

ATTACHMENT 7: 20ORD-00000-00006 MLUDC FINDINGS

1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed project, 20ORD-00000-00006, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3), 15301, 15303, and 15305. Please see Attachment B to the Staff Report dated May 27, 2020, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.060 of the Santa Barbara County Montecito Land Use and Development Code (MLUDC), the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the MLUDC:

2.1 The request is in the interests of the general community welfare.

The Board of Supervisors incorporates by reference the Emergency findings in the Ordinance Amendment, Attachment 9 to the Board Letter dated June 16, 2020, and finds that the proposed ordinance amendment is in the interest of the general community welfare because it is necessary to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County. The temporary suspension of compliance with certain requirements of approved permits and the ability to temporarily expand or extend certain non-conforming uses protects public health and supports a phased reopening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The ordinance amendment will authorize, for approved projects and/or non-conforming uses, the temporary suspension of compliance with project descriptions and/or conditions of approval that implement setbacks, site coverage maximums, minimum open space, parking and loading standards, signs, the requirement that uses shall occur within a completely enclosed building, restrictions on uses in the right of way, or other development standards as determined to be necessary by the Director for the protection of public health related to COVID-19. Additionally, the temporary ordinance amendment will authorize the Director of Planning and Development to grant hardship time extensions for approved projects where permits would otherwise expire due to delays caused by COVID-19 and the associated economic downturn. The granting of hardship time extensions and the temporary suspension of compliance with these conditions will allow applicable businesses and community entities to reopen, which supports the local economy, provides local employment opportunities, and supports the general welfare of the population, while meeting state and local public health requirements for physical distancing to effectively limit the spread of COVID-19. The ordinance amendment is temporary in nature and is in effect until December 16, 2020 or until the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, whichever is earlier, and therefore would not cause long-term

impacts to communities. Pursuant to the ordinance amendment, projects are also required to follow all state and local directives regarding the reopening of business or community entities during the COVID-19 pandemic response. Finally, the ordinance amendments are further refined to ensure that the suspension is limited to project changes that 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, ensuring the interests of the community welfare are met. Additional requirements are also in place, including that projects obtain encroachment or other applicable County or State permits or approvals, apply only to non-residential projects (except for hardship time extension requests), does not result in the expansion of existing capacity of the business or community entity, and does not allow the construction or erection of new permanent structures.

2.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.

The Board of Supervisors finds that the ordinance amendment is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and the Montecito Land Use and Development Code because the temporary suspension of development standards and granting of hardship time extensions to approved projects will protect the public health, support economic development, are temporary in nature, and support a phased reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19.

The Planning Commission staff report, dated May 27, 2020 and incorporated herein by reference, analyzes consistency with the Comprehensive Plan, requirements of State planning and zoning laws, and the Development Code as well as describes the details of the ordinance. The ordinance amendment will authorize, for approved projects and/or non-conforming uses, the temporary suspension of compliance with certain portions of the project description, conditions of approval, and/or development standards that implement setbacks, site coverage maximums, minimum open space, parking and loading standards, signs, the requirement that uses shall occur within a completely enclosed building, restrictions on uses in the right of way, or other development standards to be temporarily suspended as determined to be necessary by the Director for the protection of public health related to COVID-19. Additionally, the temporary ordinance amendment will authorize the Director of Planning and Development to grant hardship time extensions for approved projects where permits would otherwise expire due to delays caused by COVID-19 and the associated economic downturn. The granting of hardship time extensions and the temporary suspension of compliance with these conditions will allow applicable businesses and community entities to reopen, which supports the local economy, provides local employment opportunities, and supports

the general welfare of the population, while meeting state and local public health requirements for physical distancing to effectively limit the spread of COVID-19. The ordinance amendment does not alter the purpose and intent of any policies of the Comprehensive Plan and Community Plans as they are temporary in nature. The suspension is limited to project changes that 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. Pursuant to the ordinance amendment, projects are also required to follow all state and local directives regarding the reopening of business or community entities during the COVID-19 pandemic response, as well as comply with all other aspects of its project description, conditions of approval, applicable development standards, and the comprehensive Plan, including Coastal Land Use Plan policies. Finally, the temporary suspension of development standards for applicable projects as authorized by the Ordinance amendment supports the local economy and general welfare of the community by allowing projects to meet state and local public health guidelines for physical distancing, but do not allow projects to operate in violation of any federal, state, or local public health orders, require projects to obtain encroachment or other applicable County permits. The ordinance amendment applies only to non-residential projects, does not allow the construction or erection of new permanent structures, and requires that the capacity of businesses or community entities not be increased.

The ordinance amendment is consistent with and furthers the purpose of the Governor’s orders related to COVID-19, discussed in detail in the Emergency findings in the Ordinance Amendment and incorporated by reference.

2.3 The request is consistent with good zoning and planning practice.

The Board of Supervisors finds that the proposed ordinance amendment is consistent with good zoning and planning practices because the temporary suspension of compliance with certain requirements of approved permits or non-conforming use status requirements 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 will protect the public health, support economic development, and support a phased reopening of the Santa Barbara County in a manner that effectively limits the spread of COVID-19. The Board also finds that granting hardship time extensions to approved projects where permits would otherwise expire due to delays caused by COVID-19 and the associated economic downturn is consistent with good zoning and planning practice. These temporary accommodations will allow businesses and community entities that have an approved permit to operate as previously-approved, with modifications necessary to protect public health. The ordinance amendment is further consistent with good

zoning and planning practice because it does not alter the purpose and intent of any policies of the Comprehensive Plan and Community Plans as the ordinance amendments are temporary in nature and are drafted to allow applicable projects to comply with state and local mandates to protect the public health during a phased re-opening of the County. Pursuant to the ordinance amendment, projects are also required to follow all state and local directives regarding the reopening of business or community entities during the COVID-19 pandemic response. Finally, the temporary suspension of certain requirements of approved permits as authorized by the ordinance amendment supports the local economy and general welfare of the community by allowing projects to meet state and local public health guidelines for physical distancing, but do not allow projects to operate in violation of any federal, state, or local public health orders. The ordinance amendment requires projects to obtain encroachment or other applicable County or State permits, applies only to non-residential projects, does not allow the construction or erection of new permanent structures, and requires that the capacity of businesses or community entities not be increased.