



**City of Santa Barbara**  
Planning Division

**Memorandum**

**DATE:** February 1, 2019

**TO:** Historic Landmarks Commission

**FROM:** Planning Division  
Rosie Dyste, Project Planner

**SUBJECT:** Residential Multi-Unit Objective Design Standards Work Program  
Overview

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City staff with assistance from members of Historic Landmarks Commission, the Architectural Board of Review, and the Planning Commission will be preparing objective design standards to be considered for adoption by City Council that will apply to applicable residential multi-unit projects in response to recent state legislation.

**BACKGROUND**

In September 2017, the Governor signed into law multiple housing bills, including Senate Bill 35 *Streamline Approval Process* (SB 35) and Assembly Bill 678/Senate Bill 167 *Strengthen the Housing Accountability Act* (Housing Accountability Act). See the attachment for a summary of the 2017 Housing Package Legislation. Among other things, SB 35 provides for a streamlined, ministerial approval process for multi-unit residential development, subject to certain conditions and consistent with objective zoning and design review standards (Government Code Section 65913.4). The Housing Accountability Act bill increases the standard of proof required to legally defend denial or reduction of residential density of a project that complies with applicable, objective standards, including design standards (Government Code Section 65589.5).

The legislation defines “objective standards” as standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion. “Applicable objective design review standards” are further defined as standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and are broadly applicable to development within the jurisdiction.

Understanding that Santa Barbara has relied on the Historic Landmarks Commission and Architectural Board of Review to maintain the community’s architectural aesthetic standards, and multi-unit residential development is currently subject to discretionary

review, this work program is being initiated to adopt objective design standards for multi-unit projects to continue the city's legacy of high quality, cohesive architectural design.

### **WORK PROGRAM OVERVIEW**

The Residential Multi-Unit Objective Design Standards work program is anticipated to evolve with court decisions and legal opinions of the nuances of the state legislation. Nonetheless, to date the work program is planned to: 1) educate Design Review Boards and Commissions, the Planning Commission, and the public; 2) form an ad hoc subcommittee comprised of members from the Historic Landmarks Commission, Architectural Board of Review, and Planning Commission to collaborate with and advise staff on development of objective design standards; 3) request subcommittee input on examples of exemplary design that could be used to formulate objective design standards; 4) compile relevant standards from the City's existing Design Guidelines and formulate them into objective design review standards; 5) prepare handouts and application forms to outline the process for applying and receiving ministerial review for projects qualifying for SB 35 streamlining; and 6) process amendments to the Municipal Code for compliance with state legislation. Staff continues to research the response of other jurisdictions to this legislation and plans to conduct outreach to the American Institute of Architects, neighborhood organizations, and other interested parties for further input.

### **NEXT STEPS**

Following subcommittee appointments, staff will prepare a schedule of subcommittee meeting dates and topics, with meetings to occur from spring to summer 2019. The proposed design review standards, applicant handouts, and ordinance amendments will be prepared initially for HLC and ABR review, to be followed by Planning Commission, and Ordinance Committee, for adoption by City Council, tentatively scheduled for winter 2019.

Attachment: California's 2017 Housing Package Summary



WHERE FOUNDATIONS BEGIN

# CALIFORNIA'S 2017 HOUSING PACKAGE

## CREATE AND PRESERVE AFFORDABLE HOUSING

Bill Name	Purpose
<b>SB 2 (Atkins) Building Jobs and Homes Act</b>	Imposes a fee on recording of real estate documents, excluding sales, for the purposes of funding affordable housing. Provides that first year proceeds will be split evenly between local planning grants and HCD's programs that address homelessness. Thereafter, 70 percent of the proceeds will be allocated to local governments in either an over-the-counter or competitive process. Fifteen percent will be allocated to HCD, ten percent to assist the development of farmworker housing and five percent to administer a program to incentivize the permitting of affordable housing. Fifteen percent will be allocated to CalHFA to assist mixed-income multifamily developments.
<b>SB 3 (Beall) Veterans and Affordable Housing Bond Act</b>	Places a \$4 billion general obligation bond on the November 2018 general election ballot. Allocates \$3 billion in bond proceeds among programs that assist affordable multifamily developments, housing for farmworkers, transit-oriented development, infrastructure for infill development, and homeownership. Also funds matching grants for Local Housing Trust Funds and homeownership programs. Provides \$1 billion in bond proceeds to CalVet for home and farm purchase assistance for veterans.
<b>AB 1505 (Bloom) Inclusionary Ordinances</b>	Authorizes the legislative body of a city or county to require a certain amount of low-income housing on-site or off-site as a condition of the development of residential rental units.
<b>AB 1521 (Bloom) Preserve the Existing Affordable Housing Stock</b>	Requires the seller of a subsidized housing development to accept a bonafide offer to purchase from a qualified purchaser, if specified requirements are met. Gives HCD additional tracking and enforcement responsibilities to ensure compliance.
<b>AB 571 (E. Garcia) Low-Income Housing Credits for Farmworkers</b>	Makes modifications to the state's farmworker housing tax credit to increase use. Authorizes HCD to advance funds to operators of migrant housing centers at the beginning of each season to allow them to get up and running. Extends the period of time that migrant housing centers may be occupied up to 275 days.

## STREAMLINE HOUSING DEVELOPMENT

Bill Name	Purpose
<b>SB 35 (Wiener) Streamline Approval Process</b> Opt-in program for developers	<p>Creates a streamlined approval process for developments in localities that have not yet met their housing targets, provided that the development is on an infill site and complies with existing residential and mixed use zoning.</p> <p>Participating developments must provide at least 10 percent of units for lower-income families. All projects over 10 units must use prevailing wage and larger projects must provide skilled and trained labor.</p>

## STREAMLINE HOUSING DEVELOPMENT (CONT.)

Bill Name	Purpose
<b>AB 73 (Chiu) Streamline and Incentivize Housing Production</b> Opt-in program for jurisdictions and developers	Provides state financial incentives to cities and counties that create a zoning overlay district with streamlined zoning. Development projects must use prevailing wage and include a minimum amount of affordable housing.
<b>SB 540 (Roth) Workforce Housing Opportunity Zones</b> Opt-in program for jurisdictions	Authorizes the state to provide planning funds to a city or county to adopt a specific housing development plan that minimizes project level environmental review. Requires at least 50 percent of total housing units within that plan to be affordable to persons or families, at or below moderate income, with at least 10 percent of total units affordable for lower income households. Development projects must use prevailing wage.

## ACCOUNTABILITY AND ENFORCEMENT

Bill Name	Purpose
<b>AB 678 (Bocanegra)/SB 167 (Skinner) Strengthen the Housing Accountability Act</b>	Strengthens the Housing Accountability Act by increasing the documentation necessary and the standard of proof required for a local agency to legally defend its denial of low and moderate-income housing development projects, and requires courts to impose a fine of \$10,000 or more per unit on local agencies that fail to legally defend their rejection of an affordable housing development project.
<b>AB 1515 (Daly) Reasonable Person Standard</b>	States that a housing development conforms with local land use requirements if there is substantial evidence that would allow a reasonable person to reach that conclusion.
<b>AB 72 (Santiago) Enforce Housing Element Law</b>	Authorizes HCD to find a jurisdiction out of compliance with state housing law at any time (instead of the current eight-year time period), and refer any violations of state housing law to the Attorney General if it determines the action is inconsistent with the locality's adopted housing element.
<b>AB 1397 (Low) Adequate Housing Element Sites</b>	Requires cities to zone more appropriately for their share of regional housing needs and in certain circumstances require by-right <sup>1</sup> development on identified sites. Requires stronger justification when non-vacant sites are used to meet housing needs, particularly for lower income housing.
<b>SB 166 (Skinner) No Net Loss</b>	Requires a city or county to identify additional low-income housing sites in their housing element when market-rate housing is developed on a site currently identified for low-income housing.
<b>AB 879 (Grayson) and Related Reporting Bills</b>	Makes various updates to housing element and annual report requirements to provide data on local implementation including number of project applications and approvals, processing times, and approval processes. Charter cities would no longer be exempt from housing reporting. Requires HCD to deliver a report to the Legislature on how local fees impact the cost of housing development.

<sup>1</sup>Current housing law defines by-right as local government review of a project that may not require a conditional use permit or other discretionary action that would constitute a "project" under the California Environmental Quality Act.