

ATTACHMENT 2: CEQA NOTICE OF EXEMPTION

RECEIVED

Case Nos. 23ORD-00007, -00008, -00009, 23RZN-00003-8 P 3: 26

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Corina Venegas Martin, Planner
Planning and Development Department

2023 JUN 15 10:03 AM
SANTA BARBARA
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 of Santa Barbara (County) guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case Nos.: 23ORD-00007, 23ORD-00008, 23ORD-00009, 23RZN-00003

Location: Countywide

Project Title: Accessory Dwelling Units (ADUs), Shopping Center (SC) Rezone, and Minor Ordinance Amendments

Project Description:

Case No. 23ORD-00007 amends Article 35.1, Development Code Applicability; Article 35.2, Zones and Allowable Land Uses; Article 35.3, Site Planning and Other Project Standards; Article 35.4, Standards for Specific Land Uses; Article 35.8, Planning Permit Procedures; Article 35.10, Land Use and Development Code Administration; and Article 35.11, Glossary; of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding minor ordinance amendments and the permitting of ADUs and JADUs in compliance with GC Sections 65852.2 and 65852.22, respectively.

Case No. 23ORD-00008 amends Division 35.2, Montecito Zones and Allowable Land Uses; Division 35.4, Montecito Standards for Specific Land Uses; and Division 35.10, Glossary; of Section 35-2, the Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the permitting of ADUs and JADUs in compliance with GC Sections 65852.2 and 65852.22, respectively.

Case No. 23ORD-00009 amends Division 1, In General; Division 2, Definitions; Division 4, Zoning Districts; Division 7, General Regulations; Division 11, Permit Procedures; Division 12, Administration; Division 13, Summerland Community Plan Overlay; and Division 15, Toro Canyon Plan (TCP) Overlay District; and Division 17 Gaviota Coast Plan of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding minor ordinance amendments and the permitting of ADUs and JADUs in compliance with Government Code (GC) Sections 65852.2 and 65852.22, respectively.

Case No. 23RZN-00003 amends Article 35.1, Development Code Applicability; of Section 35-1, the County LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the rezoning of certain parcels and/or portions of parcels located in the Orcutt, Lompoc, and Eastern Goleta Valley areas from SC to Retail Commercial (C-2).

The proposed Uniform Rules amendment revises the existing Attached ADU definition.

Exempt Status:

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

Cite specific CEQA Guideline Section: CEQA Guidelines Sections 15061(b)(3), 15265, and 15282(h)

Reasons to support exemption findings: The following provides a brief discussion of each proposed amendment and why it would be exempt from CEQA. Additional details regarding the proposed amendments are included in the County Board of Supervisors Board Agenda Letter dated October 26, 2022.

1. **ADUs:** CEQA Guidelines Section 15282(h) provides a statutory exemption for cities or counties to adopt ADU ordinances in accordance with Public Resources Code Section 21080.17, which states that CEQA "... does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code." The proposed LUDC and MLUDC amendment affecting the portions of the county within the Inland Area revise existing development standards and permit procedures regarding ADUs and JADUs and implement GC Sections 65852.2 and 65852.22. Therefore, the proposed LUDC and MLUDC amendment is statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15282(h).
2. **Minor Ordinance Amendments:** The proposed LUDC and MLUDC amendments are statutorily exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which 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." Further, the proposed amendments clarify that exemptions are not appealable; provide clarifications to existing development standards related to detached accessory structures; correct existing text provisions; and eliminate and rezone the SC zone district to C-2 and related provisions.
3. **Uniform Rules Amendment:** CEQA Guidelines Section 15061(b)(3) is the "common sense exemption," which applies to activities that do not have the potential for causing a significant effect on the environment. Specifically, CEQA Guidelines Section 15061(b)(3) states: "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 Uniform Rules amendment revises the existing Attached ADU definition to be consistent with the County Codes.

In addition, CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review. The proposed CZO amendment affects portions of the county within the Coastal Zone and constitutes an amendment to the County's Local Coastal Program. Therefore, the proposed CZO amendment is statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265.

Lead Agency Contact Person: Corina Venegas Martin, Planner

ADUs, SC Rezone, and Minor Ordinance Amendments
Case No. 23ORD-00007, -08, -09, 23RZN-00003
Board of Supervisors
Hearing Date: November 7, 2023
Attachment 2: CEQA Notice of Exemption
Page 3

Phone #: 805-884-6836

Department/Division Representative: _____

Ron Kenz Me

Date: 10/25/2023

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 Corina Venegas Martin		Phone 805-884-6836	
Lead Agency Planning & Development, Long Range Planning Division		Lead Agency Email cvenegas@countyofsb.org	
Project Title ADUs, SC Rezone, and Minor Ordinance Amendments			
Project Applicant Long Range Planning	Email Same as above	Phone Same as above	
Project Applicant Address 123 E. Anapamu St.	City Santa Barbara	State CA	Zip 93101

DOCUMENT BEING FILED:

<input type="checkbox"/> Environmental Impact Report (EIR)	
<input type="checkbox"/> 2023 Filing Fee	\$3,839.25
<input type="checkbox"/> Previously Paid (must attach receipt)	\$0.00
<input type="checkbox"/> No Effect Determination (must be attached).....	\$0.00
<input type="checkbox"/> Negative Declaration or Mitigated Negative Declaration	
<input type="checkbox"/> 2023 Filing Fee	\$2,764.00
<input type="checkbox"/> Previously Paid (must attach receipt)	\$0.00
<input type="checkbox"/> No Effect Determination (must be attached).....	\$0.00
<input checked="" type="checkbox"/> Notice of Exemption	\$0.00
<input checked="" type="checkbox"/> 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 # _____ Journal Entry # **0256951**
(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 — 11/08/2023 — 294
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY County of SB Planning and Development		LEAD AGENCY EMAIL cvenegas@countyofsb.org	DATE 11/08/2023
COUNTY/STATE AGENCY OF FILING Santa Barbara			DOCUMENT NUMBER
PROJECT TITLE			

ADUs, SC Rezone, and Minor Ordinance Amendments

PROJECT APPLICANT NAME Long Range Planning		PROJECT APPLICANT EMAIL cvenegas@countyofsb.org	PHONE NUMBER (805) 884-6836
PROJECT APPLICANT ADDRESS 123 E. Anapamu Street		CITY Santa Barbara	STATE CA
		ZIP CODE 93101	
PROJECT APPLICANT (Check appropriate box)			
<input checked="" type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input type="checkbox"/> Private Entity			

CHECK APPLICABLE FEES:

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

PAYMENT METHOD:

- Cash Credit Check Other

TOTAL RECEIVED \$ _____ 50.00

SIGNATURE <i>X Katherine Douglas</i>	AGENCY OF FILING PRINTED NAME AND TITLE Katherine Douglas, Deputy Clerk
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