

**ATTACHMENT B**

CEQA Notice of Exemption

NOTICE OF EXEMPTION

TO: Santa Barbara County Board of Supervisors

FROM: Mona Miyasato, County Executive Officer

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: n/a Case No.: n/a

Location: Santa Barbara County, all Districts

**Project Title: Confirmation of Emergency Rule #2 Temporarily Suspending County Code Chapter 35 Zoning Regulations and Permit Restrictions, Including Conditions of Approval, on Wineries and Wine Tasting Rooms Serving Food, As Long as Compliant with State Laws Regulating Retail Food and Alcohol and State and Local Directives Regarding Reopening of Businesses**

Project Applicant: n/a

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: Santa Barbara County

Exempt Status: (Check one)

Ministerial

Statutory Exemption

Categorical Exemption

Emergency Project

Not A Project

Cite specific CEQA and/or CEQA Guideline Section: CEQA Guidelines Section 15269(c) exempts emergency projects that consist of specific actions necessary to prevent or mitigate an emergency.

CEQA Guidelines Section 15061(b)(3) exempts activities that are covered by the commonsense 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.

CEQA Guidelines Section 15378(b)(5) provides that "Projects" subject to CEQA do not include organization or administrative activities of government that will not result in direct or indirect physical changes in the environment.

**Reasons to support exemption findings:** This item is on the Board of Supervisor’s agenda to confirm Emergency Rule #2 that the Director of Emergency Services issued on May 25, 2020. Under County Code section 12-5(b)(1), the Director of Emergency Services has authority to “make and issue rules and regulations on matters reasonably related to the protection of life, property, or environment as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board of supervisors.”

Emergency Rule #2 temporarily suspends Chapter 35 permit restrictions, including conditions of approval, and any zoning development standards or regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food, as long as compliant with State law regulating retail food and alcohol and local directives regarding reopening of businesses. Emergency Rule #2 is in effect until: 1) December 16, 2020; or 2) the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated; or 3) superseded by the adoption of amendments to the County zoning ordinances by the Board of Supervisors, whichever is earlier.

The Planning and Development Department will present recommended zoning ordinance amendments to the Planning Commission and the Board of Supervisors during June 2020. These zoning ordinance amendments will include a suspension on permit restrictions, including conditions of approval, and any zoning development standards or regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food. If adopted by the Board of Supervisors, these zoning ordinance amendments would supersede Emergency Rule #2.

On May 20, 2020, the Director of Emergency Services issued Emergency Rule #1. The Rule’s purpose was to minimize the economic impacts of COVID-19 and encourage the speedy recovery of businesses, restaurants, retail, and other community entities that were required to close or curtail operations under the State of California’s “Stay At Home” orders. It allowed implementation of the County’s Reopening in a Safe Environment (RISE) Small Business & Community Partnership Enhancement Program (SBCPEP) by providing a clear, quick path and parameters for businesses and other entities to operate temporarily in County roadway rights-of-way, to allow for social distancing.

Emergency Rule #2 continues implementation of the County’s RISE program and the SBCPEP by providing a clear, quick path for wineries and wine tasting rooms to begin serving food, in order to be authorized to begin reopening and resuming operations in Stage 2 of Governor Newsom’s four-stage COVID-19 pandemic Resilience Roadmap. This, in conjunction with Emergency Rule #1, will allow wineries and wine tasting rooms to reopen in Stage 2, while still providing for social distancing.

Emergency Rule #2 is based on evidence of transmissions of the COVID-19 virus both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

Emergency Rule #2 is necessary for the immediate preservation of the public peace, health or safety and in accordance with Government Code section 8634, and to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County.

Nancy Anderson

Lead Agency Contact Person: Nancy Anderson, Assistant County Executive Officer

Date: June \_\_\_\_, 2020

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

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