

## ATTACHMENT 2 – NOTICE OF EXEMPTION

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

**FROM:** Planning & 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 Guidelines for the implementation of CEQA.

**APN:** 107-240-040     **Case No.:** 23ORD-00004

**Location:** 1331 E. Foster Rd., Santa Maria, CA 93455

**Project Title:** Key Site H Development Agreement and Additional Density Bonus

**Project Applicant:** Affordable Housing Land Consultants, LLC

Contact: Matt Ramos

**Project Description:** The Developer proposes a Development Agreement (Attachment 3) for a future maximum 99-unit Multi-Family Affordable Housing Project (inclusive of State and Local Density Bonuses).

The Development Agreement specifies the following requirements for the proposed project, which shall be subject to subsequent approvals as set forth in the agreement:

- 97 units shall be affordable units available for rent, with the two remaining units reserved for manager use. The Developer shall record an affordable housing agreement in a form acceptable to the County that assures that the dwellings are occupied by, and remain affordable to, low income persons as defined by Section 50079.5 of the Health and Safety Code and in accordance with this Development Agreement for a minimum period of 55 years.
- The Developer is required to demonstrate compliance with the County's Multiple Unit and Mixed-Use Housing Objective Design Standards. No Board of Architectural Review will be required in accordance with LUDC Chapter 35.33.
- The height of the future project will be no more than a typical 2- or 3- story standard design, with no more than 2 stories shall be permitted along Foster Rd. Pursuant to LUDC Subsection 35.23.060.D.2.a, a 40-foot height limit from existing grade applies, though the LUDC also contains some height exceptions for architectural features and equipment pursuant to Subsection 35.30.090.D. The applicant may also request a waiver or concession in accordance with State Density Bonus Law for height in excess of LUDC requirements.

- Structural development will include four multi-family housing buildings with studios, 1-bedroom units, 2-bedroom units, and 3-bedroom units, in addition to residential accessory structures such as pergolas and a playground structure. Approximately half of the units will be studio or one-bedroom, and half will be two- or three-bedroom. The building footprint for the four multi-family structures will not exceed 45,000 sq. ft. in total, and gross floor area for the four multi-family structures will not exceed 120,000 sq. ft. in total.
- On the westerly portion of the site directly adjacent to the homes along Hilltop Road, a buffer measuring a minimum of 30' shall exist along the entire side. This buffer area may be utilized for roads or parking, in compliance with applicable objective standards.
- No parking shall be permitted along the portion of the Project Site fronting Foster Road.
- The Project may utilize compact parking stalls to serve residential uses.
- The Developer is not required to improve the existing private road located within the Project Site parallel to Highway 101. At the Developer's sole expense and as part of the Project, the public trail along the eastern property line shall be improved with decomposed granite within the boundaries of the existing easement. The trail shall be maintained for the life of the Project at the Developer's sole expense.
- The Developer is not required to upgrade, move, or underground the existing utility pole located at the northerly portion of the site, unless the proposed improvements encroach within 10' of the power lines and power pole.
- The Developer is not required to construct the sound barrier to meet the requirements of DevStd KSH-3 in the Orcutt Community Plan if the Developer provides an acoustical study from a licensed, third-party acoustical engineer that the project can meet interior noise standards set by the County of Santa Barbara Comprehensive Plan.

The Developer has submitted Exhibit B (Example Project Plans Implementing Development Agreement Provisions) to the Development Agreement (included in Attachment 5 to the Board Letter), which includes the development provisions described above and is incorporated herein by reference.

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

**Name of Person or Entity Carrying Out Project:** Affordable Housing Land Consultants, LLC  
Contact: Matt Ramos

**Exempt Status:**

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

**Cite specific CEQA and/or CEQA Guidelines Section:** Public Resource Code Section 21159.23, Low Income Housing/CEQA Guidelines Section 15194, Affordable Housing Exemption

**Reasons to support exemption findings:** The proposed the ninety-nine (99) unit multifamily residential development project as described in the Development Agreement, including Exhibit B (Example Project Plans Implementing Development Agreement Provisions) (all included in Attachment 3 to the Board Letter) is exempt from CEQA pursuant to Public Resource Code Section 21159.23, Low Income Housing, and CEQA Guidelines Section 15194, Affordable Housing Exemption.

Pursuant to CEQA Guidelines Section 15194, Affordable Housing Exemption, CEQA does not apply to any development project that meets the following criteria:

**(a) The project meets the threshold criteria set forth in section 15192.**

**Consistent.** The Development Agreement is consistent with the threshold criteria set forth in CEQA Guidelines Section 15192. As discussed in Attachment 5 to the Board Letter (Sections 6.2 and 6.3 of the Planning Commission staff report dated December 14, 2023, and incorporated herein by reference), the project is consistent with applicable Comprehensive Plan requirements, including those in the Orcutt Community Plan (OCP), as well as the Land Use and Development Plan (LUDC) (15192(a)). Community-level environmental review has been certified in the form of the OCP EIR (15192(b)). As discussed in Attachment 5 to the Board Letter (Sections 6.2 and 6.4 of the Planning Commission staff report dated December 14, 2023, and incorporated herein by reference), future development on the site can be adequately served by existing utilities and the Developer has committed to pay all applicable development fees as defined in the Development Agreement (15192(c)).

The site of the project is already developed with a school and is surrounded by residential development/Highway 101. The site complies with standards set forth in CEQA Guidelines Section 15192(d) because the project:

- does not contain wetlands.
- does not have any value as a qualifying ecological community for conservation/protection of species.
- does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).
- does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed

complete.

The development is not located on a site that is a hazardous waste site listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code. The subject parcel is not on the Cortese List (Section 65962.5 of the Government Code) or the Department of Toxic Substances Control components of that list (Section 25356 of the Health and Safety Code), and the EnviroStor program shows that there are no hazardous waste sites within 1000 feet of the subject parcel. (15192(e)). The site was subjected to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity (15192(f)). The Developer provided a preliminary screening by a qualified US Environmental Protection Agency (EPA)/ American Society for Testing and Materials (ASTM) Environmental Professional to evaluate potential environmental risk related to past known on-site and/or adjacent offsite usage, and identify current or past regulatory issues at the subject property. The review and records search concludes that there are no potential environmental conditions on the subject property and that the potential for listed sites to adversely impact the subject site is “very low to nil.”

The Development Agreement and anticipated future buildout of the ninety-nine (99) unit multifamily residential development project as described in the Development Agreement, including Exhibit B (Example Project Plans Implementing Development Agreement Provisions), will not have a significant effect on historical resources as there are no known cultural resources on the site, and the site does not contain known historical resources or structures older than fifty years (15192(g)).

The site is not subject to wildland fire hazard (15192(h)). The site is not located within a high or very high fire hazard severity zone. In the maps adopted by the Department of Forestry and Fire Protection, the site is not classified as being in any fire hazard severity zone. According to the review and records search of hazardous materials mentioned above, the project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties (15192(i)), and the site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency (15192(j)).

The site is not located within a delineated earthquake fault zone or seismic hazard zone as determined by the State Geologist in any official maps published by the State Geologist (15192(k)). The State Geologist (Chief of the California Geological Survey) is required by the A-P Act to delineate Earthquake Fault Zones (EFZ) along known Holocene-active faults in California. According to the California Geological Survey’s online viewer of official

regulatory EFZs (Earthquake Zones of Required Investigation) the site is not located within a delineated EFZ.

Staff reviewed maps in the Orcutt Community Plan, the Environmental Resource Management Plan, and the FEMA Flood Map Service Center. The site does not present a landslide hazard, flood plain, flood way, or restriction zone (15192(l)).

The site is not located on developed open space (15192(m)) or within the boundaries of a state conservancy (15192(n)).

The site will accommodate future development of the ninety-nine (99) unit multifamily residential development project as described in the Development Agreement, including Exhibit B (Example Project Plans Implementing Development Agreement Provisions). The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195 (15192(o)).

**(b) The project meets the following size criteria: the project site is not more than five acres in area.**

**Consistent.** The site is 4.15 acres in area.

**(c) The project meets both of the following requirements regarding location:**

**(1) The project meets one of the following location requirements relating to population density:**

**(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.**

**Consistent.** Orcutt is a census defined place with a population density of approximately 2,700 persons per square mile. There is no reasonable possibility that the project as set forth in the Development Agreement would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project because the provisions of the Development Agreement are limited in scope to an additional density bonus of 37 units consistent with the LUDC, and relatively minor components, such as expanded setback requirements, additional height limitations along Foster Road, trail improvements, sound wall requirements based on a third-party

analysis, and requirements for an existing utility pole; development in accordance with the provisions of the Development Agreement has been analyzed herein. As discussed above, a site analysis has been completed to review potential for geologic hazards, hazardous waste impacts, biological resource impacts, flood impacts, historical resource impacts, or fire hazards. As discussed in the Attachment 5 to the Board Letter (Planning Commission staff report dated December 14, 2023, and incorporated herein by reference), the Developer provided a Trip Generation Memorandum dated November 14, 2023 (Attachment F). The study documents that a future 99-unit project will not result in fifty new peak hour trips (net) as compared with the existing land use and the entitled land use; therefore, the future 99-unit project will not warrant a traffic study. As compared with the existing site conditions (school use), a future 99-unit project would generate 11 more trips than the existing site during the AM peak hour, and 6 more trips than the existing site during the PM peak hour. As compared with the approved 61-unit project (Case No. 21ZCI-00000-00232; school remains), a future 99-unit project will result in 19 fewer trips than what is allowed under the existing entitlement during the AM peak hour, and 23 fewer trips during the PM peak hour. Therefore, the project will not have a significant effect on the environment

Additionally, as discussed in Attachment 5 to the Board Letter (the Planning Commission staff report dated December 14, 2023, and incorporated herein by reference), the site has been identified and zoned for residential development (including multi-family development) for over 25 years. The parcels surrounding the subject property are already developed with single-family homes, condominiums, and apartments. The nearest site identified in the County's Housing Sites Inventory is approximately a mile away. The subject property is an infill site, and there is not opportunity for related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

As discussed herein, the subject property has been studied for hazards, and there are not unusual circumstances related to the Development Agreement or its provisions that would have a significant effect on the environment or the future residents of the site.

**(2) The project meets one of the following site-specific location requirements:**

**(A) The project site has been previously developed for qualified urban uses**

**Consistent.** "Qualified urban use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. The site is currently developed with a residence and school, therefore the site has been previously developed for qualified urban uses.

**(d) The project meets both of the following requirements regarding provision of affordable housing.**

**(1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.**

**Consistent.** The ninety-nine (99) unit multifamily residential development project as described in the Development Agreement, including Exhibit B (Example Project Plans Implementing Development Agreement Provisions) would include a maximum of 99 units. Of those 99 units, 97 would be rental units affordable to low-income households and two units would be reserved for managers of the housing development.

**(2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.**

**Consistent.** The Development Agreement requires that the units remain affordable to low income persons as defined by Section 50079.5 of the Health and Safety Code for a minimum period of 55 years.

**Lead Agency Contact Person:** Shannon Reese

**Phone #:** (805) 934-6261

**Department/Division Representative:**



**Date:** February 28, 2024

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

**Distribution:** Hearing Support Staff

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