

ATTACHMENT 3: CEQA 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 Unpermitted Bridges, Retaining Walls, Site Alterations

Project Description: Ken Mineau of Appleton & Associates, agent for the owners Ross Bagdasarian and Janice Karman, requests approval of a Land Use Permit to abate Zoning Violation 09ZEV-00000-00042 (for APN 011-020-042) and 09ZEV-00000-00115 (for APN 011-020-034). The unpermitted activities include grading and construction of two pedestrian bridges within a tributary of Hot Springs Creek (on and below the top of bank), approximately 792 linear feet of retaining walls approximately four to six feet high (approximately 410 linear feet lining the east bank of the tributary to Hot Springs Creek), removal of an estimated 11 mature Coast Live Oak trees (*Quercus agrifolia*), impacts to at least six of the remaining oaks, and removal of six Western Sycamore trees (*Platanus racemosa*), construction of 12 tree wells, numerous at grade stone borders and patios, installation of 0.5 to 0.7 acres of irrigated lawn, and installation of approximately 300 linear feet of a *Myoporum* hedge, a nonnative plant material along the top of the west bank of Hot Springs Creek. All development occurred within Environmentally Sensitive Habitat (ESH). The removal of approximately 1.1 acres of the riparian ESH, including the trees as well as understory vegetation, occurred to support the grading, structural development, and installation of the relatively level, irrigated lawn.

The applicant requests after-the-fact approval of the Land Use Permit to keep all of the structures. In addition, the proposal includes partial habitat restoration (specifically, removal of an undetermined amount of *Arundo donax* within a larger 0.40-acre area Hot Springs Creek, sycamore/oak woodland restoration in 0.22 acres of the southeast corner of the lot, and weed removal and native planting along the banks of the tributary below the wall) and landscaping with native plants, not all of which may be locally occurring, within the creeks' banks, around the margins of the lawn, and within an area used for stockpiling of rock in the southeast corner of the site, and replacing portion of the lawn with native grasses.

The applicant also removed a portion of ESH (approximately 0.13 acres) from the adjacent property to the east without the consent of the neighboring property owner. A Lot Line Adjustment

application has been filed to address this issue and is pending resolution of the Bagdasarian zoning violation.

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: 15270

Reasons to support exemption findings: This exemption applies to projects which are disapproved. As discussed in Sections 7.2 and 7.3 of the staff report to the Montecito Planning Commission dated October 8, 2010, the staff memo to the Montecito Planning Commission dated May 13, 2011, and the findings included in Attachment 2 of the Board Letter dated September 6, 2011 (all herein incorporated by reference) the proposed project is not consistent with the adopted General Plan, including the Montecito Community Plan and the Montecito Land Use and Development Code. Therefore, the project cannot be approved and this exemption from CEQA applies.

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

Department/Division Representative: _____ Date: _____

Acceptance Date: _____

distribution: Hearing Support Staff

Project file

Date Filed by County Clerk: _____.