

## ATTACHMENT 9: NOTICE OF EXEMPTION

### NOTICE OF EXEMPTION

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

**FROM:** Daniel Klemann, Deputy Director, Long Range Planning Division, 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.

**Case Nos.:** Case No. 16ORD-00000-00009, 16ORD-00000-00011, 16ORD-00000-00012, and 17ORD-00000-00008

**Location:** The proposed ordinance would apply to all of the unincorporated inland areas of the County of Santa Barbara.

**Project Title:** Short-Term Rental Ordinance

**Project Description:** The project consists of the following ordinance amendments in order to regulate the use of dwelling units as Short-Term Rentals or Homestays:

- An ordinance (16ORD-00000-00009) amending 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 35.11, Glossary, to implement new regulations regarding Short-Term Rentals and make other minor clarifications, corrections, and revisions to the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code.
- An ordinance (16ORD-00000-00011) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, and Division 35.10, Glossary of the Santa Barbara County Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding Short-Term Rentals and Homestays.
- An ordinance (16ORD-00000-00012) amending Division 2, Definitions, Division 4, Zoning Districts, Division 6, Parking Regulations, and Division 7 General Regulations, to implement new regulations regarding Short-Term Rentals and make other minor clarifications, corrections, and revisions to the Santa Barbara County Coastal Zoning Ordinance (Article II), of Chapter 35, Zoning, of the Santa Barbara County Code.
- An ordinance (17ORD-00000-00008) amending Division 5 Overlay Districts to implement new regulations regarding the land use of short-term rentals and make other minor clarifications, corrections, and revisions to implement new regulations regarding Short-Term Rentals and make other minor clarifications, corrections and revisions to Article II, of Chapter 35, Zoning, of the Santa Barbara County Code.

**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  
 No Possibility of Significant Effect

**Cite specific CEQA Guideline Section:** The State CEQA Guidelines (Section 15061(b)(3)) state that “the activity is covered by the general rule 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.” And section 15265 states that CEQA does not apply to activities and approvals pursuant to the California Coastal Act.

**Reasons to support exemption findings under Section 15061(b)(3):** The ordinance amendments (16ORD-00000-00009 and 16ORD-00000-00011) revise and clarify existing permit processes to enhance efficiency and add new development standards and restrictions pertaining to Short-Term Rentals and Homestays, which will serve to minimize potential adverse impacts to the areas surrounding Short-Term Rentals and Homestays. These ordinance amendments are not related to any particular development project, and possible future projects resulting from the ordinance amendments will be subject to compliance with CEQA, as applicable.

The proposed ordinance creates the following definitions:

- Short-Term Rental. A structure which is rented for overnight lodging in whole or in part and with or without the presence onsite of the Owner or representative of the Owner, for 30 consecutive days or less.
- Homestay. A residential unit, including portions thereof, rented for 30 consecutive days or less where the owner or long-term tenant of the property inhabits a legal dwelling on the same lot at the same time as the transient occupant.

The proposed ordinances identify that Short-term Rentals are prohibited in Residential, Resource Protection/Management, Industrial, certain Special Purpose, and certain Agricultural Zone Districts (RR, R-1/E-1, EX-1, R-2, DR, PRD, SLP, SR-M, SR-H, MHP, MHS, MR-OMT-GOL, RMZ, CN, CS, SC, PI, M-RP, M-1, M-2, M-CR, OT-R, OT-R/LC, PU, REC, and AG-I set forth in the LUDC; R-1/E-1, R-2, DR, PRD, RMZ, CN, PU, and REC, set forth in the MLUDC; RR, R-1/E-1, R-2, EX-1, DR, PRD, SR-M, SR-H, MHP, CH, PI, M-CD, PU, REC, RES, M-CR, TC, and MT-TORO and AG-I set forth in Article II).

The ordinances also clarify that Short-Term Rentals are an allowed use, with a permit, in certain Commercial and Mixed Use zones without any additional development standards (MU, CM-LA, OT-R/GC, C-1, C-2, C-3, CH, and C-V Zone Districts set forth in the LUDC; C-V set forth in the MLUDC; C-1, C-2, and C-V set forth in Article II). The proposed ordinance will establish development standards to regulate Homestays in certain Residential and Agricultural zones (RR, R-1/E-1, R-2, EX-1, DR, PRD, MR-O, SLP, MHP, MHS, and AG-I set forth in the LUDC; R-1/E-1, R-2, DR, and PRD set forth in the MLUDC; and AG-I, RR, R-1/E-1, R-2, EX-1, DR,

and PRD set forth in Article II). The regulations will ensure that Homestays are compatible with and do not adversely impact surrounding properties.

In addition, the ordinance (17ORD-00000-00008) will establish a new zoning overlay with regulations that will revise and clarify existing permit processes to enhance efficiency. The regulations also will include new development standards and restrictions pertaining to Short-Term Rentals in the area that will be subject to the new zoning overlay, which will serve to minimize potential adverse impacts to areas surrounding the location of a Short-Term Rental.

Whereas, the current ordinances allow Short-Term Rentals and Homestays wherever a dwelling unit is currently allowed (i.e., in the zone districts listed in this Notice of Exemption (above) and other zone districts in which Short-Term Rentals will be prohibited pursuant to the proposed ordinance amendments), the proposed ordinance amendments will limit the use of dwelling units as Short-Term Rentals or Homestays solely to the zone districts listed in this Notice of Exemption (above). Therefore, the proposed ordinance amendments (1) will prohibit the use of Short-Term Rentals in certain areas where they are currently allowed, and (2) do not have the potential to result in new development, a new use, or intensification of an existing use, that could adversely affect the environment.

Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

**Reasons to support exemption findings under Section 15265:** CEQA Guidelines Section 15265 exempts Case Numbers 16ORD-00000-00012 and 17ORD-00000-00008 (CZO) from CEQA. This project is a local government activity that will affect portions of the County located within the Coastal Zone, and require the preparation and adoption of local coastal program amendments. As a result, the proposed amendments to the CZO are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15265.

**Lead Agency Contact Person:** Jessica Metzger, Senior Planner, Long Range Planning Division  
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**Department/Division Representative:** \_\_\_\_\_

**Date:** October 3, 2017

**Date of Final Action on Project:** \_\_\_\_\_

**Distribution:** County Hearing Support Staff

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