



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:** November 10, 2020  
**Placement:** Departmental  
**Estimated Time:** 20 minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director Lisa Plowman, Director, Planning and Development  
(805) 568-2086  
Contact Info: Travis Seawards, Deputy Director, Planning and Development  
(805) 568-2518  
**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. 20ORD-00000-00008, 20ORD-00000-00009, and 20ORD-00000-00010**

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County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

**Recommended Actions:** Consider the recommendations of the County and Montecito Planning Commissions to approve Case Nos. 20ORD-00000-00008, 20ORD-00000-00009, and 20ORD-00000-00010, which would amend, respectively, the Montecito Land Use and Development Code, the Article II Coastal Zoning Ordinance, and the County Land Use and Development Code, 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 is terminated, or when the COVID-19 provisions (MLUDC Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C; Article II Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9; and LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment.

To follow the recommendations of the Montecito and County Planning Commissions, your Board's action should include the following:

- a) **Case No. 20ORD-00000-00008 (Montecito LUDC Amendment):**
- i) Make the findings for approval of the MLUDC Ordinance Amendment, including California Environmental Quality Act (CEQA) findings, of the proposed Ordinance (Attachment 1);
  - ii) Determine that the adoption of this MLUDC Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, and 15305 (Attachment 2); and

iii) Adopt the Ordinance (Case No. 20ORD-00000-00008) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the County Code (Attachment 3).

**b) Case No. 20ORD-00000-00009 (Article II Coastal Zoning Ordinance Amendment):**

- i) Make the findings for approval of the Article II Ordinance Amendment, including CEQA findings, of the proposed Ordinance (Attachment 4);
- ii) Determine that the adoption of this Article II Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, 15305, and 15265 (Attachment 5); and
- iii) Adopt the Ordinance (Case No. 20ORD-00000-00009) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment 6).

**c) Case No. 20ORD-00000-00010 (County LUDC Amendment):**

- i) Make the findings for approval of the LUDC Ordinance Amendment, including CEQA findings, of the proposed Ordinance (Attachment 7);
- ii) Determine that the adoption of this LUDC Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, and 15305 (Attachment 8); and
- iii) Adopt the Ordinance (Case No. 20ORD-00000-00010) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment 9).

**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 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.

Since the COVID-19 emergency is still in effect, the proposed ordinance amendments will extend the expiration of these temporary allowances to the earlier of 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 (MLUDC Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.C; Article II Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9; and LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment. The ordinance amendment text is contained in Attachment 3 (MLUDC), Attachment 6 (Article II), and Attachment 9 (LUDC).

**Montecito Planning Commission and County Planning Commission:**

The Montecito Planning Commission reviewed the proposed MLUDC and Article II ordinance amendments at the October 21, 2020 public hearing. By a unanimous vote, the Montecito Planning Commission adopted MLUDC Resolution No. 20-11 (Attachment 12-1) recommending that the Board adopt the proposed amendments to the MLUDC with minor modifications to the text. In addition, the Montecito Planning Commission unanimously voted to adopt Article II Resolution No. 20-12, recommending that the County Planning Commission recommend that the Board adopt the proposed amendments to the Article II Coastal Zoning Ordinance with minor modifications to the text. The Montecito Planning Commission Action Letter (Attachment 12) reflects the recommendations of the Montecito Planning Commission.

The County Planning Commission reviewed the proposed Article II and LUDC ordinance amendments at the October 28, 2020 public hearing. The County Planning Commission accepted the Montecito Planning Commission's recommendation for Article II, and therefore, Resolution No. 20-16 (Attachment 10-2) represents both the Montecito and County Planning Commission's recommendations to your Board for Article II. The County Planning Commission, by a unanimous vote, also adopted Resolution No. 20-15 (Attachment 10-1) recommending that the Board adopt the proposed amendments to the County LUDC, including the text change recommended by the Montecito Planning Commission. The County Planning Commission Action Letter (Attachment 10) 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 MLUDC, Article II, and LUDC as they only extend the expiration date of the COVID-19 ordinance amendments, passed by the Board of Supervisors on June 16, 2020. No other changes are proposed, and as such, 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. Please refer to the Montecito Planning Commission staff reports and the County Planning Commission staff reports for a Comprehensive Plan consistency analysis and zoning ordinance compliance analysis of the proposed ordinance amendments (Attachments 11, 13, 14, and 15).

**Fiscal Analysis:**

Funding for updates to zoning ordinances is budgeted in the Planning and Development Department's Long Range Planning Budget Program on Page D-294 of the County of Santa Barbara Fiscal Year (FY) 2020-21 adopted budget. The cost to process the COVID 19 Ordinance Amendments is approximately \$12,000. These costs will be included in the Planning and Development Department, Long Range Planning Division's Operating Expenditures (General Fund contribution). There are no facilities impacts. Implementation of the COVID19 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. 20ORD-00000-00008 (MLUDC) Findings
- 2. 20ORD-00000-00008 (MLUDC) Notice of Exemption
- 3. 20ORD-00000-00008 (MLUDC) Proposed MLUDC Ordinance Amendment
- 4. 20ORD-00000-00009 (Article II) Findings
- 5. 20ORD-00000-00009 (Article II) Notice of Exemption
- 6. 20ORD-00000-00009 (Article II) Proposed Article II Ordinance Amendment
- 7. 20ORD-00000-00010 (LUDC) Findings
- 8. 20ORD-00000-00010 (LUDC) Notice of Exemption
- 9. 20ORD-00000-00010 (LUDC) Proposed LUDC Ordinance Amendment
- 10. County Planning Commission Action Letter
  - 10-1. 20ORD-00000-00010 (LUDC) County Planning Commission Resolution No. 20-16
  - 10-2. 20ORD-00000-00009 (Article II) County Planning Commission Resolution No. 20-15
- 11. October 28, 2020 County Planning Commission Staff Report (w/o attachments)
- 12. Montecito Planning Commission Action Letter
  - 12-1. 20ORD-00000-00008 (MLUDC) Montecito Planning Commission Resolution No. 20-11
  - 12-2. 20ORD-00000-00009 (Article II) Montecito Planning Commission Resolution No. 20-12
- 13. October 21, 2020 Montecito Planning Commission Staff Report (w/o attachments)
- 14. June 3, 2020 County Planning Commission Staff Report (w/o attachments)
- 15. June 3, 2020 Montecito Planning Commission Staff Report (w/o attachments)

**Authored by:**

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Development Review Division, Planning and Development Department