

ATTACHMENT B: NOTICE OF EXEMPTION

Case Nos. 22ORD-00000-00010

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Jeff Wilson, Assistant Director
Planning and Development Department

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 of Santa Barbara (County) guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case Nos.: 22ORD-00000-00010

Location: Countywide

Project Title: Multi-Unit and Mixed Use Development Objective Development Standards Ordinance Amendments

Project Description:

Case No. 22ORD-00000-00010 amends Chapter 35 of the Santa Barbara County Code, regarding the implementation of State housing law to provide for streamlined ministerial review and establish objective design standards for qualifying multi-unit and mixed-use housing development projects.

Exempt Status:

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

Cite specific CEQA Guideline Section: CEQA Guidelines Sections 15061(b)(3) - “Where it can be seen with certainty that there is no possibility that that activity in question may have a significant effect on the environment, the activity is not subject to CEQA”

Reasons to support exemption findings: The following provides a brief discussion on the proposed amendments and why they are exempt from environmental review under CEQA. Additional details regarding the proposed amendments are included in the Planning Commission staff report dated January 11, 2023.

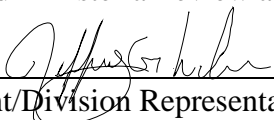
CEQA Guidelines Section 15061(b)(3) states that “the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed ordinance implements State housing law to provide a streamlined ministerial review process for eligible

affordable housing projects, as required under state law. It also establishes objective design standards for multiple-unit and mixed-use housing development projects, consistent with State law requirements for qualifying housing projects. The ordinance establishes basic objective site design, building design, and architectural design elements for qualifying development projects, where State housing law otherwise restricts the County’s review of such projects. Because the ordinance sets forth a State-mandated administrative process for a streamlined ministerial review and establishes basic objective design standards for specified housing projects it can be seen with certainty that there is no possibility that the action will have a significant effect on the environment.

The State CEQA Guidelines Section 15300.2 sets forth the following six exceptions to the use of the Categorical Exemptions.

- (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.*
- (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.*
- (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.*
- (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.*
- (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.*
- (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 six exceptions for use of a categorical exemption would not apply to the proposed amendment, because they would not result in impacts to a sensitive environment or a hazardous waste site; damage to scenic resources; would not cause a substantial adverse change in the significance of a historical resource; would not create a significant cumulative impact; and finally, would not have a significant effect on the environment due to unusual circumstances. The proposed amendments consists of implementing streamlined ministerial review and objective design standards for qualifying housing projects.

 _____ January 18, 2023
Department/Division Representative Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____