

ATTACHMENT C

CEQA Notice of Exemption

NOTICE OF EXEMPTION

TO: Santa Barbara County Board of Supervisors

FROM: Scott McGolpin, Public Works Director

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: n/a Case No.: n/a

Location: Santa Barbara County, all Districts

Project Title: Confirmation and Supersession of Emergency Rule #1 By Adopting an Urgency Ordinance to Authorize Public Works Director to Temporarily Issue Special Encroachment Permits for Operations by Businesses and Community Entities in County Roadway Rights-of-Way During the COVID-19 Pandemic Response

Project Applicant: n/a

Name of Public Agency Approving Project: Santa Barbara County

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

Exempt Status:

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

Cite specific CEQA and/or CEQA Guideline Section: CEQA Guidelines Section 15269(c) exempts emergency projects that consist of specific actions necessary to prevent or mitigate an emergency.

CEQA Guidelines Section 15061(b)(3) exempts activities that are covered by the commonsense 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.

CEQA Guidelines Section 15378(b)(5) provides that “Projects” subject to CEQA do not include organization or administrative activities of government that will not result in direct or indirect physical changes in the environment.

Reasons to support exemption findings: This Urgency Ordinance would authorize the Public Works Director to issue encroachment permits to business and community entities to operate some permitted operations temporarily in the County Right-of-Way in order to address social distancing and other requirements of the COVID-19 pandemic response. It also would provide for waiver of permit fees for these encroachment permits to facilities.

The Board finds that it is necessary to authorize the Public Works Director to issue temporary encroachment permits to businesses and community entities to conduct permitted operations within public rights-of-way if necessary to comply with State or local requirements for reopening. This is necessary to preserve social distancing requirements and slow the spread of the COVID-19 virus.

The recommended Urgency Ordinance allows the Public Works Director to place conditions on the encroachment permit, including:

1. Insurance and indemnification requirements;
2. Aesthetic or safety standards for design, seating, or parking;
3. Such other conditions as may be necessary to protect public health and safety or to protect public improvements;
4. Setback and clearance standards for all reasonable pedestrian uses of the sidewalk, as well as for unusual or occasional public uses that can be anticipated; and
5. A requirement that the applicant follow all State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response.

This Urgency Ordinance is based on evidence of increasing transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19. This Ordinance is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in the County of Santa Barbara.

This Ordinance is necessary for the immediate preservation of the public peace, health or safety and in accordance with Government Code sections 8634 and 25123, these conditions warrant and necessitate that the County adopt this Urgency Ordinance to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County. The Urgency Ordinance will not result in significant effects on or direct or indirect changes in the environment.

Lead Agency Contact Person: Chris Sneddon, Deputy Director Phone #: (805) 568-3005

Department/Division Representative: Chris Sneddon Phone #: (805) 568-3005

Acceptance Date:

Note: A copy of this form must be posted at P&D 6 days prior to a decision on the project. Upon approval, this form must be filed with the Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

DATE POSTED AT PLANNING & DEVELOPMENT

DATE FILED BY CLERK OF THE BOARD
