

ATTACHMENT 3

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Dan Klemann, Deputy Director, Long Range Planning

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: Not applicable

Case Nos.: 16ORD-00000-00016 (California Coastal Commission [CCC] Case No. LCP-4-STB-18-0071-2-Part B)

Location: Coastal Zone

Project Title: CCC Certification of the Accessory Dwelling Unit (ADU) Local Coastal Program Amendment (LCPA)

Project Applicant: County of Santa Barbara

Project Description: Receive and file a report on the CCC's suggested modifications to and conditional certification of the ADU LCPA No. LCP-4-STB-18-0071-2-Part B.

Name of Public Agency Approving Project: County of Santa Barbara

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

Exempt Status:

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

Cite specific CEQA and/or CEQA Guideline Section: CEQA Guidelines Section 15282(h) states that CEQA does not apply to “[t]he adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.”

Also, CEQA Guidelines Section 15265 states, in relevant part:

(a) CEQA does not apply to activities and approvals pursuant to the California Coastal Act (commencing with Section 30000 of the Public Resources Code) by:

(1) Any local government as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program, ...

- (b) CEQA shall apply to the certification of a local coastal program ... by the California Coastal Commission.*
- (c) This section shifts the burden of CEQA compliance from the local agency ... to the California Coastal Commission. The Coastal Commission's program of certifying local coastal programs ... has been certified under Section 21080.5, Public Resources Code.*

Reasons to support exemption findings: CEQA Guidelines Section 15282(h) provides a statutory exemption for cities or counties to adopt ADU ordinances to implement 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 ADU LCPA revises existing development standards and permit procedures regarding ADUs and implements Government Code Section 65852.2. Therefore, the ADU LCPA is statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15282(h).

In addition, CEQA Guidelines Section 15265 provides a statutory exemption for activities and approvals by a local government to adopt a Local Coastal Program, and shifts the burden of CEQA compliance to the CCC. Thus, the Board of Supervisors' action to receive and file a report regarding the CCC's suggested modifications to the ADU LCPA is exempt from further environmental review, pursuant to CEQA Guidelines Section 15265.

Lead Agency Contact Person: Jessi Steele, Planner **Phone #:** (805) 884-8082

Department/Division Representative: _____ **Date:** _____

Date of Final Action: May 21, 2019

Distribution: Hearing Support Staff

Date Filed by County Clerk: _____