

Lenzi, Chelsea

Subject: FW: How about some consistency?

From: Do-Reynoso, Van

Sent: Monday, March 8, 2021 8:34 PM

To: Miyasato, Mona <mmiyasato@countyofsb.org>; Williams, Das <DWilliams@countyofsb.org>; Hart, Gregg <gHart@countyofsb.org>; Hartmann, Joan <jHartmann@countyofsb.org>; Lavagnino, Steve <steve.lavagnino@countyofsb.org>; Nelson, Bob <bob.nelson@countyofsb.org>

Cc: Maus-Nisich, Terri <tmaus@countyofsb.org>; Ghizzoni, Michael <Mghizzoni@co.santa-barbara.ca.us>; Seifert, Lars <Lars.Seifert@sbcphd.org>

Subject: RE: How about some consistency?

Good evening Board of Supervisors and CEO Miyasato,

The Santa Barbara County Environmental Health Services (EHS) has reviewed Mr. Caldwell's concerns and would like to share the following information that may provide helpful context regarding both the local business opportunities provided by home-based kitchen operations, as well as the limitations in State law that were instituted to address concerns such as Mr. Caldwell's in counties considering the allowance of MEHKOs across the State.

With respect to stakeholder outreach:

- On January 28, 2020, the Board directed EHS to prepare an ordinance to allow the permitting of microenterprise home kitchens. In order to solicit further input from incorporated cities, EHS conducted an outreach meeting on February 19, 2020 specifically for members of city government where city managers, administrators, and planning directors could discuss the new State legislation allowing Counties to permit this type of limited food facility (which would include local permitting oversight by EHS in cities similar to restaurants). Information regarding the Board's decision was also publicized in the Santa Maria Times on January 28, 2020. (https://santamariatimes.com/news/local/govt-and-politics/santa-barbara-county-moves-toward-allowing-regulating-home-kitchen-operations/article_3fd76c6c-594d-5509-96a9-9d135b68c755.html)
- Stakeholder outreach meetings for interested community members were then conducted by EHS on May 14, 2020 and January 6, 2021 as the amendments to Santa Barbara County Code and associated permit fee resolution for MEHKOs were being developed. Notices of the meetings were sent to all city managers and administrators (28 contacts) to share with their councilmembers and local city stakeholders, as well as directly to 85 general community members and industry group representatives that had indicated interest in receiving direct notices about this item. Stakeholder outreach materials were posted publicly at EHS' website at: <https://www.countyofsb.org/phd/ehs/public-notices.sbc>.
- Following the most recent stakeholder meeting on January 6, 2021, a hearing on MEHKOs was set for March 2nd by the Board of Supervisors in public session on February 9, 2021, and subsequently, the Clerk of the Board published legal notice in the newspaper 10 days prior to the March 2nd that a hearing would be conducted to consider amendments Santa Barbara County Code to allow local permitting of MEHKOs. EHS also sent email notices to all city managers, administrators and planning directors, as well as community members indicating interest to notify them directly on February 11th of the upcoming Board hearing on March 2nd with instructions on how to participate in the public hearing process if interested.

Additionally, the following may assist in answering Mr. Caldwell's questions:

- “Opting in” to allow the permitting of Microenterprise Home Kitchen Operations in Santa Barbara County (and including the City of Santa Maria) would provide a path to compliance (with health permit, food safety training, and regulatory oversight) that would not otherwise be available for individuals illegally preparing food for sale at their home. Please note that food preparation activities such as home dairy processing (i.e. bathtub cheese) or backyard slaughtering operations are currently not allowed under State regulation, and would still be considered illegal activities at a permitted MEHKO.
- While MEHKOs are not required to have a commercial grade kitchen, they would operate under strict limitations on types of food that may be prepared or served, total numbers of meals allowed, and total gross income that do not apply to restaurants, wineries, or caterers with commercial grade kitchens. Key differences between restaurant and MEHKOs include:
 - MEHKOs are not allowed to sell, deliver, or serve more than 30 meals per day or 60 meals per week for takeout, delivery, or onsite consumption, which equates to approximately 10 meals per day during a typical restaurant week of 6 days, or a peak of 30 meals two times per week. The number of vehicles that may park on a street to consume meals onsite at the home, or to pick up takeout meals if not delivered by the MEHKO could vary, but cannot result in the meal limits being exceeded. The limit of approximately 10 meals per day may be further reduced by EHS if the MEHKO kitchen cannot support the safe preparation of these amounts of food.
 - Restaurants and caterers are not limited in the number of people they serve. If a wedding or other private chef event, for example, was to be hosted at a restaurant or winery and the food was prepared by the restaurant or catered for guests, there is no food code limitation on the size of the event.
 - MEHKOs are limited to no more than \$50,000 / year gross income similar to Cottage Food Operations that are currently permitted within the county and all incorporated cities, a limitation which does not apply to food facilities such as restaurants or caterers.
 - MEHKOs are not allowed to sell or serve some high-risk foods (such as raw oysters, smoked meats, or home dairy products) that restaurants and caterers can be permitted or licensed to serve and sell. No canning or bottling of foods (including salsas, sauces, dressings or juices) are allowed at MEHKOs either.
 - Unlike restaurants and caterers, MEHKOs may not offer catering services. However, MEHKOs are also still subject to State ABC licensing requirements for alcoholic beverage sales and State Franchise Tax Board requirements.
- As discussed with city representatives at EHS stakeholder meetings and during the public Board hearing on March 2nd, MEHKOs are required to follow local city or county ordinances regarding amplified noise, parking, trash management, and signage restrictions, and local jurisdictions may continue to enforce nuisance ordinances as is currently performed. Unlike vacation rentals (and the concern of associated parties referenced below), permitted MEHKO operators must reside in the home that is being used as a microenterprise home kitchen operation.

As to the consistency questions raised by Mr. Caldwell on county land uses, the allowance to permit a home-based microenterprise kitchen to prepare and sell a limited number of meals in cities or the county at a private residence is not subject to land use stipulations or conditions under the California Retail Food Code. It may be best to confer with County Planning & Development Services with specific questions on land use provisions in the zoning ordinance that may be otherwise established for agricultural land uses in Santa Barbara County. Allowing MEHKOs to be permitted in a private residence as specified in State law is not a change in a local land use designation that may be subject to CEQA review.

Please let us know if you have any further questions.

Van

From: Andy Caldwell <andy@colabsbc.org>

Sent: Friday, March 5, 2021 10:00 AM

To: Hartmann, Joan <jHartmann@countyofsb.org>; Hart, Gregg <gHart@countyofsb.org>; Lavagnino, Steve <steve.lavagnino@countyofsb.org>; Nelson, Bob <bob.nelson@countyofsb.org>; Williams, Das <DWilliams@countyofsb.org>

Cc: Miyasato, Mona <mmiyasato@countyofsb.org>; sbcob <sbcob@co.santa-barbara.ca.us>

Subject: How about some consistency?

Importance: High

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Supervisors,

Whereas, our organization has always generally supported a level playing field for home-based businesses and less overwrought regulation of the business community, we are a bit shocked by the micro-cooking ordinance that you in the process of approving.

Why?

Three reasons.

1. We don't believe the county did an adequate outreach on this subject, including the fact that you will be approving the same for cities. Do you recall the person from Santa Maria who got caught making cheese in his bathtub for sale to markets? SM has a problem and this is not going to help.
2. The unlevel playing field with restaurants and caterers who are required to have a COMMERCIAL GRADE kitchen.
3. The annoying double standards as it affects other home/property uses that have less impacts on the neighborhood.

Examples:

As you know, wineries with commercial grade kitchens have only obtained a temporary pass to serve food due to the machinations of the covid lockdown. Why would they not qualify for the twice weekly 30 person restaurant style permit at a minimum?

Then, we have the vacation rental by owners debacle. Most of these owners rent their homes to people who cause no problem whatsoever in the neighborhood, but the county did not welcome this use....one reason? Parties! Well, if somebody starts a restaurant in their house every Friday and Saturday night, do you think that won't raise the same issues as VBRO as it relates to traffic, noise, etc?

And, how many of these onsite meals will involve alcohol being served? Will these home based restaurants be required to obtain an ABC permit?

I recall P and D shutting down a business involving a guy repairing motorcycles in his barn.

And, then we have the case of Steve Decker wanting a greenhouse on ag zoned land.

Or, how about weddings at a house or ranch?

Before you pass this, we urge you to take a much broader look at the inconsistencies in your approach to regulating business operations in homes and on ranches.

Finally, in view of your obsession with CEQA, how did this project get a pass?

Please hold off on the second reading of this ordinance, scheduled for March 9, until these issues have been thoroughly vetted with the business community and our local city jurisdictions.

[House Turned Restaurant: Santa Barbara County Cooks Can Sell Home-Cooked Meals - The Santa Barbara Independent](#)

Andy Caldwell
COLAB