

ARTICLE II COASTAL ZONING CODE ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES, TO ESTABLISH STREAMLINED PERMIT PROCEDURES FOR QUALIFYING HOUSING PROJECTS AS REQUIRED BY CHANGES IN STATE HOUSING LAW.

24ORD-00010

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35-144X, Qualifying Housing Streamlined Review, to read as follows:

SECTION 35-144X –QUALIFYING HOUSING STREAMLINED REVIEW

Section 35-144X.1 – Purpose and Intent

- A. Purpose and Intent.** The purpose of this Section is to implement a streamlined application review process for “qualifying streamlined housing projects”, consistent with the requirements of state law. It is intended that the provisions of this Section be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4 or successor statute.
- B. Applicability.** The provisions of this Section apply to applications deemed complete before January 1, 2036, that meet the criteria for “qualifying streamlined housing projects.” The Department will not accept any application under this Section after January 1, 2036, unless the state extends Government Code Section 65913.4. This Section shall not apply if the state has determined that the County is not subject to the streamlined ministerial approval process based on its housing element annual progress report or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Section 35-144X will become null and void, and are repealed, once the last application deemed complete before January 1, 2036 is fully processed, unless otherwise extended by the State Legislature.
- C. Qualifying Streamlined Housing Projects.** For purposes of this Section, “qualifying streamlined housing projects” means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a). Qualifying streamlined housing projects are not allowed in some areas of the Coastal Zone as described in Government Code Section 65913.4(a)(6).

Section 35-144X.2 - Objective Zoning and Design Standards.

Qualifying streamlined housing projects require a Coastal Development Permit in conformance with Section 35-169 (Coastal Development Permits) and do not require a conditional use permit or other

discretionary review or approval. Qualifying streamlined housing projects must comply with all objective land use regulations, development standards, and design review standards, including but not limited to objective design standards provided in Section 35-144B (Multiple Unit and Mixed-Use Housing Objective Design Standards), and policies and development standards of the Local Coastal Program in effect to protect coastal resources. Where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, the objective portion(s) shall apply and adverse impacts to coastal resources shall be avoided. The objective standards applied to the project shall be those in effect at the time a notice of intent in the form of a complete preliminary application is submitted pursuant to Subsection 35-144X.5.A.

Section 35-144X.3 – Parking

Qualifying streamlined housing projects are eligible for parking exemptions under certain circumstances as described in Government Code Section 65913.4(e)(1), otherwise parking requirements shall conform to those described in Government Code Section 65913.4(e)(2), provided that the project is found consistent with all applicable policies and provisions of the Local Coastal Program pertaining to coastal access.

Section 35-144X.4 – Exceptions Prohibited

Qualifying streamlined housing projects may not include a request for an exception to objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to the County Density Bonus Program (Section 35-144C) or State Density Bonus Law and in accordance with Government Code Section 65913.4(t).

Section 35-144X.5 – Review Process

- A. Preliminary Application/Notice of Intent.** Before submitting an application for a development subject to this Section, the applicant must: (1) submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1, and (2) receive notice pursuant to Subsection C.1 below.
- B. Public Meeting.** Public meetings are required following submittal of a notice of intent for certain projects. See Government Code Section 65913.4 (q) for definitions and implementation requirements.
- C. Scoping Consultation.** Upon receipt of a notice of intent, the Department will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3.1, according to the timelines and procedures established by state law and described in Government Code Section 65913.4(b). After concluding the scoping consultation as described in Government Code Section 65913.4(b), the applicant and any California Native American tribe that is a party to that scoping consultation will be notified as follows:

1. The applicant may submit an application for review if it is determined that no potential tribal cultural resource could be affected by the proposed development, a California Native American tribe did not accept the invitation to engage in a scoping consultation, a California Native American tribe accepted an invitation to engage in a scoping consultation but substantially failed to engage in the scoping consultation after repeated documented attempts to engage, or if all parties enter into an enforceable agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource. If an agreement is reached it shall be included in the requirements and conditions for the proposed development.
2. The development is not eligible for approval under this Section if it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties do not reach an enforceable agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources. Additionally, the development is not eligible if any of the reasons included in Government Code Section 65913.4(b)(4) apply.

If the development or environmental setting substantially changes after the completion of the scoping consultation, the Department shall notify the California Native American tribes that were party to the original scoping consultation of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribes.

- D. **Consistency Determination.** After receiving notification pursuant to Subsection C.1. above, the applicant may submit a complete application in accordance with Section 35-57A (Application Preparation and Filing) for development subject to streamlined review. Once submitted, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards, and the policies and provisions of the Local Coastal Program. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued in compliance with the timelines provided by Government Code Section 65913.4 or successor statute.
- E. **Design Review.** Design review will be completed in accordance with Section 35-144B (Multiple Unit and Mixed-Use Housing Objective Design Standards) and within the scope of the Director's review under Section 35-169 (Coastal Development Permits). Qualifying streamlined housing projects shall not be subject to separate design review approval under Section 35-184 (Board of Architectural Review) of this Code.
- F. **Project Approval.** The Director must approve a Coastal Development Permit for a project that meets all the requirements of state law and this Section, complies with all applicable objective standards, and is found consistent with all applicable policies and provisions of the Local Coastal Program within 90 days of a consistent application submittal if the development contains 150 or fewer housing units, or within 180 days of a consistent application submittal if the project contains more than 150 housing units, unless a different timeframe is established under state law. In accordance with Government Code Section 65913.4(t)(3), receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which

the applicant is entitled shall not constitute a basis to find the project inconsistent with the Local Coastal Program.

- G. Expiration.** Notwithstanding other expiration provisions of this code, projects approved pursuant to this Section shall not have that approval expire as long as the project includes public investment in housing affordability beyond tax credits and at least 50 percent of the project units are affordable to households making at or below 80 percent of the area median income. For projects that do not meet these requirements, the project approval shall remain valid for three years from the date of final action subject to the limitations and allowances under Government Code Section 65913.4(g). Where there are conflicts between the standards in this Subsection, 35-144X.5(G) (Expiration), and the requirements in Section 35-169.6 (Permit Expiration and Extension), the provisions of this Subsection shall prevail.
- H. Modifications.** An applicant may request a modification to a development that has been approved under the streamlined, ministerial approval process in accordance with Section 35-169.10 (Minor Changes to Coastal Development Permits) if that request is submitted before the issuance of the final building permit required for the construction of the development. Modifications will be considered in accordance with Government Code Section 65913.4(h).

SECTION 2:

Division 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection c, Decision-maker, hearing requirements and notice requirements, of Section 35-169.4.2, Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3, of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

- c. Decision-maker, hearing requirements and notice requirements.**
- 1) **Applications for certain solar energy facilities, accessory dwelling units, junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units and junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X, shall be processed in compliance with the following:
 - a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with [Section 35-181.2](#) (Notice of Public Hearing and Decision-Maker Action).
 - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.

- c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with [Section 35-182](#) (Appeals).
- 2) **All other applications.** Applications for development other than such development specified in Subsection 2.c.1 (Applications for certain solar energy facilities, accessory dwelling units and junior accessory dwelling units, and qualifying housing subject to streamlined review in accordance with Section 35-144X), above, shall be processed in compliance with the following:
- a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
 - b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
 - c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Section 35-181](#) (Noticing).
 - d) The action of the decision-maker is final subject to appeal in compliance with [Section 35-182](#) (Appeals).

SECTION 3:

All existing indices, section references and numbering, and figure and table numbers contained in the Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Divisions 7 and 11 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

If legislation is enacted which would superseded or preempt any section or subsection of this ordinance

then the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in full force and effect without said section or subsection.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage, or on January 1, 2025, or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

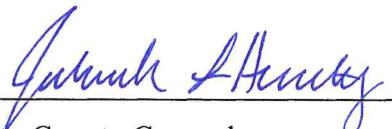
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

SB 35 Coastal Zone Ordinance Amendment
Case No. 24ORD-00010
Board of Supervisors
Hearing Date: December 3, 2024
Attachment 3: CZO Amendment for Adoption
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APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By 
Deputy County Counsel

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Amendment for Adoption.docx