



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: May 16, 2023
Placement: Departmental
Estimated Time: 10 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Lisa Plowman, Director, Planning and Development
(805) 568-2086
Contact Info: Jeff Wilson, Assistant Director, Planning and Development
(805) 568-2085
SUBJECT: **COVID-19 Temporary Ordinance Amendments Regarding Extending the Time Period for Suspension of Compliance with Certain Requirements of Approved Permits and Nonconforming Uses and a Hardship Time Extension Process Case Nos. 23ORD-00000-00001**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On May 16, 2023, consider the recommendations of the County Planning Commission to approve ordinance amendments (Case Nos. 23ORD-00000-00001) which would amend the County Land Use and Development Code to extend the expiration date for the Temporary Development Standard Suspension Ordinance to October 31, 2024 or when the COVID-19 provisions are terminated earlier by ordinance amendment to support economic recovery.

On May 16, 2023, the Board's action should include the following:

- a) Make the findings for approval of the LUDC Ordinance Amendment, including CEQA findings (Attachment 1);
- b) Determine the ordinance amendments (Attachment 4) are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, and 15305 (Attachment 2); and;
- c) Adopt the Ordinance (Attachment 4,) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code.

Summary Text:

On June 16, 2020, the Board of Supervisors approved the Temporary Development Standard Suspension Ordinance Amendments, which implemented regulations that temporarily suspended the requirement for applicable businesses and organizations to comply 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 originally established that the temporary authorization would 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.

On September 14, 2021 the Board of Supervisors adopted Ordinance Amendments (21ORD-00000-00005, 21ORD-00000-00006, 21ORD-00000-00007) to extend the expiration of the temporary allowances to October 31, 2023 to 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. These ordinance amendments also included removing the restriction that no expansion of the existing capacity of a nonconforming use is authorized by the temporary provisions, and that no permanent structures are proposed, constructed, or erected.

On February 28, 2023, the Board of Supervisors adopted a resolution to terminate the local emergency related to COVID-19 as well as adopted a resolution to terminate the health emergency related to COVID-19. The response and coordination to the COVID-19 incident, and the conditions of extreme peril no longer exist, therefore signifying the end of the local emergency and local health emergency. In addition, the State of California terminated its proclamation of emergency on February 28, 2023.

The proposed ordinance amendments will extend the expiration of the temporary allowances to October 31, 2024 in order to support ongoing economic recovery efforts from the impacts of the COVID-19 incident.

The proposed ordinance amendment text is contained in Attachment 3. Proposed revisions are underlined.

County Planning Commission:

The County Planning Commission reviewed the proposed LUDC ordinance amendments at the April 12, 2023 public hearing. The County Planning Commission adopted Resolution No. 23-02 (Attachment 5) recommending that the Board adopt the proposed amendments to the County LUDC. The County Planning Commission Resolution (Attachment 5) reflects the recommendations of the County Planning Commission.

Policy Consistency and Ordinance Compliance:

The proposed temporary ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan and any Community Plans. In addition, the ordinance amendments are consistent with the LUDC as they only extend the expiration date of the COVID-19 ordinance amendments, originally passed by the Board of Supervisors on June 16, 2020. No other changes are proposed, and as such, the ordinance will continue to support ongoing economic recovery efforts from the impacts from COVID-19. Please refer to the County Planning Commission staff report for a Comprehensive Plan consistency analysis and zoning ordinance compliance analysis of the proposed ordinance amendments (Attachments 6 and 7).

Fiscal Analysis:

Funding for this project is budgeted in P&D's Long Range Planning Budget Program on page 387 of the County of Santa Barbara Fiscal Year (FY) 2022-23 adopted budget. There are no facilities impacts. Implementation of the COVID-19 Ordinance Amendments will occur primarily through the development review process.

Special Instructions:

- A. The Planning and Development Department will satisfy all noticing requirements.
- B. The Clerk of the Board will provide copies of the Minute Order and signed Ordinances to the Planning and Development Department, attention David Villalobos.
- C. The Clerk of the Board will publish the names of the members of the Board of Supervisors voting for and against the Ordinance Amendments in the Santa Barbara News-Press before the expiration of 15 days after its passage.

Attachments:

- 1. Findings for Approval
- 2. CEQA Notice of Exemption
- 3. LUDC Ordinance Amendment Strikethrough
- 4. LUDC Ordinance Amendment Clean
- 5. Resolution of the County Planning Commission
- 6. County Planning Commission Staff Report (dated April 12, 2023) (w/o attachments)
- 7. County Planning Commission Staff Report (date June 3, 2020) (w/o attachments)

Authored by:

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Planning and Development Department