

## **ATTACHMENT 2: NOTICE OF EXEMPTION**

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

**FROM:** Alex Tuttle, Santa Barbara County 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:** 005-210-061, and -064 through -068 **Case Nos.:** 10RMM-00000-00001, 11LLA-00000-00008

**Location:** North of 2700 Via Real in Summerland on Montecito Ranch Lane, First Supervisorial District

**Project Title:** Montecito Ranch Estates Recorded Map Modification and Lot Line Adjustment

**Project Applicant:** Patrick Nesbitt

**Project Description:**

The applicant, Patrick Nesbitt, is requesting a Lot Line Adjustment to adjust the lot lines between parcels 5, 6, and 7 of Tract No. 14,290 to create parcels of 7.47, 6.41, and 6.13 acres, respectively, in size; and a Recorded Map Modification to Tract No. 14,290 to:

- a. reconfigure the building envelopes on parcels 1, 4, 5, 6, 7, and 8;
- b. reconfigure the boundaries and extent of the open space easement, resulting in a net increase of 1.76 acres of open space;
- c. limit accessory structures on Lots 5 and 6 to no more than three structures, each with a maximum gross floor area of 1,200 square feet, and each with a maximum height of 14 feet to the highest ridge and an maximum average exterior wall plate height of nine feet;
- d. prohibit non-native trees that typically grow to a height exceeding 16 feet, including but not limited to palms and Italian Cypress, on Lots 4, 5, 6, 7 and 8;
- e. permit prior unpermitted grading that went beyond the scope of a 2006 grading permit due to recommendations by the applicant's soil engineer that involved re-contouring of parcels 1, 4, 5, 6, 7, and 8, and lowering the "Knoll" by up to 13 feet (using the excess cut material to create the berm running along the east side of the subdivision), thereby facilitating proper drainage and the creation of building pads on competent soil (approximately 79,050 cubic yards of cut and 66,061 cubic yards of fill);
- f. construct a berm on Lots 5, 6 and 7 at the top of the western slope pursuant to enclosed Exhibit A and install landscaping on the top and side of said berm in substantial conformance with the Landscape Mitigation Plan prepared by Tom Nagatoshi & Associates, dated June 22, 2011;
- g. restore the contours of the drainage swale on Lots 1 and 8 and restore the native habitat within the restored swale area, consistent with the Restoration Plan prepared by Rachel Tierney (revised 2005) pursuant to enclosed Exhibit B;

- h. restore the slopes below the building envelopes on Lots 1, 4, 7, and 8 where the prior grading encroached into the open space easement area with native plant species, consistent with the Restoration Plan prepared by Rachel Tierney (revised 2005) included in Condition 13;
- i. implement a restoration plan within the open space easement area with the objective of removing selected broadleaf weeds including black mustard, milk thistle, castor bean, fennel, poison hemlock, and cape ivy, consistent with the Restoration Plan prepared by Rachel Tierney (revised 2005);
- j. realign the recorded trail and public viewing easement to correspond to existing field conditions and facilitate improved access to the public trail from Asegra Road; and
- k. install three sandstone boulders at each of the three public viewing areas and at a location along the trail approximately 60 feet east of Viewing Area #1 if approved by the Montecito Trails Foundation.

No changes are proposed for parcels 2 and 3. The Lot Line Adjustment and Recorded Map Modification would resolve a grading violation for unpermitted grading that went beyond the scope of the approved 2006 grading permit associated with creation of the building pads and lowering of the “Knoll” in excess of what was previously approved. As such, the grading included as part of the proposed project has already occurred, with the exception of the grading proposed to restore the drainage swale on Lots 1 and 8 and construct the berm on Lots 5, 6 and 7. The following table highlights the changes proposed to each applicable parcel within the subdivision:

<b>Parcel</b>	<b>Category</b>	<b>Approved (s.f.)</b>	<b>Proposed (s.f.)</b>	<b>Change (s.f.)</b>
<b>1</b>	Lot Area	219,180	219,180	0
	Open Space	44,349	73,046	+28,697
	Building Envelope	138,110	98,030	-40,080
<b>4</b>	Lot Area	217,837	217,837	0
	Open Space	167,075	172,316	+5,241
	Building Envelope	31,946	23,304	-8,642
<b>5</b>	Lot Area	386,372	325,353	-61,019
	Open Space	210,980	221,687	+10,707
	Building Envelope	30,901	34,871	+3,970
<b>6</b>	Lot Area	267,364	279,391	+12,027
	Open Space	212,733	207,438	-5,295
	Building Envelope	12,956	34,579	+21,623
<b>7</b>	Lot Area	217,954	266,946	+48,992
	Open Space	188,159	225,560	+37,401
	Building Envelope	35,294	17,612	-17,682
<b>8</b>	Lot Area	217,860	217,860	0
	Open Space	143,711	143,711	0
	Building Envelope	27,013	35,734	+8,721
<b>Total</b>	Lot Area	<b>1,526,567</b>	<b>1,526,567</b>	<b>0</b>
	Open Space	<b>967,007</b>	<b>1,043,758</b>	<b>+76,751</b>
	Building Envelope	<b>276,220</b>	<b>244,130</b>	<b>-32,090</b>

Name of Public Agency Approving Project: Santa Barbara County Planning and Development

Name of Person or Agency Carrying Out Project: Patrick Nesbitt

**Exempt Status:** (Check one)

- ☐ Ministerial  
☒ Statutory Exemption  
☐ Categorical Exemption  
☐ Emergency Project  
☐ Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Section:** 15270 of the State CEQA Guidelines (Projects which are Disapproved)

**Reasons to support exemption findings:** The project as proposed is inconsistent with the Comprehensive Plan, including the Summerland Community Plan, specifically SCP Action LU-S-WH-1a.3. Therefore, the project cannot be approved.

Lead Agency Contact Person: \_\_\_\_\_

Phone #: \_\_\_\_\_ Department/Division Representative: \_\_\_\_\_

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

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

distribution: Hearing Support Staff

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