

COUNTY PLANNING COMMISSION

Staff Report for Transitional and Supportive Housing Ordinance Amendments

Hearing Date: May 3, 2017

Staff Report Date: April 25, 2017

Case Nos.: 17ORD-00000-00002 and
17ORD-00000-00003

Environmental Document: Exemption, CEQA
Guidelines Sections 15061(b)(3) and 15265.

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1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 Case No. 17ORD-00000-00002.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 17ORD-00000-00002) amending Article 35.2, Zones and Allowable Land Uses, Article 35.4, Standards for Specific Land Uses, and Article 35.10, Glossary, of Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment C.
- 1.2 Case No. 17ORD-00000-00003.** Recommend that the Board of Supervisors adopt an ordinance (Case No. 17ORD-00000-00003) amending Division 2, Definitions, Division 4, Zoning Districts, and Division 7, General Regulations, of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment E.

The proposed ordinance amendments add definitions of transitional and supportive housing and allow transitional and supportive housing as residential uses, subject only to those permits and regulations that apply to other dwellings of the same type in the same zone, pursuant to Government Code Sections 65582 and 65583(a)(5).

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 17ORD-00000-00002.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 17ORD-00000-00002 as shown in Attachment C based upon the ability to make the required findings. Your commission's motion should include the following:
 1. Make the required findings for approval of the project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
 2. Recommend that the Board of Supervisors determine that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), included as Attachment B.
 3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 17ORD-00000-00002, an ordinance amending Section 35-1, the County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment C.

2.2 Case No. 17ORD-00000-00003. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 17ORD-00000-00003 as shown in Attachment E based upon the ability to make the required findings. Your commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment D of this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors determine that the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15265, included as Attachment B.
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 17ORD-00000-00003, an ordinance amending Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations regarding the permitting of transitional and supportive housing, included as Attachment E.

Please refer the matter back to staff if your commission takes other than the recommended actions for the development of appropriate materials.

3.0 JURISDICTION

3.1 Case No. 17ORD-00000-00002. The County Planning Commission is considering this project in compliance with Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.104 of the LUDC. The Government Code and the LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the county located outside of the Montecito Community Plan Area, review and consider proposed amendments to the LUDC and provide a recommendation to the Board of Supervisors.

3.2 Case No. 17ORD-00000-00003. The County Planning Commission is considering this project in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code. Section 2-25.2 provides that the County Planning Commission may provide a recommendation to the Board of Supervisors on proposed amendments to the CZO of Chapter 35, Zoning, of the Santa Barbara County Code.

4.0 ISSUE SUMMARY

Supportive housing is permanent rental housing linked to supportive (social) services that help residents maintain stable housing and lead fuller lives. Transitional housing is a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing. A person experiencing homelessness may live in transitional housing for up to two years while receiving supportive services that enable independent living. The defining characteristic of both transitional and supportive housing is the requirement that residents be members of a target population, meaning they must have low incomes and one or more disabilities. Government Code Section 65582 (Senate Bill 745, adopted August 2013) contains formal definitions of "supportive housing," "target population," and "transitional housing."

Program 2.8 of the Santa Barbara County 2015-2023 Housing Element Update directs the County to amend its zoning ordinances to be consistent with state law regarding the permitting of transitional and supportive housing. Government Code Section 65583 (Senate Bill 2, adopted October 2007) requires that transitional and supportive housing be considered residential uses, subject only to those restrictions that apply to other dwellings of the same type in the same zone. This provision prevents the County from applying additional restrictions on transitional and supportive housing. However, proposed transitional and supportive housing projects are subject to the setbacks, height limits, and other zoning regulations that apply to other dwellings of the same type in the same zone.

The County's zoning ordinances allow various dwelling types in specific zones. These dwellings may be occupied by related or unrelated persons living together. The occupants may include persons who were experiencing homelessness and suffer from one or more disabilities. Therefore, the zoning ordinances currently allow transitional and supportive housing as special care homes and in one-, two-, and multiple-family dwellings. However, the zoning ordinances do not specifically list these uses as allowed uses.

As part of the 2015-2023 Housing Element Update, the California Department of Housing and Community Development (HCD) required that the County zoning ordinances explicitly allow transitional and supportive housing "...as a residential use in all zones allowing residential uses and only be subject to those restrictions that apply to other residential dwellings of the same type in the same zone" (HCD, October 3, 2014). In response, the Board of Supervisors added Program 2.8 to the final 2015-2023 Housing Element Update.

To effectuate Program 2.8 and comply with state law, this project would amend the Montecito Land Use and Development Code (MLUDC), the LUDC, and the CZO. The proposed ordinance amendments add definitions of transitional and supportive housing and explicitly allow these as residential uses in all zones where other residential uses are allowed, subject only to those restrictions that apply to other dwellings of the same type in the same zone.

5.0 PROJECT INFORMATION

5.1 Community Need

In January 2015, Common Ground Santa Barbara and the Central Coast Collaborative on Homelessness counted 1,455 homeless persons in the cities and unincorporated areas of the county. Of those individuals, 37 percent said they were living in shelters or transitional housing. These figures reflect a community need for transitional and supportive housing. These housing types would help address the needs of the homeless and other target populations given their prerequisites of affordability and provision of supportive services designed to facilitate independent living. People that may benefit from transitional and supportive housing and the associated supportive services include 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.

5.2 Housing Element and State Law

Government Code Section 65583 directs local jurisdictions to create housing element programs that address and mitigate governmental constraints to the development of housing for all income levels and

persons with disabilities, including transitional and supportive housing. Accordingly, Government Code Section 65583(a)(5) states: “Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”

Program 2.8 of the 2015-2023 Housing Element Update is intended to satisfy this state law. Specifically, Program 2.8 directs the County to do the following:

The County shall evaluate and amend as appropriate the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC), and Coastal Zoning Ordinance (CZO) to be consistent with Government Code sections 65582 and 65583(a)(5), Senate Bill 745, and Senate Bill 2 regarding transitional and supportive housing. In particular, the County will amend the zoning ordinances to include definitions of transitional and supportive housing, consider transitional and supportive housing to be a residential use, and explicitly permit transitional and supportive housing subject only to those zoning regulations that apply to other residential dwellings of the same type in the same zone.

5.3 Transitional and Supportive Housing Allowed in Zones that Allow Residential Uses

Consistent with Program 2.8 and state law, staff proposes to amend the LUDC and CZO as follows:

- Add definitions of “supportive housing,” “target population,” and “transitional housing” as they appear in Government Code Section 65582.
- Update the land use tables (LUDC) and lists of allowed land uses (CZO) to include transitional and supportive housing pursuant to Government Code Section 65583(a)(5).
- Add a new subsection under “Community Care Facilities” to include provisions for allowing transitional and supportive housing as residential uses pursuant to Government Code Section 65583(a)(5).

These proposed amendments would allow transitional and supportive housing as residential uses in all zones where other residential uses (e.g., one-family dwellings, two-family dwellings, and multiple-family dwellings) are allowed. Such uses would be permitted and regulated identically to other dwellings of the same type in the same zone with no additional restrictions. Therefore, the proposed amendments would not allow new dwelling types or change zoning regulations in any zone. Rather, the proposed amendments clarify that transitional and supportive housing are allowable uses that may occupy dwelling types already allowed in specific zones.

5.4 MPC Action and Revisions to the Proposed Zoning Ordinance Amendments

The Montecito Planning Commission considered the proposed ordinance amendments at a public hearing on April 12, 2017, and voted 4 to 0 (Commissioner Overall absent) to recommend approval of the MLUDC amendments to the Board of Supervisors and to recommend approval of the CZO amendments to the County Planning Commission (see the CZO resolution from the MPC in Attachment F).

After the hearing, staff identified three items within the proposed CZO amendments that required minor text revisions for clarification and consistency. These changes are reflected in Attachment E and include the following:

- Revise the list of allowed dwelling types to reflect only those residential uses that are currently allowed within the Coastal Zone.
- Clarify that the permit required for transitional and supportive housing is determined by the permit requirements and specific use regulations of the dwelling type an applicant proposes to use for transitional and supportive housing, in a given zone.
- Add a reference to the Government Code regarding the required findings to deny or modify the density of a proposed transitional or supportive housing project.

Staff did not add transitional and supportive housing to the CZO columns in the land use tables of the LUDC (Attachment C). Although the LUDC lists allowable land uses for the Coastal Zone, these uses and related regulations have not been certified by the California Coastal Commission and thus are not in effect in the Coastal Zone. Therefore, all CZO references in the LUDC land use tables have been intentionally left blank.

6.0 CONSULTATION WITH THE STATE AND PUBLIC OUTREACH

Staff consulted with the California Department of Housing and Community Development (HCD) while drafting the proposed ordinance amendments. In part, staff asked HCD to clarify the intent of state law. HCD confirmed that imposing limitations based on the number of occupants, number of units, proximity to one another, licensure, or any other factor distinguishing transitional and supportive housing from other similar dwellings would be inconsistent with state law.

Public outreach for the project included a new webpage, display advertisements in regional newspapers, and notices to various community organizations and groups. The display advertisements were also sent to various community housing organizations and local business groups in advance of and separate from planning commission hearing notices. Staff also gave a presentation to the Joint Cities-County Affordable Housing Task Group at a meeting on April 27, 2017.

7.0 ENVIRONMENTAL REVIEW

Staff recommends that the proposed ordinance amendments to the LUDC (Case No. 17ORD-00000-00002) and CZO (Case No. 17ORD-00000-00003) are exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of CEQA. Section 15061(b)(3), the general rule exemption, states, "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed amendments clarify that transitional and supportive housing are allowed as residential uses in all zones where other residential uses are currently allowed, subject to the same permitting requirements and development standards that apply to other dwellings of the same type in the same zone. The project would not allow any new uses and would not change the amount of physical

development that is currently allowed pursuant to the zoning ordinances. As a result, there is no possibility that the project may have a significant effect on the environment. Please see the Notice of Exemption (Attachment B) for additional details.

Staff recommends that the proposed ordinance amendments to the CZO (Case No. 17ORD-00000-00003) are also exempt from environmental review pursuant to CEQA Guidelines Section 15265. This section states that “CEQA does not apply to activities and approvals pursuant to the California Coastal Act...by any local government... necessary for the preparation and adoption of a local coastal program...” This project is a local government activity that will affect portions of the county located within the Coastal Zone and require the preparation and adoption of local coastal program amendments. Therefore, the proposed amendments to the CZO are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15265.

8.0 POLICY CONSISTENCY

The 2015-2023 Housing Element is one of seven mandatory elements of the 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 ordinance amendments implement and are in conformity with the Comprehensive Plan, including the 2015-2023 Housing Element Update.

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Coastal Land Use Plan or any community plan, and the adoption of the proposed ordinance amendments will not result in any inconsistencies with 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.

9.0 ORDINANCE COMPLIANCE

Similar to the discussion in Section 8.0 above, the proposed ordinance amendments would not alter any zoning regulations or alter the purpose or intent of the LUDC or CZO. The proposed amendments would only clarify that transitional and supportive housing are allowable residential uses that may occur in dwelling types already allowed in specific zones. Proposed projects based on these amendments would still need to be consistent with the whole of the LUDC and CZO. Therefore, the proposed ordinance amendments are consistent with the LUDC and CZO.

10.0 APPEALS PROCEDURE

Zoning ordinance amendments recommended for approval or denial are forwarded to the Board of Supervisors for final action. Therefore, no appeal procedure is available or required to contest the County Planning Commission’s recommendations on this matter.

ATTACHMENTS

- A. 17ORD-00000-00002, LUDC Findings

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- B. 17ORD-00000-00001, 17ORD-00000-00002, and 17ORD-00000-00003, Notice of Exemption
- C. 17ORD-00000-00002, LUDC Resolution and Proposed Ordinance
- D. 17ORD-00000-00003, CZO Findings
- E. 17ORD-00000-00003, CZO Resolution and Proposed Ordinance
- F. 17ORD-00000-00003, MPC CZO Resolution and Proposed Ordinance

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ATTACHMENT A:

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LUDC RESOLUTION AND PROPOSED ORDINANCE

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ATTACHMENT D:

CZO FINDINGS

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ATTACHMENT E:

CZO RESOLUTION AND PROPOSED ORDINANCE

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ATTACHMENT F:

MPC CZO RESOLUTION AND PROPOSED ORDINANCE