



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** December 3, 2020  
**AGENDA DATE:** December 10, 2020  
**PROJECT:** Zoning Ordinance Amendments and Objective Design Standards for Streamlined Housing Projects  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
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### I. RECOMMENDATION

Staff recommends that the Planning Commission review proposed amendments to Santa Barbara Municipal Code Title 30 (Inland Zoning Ordinance) for Affordable Streamlined Housing Projects pursuant to Senate Bill 35 and proposed Objective Design Standards for application to SB 35 projects, and forward a recommendation for adoption to City Council.

### II. BACKGROUND

In September 2017, the Governor signed into law multiple housing bills aimed at addressing the state's housing shortage and high housing costs. The package included Senate Bill 35 (SB 35) which provides a streamlined, ministerial approval process for multi-unit and mixed-use housing in cities and counties that have made insufficient progress towards their assigned regional housing needs allocation (RHNA) numbers, subject to certain conditions and consistent with objective zoning and design review standards (Government Code §65913.4).

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. The State Department of Housing and Community Development (HCD) is responsible for annually determining which cities and counties are subject to SB 35 and for publishing *Streamlined Ministerial Approval Process Guidelines*. The SB 35 streamlined ministerial process is in effect until January 1, 2026. It is unknown if the state legislature will extend or replace SB 35.

In accordance with HCD's most recent SB 35 determination (last updated June 2019), less than 50% progress towards the first half of the 5<sup>th</sup> cycle RHNA (covering 2014 to 2022) for an income category is considered insufficient progress<sup>1</sup>. The City has made insufficient progress on all income categories except Above Moderate (120% of Area Median Income (AMI) and above)

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<sup>1</sup> The next SB 35 Determination will be conducted on the last half of the RHNA reporting period, at which point the City would need to demonstrate 100% permitting progress towards RHNA to be considered sufficient.

and is therefore subject to the SB 35 process for projects that request streamlined ministerial approval. Proposed projects under SB 35 with more than 10 residential units must include 50% of the units as affordable to households making at or below 80% of the AMI. To date, no applicants have requested the SB 35 streamlined ministerial approval process. Statewide, most projects using SB 35 streamlining are either in the Bay Area or Los Angeles metro region.

In late 2018, the City initiated a work effort to draft objective design standards, zoning ordinance (Title 30) amendments<sup>2</sup>, and applicant handouts in response to SB 35. A Work Group comprised of two members each from the Planning Commission, Historic Landmarks Commission (HLC), and Architectural Board of Review (ABR) were appointed to assist staff with drafting objective design standards. From March 2019 through July 2020, the Work Group held 14 meetings to prepare the Objective Design Standards to be considered for adoption by Resolution of the City Council. Administrative drafts of the Objective Design Standards were presented to the American Institute of Architects (AIA) Advocacy Group for input. Public input on the draft Objective Design Standards, including discussion and comment at hearings of the ABR and HLC, was solicited from March to June 2020.

### **III. DISCUSSION**

#### **Objective Design Standards**

The City has multiple design guidelines for specific areas of the City and for certain features, such as outdoor lighting and landscaping. While some of the guidance in these documents could be deemed objective, the vast majority requires interpretation and subjective judgement by staff and design review board members. Therefore, one of the primary goals of this work program is to adopt objective design standards to be used citywide for those projects that qualify for ministerial streamlined processing under SB 35. Without these SB 35 project specific design guidelines, staff would have to contrive objective guidance from existing documents and approve multi-unit and mixed-use housing projects with little or no design oversight.

Staff initially planned to use all of the City's existing design guidelines for the basis of creating objective standards. However, there are at least five existing design guidelines that could be applied to these types of projects encompassing different neighborhoods and architectural styles, as well as HLC/ABR Infill Design Guidelines and Outdoor Lighting Design Guidelines. Early in the process it became apparent that referencing all these documents was too unwieldy for this work program, and time was better spent focusing on a specific design style broadly accepted throughout the City for this initial effort. As such, El Pueblo Viejo (EPV) Landmark District Guidelines, and specifically the Spanish Colonial Revival style, was selected as the initial template for drafting objective design standards.

The reasons for choosing the Spanish Colonial Revival style as the objective design template include:

- The SB 35 legislation allows use of a specific architectural style: Objective design review can include use of specific material or styles, so long as the elements of the style are clearly

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<sup>2</sup> SB 35 does not apply in the Coastal Zone and therefore, no amendments are proposed to Title 28, Coastal Zoning Ordinance.

defined.

- EPV Guidelines include clearly defined style elements: Staff and the Work Group agreed that the EPV Guidelines are relatively focused and straightforward enough to be modified to objective standards.
- Spanish Colonial Revival is a well-known and loved architectural style in Santa Barbara: As best articulated by David Gebhard, “This reliance upon simplicity of volumes and surfaces accounts not only for the initial success of the Spanish Colonial Revival in Santa Barbara during the 1920s, but it also explains why this historic interpretation was able to weather the ins and outs of architectural fashion, from the 1930s to the present.”<sup>3</sup> The Spanish Colonial Revival style’s iconic form and detailing can integrate harmoniously with existing buildings designed in similar traditional styles, encouraging compatibility with existing architecture.
- The Spanish Colonial Revival style has multiple benefits: The style evolved from forms developed under a similar Mediterranean climate, resulting in simple, weather-protecting, energy-efficient building techniques that respond to the natural environment. This style is pedestrian-oriented and human-scaled, and uses quality materials and finishes, consistent with the City’s urban design, historic, and aesthetic goals.
- There are many examples of this style to emulate: Finally, there are many excellent local examples of the style to be used as guides to assist in the creative continuation of architectural design and scale and ensure Santa Barbara preserves its reputation as one of the nation’s most attractive cities.

With the focus described above, staff adapted the existing EPV Design Guidelines into the Objective Design Standards for Streamlined Housing Projects (Objective Design Standards) for review and input from the Work Group. An administrative draft of the Objective Design Standards was completed in late November 2019 and provided to the AIA Advocacy Group for a courtesy review in December 2019, followed by two joint Work Group/AIA meetings. The early review and coordination between the AIA Advocacy Group, staff, and the Work Group was constructive.

In March 2020, the draft Objective Design Standards were posted for public review with comments requested by April 30. Due to meeting delays caused by the Covid-19 pandemic, the public review time was extended and staff took the opportunity to further amend the draft in response to some of the public comments received up to the end of April, including a number of comments from the AIA Advocacy Group.

The draft Objective Design Standards (Exhibit A) are intended to strike a balance between accommodating a streamlined review process with no discretionary design review and continuing the exemplary architectural heritage of our City. Furthermore, use of design standards provides certainty in the project review process, with fewer reviews enabling a cost-efficient process for the applicant at the onset, while use of high-quality materials saves money in long-term building maintenance.

### **Title 30 Zoning Ordinance Amendments**

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<sup>3</sup> Conrad and Nelson, Santa Barbara A Guide to El Pueblo Viejo, 1986.

The Title 30 (Inland) Zoning Ordinance amendments are included in Chapter 30.145 *Affordable Housing and Density Bonus and Development Incentives*, new Section 30.145.035 *Affordable Housing Streamlined Approval* (Exhibit B). The amendments reference eligibility requirements and other procedures consistent with Government Code §65913.4. They also clarify that eligible projects are exempt from discretionary review, list other applicable objective standards, and describe the process for ministerial design review. Streamlined approval includes one public oversight hearing with the Architectural Board of Review or Historic Landmarks Committee, strictly focused on confirming compliance with the Objective Design Standards.

#### **IV. ENVIRONMENTAL REVIEW**

This action is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines. State CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 amendments to Title 30 are administrative in nature and outline permitting procedures for streamlined ministerial approval of multi-unit housing projects pursuant to Government Code Section 65913.4. Accordingly, there is no possibility that the amendments will have a significant effect on the environment. Individual projects that meet the objective design standards and qualify for streamlined permitting currently meet the criteria for exemptions from CEQA under Section 15303, New Construction or Conversion of Small Structures, or Section 15332, Infill Development Projects. With approval of the amendments to Title 30, individual projects that qualify for streamlined permitting would be ministerial and exempt from CEQA under Government Code Section 21080(b)(1).

#### **V. NEXT STEPS**

Following Planning Commission review, the draft amendments to Title 30 will be presented to the City Council Ordinance Committee, who will review the draft amendments and consider the Planning Commission's recommendations. The final draft ordinance and a Resolution for Adoption of Objective Design Standards for Streamlined Housing Projects will be presented to City Council to consider adoption.

Exhibits:

- A. Draft Objective Design Standards
- B. Proposed Amendments to SBMC Title 30 Related to SB 35