

ATTACHMENT G: County Planning Commission Staff Report, dated January 21, 2025

SANTA BARBARA COUNTY PLANNING COMMISSION

Staff Report for

Emergency Shelters, Art Tours, and Home Occupations Zoning Ordinance Amendments Package

Hearing Date: January 29, 2025

Deputy Director: Alex Tuttle

Staff Report Date: January 21, 2025

Division: Long Range Planning

Case Nos.: 24ORD-00021, 24ORD-00022, and 24ORD-00031

Supervising Planner: Allen Bell

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

Project Planner: Eva Marrero

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1.0 REQUEST

Hearing on the request of the Planning and Development Department (P&D) for the County Planning Commission to consider making recommendations to the Board of Supervisors (Board) regarding adoption of (1) Emergency Shelter Zoning Ordinance Amendments to comply with new State laws and implement Program 9 of Chapter 5 of the 2023-2031 Housing Element Update (HEU) and (2) Art Tours and Home Occupations Zoning Ordinance Amendments.

1. Recommend that the Board adopt an ordinance (Case No. 24ORD-00021) amending Section 35-1, the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, by 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; and Article 35.11, Glossary.
2. Recommend that the Board adopt an ordinance (Case No. 24ORD-00022) amending Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 2, Definitions; Division 4, Zoning Districts; Division 6, Parking Regulations; and Division 7, General Regulations.
3. Recommend that the Board adopt an ordinance (Case No. 24ORD-00031) amending Section 35-1, the LUDC, of Chapter 35, Zoning of the Santa Barbara County Code, by amending Article 35.4, Standards for Specific Land Uses Land Uses.
4. Determine that the ordinance amendments (Case Nos. 24ORD-00021, 24ORD-00022, and 24ORD-00031) are exempt from the provisions of CEQA pursuant to Sections 15061(b)(3) and 15265 of the State Guidelines for Implementation of CEQA.

2.0 RECOMMENDATIONS AND PROCEDURES

Follow the procedures outlined below and recommend that the Board approve the proposed ordinance amendments (Case Nos. 24ORD-00021, 24ORD-00022, and 24ORD-00031), as shown in Attachments C, D, and E, based on the ability to make the required findings, including CEQA findings. The County Planning Commission's motion should include the following:

1. Make the required findings for approval (Attachment A), including the CEQA findings, and recommend that the Board make the required findings for approval, including the CEQA findings, of the proposed ordinance amendments;
2. Recommend that the Board determine that the ordinance amendments (Case Nos. 24ORD-00021, 24ORD-00022, and 24ORD-00031) are exempt from the provisions of CEQA pursuant to Sections 15061(b)(3) and 15265 of the State Guidelines for Implementation of CEQA (Attachment B);
3. Adopt a resolution (Attachment C) recommending that the Board adopt an ordinance amending Section 35-1 (Case No. 24ORD-00021) of Chapter 35, Zoning, of the Santa Barbara County Code;
4. Adopt a resolution (Attachment D) recommending that the Board adopt an ordinance amending Article II, the Coastal Zoning Ordinance (Case No. 24ORD-00022) of Chapter 35, Zoning, of the Santa Barbara County Code; and
5. Adopt a resolution (Attachment E) recommending that the Board adopt an ordinance amending Section 35-1 (Case No. 24ORD-00031) of Chapter 35, Zoning, of the Santa Barbara County Code.

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

3.0 JURISDICTION

The County Planning Commission is considering the proposed amendments based on the following:

1. Section 35.80.020 of the LUDC, which states that the County Planning Commission reviews development code amendments and provides a recommendation to the Board.
2. Section 35-57C of the CZO, Article II of Chapter 35 of the Santa Barbara County Code, which states that the County Planning Commission reviews Local Coastal Program amendments, and provides a recommendation to the Board.
3. Government Code (GC) Sections 65854 and 65855, which state:

The planning commission shall hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance ... After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body ...

4. Sections 2-25.2(b)(1) and (2) of Chapter 2 – Administration of the County Code, which state in part:

... the following shall remain within the jurisdiction of the county planning commission
... (1) Recommendations regarding proposed amendments to articles I, II, III, V, and VII of Chapter 35 of the County Code ...

4.0 ISSUE SUMMARY

Program 9 of the 2023-2031 HEU requires that the County of Santa Barbara (County) amend its zoning ordinances to comply with new State laws regarding the definition and permitting of emergency shelters. Emergency shelters are structures that provide temporary housing for the homeless. The new laws also expand the definition of low barrier navigation centers.

Under current zoning, the County's capacity for emergency shelters relies disproportionately on vacant sites in Los Alamos and creates a spatial imbalance of resources, given that the County's homeless populations exist throughout urban areas of the unincorporated county. The zoning ordinances currently allow emergency shelters with a Minor Conditional Use Permit (MCUP) or Land Use Permit (LUP), depending on the zone.

In part, new State law requires that the County allow some emergency shelters without a discretionary permit. To comply with these new laws, the proposed zoning ordinance amendments would (1) amend the land use tables in the LUDC to allow emergency shelters subject to a non-discretionary (ministerial) permit and objective standards in thirteen zones, (2) amend the definitions of "emergency shelter" and "low barrier navigation center" to broaden their applicability, and (3) add four objective standards for emergency shelters that would apply in addition to other existing standards for emergency shelters and other residential uses.

Beyond the requirements of State law, the proposed amendments would (1) amend the land use tables in the LUDC to allow emergency shelters subject to a discretionary permit (i.e., MCUP) in the PI (Professional and Institutional) zone, and (2) amend the list of permitted uses in the CZO to allow emergency shelters subject to a Coastal Development Permit (CDP) in C-1 (Limited Commercial), C-2 (Retail Commercial), and CH (Highway Commercial) zones.

Unrelated to the Emergency Shelter Zoning Ordinance Amendments, staff is proposing amendments to the LUDC to facilitate community events such as artist, garden, and architectural tours within the unincorporated Inland Area of the county, outside of Montecito. These events provide an important community resource and it has long been an objective of the County to update its zoning code to accommodate such events. In addition to and supportive of the periodic tours, the amendments propose modifications to the standards and permit requirements for home occupations, as these regulations govern the use of artist studios. These amendments dovetail with a broader County effort to streamline permit processes where appropriate by establishing more ministerial permits.

5.0 PROJECT INFORMATION

5.1 Emergency Shelters

Over the past several years, the State legislature has recognized the importance of increasing the production of emergency shelters. In 2022, the State legislature passed Assembly Bill (AB) 2339 (GC Section 65583(a)), mandating that jurisdictions expand their capacity for emergency shelters. In particular, AB 2339 requires that local jurisdictions:

- Expand the definition of “emergency shelter” to include other interim interventions, such as navigation centers, bridge housing, and respite or recuperative care (GC Section 65583(a)(4)(C));
- Identify zoning designations that allow residential uses where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and subject only to objective standards (GC Section 65583(a)(4)(A));
- Demonstrate sufficient capacity on sufficient sites for emergency shelters to accommodate the most recent homeless point-in-time (P-I-T) count (GC Section 65583(a)(7));
- Apply up to eight objective standards to emergency shelters, including the following (GC Section 65583(a)(4)(B)): (1) maximum beds/persons, (2) sufficient parking, (3) size/location of waiting/client intake areas, (4) onsite management, (5) proximity to other emergency shelters, (6) length of stay, (7) lighting, and (8) security; and
- Optionally, identify additional zoning designations where emergency shelters are permitted with a conditional use permit or other discretionary permit (GC Section 65583(a)(4)(A)).

According to GC Section 65583(a)(7), the County must “demonstrate sufficient capacity on sufficient sites for emergency shelters to accommodate the most recent P-I-T count.” The County’s 2023 P-I-T count shows that Santa Barbara County has a concentration of homeless individuals and families in urban areas, such as the Santa Barbara and Santa Maria city regions.

In addition, Senate Bill (SB) 1395 (GC Sections 8698.4 and 65660)), passed in 2024, promotes the production of emergency shelters by expanding the definition of “low barrier navigation centers” to allow them to be non-congregate and relocatable. “Non-congregate” means housing that provides separate living spaces for individuals or households.

To comply with the State mandates described above and address the spatial imbalance between the County’s zoning and need for emergency shelters, Program 9 of Chapter 5 of the 2023-2031 HEU directs the County to amend its zoning ordinances (i.e., LUDC and CZO).

5.1.1 Existing Capacity for Emergency Shelters

The LUDC allows emergency shelters in the Inland Area with an LUP in the C-3 (General Commercial), C-S (Service Commercial), M-RP (Industrial Research Park), and M-1 (Light Industry) zones, and with a MCUP in the C-2 and CM-LA (Community Mixed Use – Los Alamos) zones. The LUDC limits the size of emergency shelters allowed with an LUP and without approval of a Development Plan to less than 5,000 square feet. The County may also allow emergency shelters on County-owned sites in the Inland Area.

To calculate existing and projected capacity for emergency shelters allowed without approval of a Development Plan on vacant sites, staff assumed an average emergency shelter size of less than 5,000 square feet (i.e., 4,999 square feet) and considered setback requirements to determine minimum

parcel sizes suitable for emergency shelters in commercial, industrial, and special purpose zones. (Please see Attachment F, Emergency Shelter Capacity Analysis, for more methodology details.) GC Section 65583(a)(4)(H) directs the County to analyze capacity for emergency shelters on vacant sites that allow residential development and/or on nonvacant sites that allow residential development with “substantial evidence that the use is likely to be discontinued during the planning period.” For conservative purposes and to comply with GC Section 65583(a)(4)(H), the County limited its emergency shelter capacity analysis to vacant sites that allow residential use. No vacant sites large enough to accommodate up to a 4,999 square-foot emergency shelter exist in the C-S, M-RP, or M-1 zones in the Inland Area. Seventeen vacant or partially vacant sites exist in the C-3 zone totaling 8.85 acres where the LUDC allows emergency shelters with an LUP. Fifteen of these sites are large enough to accommodate emergency shelters of up to 4,999 square feet. GC Section 65583(a)(4) states, “The number of people experiencing homelessness that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person...” Based on this methodology, these 15 sites could accommodate up to 400 persons/beds. However, 12 of these 15 sites are clustered in Los Alamos, which is relatively isolated and lacks sufficient amenities and services for homeless individuals and families. Furthermore, this estimated capacity for emergency shelters relies on LUPs that are appealable and may include subjective standards. Similarly, existing capacity for emergency shelters in the C-2 and CM-LA zones in the Inland Area relies on conditional use permits and, therefore, does not comply with GC Section 65583(a)(4)(A), which requires “[t]he identification of one or more zoning designations that allow residential uses ... where emergency shelters are allowed ... without a conditional use or other discretionary permit.”

The CZO allows emergency shelters in the Coastal Zone with a CDP in the SR-H (High Density Student Residential) and M-RP zones and a MCUP in the C-2 zone (Retail Commercial). CDPs and MCUPs involve the application of discretionary standards and, therefore, are discretionary permits. No vacant sites zoned M-RP exist in the Coastal Zone. One vacant site zoned SR-H-20 is large enough (0.82 acres) to accommodate an emergency shelter in the Coastal Zone (Isla Vista). Using the aforementioned methodology, this site could accommodate up to 178 beds. However, the County is currently reviewing a planning permit application for a 24-unit residential development on this site and, therefore, cannot assume capacity for an emergency shelter on this site. No vacant sites zoned C-2 exist in the Coastal Zone that are large enough to accommodate an emergency shelter of 4,999 square feet. Overall, the Coastal Zone lacks available vacant sites to accommodate emergency shelters under existing zoning. Moreover, the County only allows emergency shelters through discretionary permits in the Coastal Zone and thus does not satisfy GC Section 65583(a)(4)(A).

According to the 2023-2031 HEU, the County needs to accommodate an additional 154 beds to shelter the existing homeless population within the unincorporated county. The County’s existing capacity for emergency shelters on vacant sites exceeds 154 beds. However, the existing capacity is primarily located in the rural community of Los Alamos and would require discretionary or otherwise appealable permits and subjective review. Therefore, the proposed ordinance amendments allow emergency shelters in areas where individuals are more likely to experience homelessness (i.e., South Coast Housing Market Area) and in certain zones with a ministerial permit (i.e., ZC).

5.1.2 Zones and Allowable Land Uses, Standards for Specific Land Uses, and Definitions

To help accommodate the County’s needs for emergency shelters and implement State law and Program 9, the proposed ordinance amendments include the following changes to the LUDC and CZO:

- LUDC: Amend the land use tables to allow emergency shelters subject to a ZC (ministerial permit) and objective standards in the following thirteen zones: C-1, C-2, C-3, C-S, CH, CM-LA, MU (Mixed Use), OT-R (Old Town Residential), OT-R/LC (Old Town Residential/Light Commercial), OT-R/GC (Old Town Residential/General Commercial), M-RP, M-1, and M-2 (General Industry);
- LUDC and CZO: Expand the definitions of “emergency shelter” and “low barrier navigation center” to comply with GC Sections 65583(a)(4) and 65660, respectively;
- LUDC and CZO: Add four objective standards that would apply to emergency shelters, in addition to all other existing objective and, if applicable, discretionary standards that apply to residential uses: (1) parking, (2) waiting and client intake areas, (3) onsite employee and emergency contact person, and (4) proximity to other shelters;
- LUDC: Amend the land use tables in the LUDC to allow emergency shelters subject to a MCUP in the PI zone; and
- CZO: Amend the list of permitted uses in the CZO to allow emergency shelters subject to a CDP in the following three zones: C-1, C-2, and CH.

Tables 1 and 2, below, summarize the proposed changes to the land use tables in the LUDC and lists of permitted uses in the CZO:

Table 1 – Current and Proposed Permit Requirements for Emergency Shelters in the LUDC

Zone	Current Permit Requirement	Proposed Permit Requirement
C-1	-	ZC
C-2	MCUP	ZC
C-3	LUP	ZC
C-S	LUP	ZC
CH	-	ZC
CM-LA	MCUP	ZC
PI	-	MCUP
MU	-	ZC
OT-R	-	ZC
OT-R/LC	-	ZC
OT-R/GC	-	ZC
M-RP	LUP	ZC

M-1	LUP	ZC
M-2	-	ZC

Table 2 – Current and Proposed Permit Requirements for Emergency Shelters in the CZO

Zone	Current Permit Requirement	Proposed Permit Requirement
SR-H	CDP	CDP
C-1	-	CDP
C-2	MCUP	CDP
CH	-	CDP
M-RP	CDP	CDP

The proposed LUDC amendment would allow emergency shelters in the Inland Area with a ZC in the C-1, C-2, C-3, CS, CH, CM-LA, MU, OT-R, OT-R/LC, OT-R/GC, M-RP, M-1, and M-2 zones and with a MCUP in the PI zone. These changes would allow emergency shelters with a ministerial permit in most zones where low barrier navigation centers are currently allowed (i.e., C-1, C-2, C-3, CH, CM-LA, OT-R, OT-R/LC, and OT-R/GC), creating more consistency in allowable land uses across each zone. Furthermore, allowing emergency shelters in the Inland Area with a MCUP in the PI zone creates additional capacity for emergency shelters with a discretionary permit, as encouraged under GC Section 65583(a)(4)(A). The proposed amendments would not allow emergency shelters, other than those permitted as a single-family dwelling, in residential zones to reduce potential neighborhood compatibility conflicts.

The proposed CZO amendment would allow emergency shelters in the Coastal Zone with a CDP in the C-1, C-2, and CH zones. The CZO already allows emergency shelters in the Coastal Zone with a CDP in the SR-H and M-RP zones and a MCUP in the C-2 zone. Only one parcel zoned PI exists in the Coastal Zone. This parcel is occupied by the St. George Youth Center YMCA. Therefore, staff did not propose to allow emergency shelters in the PI zone in the Coastal Zone.

GC Section 65583(a)(4)(B) allows cities and counties to apply up to eight specific objective standards as outlined in Section 5.1, Background, above. However, the proposed ordinance amendments only apply four of the eight objective standards: (1) sufficient parking, (2) size/location of waiting/client intake areas, (3) onsite management, and (4) proximity to other emergency shelters. The proposed ordinance amendments do not apply the following four additional objective standards allowed in Section 65583: (1) maximum beds/persons, (2) length of stay, (3) lighting, and (4) security. In consultation with the County Community Services Department, staff concluded that these objective standards are unnecessary or redundant with other existing standards. For example, regulating the length of stay would have no effect on the principal use or outward character of an emergency shelter. The zoning ordinances already include objective standards for exterior lighting.

Consistent with GC Section 65583(a)(4)(C), the proposed LUDC and CZO amendments update the definition of “emergency shelter” to clarify that such uses may include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.

Consistent with GC Section 65660, the proposed amendments also update the definition of “low barrier navigation center” to allow them to be non-congregate and relocatable.

5.1.3 Potential Capacity for Emergency Shelters

Under the proposed LUDC amendments, 13 zones would allow emergency shelters with a ZC in the Inland Area. Twenty-eight vacant parcels zoned C-2, C-3, CH, CM-LA, M-1, M-2, and OT-R in the Inland Area are large enough to accommodate emergency shelters of up to 4,999 square feet. These parcels total approximately 70 acres across three of the County’s five Housing Market Areas – Santa Maria, Cuyama, and Santa Ynez. According to the methodology described above and in GC Section 65583(a)(4), these parcels could accommodate 15,145 beds. The County could accommodate an additional 2,378 beds from emergency shelters permitted with a discretionary permit (MCUP) on three vacant parcels zoned PI in the Inland Area. Altogether, the additional capacity for emergency shelters in the Inland Area would span four Housing Market Areas – Santa Maria, Santa Ynez, Cuyama, and Lompoc. This potential capacity is based on private, vacant sites; it does not reflect potential capacity from redevelopment on nonvacant or County-owned sites and, therefore, conservatively represents potential capacity for emergency shelters in the Inland Area.

As a result of the proposed CZO amendments, the County would allow emergency shelters in five zones with a CDP in the Coastal Zone. Of these five zones, only the SR-H-20 parcel described in Section 5.2, Existing Capacity for Emergency Shelters, is vacant. As explained above, the County is processing a planning permit application for a 24-unit housing project on this parcel. As a result, this parcel is unlikely to accommodate an emergency shelter. The Coastal Zone generally lacks vacant sites for emergency shelters but instead has nearly 400 nonvacant or partially-vacant sites that could accommodate emergency shelters under the proposed CZO amendments. The County must consequently rely on the redevelopment of some of these sites to meet its need for emergency shelters in the Coastal Zone.

The potential capacity for emergency shelters and beds permitted with a ministerial permit in the Inland Area would exceed the County’s minimum needs based on the 2023 P-I-T count. The County would realize additional capacity through the proposed amendments allowing emergency shelters with a discretionary permit in the PI zone in the Inland Area and the C-1, C-2, and CH zones in the Coastal Zone.

5.2 Art Tours and Home Occupations

5.2.1 Background

There are examples of art tours (and similar such events) that have occurred in the county in the past and which would be facilitated by the proposed amendments. The most established has been the Santa Ynez Valley Artists Studio Tour. Although the format has changed over the years, in general, the Santa Ynez Valley Artists Studio Tour has been a two-day, weekend event involving as many as 30 artists and 300 to 350 attendees. Some years the tour was accompanied by an artists’ celebration at the sponsoring museum.

The tour has served as a fundraiser for the sponsoring museum, build community and camaraderie among artists, and promote and market the artists working in the Santa Ynez Valley.

Event attendees receive a map depicting where the various artists are located and then, in a self-guided tour, drive to the different locations, visiting all or just a subset of the artists, in one or two days. Attendees are encouraged to carpool, so most cars have between two and four attendees. Each location is marked with signs, and where needed, people to direct attendees where to park. Attendees tend to distribute themselves among the different locations, so it is rare to see more than three to five cars or more than five to ten people at one site at any one time. The participating artists are located in residential, commercial, and agricultural zones in the six different towns of the Santa Ynez Valley.

The Santa Ynez Valley Artists Studio Tour ceased operating several years ago when it was determined that such an event required a MCUP as a Temporary Use, since it did not qualify as purely a charitable or non-commercial event.

5.2.2 Project Details

The proposed amendment would allow these and other similar periodic events (e.g., garden and architecture tours) by updating the Temporary Use section of the LUDC (Section 35.42.260 Temporary Uses and Trailers), as follows:

- Create a new category of temporary events, exempt from permit requirements, subject to specific standards;
- Limited to up to four times per year, no longer than three days per event;
- Open to the general public, with up to 300 attendees per event per day; and
- Any reception shall be limited to non-residential zones.

Additionally, the Home Occupation section of the LUDC (Section 35.42.190 Home Occupations) would be updated as follows to clarify standards and streamline the permit process:

- Downshifting the permit requirement for a home occupation from an LUP to a ZC, including for cottage food operations;
- Clarifying noise level requirements for home occupations;
- Updating the standard for outdoor storage of materials related to home occupations; and
- Updating the criteria whereby home occupations are exempt from the requirement to obtain a permit.

Together, these amendments would remove unnecessary barriers to conducting various forms of art (and other similar home occupations) out of one's home and facilitate the ability for these businesses

to participate in periodic community-wide events. To address an explicit request, the focus of the current proposed amendment is the LUDC (Inland Area, outside Montecito); corresponding updates will be made as appropriate to the CZO and Montecito Land Use and Development Code in the future.

6.0 ENVIRONMENTAL REVIEW

The proposed LUDC and CZO amendments are exempt from environmental review pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15265. State CEQA Guidelines Section 15061(b)(3) provides an exemption for projects that will have no possibility of significant effect on the environment. As explained in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments. State CEQA Guidelines Section 15265 statutorily exempts local agency activities involving the preparation and adoption of Local Coastal Program amendments from environmental review.

7.0 COMPREHENSIVE PLAN AND ORDINANCE CONSISTENCY

The 2023-2031 HEU is one of 13 elements of the Comprehensive Plan. The Board adopted the 2023-2031 HEU after making a finding that the element was in conformity with other elements of the Comprehensive Plan (Resolution No. 23-271). The 2023-2031 HEU contains 25 programs to carry out the County's housing goals and policies, including Program 9. Therefore, the proposed LUDC and CZO amendments for emergency shelters and low barrier navigation centers implement and are consistent with the Comprehensive Plan, including the 2023-2031 HEU.

The proposed LUDC and CZO amendments for emergency shelters and low barrier navigation centers would not add new residential uses to the Inland Area or Coastal Zone, respectively. Rather, the proposed amendments would expand the zones in which emergency shelters are currently allowed. The proposed amendments would also add clarity to the LUDC and CZO by adding permit procedures and objective standards for emergency shelters and updating the definition of "emergency shelter" and "low barrier navigation center" to comply with State housing law.

Additionally, modifications to the Temporary Use and Home Occupation sections of the LUDC to facilitate community tours, and streamline and clarify the process and standards regulating artist studios and other home occupations, would be consistent with the Comprehensive Plan. Overall, the proposed LUDC and CZO amendments do not alter the purpose and intent of any policies or standards of the Comprehensive Plan, including the community and area plans, or the Coastal Land Use Plan, and the adoption of the proposed amendments will not result in any inconsistencies with the adopted policies and development standards. Therefore, these amendments are consistent with the adopted Comprehensive Plan, including all community and area plans, and the Coastal Land Use Plan.

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
- B. Notice of Exemption
- C. LUDC Resolution – Emergency Shelters
- D. CZO Resolution – Emergency Shelters
- E. LUDC Resolution – Art Tours and Home Occupations
- F. Emergency Shelter Capacity Analysis