

**ATTACHMENT 9**

**COASTAL ZONING ORDINANCE (ARTICLE II)  
NOTICE OF EXEMPTION**

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

**FROM:** Julie Harris, Senior 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 Guidelines for the implementation of CEQA.

**APN:** Not applicable.                   **Case No.:** 19ORD-00000-00005

**Location:** The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Coastal Zone.

**Project Title:** 2019 General Package Ordinance Amendments

**Project Description:** Case No. 19ORD-00000-00005 would amend the following divisions of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning of the Santa Barbara County Code: Division 2 Definitions, Division 7, General Regulations, Division 11, Permit Procedures, Division 12, Administration, and Division 13, Summerland Community Plan Overlay. The ordinance amendment covers three topics:

1. Amends the section regulating commercial telecommunications facilities
2. Adds a new section to allow documents to be recorded
3. Deletes expired time extension due to economic hardship

The proposed ordinance includes other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language.

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

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

**Exempt Status:** (Check one)

- Ministerial  
 Statutory Exemption  
 Categorical Exemption  
 Emergency Project  
 No Possibility of Significant Effect

**Cite specific CEQA and/or CEQA Guideline Section:** 15061(b)(3) – No possibility of significant effect and Section 15265 (Adoption of Coastal Plans and Programs).

**Section 15061(b)(3).** 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.”

**Section 15265.** CEQA Section 15265 states that CEQA does not apply to activities and approvals pursuant to the California Coastal Act necessary for the preparation and adoption of a local coastal program.

**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 project components are included in the Board Agenda Letter dated December 10, 2019, Montecito Planning Commission staff report dated October 9, 2019, and County Planning Commission staff report dated October 30, 2019, all herein incorporated by reference.

1. The ordinance amendment would make three specific revisions to Section 35-144F of Article II that address permitting of commercial wireless telecommunications facilities to bring local regulations into compliance with federal law and rules. The first change, as discussed in detail in the Board Agenda Letter dated December 10, 2019, Montecito Planning Commission staff report dated October 9, 2019, and County Planning Commission staff report dated October 30, 2019, all herein incorporated by reference, would allow permitting of limited eligible modifications to existing permitted wireless facilities, provided the modifications do not substantially change the physical dimensions of the existing permitted structure. These changes would be minimal and, therefore, would not have a significant effect on the environment. Furthermore, a Negative Declaration (97-ND-02) was adopted concurrent with the original regulations in 1997, and an addendum approved for a subsequent amendment in 2011. See Attachment 8, Article II Findings for Approval, to the Board Agenda Letter dated December 10, 2019.
2. Article II requires the recordation of Notices to Property Owners (NTPO) for certain structures and/or uses identified in Article II. The County, through mitigation measures and conditions of approval on permits, requires the recordation of a variety of documents. Some of these documents are statutorily authorized (such as informational sheets included with the recordation of final maps pursuant to the state Subdivision Map Act), while others are not statutorily authorized, nor are they authorized by local ordinance (such as a buyer beware notification). The ordinance amendment would add a new section to Article II (Section 35-179D) that would authorize the recordation of certain documents when required by permit conditions of approval. The recordation of documents is and activity that will not have any effect on the environment.
3. Subsection 35-179B.D.8 (Time extensions due to economic hardship) would be deleted because the provisions of Article II state that it expired effective January 12, 2015. As the amendment simply deletes regulations that are no longer in effect and would not result in new development or other change to the environment, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

In conclusion, these amendments serve to clarify and revise existing regulations and permit procedures to comply with state and federal law and make minor text clarifications that will not result in an increase in allowed densities or modifications to resource protection policies. The proposed ordinance amendments also revise existing permit processes to enhance efficiency. Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

**Lead Agency Contact Person:** Julie Harris, Senior Planner

**Phone #:** 805-568-3543      **Department/Division Representative:** \_\_\_\_\_

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

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

distribution:      Hearing Support Staff

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