

**ATTACHMENT 6: PLANNING COMMISSION MEMORANDUM WITH
ATTACHMENTS DATED JUNE 1, 2021**



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Travis Seawards, Deputy Director

STAFF CONTACT: Ben Singer, Planner

DATE: June 1, 2021

HEARING DATE: June 9, 2021

RE: Jackson Appeal of the Hacienda Amador Homestay
Case No. 21APL-00000-00011

1.0 Background

On May 12, 2021, the County Planning Commission (Commission) held a public hearing regarding the Jackson Appeal of the Hacienda Amador Homestay (Case No. 21APL-00000-00011) and directed staff to return to the June 9, 2021 hearing with findings for denial. The requested Findings for denial are included as Attachment A to this memorandum. A CEQA Exemption for the denial of the proposed project is included as Attachment B.

2.0 Community Plan Consistency

SANTA YNEZ VALLEY COMMUNITY PLAN	
REQUIREMENT	DISCUSSION
<i>Goal LUA-SYV: Maintain the Santa Ynez Valley's rural character and agricultural tradition while accommodating some well-planned growth within township boundaries that is compatible with surrounding uses.</i>	Inconsistent: The proposed project is inconsistent with policies that require reasonable development and use to maintain the rural and agricultural character of the area. The portion of the dwelling proposed as a Homestay is located approximately 120 feet

from the neighboring dwelling. The noise caused by the Homestay, the number of guests and cars and frequent turnover will create a nuisance for the established residential uses based on this particular site and its proximity to neighboring residences. Because of this, the proposed Homestay is not compatible with the surrounding area.

3.0 County Land Use and Development Code Consistency

3.1 Section 35.42.193.A Purpose and Intent

The purpose and intent of this Section is to establish standards that will regulate the use of dwellings as Homestays in order to ensure that Homestays are compatible with and do not adversely impact surrounding properties.

The portion of the dwelling proposed as a Homestay is approximately 120 feet from the neighboring dwelling. The operation of the Homestay would adversely impact the surrounding properties due to the proximity to the neighboring dwellings, the noise generated by the Homestay, and the number of guests and their cars and frequent turnover. Therefore, the proposed project is inconsistent with LUDC Section 35.42.193.A.

3.2 Section 35.42.193.D.11 Nuisance Response Plan

The owner or long-term tenant and/or local contact shall be available by telephone on a 24-hour basis to respond to calls regarding the Homestay.

The Applicant indicated that she has blocked the Appellant's phone number, and thus cannot respond to calls regarding the Homestay from the Appellant. Therefore, the proposed project is inconsistent with LUDC Section 35.42.193.D.11.

4.0 Recommended Actions

Staff recommends upholding the appeal, Case No. 21APL-00000-00011, and denying Case No. 21HOM-00005, based upon the project's inconsistency with the Santa Ynez Valley Community Plan, and based on the inability to make the required findings.

Your Commission's motion should include the following:

1. Uphold the appeal, Case No. 21APL-00000-00011;

2. Make the required findings for denial of the project (Case No. 21HOM-00005) as specified in Attachment A of this memorandum, including CEQA findings;
3. Determine that denial of the project (Case No. 21HOM-00005) is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(4) and 15270(a) included as Attachment B to this memorandum; and
4. Deny the project, Case No. 21HOM-00005.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings

Attachments:

- A. Findings
- B. CEQA Notice of Exemption

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The County Planning Commission (Commission) finds that the proposed project is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(4) and Section 15270(a). More specifically, a project is exempt from CEQA environmental review if the project will be rejected or disapproved by a public agency. As discussed in the memorandum from staff to the Planning Commission, dated June 1, 2021, incorporated herein by reference, and in the administrative findings set forth below, the project is denied by the Commission because certain findings cannot be made to approve the project.

2.0 ADMINISTRATIVE FINDINGS

In order for a Land Use Permit for new development to be approved, the proposed development must comply with all applicable requirements of the County Land Use and Development Code (LUDC) and policies of the County Comprehensive Plan, including any applicable community or area plan. The following required findings in the County LUDC cannot be made for this project. Only findings that cannot be made are discussed below:

2.1 FINDINGS FOR ALL LAND USE PERMITS

2.1.1 The proposed development conforms:

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and**
- (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Commission finds that the proposed Homestay is not compatible with surrounding uses and does not conform to the Santa Ynez Valley Community Plan or to the applicable provisions of the LUDC, as discussed in Sections 2.0 and 3.0, respectively, of the memorandum, dated June 1, 2021 and incorporated herein by reference. Further, the proposed Homestay does not meet the intent of the Homestay Ordinance due to the proximity to the neighboring property and dwelling and the nuisance that would be caused by the noise and frequent guests and vehicles.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Ben Singer, Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

APN: 141-100-076

Case No.: 21HOM-00005

Location: 2905 Via La Selva in the Santa Ynez Area, Third Supervisorial District.

Project Title: Hacienda Amador Homestay

Project Applicant: Jacqueline Abbud

Project Description:

The applicant is proposing a homestay in two bedrooms of a single-family dwelling, two person limit per bedroom, on a short term basis (less than thirty days). Parking for the homestay will be onsite as shown on the site plan (Attachment E). The property is zoned AG-I-5, which allows for the use of a permitted Homestay. Quiet hours are from 10pm – 8am. The property owner will continue to reside in the main residence onsite. The property is a 4.98-acre parcel shown as APN 141-100-076, and address as 2905 Via La Selva, Santa Ynez, Third Supervisorial District.

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: Jacqueline Abbud, Property Owner

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption(s)
- Emergency Project

Cite specific CEQA and/or CEQA Guideline Section: Section 15061(b)(4) and Section 15270(a)

Reasons to Support Exemption Findings: CEQA Guidelines Section 15061(b)(4) states that a project is exempt from CEQA if “the project will be rejected or disapproved by a public agency.” Furthermore, CEQA Guidelines Section 15270(a) states that “CEQA does not apply to projects which a public agency rejects or disapproves.” The project is recommended for disapproval and therefore CEQA Section 15061(b)(4) and Section 15270(a) apply.

Jackson Appeal of Hacienda Amador Homestay
Case Nos. 21APL-00000-00011 & 21HOM-00005
Hearing Date: June 9, 2021
Attachment B – CEQA Exemption
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Lead Agency Contact Person: Ben Singer, Planner **Phone No.:** (805) 934-6587

Department/Division Representative: _____ **Date:** _____

Acceptance Date: _____

Note: A copy of this form must be posted at P&D six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35-day statute of limitations on legal challenges.

Distribution: Hearing Support Staff, Case File

Date Filed by County Clerk: _____