



## COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

### MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Travis Seawards, Deputy Director, Development Review Division

**STAFF CONTACT:** Ben Singer, Planner, email: [bsinger@countyofsb.org](mailto:bsinger@countyofsb.org)

**DATE:** April 5, 2022

**HEARING DATE:** April 5, 2022

**RE:** Applicant Appeal of the Planning Commission Denial of the Hacienda Amador Homestay, Case Nos. 21APL-00000-00033 and 20HOM-00005  
2905 Via La Selva, Santa Ynez, Third Supervisorial District

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Should the Board of Supervisors decide to uphold the appeal and approve the Proposed Project, staff recommends the following actions:

**Recommended Actions:**

- a) Uphold the appeal, Case No. 21APL-00000-00033;
- b) Make the required findings for approval of the Proposed Project as specified in Attachment A to this memorandum, including California Environmental Quality Act (CEQA) findings;
- c) Determine that the Proposed Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301, included as Attachment C to this memorandum; and
- d) Grant *de novo* approval of the Proposed Project, Case No. 21HOM-00005, subject to the conditions of approval included as Attachment B to this memorandum.

**Attachments:**

- A. Findings for Approval
- B. Conditions of Approval
- C. CEQA Notice of Exemption

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

The County Board of Supervisors (Board) finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 [Existing Facilities]. For further details and discussion regarding this exemption, please see the Notice of Exemption, included as Attachment C to the memorandum, dated April 5, 2022, and incorporated herein by reference.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **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 Board finds that the proposed project conforms to the applicable provisions of the Comprehensive Plan, including the Santa Ynez Valley Community Plan, and applicable provisions of the County Land Use and Development Code. As discussed in the Planning Commission staff report dated May 4, 2021 (included as Attachment 4 to the Board Agenda Letter dated March 15, 2022, and incorporated herein by reference) adequate services are available to serve the proposed project, the proposed project will not have an impact on the character of the surrounding area, and the project complies with the AG-1 and Homestay requirements of the LUDC.

##### **2.1.2 The proposed development is located on a legally created lot.**

The Board finds that the subject parcel is an existing legal lot of record and was created as Parcel 3 of Parcel Map 13,928 on October 26, 1988, and is shown in Book 42, on Pages 38 and 39 of Parcel Maps in the Office of the County Recorder of the County of Santa Barbara, State of California.

##### **2.1.3 The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots)**

Applicant Appeal of the Planning Commission Denial of the Hacienda Amador Homestay  
Case Nos. 21APL-00000-00033 & 21HOM-00005  
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Attachment A: Findings  
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The Board finds that the subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and other applicable provisions of this Development Code for the AG-I district, and the operation of a homestay. There is a Notice of Violation on the property, but it is only open for accounting purposes.

**ATTACHMENT B: CONDITIONS OF APPROVAL**  
**CONDITIONS OF APPROVAL**  
**HACIENDA AMADOR HOMESTAY**  
**CASE NO. 21HOM-00005**  
**APN: 141-100-076**

**Project Description**

1. **Proj Des-01 Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-C, dated April 5, 2022, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The applicant is proposing a homestay in two bedrooms of a single-family dwelling, two persons per bedroom, on a short term basis (less than thirty days). Parking for the homestay will be onsite as shown on the site plan and is adequate. 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.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Project Specific Conditions**

3. **Homestay-01 Code Compliance.** Any dwelling used as a Homestay shall comply with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes regarding carbon monoxide detectors, smoke detectors, emergency egress window, handrails, and fire extinguishers, to the satisfaction of the Director.

4. **Homestay-02 Signs.** No signs shall be permitted to be located on or off the lot that contains the Homestay that indicates the presence of the Homestay.
5. **Homestay-03 Occupancy.** The maximum occupancy shall be no more than two persons per bedroom, excluding minor children.
6. **Homestay-04 Parking.** Parking shall be provided on the lot on which the Homestay is located in compliance with applicable ordinance requirements.
7. **Homestay-05 Visitors.** The maximum number of visitors shall not exceed two times the number of transient occupants of the Homestay that are allowed on the lot.
8. **Homestay-06 Noise.** The volume of sound generated by the Homestay shall not exceed 65 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary, except that between the hours of 10 p.m. and 8 a.m., the volume of sound generated by the Homestay shall not exceed 45 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary.
9. **Homestay-07 Owner/Tenant Occupancy.** The owner or long-term tenant of the property shall inhabit a legal dwelling on the same lot at the same time as the transient occupant of the Homestay.
10. **Homestay-08 Nuisance Response Plan.**
  - a. Call response availability.
    - i. The owner or long-term tenant shall submit their name, address, and telephone number and/or a local contact who will respond to calls regarding the Homestay.
    - ii. 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.
    - iii. Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit issued to allow the use of a Homestay.
    - iv. For purposes of this Condition, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Permit.
  - b. Local contact. The owner or long-term tenant is required to immediately notify the County with any changes to their or the local contact's information.
11. **Homestay-09 Permit Revocation.** A Homestay permit may be revoked if the applicant, after receiving a Land Use Permit for a Homestay and/or any renewal:

- a. Makes alterations to the property that compromise the original permit approval (e.g., removal of required parking, conversion of space);
- b. Is determined to have submitted false or misleading information to the Department, including, but not limited to, information submitted as part of the permit application;
- c. Fails to comply with the permit conditions; or
- d. Fails to obtain or comply with any other required County, state or local permit.

**12. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.

**13. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.

## **ATTACHMENT C: 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, Santa Ynez, 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 persons per bedroom, on a short term basis (less than thirty days). Parking for the homestay will be onsite as shown on the site plan and is adequate. 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 15301 [Existing Facilities]

**Reasons to Support Exemption Findings:** The proposed project is categorically exempt from environmental review pursuant to Section 15301 [Existing Facilities] of the *Guidelines for Implementation of the California Environmental Quality Act*. Section 15301 exempts the operation, leasing, or licensing of existing private structures involving negligible or no expansion of existing use beyond that which exists at the time of the lead agency's determination. The

proposed project includes the utilization of a two bedrooms of an existing single-family dwelling as a Homestay short-term rental.

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

This exception is not applicable to Section 15301 because it is a Class I exemption. Nevertheless, the project site is located entirely outside of any designated or existing Environmentally Sensitive Habitat (ESH) areas. There are no other designated or mapped environmental resources of hazardous or critical concern on or adjacent to the project site. Therefore, no significant impacts that threaten the environment would result from the project.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed Homestay will be operated within an existing single-family dwelling in the AG-I zone district, which allows Homestays with the issuance of a Land Use Permit. The project meets all development standards applied to AG-I zones and there is no expectation that similar uses on this lot or other adjacent lots in the vicinity would cause significant cumulative impacts. The cumulative impact of successive projects of the same type in the same place, or time, would not be significant. Therefore, this exception to the categorical exemption does not apply.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The proposed project does not involve unusual circumstances, including future activities, resulting in or which might reasonably result in significant effects on the environment. The project meets all development standards applied to AG-I zones and no new development is proposed. Therefore, this exception to the categorical exemption does not apply.



- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The site is not visible from any highway officially designated as a state scenic highway. As such, there are no protected scenic views impacted by the project. Additionally, no structural development or changes are proposed as part of the project. Therefore, this exception to the categorical exemption does not apply.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (hazardous and toxic waste sites). In addition, there is no evidence of historic or current use or disposal of hazardous or toxic materials on the project site. Therefore, this exception to the categorical exemption does not apply.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The proposed development will have no impact on any historical resource. No new development or structural changes are proposed as part of the project. Therefore, the project will not have the potential to cause a substantial adverse change in the significance of a historic resource.

**Lead Agency Contact Person:** Ben Singer, Planner      **Phone No.:** (805) 934-6587

**Department/Division Representative:**  \_\_\_\_\_ **Date:** April 5, 2022

**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:**

# Recommended Actions

- a) Uphold the appeal, Case No. 21APL-00000-00033;
- b) Make the required findings for approval of the Proposed Project as specified in Attachment A to the Memorandum dated April 5, 2022, including California Environmental Quality Act (CEQA) findings;
- c) Determine that the Proposed Project is exempt from CEQA pursuant to CEQA Guideline Section 15301; and
- d) Grant *de novo* approval of the Proposed Project, Case No. 21HOM-00005, subject to the conditions included as Attachment B to the Memorandum dated April 5, 2022.