



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 (P&D)
Department No.: 053
For Agenda Of: February 4, 2025
Placement: Departmental
Estimated Time: 25 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development Department
Director(s) (805) 568-2068
Contact Info: Alex Tuttle, Deputy Director, Long Range Planning, (805) 568-2072

SUBJECT: **California Coastal Commission’s conditional certification of an amendment to the Local Coastal Program regarding the Housing Bill Implementation Project Ordinance Amendments**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Planning & Development Department staff recommends that the Board of Supervisors (Board) consider accepting the California Coastal Commission’s conditional certification of the Housing Bill Implementation Project Ordinance Amendments (Case No. 21-ORD-00003) as an amendment to the County’s certified Local Coastal Program (LCP).

Staff recommends that the Board of Supervisors take the following actions:

- a) Receive notice of the California Coastal Commission’s conditional certification of an amendment to the County’s LCP (Coastal Commission Case No. LCP-4-STB-24-0027-1-Part A (Housing Bill Implementation Ordinance)) with two modifications;

- b) Adopt a resolution (Attachment 2) acknowledging receipt of the California Coastal Commission's conditional certification with modifications, accepting and agreeing to the suggested modifications, agreeing to issue Coastal Development Permits for the total area included in the conditionally certified Local Coastal Program, and adopting the LCP Amendment with the suggested modifications (Attachment 3);
- c) Determine that the Board's action is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15265 (Attachment 4); and
- d) Direct the Planning and Development Department to transmit the adopted resolution to the Executive Director of the California Coastal Commission.

Summary Text:

On February 13, 2024, the Board adopted the Housing Bill Implementation Project Ordinance Amendments (Ordinance No. 5204), which amended the Article II Coastal Zoning Ordinance (Article II) to add new regulations and development standards regarding the streamlined permitting of supportive housing and low barrier navigation centers, the establishment of objective design standards for applicable multiple-unit and mixed use housing projects, and revisions to the standards and criteria related to State Density Bonus Law provisions. The Board authorized staff to submit Ordinance No. 5204 to the Coastal Commission as a proposed amendment to the County's certified Local Coastal Program (LCP) on June 6, 2024. The Coastal Commission considered this amendment at their December 12, 2024 hearing and conditionally certified the amendment with two suggested modifications (Attachment 1). In the Coastal Commission letter, language approved by the Coastal Commission to be modified is shown in double strikeout for deletions and double underline for insertions. Additional information regarding the Coastal Commission's action, including the Coastal Commission staff report and suggested modifications are set forth in Exhibit 1 to the Coastal Commission staff report dated November 21, 2024 (Attachment 5).

The Coastal Commission's conditional certification will expire on June 12, 2025, six months following the date of the Coastal Commission's action on December 12, 2024, unless prior to that date the Board acts to accept the modifications. The Board may choose to accept or reject the suggested modifications.

If the Board chooses to accept the modifications, then following receipt of a Board resolution acknowledging and accepting the Coastal Commission's suggested modifications, the Coastal Commission's Executive Director will make a determination that the County's action is legally adequate to satisfy any specific requirements set forth in the Coastal Commission's certification order and report this determination to the Coastal Commission at its next regularly scheduled public meeting. If the Coastal Commission does not object to the Executive Director's determination, then notice of the certification will be filed with the Secretary of the Resources Agency, and the certification will be deemed final and effective. While unlikely, if a majority of the Coastal Commission members object to the Executive Director's determination and find that the County's action does not conform to the provisions of the Coastal Commission's action to certify the amendment to the County's LCP, then the Coastal Commission will review the County's action in a subsequent public hearing as if it were a re-submittal.

Once the amendment receives final certification from the Coastal Commission, the amendment as modified will become effective and will be incorporated into the County's certified LCP.

The Board has the following options if it does not accept the suggested modifications:

- Adopt amendments to the suggested modifications and re-submit the amended Housing Bill Implementation Project Ordinance Amendments for certification as a new LCP amendment.
- Reject the modifications without adopting any amendments to the suggested modifications and request that the Coastal Commission not certify the LCP amendment.
- Allow the Coastal Commission's certification with the suggested modifications to expire by taking no action prior to June 12, 2025.

Background:

On February 13, 2024, the Board adopted the Article II zoning ordinance amendments to modify the permit process for supportive housing, modify the implementation of State Density Bonus Law, establish objective design standards for multiple-unit and mixed-use housing, and establish streamlined permit procedures and development standards for low barrier navigation centers as required by changes in state housing law.

Coastal Commission Modifications Summary

On December 12, 2024, the Coastal Commission conditionally certified LCP Amendment LCP-4-STB-24-0027-1-Part A (Housing Bill Implementation Ordinance) with two suggested modifications, which are summarized below. The Planning and Development Department reviewed and is amenable to the Coastal Commission's suggested modifications as they do not present significant policy and textual changes to the LCP amendment. Based on the analysis below, staff recommends that your Board adopt the attached resolution (Attachment 2) acknowledging receipt of the Coastal Commission's certification with the suggested modifications and adopting the LCP amendment with the suggested modifications.

Suggested Modification 1

- With respect to the applicability of the objective design standards, delete the word "including" and replace with "and" in reference to the applicable policies and provisions of the LCP and add a statement clarifying that where state housing law requires compliance with objective standards and the LCP includes both objective and subjective components, the objective components shall apply such that adverse impacts to coastal resources are avoided.

Discussion: These changes do not alter the intent or applicability of the objective design standards. It is the opinion of Coastal Commission staff that without the clarifying statement, the ordinance does not sufficiently protect coastal resources. County staff supports the modification to ensure that the applicability of objective standards is understood and applied consistently by those referencing the coastal zoning ordinance.

Suggested Modification 2

- Add language requiring the County to submit an LCP amendment within three years from the certification date of this amendment to incorporate coastal resource protection and hazard minimization development standards that are objective to ensure that qualifying projects subject to only the objective standards of the LCP under state housing laws are consistent with the Coastal Act to the maximum extent feasible.

Discussion: Historically, development standards, policies, and design guidelines were developed with a mix of both objective and more subjective standards, requiring interpretation on a case-by-case basis. The State determined that subjective development and design standards and guidelines could negatively impact housing development amidst a growing housing crisis in California, which is particularly acute in coastal communities, including the County of Santa Barbara. In response, the State has passed a number of new state housing laws requiring that only objective standards apply to certain housing projects. This has caused concern that coastal resources will not be sufficiently protected by the existing standards in place, as those that are more subjective in nature would not be able to be applied. On November 12, 2024, the Coastal Commission Executive Director sent a Memorandum on Streamlined Ministerial Approval Process in the Coastal Zone to all coastal cities and counties. In the memo, the Coastal Commission strongly recommends that all local governments in the coastal zone with certified LCPs or LUPs amend those documents to ensure objective standards that sufficiently protect coastal resources apply in areas eligible for the streamlined ministerial approval process. Furthermore, the memo recommends the following steps to implement this action:

1. Map out areas where Section 65913.4 applies in the coastal zone to better understand what policies apply to projects in these areas.
2. Identify whether each applicable policy contains objective or subjective standards.
3. Develop objective standards that protect coastal resources and minimize risks from hazards to ensure that Section 65913.4 projects are consistent with the Coastal Act.

Suggested modification two aligns with the intent of this memo and is proposed to ensure that the County is committed to reviewing the entire LCP and modifying subjective standards to be objective to the maximum extent feasible. The goal of this modification is to achieve coastal resource protection and to minimize hazard risk. County staff understands the Coastal Commission's concern and guidance and support the suggested modification. However, implementing this modification will require significant staff time and will be included as part of Long Range Planning's annual work program for the Board's consideration.

Environmental Review

On February 13, 2024, the Board determined that the preparation and adoption of the Housing Bill Implementation Project Ordinance Amendments LCP amendment is exempt from environmental review pursuant to CEQA Guidelines Sections 15061(b)(3) and 15265 (Attachment 4).

As further explained in Attachment 4, consistent with Section 15061(b)(3), there is no possibility that the ordinance amendments will have a significant effect on the environment. Furthermore, Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

In addition, the two Coastal Commission suggested modifications to the Housing Bill Implementation Project Ordinance Amendments do not present any new information or proposed changes that will alter the Notice of Exemption that the Board accepted on February 13, 2024 (Attachment 4). Therefore, the Board should find that a new environmental document is not required, and the Article II amendments do not require subsequent environmental review.

Fiscal and Facilities Impacts:

The County received a total funding of \$307,000 from the California Department of Housing and Community Development's SB 2 Planning Grant. Of that, \$192,040 was allocated for the Housing Bill Implementation Project. In addition, funding for this project is budgeted in the Planning & Development Department's Long Range Planning Budget Program on page 321 of the County of Santa Barbara Fiscal Year (FY) 2024-2025 Adopted Budget. Funding for coordination with the California Coastal Commission and incorporating suggested modifications into the LCP amendment is beyond the scope of the grant funding and comes out of the Division's budget. There are no facilities impacts.

Special Instructions:

Planning & Development will fulfill noticing requirements.

The Clerk of the Board shall provide a copy of the signed ordinance and resolution, and minute order, to Planning & Development, attention: David Villalobos and Lila Spring. The ordinance shall not be sent to Municode for codification until requested by P&D staff.

Attachments:

1. Coastal Commission Action Letter, Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-24-0027-1-Part A (Housing Bill Implementation Ordinance), dated December 17, 2024.
2. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendment with modifications
2-A: Exhibit A – Article II Coastal Zoning Ordinance Amendment
3. Notice of Exemption, dated February 13, 2024
4. Coastal Commission Staff Report, dated November 21, 2024
4-1: Exhibit 1 Santa Barbara County Ordinance No 5204

California Coastal Commission Certification of the Housing
Bill Implementation Project Ordinance Amendments
Board of Supervisors
Hearing Date: February 4, 2025
Page 6 of 6

Authored by:

Breanna Alamilla, Planner, Long Range Planning Division, alamillab@countyofsb.org, (805) 568-2042

Lila Spring, Planner, Long Range Planning Division, springl@countyofsb.org, (805) 568-2021