

**ATTACHMENT 3: NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors  
**FROM:** Ryan Cooksey, Planning & Development

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.

**AP No.:** 115-140-014

**Case No.:** 13CDH-00000-00024

**Location:** 454 Toro Canyon Road, Toro Canyon, CA

**Project Title:** Walker SFD & Garage Demo, New SFD, Garage and Guesthouse

**Project Description:** The project is for a Coastal Development Permit for the demolition of the existing 3,972 [gross] sq. ft. two-story single-family dwelling and the construction of a new 5,344 [net] sq. ft. two-story single-family dwelling. The permit is also for the demolition of an existing 530 [gross] sq. ft. garage and construction of a new 1,023 [gross] sq. ft. garage with a 825 [gross] sq. ft. guesthouse above. No protected trees will be removed as a part of the project and approximately 875 cubic yards of cut and fill is required. The parcel will continue to be served by the Montecito Water District, a private septic system, and the Montecito Fire District. Access will continue to be provided off of Toro Canyon Road. The project is located at 454 Toro Canyon Road (APN 155-140-014), on a 1.13-acre parcel zoned 1-E-1. The project site is located within the Coastal Zone of the Toro Canyon Plan area, First Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara  
Name of Person or Agency Carrying Out Project: David Walker, property owner

**Exempt Status:**

Ministerial  
 Statutory Exemption  
 Categorical Exemption  
 Emergency Project  
 Declared Emergency

**Cite specific CEQA Guideline Sections:** §15301: Existing Facilities; and  
§15303: New Construction or Conversion of Small Structures

**Reasons to support exemption findings:** Demolition of the existing 3,972 [gross] sq. ft. SFD and the 530 sq. ft. garage is categorically exempt pursuant to §15301(I)(1) and §15301(I)(4), respectively, of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15301(I)(1) specifically exempts the demolition and removal of individual small structures, including one single-family residence, and §15301(I)(4) specifically exempts

the demolition and removal of accessory structures, including garages. The construction of the new two-story 5,344 [gross] sq. ft. SFD with a new 1,023 [gross] sq. ft. garage is also categorically exempt pursuant to §15303(a) and §15303(e), respectively, of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15303(a) specifically exempts the new construction of one single-family residence, and §15303(e) specifically exempts the new construction of accessory (appurtenant) structures, including garages.

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 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.**

There are no designated or mapped environmentally sensitive habitat (ESH), biological resources or other resources of hazardous or critical concern located within 50 feet of the proposed development. The nearest mapped ESH area (Riparian Corridor) is approximately 50 feet north of the location of the proposed project and is separated by an existing landscaped area. Accordingly, the project would not impact the ESH mapped on the subject lot.

The entirety of the proposed development will be located on already developed portions of the site and any exterior lighting would be conditioned to be low-wattage, hooded and directed downward in order to minimize any impacts off-site (see Attachment B, Condition #3). Therefore, this exception to the categorical exemptions would 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 project is for the demolition of an existing single-family dwelling and garage and the construction of new dwelling, garage and guesthouse in the same location as the existing structures. The proposed development meets all applicable criteria of the Article II Coastal Zoning Ordinance and the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan. The proposed development would create no significant impacts and additional structural development in the surrounding neighborhood, developed in conformance with applicable ordinance and policy regulations would not result in a cumulatively significant impact. Past, present and future successive projects of the same

type in the area would not cause cumulatively significant impacts. Therefore, this exception to the categorical exemptions would 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 are no designated or mapped environmental sensitive habitat (ESH), biological resources or other resources of hazardous or critical concern located within 50 feet of the proposed development. The nearest mapped ESH area (Riparian Corridor) is approximately 50 feet north of the location of the proposed project and is separated by an existing landscaped area. All proposed development would be located on portions of the subject parcel that are already developed and maintained. As conditioned (see Attachment B, Condition #5), the nearby oak trees would be protected throughout construction activity. Furthermore, the circumstances under which the proposed project is requested and under which construction is proposed are not unusual. The demolition and rebuild of single family dwellings and accessory structures is commonplace within the area. The proposed project consists of only minor development and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Therefore, this exception to the categorical exemptions would 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 would be located entirely within the eastern, previously developed portion of the site. This area is currently developed with an existing dwelling, garage and pool. No development would be visible from any highway officially designated as a state scenic highway and there is no possible damage that could occur to any scenic resources (including trees, historic buildings, rock outcroppings, etc). Therefore, this exception to the categorical exemptions would 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 proposed project is not located on a site that is included on any list compiled pursuant to §65962.5 of the Government Code. Therefore, this exception to the categorical exemptions would not apply.

Appeal of Walker CDH Approval for Demo/New Dwelling  
Case No. 14APL-00000-00009  
Hearing Date: November 4, 2014

**(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 proposed development would have no impact on any historical resource. Therefore, this exception to the categorical exemptions would not apply.

Lead Agency Contact Person: Ryan Cooksey Phone #: (805) 568-2046

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

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

Distribution: Hearing Support Staff

Project file (when P&D permit is required)  
Date Filed by County Clerk: \_\_\_\_\_.