



Revision to ASR and/or Attachments

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

2025 FEB -7 AM 8:46

RECEIVED

Date: February 11, 2025
To: Clerk of the Board of Supervisors
CC: County Executive Office
From: Nicole Walsh, Senior Assistant County Counsel
Re: ASR Control #: 24-000949, Meeting Date February 11, 2025, Item No. # 33

Digitally signed by Michelle Aguirre
 DN: cn=Michelle Aguirre, o=County of Orange, ou=CEO, email=Michelle.Aguirre@co-or.ca.us, c=US
 DATE: 2025.02.07 08:41:59 -0800

MAguirre

Nicole Walsh

Subject: ADOPT GENERAL PLAN AMENDMENT H20-01 (6TH CYCLE HOUSING ELEMENT) and GENERAL PLAN AMENDMENT S19-01 (SAFETY ELEMENT)

Explanation:

On February 6, 2025, the Clerk of the Board notified County Counsel that additional revisions were necessary to remove two Recommended Actions that had been added through a Revision Memo for this item at the December 17, 2024, Board Meeting.

This revision memo removes Recommended Actions 4 and 5 in their entirety.

February 7, 2025

Revised Recommended Action(s)

Remove Recommended Actions 4 and 5 as follows:

1. Find that Final Negative Declaration No. IP 22-0133 approved by the Board of Supervisors on September 27, 2022, and Addendum No. 1 to Negative Declaration No. IP 22-0133 approved by the Board of Supervisors on June 25, 2024 (Attachment A), prepared for Updates to the County of Orange General Plan, adequately address the effects of the Housing-Related Updates and Safety Element Updates, reflect the independent judgment of the County of Orange as lead agency and are approved for the proposed project based on the following additional findings:
 - a. That the circumstances of the project are substantially the same and Negative Declaration No. IP 22-0133 and Addendum No. 1 to Negative Declaration No. IP 22-0133 adequately address the effects of the proposed project; no substantial changes have been made in the project.
 - b. No substantial changes have occurred in the circumstances under which the project is being undertaken; and no new information of substantial importance to the project which was not known or could not have been known when the Negative Declaration No. IP 23-0133 and Addendum No. 1 to Negative Declaration No. IP 22-0133 were adopted has become known.
2. Conduct the public hearing.
3. Consider the matter and adopt Resolution (Attachment B) to adopt General Plan Amendment H20-01 (6th Cycle Housing Element) and Resolution (Attachment F) to adopt General Plan Amendment S19-01 (Safety Element).
- ~~4. Direct Staff, prior to submission of the Housing Element to the Department of Housing and Community Development, to revise the Housing Element by striking language reflected in the redlines shown in Attachment B. Stricken language will be replaced with new language as follows: "The County will review and may modify the group and sober living home ordinances in light of the decision in The Ohio House v. City of Costa Mesa, et al. Ninth Circuit Court of Appeals Case No. 22-56181 (December 4, 2024) and any subsequent relevant cases."~~
- ~~5. Adopt Resolution (Attachment B) to adopt General Plan Amendment H20-01 (6th Cycle Housing Element) with the revisions directed herein.~~

Make modifications to the:

Subject Background Information Summary Financial Impact

Revised Attachments (attach revised attachment(s) and redlined copy(s))

New Attachments:



Revision to ASR and/or Attachments

Date: February 4, 2025
To: Clerk of the Board of Supervisors
CC: County Executive Office *Maguire*
From: Nicole Walsh, Senior Assistant County Counsel
Re: ASR Control #: 24-000949, Meeting Date February 11, 2025, Item No. # 33

Digitally signed by Michelle Aguirre
DN: c=US, o=County of Orange, ou=CEO, email=nichele.aguirre@ocgov.co

Nicole Walsh

2025 FEB -6 AM 10:55
RECEIVED
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

Subject: ADOPT GENERAL PLAN AMENDMENT H20-01 (6TH CYCLE HOUSING ELEMENT)

Explanation:

Following receipt of a substantial compliance letter from the Department of Housing and Community Development (HCD) on November 18, 2024, the Board was set to adopt the Housing Element on December 17, 2024. Just before the Board hearing date, the Ninth Circuit Court of Appeals, on December 4, 2024, ruled on a case relevant to a portion of Program 8 in the County's Draft Housing Element. The case, *The Ohio House, LLC v. City of Costa Mesa, et al. (Ohio House)* Ninth Circuit Court of Appeals Case No. 22-56181 (December 4, 2024), which is certified for publication, upholds the City of Costa Mesa's Group/Sober Living Homes ordinances against facial challenges under the Federal Fair Housing Act, the California Fair Employment and Housing Act, and the California Planning and Zoning Law, alleging that the City's ordinances were discriminatory against the disabled.

The County had, at the direction of the Department of Housing and Community Development (HCD), included in Program 8, a program to address and significantly alter, the County's Group Home/Sober Living Home Ordinance. Just prior to the December 17, 2024, Board meeting, County Counsel and OC Development Services submitted a Revision Memo that would have eliminated this portion of Program 8 and replaced it with a program stating that the County's ordinances complied with *The Ohio House* decision.

Days before the December 17, 2024, Board meeting, HCD requested the County meet and confer before adopting a revised Housing Element. Following discussions, HCD, County Counsel and OC Development Services came to agreement on new language for the portion of Program 8 concerning group homes.

The new language, which is as follows, has been inserted into the draft Housing Element for adoption by the Board on February 11, 2025: "The County will review and revise its group home and zoning ordinances as needed to ensure ongoing compliance with state and federal fair housing laws. For example, the ordinance will be reviewed to ensure that a group home that operates as a single housekeeping unit is permitted in any zoning district in the same manner as other residential uses in that zone (e.g., multifamily, single-family). The definition of single housekeeping unit as to group homes will be revised to eliminate (1) the reference to residential activities that do not occur on a nonprofit basis and, (2) the requirement that the residents share lease agreements or ownership. In addition, the standards for group homes shall be objective and not unnecessarily constrain approval of group homes in that zoning district."

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In addition, since the December 17, 2024, Board meeting, the California Office of Emergency Management (CalOES) has requested an update to the General Plan Safety Element to include the updated Local Hazard Mitigation Plan (LHMP) adopted by the Board on November 22, 2021. Although OC Development Services staff had planned to bring this amendment to the Board along with other necessary revisions to the Safety Element, CalOES, through Michelle Anderson, Director of the County's Emergency Management Division of the Orange County Sheriff's Department, requested this immediate update as it could affect the County's ability to obtain financial assistance through CalOES for the Airport Fire and future disasters. Thus, this minor revision to add a link to the current LHMP in the Safety Element has been added to this Agenda Item.

Revised Recommended Action(s)

Revise Recommended Action Nos. 1 and 3 as follows:

1. Find that Final Negative Declaration No. IP 22-0133 approved by the Board of Supervisors on September 27, 2022, and Addendum No. 1 to Negative Declaration No. IP 22-0133 approved by the Board of Supervisors on June 25, 2024 (Attachment A), prepared for Updates to the County of Orange General Plan, adequately address the effects of the Housing-Related Updates and Safety Element Updates, reflect the independent judgment of the County of Orange as lead agency and are approved for the proposed project based on the following additional findings:
 - a. That the circumstances of the project are substantially the same and Negative Declaration No. IP 22-0133 and Addendum No. 1 to Negative Declaration No. IP 22-0133 adequately address the effects of the proposed project; no substantial changes have been made in the project.
 - b. No substantial changes have occurred in the circumstances under which the project is being undertaken; and no new information of substantial importance to the project which was not known or could not have been known when the Negative Declaration No. IP 23-0133 and Addendum No. 1 to Negative Declaration No. IP 22-0133 were adopted has become known.
3. Consider the matter and adopt Resolution (Attachment B) to adopt General Plan Amendment H20-01 (6th Cycle Housing Element) and Resolution (Attachment F) to adopt General Plan Amendment S19-01 (Safety Element).

- Make modifications to the:

Subject Background Information Summary Financial Impact

Revise Subject as Follows:

Adopt General Plan Amendment H20-01 (6th Cycle Housing Element) and General Plan Amendment S19-01 (Safety Element)

Add the following paragraph to the end of the Background Information Section:

On November 22, 2021, the Board adopted a revised Local Hazard Management Plan (LHMP). (Attachment G.) Pursuant to AB 2140 (Government Code Section, 65302.6), if the County adopts the LHMP into the General Plan Safety Element each time the LHMP is updated, the County is eligible to be considered for part or all of its local-share costs on eligible Public Assistance projects to be provided by the state through the California

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Disaster Assistance Act (CDAA). Thus, a link to the updated LHMP is being added to the Safety Element (Attachment F, Exhibit A, Page IX-8), to assure that the County is eligible for CDAA, which may impact financial assistance for the Airport Fire. This is the only change being made to the Safety Element at this time.

Revised Attachments (attach revised attachment(s) and redlined copy(s))

- Attachment B - Board of Supervisors Resolution and Exhibits – General Plan Amendment H20-01 (Housing Element) (redlined and final versions)

New Attachments:

- Attachment F – Board of Supervisors Resolution and Exhibit General Plan Amendment S19-01 (Safety Element)
- Attachment G – LHMP Dated December 2021
- Attachment H – AB 2140, Govt' Code § 65302.6