

**COUNTY PLANNING COMMISSION**  
**Staff Report for the**  
**COVID-19 Temporary Ordinance Amendments Regarding Extending the Time Period for**  
**Suspension of Compliance with Certain Requirements of Approved Permits, Nonconforming**  
**Uses, and a Hardship Time Extension**

**Hearing Date:** August 4, 2021

**Staff Report Date:** July 28, 2021

**Case Nos.:** 21ORD-00000-00005 and  
20ORD-00000-00006

**Environmental Document:** CEQA Exempt  
LUDC: CEQA Guidelines Sections 15061(b)(3),  
15301, 15303, 15305  
CEQA Exempt Article II: CEQA Guidelines  
Sections 15061(b)(3), 15301, 15303, 15305,  
15265

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## 1.0 REQUEST

Hearing on the request of the County of Santa Barbara Planning and Development Department regarding ordinance amendments to the Land Use and Development Code (LUDC) and Article II Coastal Zoning Ordinance. The proposed ordinance amendments will extend the expiration of temporary allowances to suspend compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension to accommodate physical distancing due to the COVID-19 virus and/or support economic recovery from the impacts of COVID-19. The temporary allowances are currently set to expire when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions are terminated earlier by ordinance amendment. The proposed amendments will extend the ordinance expiration date to September 30, 2022 or when the COVID-19 provisions are terminated earlier by ordinance amendment.

## 2.0 RECOMMENDATION AND PROCEDURES

### 2.1 Land Use and Development Code Ordinance Amendments - Case No. 21ORD-00000-00005

Follow the procedures outlined below and recommend that the Board of Supervisors approve ordinance amendments to the Land Use and Development Code (Case No. 21ORD-00000-00005) based on the ability to make the required findings.

The Planning Commission's motion should include the following:

1. Make the required findings for approval of the LUDC ordinance amendment (Attachment A), including California Environmental Quality Act (CEQA) findings, and

recommend that the Board of Supervisors make the findings for approval of the proposed ordinance amendment;

2. Recommend that the Board of Supervisors determine the LUDC ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, 15303, 15305, and 15061(b)(3), included as Attachment B; and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt an ordinance (Case No. 21ORD-00000-00005) amending Section 35-1, the LUDC, of Chapter 35, Zoning of the Santa Barbara County Code (Attachment C).

## **2.2 Article II Coastal Zoning Ordinance Amendments - Case No. 21ORD-00000-00006**

Follow the procedures outlined below and recommend that the Board of Supervisors approve ordinance amendments to Article II Coastal Zoning Ordinance (Case No. 21ORD-00000-00006) based upon the ability to make the required findings.

The Planning Commission's motion should include the following:

1. Make the required findings for approval of the Article II ordinance amendment, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed ordinance amendment (Attachment D);
2. Recommend to the Board of Supervisors that the Board determine that the Article II ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, 15303, 15305, 15061(b)(3), and 15265, included as Attachment E; and,
3. Adopt a resolution recommending that the Board adopt an ordinance amending Article II (Case No. 21ORD-00000-00006), the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Article II) (Attachment F).

Refer back to staff if the County Planning Commission takes other than the recommended action for the development of appropriate materials.

## **3.0 JURISDICTION**

**LUDC Ordinance Amendments (Case No. 21ORD-00000-00005):** This ordinance amendment is being considered by the County Planning Commission based on County Code, Section 2-25.1(a), California Government Code, Sections 65854 to 65857, and Chapter 35.104 of the LUDC. The County Code, Government Code, and the LUDC requires that the County Planning Commission, as the designated planning agency for the unincorporated area of the County that is located

outside the Montecito Community Plan area, review and consider proposed amendments to the LUDC and provide a recommendation to the Board of Supervisors.

**Article II Coastal Zoning Ordinance Amendments (Case No. 21ORD-00000-00006):** This ordinance amendment is being considered by the County Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code. Section 2-25.2 provides that the County Planning Commission review and consider proposed amendments to Article II that will affect land use decisions within the coastal zone portion of the County and provide a recommendation to the Board of Supervisors.

#### **4.0 ISSUE SUMMARY AND BACKGROUND**

On June 16, 2020, the Board of Supervisors adopted the Temporary Development Standard Suspension Ordinance Amendments to implement regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a phased re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The ordinance established that the temporary authorization will expire on December 16, 2020, or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier.

On November 10, 2020 the Board of Supervisors adopted Ordinance Amendments (Case Nos. 20ORD-00000-00008, 20ORD-00000-00009, and 20ORD-00000-00010) to extend the expiration date for the Temporary Development Standard Suspension Ordinance to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus terminated, or when the COVID-19 provisions are terminated by ordinance amendment.

On January 25, 2021, the California Department of Public Health ended the State's Regional State At Home Order and the Limited Stay At Home Order. As of June 15, 2021, the Governor terminated the executive order that put into place the Stay Home Order and Blueprint for a Safer Economy.

The proposed ordinance amendments will extend the expiration of the temporary allowances to September 30, 2022 which will allow the COVID-19 provisions to continue after the Santa Barbara County Local Emergency from the COVID-19 virus is terminated to support ongoing economic recovery from the impacts of COVID-19. The proposed ordinance amendments also include removing the restriction that no expansion of the existing capacity of a nonconforming use is not authorized by the temporary provisions, and that no permanent structures are proposed, constructed, or erected.

The ordinance amendment text is contained in Attachment C-1 (LUDC) and Attachment F-1 (Article II). Proposed additions are underlined.

## **5.0 PROJECT ANALYSIS**

### **5.1 Environmental Review**

The proposed ordinance amendments, Case Nos. 21ORD-00000-00005 and 21ORD-00000-00006, can be found exempt from environmental review based upon Sections 15301, 15303, 15305, and 15061(b)(3) of the CEQA Guidelines.

CEQA Guidelines Section 15301 [Existing Facilities] states that a project is exempt from CEQA if the project “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.”

CEQA Guidelines Section 15303 [New Construction or Conversion of Small Structures] states that a project is exempt from CEQA if the project “consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”

CEQA Guidelines Section 15305 [Minor Alterations in Land Use Limitations] states that a project is exempt from CEQA if the activity consists of “minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density[.]”

CEQA Guidelines Section 15061(b)(3) [Review for Exemption] states that a project is exempt from CEQA if “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.” The project is a request to extend the expiration date of an existing ordinance, and therefore there is no activity that will have a significant effect on the environment.

CEQA Guidelines Section 15265 [Adoption of Coastal Plans and Programs] is also applicable to Article II (Case No. 20ORD-00000-00009) in that it does not apply to activities and approvals pursuant to the California Coastal Act by any local government, as defined by Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program. This section shifts the burden of CEQA compliance from the local agency to the California Coastal Commission.

See Attachments B and E to this staff report for a detailed discussion of the exemption.

## **5.2 Comprehensive Plan Consistency**

The scope of proposed ordinance amendments is to extend the expiration date of the Temporary Development Standard Suspension Ordinance Amendments adopted by the Board on November 10, 2020 and to make other minor amendments that support economic recovery from the impacts of COVID-19. The ordinance is currently set to expire when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated. The proposed amendments will extend the ordinance expiration to September 30, 2022 to support economic recovery from the impacts of COVID-19. The ordinance will continue to allow temporary change(s) to a project necessary to ensure physical distancing, protect public health, and support a re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19 and/or support economic recovery post COVID-19. The proposed ordinance amendments also include removing the restriction that no expansion of the existing capacity of a nonconforming use is not authorized by the temporary provisions, and that no permanent structures are proposed, constructed, or erected. These changes remain consistent with the Comprehensive Plan. However, the ordinance would otherwise require a project to comply with its approved project description, conditions of approval, applicable development standards, and the Comprehensive Plan, including Coastal Land Use Plan policies. The Comprehensive Plan Consistency in Section 7.2 of the staff report for the Temporary Development Standard Suspension Ordinance Amendments, dated May 27, 2020 and incorporated herein by reference (Attachment G) remains applicable to these amendments; and therefore, the proposed amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the relevant community plan(s), or the Coastal Land Use Plan.

## **5.3 Zoning Ordinance Compliance**

The Zoning Ordinance Compliance analysis in Section 7.3 of the staff report, dated May 27, 2020 and incorporated herein by reference (Attachment G) remains applicable. The proposed ordinance amendments are consistent with the LUDC and Article II as they only extend the expiration date of the COVID-19 ordinance amendments, adopted by the Board of Supervisors on November 10, 2020 and to make other minor amendments that support economic recovery from the impacts of COVID-19. These proposed ordinance amendments would allow a temporary suspension of specific development standards until September 30, 2022.

## **6.0 PROCEDURES**

**County LUDC:** The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amendment to the Board of Supervisors.

**Article II:** The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amendment to the Board of Supervisors. Such revisions may include implementation of recommendations by the Montecito Planning Commission.

## **7.0 APPEALS PROCEDURE**

Ordinance amendments recommended for approval or denial are legislative acts that are automatically forwarded to the Board of Supervisors for final action. Therefore, the ordinance amendments are not subject to appeal.

### **ATTACHMENTS**

- A. 21ORD-00000-00005 (LUDC) Findings
- B. 21ORD-00000-00005 (LUDC) Notice of Exemption
- C. 21ORD-00000-00005 (LUDC) Resolution
- C-1. 21ORD-00000-00005 (LUDC) Ordinance Amendments
- D. 21ORD-00000-00006 (Article II) Findings
- E. 21ORD-00000-00006 (Article II) Notice of Exemption
- F. 21ORD-00000-00006 (Article II) Resolution
- F-1 21ORD-00000-00006 (Article II) Ordinance Amendments
- G. County Planning Commission Staff Report for COVID-19 Ordinance Amendments, dated May 27, 2020