



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: December 3, 2024

TO: Ordinance Committee

FROM: Community Development Department

SUBJECT: Title 25 Objective Design and Development Standards, and Amendments to the Title 30 Zoning Ordinance

RECOMMENDATION:

That Ordinance Committee forward a recommendation to City Council that Council:

- A. Adopt the Title 25 Objective Design and Development Standards with staff's recommended changes in Section 25.02.080 (*Mixed-Use Corridor*) and in Section 25.01.110 (*Zone Map - ODDS-ZM*);
- B. Repeal Resolution No. 21-031 adopting the Objective Design and Development Standards for Streamlined Housing Projects in its entirety;
- C. Adopt Amendments to the Title 30 Zoning Ordinance with staff's corrections to Chapter 30.300 (*Definitions*);
- D. Determine that the Title 25 and Title 30 Amendments are Exempt from CEQA Pursuant to CEQA Guidelines Section 15305; and
- E. Determine that the Title 25 and Title 30 Amendments are Consistent with the General Plan.

DISCUSSION:

This report responds to initial broad questions raised by City Council Ordinance Committee members during the hearing of October 22, 2024, on the Title 25 Objective Design and Development Standards (ODDS). The hearing was continued to December 3, 2024. Refer to the Council Agenda Report dated October 22, 2024, for a complete description and analysis of the project.

1. Do the ODDS reduce density?

No, the ODDS do not reduce density. The ODDS were prepared to conform to the densities established in the General Plan. Santa Barbara Municipal Code (SBMC) section 25.01.040 (*Relationship to Santa Barbara General Plan*) explains that the ODDS relies on the residential densities established in the Land Use Element (dwelling units per acre). ODDS projects are required to conform with the General Plan land use designation densities ranging from Low Density Residential (maximum two to three dwelling units per acre) to Priority Housing Overlay (maximum 63 dwelling units per acre). Applicants are responsible for achieving their desired residential densities through choice of unit sizes, building footprint/massing, and building types.

Furthermore, the ODDS-related Title 30 amendments include a change to current zoning regulations for rounding fractional unit counts resulting from density calculations. Title 30 currently rounds down fractions as a result of calculating maximum residential units, which negatively affects potential units from density calculations. For example, a 7,000 square foot lot in R-M, with a land use designation of 15-27 dwelling units an acre, results in fractions of 2.41-4.34 as the maximum number of units. Current rounding down of fractions means two to four residential units are possible on the site. The proposed change to round up for density calculations will allow significantly more residential projects the ability to achieve maximum densities identified in the General Plan. Using the same R-M example, 2.41 and 4.34 will now be rounded up to three and five residential units. In essence, most multi-unit residential projects would be able to achieve one more unit than under current rounding requirements with this change.

2. Do the ODDS conflict with state law that prohibits new standards that lessen the intensity of housing?

The ODDS are not intended to lessen the intensity of housing. Government Code § 66300 (The Housing Crisis Act of 2019) prohibits cities and counties from changing the land use designation or zoning where housing is an allowed use to a less intensive use than what existed as of January 1, 2018. The ODDS do not change allowed land uses, and the building envelope standards (height, setbacks, and building setbacks) for the most part match the base zone (Title 30 or Title 28 Zoning Ordinances) standards.

In situations where a proposed project neighbors a smaller-scaled development, the ODDS require a portion of the building volume to “transition” to address the shift in scales so that the proposed building better fits into the existing neighborhood. One example of a transitional area is a reduced volume of a portion of a building along the shared interior property line situated next to parcel consisting of a house-scale building¹. The ODDS also include historic sensitivity standards that apply when a new building is within 20 feet of the shared interior lot line of a historic resource. On balance, the limited reduction in building envelope volume should not reduce the site’s residential development capacity through the applicant’s choice of building types and unit sizes.

¹ A building that is the size of a small-to-large house and detached from other buildings.

Staff also worked with the project consultant, Opticos, to ensure that the additional development incentives (building height², setbacks, parking, open yard) offered under the AUD Program are also available for projects using the ODDS.

Upon further research, staff found certain setback and stepback standards, including AUD Program setback incentives, that are available for projects on or adjacent to nonresidential base zones were not available to projects in the ODDS Mixed-Use Corridor (MUC) zone, which is composed of a majority of nonresidential base zones. **Therefore, staff recommends removing the front and interior stepback standards³ and changing the interior setback in Section 25.02.080 Mixed-Use Corridor (MUC) from six feet to zero feet minimum to better align with the AUD Program.** Because this recommendation impacts several MUC zoned parcels with residential base zones, staff also recommends changing the ODDS Zone Map (ODDS-ZM, referenced in Section 25.01.110) to change five parcels from MUC to the Neighborhood Large (NL) zone, which requires residential type interior setbacks and front and interior building stepbacks. Staff's recommendation for these changes are shown in Attachment 3.

3. Do the parking, open yard, and landscape standards under the ODDS constrain housing development?

No. The open yard and parking space requirements are the same as the City's existing Zoning Ordinance, including applicability of AUD Program incentives in areas of the City that allow them. Consistent with General Plan policy direction, parking spaces must be located behind the occupiable space of the building in the ODDS, but this is not anticipated to reduce residential development capacity.

Landscaping for driveways, parking lots, and parkways is also the same as in the existing Zoning Ordinance. The Neighborhood Medium and Neighborhood Large zones require a minimum percent of a site to be landscaped, but this can be combined with open yard. All other ODDS zones have no landscape minimum, but the front setback (if required) must be landscaped.

4. Do the ODDS help make affordable housing projects more financially feasible?

It is unclear if the ODDS will improve the financial feasibility of affordable housing. According to the Joint Center for Housing Studies of Harvard University, developers who build affordable housing face many hurdles: complex subsidy programs, expensive labor and materials costs, local land use regulations, and community opposition. The City is only able to control local land use regulations. These local regulations that could influence affordability, include density, building form, parking, and open yard. The ODDS do not

² Projects seeking exceptions to height limitations (i.e., Community Benefit Housing Project, allowed up to 60 feet) per Section 30.140.100 are subject to discretionary findings and are therefore not eligible to use the ODDS.

³ Applicable to portions of structures more than 30 feet in height.

significantly change these local regulations; however, they offer increased predictability in entitlements and a reduced number of design review hearings. ODDS project appeals are also limited, which reduces the financial exposure and time of an additional appeal hearing. All these factors should reduce housing projects soft costs.

Implementation of Housing Element program HE-12: Prioritize Deed-Restricted Affordable Housing may include changes to density, height, setbacks, open yard, or other regulations as incentives for developers to include more deed-restricted affordable housing units in their projects. If certain zoning standards are amended with implementation of HE-12, the ODDS would also be amended as needed to provide consistency and support for increased housing development.

Finally, ODDS projects may elect to use State density bonus waivers or incentives, which could impact the financial feasibility of affordable housing.

5. Do the ODDS do everything possible to create more housing?

The ODDS is one component of the 2023–2031 Housing Element to facilitate more housing, but the ODDS alone cannot create more housing. The ODDS must comply with General Plan policies as required in Section 30.235.100 (*General Plan Consistency Required for Zoning Amendments*) of the Municipal Code. This means that the ODDS encourages multi-unit housing balanced with other considerations important to the community such as sensitivity to historic resources, public views, privacy, habitat and water quality protection, and equipment screening. ODDS is intended to achieve the same density in the General Plan, while also protecting those things that the community values, including community character. As noted above, predictability and fewer hearings may ease the permitting process and ultimately create more housing.

6. Is Chapter 25.07 (Exceptions) necessary? Are exceptions granted by the Community Development Department Director or Designee? What is the threshold? How much do applicants get to still be considered an exception?

Exceptions address situations in which direct application of the objective standards is infeasible due to specific physical constraints of the site or project. Without exceptions, fewer parcels could use ODDS because of existing conditions.

Exceptions thresholds include:

- Existing site condition, e.g., mature tree, utility infrastructure, historic feature, watercourse, or retaining wall
- Small lot that can't meet minimum design site size
- Building type story limitation that prevents project from meeting minimum unit quantities
- Slopes greater than 20 percent

Most exceptions offer a modest adjustment to a standard. For example, the minimum dimensions of open yard can be reduced by 12 inches or 10 percent of the standard, whichever is greater, but do not allow a reduction in the total area required.

The process for an exception is:

- Applicant requests an exception as part of their application
- Staff reviews for compliance with Applicable Findings/Criteria
- Review Authority is Community Development Director or Designee

7. What is the appeal process?

Only an applicant may appeal the design board's decision on a project or the review authority's decision on an exemption to City Council, in accordance with Chapter 1.30 of the Municipal Code. Written notice of the appeal must be filed with the City Clerk within ten days of the decision. Interested parties do not have standing to appeal because the projects must be approved if they comply with objective standards. State law limits the number of hearings that a residential project may be subject to to five hearings, including appeals, so only allowing applicants to appeal a denial of the project is more in line with State Law.

8. Does the City risk losing aesthetic design control of certain residential housing projects if the ODDS adoption is delayed?

Yes, while the City has basic objective design standards for Mediterranean-style projects, there are other state laws that require review using only objective design standards. The objective design standards currently in place were adopted in 2021 for projects proposed under the Senate Bill 35 streamlined ministerial approval process; to date, no projects have been submitted for this process.

For example, state law requires approval "by-right" on previously identified suitable Housing Element sites not yet developed for housing. Without ODDS, such a project would be subject only to objective Zoning Ordinance standards (e.g., height, setbacks, open yard). Subjective standards, such as the standards for screening the visual impact of an object (Section 30.15.120), could not be applied since they rely on interpretation. Furthermore, without the ODDS, there is no opportunity for the City to influence the design or require pedestrian-friendly facades and quality materials. Any criteria that are subjective could not be used to deny or reduce the density of projects.

9. Is the Mediterranean-style group held to a higher standard downtown (i.e., within El Pueblo Viejo) than the rest of the City where Mediterranean- or Craftsman-style groups are an option (e.g., the Mesa)? An example mentioned at the last Ordinance Committee meeting was decoratively painted underside of eaves.

No, the Mediterranean-style standards are the same throughout the City. The only standards that are specific to the El Pueblo Viejo Landmark District are:

- Flat roof parapets cannot be publicly visible.
- Chain link fences are prohibited (in other locations they need to be screened with vines if publicly visible).

For any location, wood is required to be stained, sealed, or painted, but, for example, there is no objective standard that requires painting the underside of eaves in a decorative pattern.

10. Ordinance Committee requested more information about the Architectural Styles-Contemporary Style group.

Architectural styles are regulated by Section 25.01.120 (*Architectural Styles Map*) and Chapter 25.06 (*Architectural Design*). The decision on what styles to include in the ODDS was initially based on Opticos' Existing Conditions Report (January 2022), which reviewed the City's neighborhoods and cataloged the most prevalent styles. This report found four style groups and ten prevalent styles in the City. Of those, Spanish Colonial Revival, Italian Mediterranean, Craftsman, American Colonial Revival, Mission Revival, and Contemporary were the most prevalent. Opticos also analyzed the relationship between style groups and scale to determine which style groups are compatible with house-scale vs. block-scale buildings. For example, the American Colonial Revival style cannot be appropriately scaled for a larger block-scale building. Through discussions with Opticos, the Work Group, and staff, the allowed styles for the ODDS were narrowed down to the Craftsman, Mediterranean, and Contemporary style groups.

Staff also reviewed all existing Landmark District and Historic District overlay zones and design guidelines for alignment. The Haley Milpas and Upper State Street guidelines specifically reference Contemporary/Industrial styles as appropriate for certain areas: 1) the "Boulevard District" (Salsipuedes and Garden); 2) the "Industrial District" (sub-neighborhoods throughout the Haley/Milpas area); and 3) Upper State Street. This was reflected in initial staff versions of the map.

As noted in the hearing of October 22, 2024, the Architectural Styles map has been revised multiple times based on input from the Work Group (several meetings held to just to discuss styles), Planning Commission, and the public. At the recommendation of the Planning Commission, staff conducted outreach on the Architectural Styles map from May to December 2023, including preparation of an Architectural Styles fact sheet, and a written survey and maps posted for input in multiple locations. Based on input from the public surveys and maps, all three style groups (i.e., Mediterranean, Craftsman, and Contemporary) were supported by a majority of respondents in the following neighborhoods/areas:

- Eastside

- Upper State
- Haley Street

Input supporting all three styles was close or tied in the following neighborhoods/areas:

- Funk Zone
- Oak Park
- Westside

The ODDS Architectural Styles map (July 2024 iteration) originally provided to the Planning Commission for a recommendation allowed all three style groups in Upper State, Westside, the Mesa, Haley corridor, portions of the Funk Zone, and Eastside areas of the City. Based on Planning Commission input, the ODDS Architectural Styles map (October 2024 iteration) removed the Contemporary-style group from the Westside, Eastside, and portions of the Mesa. All three style groups are currently recommended in Upper State, the Mesa near City College, Haley corridor, and portions of the Funk Zone.

11. Provide more information about the top of bank standard, can it stay in place until Sustainability and Resilience brings forth the new creek ordinance?

Yes, staff is proposing amendments to Title 30 to ensure there is an objective methodology for determining top of bank for all creeks until such time as the Sustainability and Resilience Department brings forth, and the City adopts, a new Creek Buffer ordinance that includes methodology for determining the top of bank.

Title 30 currently includes a top of bank methodology for Mission Creek but it is not entirely objective, and other creek top of bank determinations are made on a case-by-case basis, which is not objective. It is important to update the existing top of bank calculation so that it is objective; otherwise, the Mission Creek development limitation area could not be applied to ODDS projects.

TITLE 30 AMENDMENTS CORRECTIONS:

Upon further review, staff found a few alphabetizing errors in Chapter 30.300 (Definitions). Staff is recommending adoption of the Title 30 amendments with the definitions in the correct alphabetizing order (Attachment 2).

ATTACHMENTS:

1. Title 25 Objective Design and Development Standards (October 17, 2024)
2. Corrected Title 30 Ordinance Amendments
3. Staff's Recommended Changes to Title 25

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