

ATTACHMENT 2: CEQA NOTICE OF EXEMPTION

Case Nos. 22ORD-00000-00004, 22ORD-00000-00005, and 22ORD-00000-00006

RECEIVED

2022 NOV 30 P 12: 51

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Corina Venegas, 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.: 22ORD-00000-00004, 22ORD-00000-00005, and 22ORD-00000-00006

Location: Countywide

Project Title: Childcare Facilities and Minor Ordinance Amendments

Project Description:

Case No. 22ORD-00000-00004 amends Article 35.2, Zones and Allowable Land Uses, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary, of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, regarding the (1) exemption of electric vehicle charging stations, including hydrogen-fueling stations in compliance with GC Sections 65850.7, (2) permitting of child care facilities, and (3) make minor clarifications and corrections.

Case No. 22ORD-00000-00005 amends Division 1, In General; Division 2, Definitions; Division 4, Zoning Districts; Division 6, Parking Regulations; Division 7, General Regulations; Division 11, Permit Procedures; and Division 17, Gaviota Coast Plan (GAV) Overlay; of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the (1) exemption of electric vehicle charging stations, including hydrogen-fueling stations in compliance with Government Code (GC) Sections 65850.7, (2) permitting of child care facilities, and (3) make minor clarifications and corrections.

Case No. 22ORD-00000-00006 amends 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, and Article 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 (1) exemption of electric vehicle charging stations, including hydrogen-fueling stations in compliance with GC Sections 65850.7, (2) permitting of child care facilities, and (3) make minor clarifications and corrections.

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 15301(p).

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 November 29, 2022.

- 1. Childcare Facilities:** CEQA Guidelines Section 15061(b)(3) 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.” Pursuant to Health and Safety Code Section 1596.78 (Health & Safety §1596.78), the use of large and small family day care homes must be treated as a residential use of property and will be regulated as such.

Further, CEQA Guidelines Section 15301(p), categorically exempts “use of a single-family residence as a small family day care home” as defined by Health & Safety §1596.78. Child care services will operate on existing developed property (e.g., within existing buildings or structures) or will require a Land Use Permit or Coastal Development Permit, which are subject to environmental review. Additionally, allowing child care to be located in proximity to their users, employment areas, urban areas, and mostly within existing development will avoid impacts created by new development or the need for additional public services (e.g., transportation, water, and/or sewer facilities). The proposed regulations are consistent with the County’s Vehicle Miles Traveled-reduction goals by affording greater flexibility in permitting day care near employment, within residential zones, and within urban areas.

The State CEQA Guidelines Section 15300.2 sets forth the following six exceptions to the use of the Categorical Exemptions.

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

- (e) *Hazardous Waste Sites.* A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) *Historical Resources.* A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The six exceptions for use of a categorical exemption would not apply to the proposed childcare amendments, because they would not result in impacts to a sensitive environment or a hazardous waste site; damage to scenic resources; would not cause a substantial adverse change in the significance of a historical resource; would not create a significant cumulative impact; and finally, would not have a significant effect on the environment due to unusual circumstances. Childcare facilities will operate in existing homes or within occur on existing sites or located in already developed areas that would not obstruct scenic resources, degrade the existing visual character of a site, disturb native soils, or create impacts to historical or cultural resources.

- 2. **Electric Vehicle (EV) Charging Stations and Hydrogen-Fueling Stations:** The proposed 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, EV charging and hydrogen-fueling stations are subject to the California Building Code requirements and reviewed by the Santa Barbara County Fire Department for compliance with the fire code and regulations enforced by the Environmental Health Department. As a result, no special circumstances exist that would create a reasonable possibility that the proposed amendments will significantly affect the environment.

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, Planner

Phone #: 805-884-6836

Department/Division Representative: Corina Venegas

Date: 11/17/2022

Acceptance Date: _____

distribution: Hearing Support Staff

Date Filed by County Clerk: _____



2022 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		Phone 805-884-6836	
Lead Agency Planning & Development, Long Range Planning Division		Lead Agency Email cvenegas@countyofsb.org	
Project Title Childcare Facilities and Minor Ordinance Amendments			
Project Applicant Same as above	Email	Phone	
Project Applicant Address 123 E. Anapamu St.	City Santa Barbara	State CA	Zip 93101

DOCUMENT BEING FILED:

- Environmental Impact Report (EIR)
 - 2022 Filing Fee\$3,539.25
 - Previously Paid (must attach receipt) \$0.00
 - No Effect Determination (must be attached)..... \$0.00

- Negative Declaration or Mitigated Negative Declaration
 - 2022 Filing Fee\$2,548.00
 - Previously Paid (must attach receipt) \$0.00
 - No Effect Determination (must be attached)..... \$0.00

- Notice of Exemption \$0.00

- 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 # JE- 0242225
- (in person only)



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

Print **StartOver** **Save**

RECEIPT NUMBER:
 42 — 11/30/2022 — 293
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Planning & Development, Long Range Planning Division	LEAD AGENCY EMAIL cvenegas@countyofsb.org	DATE 11/30/2022
COUNTY/STATE AGENCY OF FILING Santa Barbara		DOCUMENT NUMBER

PROJECT TITLE
 Childcare Facilities and Minor Ordinance Amendments

PROJECT APPLICANT NAME Corina Venegas	PROJECT APPLICANT EMAIL cvenegas@countyofsb.org	PHONE NUMBER (805) 884-6836
PROJECT APPLICANT ADDRESS 123.E Anapamu St.	CITY Santa Barbarba	STATE CA
		ZIP CODE 93101

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,539.25 \$ _____ 0.00
- Mitigated/Negative Declaration (MND)(ND) \$2,548.00 \$ _____ 0.00
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,203.25 \$ _____ 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 X	AGENCY OF FILING PRINTED NAME AND TITLE Brianda Negrete, Deputy Clerk
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State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090