



**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

Submitted on:
(COB Stamp)

Department Name: Planning and Development (P&D)
Department No.: 053
Agenda Date: May 5, 2026
Placement: Administrative Agenda
Estimated Time: N/A
Continued Item: No
If Yes, date from: <Insert Date>
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s): Lisa Plowman
Contact: Alex Tuttle, Deputy Director, Long Range Planning
SUBJECT: California Coastal Commission Conditional Certification of the Local Coastal Program Amendment for SB 35/SB 423

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive notice of the California Coastal Commission’s conditional certification of the Coastal Zoning Ordinance amendment (Coastal Commission Case No. LCP-4-STB-24-0064-2 (SB 35/423) (Attachment A);
- b) Adopt a resolution acknowledging receipt of the California Coastal Commission’s conditional certification of the Coastal Zoning Ordinance amendment (Ordinance No. 5222) with suggested 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 Local Coastal Program amendment with the suggested modifications (Attachment B);
- c) Determine that the Board of Supervisors’ action is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15265 (Attachment C); and
- d) Direct the Planning and Development Department to transmit the adopted resolution to the Executive Director of the California Coastal Commission.

Summary Text:

Staff recommends that the Board of Supervisors (Board) consider accepting the California Coastal Commission’s (CCC) conditional certification of the SB 35/SB 423 Ordinance Amendment (Case No. 24ORD-00010) as an amendment to the County’s certified Local Coastal Program (LCP).

Discussion:

Over the past several years, the State Legislature has recognized the importance of increasing housing production and has adopted legislation to reduce barriers and streamline permit processing for housing development. The State passed several Senate Bills (SB) and Assembly Bills (AB) to streamline permit processing and to increase the production of housing with a particular focus on affordable housing, including SB 35 (2017), SB 423 (2023), and AB 3122 (2024). Taken together, these bills require qualifying 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 its regional housing needs allocation (RHNA) as recorded in the Annual Progress Report.

The adoption of these legislative bills resulted in certain provisions of the County's zoning ordinances becoming inconsistent with State law. The Board adopted amendments to the County Land Use and Development Code and Montecito Land Use and Development Code on February 13, 2024, bringing those codes into alignment with State law. On December 3, 2024, the Board adopted amendments to the Coastal Zoning Ordinance to the same end, and the County subsequently submitted the amendments to the Coastal Commission for certification on December 18, 2024.

On March 11, 2026, the Coastal Commission held a public hearing on the County's Local Coastal Program amendment. The Coastal Commission conditionally certified the Coastal Zoning Ordinance amendment (Ordinance No. 5222) with suggested modifications.

In the Coastal Commission's action letter (Attachment A), the Coastal Commission's modifications are shown in ~~double-strikeout~~ for deletions and double underline for insertions. The Coastal Commission staff report dated February 26, 2026, and the Addendum dated March 10, 2026, contain additional information regarding the modifications (Attachment D).

The Coastal Commission's conditional certification will expire on September 11, 2026, six months following the date of its action on March 11, 2026, unless prior to that date the Board acts to accept the suggested modifications. The Board may choose to accept or reject the modifications.

If the Board adopts a resolution accepting the suggested modifications, the Coastal Commission's Executive Director will make a determination that the County's action is legally adequate to satisfy the Coastal Commission's action letter and report this determination to the Coastal Commission at its next regularly scheduled public meeting. Assuming the Coastal Commission does not object to the Executive Director's determination, the Coastal Commission will file a notice of the certification 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 certification order, 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 Local Coastal Program.

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

- Adopt amendments to the suggested modifications and re-submit them to the Coastal Commission for certification as a new Local Coastal Program amendment.

- Reject the suggested modifications without adopting any amendments to the suggested modifications and request that the Coastal Commission not certify the Local Coastal Program amendment.
- Allow the Coastal Commission’s certification with the suggested modifications to expire by taking no action prior to September 11, 2026.

Background:

Coastal Commission Suggested Modifications Summary

On March 11, 2026, the Coastal Commission conditionally certified LCP Amendment LCP-4-STB-24-0064-2 (SB 423) with two suggested modifications, which are summarized below. The Planning and Development Department reviewed and is amenable to the Coastal Commission’s modifications as they do not present significant policy or textual changes to the County’s amendment. Based on the analysis below, staff recommend that the Board adopt the attached resolution (Attachment B) acknowledging receipt of the Coastal Commission’s certification with the modifications and adopting the Local Coastal Program amendment, as modified.

Suggested Modification 1

Modify Section 35-144X.1, as follows:

- 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, as that section read on January 1, 2026.
- 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). Development projects ~~Qualifying streamlined housing projects are not allowed~~ in some areas of the Coastal Zone as described in Government Code Section 65913.4(a)(6), including the California Coastal Commission’s geographic appeal jurisdiction (Section 35-182.6.3.a-c), are not “qualifying streamlined housing projects.”

Discussion

The suggested modification removes reference to “successor statute” and instead references the effective date of the most recent revisions to the specific Government Code Section. County staff generally prefer to reference successor statute to allow County Code to remain in alignment with potential future changes to state law. However, the Coastal Commission expressed concern that “future updates to or successor statutes of Government Code Section 65913.4 could potentially have adverse impacts to coastal resources.” The suggested modification does not alter the implementation of existing state law nor the overall intent of the section. Rather, it would require a subsequent Local Coastal Program amendment in the event the law changes again in the future as a means of ensuring any future revisions remain consistent with Coastal Act requirements. The second part of the first suggested modification, which changes the way projects in the coastal zone that are ineligible for streamlining are described, does not change the intent or application of the language.

Suggested Modification 2

Modify Section 35-144X.5, Review Process as follows:

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, as that section read on June 30, 2025, and (2) receive notice pursuant to Subsection C.1 below.

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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~~, as that section read on January 1, 2026.

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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 under Government Code Section 65915, shall not constitute a basis to find the project inconsistent with the Local Coastal Program.

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Discussion

The suggested modification removes reference to “successor statute” and adds reference to the specific effective date of the most recent revisions to the specific Government Code Section. This is a repetition of changes suggested under the first part of suggested modification 1 and, again, staff finds that it does not alter the implementation of existing state law nor the overall intent of the section. Finally, suggested modification 2 references the specific section of Government Code that deals with relevant density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios. This does not change the intent or applicability of the code but may better assist users of the County Code in identifying the correct standards.

Environmental Review

On December 3, 2024, the Board determined that the preparation and adoption of the SB 35/423 Coastal Zone Ordinance Amendment is exempt from environmental review pursuant to CEQA Guidelines Sections 15265 (Attachment C).

As further explained in Attachment C, CEQA Guidelines Section 15265 statutorily exempts local government activities necessary for the preparation and adoption of a local coastal program, including a coastal zoning ordinance, from CEQA and environmental review. The proposed Article II Coastal Zoning Ordinance amendment (Ordinance No. 5222) affects portions of the county within the Coastal Zone and amends the County’s Local Coastal Program. Therefore, the proposed Article II Coastal Zoning Ordinance amendment is statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265. In addition, the two Coastal Commission suggested modifications to the SB 35 Coastal Zone Ordinance Amendment do not present any new information or proposed changes that will alter the Notice of Exemption that the Board approved on December 3, 2024 (Attachment C). Therefore, the Board should find that a new environmental document is not required, and the Article II, CZO amendments do not require subsequent environmental review.

Fiscal and Facilities Impacts:

Funding for this ordinance amendment is budgeted in the Planning and Development Department Long Range Planning Budget Program of the County of Santa Barbara Adopted Budget, FY 2025-2026. There are no facilities impacts.

Special Instructions:

P&D will fulfill noticing requirements.

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

Attachments:

Attachment A – CCC Action Letter

Conditional Certification of the LCPA for SB 35/SB 423
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Board of Supervisors
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Attachment B –Resolution

Attachment C – Notice of Exemption

Attachment D – CCC Staff Report

Contact Information:

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