



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: March 15, 2022
Placement: Administrative: Set Hearing
on March 15, 2022 for April
5, 2022
Estimated Time: 1.25 hours on April 5, 2022
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director: (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review Division
(805) 568-2518
**SUBJECT: Set Hearing to Consider the Applicant Appeal of the Planning Commission
Denial of the Hacienda Amador Homestay, Case Nos. 21APL-00000-00033 and
21HOM-00005, Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On March 15, 2022, set a hearing for April 5, 2022, to consider Case No. 21APL-00000-00033, an appeal filed by Jacqueline Abbud (“Applicant”) of the County Planning Commission’s denial of the Hacienda Amador Homestay, Case No. 21HOM-00005.

On April 5, 2022, your Board can take the following actions:

- a. Deny the appeal, Case No. 21APL-00000-00033;
- b. Make the required findings for denial of the project, Case No. 21HOM-00005, included as Attachment 1, including California Environmental Quality Act (CEQA) findings;
- c. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a) (Attachment 2); and
- d. Deny the project *de novo*, Case No. 21HOM-00005.

Summary Text:

On February 11, 2021, the Applicant submitted an application for a Homestay Permit, located within two bedrooms of an existing, permitted dwelling located at 2905 Via La Selva in the Santa Ynez area. Planning and Development approved the Homestay Permit on February 11, 2021 and that approval was appealed to the Planning Commission by a neighbor. The decision of the Planning Commission to uphold the appeal and deny the project has subsequently been appealed to the Board of Supervisors by the Applicant, Jacqueline Abbud.

A. Background:

There is a history of violations associated with the property and Homestay use. On January 12, 2021, Planning & Development opened a violation (Case No. 21ZEV-00000-00015) for the unpermitted operation of a Homestay and commercial use (use of a barn as retail) on the property. In response to the violation, the Applicant submitted an application for a Homestay Permit on February 11, 2021, Case No. 21HOM-00005. Staff approved the Homestay permit on February 11, 2021, and a timely appeal to the County Planning Commission (“Commission”) of the Director’s approval (Case No. 21APL-00000-00011) was filed on February 22, 2021 by a neighbor. The Applicant continued to use the property as a Homestay during the processing of the permit, even though the permit was under appeal. The Applicant is currently renting the property as a long-term rental (more than 30 days) since May 4, 2021, as confirmed by the Applicant’s listing on Airbnb. On December 7, 2021, Planning & Development received information about events being held on the property and further use of the barn as retail space. Staff determined the commercial use was a zoning violation and issued a fourth Notice of Violation on December 13, 2021. This violation was abated on January 21, 2022, and there are no active violations on the property.

The Commission heard the appeal on May 12, 2021, at which time the Commission continued the item with direction to staff to return with findings for denial. At the June 9, 2021, hearing, the Commission moved to uphold the appeal and deny the project. The Commission staff report dated May 4, 2021, and subsequent memorandum dated June 1, 2021, are included as Attachments 4 and 6 respectively. The Commission made the required findings for denial of the project on June 9, 2021 based upon the projects incompatibility with the surrounding uses and nonconformance with the SYCVP and the LUDC (Attachment 7).

On June 21, 2021, the Applicant filed a timely appeal to the Board of Supervisors (Case No. 21APL-00000-00033) of the Commission’s denial of the project. The appeal application and letter are included as Attachment 3. The Applicant’s appeal issues and staff’s responses are discussed in further detail under Section C of the Board Agenda Letter.

B. Proposed Project

The applicant is proposing a homestay in two bedrooms of a single-family dwelling, two person limit per bedroom, on a short term basis (less than thirty days). Parking for the homestay will be onsite as shown on the site plan (Attachment E of the Planning Commission staff report dated May 4, 2021, included as Attachment 4). The property is zoned Agricultural I (AG-I-5), which allows for the use of a permitted Homestay. Quiet hours are from 10pm – 8am. The property owner will continue to reside in the main

residence onsite. The property is a 4.98-acre parcel shown as APN 141-100-076, and address as 2905 Via La Selva, Santa Ynez, Third Supervisorial District.

C. Appeal Issues and Staff Responses

The appeal application (Attachment 3) contains a letter detailing the Applicant's appeal issues. The appeal issues include the contention that the project is consistent with all requirements for a Homestay and that the project is consistent with the Santa Ynez Valley Community Plan (SYVCP), adequately distant from neighboring dwellings, and compatible with the neighborhood.

Appeal Issue No. 1: Consistency with Section 35.42.193.D.11 Nuisance Response Plan

The Applicant contends that the Proposed Project is compliant with the requirements of Section 35.42.193 – Homestay, and specifically with Section 35.42.193.D.11 – Nuisance Response Plan.

Staff Reponse

The Planning Commission found that the Applicant is not compliant with LUDC Section 35.42.193.D.11, which requires that the owner, long-term tenant, and/or a local contact for the Homestay be available by telephone on a 24-hour basis to respond to calls regarding the Homestay. As discussed in Section 3.2 of the memorandum dated June 1, 2021 (Attachment 6), the Applicant indicated that she blocked the phone number of Ingrid Jackson, her neighbor and the Appellant of the Homestay Permit Case No. 21HOM-00005 to the Commission. The Applicant therefore cannot take calls from one of her neighbors and is not available to answer calls as required by the Homestay ordinance.

Appeal Issue No. 2: Community Plan and Neighborhood Compatibility

The Applicant contends that the Proposed Homestay is consistent with the SYVCP and compatible with the neighborhood. The Applicant asserts that the area for use as a Homestay is approximately 150 feet from their neighbors' garage, 170 feet from their neighbors' house, and that this is an appropriate distance.

Staff Response

The Planning Commission found the operation of a Homestay on the project site is inconsistent with the SYVCP and existing pattern of development in the surrounding neighborhood (Attachment 7). Per aerial imagery, the area of the dwelling to be used as a Homestay is approximately 110 feet from their neighbors' attached garage and 130 feet from their neighbors' dwelling. As discussed in Section 2.0 and 3.1 of the memorandum dated June 1, 2021 (Attachment 6), Goal LUG-SYV of the SYVCP requires that the Santa Ynez Valley's rural character be maintained. The Planning Commission found the operation of a Homestay involves noise generating activities, such as frequent turnover of guests and the corresponding noise from their vehicles, and due to the proximity to the neighboring dwelling, the Commission found the Proposed Homestay out of character with the surrounding properties and inconsistent with the requirements of the SYVCP to maintain the rural character of the Santa Ynez Valley.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$9,000 (35 hours of staff time). The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development's adopted budget. The fixed appeal fee was paid by the Applicant in the amount of \$701.06. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget

Program, as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on April 5, 2022. The notice shall appear in the *Santa Ynez Valley News*. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward a minute order of the hearing, a copy of the notice, and proof of publication to the Planning and Development Department, Hearing Support.

Attachments:

1. Findings
2. CEQA Notice Exemption
3. Board of Supervisors Applicant Appeal Application dated June 21, 2021
4. Planning Commission Staff Report with attachments dated May 4, 2021
5. Planning Commission Action Letter dated May 14, 2021
6. Planning Commission Memorandum with attachments dated June 1, 2021
7. Planning Commission Action Letter dated June 15, 2021

Authored by:

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