

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 30.145 OF THE SANTA BARBARA MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR PROCESSING STREAMLINED HOUSING PROJECTS PURSUANT TO GOVERNMENT CODE SECTION 65913.4 AND FINDING THE PROJECT TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINE 15061(b)(3)

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 30.145 of Title 30 of the Santa Barbara Municipal Code is amended to read as follows:

30.145.010 Intent.

The intent of this Chapter is to provide incentives for the development of housing affordable to very-low income, lower income, senior and other qualifying households (hereinafter referred to collectively in this Chapter as “affordable housing development.”) State law mandates the provision of density bonuses to senior, very-low, and lower income households under certain circumstances. The City of Santa Barbara has created a separate density bonus program for certain other households. This Chapter also establishes conditions and procedures for processing streamlined housing projects consistent with California Government Code Section 65913.4.

30.145.020 Density Bonus Under State Law.

If a project meets the criteria of State law, the project shall be granted a density bonus and incentives or concessions as required by State law, and processed as required by State law unless otherwise requested by the applicant.

A. **QUALIFYING HOUSING DEVELOPMENTS.** Qualifying Housing Developments are as defined in Government Code Section 65915.

B. **UNIT SIZE.** Affordable units shall be comparable in size and provide at least the same average number of bedrooms as the non-affordable units.

C. **CHILDCARE FACILITY DENSITY BONUS.** When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to the project, the City shall grant additional density bonus or additional concession or incentive as required by State law.

D. PROCEDURE.

1. **Determination of Qualification.** The applicant shall submit the project for review by the Community Development Director to determine whether the project meets the criteria set forth in State density bonus law.

2. **Density Bonus and Development Incentives.** The density bonus, development incentives, and processing shall be provided as required in Government Code Section 65915.

3. **Review Procedure.** A project which meets all the requirements of State law shall be processed pursuant to the applicable discretionary review procedure, subject to the following exceptions:

a. *Lot Area Modification.* When the density bonus requested is no more than the density bonus mandated by State law, the Community Development Director shall deem the project's density consistent with the Zoning Ordinance, and exempt from the requirement for a modification pursuant to Chapter 30.250, Modifications.

b. *Design Review Body Hearing.* When the Community Development Director determines that a proposed project meets all the requirements of the residential zoning category in which the project is proposed, does not cause any unavoidable, significant, environmental impacts, and requires design review as its only City discretionary approval, the appropriate design review body shall review the project.

30.145.030 Density Bonus Under City Program.

A. **QUALIFYING HOUSING DEVELOPMENTS.** When a developer proposes an affordable housing development which is not proposed under the State law criteria and requests a density bonus, the Community Development Director shall review the project for consistency with the City's density bonus program, adopted by resolution in the City of Santa Barbara Affordable Housing Policies and Procedures Manual.

B. **PROCEDURE.** If the proposed project is determined to be consistent with the criteria of the City's density bonus program, it shall be processed according to the applicable discretionary review procedures and approved or denied under the provisions of that program.

30.145.035 Affordable Housing Streamlined Approval.

The provisions of this Section apply to applications deemed complete before January 1, 2026 that meet the criteria for qualifying streamlined housing projects and shall be processed as required by State law. No application under this Section will be accepted by the City after January 1, 2026 unless the State extends or does not repeal Government Code Section 65913.4 or if Government Code Section 65913.4 expires or is repealed.

A. **QUALIFYING STREAMLINED HOUSING PROJECTS.** Qualifying streamlined housing projects are as defined in Government Code Section 65913.4.

B. **EXEMPT FROM DISCRETIONARY REVIEW.** Qualifying streamlined housing projects shall be exempt from all City discretionary review including, but not limited to, any required pre-application or concept review; discretionary action on a tentative map;

and discretionary design review, provided that the project conforms with all applicable objective provisions of State law, the Municipal Code, the General Plan, and this Section.

C. **OBJECTIVE ZONING AND DESIGN STANDARDS.** Any lot developed with a qualifying streamlined housing project shall comply with all objective land use regulations, citywide regulations, development standards, and design review standards, including the Objective Design Standards for Streamlined Housing Projects in effect at the time a complete application is submitted, applicable to a residential multi-unit or mixed-use project within the zoning district in which the lot is located including, but not limited to, residential density, setbacks, height, and open yard, as described in Santa Barbara Municipal Code.

1. **Exceptions Prohibited.** A streamlined housing project may not include a request for an exception to these objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to state density bonus law.

D. **REVIEW PROCESS.**

1. **Notice of Intent.** Before submitting an application for a development subject to streamlined, ministerial approval, the applicant must submit a Notice of Intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1

2. **Scoping Consultation.** Upon receipt of a Notice of Intent, the City will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, according to the timelines and procedures established by state law. After concluding the scoping consultation, the applicant will be notified as follows:

a. If it is either determined that no potential tribal cultural resource could be affected by the proposed development, or if all parties and the property owner enter into an agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource, the applicant may submit an application for review.

b. If it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties or the property owner do not reach an agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources, the development shall not be eligible for the streamlined, ministerial approval process.

3. **Review of Applications.** After the scoping consultation is deemed to be concluded, and if the project is eligible, the applicant may submit an application for review pursuant to Chapter 30.205, Common Procedures for initial determination whether the project meets the remaining criteria for approval in compliance with Government Code Section 65913.4.

4. **Ministerial Design Review.** After the application is determined to be complete, the Community Development Director will schedule the project for ministerial design review by either the Architectural Board of Review or Historic Landmarks Commission, as appropriate, for one or more public oversight hearings, as follows:

a. Ministerial design review shall be objective and strictly focused on assessing compliance with the criteria required for streamlined housing projects, as well as any adopted objective design standards.

b. Ministerial design review shall require public notice and a hearing pursuant to Chapter 30.205, Common Procedures.

5. **Project Approval.** A project which meets all the requirements of State law and this Section shall be approved by the applicable design review body in compliance with the time periods established by State law.

6. **Appeals.** A final action by the design review body to deny a qualifying streamlined housing project may be appealed by the applicant to the City Council in accordance with Chapter 1.30 of the Santa Barbara Municipal Code. In addition to the procedures specified in Chapter 1.30 of the Santa Barbara Municipal Code, public notice shall be provided in the same manner required for the action that was the subject of the appeal. In deciding such an appeal, the City Council shall determine whether the project complies with the criteria required for streamlined housing projects, as well as any adopted objective design standards.

30.145.040 Denial of Affordable Housing Projects.

If at least 20% the total units in a housing development are sold or rented to low income households, and the balance of the units are sold or rented to either low or moderate income households, it shall not be disapproved or conditioned in a manner which renders the project infeasible for development for the use of low and moderate income households unless the decision making body finds, based upon substantial evidence, one of the following, pursuant to California Government Code Section 65589.5:

A. The project is not needed for the City to meet its share of the regional need of low or moderate income housing as outlined in the adopted Housing Element to the General Plan; or

B. The project as proposed would have a specific, adverse impact upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low or moderate income households; or

C. Denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the project unaffordable to low or moderate income households; or

D. Approval of the project would increase the concentration of low income households in a neighborhood that already has a disproportionately high number of low income households and there is no feasible method of approving the development at a different site, including sites identified in the adopted Housing Element, without rendering the development unaffordable to low or moderate income households; or

E. The project is proposed on land zoned for resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project; or

F. The project is inconsistent with the land use designation as outlined in the adopted General Plan or in any General Plan element as it existed on the date the application for the project was deemed complete.

SECTION 2. CEQA

This action is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which 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 qualifying streamlined housing projects would be ministerial and exempt from CEQA under Government Code Section 21080(b)(1).

SECTION 3. The City Council hereby declares that should any section, paragraph, sentence, phrase or term of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance regardless of any such portion declared invalid.