

Ramirez, Angelica

Public Comment

#2

**From:** Meagan Robinson <mrobinson@ppplaw.com>  
**Sent:** Monday, September 13, 2021 2:56 PM  
**To:** sbcob  
**Cc:** Alison@sbcountywines.com; tyler@dierbergvineyard.com; Chip Wullbrandt  
**Subject:** September 14 Board Meeting  
**Attachments:** September 13 ltr to SB Board of Supervisors.pdf; SBC Economic Recovery Plan Proposal - April 2021.pdf



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Good Afternoon,

Please see attached the letter and SBC Economic Recovery Proposal Plan from Mr. Wullbrandt regarding the September 14 Board Meeting.

Thank you,

Meagan



PRICE, POSTEL & PARMA LLP

Meagan Robinson  
Secretary to Ian M. Fisher, Kristen M.R. Blabey and  
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Our File Number:

September 13, 2021

**VIA EMAIL**

Santa Barbara County Board of Supervisors  
[sbcob@countyofsb.org](mailto:sbcob@countyofsb.org)

Re: Agenda Item #2 for September 14 Board Meeting; Temporary Development  
Standard Suspension Extension

Dear Honorable Supervisors:

On behalf of the Santa Barbara Vintners Advocacy Committee, I would first thank you for your consideration of and urge your adoption of the recommendation by the County Planning Commission to amend and extend through October 31, 2023 the Temporary Development Standards Suspension Ordinance Amendments. We believe this is a good first step to both continue with County economic recovery (particularly for the wine industry and related agricultural tourism), and also provide for continued showing that some of the regulation previously applied is unnecessary and in fact counterproductive and should be permanently revised.

Over the past many months, members of the Advocacy Committee and other community stakeholders have been discussing such actions the County can take to assist with economic recovery from the devastation of COVID 19 and related lockdowns. Attached please find our April 16, 2021, Proposal: Santa Barbara County Economic Recovery Plan. We provided this to each of the County Supervisors and asked for follow-up consideration. In subsequent conversations it seems our ideas are generally well received, but there has yet to be a forum for

September 13, 2021

Page 2

full discussions at the County. We have also been working as part of a community advisory working group for amendments to the County Zoning Ordinance to allow permanent enhancement for Agricultural Tourism.

We are here again providing this Plan in the hopes your Board will consider it in full, and also provide a public forum in the near future for discussion of all of our working group suggestions for inclusion in a follow on set of Ordinance Amendments. Specifically, we request that this be as part of a review process at the Planning Commission to get the Commission's direction on draft Ordinance language prior to Staff's initiation of CEQA review.

Respectfully,

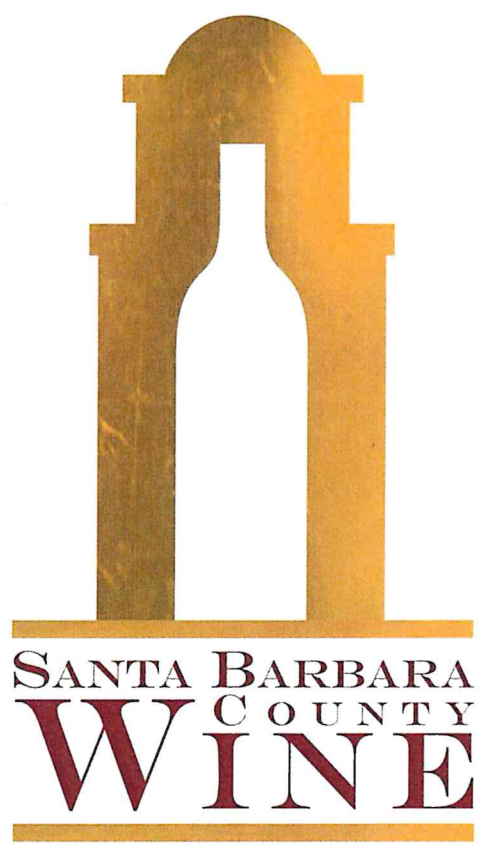


C.E. Chip Wullbrandt  
for PRICE, POSTEL & PARMA LLP

Enclosure

cc: Alison Laslett, CEO Santa Barbara Vintners  
Tyler Thomas, Chair SBV Advocacy Committee

#2



Board of Supervisors  
County of Santa Barbara  
Electronic Transmission via Clerk of the Board

April 16, 2021

## Proposal: Santa Barbara County Economic Recovery Plan

Dear Board of Supervisors,

The trailing twelve months brought unprecedented challenges to our local community and together, we found unprecedented solutions. The Wine Industry of Santa Barbara County in collaboration with county entities successfully executed constructive ideas to mitigate damage to our public health and local economy during the pandemic. As we trade a health emergency for an economic crisis, we seek to collaborate with the County once again on unprecedented solutions.

To determine how best to help our collective recovery, we have sought to understand the economic crisis facing our County. While vintners have leaned upon selling grapes and wine to keep many employed, Santa Barbara County's hoteliers, restaurateurs, and retailers have suffered enormously from the loss of visitation. The following information was shared by our local tourism organization, *Visit Santa Barbara*:

Here are [the most recent statistics](#) on Santa Barbara County unemployment from the Department of Labor, based on jobs in January 2021.

*Countywide, unemployment is 7.7% for all residents in all sectors. This equates to 18,700 incremental lost jobs across the county since January 2020.*

*To visualize this impact, here is a photo of Harder Stadium at UCSB (capacity 17,000), which including the people seated on the field, shows approximately the number of people who have lost their jobs.*



*Frustratingly, 62% (11,600) of the total lost jobs across the county were from “Leisure and Hospitality.” Across the hospitality industry, 41.1% of all jobs held in January 2020 have still not returned in January 2021. This is a magnitude almost equal to the unemployment rates we have heard about in the Las Vegas valley.*

*Breaking down the impact to sectors of the Leisure and Hospitality Industry, the largest percent of jobs lost was in accommodation, where 50.8% (3,000) of jobs have evaporated. We believe much of this outsized impact is because labor-intense sources of business are the most impacted: meetings, conferences, trade shows, wedding receptions, etc. Although a smaller percent of YOY change, the sector called “Food Services & Drinking Places” has lost the most jobs of any sector in the county: down 6,800 employees (-36.6%) compared to January 2020.*

\*\*\*

As the primary driver of visitation in our County, the Wine Industry is aware that what is good for us is good for the rest of the tourism industry. Therefore, with these damaging statistics in mind, vaccines rolling out, and summer coming, we have asked ourselves:

- How can we leverage our unique and significant assets to accelerate our collective economic recovery?
- How do we ensure maximum achievement for our entire tourism industry?

The Wine Industry’s greatest strength is connecting people to Santa Barbara County through in-person experiences, which in turn drives the consumer to engage in our local economy. Once a visitor has first-hand experiences with our culture, our landscape, our food and wines, our lodgings, and our people, they become loyal customers who visit more than once, benefiting us all.

As we emerge from the pandemic, we have seen an almost 50% increase in wine website traffic each time travel restrictions are relaxed. With vaccines, we expect the public’s comfort with driving destinations and short flights to smaller cities to return.

Since the tourist is the most powerful consumer in our County, we propose to make it as easy as possible for them to visit, eat, and stay. We invite the County to work with the wine and tourism industries on yet another unprecedented solution: the Santa Barbara County Economic Recovery Plan. (SBC-EPA)

The SBC-EPA is a temporary plan to relax some regulations that currently hinder the Santa Barbara wine and tourism industries from fully embracing all tourism opportunities. This plan does not seek permanent changes in any regulations, but rather extends or establishes temporary measures that help position Santa Barbara County as the go-to destination for many activities prohibited during the pandemic: vacations, weddings, weekend getaways, wine-tasting trips, day-trips, conferences, events, and more.

\*\*\*

We would like the Board of Supervisors to consider the four following regulatory requests.

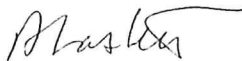
- 1) Declare an Economic State of Emergency in Santa Barbara County.
- 2) Extend Emergency Rule #2 for 36 months.
- 3) Extend for 36 months the *Small Business and Community Partnership Enhancement Program (SBCPEP), Phases 1 & 2*, based on Chapter 28B 1 – 12 of the Santa Barbara County Code of Ordinances.
- 4) Allow an increase to the number (not scale) of permitted Winery Special Events to 12 per year in Tier 1, 24 per year in Tier 2, and up to 40 per years in Tier 3; and affirm that all wineries may have unlimited gatherings (such as micro-weddings) of less than the 80 guest threshold in the definition of Winery Special Events. These events are the primary way many of our wineries develop brand recognition, and they also support caterers, hotels, and other sectors of the community. It is essential that we be able to “catch up” with such events for recovery of Santa Barbara’s quality wine and hospitality industry.

Details of each request and their corresponding reason, rule, or ordinance may be found below.

Although led by the Santa Barbara Vintners, this letter has included collaboration with and support from tourism boards, consultants and professors, restaurants and hoteliers, and of course, wineries and tasting rooms.

Many thanks for your consideration,

Sincerely,



Alison Laslett  
CEO | Santa Barbara Vintners

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SBV Advocacy Committee:

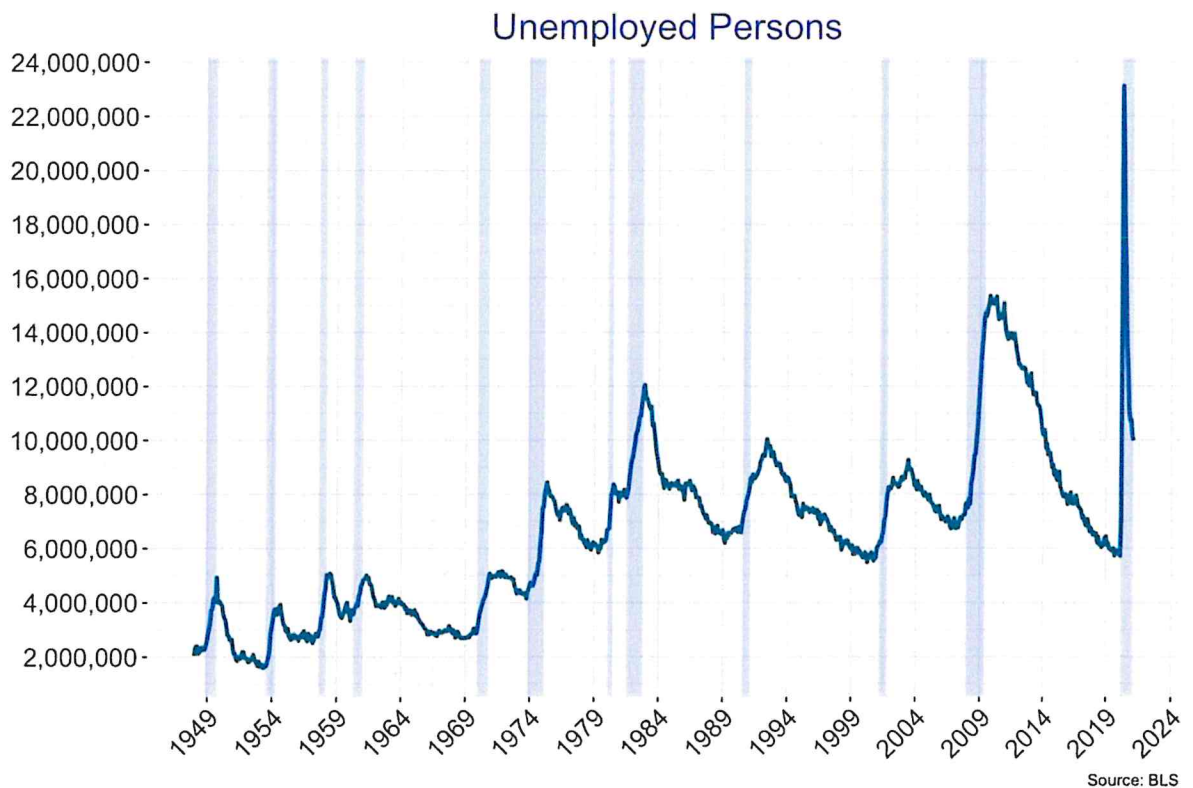
Tyler Thomas, Dierberg & Star Lane Vineyards (Chair)

Matthew Biezard, Gleason Family Vineyards  
Jason Djang, Brave & Maiden  
Keith Saarloos, Saarloos & Sons  
Shelby Sim, Visit Santa Ynez Valley  
Jerry Ferrero, Thornhill Companies  
Chip Wulbrant, Price, Postel & Parma LLP

# 1) Declare a State of Economic Emergency in Santa Barbara County.

In times of crisis, various states of emergency may be declared. Recently, Santa Barbara County declared a State of Emergency to protect our public safety. Now that we are moving past our health crisis, an economic crisis looms.

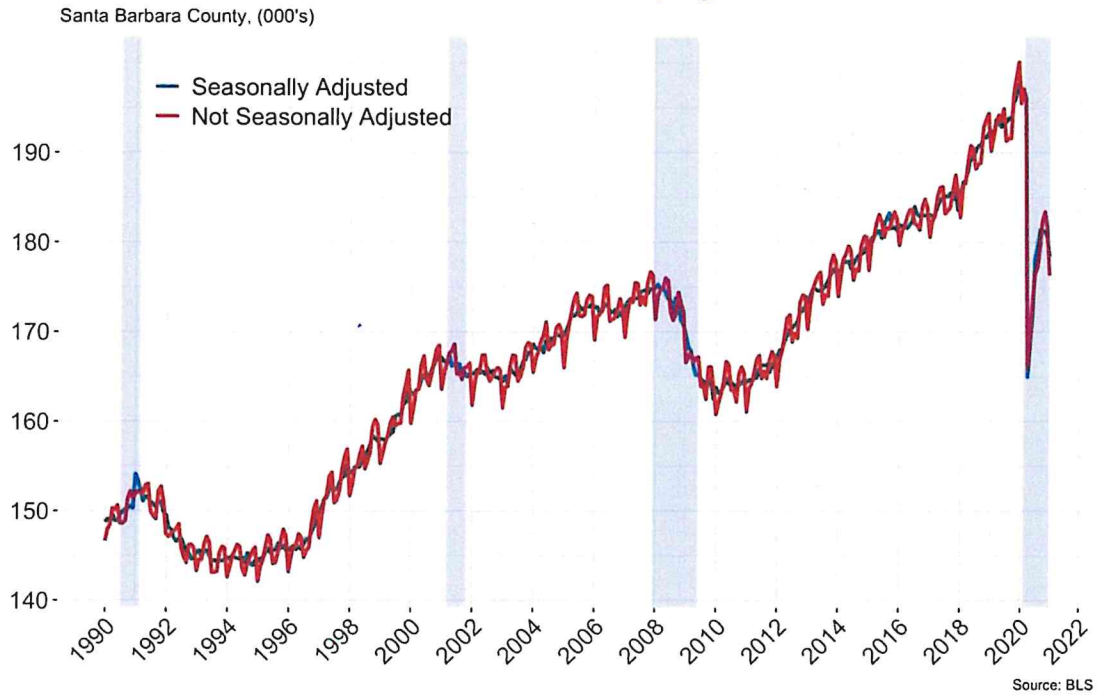
When there is a recession it takes many years for unemployment to return to its pre-recession level, as you can see in the graph below. After the Great Recession it took about 7 years. We have no historical data from which to calculate our economic recovery from the current pandemic, which included quick and deep shutdowns; however, based on precedent from the recession, we can anticipate that our economic recovery will take years, not months.



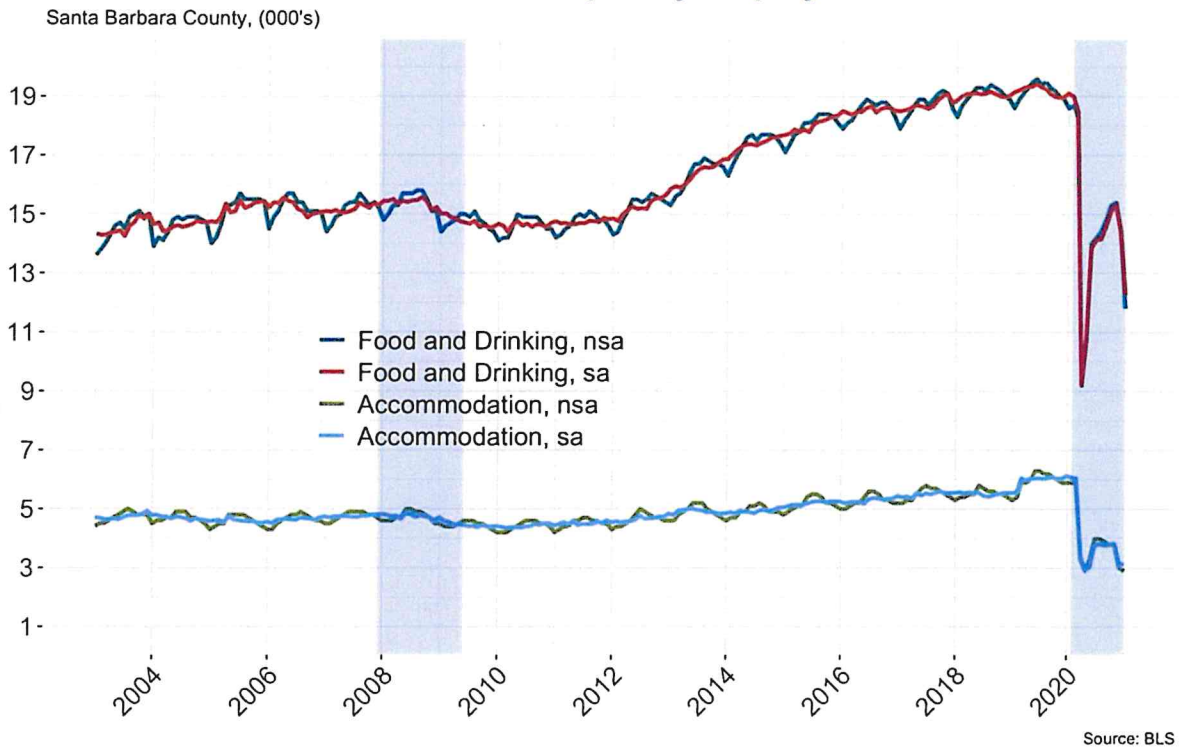


In Santa Barbara County, you can see in the graphs below the incredible loss of jobs in varying sectors in SB county. Without some kind of economic advantage, our fear is that recovery could continue to stagnate as the world slowly gets back to normal.

### Non-Farm Total Employment

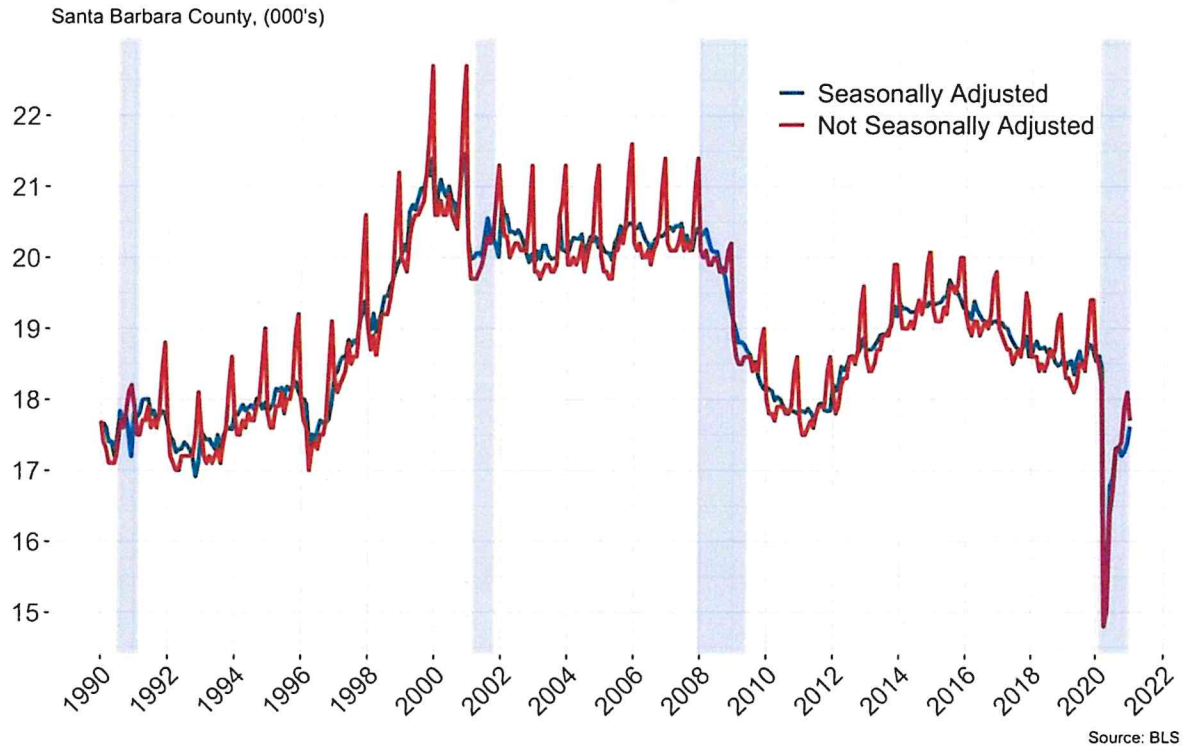


### Leisure and Hospitality Employment



nsa = Not Seasonally Adjusted      sa – Seasonally Adjusted

## Retail Employment



At the Federal level, during an economic crisis, the government acts to extend [aid to the people](#). While local government is not often in a position to extend financial assistance, Counties may declare a State of Economic Emergency. This would allow SBC government to issue temporary emergency rules that amend existing ordinances or extend emergency rules that are current in place.

Emergency Rules have two significant benefits:

1. Emergency Rules are an efficient process;
2. Changes are temporary; any accommodations made for economic recovery do not become the norm unless the County pursues them as ordinances in the future.

In order to maintain responsiveness and flexibility during the economic recovery of Santa Barbara County, we propose that Santa Barbara County consider establishing a State of Economic Emergency for the 36 months following the end of the pandemic State of Emergency.

## 2) Extend Emergency Rule #2 for 36 months.

Emergency Rule #2 ER #2) is an example of a possible extension that Santa Barbara County could make under a declared State of Economic Emergency. ER #2 allows wineries and wine tasting rooms to serve food in compliance with all State and Local directives.

Emergency Rule #2 was first put in place to allow wineries to function under restaurant guidelines in order to stay open during some of the most stringent times of shutdown. The Rule continues to entice consumers to the vineyards and tasting rooms, and allows them to purchase food on-site or order from a partner restaurant.

This Rule was one of the best collaborations seen during the pandemic; the County, State, and Alcoholic Beverage Control (State) all loosened, expanded, or extended regulations to allow the food and beverage industries to work together. The public embraced the expansion and we have always held that serving food with alcohol is simply safer for our County.

We request that SBC consider extending Emergency Rule #2 for 36 months.

Details on Emergency Rule #2 below:

- 1) Description of Emergency Rule #2
- 2) SBC Press Release
- 3) Signed Emergency Rule #2

### 1) Description of Emergency Rule #2:

Pursuant to Santa Barbara County Chapter 12-5(b)(1), the County of Santa Barbara Director of Emergency Services issues the following Emergency Rule #2 for the COVID-19 Emergency:

**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:** This Emergency Rule #2 for the COVID-19 Emergency -- hereafter, "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. With this temporary suspension of restrictions, Emergency Rule #2 will authorize wineries and wine tasting rooms to serve food during the COVID-19 emergency, as long as wineries and wine tasting rooms are compliant with state laws regulating retail food, alcohol, and all alcohol licensing and all local directives regarding reopening of businesses during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan.

2) SBC Press Release on Emergency Rule #2



**COUNTY EXECUTIVE OFFICE**  
105 E. Anapamu St., Fourth Floor, Santa Barbara CA 93101  
(805) 568-3400 FAX (805) 568-3414

**PRESS RELEASE**  
**May 26, 2020**

**News Media Contact:**

Gina DePinto, APR; cell: (805) 319-9155; [gdepinto@countyofsb.org](mailto:gdepinto@countyofsb.org)

**SANTA BARBARA COUNTY TEMPORARILY SUSPENDS ZONING REGULATIONS  
AND PERMIT RESTRICTIONS ON WINERIES AND WINE TASTING ROOMS  
SERVING FOOD**

**(SANTA BARBARA, Calif.)** – In order to minimize the economic impacts of COVID-19, the County of Santa Barbara is providing a clear, quick path for wineries and wine tasting rooms to begin serving food in order to operate in Stage 2 of Governor Newsom's four-stage COVID-19 Resilience Roadmap. On May 25, County Executive Officer Mona Miyasato, serving as the Director of Emergency Services, declared Emergency Rule #2, temporarily suspending County Code Chapter 35 Zoning Regulations and Permit Restrictions and any zoning development standards or regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food.

This temporary suspension of restrictions authorizes wineries and wine tasting rooms to serve food during the COVID-19 emergency, as long as they are compliant with state laws regulating retail food, alcohol, alcohol licensing and all local directives regarding reopening of businesses during the COVID-19 pandemic response, including certification or attestation of a COVID-19 protection plan.

This emergency rule went into effect immediately and will remain until 1) December 16, 2020; or 2) the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated; or 3) the rule is superseded by the adoption of amendments to the County zoning ordinances by the Board of Supervisors, whichever is earlier. The rule will be recommended to the County Board of Supervisors for their confirmation on June 2. Additionally, the County Planning and Development Department will present recommended zoning code amendments to the Planning Commission and Board of Supervisors in June 2020.

This emergency rule continues implementation of the County's Small Business and Community Partnership Enhancement Program ([SBCPEP](#)) that launched on May 21 to allow businesses or other organizations to expand into adjacent public right-of-way outdoor areas in the unincorporated areas of the county to accommodate required social and physical distancing protocols and safe practices.

**-MORE-**

3) Signed Emergency Rule #2

COUNTY OF SANTA BARBARA  
DIRECTOR OF EMERGENCY SERVICES  
EMERGENCY RULE #2 FOR THE COVID-19 EMERGENCY, TEMPORARILY  
SUSPENDING COUNTY CODE CHAPTER 35 ZONING REGULATIONS AND ZONING  
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  
SANTA BARBARA COUNTY CODE CHAPTER 12-5(b)(1)

Pursuant to Santa Barbara County Chapter 12-5(b)(1), the County of Santa Barbara Director of Emergency Services issues the following Emergency Rule #2 for the COVID-19 Emergency:

**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:** This Emergency Rule #2 for the COVID-19 Emergency -- hereafter, "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. With this temporary suspension of restrictions, Emergency Rule #2 will authorize wineries and wine tasting rooms to serve food during the COVID-19 emergency, as long as wineries and wine tasting rooms are compliant with state laws regulating retail food, alcohol, and all alcohol licensing and all local directives regarding reopening of businesses during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan.

**Effective Date and Termination:** This Emergency Rule #2 shall take effect and be in full force immediately and shall remain 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. This Emergency Rule #2 will be recommended to the County of Santa Barbara's Board of Supervisors for their confirmation at the next regular meeting of the Board of Supervisors. This rule may be superseded by action of the Board of Supervisors.

**Future Zoning Code Amendment Recommendations:** The County of Santa Barbara Planning and Development Department will present recommended Zoning Code amendments to the Planning Commission and the Board of Supervisors during June 2020.

**Emergency Rule #2's Purpose and Findings:** This Emergency Rule #2 is ordered pursuant to California Government Code Sections 8634 and Santa Barbara County Code Chapter 12-5(b)(1).

**Purpose:** In order to minimize the economic impacts of COVID-19, the County of Santa Barbara must 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. The purpose of this Emergency Rule #2 is to continue implementation of the

County's Reopening in a Safe Environment (RISE) Small Business & Community Partnership Enhancement Program (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 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. With this suspension of restrictions, Emergency Rule #2 will authorize wineries and wine tasting rooms to serve food during the COVID-19 emergency, as long as wineries and wine tasting rooms are compliant with state laws regulating retail food, alcohol, and alcohol licensing and State and local directives regarding reopening of businesses during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan.

Findings: Emergency Rule #2 is necessary to protect life, property, or environment and for the immediate preservation of the public peace, health and safety and to preserve social distancing requirements to slow the spread of the COVID-19 virus while business and community entities, including wineries and wine tasting rooms, reopen. This Emergency Rule #2 is based upon the following declaration of facts constituting the urgency:

1. Section 12-5(a) of the Santa Barbara County Code, empowers the County of Santa Barbara, Director of Emergency Services, to proclaim a local emergency if the Board of Supervisors is not in session; and
2. Section 8558(c) of the Government Code defines a "Local Emergency" as: "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat"; and
3. A novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and in some cases death. The Centers for Disease Control and Prevention considers the virus to be a very serious public health threat; and
4. On March 4, 2020, Governor Newsom declared a state of emergency related to conditions caused by COVID-19; and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

5. 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; and
6. 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; and
7. In direct response to the lack of 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; and
8. 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”); and
9. 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; and
10. On May 8, 2020, Governor Newsom’s Office released a four-stage COVID-19 pandemic response plan for beginning to reopen businesses and community entities in the State of California and declared California to be in Stage 2 of its response; and
11. Stage 2 of California’s COVID-19 pandemic response plan allows for 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; and
12. Stage 3 of California’s COVID-19 pandemic response plan contemplates reopening of higher-risk workplaces; and
13. 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; and
14. 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 to include dine-in restaurants and retail; and

15. On May 21, 2020, the Health Officer of the County of Santa Barbara issued a Health Officer Order to provide guidance on the reopening of lower-risk businesses. In that order, essential and lower-risk businesses that may open or remain open are identified and required to implement social distancing when in operation; and
16. The Director of Emergency Services finds that as businesses and community entities start to reopen pursuant to State and local laws and guidance, there may be a need to temporarily suspend some local regulations to allow for adequate social distancing when local businesses and community entities reopen; and
17. The Director of Emergency Services now finds that it is appropriate to temporarily suspend 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. With this temporary suspension of restrictions, Emergency Rule #2 will authorize wineries and wine tasting rooms to serve food during the COVID-19 emergency, as long as wineries and wine tasting rooms are compliant with state laws regulating retail food, alcohol, and all alcohol licensing and all local directives regarding reopening of businesses during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan; and
18. Emergency Rule #2 is based on evidence of increasing transmission of COVID-19 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; and
19. Emergency Rule #2 is promulgated due to the propensity of the virus to spread person to person and also because the virus is causing property loss due to its proclivity to attach to surfaces for prolonged periods of time; and
20. Emergency Rule #2 is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in the County of Santa Barbara and communities worldwide. As the presence of infected individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed rises exponentially; and
21. Emergency Rule #2 is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United



States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the State Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; and the May 8, 2020 order of the County of Santa Barbara Health Officer requiring social distancing and not gathering in groups; and

22. Emergency Rule #2 is necessary for the immediate preservation of the public peace, health and safety and in accordance with Government Code Sections 8634 and Santa Barbara County Chapter 12-5(b)(1), these conditions warrant and necessitate that the County adopt this emergency rule to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County.

**Definitions:** For purposes of this emergency rule, the following words and phrases shall have the meanings ascribed to them by this rule:

- a) "Winery" shall mean a bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sales and tasting of wine and retail sales of related promotional items may be allowed as part of the winery operation.
- b) "Wine tasting room" shall mean a room or rooms, open to the general public, primarily used for the retail marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room.
- c) "Department" shall mean Santa Barbara County Planning and Development.
- d) "Director" shall mean the Director of Planning and Development or his/her designee.

**Authorization:** 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 and wine tasting rooms from serving food.

With this temporary suspension of restrictions, Emergency Rule #2 will authorize wineries and wine tasting rooms to serve food during the COVID-19 emergency, as long as wineries and wine

tasting rooms are compliant with state laws regulating retail food, alcohol, and all alcohol licensing and all local directives regarding reopening of businesses during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan.

Emergency Rule #2 does not allow the expansion of the winery or wine tasting room's capacity or allow expanded operations, other than food service.

**State and local directives regarding reopening:** The owner and/or operator of all wineries and wine tasting rooms must follow all State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan.

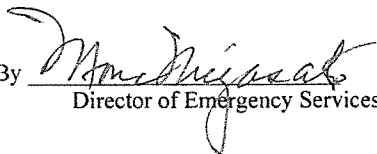
**Regulation of Alcoholic Beverages and Food Service During COVID-19 Pandemic Response:** The service of alcoholic beverages along with food services shall be allowed to the extent that service is allowed by the California Department of Alcoholic Beverage Control and in compliance with its current orders, rules, and regulations.

**Enforcement:** All enforcement of Chapter 35 zoning ordinances by the Director and the Department will continue consistent with existing provisions of Chapter 35.

**Severability:** If any provision of this rule or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this rule which can be given effect without the invalid provision or application. To this end, the provisions of this rule are severable. The Emergency Services Director hereby declares that she would have adopted this rule irrespective of the invalidity of any particular portion thereof.

Except as amended by this rule, the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

MONA MIYASATO, COUNTY EXECUTIVE OFFICER

By   
Director of Emergency Services

Date 5-25-20

### 3) **Extend for 36 months the *Small Business and Community Partnership Enhancement Program (SBCPEP)*, Phases 1 & 2, based on Chapter 28B 1 – 12 of the Santa Barbara County Code of Ordinances.**

SBCPEP is a program that allowed businesses and other organizations to expand into adjacent outdoor areas in the unincorporated areas of the County.

As visitors return, the ability to serve outdoors will remain crucial to maintaining capacity. While the requirement to space tables six feet apart may lessen, the ability to maintain spacing may be important to the consumer. Allowing restaurants and tasting rooms to continue to expand to adjacent outdoor areas will allow them to operate at capacity and offer outdoor seating for those who prefer it.

Details of SBCPEP below:

- 1) Description of SBCPEP
- 2) Explanatory Flyer for Small Business and Community Partnership Enhancement Program
- 3) County of Santa Barbara Code of Ordinances, Chapter 28B 1-12.

#### 1) Description of SBCPEP

*SBCPEP* is a voluntary program launched by the County of Santa Barbara during the pandemic to allow businesses or other organizations to expand into adjacent outdoor areas in the **unincorporated areas of the County** to accommodate required social distancing protocols and safe practices.

As part of SBCPEP, the Santa Barbara County Planning and Development Department (P&D) adopted zoning ordinance amendments (Chapter 28B 1-12) to provide temporary relief from standards including, but not limited to: setbacks, parking, and the requirement that businesses must operate within enclosed buildings.

The intent is to provide flexibility to businesses to ensure the implementation of safe social distancing practices. These changes allow businesses within the unincorporated areas of the County of Santa Barbara to extend the usable space of their business up to their property line. If a business chooses to extend beyond the property line and into the Public Right-of-Way, they must submit an application to the County of Santa Barbara Public Works Department.

**Phase 1** allows extension into the usable public roadside or sidewalk areas. Fees that would normally be required to apply for this benefit as well as lease payments have been waived during the COVID-19 event.

**Phase 2** allows expansion onto private property such as parking lots.

2) Explanatory Flyer for Small Business and Community Partnership Enhancement Program



## Small Business and Community Partnership Enhancement Program



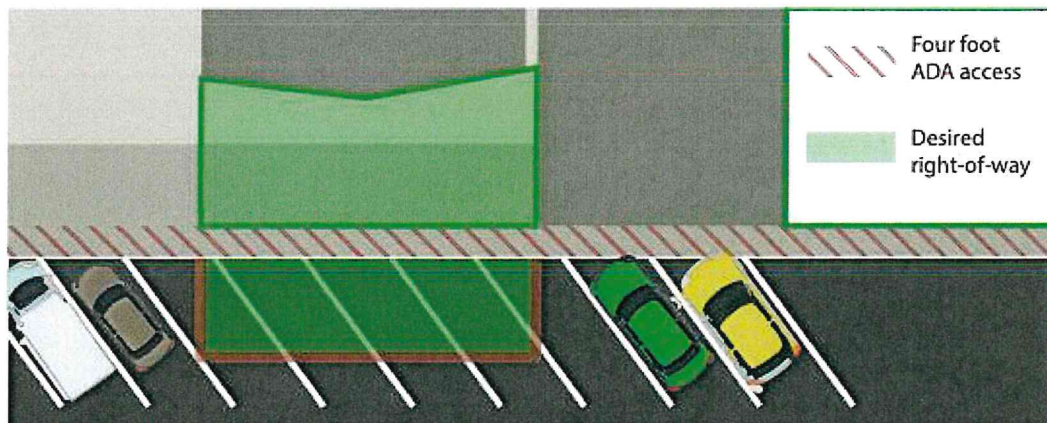
### Phase I • Public Right-of-Way • Santa Barbara County Public Works

The purpose of this handout is to show the steps needed to apply for a No-Fee Encroachment Permit from the County of Santa Barbara Public Works Department, for the use of the public road right-of-way. This allows your business to extend the usable space into the public roadway/sidewalk areas within the unincorporated areas of the County of Santa Barbara. A pathway for ADA walking would need to be maintained of 48 inches minimum width through your site plan.

Below is a checklist and sample site plan for submitting your application to the permits section of the County of Santa Barbara Public Works Department.

- Encroachment Permit Application—completed and signed the by the business owner
  - <https://www.countyofsb.org/pwd/asset.c/218>
- Site Plan—indicating proposed location and square footage of encroachment into the County Right-of-Way.
- Certificate of Insurance in the amount of \$1 million naming the County of Santa Barbara as additional insured.

Permitting from other agencies may be required. For more info, visit [www.recoverysbc.org](http://www.recoverysbc.org)



submit applications to:

[PWRDPERMIT@COSBPW.NET](mailto:PWRDPERMIT@COSBPW.NET)

Santa Barbara County Public Works  
[www.countyofsb.org/pwd](http://www.countyofsb.org/pwd) • [pwweb@countyofsb.org](mailto:pwweb@countyofsb.org)

Santa Barbara Permit Office  
4417 Cathedral Oaks Road  
Santa Barbara, CA 93101  
(805)681-4990

Santa Maria Permit Office  
620 W. Foster Road  
Santa Maria, CA 93455  
(805)803-8750

### 3) County of Santa Barbara Code of Ordinances, Chapter 28B 1-12.

#### **Sec. 28B-1. Purpose.**

In order to minimize the economic impacts of COVID-19, the County of Santa Barbara must 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. The purpose of this chapter is to begin 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. This chapter temporarily authorizes the county public works director to issue encroachment permits, to businesses and community entities that reopen and resume operations, in county roadway rights-of-way to allow for adequate social distancing during operations.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-2. Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this chapter:

"Community entity" shall include, but is not limited to, restaurants; retail establishments; country clubs; meeting facilities, public and private; faith-based/religious organizations; schools; sports and outdoor recreation facilities; day care homes; day care centers; lodging; fitness/health club or facility; libraries; bar, tavern; wineries; community centers; conference centers; convenience stores; grocery stores; banks; and medical services.

"County roadway right-of-way" shall mean the portions of the unincorporated areas of the County of Santa Barbara that the county owns, controls, or maintains for the purpose of travel, including sidewalks, parking spaces, and road right-of-way.

"Department" shall mean the Santa Barbara County Public Works Department.

"Director" shall mean the director of public works or his/her designee.

"Permit" shall mean county roadway right-of-way special encroachment permit related to reopening and resuming operations during the COVID-19 pandemic response.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-3. Permit required for use of county roadway rights-of-way in reopening during the COVID-19 pandemic response.**

- (a) No business or community entity shall reopen and operate in the county roadway right-of-way during the COVID-19 pandemic response unless:
  - (1) A special encroachment permit has been issued to them by the county to encroach in such manner, or
  - (2) The business or entity is operating pursuant to an existing annual encroachment permit.
- (b) The public works director may issue the special encroachment permit pursuant to the director's administrative regulations. The owner or operator of a reopening business or community entity shall maintain and operate such business or entity in compliance with all provisions of their special encroachment permit and the administrative regulations.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-4. Issuance of special encroachment permit.**

The public works director may adopt administrative regulations applicable to the issuance of a special encroachment permit for reopening of businesses and community entities during the COVID-19 pandemic response. Such regulations may, without limitation, include the following:

- (1) A requirement that the applicant provide proof of insurance in the amount of one million dollars naming the County of Santa Barbara as additional insured.
- (2) A requirement that the applicant sign an indemnification agreement, provided by the department, that holds the County of Santa Barbara, its officers, agents, and employees harmless for any actions of the applicant, its agents, and employees.
- (3) A requirement that the applicant meet minimum aesthetic and safety standards for design, seating and parking, including both on site and within the adjacent county roadway right-of-way.
- (4) Such other conditions as may be necessary to protect public health and safety or to protect public improvements.
- (5) A requirement that the applicant coordinate with other county departments or entities that may be affected by the proposed encroachment, including County of Santa Barbara Environmental Health Services, County of Santa Barbara Planning and Development Department, and the County of Santa Barbara Fire Department.
- (6) Any requirement deemed necessary to guarantee that the applicant shall restore the appearance of the sidewalk or county roadway right-of-way on termination of use.
- (7) Setback and clearance standards for all reasonable pedestrian uses of the sidewalk, as well as for unusual or occasional public uses that can be anticipated.
- (8) Maintenance standards for the outdoor dining area.
- (9) A requirement that the applicant follow all state and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including the business', community entity's, or site's certification or attestation and COVID-19 protection plan.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

**Sec. 28B-5. Regulation of alcoholic beverages in county roadway rights-of-way during COVID-19 pandemic response.**

The service of alcoholic beverages in the county roadway right-of-way shall be allowed to the extent that service is allowed by the California Department of Alcoholic Beverage Control and in compliance with its current orders, rules, and regulations. Each of the following standards applies to any areas which provide alcoholic beverage service:

- (1) Any outdoor area where alcohol is allowed shall be limited to those areas licensed or authorized by the California Department of Alcoholic Beverage Control.
- (2) The outdoor area shall be clearly and physically separated from pedestrian traffic.

The operator shall post a written notice to customers that the drinking or carrying of an open container of alcohol is prohibited outside the outdoor area.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

**Sec. 28B-6. Traffic control plan and road closures.**

The department may require the applicant to submit a traffic control plan. Traffic control plans shall show all traffic control elements required for the business or community entity to safely operate in the county roadway right-of-way. The department may determine road closures are necessary to allow businesses or community entities to operate safely in the county roadway right-of-way. It is the responsibility of the business or community entity to install any such traffic control or safety measures and remove them at the expiration of the permit.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

**Sec. 28B-7. Waiver of fees for special encroachment permit.**

The following fees shall be waived until the proclaimed Santa Barbara County Local Emergency based on the COVID-19 virus is terminated or this chapter is otherwise earlier terminated:

- (1) The issuance or monthly rental fee for a special encroachment permit issued pursuant to this rule.
- (2) The annual permit fee or monthly rental fee for annual permits issued pursuant to chapter 28, article X, use of county sidewalks and rights-of-way for business purposes, and chapter 28A, public right-of-way special event permits and regulations.

Temporarily waiving such fees is in the public benefit as it facilitates the reopening of the local economy in way that allows businesses to comply with social distancing and other COVID-19 response requirements.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-8. Expiration of special encroachment permit.**

Permits issued pursuant to this chapter shall be valid until the proclaimed Santa Barbara County Local Emergency based on the COVID-19 virus is terminated or this chapter is otherwise earlier terminated.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-9. Revocation or suspension of special encroachment permit.**

- (a) The county shall have the right to revoke or suspend the permit upon twenty-four hours written notice to the operator for any cause, regardless of conformance with these provisions. Such revocation is at the sole discretion of the public works director. Situations that may merit suspension or revocation include, but are not limited to:
  - (1) Failure to comply with conditions of permit approval.
  - (2) Failure to adhere to the business', community entity's or site's certification attestation and COVID-19 protection plan.
  - (3) Failure to adhere to any other state or local guidelines for reopening during the COVID-19 pandemic response.
  - (4) Suspension, revocation, or cancellation of any necessary permit(s).
  - (5) Excessive noise (in excess of sixty-five decibels), trash accumulation, neighborhood complaints, etc.
  - (6) Incorrect or inadequate insurance coverage.
  - (7) Nuisances, blight or disruption of pedestrian and vehicle traffic flow caused by operation of the business on sidewalks or in the county roadway right-of-way.
- (b) Within twenty-four hours of receipt of written notice of revocation or suspension, regardless of any appeal of the action, the operation shall cease all operations in the county roadway right-of-way and, if applicable, restore the county roadway right-of-way to the condition existing prior to the placement of the outdoor facilities or to some other condition acceptable to the public works director. Failure to comply shall constitute a violation and be subject to penalty.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-10. Violations.**

Violations of any terms and conditions of the permit may result in revocation or suspension of the permit, denial of future permits for a minimum of two years and/or misdemeanor or infraction charges, at the discretion of the county district attorney.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

#### **Sec. 28B-11. Supersedes conflicting provisions in chapter 28, article X and chapter 28A during effective period.**

The provisions of this chapter supersede any conflicting provisions in chapter 28, article X, use of county sidewalks and rights-of-way for business purposes, and chapter 28A, public right-of-way special event permits and

regulations during the time period set forth in section 28B-8, expiration of special encroachment permit, and section 4, effective date, of this chapter.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)

Editor's note(s)—Ord. No. 5124, § 2, adopted December 8, 2020, changed the title of section 28B-11Editor's note(s)— from "Supersedes conflicting provisions in chapter 28Editor's note(s)—, article A and chapter 28AEditor's note(s)— during effective period" to "Supersedes conflicting provisions in chapter 28Editor's note(s)—, article X and chapter 28AEditor's note(s)— during effective period." The historical notation has been preserved for reference purposes.

### **Sec. 28B-12. Severability.**

If any provision of this chapter or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of the ordinance from which this chapter derives which can be given effect without the invalid provision or application. To this end, the provisions of the ordinance are severable. The board of supervisors hereby declares that it would have adopted the ordinance irrespective of the invalidity of any particular portion thereof.

(Ord. No. 5104, § 2, 6-2-2020; Ord. No. 5124, § 2, 12-8-2020)



CLUDC ORDINANCE AMENDMENT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE (CLUDC), TO IMPLEMENT NEW REGULATIONS REGARDING THE TEMPORARY SUSPENSION OF COMPLIANCE WITH CERTAIN REQUIREMENTS OF APPROVED PERMITS AND NONCONFORMING USES TO SUPPORT A PHASED RE-OPENING OF SANTA BARBARA COUNTY IN A MANNER THAT PROTECTS PUBLIC HEALTH AND EFFECTIVELY LIMITS THE SPREAD OF COVID-19 AND PROVIDE A PROCESS FOR TIME EXTENSIONS DUE TO HARDSHIPS RELATED TO COVID-19, BY AMENDING: ARTICLE 35.8, PLANNING PERMIT PROCEDURES; AND ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION.

Case No. 20ORD-00000-00004

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

**SECTION 1. Emergency Findings.** The Board of Supervisors finds that this ordinance is necessary to protect life, property, or the environment and for the immediate preservation of the public peace, health and safety and to preserve physical distancing requirements to slow the spread of the COVID-19 virus while business and community entities reopen. This ordinance shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors pursuant to California Government Code Section 25123(d) based upon the following declaration of facts:

1. Section 12-5(a) of the Santa Barbara County Code, empowers the County of Santa Barbara, Director of Emergency Services, to proclaim a local emergency if the Board of Supervisors is not in session; and
2. Section 8558(c) of the Government Code defines a "Local Emergency" as: "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat"; and
3. A novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and in some cases death. The Centers for Disease Control and Prevention considers the virus to be a very serious public health threat; and

4. On March 4, 2020, Governor Newsom declared a State of Emergency related to conditions caused by COVID-19; and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and
5. 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; and
6. 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; and
7. In direct response to the lack of 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; and
8. 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”); and
9. 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; and
10. In May 2020, Governor Newsom’s Office released a four-stage COVID-19 pandemic Resilience Roadmap for beginning to reopen businesses and community entities in the State of California and declared California to be in Stage 2 of its response; and
11. Stage 2 of California’s COVID-19 pandemic response plan allows for 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 California’s COVID-19 pandemic response plan contemplates reopening of higher-risk workplaces; and
12. 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; and
13. 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 to include dine-in restaurants and retail; and

14. On May 21, 2020, the Health Officer of the County of Santa Barbara issued a Health Officer Order to provide guidance on the reopening of lower-risk businesses. In that order, essential and lower-risk businesses that may open or remain open are identified and required to implement physical distancing when in operations;
15. On May 25, 2020, the County Executive Officer issued Emergency Rule #2, that temporarily suspended Chapter 35 permit restrictions, including conditions of approval, and any zoning development standards for regulations that otherwise prohibit or limit wineries and wine tasting rooms from serving food, as long as compliance with State law regulating retail food and alcohol directives regarding reopening of businesses. On June 2, 2020, the Board of Supervisors confirmed Emergency Rule #2. Action by the Board to approve the ordinance amendments discussed herein supersedes Emergency Rule #2; and
16. On May 26, 2020, the Health Officer of the County of Santa Barbara issued a Health Officer Order that defined essential businesses and defined lower risk businesses related to places of worship and provides of religious services and cultural ceremonies, schools, and hair salons and barbershops; and
17. On May 26, 2020, the Health Officer of the County of Santa Barbara issued a Health Officer Order that requires face coverings to be worn in a number of identified situations, unless an exception applies, in order to slow the spread of COVID-19 to the maximum extent possible as the County of Santa Barbara moves further into Stage Two of the Resilience Roadmap; and
18. The Board of Supervisors finds that as businesses and community entities start to reopen pursuant to State and local laws and guidance, there may be a need for increased use of outdoor areas to allow for adequate physical distancing when local businesses and community entities reopen; and
19. The Board of Supervisors now finds that it is appropriate to temporarily suspend the requirement for strict compliance to certain portions of the project description, conditions of approval, and/or the development standards for approved projects if the temporary project change is necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19 and other requirements are met; and
20. The Board of Supervisors now finds it is appropriate to temporarily suspend the limitations on the ability of nonconforming uses to expand or extend as it relates to project changes necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19 as long as other requirements are met; and
21. The Board of Supervisors now finds it is appropriate to put in place a streamlined process for approved projects to seek and obtain a time extension due to hardships related to COVID-19 and the associated economic downturn; and
22. This ordinance is based on evidence of increasing transmission of COVID-19 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; and

23. This ordinance is promulgated due to the propensity of the virus to spread person to person and also because the virus is causing property loss due to its proclivity to attach to surfaces for prolonged periods of time; and
24. This ordinance is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in the County of Santa Barbara and communities worldwide. As the presence of infected individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed rises exponentially; and
25. This ordinance is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the State Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; Governor Newsom's Executive Order N-60-20 of May 4, 2020 allowing counties to pursue a variance to move further into Stage 2; the May 8, 2020, May 21, 2020, and May 26, 2020 orders of the County of Santa Barbara Health Officer; and the County Executive Officer's Emergency Rule #2 issued May 25, 2020.

## **SECTION 2:**

ARTICLE 35.8, Planning Permit Procedures, of the County Land Use and Development Code ("CLUDC"), is hereby amended to revise Subsection A, Contents of application, of Section 35.84.040, Changes to an Approved Project, of Chapter 35.84, Post Approval Procedures, to read as follows:

- A. **Contents of application.** An application for a change to an approved or issued planning permit shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
  1. Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health and effectively limit the spread of COVID-19, as detailed in Subsection F (Temporary suspension of compliance with the project description and/or

conditions of approval to an approved project necessary to protect public health), below, do not require submittal of an application, but do require submittal of a checklist and additional materials.

- a. Prior to implementation of the temporary changes, the owner/applicant may, and is encouraged to, submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary changes and how the requirements of Subsection 35.108.090.C.3 (Requirements) will be met.
- b. Within 30 days of implementing temporary changes to an approved project, the owner/applicant shall submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary changes and how the requirements of Subsection 35.108.090.C.3 (Requirements) have been met.

### **SECTION 3:**

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to add Subsection D.8, Time extensions due to hardship related to COVID-19, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

#### **D. Processing.**

8. Time extensions due to hardship related to COVID-19. In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6, above, the Director may for good cause extend the expiration of a planning permit for one additional 24 month period in compliance with the following:

- a. The Director has determined that a Time Extension is necessary due to a hardship resulting from COVID-19 and/or the associated economic downturn.
- b. The application for the Time Extension is filed with the Department in compliance with the following:
  - (1) The application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filing).
  - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request and before December 16, 2020, or when the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, whichever is earlier.
- c. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).
- d. A Time Extension application shall be approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.
- e. The action of the Director is final and not subject to appeal.

### **SECTION 4:**

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to add Subsection F, Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health, of Section 35.84.040, Changes to an Approved Project, of Chapter 35.84, Post Approval Procedures, to read as follows:

F. Temporary suspension of compliance with the project description and/or conditions of approval to an approved project necessary to protect public health. For the time period specified in Subsection 35.108.090.C.1 (Temporary time period), approval of a Minor Change, Substantial Conformity Determination, Amendment, or Revision is not required for temporary changes to an approved project related to the standards in Section 35.108.090.C.2, below, that are necessary to protect public health and effectively limit the spread of COVID-19 and that comply with the standards set forth in Section 35.108.090.C.3, below.

**SECTION 5:**

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to revise Subsection B, Expansion or Extension, of Section 35.101.020, Nonconforming Uses of Land and Structures, of Chapter 35.101, Nonconforming Uses, Structures, and Lots, to add a Subsection 4 to read as follows:

B. Expansion or extension.

1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.
4. In order to protect public health and support a phased reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19 by allowing for the use of outdoor areas to ensure that physical distancing and/or other public health requirements can be met and to provide other forms of relief, the following provisions apply for the temporary time period specified below and take precedence over subsections 1, 2, and 3 included above, if the below provisions are applicable to a particular nonconforming use.
  - a. Temporary time period. This provision shall take effect on June 16, 2020 and expire on December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, whichever is earlier.
  - b. Development standards. For nonconforming uses, this section authorizes the temporary expansion or extension of a nonconforming use related to the following standards provided the requirements of Subsection B.4.c. below, are met:
    - i. Setbacks.
    - ii. Site coverage maximums.
    - iii. Minimum open space.
    - iv. Parking and loading standards.
    - v. Signs.
    - vi. The requirement that uses shall occur within a completely enclosed building.
    - vii. Restrictions on uses in the right of way.
    - viii. Other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19.

**SECTION 6:**

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to add Subsection C, Temporary suspension of compliance in order to protect public health, of Section 35.108.090, Penalty for Violation of Conditions, of Chapter 35.108, Enforcement and Penalties, to read as follows:

**C. Temporary suspension of compliance in order to protect public health.** In order to protect public health and support a phased reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19 by allowing for the use of outdoor areas to ensure that physical distancing and/or other public health requirements can be met and to provide other forms of relief, the following provisions apply for the temporary time period specified below.

- 1. Temporary time period.** Subsections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B, and 35.108.090.C (ordinance amendments related to COVID-19) shall take effect on June 16, 2020 and expire on December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, whichever is earlier.
  - a. The expiration date of these temporary amendments may be extended or revised by the Board of Supervisors by adoption of future ordinance amendments. Unless otherwise extended or amended by the Board, upon expiration this ordinance shall be repealed and shall be of no further force or effect.
- 2. Development standards.** For approved projects, this section authorizes the temporary suspension of compliance with the project description and/or conditions of approval related to the following standards provided the requirements of Subsection C.3, below, are met:
  - a. Setbacks.
  - b. Site coverage maximums.
  - c. Minimum open space.
  - d. Parking and loading standards.
  - e. Signs.
  - f. The requirement that uses shall occur within a completely enclosed building.
  - g. Limitations on food service at wineries and tasting rooms.
  - h. Restrictions on uses in the right of way.
  - i. Other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19.
- 3. Requirements.** To be eligible for the temporary suspension of compliance, all of the following requirements must be met:
  - a. The temporary changes to an approved project that render the project unable to strictly comply with its project description, conditions of approval, and/or the development standards listed in Subsection C.2, above, are necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19.
  - b. The owner/applicant must follow all State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan. Public health restrictions related to

- c. Requirements. To be eligible for this temporary expansion or extension, all of the following requirements must be met:
- i. The temporary expansion or extension of aspects of the nonconforming use related to development standards listed in Subsection B.4.b. above, are necessary to ensure social distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19.
  - ii. The owner/applicant must follow all State and local directives regarding reopening of businesses or community entities during the COVID-19 pandemic response, including certification or attestation and COVID-19 protection plan. Public health restrictions related to COVID-19 are subject to rapid change and nothing in this Subsection B.4 is intended, nor shall it be construed, to allow nonconforming uses to operate in violation of any federal, State, or local public health orders.
  - iii. Any State or local permit or approval required by regulations other than this Development Code is obtained (e.g., a business purposes encroachment permit, health permit, alcoholic beverage control license, fire department authorization).
  - iv. The nonconforming use is non-residential.
  - v. The expansion or extension of the nonconforming use does not occur within environmentally sensitive habitat. No native vegetation or environmentally sensitive habitat would be removed to accommodate the use of outdoor areas.
  - vi. The use of outdoor areas does not result in the expansion of the existing capacity of the nonconforming use (e.g., a restaurant with 20 indoor tables and 40 person capacity maintains the same number of tables and capacity with more space between the tables).
  - vii. No structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas, to shade occupants from the sun and/or weather are allowed).
- d. Submittal of Checklist.
- i. Prior to implementation of the temporary expansion or extension, the owner/applicant may, and is encouraged to, submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary expansion or extension and how the requirements of Subsection 35.101.020.B.4.c (Requirements) will be met.
  - ii. Within 30 days of implementing a temporary expansion or extension, the owner/applicant shall submit a completed checklist, revised site plan, photos, and description of proposal describing the temporary expansion or extension and how the requirements of Subsection 35.101.020.B.4.c (Requirements) have been met.
- e. Enforcement.
- i. If a completed checklist, revised site plan, photos, and description of proposal are not submitted pursuant to Subsection B.4.d. or upon submittal the Director determines, in the Director's sole discretion, that the requirements of Subsection B.4.c. above, are not satisfied, the Director may notify the owner/applicant that the suspension of compliance to protect public health is not applicable and the Director may initiate enforcement action. The Director's action is not subject to appeal.
  - ii. If a completed checklist, revised site plan, photos, and description of proposal are submitted pursuant to Section B.4.d and the requirements of Subsection B.4.c. above, are met, as determined in the sole discretion of the Director, the temporary expansion and/or extension of the nonconforming use shall not constitute a violation subject to penalties, for the time period specified in Subsection B.4.a. above. The Director's action is not subject to appeal.



COVID-19 are subject to rapid change and nothing in this Subsection C is intended, nor shall it be construed, to allow approved projects to operate in violation of any federal, State, or local public health orders.

- c. The project otherwise complies with its project description, conditions of approval, applicable development standards, and Comprehensive Plan policies.
- d. Any State or local permit or approval required by regulations other than this Development Code is obtained (e.g., a business purposes encroachment permit, health permit, alcoholic beverage control license, fire department authorization).
- e. The approved project is non-residential.
- f. The use does not occur within environmentally sensitive habitat. No native vegetation or environmentally sensitive habitat would be removed to accommodate the use of outdoor areas.
- g. The use of outdoor areas does not result in the expansion of the existing capacity of the business or community entity (e.g., a restaurant with 20 indoor tables and 40 person capacity maintains the same number of tables and capacity with more space between the tables).
- h. No structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas, to shade occupants from the sun and/or weather are allowed).

#### 4. Enforcement.

- a. If a completed checklist, revised site plan, photos, and description of proposal are not submitted pursuant to Subsection 35.84.040.A.1, or upon submittal the Director determines, in the Director's sole discretion, that the requirements of Subsection C.3, above, are not satisfied, the Director may notify the owner/applicant that the suspension of compliance to protect public health is not applicable and the Director may initiate enforcement action. The Director's action is not subject to appeal.
- b. If a completed checklist, revised site plan, photos, and description of proposal are submitted pursuant to Section 35.84.040.A.1 and the requirements of Subsection C.3, above, are met, as determined in the sole discretion of the Director, strict compliance to the applicable portions of the project description, conditions of approval, and/or the development standards listed in Subsection 2, above, is not required and the temporary changes to the project shall not constitute a violation subject to penalties, for the time period specified in Subsection C.1, above. The Director's action is not subject to appeal.

#### SECTION 7:

All existing indices, section references and numbering, and figure and table numbers contained in the CLUDC are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

#### SECTION 8:

Except as amended by this Ordinance, the CLUDC shall remain unchanged and shall continue in full force and effect.

#### SECTION 9:

This ordinance shall take effect and be in full force immediately upon adoption by at least a four-fifths vote of the Board of Supervisors pursuant to Government Code Section 25123 and shall remain in effect and operative until December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency

from the COVID-19 virus is terminated, whichever is earlier. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara. Unless otherwise extended or amended by the Board, upon expiration this ordinance, shall be repealed and shall be of no further force or effect.

**SECTION 10:**

Public health restrictions related to COVID-19 are subject to rapid change. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority. For example, the Board of Supervisors may still take action(s) later to change or remove the temporary suspension and may do so without the temporary changes to a project receiving: 1) an amortization period prior to removal; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
GREGG HART, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:  \_\_\_\_\_  
Deputy County Counsel



# Santa Barbara County Planning & Development

## Zoning Standard Relief Checklist

Owners/applicants are required to submit the below information within 30 days of implementing changes to an approved project (or to a non-conforming use) to protect public health. However P&D encourages submittal of the information prior to implementation of changes.

**Site Information**

Business Name: _____	Site Address: _____
Business Owner Name: _____	Assessor's Parcel Number: _____
Business Owner Address: _____	Property Owner Name: _____
Business Owner Phone Number: _____	Property Owner Phone Number: _____
Business Owner Signature: _____	Property Owner Signature: _____

**Submittal Documents**

- Description of Proposal
- Revised Site Plan – indicating temporary layout
- Site Photos

**Requirements to Qualify**

- The changes to an approved project or to a non-conforming use are necessary to ensure social distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19;
- The owner/applicant complies with all State and local directives regarding reopening of businesses during the COVID-19 pandemic response;
- The project otherwise complies with its project description, conditions of approval, applicable development standards, and County policies;
- Any other agency approval required by regulations other than this Development Code is obtained (e.g., encroachment permit, health permit);
- The approved project is non-residential;
- The area of expansion is not located in an area with environmentally sensitive habitat and no native vegetation or environmentally sensitive habitat will be removed to accommodate the use of outdoor areas;
- The changes do not result in the expansion of existing business capacity (e.g., the maximum capacity of a restaurant cannot increase); and
- No permanent structures are proposed, constructed, or erected (temporary coverings, such as canopies or umbrellas are allowed).

Submit Checklists to: [front@countyofsb.org](mailto:front@countyofsb.org)

**4) A) Allow the number (not scale) of permitted “Winery Special Events” (80 or more guests) to increase beyond that already allowed under their winery permits to attract new visitors to the region and make up for economic loss from the prohibition on such events in 2020 and the first several months of 2021.**

Winery Special Event is defined in Article 35.11 as “An event of less than one day and occurring on a winery premises attended by 80 or more people including concerts with or without amplified sounds, such as weddings and advertised events, fund raising events, winemaker dinners open to the general public, etc...”

Article 35.42.280 specifies that the number and size of such events with 80 or more guests which may occur at a particular winery based upon its permit “Tier” (1-3). Due to COVID-19 restrictions such events have not been conducted over the past year. To spark economic recovery for both wineries and the other industries which support and benefit from such events and the increased visitation they bring to the region, we request a relaxation for the number of Winery Special Events by Tier as follows:

- Tier 1: Special events – current 4/year max (max 150 attendees)
  - Allow to **triple** the number of events to a max of 12/year
- Tier 2: Special events – current 8/year max (max 150 attendees)
  - Allow to **triple** the number of events to a max of 24/year
- Tier 3: Special events – current 12/year max (max 200 attendees)
  - Allow up to 40 events without a Conditional Use Permit (language in current ordinance allows 40 with CUP)

These limitations do not apply to wineries that were permitted prior to County regulation of such events and which have grandfathered histories, but those wineries should also be allowed at least the above expansion

Note under Article 35.42.280 (D)(8) Special Events in general, that absent special findings, the minimum winery premises area on which a Winery Special Event (80 guests or more) may occur is 20 acres. In addition, that Section and Sections (D)(9) and (10) provide additional development standards and requirements applicable to wineries which will continue to ensure that neighbors will not be unreasonably impacted.

**B) Affirm that all wineries are allowed unlimited gatherings below the threshold of 80 or more guests as provided in the Zoning Ordinance definition of “Winery Special Event.”**

In the era around 2016, as the County was contemplating additional updates to the Winery Ordinance that could have regulated activities with less than 80 guests, the County included permit conditions on a very limited number of wineries (3-4) that regulated the number of “Public Gatherings.” That 2016 Winery Ordinance update was ultimately rejected by the Board of Supervisors and the term “Public Gatherings” is not used in the Zoning Ordinance. The County should affirm that those subject 3 or 4 wineries operate under the same rules as all other wineries, and so may have an unlimited number of gatherings below the 80 guest threshold.

- END -