



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: 9/1/2020 Set Hearing for 9/15/2020
Placement: Departmental
Estimated Time: 1 hour on 9/15/2020
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development
Director (805) 568-2086
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning
(805) 568-2072

SUBJECT: California Environmental Quality Act (CEQA) Guidelines Compliance – Revisions to County Guidelines for the Implementation of CEQA and Environmental Threshold and Guidelines Manual

County Counsel Concurrence

As to form: Yes

Other Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors (Board):

On September 1, 2020, set a hearing for September 15, 2020, to consider the recommendation of the County Planning Commission (Commission) to (1) adopt resolutions to amend the County Guidelines for the Implementation of CEQA (County Guidelines) and the Environmental Thresholds and Guidelines Manual (Environmental Thresholds Manual) to incorporate minor revisions to the California Guidelines for the Implementation of CEQA (State CEQA Guidelines), which took effect in 2019, and (2) revise guidelines that address quality of life and noise issues.

On September 15, 2020, the Board's action should include the following:

- a) Determine that amendments to the County Guidelines and the Environmental Thresholds Manual conform to State CEQA Guidelines and clarify County procedures are not a project pursuant to Sections 15060(c)(3) and 15378(b)(5), and amendments to the quality of life guidelines and noise thresholds are categorically exempt pursuant to Section 15308, of the State CEQA Guidelines (Attachment 1);

- b) Adopt a resolution approving amendments to the County Guidelines (Attachment 2); and
- c) Adopt a resolution approving amendments to the Environmental Thresholds Manual (Attachment 3).

Please refer the matter to staff if the Board takes other than the recommended actions for the development of appropriate materials and/or a report on the budgetary and other impacts that the Board's actions would have on the Long Range Planning Division Work Program.

Background:

Section 15022 of the State CEQA Guidelines directs each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines. Section 15064.7(b) of the State CEQA Guidelines encourages each public agency to adopt thresholds of significance. In 1988, the Board of Supervisors adopted the County Guidelines and the Environmental Thresholds Manual, replacing earlier versions of these documents. Since then, the County has periodically revised the County Guidelines and the Environmental Thresholds Manual for a variety of reasons, including, for example, in response to a specific Board request, or when changes to the State CEQA Guidelines warranted an update to the County Guidelines for conformity (CEQA Guidelines Section 15022(c)). The County Guidelines and the Environmental Thresholds Manual have been revised several times since 1988.

Summary Text:

Pursuant to Section 15022(c) of the State CEQA Guidelines, the proposed project includes minor procedural revisions to the County Guidelines (Attachment 2) and the Environmental Thresholds Manual (Attachment 3) to bring administrative practices into alignment with revisions to the State CEQA Guidelines that took effect in 2019. The proposed project also includes the following minor amendments: (1) revisions to the procedures in the County Guidelines for adopting revisions to the Environmental Thresholds Manual, (2) clarification of existing County procedures, (3) clarification of the quality of life guidelines, and (4) revisions to the noise thresholds. The Commission-recommended amendments to the County Guidelines and Environmental Thresholds Manual are depicted with deletions struck out and new text underlined in red in Attachments 2 and 3.

1.0 Amendments to the County Guidelines

Amendments to the County Guidelines include minor procedural and clarification amendments to conform to revisions to the State CEQA Guidelines and a revision to County hearing procedures, as discussed below.

1.1 2019 State CEQA Guidelines Amendments

The California Office of Planning and Research amended the State CEQA Guidelines and the amendments took effect in 2019. The County Guidelines state that the State CEQA Guidelines “as they may be amended from time to time, ... [are] incorporated by reference ... and shall supersede any inconsistent provisions in these County Guidelines” (Article II of County Guidelines). Although the State CEQA Guidelines take precedent when they conflict with the County Guidelines, inconsistencies regarding procedures between the State and County Guidelines can lead to confusion. Thus, the minor amendments, which are depicted in Attachment 2, provide clarity and consistency to the County Guidelines.

1.2 Revise Hearing Procedures for Amendments to the Environmental Thresholds Manual

The procedures for adopting environmental thresholds and revising the Environmental Thresholds Manual are included in Subsection V.F.3.b.(1) of the County Guidelines. The County Guidelines direct that the Commission hold two noticed public hearings, one in a north county location and one in a south county

location. The proposed amendments to the County Guidelines reduce the two-location, two-hearing requirement to a minimum of one hearing.

Hearings in both north and south county locations were intended to enhance opportunities for public participation in different geographic locations of the County. However, since adoption of the two-location, two-hearing requirement, technology has advanced such that two hearings in different geographic locations are no longer necessary to enhance public participation. Current technology allows attendance and participation at both north and south county locations simultaneously (at the Commission hearing room in Santa Barbara and at the Board hearing room at the Betteravia Government Center in Santa Maria). The public can participate in person and provide live testimony at both locations regardless of the physical location of the Commission. Thus, the need for two hearings in two locations is no longer necessary to provide for an open public meeting process, and staff recommends revising the procedures to require only one hearing before the Commission (Attachment 2). Reducing the number of required Commission hearings improves County efficiency when processing minor amendments. Also, if found to be needed, the Commission has discretion to continue a hearing for one or more additional hearings and can also direct that additional hearings be held in an alternative location.

2.0 Amendments to the Environmental Thresholds Manual

Amendments to the Environmental Thresholds Manual include minor procedural and clarification amendments to conform to revisions to the State CEQA Guidelines, consistent with the amendments to the County Guidelines, above. Three additional proposed amendments to the Environmental Thresholds Manual are discussed below.

2.1. Delete “Criteria for Amendment” from Environmental Thresholds Manual

As stated above in Subsection 1.2 of this Board letter, the procedures for revising the Environmental Thresholds Manual are included in the County Guidelines (Subsection V.F) and repeated in the Environmental Thresholds Manual. Over time the procedures within the County Guidelines for revising the Environmental Thresholds Manual have been amended without corresponding amendments to the Environmental Thresholds Manual; thus, the Environmental Thresholds Manual is inconsistent with the County Guidelines. The proposed amendments (Attachment 3) delete these procedures from the Environmental Thresholds Manual to eliminate any confusion due to these inconsistencies. Instead, the Environmental Thresholds Manual will direct users of the manual to the County Guidelines for amendment procedures.

2.2. Quality of Life Guidelines

Section 14 of the Environmental Thresholds Manual (Quality of Life Guidelines) is intended to provide direction on how to address potential impacts to quality of life. However, quality of life changes are social changes rather than physical effects on the environment. Pursuant to the State CEQA Guidelines Section 15064(e), “social changes resulting from a project shall not be treated as significant effects on the environment.” Quality of life effects are typically subjective and not based on quantifiable measures, and impacts may not be relevant to all projects or applicable to all environmental analyses. However, project-caused changes to quality of life could be social changes that may be considered when: (1) physical impacts caused by a change in quality of life can be identified; and (2) related to a physical change, it is determined that the physical change is a significant effect on the environment (*Ibid*). The nexus between the change to quality of life and the physical impact is critical for the analysis. The proposed amendments to the Environmental Thresholds Manual will (1) clarify how quality of life should be considered in environmental documents, consistent with the criteria set forth in the State CEQA Guidelines Section 15064(e), and (2) relocate the quality of life considerations from a standalone guideline set forth in the current Section 14 of the Environmental Thresholds Manual, to Section 3 of the Environmental Thresholds

Manual (Attachment 3). As discussed therein, this section clarifies when relevant, quality of life issues should be incorporated as a part of other impact analyses to identify and inform the significance of certain environmental impacts.

2.3. Noise Thresholds

Section 13 of the Environmental Thresholds Manual (Noise Thresholds) establishes numeric thresholds for impacts to sensitive noise receptors (65 dB(A) for exterior areas and 45 dB(A) within interior areas), and describes the change in the magnitude of sound that is noticeable or can be detected by the human ear. The amount of noise that would be generated by a future project, or that would affect sensitive receptors, is determined by acoustical modeling studies prepared by acoustical or sound engineers. The existing noise thresholds are, in some instances, somewhat vague and subjective. For example, threshold 3.c describes a significant effect due to increases in ambient noise when noise increases to 65 dB(A) or more in exterior areas but also states impacts due to ambient noise may occur if ambient noise increases “substantially” but remains less than 65 dB(A) in exterior areas. The project includes a reorganization of the noise thresholds and minor revisions to certain thresholds to clarify how to apply the thresholds and reduce subjectivity (Attachment 3).

3.0 Commission Review

The Commission reviewed the proposed amendments at its hearing on July 29, 2020. The Commission recommended approval of the proposed amendments with one minor change: to retain reference to the impact classification “impacts beneficial to the environment.” (See Attachment 4.) Staff incorporated the Commission’s recommendation into the exhibits attached to the Board of Supervisors resolutions, which are attached to this Board Letter as Attachments 2 and 3.

4.0 Environmental Review

The proposed procedural amendments to the County Guidelines and the Environmental Thresholds Manual are not a project pursuant to the provisions of the State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5); therefore, environmental review is not required. In addition, minor amendments to the quality of life guidelines and noise thresholds within the Environmental Thresholds Manual are also exempt from environmental review pursuant to State CEQA Guidelines Section 15308. Please refer to Attachment 1, Notice of Exemption.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding for this project is budgeted in the Planning and Development Department’s Long Range Planning Division Budget Program on page D-294 of the County of Santa Barbara Fiscal Year (FY) 2020-21 adopted budget. There are no facilities impacts.

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements.

The Clerk of the Board shall forward a copy of the minute order and executed copies of the resolutions to the Planning and Development Department, attention Julie Harris.

Attachments:

1. Notice of Exemption
2. Board Resolution to Amend the County Guidelines
Exhibit 1: Amendments to the County Guidelines

3. Board Resolution to Amend the Environmental Thresholds Manual
Exhibit 1: Amendments to the Environmental Thresholds Manual
4. Planning Commission Action Letter and Resolution dated July 29, 2020
5. Planning Commission Staff Report dated July 22, 2020

Authored by:

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