

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: General Services Department/Support Services 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, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) 145-160-072 **Case No.** Real Property File No. 003750

LOCATION: 2225 Highway 154, Santa Barbara, CA

PROJECT TITLE: Smoke on Water Cachuma Lake Café Concession Agreement

PROJECT DESCRIPTION: The Concession Agreement with the Concessioner will allow Concessioner to operate, manage, maintain and improve the Lake Cachuma Marina Café for a term of ten (10) years, with one option to extend the term for eight (8) years. Concessioner will pay County a Fee of Eight Percent (8%) of monthly income for the first three (3) years, then eight and one-half percent (8.5%) after that, or Five Hundred Dollars (\$500.00), whichever is greater. In addition to operating the Café, Concessioner will have the non-exclusive right to offer food and beverage service to the nearby Cachuma Pools and Campgrounds, cater events at the Cachuma Clubhouse, and offer food and beverage lake cruises.

EXEMPT STATUS: (Check One)

- Ministerial
- Statutory
- Categorical Exemptions [Sections 15301]
- Emergency Project
- No Possibility of Significant Effect

Cite specific CEQA Guideline Section: Section 15301 [*Existing Facilities*]

Reasons to support exemption findings (attach additional material, if necessary):

The proposed action is categorically exempt from environmental review pursuant to Section 15301 [*Existing Facilities*] of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The CEQA Existing Facilities exemption at Section 15301 allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed execution of the Lake Cachuma Café Concession Agreement does not involve an expansion of use under the reasonably same parameters as currently exist, therefore, approval of the Second Amendment to Lease is exempt from CEQA in accordance with Section 15301.

With regard to the proposed project, the exceptions to the Existing Facilities categorical exemption that must be considered 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 resources of hazardous or critical concern where designated, precisely mapped, and official adopted pursuant to law by federal, state, or local agencies.*

The Section 15301 is a Class 1 Categorical Exemption, therefore this exception is not applicable.

(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 successive projects of the same type in the same place anticipated for this location. There is no cumulative impact and, 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 County's proposed Lease Amendment to continue the current use of this office space will not result in any physical changes or impacts to the environment and therefore will not result in a significant effect on the environment.

(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.

This proposed project is in an existing building. There are no state scenic highways in the project area. 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.

This proposed project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, it is not located on a hazardous waste site and 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.

This proposed project does not involve any historical resources. This exception does not apply.

As described above, none of the exceptions to the categorical exemptions contained within Section 15300 .2 of the State CEQA Guidelines apply to this project.

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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.

Distribution: Board of Supervisors

Date filed with Clerk of Board

Department/Division Representative

Date