

## **ATTACHMENT 4: LAND USE AND DEVELOPMENT CODE FINDINGS**

### **CASE NO. 17ORD-00000-00002**

#### **1.0 CEQA FINDINGS**

#### **1.1 CEQA EXEMPTION**

- 1.1.1** The Board of Supervisors finds that the proposed amendments to the County Land Use and Development Code (LUDC), Case No. 17ORD-00000-00002, are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment 2, Notice of Exemption.

#### **2.0 ADMINISTRATIVE FINDINGS**

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the LUDC, the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the LUDC:

##### **2.1 The request is in the interest of the general community welfare.**

The 2015-2023 Housing Element Update contains policies and programs to develop and preserve an adequate housing supply, as well as promote, encourage, and facilitate housing for low income and special needs groups. The proposed ordinance amendments are in the interest of the general community welfare since they will effectuate Program 2.8 of the 2015-2023 Housing Element Update. Program 2.8 directs the County to amend its zoning ordinances to include definitions of transitional and supportive housing and allow transitional and supportive housing as residential uses, subject only to those restrictions that apply to other dwellings of the same type in the same zone. Transitional and supportive housing provide affordable rental housing and supportive services to individuals with low incomes and one or more disabilities. This may include, among other populations, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. Accordingly, the proposed amendments will serve to implement the 2015-2023 Housing Element Update and remove regulatory barriers to the development of affordable and special needs housing.

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

The proposed ordinance amendments, as analyzed in the County Planning Commission staff report dated April 25, 2017, which is hereby incorporated by reference, will effectuate Program 2.8 of the 2015-2023 Housing Element Update. The 2015-2023 Housing Element Update is one of seven mandatory elements of the County Comprehensive Plan. The Board of Supervisors adopted the 2015-2023 Housing Element Update after making a finding that the element was in conformity with other mandatory and optional elements of the Comprehensive Plan. The 2015-2023 Housing Element Update contains Program 2.8 and 36 other programs to carry out the County's housing goals and policies. Therefore, the proposed amendments implement and are in conformity with the Comprehensive Plan, including the 2015-2023 Housing Element Update.

The proposed ordinance amendments will not alter the purpose and intent of any policies or other provisions of the Comprehensive Plan, including all Community and Area Plans, and they will not result in any inconsistencies with adopted policies or other provisions. The proposed amendments would not allow new uses or physical development, or change zoning regulations (e.g., development standards) in any zone. Rather, the proposed amendments would clarify that transitional and supportive housing are allowable uses that may occupy dwelling types already allowed in each zone. These uses would be permitted and regulated identically to other dwellings of the same type in the same zone. Therefore, the proposed amendments may be found consistent with the Comprehensive Plan, including all Community and Area Plans.

Similarly, the purpose and intent of the LUDC would not be altered because the proposed ordinance amendments would only clarify that the LUDC already allows transitional and supportive housing in dwelling types already allowed in certain zones. Thus, the proposed amendments are also consistent with the remaining portions of the LUDC that would not be revised by these amendments.

As discussed in the County Planning Commission staff report dated April 25, 2017 and referenced above, Program 2.8 directs the County to explicitly acknowledge in the zoning ordinances uses that the zoning ordinance already allow, in compliance with state law. The proposed ordinance amendments include definitions from Government Code Section 65582. Additionally, the proposed amendments comply with Government Code Section 65583(a)(5) because they allow transitional and supportive housing as residential uses subject only to those restrictions that apply to other dwellings of the same type in the same zone. Therefore, the proposed amendments may be found to be consistent with the requirements of state planning laws.

Accordingly, this ordinance may be found to be consistent with the Comprehensive Plan, including all Community and Area Plans, the requirements of state planning and zoning laws, and the LUDC.

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

The proposed ordinance amendments, as analyzed in the County Planning Commission staff report dated April 25, 2017, are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values, since the proposed uses will occupy dwelling types already allowed in each zone, and the intent, restrictions, and development standards of all zones will not be altered. Additionally, the proposed amendments will serve to implement the 2015-2023 Housing Element Update and remove barriers to the development of transitional and supportive housing. As discussed in Finding 2.2, above, the amendments are consistent with the Comprehensive Plan, including all Community and Area Plans, and the LUDC.