

ATTACHMENT 2: CEQA NOTICE OF EXEMPTION

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

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Corina Venegas Martin, Planner
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.: 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

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Date: 10/25/2023

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____