concluded that the surveyed area has been subjected to ground disturbances since the single family dwelling was constructed in 1933. Since no potentially significant resources were identified within proposed Parcels 1 and 2, the potential for ground disturbing activities occurring within those parcels to result in a significant impact on cultural resources is considered low. Due to the discovery of two isolated cultural resource artifacts in the southeast portion of proposed Parcel 3 outside of the proposed building envelope, the potential for buried prehistoric or historic archaeological resources is possible. However, based on the absence of cultural resources within three of the four shovel test pit (STP) locations as well as three auger locations and the presence of disturbed soil matrix at each level in all seven testing locations, the artifact recovered from the one STP and the artifact identified on the surface immediately above it are considered isolated artifacts disarticulated from their original context and as a result do not contribute to the significance of a potential archaeological site as defined by CEQA Guidelines Section 15064.5(c)(4). Therefore, the project is not expected to result in a substantial adverse change in the significance of a historical resource. In order to ensure consistency with policies of the County's Comprehensive Plan protecting archaeological resources, standard conditions have been applied to ensure future residential development is taking appropriate precautions during construction, such as stopping work and notifying the County if any unknown cultural resources are encountered during construction activities, a preconstruction cultural resource training, and archaeological and Native American monitoring for all ground disturbances within 100 feet of the isolated artifacts on proposed Parcel 3.

**Lead Agency Contact Person:** Travis Lee, Planner      **Phone No.:** (805) 568-2046

**Department/Division Representative:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

**Distribution:** Case File

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