

ATTACHMENT 1: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Alex Tuttle, Deputy Director
Planning and Development

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.:** 25ORD-000006, 25ORD-00007, and 25ORD-00008

Location: Countywide.

Project Title: Ordinance Streamlining and Housing Accommodation Amendments

Project Description: The proposed ordinance amendments (Case Nos. 25ORD-00006, 25ORD-00007, and 25ORD-00008) amend the County Land Use and Development Code, Coastal Zoning Ordinance, and Montecito Land Use and Development Code, respectively. Each ordinance amendment includes two groups of amendments: amendments related to ordinance streamlining, and amendments related to housing accommodation.

The ordinance streamlining amendments revise language throughout the County zoning ordinances to simplify and standardize language, remove redundancies, clarify applicability, and remove obsolete provisions in order to streamline code operation and make applicable provisions easier to locate, use, and understand. The ordinance streamlining amendments also revise permit procedures and administrative provisions to clarify the review process and provide applicants and others with consistent expectations for project review. The ordinance streamlining amendments include revisions to improve and modernize the text and structure of certain provisions for clarity, make the procedures easier to use and understand, and simplify the permit review process without compromising the outcome.

The housing accommodation amendments revise Residential, Commercial, and Special Purpose zone districts; the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone; and the Community Plan Overlays in order to reduce barriers to housing development and implement the adopted 2023-2031 Housing Element. Zoning amendments to all zones include minor changes to standardize and simplify language and eliminate redundancies and obsolete standards in addition to the following:

Residential Zones: The 2023-2031 Housing Element and County's affordable housing goals identified development standards such as height, setbacks, site coverage, and open space that need to be adjusted to reduce barriers to higher density housing types and enable

achievement of allowable densities. The proposed amendments to residential zones, primarily the Design Residential (DR) and Planned Residential Development (PRD) zones, create two sets of standards – one set that applies to areas with maximum densities of less than 20 units per acre and one set that applies to areas with a maximum density of 20 units per acre or more.

- Height: For areas with a maximum allowable density of 20 units per acre or more, the required front setback is reduced from 20 feet to 10 feet and the allowable height is increased from 35 feet to 45 feet
- Site Coverage: For all DR zones, the site coverage limitation is proposed to be eliminated to enable achievement of allowable density
- Open Space: Revise minimum amount of open space to be provided from 40 percent of the net site area to an amount per residential dwelling unit. Areas with a maximum density of less than 20 units per acre are required to provide a minimum of 300 square feet of usable open space per unit. Areas with an allowed density of 20 units per acre or more are required to provide a minimum of 150 square feet of usable open space per unit, a minimum of 25% of which must be provided as common open space

Commercial Zones: Mixed-use development is allowed in the Neighborhood Commercial (CN), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Community Mixed Use – Los Alamos (CM-LA), and Professional Institutional (PI) Zones. Residential development is currently allowed in these zones as a ratio of bedrooms to commercial square footage, which was identified as a government constraint and a barrier to housing in the 2023-2031 Housing Element. The proposed amendments would change the density provisions in these zones to be based on units per acre or feet of commercial development.

- CN, C-1, and CM-LA: 10 units/acre maximum
- C-2: 20 units/acre maximum, with a gross floor limit of 50% of the total gross floor area
- C-3 and PI: One unit per 1,000 feet of commercial development, with a gross floor limit of 50% of the total gross floor area

Commercial zone amendments would also revise setback, site coverage, and height provisions to reduce barriers to higher density housing types and enable achievement of allowable densities pursuant to the 2023-2031 Housing Element.

Special Purpose Zones: Mixed-use and/or residential development is allowed in the Mixed-Use (MU) Zone and Old Town Orcutt residential zones (OT-R, OT-R/LC, and OT-R/GC). The proposed housing accommodation amendments consist of clean-up, clarification, and refinements of existing standards to accommodate housing and maintain specific characteristics of the areas. These include simplifying setback requirements, height increases, open space updates, and residential space area limitations.

Overlay Zones: The proposed amendments include modifications to the Pedestrian Area – Old Town Orcutt (PA-OTO) Overlay Zone and the Mixed-Use – Santa Ynez Valley (MU-SYV) Overlay

Zone to generate opportunities for in-fill housing while protecting the commercial viability of the areas. The amendments include removing redundancies, site coverage limitations, and updating parking requirements.

The proposed amendments outlined above do not impose physical changes to the environment. Any future development under the amended Zoning Ordinance would be reviewed on a project-by-project analysis and subject to the applicable regulatory and statutory requirements in place at the time of approval.

Environmental Review Background

The County certified the Final Program Environmental Impact Report (2024 Final PEIR) for the 2023-2031 Housing Element Update in May 2024 (State Clearinghouse No. 2022070490). The 2024 Final PEIR analyzed environmental impacts for the County’s Housing Element Update, including implementation of its goals, policies, and programs. The 2024 Final PEIR identified significant and unavoidable impacts of the Housing Element Update to:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality
- Hydrology and Water Quality
- Land Use and Planning
- Population and Housing
- Public Services and Recreation
- Transportation
- Utilities and Water Supply
- Wildfire

Exempt Status:

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

Cite specific CEQA and/or CEQA Guidelines Section: CEQA Guidelines Sections 15061(b)(3), 15168(c), and 15265.

Reasons to support exemption findings: The following provides a discussion of the proposed amendments and why they would be exempt from CEQA.

Ordinance Streamlining Amendments

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.”

The proposed ordinance streamlining amendments would not have a significant effect on the environment. The amendments standardize language throughout the code to streamline code operations and update permit review processes for clarity, simplicity, and usability. None of the changes in the ordinance streamlining amendments would propose or approve any physical development, allow new uses or an intensification of uses, or have a direct or indirect effect on the environment. As such, the proposed ordinance streamlining amendments meet the criteria for the common sense exemption.

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 ordinance streamlining amendments would affect areas of the county within the Coastal Zone and constitute an amendment to the County’s Local Coastal Program. Therefore, the proposed ordinance streamlining amendments in the coastal zone are statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265.

Housing Accommodation Amendments

CEQA Guidelines Section 15168(c) allows a program EIR to be used for the environmental review of later activities related to the program. The proposed housing accommodation amendments would implement some of the 2023-2031 Housing Element programs, which were analyzed in the 2024 Final PEIR.

Residential: Proposed amendments that increase height limits and decrease site coverage limits in residential zones would not have new, significant effects on the environment. The potential impacts and required mitigation measures for height and setback changes were analyzed and included in the 2024 Final PEIR. Revisions to open space requirements pursuant to Program 1 of the 2023-2031 Housing Element Update, which would regulate open space by an amount per unit instead of an overall site percentage, would not have a significant effect on the environment beyond what was analyzed in the 2024 Final PEIR. On-site environmental resources, setbacks, and landscaping would continue to be addressed through applicable rules, regulations, and review processes. With the proposed amendments, residential open space definition and requirements would focus on space for the residential uses such as usable amenities and functionality.

Commercial: Proposed amendments to commercial zones that allow mixed-use development would change the density provisions in these zones to be based on units per acre or feet of commercial development. These proposed amendments were considered in the 2024 Final PEIR analysis. In addition, the proposed amendments to setback, site coverage, and height requirements pursuant to Program 1 of the 2023-2031 Housing Element Update, were

considered in the 2024 Final PEIR analysis. There would not be new, significant effects on the environment that were not previously evaluated.

Special Purpose and Overlay Zones: Proposed amendments to the special purpose and overlay zones primarily consist of clean-up, clarification, and refinements of existing standards to accommodate infill housing. The amendments do not propose or approve any physical development. Minor intensification related to setback, height, and open space updates were included in the 2024 Final PEIR analysis. There would not be new, significant effects on the environment that were not previously evaluated.

The project does not propose or approve any physical development or allow intensification of uses not analyzed and mitigated as feasible in the 2024 Final PEIR. Therefore, the proposed housing accommodation amendments are exempt from environmental review pursuant to CEQA Guidelines Section 15168(c).

CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review. The proposed housing accommodation amendments affects areas of the county within the Coastal Zone and constitutes an amendment to the County's Local Coastal Program. Therefore, the proposed housing accommodation amendments in the coastal zone are statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265.

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Distribution: Hearing Support Staff

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