



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: Set hearing on August 31,
2021 for September 14, 2021
Placement: Administrative
Estimated Time: 10 minutes on September 14,
2021
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Lisa Plowman, Director, Planning and Development
(805) 568-2086
Contact Info: Jeff Wilson, Assistant Director, Planning and Development
(805) 568-2085
SUBJECT: **COVID-19 Temporary Ordinance Amendments Regarding Extending the Time Period for Suspension of Compliance with Certain Requirements of Approved Permits and Nonconforming Uses and a Hardship Time Extension Process**
Case Nos. 21ORD-00000-00005, 21ORD-00000-00006, and 21ORD-00000-00007

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On August 31, 2021, set a hearing for September 14, 2021 to consider the recommendations of the County Planning Commission and Montecito Planning Commissions to approve ordinance amendments (Case Nos. 21ORD-00000-00007, 21ORD-00000-00006, and 21ORD-00000-00005), which would amend, respectively, the Montecito Land Use and Development Code, the Article II Coastal Zoning Ordinance, and the County Land Use and Development Code, to extend the expiration date for the Temporary Development Standard Suspension Ordinance to June 30, 2023 or another date as determined by the Board of Supervisors, or when the COVID-19 provisions are terminated earlier by ordinance amendment, and make other amendments to support economic recovery.

On September 14, 2021, follow the recommendations of the Montecito and County Planning Commissions, your Board's action should include the following:

- a) **Montecito Land Use and Development Code (Case No. 21ORD-00000-00007):**
- i) Make the findings for approval of the MLUDC Ordinance Amendment, including California Environmental Quality Act (CEQA) findings (Attachment 1);
 - ii) Determine that the adoption of this MLUDC Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, and 15305 (Attachment 2);
and

iii) Adopt the Ordinance (Case No. 21ORD-00000-00007) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the County Code (Attachment 3).

b) Article II Coastal Zoning Ordinance (Case No. 21ORD-00000-00006):

- i) Make the findings for approval of the Article II Ordinance Amendment, including CEQA findings (Attachment 5);
- ii) Determine that the adoption of this Article II Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, 15305, and 15265 (Attachment 6); and
- iii) Adopt the Ordinance (Case No. 20ORD-00000-00009) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment 7).

c) Land Use and Development Code (Case No. 21ORD-00000-00005):

- i) Make the findings for approval of the LUDC Ordinance Amendment, including CEQA findings (Attachment 9);
- ii) Determine that the adoption of this LUDC Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, and 15305 (Attachment 10); and
- iii) Adopt the Ordinance (Case No. 20ORD-00000-00010) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment 11).

Summary Text:

On June 16, 2020, the Board of Supervisors approved the Temporary Development Standard Suspension Ordinance Amendments, which implemented regulations that temporarily suspended the requirement for applicable businesses and organizations to comply with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a phased re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The ordinance originally established that the temporary authorization would expire on December 16, 2020, or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier.

On November 10, 2020 the Board of Supervisors adopted Ordinance Amendments (Case Nos. 20ORD-00000-00008, 20ORD-00000-00009, and 20ORD-00000-00010) to extend the expiration date for the Temporary Development Standard Suspension Ordinance to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus terminated, or when the COVID-19 provisions are terminated by ordinance amendment.

On January 25, 2021, the California Department of Public Health ended the State's Regional State At Home Order and the Limited Stay At Home Order. As of June 15, 2021, the Governor terminated the executive order that put into place the Stay Home Order and Blueprint for a Safer Economy.

The proposed ordinance amendments will further extend the expiration of the temporary allowances to June 30, 2023 which will allow the COVID-19 provisions to continue after the Santa Barbara County Local Emergency from the COVID-19 virus is terminated to support ongoing economic recovery from the impacts of COVID-19. The proposed ordinance amendments also include removing the prohibition on the expansion of the existing capacity of a nonconforming use and the restriction that no permanent structures are proposed, constructed, or erected.

The proposed ordinance amendment text is contained in strikethrough and underlined format in Attachment 3 (MLUDC), Attachment 7 (Article II), and Attachment 11 (LUDC).

Montecito Planning Commission and County Planning Commission:

The Montecito Planning Commission reviewed the proposed MLUDC and Article II ordinance amendments at the August 4, 2021 public hearing. By a unanimous vote, the Montecito Planning Commission adopted MLUDC Resolution No. 21-09 (Attachment 13) recommending that the Board adopt the proposed amendments to the MLUDC. In addition, the Montecito Planning Commission unanimously voted to adopt Article II Resolution No. 21-10, recommending that the County Planning Commission recommend that the Board adopt the proposed amendments to the Article II Coastal Zoning Ordinance. The Montecito Planning Commission Resolution (Attachment 13) reflects the recommendations of the Montecito Planning Commission.

The County Planning Commission reviewed the proposed Article II and LUDC ordinance amendments at the August 4, 2021 public hearing. The County Planning Commission accepted the Montecito Planning Commission's recommendation for Article II, and therefore, Resolution No. 21-12 (Attachment 16) represents both the Montecito and County Planning Commission's recommendations to your Board for Article II. The County Planning Commission, by a unanimous vote, also adopted Resolution No. 21-11 (Attachment 17) recommending that the Board adopt the proposed amendments to the County LUDC, The County Planning Commission Resolution (Attachment 17) reflects the recommendations of the County Planning Commission.

The County Planning Commission also recommended that the Board of Supervisors consider further extending the date to October 31, 2023 to allow businesses to continue to operate under these provisions through the summer months.

Policy Consistency and Ordinance Compliance:

The proposed temporary ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan and any Community Plans. In addition, the ordinance amendments are consistent with the MLUDC, Article II, and LUDC as they only extend the expiration date of the COVID-19 ordinance amendments, passed by the Board of Supervisors on November 10, 2020 and make other minor amendments that support economic recovery from the impacts of COVID-19. No other changes are proposed, and as such, the ordinance will continue to allow temporary change(s) to a project necessary to ensure physical distancing, protect public health, and support a re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. Please refer to the Montecito Planning Commission staff reports and the County Planning Commission staff reports for a

Comprehensive Plan consistency analysis and zoning ordinance compliance analysis of the proposed ordinance amendments (Attachments 14, 18, 20 and 21).

Fiscal Analysis:

Funding for updates to zoning ordinances is budgeted in the Planning and Development Department's Long Range Planning Budget Program on Page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget. The cost to process the COVID 19 Ordinance Amendments is approximately \$13,000. These costs will be included in the Planning and Development Department, Long Range Planning Division's Operating Expenditures (General Fund contribution). There are no facilities impacts. Implementation of the COVID-19 Ordinance Amendments will occur primarily through the development review process.

Special Instructions:

- A. The Planning and Development Department will satisfy all noticing requirements.
- B. The Clerk of the Board will provide copies of the Minute Order and signed Ordinances to the Planning and Development Department, attention David Villalobos.
- C. The Clerk of the Board will publish the names of the members of the Board of Supervisors voting for and against the Ordinance Amendments in the Santa Barbara News-Press before the expiration of 15 days after its passage.

Attachments:

1. 21ORD-00000-00007 (MLUDC) Findings
2. 21ORD-00000-00007 (MLUDC) Notice of Exemption
3. 21ORD-00000-00007 (MLUDC) Proposed MLUDC Ordinance Amendment strikethrough
4. 21ORD-00000-00007 (MLUDC) Proposed MLUDC Ordinance Amendment clean
5. 21ORD-00000-00006 (Article II) Findings
6. 21ORD-00000-00006 (Article II) Notice of Exemption
7. 21ORD-00000-00006 (Article II) Proposed Article II Ordinance Amendment strikethrough
8. 21ORD-00000-00006 (Article II) Proposed Article II Ordinance Amendment clean
9. 21ORD-00000-00005 (LUDC) Findings
10. 21ORD-00000-00005 (LUDC) Notice of Exemption
11. 21ORD-00000-00005 (LUDC) Proposed LUDC Ordinance Amendment strikethrough
12. 21ORD-00000-00005 (LUDC) Proposed LUDC Ordinance Amendment clean
13. Montecito Planning Commission Resolution MLUDC
14. Montecito Planning Commission Staff Report (dated July 28, 2021) (w/o attachments)
15. Montecito Planning Commission Memo, dated July 30, 2021
16. County Planning Commission Resolution Article II
17. County Planning Commission Resolution LUDC
18. County Planning Commission Staff Report (dated July 28, 2021) (w/o attachments)

19. County Planning Commission Memo, dated July 30, 2021
20. June 3, 2020 Montecito Planning Commission Staff Report (w/o attachments)
21. June 3, 2020 County Planning Commission Staff Report (w/o attachments)

Authored by:

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Planning and Development Department