

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Community Services Department, Parks 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) 071-200-009, 071-200-017

LOCATION: 5905 Sandspit Drive, Santa Barbara, CA

PROJECT TITLE: Goleta Beach Restaurant PRJKT SB, Inc. SeaLegs Concession Agreement

PROJECT DESCRIPTION: The Concession Agreement with the Concessioner will allow Concessioner to operate, manage, maintain and improve the restaurant, snack bar and venue space at Goleta Beach County Park for a term of ten (10) years, with three options to extend the term for five (5) per extension. Concessioner will pay County a Fee of Ten Percent (10%) of monthly gross income and Fifteen Percent (15%) of gross alcohol sales each year.

EXEMPT STATUS: (Check One)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect

Cite specific CEQA Guideline Section: Section 15301, Section 15302, Section 15303, Section 15304 and Section 15311.

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*], Section 15302 [*Replacement or Reconstruction*], Section 15303 [*Construction of Small Structures*], Section 15304 [*Minor Alterations*], and Section 15311 [*Accessory Structures*], 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 PRJKT SB, Inc., SeaLegs Concession Agreement does not involve an expansion of use under the reasonably same parameters as currently exist, therefore, approval of the Lease is exempt from CEQA in accordance with Section 15301.

The CEQA Replacement or Reconstruction exemption at Section 15302 allows for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The proposed execution of the Concession Agreement may involve replacement and reconstruction of small structures and equipment associated with the operation of the restaurant for use under the reasonably same parameters as currently exist, therefore, approval of the Lease is exempt from CEQA in accordance with Section 15302.

The CEQA Construction of Small Structures exemption at Section 15303 allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and

facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed execution of the Concession Agreement may involve replacement and reconstruction of small structures and equipment associated with the operation of the restaurant for use under the reasonably same parameters as currently exist, therefore, approval of the Lease is exempt from CEQA in accordance with Section 15303.

The CEQA Minor Alterations exemption at Section 15304 allows for minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The proposed execution of the Concession Agreement may involve replacement and renovation of landscaping associated with the operation of the restaurant and does not include removal of healthy, mature, Scenic trees for use under the reasonably same parameters as currently exist, therefore, approval of the Lease is exempt from CEQA in accordance with Section 15302.

The CEQA Accessory Structures exemption at Section 15311 allows for construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. The proposed execution of the PRJKT SB, Inc., SeaLegs Concession Agreement does not involve construction of new major permanent structures beyond those that currently exist, therefore, approval of the Lease is exempt from CEQA in accordance with Section 15311

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 resource of hazardous or critical concern where designated, precisely mapped, and official adopted pursuant to law by federal, state, or local agencies.

The County's proposed Lease Agreement to continue the current use of this restaurant space does not impact a resource of hazardous or critical concern.

(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 Agreement to continue the current use of this restaurant 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.

Lead Agency Contact Person: Jeff Lindgren Phone: (805) 568-2475

October 19, 2021

Date filed with Clerk of Board

Jeffrey Lindgren 10-6-21
Department/Division Representative Date

NOTE: A copy of this document must be filed with the County Clerk of the Board.