

**NOTICE OF EXEMPTION**

**RECEIVED**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

2023 JUN -1 A 9:51

**FROM:** Kevin De Los Santos, Planner, Planning & Development

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

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:** 153-260-013

**Case No.:** 22EMP-00000-00001

**Location:** 1297 N. Ontare Rd.

**Project Title:** AKC Investments, LLC – Emergency Permit

**Project Applicant:** Mark Lloyd

**Project Description:** The request is for an Emergency Permit to allow a repair to an existing slope failure. The repair requires construction of a caisson supported retaining wall spanning approximately 100 feet in length with a maximum height of six feet. Grading will include 280 cubic yards of cut and 280 cubic yards of fill. No trees are proposed for removal. The parcel will continue to be served by the Goleta Water District, an existing septic system, and the Santa Barbara County Fire Department. Access will continue to be provided off of N. Ontare road. The property is a 2.37-acre parcel zoned MT-40 and shown as Assessor's Parcel Number 153-260-013 located at project address in the Eastern Goleta Valley Community Plan Area, First Supervisorial District.

The project constitutes an emergency because erosion of the slope located beneath the single family residence presents a risk of slope failure. The risk of slope failure presents an immediate health and safety risk to persons living in the single family dwelling that is approximately 12 feet above the top of the eroded slope area. The applicant hired a professional geologist, Doyle-Morgan Structural Engineering, Inc., to evaluate the slope and provide recommendations for the best course of action. Doyle-Morgan determined that the slope failure presents a serious health and safety risk and recommended that the repair occur prior to the 2022-2023 rainy season to avoid further slope failure and damage to the existing single-family residence located directly above. Building and Safety inspectors conducted site visits to evaluate the slope and determined that a present danger does exist and the project constitutes an emergency.

**Name of Public Agency Approving Project:** County of Santa Barbara

**Name of Person or Entity Carrying Out Project:** AKC Investments, LLC

AKC Investments, LLC – Emergency Slope Repair, Case No. 22EMP-00000-00001  
March 1, 2023  
Attachment 3

**Exempt Status:**

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

**Cite specific CEQA and/or CEQA Guidelines Section:** Section 15269(c), Emergency Projects

**Reasons to support exemption findings:** *CEQA Guidelines* Section 15269(c) exempts “specific actions necessary to prevent or mitigate an emergency.” Emergency action is warranted in this case because the existing slope failure presents a dangerous risk to the existing single family dwelling located directly above. The applicant hired a professional geologist, Doyle-Morgan Structural Engineering, Inc., to evaluate the slope and provide recommendations for the best course of action. Doyle-Morgan determined that the slope failure presents a serious health and safety risk and recommended that the repair occur prior to the 2022-2023 rainy season to avoid further slope failure. Building and Safety inspectors conducted site visits to evaluate the slope and determined that a present danger exists and the project constitutes an emergency. Therefore, this statutory exemption applies to the proposed project.

**Lead Agency Contact Person:** Kevin De Los Santos, Planner

**Phone #:** (805) 884-8051      **Department/Division Representative:** Kevin De Los Santos

**Date:** March 1, 2023

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

**Distribution:** Hearing Support Staff

**Date Filed by County Clerk:** \_\_\_\_\_



# 2023 CEQA Transmittal Memorandum

County of Santa Barbara - Clerk of the Board of Supervisors

105 E. Anapamu St. Room 407 • Santa Barbara • CA • 93101

(805) 568-2240

Complete this form when filing a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report or Notice of Exemption.

You will need to submit one original for posting plus one copy for the Department of Fish & Wildlife. A scanned copy including the date/time of posting will be emailed to the Lead Agency and Project Applicant. If you would like a return copy, please submit an extra copy along with a pre-addressed, stamped envelope.

Contact Person <b>Kevin De Los Santos</b>		Phone <b>(805) 884-8051</b>	
Lead Agency <b>County of Santa Barbara - Planning and Development</b>		Lead Agency Email <b>santosk@countyofsb.org</b>	
Project Title <b>AKC Investments, LLC Emergency Permit</b>			
Project Applicant <b>Mark Lloyd</b>	Email <b>mlloyd_lp@yahoo.com</b>	Phone <b>805-962-4611</b>	
Project Applicant Address <b>L&amp;P Consultants</b>	City <b>Santa Barbara</b>	State <b>CA</b>	Zip <b>93101</b>

### DOCUMENT BEING FILED:

- Environmental Impact Report (EIR) .....
  - 2023 Filing Fee .....\$3,839.25
  - Previously Paid (**must attach receipt**) ..... \$0.00
  - No Effect Determination (**must be attached**)..... \$0.00

- Negative Declaration or Mitigated Negative Declaration .....
  - 2023 Filing Fee .....\$2,764.00
  - Previously Paid (**must attach receipt**) ..... \$0.00
  - No Effect Determination (**must be attached**)..... \$0.00

- Notice of Exemption ..... \$0.00

- County Administrative Handling Fee (**required for all filings, effective 7/19/18**) ..... \$50.00

TOTAL: **\$ 50.00**

### PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

- Cash
  - Credit Card
  - Check # 4598
  - Journal Entry # \_\_\_\_\_
- (in person only)



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:  
 42 — 06/01/2023 — 152  
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY County of Santa Barbara, Planning and Development	LEAD AGENCY EMAIL santosk@countyofsb.org	DATE 06/01/2023
COUNTY/STATE AGENCY OF FILING Santa Barbara	DOCUMENT NUMBER	

PROJECT TITLE  
 AKC Investments, LLC Emergency Permit

PROJECT APPLICANT NAME Mark Lloyd	PROJECT APPLICANT EMAIL mlloyd_lp@yahoo.com	PHONE NUMBER (805 )962-4611
PROJECT APPLICANT ADDRESS L&P Consultants	CITY Santa Barbara	STATE CA
		ZIP CODE 93101

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash     Credit     Check     Other

TOTAL RECEIVED    \$    50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Chelsea Lenzy, Deputy Clerk
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State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

**NOTICE**

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

**COUNTY DOCUMENTARY HANDLING FEE**

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

**COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS**

**Filing Notice of Determination (NOD):**

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

**Filing Notice of Exemption (NOE)** *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

**Within 30 days after the end of each month in which the environmental filing fees are collected**, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

**The county clerk shall mail the following documents to CDFW on a monthly basis:**

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

**DOCUMENT RETENTION**

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

**RECEIPT NUMBER**

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

**DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.**

**Mail to:**

California Department of Fish and Wildlife  
 Accounting Services Branch  
 P.O. Box 944209  
 Sacramento, California 94244-2090