

ATTACHMENT 3

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AMENDING THE COUNTY OF)
SANTA BARBARA ENVIRONMENTAL THRESHOLDS)
AND GUIDELINES MANUAL TO CONFORM TO) RESOLUTION NO.: 20 - ____
AMENDMENTS TO THE STATE CEQA GUIDELINES)
EFFECTIVE 2019, AND TO AMEND QUALITY OF LIFE)
GUIDELINES AND NOISE THRESHOLDS.)

WITH REFERENCE TO THE FOLLOWING:

- A. The *Guidelines for the Implementation of the California Environmental Quality Act* (State CEQA Guidelines) encourage each public agency to develop, adopt, and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects (State CEQA Guidelines Section 15064.7(b)).
- B. On September 12, 1988, the Board of Supervisors adopted the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* (Environmental Thresholds Manual).
- C. The Board of Supervisors now finds that it is in the public interest of the County of Santa Barbara to amend the Environmental Thresholds Manual to (1) make minor amendments that conform to procedural amendments to the State CEQA Guidelines, (2) make minor revisions to the quality of life guidelines and noise thresholds, (3) revise all references of Class I impacts, Class II impacts, Class III impacts, and Class IV impacts to significant and unavoidable impacts, significant but mitigable impacts, insignificant impacts, and beneficial impacts, respectively, to be consistent with updated terminology in the County Guidelines for the Implementation of CEQA, and (4) renumber section headings, as needed. The amendments to the Environmental Thresholds Manual (only the amended sections) are attached hereto as Exhibit 1 and are incorporated herein by reference.
- D. The proposed amendments are consistent with the policies of the Santa Barbara County Comprehensive Plan (including the Coastal Land Use Plan) and Chapter 35, Zoning, of the Santa Barbara County Code.
- E. The *County of Santa Barbara Guidelines for the Implementation of CEQA* (County Guidelines) define a process by which the Environmental Thresholds Manual may be amended, which includes two hearings before the County Planning Commission, one in the north county and one in the south county, and transmittal of the Planning Commission's recommendation to the Board of Supervisors.
- F. The Governor of California declared an emergency on March 4, 2020 based on COVID-19 and issued Stay-at-Home Executive Order N-33-20 on March 19, 2020, to protect the health and well-being of all Californians and to slow the spread of the pandemic coronavirus COVID-19.

- G. The Governor of California issued Executive Order N-29-20 on March 17, 2020, which authorized local legislative bodies to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body; and such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment, which supersede the process defined in the County Guidelines.
- H. The County Planning Commission held a duly noticed public hearing on July 29, 2020, in compliance with the Governor's Executive Orders, at which hearing the amendments were explained and comments invited from the persons in attendance, and recommended adoption to the Board of Supervisors.
- I. The Board of Supervisors held a duly noticed public hearing at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the County Guidelines, Article V.F.3.b (Process for thresholds amendment and adoption), the Board of Supervisors of the County of Santa Barbara, State of California, approves and adopts the aforementioned amendment to the Environmental Thresholds Manual.
- 3. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors, of the County of Santa Barbara, State of California, this ____ day of _____, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

GREGG HART, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT:

1. Amendments to the Environmental Thresholds and Guidelines Manual

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Exhibit 1

Amendments to the Environmental Thresholds and Guidelines Manual (ETM)

Except as provided herein, the ETM shall remain unchanged and in full force and effect.

1. INTRODUCTION

This manual has been prepared to assist the public, ~~the applicants,~~ environmental consulting firms, and County decision makers in understanding the use and application of various environmental impact thresholds as they relate to project proposals.

The Emergence of the Environmental Impact Assessment Process in California

At the height of the environmental movement, the California State legislature passed the Environmental Quality Act of 1970 (CEQA).¹ The California law, closely patterned after the National Environmental Policy Act (NEPA), included a requirement that assessments be made of the environmental impact of all proposed, publicly sponsored projects. These assessments were to take the form of "environmental impact reports" (EIR) that were nearly identical to the "environmental impact statements" (EIS) of NEPA. Like the EIS, the EIR was intended to be a source of data which would better inform the decision maker of the implications of approving or disapproving a publicly undertaken or funded project.

The EIR, which environmentalists considered a rather limited document in 1970, became one of their principal tools when in 1972, the State Supreme Court handed down its "Friends of Mammoth" decision.² The court held that an EIR is required before state or local government may grant a permit authorizing the construction of privately undertaken projects which may have a significant effect on the environment.

Subsequently, the State Secretary for Resources devised procedures for the writing and processing of EIRs (the State CEQA Guidelines). Pursuant to State CEQA Guidelines Section 15022, the County adopted local Guidelines for the Implementation of CEQA in 1988 and has amended them several times over the years. These current County Guidelines are available for ~~purchase or review~~ at download on the Planning and Development (P&D) Department website <http://countyofsb.org/plndev/permitting/environmentalreview.sbc> or for review at P&D offices located at 123 East Anapamu Street, Santa Barbara, ~~93101,~~ or 624 Foster Road, Suite C, Santa Maria, ~~93455.~~

Additionally, the State CEQA Guidelines set forth the ~~out what~~ decisions and tasks ~~have to be~~ performed by local government in the processing of EIRs. ~~First of all, t~~Local governments are charged with the duty of determining if a proposed project has the potential to significantly affect the environment. ~~In typically legalistic fashion, t~~The State CEQA gGuidelines (Section 15382) define "significant effect on the environment" as "...a substantial, or potentially substantial, adverse change in any of impact on the environment", and "environment" as "the physical conditions which exist within the area which will be affected by a proposedthe project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance." (~~CEQA Section 15382~~)

¹ California Public Resources Code §§21000-21151.

² *Friends of Mammoth vs. Board of Supervisors of Mono County* (1972), 8 Cal. 3d 1, 500 P.2d 1360, 104 Ca. Rptr. 16 (1972), modified, 8 Cal. 3d 247, 502 P.2d 1049, 104 Cal. Rptr. 761 (1972.)

~~Secondly~~First, ~~the~~ local governments must determine if the proposed activity is a "project" as defined by the ~~S~~state. The ~~State CEQA~~ gGuidelines define "project" as:

~~†~~The whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical impact change in ~~on~~ the environment, ~~directly or ultimately, and~~ that is any of the following:

1. *An activity directly undertaken by any public agency including but not limited to public works construction and related activities* [,] clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
2. *An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance* ~~for~~ from one or more public agencies.
3. *An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.* (CEQA Guidelines Section 15378(a))

~~Second~~The local governments must also determine if the proposed project calls for a discretionary decision or merely ministerial approval or non-approval. The ~~State CEQA~~ gGuidelines (Section 15357) define a discretionary project as one: "

...which requires the exercise of judgment, or deliberation ~~when, or decision on the part of~~ the public agency or body ~~in the process of~~ decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, ~~or~~ regulations, or other fixed standards. The key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project.

Determining whether ~~or not~~ a proposed project is "categorically exempt" from CEQA is also a function of ~~the~~ local governments. The ~~S~~state has listed a number of project types to which CEQA does not apply. In general, these "categorically exempt" projects include: construction or replacement of single structures in environmentally non-crucial areas, minor alterations to the land, and governmental regulatory action intended to manage resources.

Determining whether ~~or not~~ a project will have a "significant effect" on the environment is an additional decision to be made by local government. This is the first important decision in that it involves the discretion of the agency. A positive finding commits the agency to request that the project description (i.e., plans/proposals) be substantially revised to avoid significant impact, or failing in that, to have prepared an EIR. If no possible significant effect is foreseen, a "negative declaration" is prepared and the proposed project is processed as it would have been prior to enactment of CEQA, ~~s enactment~~.

It is the responsibility of the local government to commission the drafting of an EIR. Most local agencies do not have the staff to prepare an EIR and, consequently, the task is normally contracted to a consulting firm.

Lastly, local government is charged with the duty of reviewing and finalizing the EIR. The ~~s~~State

CEQA Guidelines require that all interested agencies have the opportunity to review and comment on the adequacy of a draft EIR. Before the agency can make a decision regarding the project at hand, the draft EIR has to be finalized by including and responding to, if necessary, the comments made during review. Once the EIR is finalized, it is considered an official document containing data for the decision maker.

Several state and federal court decisions have defined the terms: “substantial,” “potentially adverse,” “adverse,” and “significant.” ~~The following narrative is a brief sketch of conclusions related to only one of the court cases which have a substantial bearing upon the G guidelines and T thresholds used in this manual to determine levels of significant impact. For example, the California Supreme Court has held that an~~

~~“The important feature of this decision was that an~~ EIR must be prepared whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact. Further, the interpretation of significant effect ~~“which will afford the fullest possible protection to the environment within the reasonable scope of the statutory language is one which will impose a low threshold requirement for preparation of an EIR.”~~ (California Supreme Court decision in the case of *No Oil, Inc. vs. City of Los Angeles*, ~~12/10/1974~~ 13 Cal.3d. 68.)

As a consequence, many California cities and counties use guidelines or thresholds of significance to determine whether or not a project proposal may have a significant effect on the environment.

In terms of addressing potentially significant adverse environmental impacts, the following thresholds are used as guidelines to determine the level of significance for any given impact. The discussions which follow are designed to provide an understanding of how thresholds of significance are applied to projects ~~that are subject to environmental review under review by the Planning and Development Department.~~ Should projects exceed these thresholds, an ~~Environmental Impact Report~~ EIR may be warranted.

These environmental thresholds and guidelines are intended to supplement provisions in the State CEQA Guidelines for determination of significant environmental effect including Sections 15064, 15065, 15382, and Appendix G.

2. RULES FOR USE ~~AND CRITERIA FOR AMENDMENT~~

The following ~~passages from~~ rules for use are based on Santa Barbara County's *Guidelines for the Implementation of California Environmental Quality Act of 1970 As Amended* (County Guidelines) and describe how thresholds are to be used ~~and amended~~. Article V, Section F of the County Guidelines provide the procedures for amendments and additions to this threshold manual.

Rules for Use

The ~~Planning and Development Department~~ County's determination ~~on~~ as to whether ~~or not~~ a project may have a significant effect on the environment shall be based in part on thresholds of significance. These thresholds are measures of environmental change, which are either quantitative, or as specific as possible for topics ~~which that~~ are ~~resistant to~~ not suited for quantification (e.g., such as aesthetics, cultural resources, and biology). A project ~~which that~~ has no effect above threshold values individually or cumulatively shall be determined not to have any significant effect, and a negative declaration shall be prepared as provided by Article ~~VI~~ IV of the County Guidelines. Projects ~~which that~~ have a potential effect above a threshold of significance will require an EIR.

Thresholds of significance, as defined in [CEQA Guidelines] Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant. (CEQA Guidelines Section 15064(b)(2).)

Thresholds of significance are intended to supplement provisions in the State CEQA Guidelines for determination of significant environmental effects including Sections 15064, 15065, and 15382, and Appendix G incorporated herein. ~~The Planning and Development Department shall maintain detailed descriptions of current thresholds, which shall be publicly available, and which shall be revised periodically as necessary to maintain a standard which will afford the fullest possible protection to the environment, within the reasonable scope of CEQA, by imposing a low threshold requirement for the preparation of an EIR. If the County has not established a threshold or guideline in this manual, then the environmental document must: (1) set forth and present substantial evidence to support the use of a unique threshold; and (2) determine whether the project would result in a significant environmental effect (CEQA Guidelines Sections 15064.7(b) and 15064(b)). When establishing a unique threshold for a specific project, the lead agency may look to other similar jurisdictions for suggestions regarding an applicable threshold or guideline, or to professional organizations (e.g., the Association of Environmental Professionals, American Planning Association, or California Air Resources Board) to make an appropriate assessment of impacts. For issue areas for which there are no thresholds, In addition, the guidance provided in CEQA Sections 15064, 15065, and 15382, and Appendix G shall provide ~~the~~ a basis for determining significance.~~

Criteria for Amendment

A. General. ~~Several threshold methodologies include a mechanism to enable them to respond automatically to environmental change. For example, changes in attainment status relative~~

~~to air quality standards, changes in traffic levels on roads, and changes in the balance between water supplies and water use all affect how thresholds determine significance. However, other changes in environmental conditions or environmental information may require an alteration to the methodology used to evaluate significance.~~

- ~~**B. Change of Scientific Basis and Criteria.** The underlying basis of threshold criteria may change with the discovery of new data or theories about relationships between environmental change and environmental quality. When data from scientific publications, reports, or conference proceedings, etc. suggest the need for such a change, the Planning and Development Department shall review these data and determine the justification for threshold revisions.~~
- ~~**C. Change in Environmental Circumstances.** Environmental characteristics such as groundwater levels, traffic counts and sensitive biological habitat acreage are subject to constant change due to development trends. In order to ensure reasonable significance determinations, thresholds will be changed to reflect changes in environmental carrying capacity, resource scarcity and resource use. Information on such changes may come from resource managers (e.g. water purveyors, Air Pollution Control District), applicants, or the public.~~
- ~~**D. Workshops.** The Planning and Development Department will hold public workshops on environmental thresholds at least once a year. The workshops have several purposes: to advise the public of the technical basis for thresholds and how they are used in the environmental review process; to propose revisions as necessary; to obtain public comment on each threshold and the need for revisions; and to gather relevant data from the public for inclusion in threshold data bases. These workshops and threshold revisions will occur annually unless new information suggests that the purpose of a threshold can only be served by immediate revision. Any changes in thresholds made without opportunity for comment at a public workshop shall be posted in a public area of the Planning and Development Department for at least 30 days following adoption of the changes and shall be reviewed at the next workshop. A determination by the Planning and Development Department to revise a threshold may not be appealed.~~
- ~~**E. Application of Threshold Revisions to Projects in the Review Process.** When thresholds are revised due to new information, updated cumulative impact assessment, an improved methodology, or any other reason that provides a more accurate response to or reflection of existing conditions, the revised threshold shall be applied to projects in process up until an environmental document is found to be adequate and complete by the environmental hearing officer. Alternatively, if a threshold revision is simply a matter of applying a different standard, such a revision shall only be applied to any projects which are found to be complete after the threshold is revised.~~

3. GENERAL RELATIONSHIP BETWEEN THRESHOLDS AND POLICIES; QUALITY OF LIFE CONSIDERATIONS

Relationship between Thresholds and Policies

Environmental thresholds are often but not always based on policies and standards from the Comprehensive Plan. For example, the agricultural resources guidelines, biological resources guidelines, and noise thresholds are examples of thresholds that are partially derived from and consistent with policies from the Comprehensive Plan policies. Although consistency between thresholds and policies is a general goal, there are situations in which strict consistency is not desirable. For example, due to concerns about the existing-severity of water-related these problems (e.g., extended drought conditions and over-drafted groundwater basins), policies relating to water and traffic are in many cases more restrictive than the thresholds for these this issues. Lowering the thresholds to make them consistent with restrictive policies would greatly increase the burden of complying with CEQA on both applicants and the County. Instead, the County's designed its thresholds for water and traffic impacts are designed to indicate cutoff points at which at a project's contribution to these cumulatively significant water problems become substantialconsiderable.

Achieving planning goals through the use of strict policies that may differ from, but not conflict with, environmental thresholds is both justifiable and efficient and does not undermine the use of CEQA and environmental thresholds to move toward those same goals. Regardless of environmental impact thresholds, projects must conform to the applicable Comprehensive Plan policies, and decision-makers must make findings of consistency in order to approve required land use entitlements (e.g., zoning permits).

Quality of Life Considerations

A. State CEQA Guidelines and Intent of Quality of Life Analysis

CEQA requires the analysis of the potential effects (or impacts) of a project on the physical environment. Economic and social changes resulting from a project can relate to, and inform this analysis of, a project's effects on the physical environment. The CEQA Guidelines Section 15064(e) state:

Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. ... For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

In summary, economic and social changes resulting from a project are not treated as "significant effects on the environment" pursuant to CEQA if there is no resulting physical change to the environment. However, they may be considered when determining the significance of a physical change to the environment, and physical changes resulting from the economic and social changes should be evaluated in CEQA environmental documents.

Quality of life effects can be broadly defined as the aggregate effect of a project's impacts on individuals, families, communities, and other social groups, and on the ways in which those groups function. They are social changes that result from a project, rather than physical effects on the environment. Quality of life effects are typically subjective and not based on quantifiable measures. However, quality of life issues, while hard to quantify, are often of primary concern to the community affected by a project.

Given that they involve social – not physical – changes to the environment, quality of life impacts are not in themselves subject to environmental review pursuant to CEQA. (CEQA Guidelines Sections 15002(g) and 15382.) CEQA Guidelines Section 15064(f)(6) states:

Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

However, project-caused changes to quality of life are social changes that may be used: (1) to identify physical impacts caused by a change in quality of life; and (2) when related to a physical change, to determine whether the physical change is a significant effect on the environment. The nexus between the change to quality of life and the physical impact is critical for the analysis.

B. Procedural Considerations

Quality of life impacts should be addressed on a case-by-case basis, depending on the unique circumstances of a given project. Quality of life impacts may not be relevant to all projects and may not be applicable to all environmental analyses. However, when quality of life impacts are considered, the environmental document should clearly state the causal relationship between the change to quality of life and the corresponding physical impact, and the significance of the physical impact. Furthermore, if changes to quality of life are used to assess the significance of a physical impact to the environment, the environmental document should clearly identify the physical impact, the resulting change to quality of life, and the severity of the change to quality of life (ideally using a quantitative method, if available). In all cases, the analysis must be supported by substantial evidence set forth in the environmental document.

The thresholds provided in the following chapters of this manual include quality of life considerations consistent with the direction set forth in the State CEQA Guidelines cited above. For example, the noise thresholds set forth in Chapter 13 include maximum noise levels above which noise is considered to be unacceptable for certain uses (e.g., noise generated from outside of a single-family dwelling that exceeds 45 dB(A) as measured from within the single-family dwelling, is expected to be an annoyance or otherwise interfere with the residential use of the single-family dwelling). In many cases, project-generated noise may interfere with the use, but is not severe enough to cause hearing damage or structural damage due to vibration. In such cases, the noise threshold relies on quality of life considerations (i.e., noise levels that are considered to be annoying, but not physically harmful to human beings) to determine when noise experienced by a sensitive receptor is considered "significant." However, the thresholds in this manual are not intended to address all potential environmental impacts that may result from a project. If a project will make a change to quality of life that is related to an environmental issue that is not addressed in this manual, then the environmental document must: (1) set forth and present substantial evidence to support the use of a unique threshold; (2) incorporate the quality of life analysis; and

(3) determine whether the project would result in a significant environmental effect (State CEQA Guidelines Sections 15064.7(b) and 15064(b)(2)).

C. Quality of Life and Policy Consistency

Although changes to quality of life are not treated as significant effects on the environment pursuant to CEQA, many quality of life considerations are addressed in Comprehensive Plan policies. Projects must conform to the applicable Comprehensive Plan policies, and decision-makers must make findings of consistency in order to approve the land use entitlements required for a proposed project. For example, quality of life issues such as loss of privacy and neighborhood compatibility are often cited in Comprehensive Plan policies. In these situations, a project's effect on the quality of life of the surrounding community should be analyzed for consistency with the applicable policies.

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8. GUIDELINES FOR DETERMINING THE SIGNIFICANCE OF AND IMPACTS TO CULTURAL RESOURCES – ARCHAEOLOGICAL, HISTORIC, AND TRIBAL CULTURAL RESOURCES

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Initial Study Questions

Specifically, this document addresses the threshold questions contained in the County's Initial Study section on cultural resources, which are based on CEQA Guidelines Appendix G (Environmental Checklist Form). If the Initial Study determination is that there are only ~~Class II~~insignificant impacts, a CEQA exemption or Negative Declaration may be the appropriate CEQA document from the perspective of cultural resources. If the Initial Study determines that there are ~~Class II~~significant but mitigable impacts, a Mitigated Negative Declaration may be the appropriate CEQA document from the perspective of cultural resources. If after redesign and/or mitigation, it is determined that the impact is a significant and unavoidable Class I impact, preparation of an Environmental Impact Report is required. Please refer to the County's Initial Study form <G:\GROUP\P&D\Digital Library\Protos & Templates\Planning Permit Processing\CEQA Documents\Initial Study>) for additional guidance on the discussion of existing setting, impacts, mitigation, Native American Consultation, and the application of these thresholds.

1.0 EVALUATING THE SIGNIFICANCE (I.E., *IMPORTANCE*) OF CULTURAL RESOURCES

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1.3.3 Significance Determination Process for Archaeological and Historic Sites

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Phase 1

Archaeological Resources

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Sometimes, an Extended Phase 1 is conducted if there is limited visibility due to dense vegetation cover, or the project is in an area likely to have buried remains due to the post-occupation deposition of soils by alluvial or other process. An Extended Phase 1 essentially extends the examination to beneath the ground surface, and usually involves the use of shovel test pits or, on occasion, controlled backhoe trenching, with screening of soils to make sure cultural materials are not missed. If no archaeological materials are discovered, the conclusion is that no archaeological sites exist within the project area. In that case, the Initial Study question on archaeological sites would indicate that there is no impact ~~and would be identified as a Class III impact~~ in the CEQA document for the project.

If an archaeological site is determined to be present, then a Phase 2 significance evaluation is usually conducted, unless project redesign can avoid the site, in which case Phase 2 test

excavations would not be necessary. If a site is avoided through project redesign, there would be no impact ~~(Class III)~~. In rare cases an Extended Phase 1 investigation may generate enough information to establish that a site is significant and preclude the need for a Phase 2 investigation. If a site is determined not to be significant based on the results of an Extended Phase 1 investigation, the Initial Study question on archaeological sites would indicate that there is ~~a less than significant impact and would be identified as an insignificant Class III~~ a less than significant impact and would be identified as an insignificant Class II impact in the CEQA document for the project. In some cases, monitoring of ground disturbance in or near to a less than significant site may be made a condition of project approval in order to ensure that undiscovered significant deposits are properly treated if found.

Historic Resources

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If no significant historic resources are identified, the Initial Study question on historic resources would indicate that there is no impact ~~and would be identified as a Class III impact~~ in the CEQA document for the project.

Phase 2

Archaeological Resources

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If a significant archaeological site is avoided through project redesign, and possibly capped, based on the results of a Phase 2 investigation, the Initial Study question on archaeological sites would indicate that there is a less than significant impact with mitigation and would be identified as a Class II significant but mitigable impact in the CEQA document for the project. Please note that if a project will affect a significant site (e.g., one that is eligible for inclusion on a federal, state or local list or register), then the project is not exempt from CEQA (CEQA Guidelines Section 15300.2(f); the “exception to the exemption”). This is the case even if the project only requires a Land Use Permit or Coastal Development Permit for construction or grading. In such instances, an Initial Study should be prepared.

Historic Resources

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If impacts to a significant historic resource are avoided through project redesign and preservation in place based on the results of a Phase 2 investigation, the Initial Study question on historic sites would indicate that there is a less than significant impact with mitigation and would be identified as a Class II significant but mitigable impact in the CEQA document for the project. Please note that if a project will affect a significant historical (e.g., one that is eligible for inclusion on a federal, state or local list or register), then the project is not exempt from CEQA (CEQA Guidelines Section 15300.2(f); the “exception to the exemption”). This is the case even if the project only requires a ministerial permit, e.g. a Land Use Permit or Coastal Development Permit for demolition of a structure. In such instances, an Initial Study should be prepared.

Phase 3

Archaeological Resources

The purpose of a Phase 3 archaeological investigation is to carry out mitigation measures, including such measures as temporary fencing during construction, capping, or even dedication of a conservation easement over the site. The avoidance of significant archaeological sites is always the preferred mitigation and is required by County policy whenever possible (see Land Use Element, Historical and Archaeological Site Policy 2). For significant sites that cannot be avoided through redesign, additional excavations may be appropriate mitigation. This type of mitigation is often referred to as data recovery. While information is obtained from a data recovery project, the excavated portion of the site, as well as the entire area impacted by the project, is destroyed. The purpose of Phase 3 is to recover, analyze, interpret, report, curate, and preserve archaeological data that would otherwise be lost due to unavoidable impacts to a significant resource. The method usually involves an archaeologist excavating in a controlled manner part of the site that will be impacted using a County-approved data recovery plan that is informed by the results of the Phase 2 test excavations. The recovered materials are analyzed pursuant to specific research issues or questions and the results are included in an analytical report. If Phase 3 data recovery excavations are proposed, the Initial Study question on archaeological sites should indicate that there is a less than significant impact after mitigation and would be identified as a ~~Class H~~significant but mitigable impact in the CEQA document for the project, or that there is a potentially significant impact resulting in a ~~Class I~~significant and unavoidable impact. Conducting Phase 3 data recovery excavations may not reduce the impact to the resource to less than significant. The determination whether the impact is ~~Class H~~significant but mitigable or remains ~~Class I~~significant and unavoidable after data recovery depends on the nature of the site and the amount that is being destroyed. This determination should be based on careful consideration by professional archaeologists and consultation with the Native American community.

Historic Resources

...

If Phase 3 mitigation is proposed, the Initial Study question on historic resources should indicate that there is a less than significant impact after mitigation and would be identified as a ~~Class H~~significant but mitigable impact in the CEQA document for the project, or that there is a potentially significant impact resulting in a ~~Class I~~significant and unavoidable impact. The determination whether the impact is ~~significant but mitigable Class H~~impact or ~~significant and unavoidable Class I~~depends on the condition of the resource after mitigation. For example, a historic house that is relocated offsite may or may not constitute a ~~Class I~~significant and unavoidable impact due to loss of integrity even though it is being preserved. Also, HABS/HAER documentation as mitigation may not fully mitigate the impact to a historic resource if, after such documentation, the resource is not preserved in place. This determination should be based on careful consideration by and consultation with professional historians and historical architects.

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12. GROUNDWATER THRESHOLDS MANUAL FOR ENVIRONMENTAL REVIEW OF WATER RESOURCES IN SANTA BARBARA COUNTY *(Prepared by Brian Baca, Registered Geologist, revised and updated August 20, 1992)*

...

B. Environmental Review of Water Resources.

1. **Alluvial basins.** The relative significance of proposed new withdrawals from a groundwater basin must be assessed in the preparation of an environmental document (ND, EIR) pursuant to the California Environmental Quality Act. This is done through calculation of specific "Thresholds of Significance" for each of the overdrafted basins in Santa Barbara County. No threshold is established for a basin in a state of surplus. A project in such a basin would be subject to a threshold only if it would use more than the remaining surplus. In an overdrafted basin, projected net new consumptive water use of a project which exceeds the calculated threshold for that particular basin is deemed a significantly adverse environmental impact. This determination during the initial study would require the preparation of an Environmental Impact Report. If the estimated water use remains above the Threshold of Significance in the final analysis, the impact of the project on water resources, would, as stated above, be considered significant and unavoidable ~~(Class I)~~ and the project would require a finding of Overriding Considerations by the decision-makers for approval.

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13. NOISE THRESHOLDS *(Approved by the Board of Supervisors, August 1993, Amended September 2020)*

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B. Noise Threshold Criteria.

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3. **Noise thresholds.** The following are thresholds of significance for assisting in the determination of significant noise impacts. ~~The thresholds are intended to be used with flexibility, as each project must be viewed in its specific circumstances.~~
 - a. If existing exterior noise levels, including at outdoor living areas, experienced by sensitive receptors is below 65 dB(A) CNEL, and if the proposed project will generate noise that will cause the existing noise levels experienced by the sensitive receptors to exceed 65 dB(A) CNEL – either individually or cumulatively when combined with other noise-generating sources – then the proposed project is presumed to have a significant impact. A proposed development that would generate noise levels in excess of 65 dB(A) CNEL and could affect sensitive receptors would generally be presumed to have a significant impact.
 - b. If existing exterior noise levels, including at outdoor living areas, experienced by sensitive receptors exceeds 65 dB(A) CNEL, and if the proposed project will generate noise that will cause the existing noise levels experienced by the sensitive receptors to increase by 3 dB(A) CNEL – either individually or cumulatively when combined with other noise-generating sources – then the proposed project is presumed to have a significant impact. Outdoor living areas of noise sensitive uses that are subject to noise levels in excess of 65 dB(A) CNEL would generally be presumed to be significantly impacted by ambient noise. A significant impact would also generally occur where interior noise levels cannot be reduced to 45 dB(A) CNEL or less.
 - c. If existing noise levels experienced by sensitive receptors in interior living areas is below 45 dB(A) CNEL, and if the proposed project will generate noise that will cause the existing noise levels experienced by the sensitive receptors in interior living areas to exceed 45 dB(A) CNEL – either individually or cumulatively when combined with other noise-generating sources – then the proposed project is presumed to have a significant impact. A project will generally have a significant effect on the environment if it will increase substantially the ambient noise levels for noise-sensitive receptors adjoining areas. Per item a., this may generally be presumed when ambient noise levels affecting sensitive receptors are increased to 65 dB(A) CNEL or more. However, a significant effect may also occur when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65 dB(A) CNEL, as determined on a case-by-case level.
 - d. If existing noise levels experienced by sensitive receptors in interior living areas exceeds 45 dB(A) CNEL, and if the proposed project will generate noise that will cause the existing noise levels experienced by the sensitive receptors in interior

living areas to increase by 3 dB(A) CNEL – either individually or cumulatively when combined with other noise-generating sources – then the proposed project is presumed to have a significant impact.

- de. Noise from grading and construction activity proposed within 1,600 feet of sensitive receptors, including schools, residential development, commercial lodging facilities, hospitals or care facilities, would generally result in a potentially significant impact. According to EPA guidelines (see Figure 2) average construction noise is 95 dB(A) at a 50' distance from the source. A 6 dB drop occurs with a doubling of the distance from the source. Therefore, locations within 1,600 feet of the construction site would be affected by noise levels over 65 dB(A). To mitigate this impact, construction within 1,600 feet of sensitive receptors shall be limited to weekdays between the hours of 8 AM to 5 PM only. Noise attenuation barriers and muffling of grading equipment may also be required. Construction equipment generating noise levels above 95 dB(A) may require additional mitigation.

All noise studies evaluating ambient noise levels and changes resulting from project development should be prepared by licensed acoustical engineers.

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14. QUALITY OF LIFE GUIDELINES

Quality of life can be broadly defined as the aggregate effect of all impacts on individuals, families, communities, and other social groupings and on the way in which those groups function. The quality of life subsumes what others label as the psychological, psychosocial, well being, or satisfactoral impacts. Quality of life has implications for mental health and well being, social structure, and community well being:

- Mental health and well being encompasses changes in the mental states of individuals, including their attitudes, perceptions, and beliefs as well as the associated psychological and physiological consequences of those changes.
- Social structure encompasses changes in the social organization of families and groups, their collective postures over the impacts, and how impacts affect the cohesion and viability of the group.
- Community well being encompasses changes in community structure that relate to non-economic factors, such as desirability, social cohesion, livability, attractiveness, and sense of place.

Quality of life issues, while hard to quantify, are often primary concerns to the community affected by a project. Examples of such issues include the following:

- Loss of privacy;
- Neighborhood incompatibility;
- Nuisance noise levels (not exceeding noise thresholds);
- Increased traffic in quiet neighborhoods (not exceeding traffic thresholds);
- Loss of sunlight/solar access.

The County interprets the CEQA mandate for maintaining a high quality environment strictly, and considers the maintenance of a high quality human environment an important responsibility. The State CEQA Guidelines clearly support the use of local standards in determining what constitutes a significant effect on the environment. Therefore, on a case by case basis, the elements comprising "quality of life" shall be considered. Where a substantial physical impact to the quality of the human environment is demonstrated, the project's effect on "quality of life" shall be considered significant.

1514. PUBLIC SAFETY THRESHOLDS

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E. Using These Risk Thresholds.

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Risk spectra plotted on the thresholds should be interpreted as follows for purposes of determining the potential significance of an adverse impact to public safety.

1. ~~**Class I Significant and Unavoidable Impact.** Class I applies to adverse impacts that, following environmental review, the County considers to be unavoidable and significant (i.e., cannot be mitigated to insignificance via feasible measures).~~

~~Regarding public safety, ¶~~The County considers a societal risk spectrum that falls in the red or amber zones after application of all feasible mitigation to be an unavoidable, significant impact on public safety.

~~Class I Significant and unavoidable~~ impacts to public safety may constitute an unreasonable risk, considering how far the risk spectrum penetrates into the red zone, the feasibility of alternative locations with lesser risk, other qualitative factors, and applicable law and guidelines. Unreasonable risk shall be determined for each project individually, based on policies provided in the Safety Element and other relevant policies and codes. Lacking any such determination, project approval requires a statement of overriding considerations by the applicable land-use authority, showing that the benefits of the proposed development exceed its adverse impacts to public safety.

2. ~~**Class II Significant but Mitigable Impact.** Class II applies to adverse impacts that, following environmental review, the County considers to be significant but avoidable through application of feasible mitigation (i.e., mitigation can render the impact to be insignificant).~~

~~Regarding public safety, ¶~~The County considers a societal risk spectrum that falls in either the red or amber zones to be a significant impact to public safety. Such risk shall be considered a ~~Class II significant but mitigable~~ impact for purposes of compliance with CEQA if application of feasible mitigation is sufficient to lower the risk spectrum so that it falls fully within the green zone.

3. ~~**Class III Insignificant Impact.** Class III applies to adverse impacts that, following environmental review, the County considers to be insignificant for purposes of complying with CEQA.~~

~~Regarding public safety, ¶~~The County considers a societal risk spectrum that falls completely in the green zone to be an ~~an Class III, insignificant~~ impact to public safety and no mitigation (or additional mitigation) is required for purposes of compliance with CEQA.

4. **Beneficial Impact. Impacts beneficial to the environment.**

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1615. SCHOOLS THRESHOLDS (INTERIM) *(Approved by the Board of Supervisors, August 1993)*

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D. Context of Analysis.

Based upon Corona-Norco Unified School District v. City of Corona (1993) 13 Cal.App.4th 1577, an ND rather than an EIR may be prepared for development projects having Class I significant and unavoidable impacts only on schools (schools impacts are the only cause for preparation of an EIR) for which mitigation is limited by law to payment of standard fees.

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1817. SOLID WASTE THRESHOLDS *(Approved by the Board of Supervisors, August 1993; revised by the Board of Supervisors, September 16, 2008)*

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C. Thresholds of Significance.

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2. Operations/occupancy.

- a. **Project specific.** The following thresholds are based on the projected average solid waste generation for Santa Barbara County from 1990 - 2005. The goals outlined in the Source Reduction and Recycling Element (SRRE) assume a 1.2 percent annual increase, which equates to approximately 4,000 tons per year increase in solid waste generation over the 15 year period. A project is considered to result in a significant impact to landfill capacity if it would generate five percent or more of the expected annual increase in waste generation thereby using a significant portion of the remaining landfill capacity. Based on the analysis conducted (as illustrated in Table 1), the numerical value associated with the five percent increase is 196 tons per year. As indicated above, source reduction, recycling and composting can reduce a project's waste stream (generated during operations) by as much as 50 percent. If a proposed project generates 196 or more tons per year after reduction and recycling efforts, impacts would be considered significant and unavoidable ~~(Class I)~~. Project approval would then require the adoption of overriding considerations. A typical single family residential project of 68 units or less would not trigger the threshold of significance.
- b. **Cumulative thresholds.** Projects with a specific impact as identified above (196 tons/year or more) would also be considered cumulatively significant, as the project specific threshold of significance is based on a cumulative growth scenario. However, as landfill space is already extremely limited, any increase of one percent or more of the estimated increase accounted for in the SRRE, mitigation would be considered an adverse, yet insignificant, contribution ~~(Class III)~~ to regional cumulative solid waste impacts. One percent of the SRRE projected increase in solid waste equates to 40 tons per year (in operational impacts). To reduce adverse cumulative impacts, and to be consistent with the SRRE, mitigation should be recommended for projects which generate between 40 and 196 tons of solid waste per year. Projects which generate less than 40 tons per year of solid waste would not be considered to have an adverse effect due to the small amount of solid waste generated by these projects and the existing waste reduction provisions in the SRRE. A typical single family residential project of 14 units or less would not trigger this adverse impact level.

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APPENDIX B TO THE ENVIRONMENTAL THRESHOLDS AND GUIDELINES MANUAL:

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2.3.4 Cultural Resource Mitigation Measures

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Note that the County does not normally consider HABS/HAER documentation alone as adequate mitigation for the destruction of significant historic resources (structures). In the case of Architectural Heritage Association v. County of Monterey, 122 Cal.App.4th 1095 (2004), it was found that “archival documentation cannot normally reduce destruction of an historic resource to an insignificant level.” Also in the case of League For Protection of Oakland, 52 Cal.App.4th 896 (1997), the Court of Appeal held that the historic resources of the building to be demolished “normally cannot be adequately replaced by reports and commemorative markers.” Therefore, documentation alone may not be an adequate mitigation measure to reduce the impact to less than significant. In such cases, where the historic resource is not being preserved, it may be necessary to identify the impact as significant and unavoidable ~~Class-I~~.

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4. REPORTING GUIDELINES

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4.1 Full Archaeological Resources Technical Report

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4.1.1 Outline

A full archaeological technical report should include the following elements:

TITLE PAGE

PROJECT INFORMATION PAGE

TABLE OF CONTENTS

LIST OF ACRONYMS

EXECUTIVE SUMMARY/ABSTRACT

1.0 INTRODUCTION

1.1 Project Description

1.2 Existing Conditions

1.2.1 Environmental Setting

Natural

Cultural

1.2.2 Record Search Results

Previous Studies

Previously Recorded Sites Adjacent to Study Area

1.3 Applicable Regulations

2.0 RESEARCH DESIGN (if applicable)

- 3.0 METHODS
 - 3.1 Survey Methods
 - 3.2 Excavation Methods
 - 3.3 Laboratory and Cataloging Procedures
 - 3.4 Curation
 - 3.5 Native American Participation/Consultation
- 4.0 RESULTS
- 5.0 DISCUSSION OF RESOURCE SIGNIFICANCE AND IMPACT ANALYSIS
 - 5.1 Resource Significance
 - 5.2 Impact Analysis
- 6.0 MANAGEMENT SUMMARY – MITIGATION MEASURES AND DESIGN CONSIDERATIONS
 - 6.1 Significant and Unavoidable ~~Unmitigated~~ Impacts (Class I)
 - 6.1.1 Mitigation Measures and Design Considerations
 - 6.2 Significant but Mitigable ~~Mitigated~~ Impacts (Class II)
 - 6.2.1 Mitigation Measures and Design Considerations
 - 6.3 ~~Effects Found Not to be S~~ignificant Impacts (Class III)
 - 6.4 No Impacts
 - 6.5 Beneficial Impacts
- 7.0 REFERENCES

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4.3 Historic Resources Technical Report

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4.3.2 Content

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7.0 Summary and Conclusions

Summarize the findings of the report including the presence or absence of significant historic resources. If significant historic resources are identified, characterize project impacts to historic resources and their level of impact ~~less than (insignificant (Class III), significant but mitigable less than significant with mitigation (Class II), or significant and unavoidable (Class I)]~~. Also if the study parcel is within a specific Community Plan area such as Montecito, Summerland, Toro Canyon, etc., the conclusions should state whether or not the proposed project is consistent with the applicable policies and development standards for historic resources set forth in those planning documents.

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