



**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: County Executive
Office & Planning and
Development
Department No.: 012 & 053
For Agenda Of: June 2, 2020
Placement: Departmental
Estimated Tme: 15 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: County Executive Office and Planning and Development: Mona Miyasato, County Executive Officer
Lisa Plowman, Director of Planning and Development

Contact Info: Nancy Anderson, Assistant County Executive Officer 568-3407

SUBJECT: **Confirmation of Emergency Rule #2 Temporarily Suspending County Code Chapter 35 Zoning Regulations and Permit Restrictions, Including Conditions of Approval, on Wineries and Wine Tasting Rooms Serving Food, As Long as Compliant with State Laws Regulating Retail Food and Alcohol and State and Local Directives Regarding Reopening of Businesses**

County Counsel Concurrence:

As to form: Yes

Auditor-Controller Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Pursuant to Santa Barbara County Code section 12-5(b)(1), confirm Emergency Rule #2 that the Director of Emergency Services issued on May 25, 2020, temporarily suspending Chapter 35 permit restrictions, including conditions of approval, and any zoning development standards or regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food, as long as compliant with State law regulating retail food and alcohol and local directives regarding reopening of businesses. Emergency Rule #2 is in effect until: 1) December 16, 2020; or 2) the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated; or 3) superseded by the adoption of amendments to the County zoning ordinances by the Board of Supervisors, whichever is earlier;
- b) Determine that confirmation of Emergency Rule #2 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15269(c), 15060(c)(2) and 15060(c); and

- c) Waive the Notice of Exemption 6-day posting requirement for good cause pursuant to County CEQA Guidelines section V.D.2.

Summary:

This item is on the agenda to confirm Emergency Rule #2 that the Director of Emergency Services issued on May 25, 2020. Under County Code section 12-5(b)(1), the Director of Emergency Services has authority to “make and issue rules and regulations on matters reasonably related to the protection of life, property, or environment as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board of supervisors.”

Emergency Rule #2 temporarily suspends Chapter 35 permit restrictions, including conditions of approval, and any zoning development standards or regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food, as long as compliant with State law regulating retail food and alcohol and local directives regarding reopening of businesses. Emergency Rule #2 is in effect until: 1) December 16, 2020; or 2) the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated; or 3) superseded by the adoption of amendments to the County zoning ordinances by the Board of Supervisors, whichever is earlier.

The Planning and Development Department will present recommended zoning ordinance amendments to the Planning Commission and the Board of Supervisors during June 2020. These zoning ordinance amendments will include a suspension on permit restrictions, including conditions of approval, and any zoning development standards or regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food. If adopted by the Board of Supervisors, these zoning ordinance amendments would supersede Emergency Rule #2.

Background:

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California due to the threat of COVID-19. On March 12, 2020, the Director of Emergency Services proclaimed a Local Emergency related to COVID-19 pursuant to Government Code section 8550 et seq. and Chapter 12, Section 12-5(a) of the Santa Barbara County Code. The Board of Supervisors ratified this proclamation on March 17, 2020. On March 12, 2020, the Health Officer of the County of Santa Barbara determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County of Santa Barbara, and proclaimed a Local Health Emergency as a result. The Board of Supervisors ratified this proclamation on March 17, 2020.

In direct response to expected strains on healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread. In furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “State Stay-at-Home Order”). On March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations for the federal critical infrastructure sectors.

In May 2020, the State articulated a four-stage plan for the reopening of businesses and other entities in California. Stage 2 allows for the gradual reopening of retail starting with low risk sectors such as curbside retail, manufacturing, and logistics. Later in Stage 2, there are to be relaxed retail restrictions and reopening of schools, offices, and limited hospitality and personal services. Stage 3 of the State’s

COVID-19 pandemic response plan contemplates reopening of higher-risk workplaces. On May 4, 2020, Governor Newsom issued Executive Order N-60-20 to allow a County to pursue a variance to move further into Stage 2 upon notification and certification through submission of a written attestation to the California Department of Public Health Office.

On May 19, 2020, the Board of Supervisors: (1) received the Santa Barbara County Reopening in Safe Environment guide; (2) received draft State and Local Guidance for Industry Sectors and Containment Plan; and (2) authorized and directed the Chair to sign a letter in support of the County of Santa Barbara Health Officer's Variance to Stage 2 of the State of California's Pandemic Roadmap, which would allow the County to move further into Stage 2. On May 20, 2020, the California Department of Public Health Office approved and posted to the State's website the County of Santa Barbara's Variance Attestation allowing the County to move further into Stage Two Resilience Roadmap to include reopening of dine-in restaurants and retail.

On May 20, 2020, the Director of Emergency Services issued Emergency Rule #1. The Rule's purpose was to minimize the economic impacts of COVID-19 and encourage the speedy recovery of businesses, restaurants, retail, and other community entities that were required to close or curtail operations under the State of California's "Stay At Home" orders. It allowed implementation of the County's Reopening in a Safe Environment (RISE) Small Business & Community Partnership Enhancement Program (SBCPEP) by providing a clear, quick path and parameters for businesses and other entities to operate temporarily in County roadway rights-of-way, to allow for social distancing.

On May 25, 2020, the Director of Emergency Services issued Emergency Rule #2. Emergency Rule #2 continues implementation of the County's RISE program and the SBCPEP by providing a clear, quick path for wineries and wine tasting rooms to begin serving food, in order to be authorized to begin reopening and resuming operations in Stage 2 of Governor Newsom's four-stage COVID-19 pandemic Resilience Roadmap. This, in conjunction with Emergency Rule #1, will allow wineries and wine tasting rooms to reopen in Stage 2, while still providing for social distancing.

Emergency Rule #2 is based on evidence of transmissions of the COVID-19 virus both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

Emergency Rule #2 is necessary for the immediate preservation of the public peace, health or safety and in accordance with Government Code section 8634, and to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County.

Fiscal and Facilities Impacts:

Budgeted: No

Narrative:

Special Instructions:

Following Board approval, Clerk of the Board to please post the Notice of Exemption and forward a stamped copy to Nancy Anderson, Assistant County Executive Officer, 568-3407.

Please forward a stamped, certified Minute Order approving the recommendations to Nancy Anderson, Assistant County Executive Officer, 568-3407.

Attachments:

Attachment A: Emergency Rule #2

Attachment B: CEQA Notice of Exemption

Authored By:

Nancy Anderson, Assistant County Executive Officer, 568-3407

Lisa Plowman, Director of Planning and Development, 568-2086