

## ATTACHMENT 2: CEQA NOTICE OF EXEMPTION

**Case Nos. 22ORD-00000-00004, 22ORD-00000-00005, and 22ORD-00000-00006**

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

**FROM:** Corina Venegas, 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 of Santa Barbara (County) guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case Nos.:** 22ORD-00000-00004, 22ORD-00000-00005, and 22ORD-00000-00006

**Location:** Countywide

**Project Title:** Childcare Facilities and Minor Ordinance Amendments

### **Project Description:**

Case No. 22ORD-00000-00004 amends Article 35.2, Zones and Allowable Land Uses, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary, of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, regarding the (1) exemption of electric vehicle charging stations, including hydrogen-fueling stations in compliance with GC Sections 65850.7, (2) permitting of child care facilities, and (3) make minor clarifications and corrections.

Case No. 22ORD-00000-00005 amends Division 1, In General; Division 2, Definitions; Division 4, Zoning Districts; Division 6, Parking Regulations; Division 7, General Regulations; Division 11, Permit Procedures; and Division 17, Gaviota Coast Plan (GAV) Overlay; of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the (1) exemption of electric vehicle charging stations, including hydrogen-fueling stations in compliance with Government Code (GC) Sections 65850.7, (2) permitting of child care facilities, and (3) make minor clarifications and corrections.

Case No. 22ORD-00000-00006 amends 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 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, regarding the (1) exemption of electric vehicle charging stations, including hydrogen-fueling stations in compliance with GC Sections 65850.7, (2) permitting of child care facilities, and (3) make minor clarifications and corrections.

### **Exempt Status:**

<u>      </u>	Ministerial
<u>  X  </u>	Statutory
<u>  X  </u>	Categorical Exemption
<u>      </u>	Emergency Project
<u>  X  </u>	No Possibility of Significant Effect

**Cite specific CEQA Guideline Section:** CEQA Guidelines Sections 15061(b)(3), 15265, and 15301(p).

**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 proposed amendments are included in the County Board of Supervisors Board Agenda Letter dated November 29, 2022.

- 1. Childcare Facilities:** 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.” Pursuant to Health and Safety Code Section 1596.78 (Health & Safety §1596.78), the use of large and small family day care homes must be treated as a residential use of property and will be regulated as such.

Further, CEQA Guidelines Section 15301(p), categorically exempts “use of a single-family residence as a small family day care home” as defined by Health & Safety §1596.78. Child care services will operate on existing developed property (e.g., within existing buildings or structures) or will require a Land Use Permit or Coastal Development Permit, which are subject to environmental review. Additionally, allowing child care to be located in proximity to their users, employment areas, urban areas, and mostly within existing development will avoid impacts created by new development or the need for additional public services (e.g., transportation, water, and/or sewer facilities). The proposed regulations are consistent with the County’s Vehicle Miles Traveled-reduction goals by affording greater flexibility in permitting day care near employment, within residential zones, and within urban areas.

The State CEQA Guidelines Section 15300.2 sets forth the following six exceptions to the use of the Categorical Exemptions.

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

- (e) *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*
- (f) *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The six exceptions for use of a categorical exemption would not apply to the proposed childcare amendments, because they would not result in impacts to a sensitive environment or a hazardous waste site; damage to scenic resources; would not cause a substantial adverse change in the significance of a historical resource; would not create a significant cumulative impact; and finally, would not have a significant effect on the environment due to unusual circumstances. Childcare facilities will operate in existing homes or within occur on existing sites or located in already developed areas that would not obstruct scenic resources, degrade the existing visual character of a site, disturb native soils, or create impacts to historical or cultural resources.

- 2. **Electric Vehicle (EV) Charging Stations and Hydrogen-Fueling Stations:** The proposed amendments are statutorily exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which 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.”

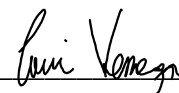
Further, EV charging and hydrogen-fueling stations are subject to the California Building Code requirements and reviewed by the Santa Barbara County Fire Department for compliance with the fire code and regulations enforced by the Environmental Health Department. As a result, no special circumstances exist that would create a reasonable possibility that the proposed amendments will significantly affect the environment.

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 CZO amendment affects portions of the county within the Coastal Zone and constitutes an amendment to the County’s Local Coastal Program. Therefore, the proposed CZO amendment is statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265.

**Lead Agency Contact Person:** Corina Venegas, Planner

**Phone #:** 805-884-6836

**Department/Division Representative:** \_\_\_\_\_



**Date:** 11/17/2022

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

distribution: Hearing Support Staff

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