

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Department of Public Works/Real Property Division
(Lead Department/Division)

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 (Pub. Res. Code Section 21000 et seq.), as defined in the State CEQA Guidelines and County Revised CEQA Guidelines.

APN(s) 007-020-022 **Project No.** Public Works Real Property Folio No. R-395

LOCATION: 932 Park Lane, Montecito, CA

PROJECT TITLE: Execution of a Resolution: Summary Order to Vacate

PROJECT DESCRIPTION: The proposed project is for the abandonment of a County owned portion of its right-of-way (ROW). The easement is encumbering the property at 932 Park Lane in Montecito. The portion of the ROW easement being vacated has never been used by the public as a road and is not in the County’s maintained road system.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Agency Carrying Out Project: Public Works Department

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- X Categorical Exemption (15301)
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: 15301(c) Existing Facilities – “...consists of the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:...(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.

Reasons to support exemption findings: The area being vacated is excess ROW that is outside of the traveled roadway. The area to be vacated is quite steep adjacent to the paved road and may represent a liability to the County. In exchange for the ROW vacation, the owner of the property has agreed to initiate a separate project. The follow up project will improve the drainage on the Park Lane ROW with the installation of a drop inlet and culvert traversing the area being vacated. Any work done by the owner within the area to be vacated will be permitted and shall

be considered separate from this project. The property owners' project shall be completed exclusively by the property owner with their own land use permits at their own expense. Since the County's proposed ROW vacation is a minor alteration of the existing ROW, the project can be found categorically exempt from CEQA under Section 15301.

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 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 in 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.**

CEQA Guidelines Section 15301 is a Class 1 exemption; therefore, this exception 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.**

There are no other identified projects in the immediate area which would contribute to cumulative impacts of successive projects of this type at this location. Therefore, this exception 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.**

The vacation of this untraveled ROW would not create a reasonable possibility of a significant effect associated with this project. Therefore, this exception 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 execution of the Order to Vacate would not impact any scenic, historic or similar resources. There are no scenic resources such as a state scenic highway, historic

buildings, rock outcroppings or similar resource at the location which may be damaged by the project. Therefore, this exception 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.

There are no hazardous waste site locations on public roads. Therefore, this exception 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.


The road easement has no identified historical resources. The execution of the Order to Vacate would not involve modification or substantial change to any historic or cultural resource. Therefore, this exception does not apply.

Lead Agency Contact Person: Jeff Havlik, Real Property Agent, Public Works, 805 568-3073

Department/Division Representative: Morgan M. Jones, Senior Engineering Environmental Planner,

Acceptance Date: 9-11-2012

Distribution: Hearing Support Staff for posting



Morgan M. Jones

Department Representative

June 12, 2012

Date

NOTE: A copy of this document must be posted with the County's Planning & Development Department at least 6 days prior to consideration of the activity by the decision-makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitations on legal challenges.

RECEIVED

AUG 20 2012

Distribution: Date filed with Planning & Development: _____

S.B. COUNTY
PLANNING & DEVELOPMENT

Distribution: Date Filed by County Clerk: _____