

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.22.133 OF THE SANTA BARBARA MUNICIPAL CODE REGARDING HISTORIC LANDMARKS COMMISSION REFERRAL TO PLANNING COMMISSION AND AMENDING CHAPTER 28.20 OF THE SANTA BARBARA MUNICIPAL CODE ESTABLISHING PLANNING COMMISSION REVIEW OF CERTAIN RENTAL HOUSING PROJECTS PROPOSED IN ACCORDANCE WITH THE AVERAGE UNIT-SIZE DENSITY INCENTIVE PROGRAM

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

**SECTION 1.** Section 22.22.133 of the Santa Barbara Municipal Code is amended to read as follows:

**22.22.133 Historic Landmarks Commission Referral to Planning Commission.**

A. **PLANNING COMMISSION COMMENTS.** When the Historic Landmarks Commission determines that a development is proposed for a site which is highly visible to the general public, the Historic Landmarks Commission may, prior to granting project design approval of the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Historic Landmarks Commission in its deliberations.

B. **PLANNING COMMISSION NOTICE AND HEARING.** Prior to making any comments regarding an application pursuant to this Section, the Planning Commission shall hold a noticed public hearing. Notice of the hearing shall be provided in accordance with the requirements of Section 22.22.132.

**SECTION 2.** Section 28.20.020 of the Santa Barbara Municipal Code is amended to read as follows:

**Section 28.20.020 Definitions.**

For purposes of this Chapter 28.20, the following words or phrases shall have the respective meanings assigned to them in the following definitions unless, in a given instance, the context in which they are used indicates a different meaning:

**A. Affordable Housing.** Residential units that are sold or rented at values defined as being affordable by the City of Santa Barbara's Affordable Housing Policies and Procedures, as such policies and procedures may be approved by the City Council from time to time.

**B. Average Unit Size.** The total of the net floor area of each of the residential units in a project and divided by the number of residential units in that project.

**C. Community Benefit Housing.** Residential development that has a public benefit including the following housing types:

1. Priority Housing;
2. Housing affordable to low, moderate, or middle income households as defined in SBMC Chapter 28.43; and
3. Transitional Housing, affordable efficiency dwelling units (as described in Section 28.87.150 of this Code), and Supportive Housing which supports special needs populations such as housing for seniors, the physically or mentally disabled, the homeless, or children aging out of foster care.

**D. Employer Sponsored Housing.** Residential units which are developed, owned, maintained, and initially sold or rented to employees of a local Employer (or group of employers) where each residential unit is occupied as a primary residence (as defined by federal income tax law) by a household that includes at least one person who works on the south coast region of Santa Barbara County.

**E. Net Floor Area.** For purposes of this Average Unit-Size Density Program, net floor area is the area in square feet of all floors confined within the exterior walls of a residential unit, but not including the area of the following: exterior walls, vent shafts, courtyards, garages, carports, common areas not controlled by the occupant of an individual residential unit, and any areas with a ceiling height of less than five (5) feet above the finished floor. In addition, the area occupied by stairs or an elevator shaft within the exterior walls of a residential unit shall be counted only on one floor of the residential unit.

**F. Limited-Equity Housing Cooperative.** A corporation organized on a cooperative basis that meets the requirements of state Civil Code § 817 and which restricts the resale price of the cooperative's shares in order to maintain a specified level of affordability to any new shareholder.

**G. Local Employer.** A person, business, company, corporation or other duly formed legal entity which employs persons whose primary place of employment is located within the South Coast region of Santa Barbara County.

**H. Priority Housing.** Priority Housing includes the following three categories of housing: 1. Employer-Sponsored Housing; 2. Limited-Equity Housing Cooperatives; and 3. Rental Housing.

**I. Project Site.** All lots included within a project proposed in accordance with the Average Unit-Size Density Incentive Program.

**J. Rental Housing.** Housing developed and maintained as multiple dwelling units on the same lot for occupancy by separate households pursuant to a lease on other rental agreements where all dwelling units are owned exclusively by the same legal entity.

**K. Supportive Housing.** As defined in state Health and Safety Code Section 50675.14(b)(2).

**L. Transitional Housing.** That type of Supportive Housing that is re-circulated to other eligible program participants as specified and defined in state Health and Safety Code Section 50675.2(h).

**SECTION 3.** Chapter 28.20 of Title 28 of the Santa Barbara Municipal Code is amended by adding Section 28.20.080 to read as follows:

**28.20.080 Planning Commission Review of Rental Housing Projects**

**A. Planning Commission Review.** The Planning Commission shall review all rental housing projects proposed in accordance with the provisions of the Average Unit-Size Density Incentive Program when both of the following criteria are satisfied:

1. Any lot within the project site has a High Density Residential land use designation or the project is being proposed under the Average Unit-Size Density Incentive Program Priority Housing Overlay, and
2. The project site has a combined net lot area of 15,000 square feet or greater.

**B. Review by Pre-Application Review Team.** All Average Unit-Size Density Incentive Program projects subject to Planning Commission review pursuant to this Section 28.20.080 shall be reviewed by the Pre-Application Review Team as provided in Section 27.07.070 of this Code.

**C. Timing of Review.** The Planning Commission review pursuant to this Section 28.20.080 shall occur after the initial concept review by the Architectural Board of Review or Historic Landmarks Commission, as applicable. The project applicant may elect to have additional concept reviews by the applicable design review body, prior to the review by the Planning Commission. If an Average Unit-Size Density Incentive Program project requires a discretionary approval by the Planning Commission

pursuant to any other provision of this Code, then the review required pursuant to this Section 28.20.080 may be combined with the hearing for the other discretionary approval required for the project.

**D. Hearing Procedures.** The Planning Commission shall conduct its review at a public hearing noticed in accordance with Section 28.87.380 of this Code. The Planning Commission shall receive a written report from the Pre-Application Review Team concerning the proposed design and improvement of the project and the project's consistency with the City's General Plan. The Planning Commission shall provide comment and recommendation by majority vote regarding the proposed design and improvement of the project and the project's consistency with the City's General Plan. The Planning Commission comments and recommendations are intended for use by the applicable design review body in their deliberations.

**E. Communication to Design Review Body.** Following the Planning Commission review hearing, the Community Development Department staff shall communicate the Planning Commission's comments and recommendations to the applicable design review body.

**F. Additional Planning Commission Review.** If a project is subject to Planning Commission review pursuant to this Section 28.20.080, the Historic Landmarks Commission cannot elect to refer the project to the Planning Commission pursuant to Section 22.22.130 and the Architectural Board of Review cannot elect to refer the project to the Planning Commission pursuant to Section 22.68.050. However, the project applicant may request an additional concept review of the project by the Planning Commission.

**SECTION 4.** The provisions of Section 28.20.080, as expressed in this ordinance, shall only apply to a project if the project's first concept review before the Historic Landmarks Commission or Architectural Board of Review occurs after the effective date of this ordinance.

**SECTION 5.** The City Council of the City of Santa Barbara makes the following findings in accordance with the California Environmental Quality Act regarding the adoption of the proposed Zoning Ordinance Amendments:

1. A Program Final Environmental Impact Report (FEIR) was certified for the 2011 General Plan, and includes EIR Addenda prepared and considered by City Council as part of adoption of the final 2011 General Plan (12-1-11), Climate Action Plan (9-18-12), and Historic Resources Element (10-2-12).

2. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide that projects which are consistent with the development density established by General Plan policies for which a FEIR was certified shall not require additional environmental review except under specified instances.

3. The City Environmental Analyst determined that the proposed zoning ordinance amendments do not trigger additional environmental review requirements for the following reasons:

a. There are no additional site-specific or project-specific significant effects which are peculiar to the proposed zoning amendments;

b. There are no new significant effects not addressed in the prior FEIR; and

c. There is no new information since the FEIR that would involve more significant impacts than identified in the FEIR.

Environmental review for the proposed zoning ordinance amendments is addressed by the General Plan FEIR and Addenda, and no further environmental review is required.

4. The City Planner is the custodian of the record of proceedings for the General Plan Update FEIR, the Addenda, and the documents and other materials which constitute the record of proceedings for these City actions are located at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the office of the City of Santa Barbara Community Development Department, Planning Division.