

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Julie Harris, 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.

APN: 011-020-034 and 011-020-042

Case No.: **11APL-00000-00009**

09LUP-00000-00256

Location: North of East Mountain Drive and along Hot Springs Creek and tributary, known as 1192 and 1194 East Mountain Drive, Montecito

Project Title: Bagdasarian-Karman Bridges, Retaining Walls, Site Alterations and Habitat Restoration

Project Description: The modified project will abate Zoning Violation 09ZEV-00000-00042 (for APN 011-020-042) and 09ZEV-00000-00115 (for APN 011-020-034). The modified project will permit the following structures, grading and restoration activities:

- a. Two pedestrian bridges that cross the tributary creek, as built in their current locations;
- b. Approximately 230 linear feet of retaining wall, four shallow trees wells (1-2 feet deep), and a fountain built into the wall, between the west bank of the tributary and an existing, permitted tennis court, as built;
- c. Approximately 110 linear feet of two-tiered retaining wall on the west bank of the tributary supporting an existing driveway, adjacent and northeast of upper bridge, as built;
- d. Approximately 45 linear feet of retaining wall along the east bank of the tributary, on either side of the upper bridge where its ties into bridge abutments (approximately 25 feet north and 20 feet south);
- e. Approximately 35 linear feet of retaining wall along the east bank of the tributary, as built;
- f. Removal of three segments of wall along the east bank of the tributary (the northern-most 61 linear feet, a central section of 96 linear feet, and the southern-most 20 linear feet for a total removal of 177 linear feet);
- g. Lowering the elevation by up to three vertical feet of approximately 95 linear feet of retaining wall north of the lower bridge and approximately 30 feet south of the lower bridge along the east bank of the tributary, tapering into the wall to remain to the north and into the natural grade to the south;
- h. Removal of all but one of the tree wells in the “island” area between the tributary and Hot Springs Creek (Area 1a);

- i. Restoration of the grade to predevelopment conditions to the maximum extent feasible within the “island” area between the tributary and Hot Springs Creek, consistent with the removal and lowering of retaining walls (Area 1a);
- j. Removal of the irrigated lawn and nonnative hedge within the “island” area between the tributary and Hot Springs Creek (Area 1a);
- k. Habitat restoration within the Environmentally Sensitive Habitat and its buffer (i.e., the “island” area between the tributary and Hot Springs Creek) (Area 1a);
- l. Habitat restoration within ESH on the adjacent property to the east, corresponding to the northeast end of the “island” area (approximately 0.13 acres on APN 011-050-066) (Area 1a);
- m. Habitat restoration (sycamore/oak woodland) the southeast corner of the lot (rock stockpile area) (Area 2);
- n. Habitat restoration within the tributary creek (Area 3);
- o. Habitat restoration within Hot Springs Creek and its confluence with the tributary to include the removal of invasive species including *Arundo donax* and fennel among others (Area 4);
- p. Restoration of the temporary Arizona crossing.

Habitat restoration will include the planting of 168 Coast Live Oaks and 60 Western Sycamores and many additional native plants in compliance with a final habitat restoration plan. Grading will be quantified with the final restoration plan.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Ken Mineau, agent for
owners Ross Bagdasarian and Janice Karman

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: 15303(e)

Reasons to support exemption findings: CEQA Guidelines Section 15303(e) describes the Class 3 categorical exemption, which exempts from CEQA the construction of small and limited numbers of structures including small accessory structures appurtenant to single family dwellings such as the two pedestrian bridges, retaining walls and tree wells in the instant project.

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.

The project was constructed within and along the banks of a tributary to Hot Springs Creek, within mapped and otherwise identified riparian Environmentally Sensitive Habitat (ESH) and ESH buffer. The modified project includes the removal of a portion of the unpermitted development, the removal of a large irrigated lawn within the ESH and its buffer, restoration of grade and major habitat restoration within the impacted areas. Given the restoration that is being requires as a part of the project, impacts are insignificant.

- (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.

Given the unique circumstances of this case, successive projects of the same type are not reasonably foreseeable, and therefore would not create a cumulative impact.

- (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 unusual circumstances that would cause the activity to create 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.

The project is not located near a scenic highway and therefore, there would be no significant damage to scenic resources near a state scenic highway.

- (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 project is not located on a site that has been identified on any list as hazardous waste site.

(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.

There are no historical resources on or adjacent to the project site, and thus no potential to cause a substantial adverse change to a significant historical resource.

Lead Agency Contact Person: Julie L. Harris Phone #: (805) 568-3518

Department/Division Representative: _____ Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Project file (11APL-00000-00009 & 09LUP-00000-00256)
Date Filed by County Clerk: _____.