

ATTACHMENT-6

NOTICE OF EXEMPTION FOR DENIAL

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Nicole Lieu, Planner

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: 079-040-005 to 081-240-018

Case No.: 14APL-00000-00029

Location: Two miles west of the City of Goleta, including portions of Dos Pueblos Ranch and the entirety of Santa Barbara Ranch, including a majority of the legal lots comprising the Official Map of Naples.

Project Title: Appeal of the Planning and Development Department's Denial of the Request for Consent to Transfer the Santa Barbara Ranch Inland Development Agreement

Project Applicant: SBRHC, Inc.

Project Description:

Denial of consent from the County of Santa Barbara for a proposed Transfer Agreement between SBRHC, Inc. and Standard Portfolios Asset Management Co. LLC ("Standard Portfolios"), of respective interests, rights, and obligations under the Inland Development Agreement, Inland Project Approvals and Subsequent Inland Approvals for the Santa Barbara Ranch Project.

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: Standard Portfolios (agent for SBRHC, Inc.)

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Not a Project
- No possibility of significant effect

Cite specific CEQA and/or CEQA Guideline Sections: 15061(b)(3) and 15378(b)(5)

Reasons to support exemption findings:

CEQA Guideline Section 15061(b)(3) states that a project is exempt if, *“The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”*

CEQA Guideline Section 15378(b)(5) states that a “project” does not include *“Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.”*

The proposed activity, or action, is denial of consent by Santa Barbara County for a Transfer Agreement to allow the transfer of the respective interests, rights, and obligations under the Inland Development Agreement, Inland Project Approvals and Subsequent Inland Approvals for the Santa Barbara Ranch Project from SBRHC, Inc. to Standard Portfolios. The action of denial of consent to allow the Transfer Agreement is an administrative activity disallowing the transfer of rights and obligations between two parties. The action to disallow the transfer of rights and obligations between parties would not result in direct or indirect physical changes in the environment, consistent with CEQA Guideline Section 15378(b)(5).

Regardless of denial of the consent to transfer, entitlements for the Santa Barbara Ranch project exist and will continue to exist. Those entitlements are supported by a Final Environmental Impact Report (State Clearinghouse #2005011049) certified by the County Board of Supervisors on October 21, 2008. Action by the County to deny a change in the Developer identified in the Inland Development Agreement does not result in a change in the Santa Barbara Ranch Project entitlements, or in the conditions and mitigation measures applied to the Santa Barbara Ranch Project. No modifications have occurred or are proposed to the Santa Barbara Ranch Project approved in 2008. The 2008 approved project and conditions of approval remain the same and there has not been a change in circumstances surrounding the Santa Barbara Ranch Project. Furthermore, the 2008 Santa Barbara Ranch Project approval and Final Environmental Impact Report contemplated that the County could deny a change in the responsible ownership/developer since the Development Agreement includes a specific section (Section 8.02) on Transfer Agreements. Therefore it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment and CEQA Guideline Section 15061(b)(3) applies.

Lead Agency Contact Person: Nicole Lieu

Phone #: (805) 884-8068 Department/Division Representative: _____

Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____.