



County of San Diego

VINCE NICOLETTI
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 210, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Code Compliance
(858) 565-5920 Building Services

Director's Determination

Date: January 29, 2025

To: Planning & Development Services (PDS) Staff

From: Vince Nicoletti, Director

Re: Director's Interpretation on Implementing New Housing Laws Prior to Zoning Ordinance Amendments to Align County Standards

Issue

Clarify and reaffirm the County's ongoing practice of deferring to mandatory state law when inconsistencies with the County's Zoning Ordinance (Zoning Ordinance) arise due to new state housing legislation passed each year.

Background

Since its original adoption, revisions to the Zoning Ordinance have been made to align with new requirements as set forth by the state legislature. State law will always take precedence over local zoning, regardless of revisions being made by local jurisdictions.

Most recently, the Board of Supervisors adopted an update to the Zoning Ordinance on July 19, 2023, to align County standards with new state housing laws intended to make housing more affordable and accessible. These laws ranged in topic from accessory dwelling units and affordable housing incentives to emergency shelters and low barrier navigation centers. Though these laws were passed over several years, County staff have always implemented these laws as they go into effect and have continued to do so since this 2023 update.

Planning & Development Services staff are continuing to track housing legislation as it gets passed by the state legislature. Meanwhile, this Director's Determination is to provide clarity to applicants who may find inconsistencies between mandatory state housing laws and the Zoning Ordinance.

Director's Determination

This Director's Determination provides an official interpretation of Section 1012 of the Zoning Ordinance, which outlines how the Zoning Ordinance is to be construed in relation to other state and federal law. If the Zoning Ordinance conflicts with state or federal law, the state or federal law takes precedence. This determination reaffirms County staff's current practice of following mandatory state law when implementing any housing process or standard.



VINCE NICOLETTI, Director
Planning & Development Services