

# SANTA BARBARA COUNTY PLANNING COMMISSION

## Staff Report for

### Housing Bill Implementation Project Ordinance Amendments

**Hearing Date:** January 10, 2024

**Staff Report Date:** January 2, 2024

**Case Nos.:** 21ORD-00000-00001 and 21ORD-00000-00003

**Environmental Document:** California Environmental Quality Act (CEQA) Notice of Exemption

**Deputy Director:** Alex Tuttle

**Division:** Long Range Planning

**Supervising Planner:** Alex Tuttle

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## 1.0 REQUEST

Hearing on the request of the County of Santa Barbara Planning and Development Department (P&D) for the County Planning Commission (CPC) to consider recommending that the Board of Supervisors (Board):

1. Adopt an ordinance (Case No. 21ORD-00000-00001) amending Article 35.2, Zones and Allowable Land Uses; Article 35.3, Site Planning and Other Project Standards; Article 35.4, Standards for Specific Land Uses; Article 35.8, Planning Permit Procedures; and Article 35.11, Glossary; of Section 35-1, the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).
2. Determine that ordinance (Case No. 21ORD-00000-00001) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines for the Implementation of CEQA.
3. Adopt an ordinance (Case No. 21ORD-00000-00003) amending Division 2, Definitions; Division 4, Zoning Districts; Division 7, General Regulations; Division 11, Permit Procedures; and Division 17, Gaviota Coast Plan, of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D).
4. Determine that ordinance (Case No. 21ORD-00000-00003) is exempt from the provisions of CEQA pursuant to Sections 15061(b)(3) and 15265 of the State Guidelines for the Implementation of CEQA.

The proposed LUDC and CZO amendments revise existing and create new development standards and permit procedures to implement recent changes in state legislation regarding streamlined permit processing and the increased production of housing.

## 2.0 RECOMMENDATION AND PROCEDURES

**2.1 Case No. 21ORD-00000-00001.** Follow the procedures outlined below and recommend that the Board approve the LUDC amendments (Case No. 21ORD-00000-00001) based on their consistency with the Comprehensive Plan and Community Plans, and based on the ability to make the required findings (including CEQA findings). The CPC's motion should include the following:

1. Make the required findings for approval (Attachment A), including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendments (Attachment C);
2. Recommend that the Board determine that ordinance Case No. 21ORD-00000-00001 is exempt

from the provisions of CEQA pursuant to Section 15061(b)(3) of the State Guidelines for the Implementation of CEQA (Attachment B); and

3. Adopt a resolution (Attachment C) recommending that the Board adopt an ordinance to amend the LUDC (Case No. 21ORD-00000-00001), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

**2.2 Case No. 21ORD-00000-00003.** Follow the procedures outlined below and recommend that the Board approve the CZO amendments (Case No. 21ORD-00000-00003), based on the ability to make the required findings. The CPC’s motion should include the following:

1. Make the required findings for approval (Attachment A), including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendments;
2. Recommend that the Board determine that ordinance (Case No. 21ORD-00000-00003) is exempt from the provisions of CEQA pursuant to Sections 15061(b)(3) and 15265 of the State Guidelines for the Implementation of CEQA (Attachment B); and
3. Adopt a resolution recommending that the Board adopt an ordinance to amend the CZO (Case No. 21ORD-00000-00003), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D).

Please refer the matter to staff if the CPC takes other than the recommended actions for the development of appropriate materials.

### **3.0 JURISDICTION**

Government Code Sections 65854 to 65857 and Chapter 35.104 of the LUDC require that the CPC, as the designated “planning agency” for the unincorporated area of the County located outside of the Inland Area of the Montecito Community Plan Area, review and consider proposed amendments to the LUDC and provide a recommendation to the Board. Additionally, Section 35-57C of the Article II Coastal Zoning Ordinance (CZO) identifies the Planning Commission as the recommending body on Local Coastal Program Amendments.

Government Code Section 65854 states: “The planning commission shall hold a public hearing on the proposed ... amendment to a zoning ordinance.” Furthermore, Government Code Section 65855 states: “After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body...”

Section 2-25.2(b) of Chapter 2 – Administration of the Santa Barbara County Code, states in part: “... Recommendations regarding proposed amendments to articles I, II, III, V and VII of Chapter 35 of the County Code ... shall remain within the jurisdiction of the County Planning Commission.”

### **4.0 ISSUE SUMMARY**

Over the past several years, the State Legislature has recognized the importance of increasing housing production and has adopted legislation to reduce barriers to housing development. The State passed several Assembly Bills (AB) and Senate Bills (SB) to streamline permit processing and to increase the production of housing with a particular focus on affordable housing, including SB 35 (2017), AB 2162 (2018), AB 101 (2019), and AB 2345 (2020). Highly summarized:

SB 35 (2017)

- Requires housing development projects to be reviewed in compliance with objective design standards and processed under streamlined provisions.
- Applicability of the streamlined review process is determined by the County's progress toward meeting their allocation of the regional housing need as recorded in the housing element annual progress report.

AB 2162 (2018)

- Promotes the development of supportive housing, permanent housing linked with supportive services for people experiencing or at risk of homelessness.
- Establishes procedures and processes to streamline permitting for supportive housing developments utilizing objective standards.

AB 101 (2019)

- Amends Government Code Sections 65660 through 65668 to establish streamlined permit procedures and standards for low barrier navigation centers, which provide temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, and housing.

AB 2345 (2020)

- One of various state bills to amend Government Code Sections 65400 and 65915, State Density Bonus Law provisions.
- Increases the amount of additional residential units allowed to be developed for qualifying projects that the County's Development Codes would otherwise not allow.

The adoption of these legislative bills resulted in certain provisions of the County's LUDC and CZO becoming inconsistent with state law.

To be consistent with state law, the proposed ordinance amendments include updated standards regarding the State Density Bonus Law (SDBL) and supportive housing, and new standards regarding Low Barrier Navigation Centers (LBNCs). Within the LUDC, the proposed amendments revise the already adopted qualifying housing streamlined review (SB 35) and Objective Design Standards for Multiple-Unit and Mixed-Use Housing. Within the CZO, similar amendments regarding Objective Design Standards for Multiple-Unit and Mixed-Use Housing are proposed for adoption. With the exception of SB 35, which does not apply to the coastal zone until January 1, 2025, the ordinance amendments are consistent between the LUDC and CZO; differences between the permit types and standards within the LUDC and CZO are in place to ensure that projects comply with Coastal Act requirements and provisions of the adopted Local Coastal Program. As these ordinance amendments are required to comply with state law, there is limited discretion in adopting these updates given the prescriptive nature of these laws.

Please see Sections 5.2, 5.3, 5.4, 5.5, and 5.6, below, for further details regarding the proposed amendments and their compliance with recently adopted state housing laws.

## **5.0 PROJECT INFORMATION**

### **5.1 Background**

From 2017 to 2023, the State Legislature passed several bills that introduced new requirements related to LBNCs, SDBL, the creation of a streamlined ministerial review process, by-right supportive housing, and objective design standards for multiple-unit and mixed-use housing. To comply with updated state legislation and the Goals and Programs of the County's 2023-2031 Housing Element Update, specifically Program 16: Reduction of Governmental Constraints, staff began preparing zoning ordinance amendments to conform to these changes in state housing law. As an initial effort, staff added Chapter 35.33 - Multiple-Unit And Mixed-Use Housing Objective Design Standards to the County's LUDC, which was adopted by the Board in January 2023 and became effective on February 23, 2023. In the spring of 2023, staff continued to draft amendments to the LUDC, MLUDC, and CZO to comply with state housing law. Additional information on the adopted amendments to state housing law and the changes that apply to the County's zoning codes are provided below.

### **5.2 Low Barrier Navigation Center (LBNC)**

On July 31, 2019, Governor Newsom approved Assembly Bill (AB) 101, which established qualifying LBNCs as a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. AB 101 established that as a use by right, LBNCs shall only be subject to ministerial review. The intent of Government Code (GC) Sections 65660 through 65668 (AB 101) is to promote LBNCs, which help reduce barriers for the County's homeless population by using best practices to provide residents with shelter and access to the services necessary for them to obtain permanent housing.

Currently, LBNCs are not specifically addressed in the County's LUDC or CZO. The proposed LUDC Section 35.42.198 and CZO Section 35-144I incorporate state LBNC requirements into County code, establish streamlined permit procedures and development standards for LBNCs, and comply with Government Code Sections 65660 through 65668. The provisions of this bill and proposed sections related to LBNCs are in effect until January 1, 2027, at which time they will be repealed, unless the date is extended by the State.

The sections permit the development of a LBNC with a Zoning Clearance in the LUDC and a Coastal Development Permit in the CZO in zones that allow mixed use and nonresidential zones that permit multifamily uses. In the CZO, the zones that allow LBNCs are as follows: Limited Commercial (C-1), Retail Commercial (C-2), Highway Commercial (CH), Resort/Visitor Servicing Commercial (CV), and Professional and Institutional (PI) zones. In the LUDC, the Neighborhood Commercial (CN), C-1, C-2, General Commercial (C-3), CH, Old Town – Residential (OT-R), Mixed Use (MU), Old Town – Residential/General Commercial (OT-R/GC), Old Town – Residential/Light Commercial, (OT-R/LC), and the Community Mixed Use – Los Alamos (CM-LA) zones allow the development of LBNCs. In order to qualify for review, a LBNC must comply with the following four requirements from GC Section 65662:

1. The LBNC must offer services to connect people to permanent housing through a services plan;
2. The LBNC must be linked to a coordinated entry system that staff may use to conduct assessments and connect people to permanent housing plan;
3. The LBNC shall comply with "Housing First" policies and best practices, pursuant to the Welfare and Institutions Code Sections 8255 et. seq.; and

4. The LBNC shall have a system for entering information regarding client stays, demographics, income, and exit destination through the local Homeless Management Information System, as defined in the Code of Federal Regulations Title 24 Section 578.3.

The County must meet certain requirements when reviewing applications for LBNCs:

- The County shall not require Board of Architectural Review and shall only subject LBNCs to the objective design standards included in the appropriate Multiple-Unit And Mixed-Use Housing Objective Design Standards and those listed specifically within the proposed sections.
- The Director shall consider a LBNC application ministerially without discretionary review.
- The County must notify an applicant as to whether their application is complete within 30 days of receipt, and to act upon its review of an application within 60 days of receipt of a complete application.

The proposed ordinance amendment codifies the requirements for the Low Barrier Navigation Centers by adding a new section to the zoning ordinances in the LUDC and CZO. The complete text of the ordinance amendments are included in Attachment C-1 (LUDC) and Attachment D-1 (CZO).

### **5.3 State Density Bonus Law (SDBL)**

State Density Bonus Law (SDBL; Government Code Sections 65915-65918) provides housing developers with tools to encourage the development of much-needed affordable and senior housing. Specifically, SDBL allows local agencies to grant bonus densities to a qualifying project that would result in a greater number of total units in a project than would otherwise be allowed by the zoning and land use densities, and provides for incentives and concessions and reductions in standards in exchange for a specified number of units designated for lower or moderate income households, senior citizens, or special needs groups. When a developer meets the requirements of SDBL, the County is obligated to permit increased building density, grant incentives, and waive any conflicting local development standards unless certain exceptions apply.

The County last updated its density bonus provisions in 2019. State legislature adopted numerous bills regarding SDBL since 2019, including: AB 1763 (2019), AB 2345 (2020), AB 634 (2021), SB 728 (2021), SB 290 (2021), AB 682 (2022), AB 1287 (2023), and AB 323 (2023). Given the subsequent changes to state law and to implement *Program 13: Density Bonus Provisions* of the County's 2023-2031 Housing Element Update, County staff prepared revisions to the zoning ordinances to conform to state requirements.

The proposed amendments contain provisions that update development standards and requirements in compliance with the following state laws:

AB 1763 (2019):

- Increases the maximum density bonus up to 80 percent for housing projects with 100 percent low income units.
- Allows a height increase up to three stories or 33 feet if the project is located within a half mile of a major transit stop.
- Eliminates parking for 100 percent lower income special needs or supportive housing.

AB 2345 (2020):

- Increases the maximum density bonus granted up to 50 percent if a developer either provides 15 percent of all units for very-low income, 24 percent of units for low-income, or 44 percent of units for moderate-income levels.

- Decreases the parking ratio requirement for 2 to 3 bedroom units from two parking spaces to 1.5 parking spaces.

AB 634 (2021):

- Allows the County to adopt an ordinance extending affordability periods beyond 55 years for affordable units not financed with low-income housing tax credits.

SB 728 (2021):

- Allows a qualified nonprofit housing organization receiving a property tax welfare exemption to purchase for-sale units pursuant to a recorded contract and following listed requirements.

SB 290 (2021):

- Allows one concession or incentive for projects providing 20 percent of the total units for lower-income students in a student housing development.
- Allows housing developments including at least 40 percent moderate income units and located within a one-half mile of a major transit stop to be eligible for a parking ratio of 0.5 spaces per bedroom.

AB 682 (2022):

- Allows “shared housing” to qualify for certain incentives and concessions.

AB 1287 (2023):

- Requires the County to grant four incentives or concessions for projects that include at least 16 percent of very low income for-sale units or at least 45 percent of moderate income for-sale units.
- Increases the amount of incentives or concessions from 4 to 5 for a project with 100 percent lower-income units.

AB 323 (2023):

- Revises criteria and conditions for the purchase of units by a qualified nonprofit corporation.

To comply with recent changes to SDBL, the proposed amendments expand the provisions of eligibility, density bonus criteria, incentives and concessions, waivers and reductions in development standards, parking ratios, additional density bonuses, condominium projects, and processing procedures. Staff is proposing to remove the original Density Bonus for Affordable Housing Chapter in the LUDC and Section in the CZO in its entirety and to replace it with a new one in each zoning code. The proposed new Chapter 35.32 in the LUDC and Section 35-144C in the CZO adds new subsections regarding Waivers or Reductions in Development Standards for Housing Developments, Parking Ratios for Housing Developments, Additional Density Bonus or Incentive or Concession for Housing Developments, and Condominium Projects, and adds a new definition of “Housing Development” to the glossaries that complies with state laws.

The proposed new LUDC Chapter and CZO Section for State Density Bonus Law contains revisions complying with updated state mandates. The entirety of the text in the LUDC Chapter and CZO Section is required by state laws, with one optional provision proposed by AB 634 (2021). AB 634 allows jurisdictions the discretion to extend affordability periods beyond 55 years for affordable rental and for sale units not financed with low-income housing tax credits. The County is proposing to extend the affordability period

from 55 years to 90 years to promote the continued availability of affordable housing units and to abide by the County's 2023-2031 Housing Element Update's Goals and Policies.

The complete text of the proposed new Chapters are included in Attachment C-1 (LUDC), and Attachment D-1 (CZO).

#### **5.4 By-Right Supportive Housing**

On September 26, 2018, Governor Newsom approved AB 2162, which requires supportive housing to be allowed as a use by right in zones where multifamily and mixed-uses are permitted if the project meets specified criteria. The State Legislature intended Government Code Sections 65650 through 65656, and 65583(c)(3), to promote the development of transitional and supportive housing, which are housing types designed to help individuals with low incomes and one or more disabilities find stable housing and live fuller lives. To comply with the updated state law, staff is proposing amendments containing provisions that apply to applicable supportive housing.

Staff removed Transitional and Supportive Housing from Section 35.42.090 Community Care Facilities in the LUDC and created a new Section, Section 35.42.265 Transitional and Supportive Housing. In the CZO, staff removed Transitional and Supportive Housing from Section 35-143 Community Care Facilities and created a new Section, Section 35-144V Transitional and Supportive Housing. The definition of transitional and supportive housing did not align with the intent of the Community Care Facilities, resulting in the creation of these new Sections and the revision of the existing definition for "Special Care Home" in the LUDC and CZO glossaries. Certain standards were deleted, revised, and added into the proposed Sections in order to comply with state law and clarify requirements. The proposed ordinance amendments to correct and clarify the LUDC and CZO for the CPC's consideration and recommendation to the Board contain:

- Separation of transitional housing as a use from supportive housing in the Allowed Land Uses and Permit Requirements Tables, as they contain different definitions as uses.
- Establishes the criteria and requirements for supportive housing to be considered ministerially (i.e. "by right") without discretionary review in zones permitting multifamily and mixed uses.
- Establishes the requirement for ministerial by-right supportive housing to only be subject to objective development standards.
- Establishes completeness determination and decision deadlines for qualifying by-right supportive housing projects.
- Establishes limits on disapproval of transitional or supportive housing.

The entirety of the text in the proposed Sections are required by state law. However, the law does provide the County with an option to develop an ordinance with a limit higher than 50 units for by-right supportive housing projects. Provided this discretion, the County is proposing to increase the limit from 50 units to 75 units or fewer for ministerial supportive housing projects, as written in Section 35.42.265.C.2.g of the LUDC and in Section 35-144.V.3.2.g of the CZO. The County is proposing an increase from 50 units to 75 units to promote the development of available housing for special needs groups within the County, which complies with the goals of the 2023-2031 Housing Element Update.

The complete text of the proposed new Sections are included in Attachment C-1 (LUDC), and Attachment D-1 (CZO).

## **5.5 Qualifying Housing Streamlined Review**

On September 29, 2017, Governor Newsom approved SB 35 (codified in GC Sections 65582.1 and 65913.4) to implement a streamlined application review process for qualifying multiple-unit and mixed-use housing projects. The provisions of this GC apply only if the State has determined that the County is subject to this streamlined ministerial approval process due to insufficient progress towards meeting its regional housing needs allocation as described in the County's 2023-2031 Housing Element and reported on annually as part of the Annual Progress Report. SB 35 applies to the County at this time. The intent of SB 35 is to facilitate and expedite the construction of housing. Qualifying SB 35 projects must satisfy an extensive list of criteria, such as affordability levels (currently 50 percent of units must be affordable to lower income households), labor standards, and conformance with objective zoning standards. The provisions of this bill were set to expire on January 1, 2026. On September 13, 2023, the State Legislature passed SB 423 to extend the expiration date to January 1, 2036.

The Board of Supervisors adopted an ordinance adding Chapter 35.31 - Affordable Housing Streamlined Review to the LUDC on January 24, 2023, becoming effective on February 23, 2023. Staff is proposing revisions to Chapter 35.31 in the LUDC to comply with state law and to clarify requirements. The revisions also incorporate changes to state law with the passage of SB 423. At this time, the requirements of SB 35 do not apply to the Coastal Zone and are not being proposed for adoption in the CZO. Staff is proposing to repeal Chapter 35.31 – Affordable Housing Streamlined Review and replace it with Chapter 35.31 - Qualifying Housing Streamlined Review. The proposed amendments for the CPC's consideration and recommendation to the Board consist of:

- Repeal Chapter 35.31 Affordable Housing Streamlined Review and replace with Chapter 35.31 Qualifying Housing Streamlined Review
- Revision of the expiration date from January 1, 2026, to January 1, 2036 and updated applicability information under 35.31.010.B
- Revision to clarify the applicable objective standards and add a statement on parking exemption eligibility
- Revision to edit the heading title from Notice of Intent to Preliminary Application/Notice of Intent under 35.31.040.A
- Revision to add the requirement of public meetings for certain projects
- Revision to add further details and requirements for the scoping consultation with California Native American tribes
- Separation of and further clarification of the requirements of 35.31.040.D Consistency Determination and 35.31.040.E Design Review
- Addition of the required timelines of application approval by the Director in 35.31.040.F
- Revision to add criteria for project approvals not to expire and an expiration timeframe for projects that do not meet this criteria under 35.31.040.G Expiration
- Revision to add procedures for applicants to request modifications to an approved streamlined project under 35.31.040.H Modifications.

The complete text of the proposed new Chapter is included in Attachment C-1 (LUDC).

## **5.6 Objective Design Standards for Multiple-Unit and Mixed-Use Housing**

Various state laws, including the Housing Accountability Act (GC Section 65589.5), SB 35 (GC Sections 65582.1 and 65913.4), and AB 2162 (GC Sections 65660 through 65656, and 65583(c)(3)), require that qualifying housing projects be subject only to established objective design standards. Objective design



standards are intended to provide clear design direction that respects existing neighborhood compatibility and privacy and can be implemented without subjective decision making. The objective design standard provisions apply to qualifying multiple-unit and mixed-use residential development in all zones subject to housing development projects under the Housing Accountability Act, SB 35 multifamily housing development projects, and applicable AB 2162 supportive housing projects.

To comply with state law, staff prepared a zoning ordinance for the Objective Design Standards for Multiple-Unit and Mixed-Use Housing in the LUDC, which the Board adopted on January 24, 2023, and became effective on February 23, 2023. Subsequent to the Board's adoption, staff has prepared revisions to this ordinance in collaboration with an advisory group made up of members from the County's four Boards of Architectural Review. The proposed CZO Chapter 35-144B incorporates the proposed revisions made to LUDC Chapter 35.33 based on advisory group input. Certain development standards were revised to clarify and refine requirements. The proposed ordinance amendments for the CPC's consideration and recommendation to the Board include:

- Revision to allow department staff to consult with a Board of Architectural Review Chair or other design professional to assist in determining a project's compliance with the objective standards
- Revision to replace Figure 35.33-2 Wall Plane Variation with a new figure that more clearly depicts the described wall plane
- Revision to the height of the roof line variation from at least 18 inches to 24 inches for buildings of two stories or less and 30 inches for buildings of three stories or more
- Revision to add a minimum pitch of 4:12 requirement for buildings 30 feet or taller with sloped roofs
- Revision to add Figure 35.33-6: Architectural Treatment at Entrances to demonstrate the described architectural features
- Revision to allow metal as an option for an accent material
- Revision to add a buffer for adjacent single-family residential zones when developing multi-family buildings of three or more stories
- Revision to increase paving treatment for entrance driveways from a minimum of 12 feet to a minimum of 14 feet in length to more closely align with County Fire requirements
- Revisions to plant materials to specify non-invasive Mediterranean, California native, and other drought-tolerant species
- Revision to landscape buffer materials to ensure visibility and minimize security concerns
- Revision to increase tree canopy coverage from at least 25 percent to at least 50 percent of walkways.

The complete text of the proposed revisions to the LUDC Chapter and the proposed new Chapter in the CZO are included in Attachment C-1 (LUDC), and Attachment D-1 (CZO).

## 5.0 ENVIRONMENTAL REVIEW

- 5.5 Case No. 21ORD-00000-00001.** The proposed LUDC amendment is exempt from environmental review pursuant to State CEQA Guidelines Section 15061(b)(3), which provides an exemption for projects that will have no possibility of significant effect on the environment. As explained further in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments.
- 5.6 Case No. 21ORD-00000-00003.** The proposed CZO amendment is exempt from environmental review pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15265. State CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review. Section 15061(b)(3) states “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” As explained further in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments.

Please see the Notice of Exemption (Attachment B) for additional information.

## 6.0 POLICY CONSISTENCY

The proposed amendments implement state laws. The new state laws allow development consistent with the land use designation, as established in the County’s Comprehensive Plan and Community Plans.

In the Coastal Zone, the ordinance amendments do not supersede or in any way alter or lessen the effect of the California Coastal Act of 1976. Furthermore, projects proposed within the Coastal Zone must be consistent with all applicable policies and provisions of the Local Coastal Program as they relate to Coastal Resources, as codified within the proposed CZO amendments.

The proposed amendments are consistent with the Comprehensive Plan and Coastal Land Use Plan (CLUP), as they implement Program 16: Reduction of Governmental Constraints and Program 13: Density Bonus Provisions, and support Program 8: Housing for the Homeless and Program 9: Sites for Emergency Shelters, of the adopted 2023-2031 Housing Element Update (Housing Element). In addition, the proposed amendments update the zoning ordinances to be consistent with state housing law.

The updated Housing Element contains 25 programs to carry out the County’s housing goals and policies. Staff presented the Housing Element to the Board for their approval on December 5, 2023. The Board adopted the Housing Element after making a finding that it is in conformity with the other elements of the Comprehensive Plan.

Program 16 of the 2023-2031 Housing Element Update directs the County to update the County’s zoning ordinances to comply with numerous changes to state housing laws that have been passed to increase the development of housing for special needs populations. Program 16 commits the County to conduct ordinance amendments to address housing constraints related to barriers to streamlined permit processing and the availability and maintenance of affordable housing. The proposed amendments implement Program 16 by bringing the LUDC and CZO up to date with state housing laws. The proposed amendments comply with state law and Program 16 by creating objective standards and ministerial permit paths for emergency shelters, supportive housing, and low barrier navigation centers. The proposed amendments also amend the LUDC to provide a ministerial permit process for qualified housing developments as required by state law

SB 35. Finally, the proposed amendments expand the objective design standards from the LUDC to the CZO.

Program 13 of the 2023-2031 Housing Element Update directs the County to, among other things, amend the County’s zoning ordinances to comply with current changes in SDBL. The proposed SDBL amendments encourage the development of affordable housing and mixed-use developments consisting of residential (two or more units) and nonresidential uses with at least two-thirds of the square footage designated for residential use, thereby addressing the lack of available affordable housing as directed by Program 13. The proposed amendments further increase the opportunities for greater density bonus amounts and incentives coinciding with state law and the direction of Program 13. The proposed amendments implement Program 13 by amending County regulations to comply with the provisions of SDBL, which is intended to increase the economic feasibility of affordable housing developments.

Program 8 of the 2023-2031 Housing Element Update directs the County to increase access to safe, affordable housing dedicated to persons experiencing homelessness by implementing the County’s Community Action Plan to Address Homelessness. The proposed amendments support Program 8 by allowing supportive housing ministerially in certain zones if it meets certain requirements. This amendment reduces barriers to the development of supportive housing, which serves persons experiencing homelessness and therefore contributes to the goals of Program 8.

Program 9 of the 2023-2031 Housing Element Update directs the County to amend the zoning ordinances to allow emergency shelters with ministerial permits in applicable zones and to develop and adopt objective standards for emergency shelters in zones in which they are allowed. The proposed amendments support Program 9 by amending the zoning ordinance to allow LBNCs, a type of emergency shelter, with a ministerial permit in certain zones. The proposed amendments for LBNCs streamline the permit process and reduce the development standards applicable to LBNCs in compliance with state law. For example, the proposed amendments establish that low barrier navigation centers shall only be subject to ministerial review and are not subject to Board of Architectural Review.

By implementing Programs 16 and 13, supporting the intent of Programs 8 and 9, and updating the zoning ordinances to be consistent with state housing law, the proposed amendments are consistent with the Comprehensive Plan, including the Housing Element and applicable community and area plans, and the CLUP.

## 7.0 ORDINANCE COMPLIANCE

As discussed in Section 6.0, above, the proposed amendments are consistent with the remaining portions of the CZO and LUDC which are not revised by these amendments. The proposed ordinances add new or modify existing Chapters and Sections within the LUDC and CZO to comply with state law, as shown in the table below:

Proposed Ordinance	LUDC	CZO
LBNCs	Section 35.42.198	Section 35-144I
SDBL	Chapter 35.32 (existing)	Section 35-144C (existing)
Transitional and Supportive Housing	Section 35.42.265	Section 35-144V

Multi-Unit and Mixed Use Housing Objective Design Standards	Chapter 35.33 (existing)	Section 35-144B
Qualifying Housing Streamlined Review	Chapter 35.31 (existing)	N/A

The proposed amendments include a provision that states where there are conflicts between the LBNC, supportive housing, SDBL, and objective design standards of CZO Section 35-144I, Section 35-144V, Section 35-144C, and Section 35-144B, or LUDC Section 35.42.198, Section 35.42.265, Chapter 35.32, and Chapter 35.33 and other provisions of the CZO or LUDC, respectively, that the standards of the proposed CZO Sections or proposed LUDC Sections and Chapters, respectively, shall prevail. By updating the zoning ordinances to be consistent with state laws, the proposed amendments are consistent with the requirements of state planning and zoning laws, the CZO, and the LUDC. The proposed amendments are part of an ongoing effort to bring certain rules, regulations, and review processes up to date with County goals, and reflect current regulatory conditions. The overall objective is to make requirements clear and effective, streamline review processes, and provide for more opportunities for housing development. As such, these amendments are consistent with the CZO and LUDC regulations.

**8.0 APPEALS PROCEDURE**

Ordinance amendments recommended for approval or denial are legislative acts that are automatically forwarded to the Board for final action. Therefore, the ordinance amendments are not subject to appeal.

**9.0 ATTACHMENTS**

- A. Findings for Approval (Case Nos. 21ORD-00000-00001 and 21ORD-00000-00003)
- B. Notice of Exemption (Case Nos. 21ORD-00000-00001 and 21ORD-00000-00003)
- C. LUDC Resolution and Amendment (Case No. 21ORD-00000-00001)
- D. CZO Resolution and Amendment (Case No. 21ORD-00000-00003)