City of Santa Barbara
California

PLANNING COMMISSION

STAFF REPORT

REPORT DATE:	October 6, 2016
AGENDA DATE:	October 14, 2016
PROJECT:	New Zoning Ordinance (NZO) Draft Module 3: Administration, Parking, and Temporary Uses
TO:	Planning Commission
FROM:	Planning Division, (805) 564-5470 Danny Kato, Senior Planner Marck Aguilar, Project Planner Brenda Beltz, Associate Planner

I. PURPOSE OF THE HEARING

The purpose of this hearing is for the Planning Commission to: receive a report from staff on the latest module of the New Zoning Ordinance (NZO) work effort, *Module 3: Administration, Parking, and Temporary Uses* (Module 3) and certain topics carried over from the two prior modules; receive public comment; and provide direction to staff. This is the last of three modules to review and discuss prior to staff preparing a comprehensive draft NZO document.

The NZO Joint Committee Staff Report (Exhibit A) and Staff Notes (Exhibit B) provide technical discussion and comments on the focus topics for Module 3. This report relies on that staff report as a foundation and reference while summarizing the proposed changes and revisions stemming from public comment and NZO Joint Committee (Committee) direction.

Module 3 (Exhibit C) reflects *extensive* reformatting with efforts to condense and simplify Title 28 of the Santa Barbara Municipal Code (SBMC) – the Zoning Ordinance. It will be difficult for the reader to compare the existing Zoning Ordinance with the NZO, because the organization of the code has changed completely. Where some existing code sections are unclear, repetitive or silent on applicability, or where terms are poorly defined, NZO attempts to add specificity, efficiency and clarity. In some instances, text is replaced with a table and in other instances, rewording or re-formatting for clarity has resulted in a lengthier section of text. Relevant ordinance sections of the current Zoning Ordinance and proposed NZO are provided for reference after each topic discussion. Relevant General Plan policies are cited throughout the document and also policies related to parking are in Exhibit D.

II. DISCUSSION

A. CENTRAL BUSINESS DISTRICT BOUNDARY EXPANSION

Relevant General Plan Policy/Implementation Action:

Circulation Element Implementation Action C7.2: "Update the boundary of the delineated area of the Central Business District to include more of the commercial area."

NZO proposes expansion of the Central Business District (CBD) boundary to the north, east and west as outlined in the NZO Joint Committee Staff Report (see Exhibit E, map). Within the CBD, the required parking rate of one parking space per 500 square feet of net floor area (1/500) is commensurate with manufacturing and industrial land uses; however, it is a more "relaxed" standard than the one parking space per 250 square feet of net floor area (1/250) that would typically be required of office, and retail businesses, and the higher parking standard (1 space per 3 seats or 1 space per 100 square feet) for food service uses. The Committee was supportive of the proposed Central Business District (CBD) boundary expansion with reservations about the eastward expansion into the Commercial Manufacturing (C-M) Zone pending additional land use information.

A land use survey was conducted by staff in September 2016 of the roughly three block area in the C-M Zone (see Exhibit F). Manufacturing, industrial, and storage uses occur in whole or in part on 11 of the 39 parcels and account for approximately 16% of the total area (640,000 square feet). Looking at the C-M Zone comprehensively, staff data extending back to 2008 (and reflected in "C-M and M-1 Zones – Existing Land Uses Map" included with the Module 1 Planning Commission Staff Report), shows that industrial uses generally account for 18-19% of land use in the C-M Zone.

Three options are presented to the Commission for the area south of E. Ortega Street:

Option 1: Extend the eastern boundary to Garden Street then south to Gutierrez Street; or

Option 2: Extend the eastern boundary to Garden Street then south to Gutierrez Street and also include the three parcels in the C-M Zone south of Gutierrez Street (which are adjacent to the M-1 Light Manufacturing Zone).

Option 3: Retain the eastern boundary along Santa Barbara Street;

Staff recommends Option 1 in order to limit incompatible uses on the Palm Avenue block and because the walking distance from the nearest public parking lot at Haley and Anacapa Streets is more than two blocks (see Exhibit G). This differs slightly from the recommendation to the Committee in which the three parcels south of Gutierrez Street were included in the proposed expansion.

Question to Commission: Which option for the southeasterly boundary of the CBD does the Commission prefer?

Frequency: Low Impact: Moderate

[Ref. SBMC §28.90.100.J.1, NZO 28.26.030.M, 28.26.040.A.3, 28.26.050.B]

B. ACCESSORY BUILDINGS AND GARAGES

In response to public input, and brought forward in *Module 2: Development Standards*, NZO proposed to increase the accessory building and garage floor area allowed for larger lots and to also allow the maximum floor area for accessory buildings and garages to be combined. The initial proposal ranged from 1,000 square feet to 2,500 square feet, depending on lot size. While the concept was generally acceptable to the Commission, the maximum totals for accessory buildings were later reduced by staff, and the concept changed to allow accessory

building floor area to be combined with garage floor areas, and to allow the space to be used for either purpose, with limitations. The table below reflects a reduction in the maximum totals, now ranging from 1,000 to 1,750 square feet:

Table: Accessory Buildings and Garages				
	<20,000 s.f.	20k up to 1 ac.	1ac. To 3 ac.	3 ac. or larger
Garage				
Existing	500 s.f.	750 s.f.	750 s.f.	750 s.f.
Accessory Building				
Existing	500 s.f.	500 s.f.	500 s.f.	500 s.f
Max Total Garage + Accessory On-Site				
Existing	1,000 s.f.	1,250 s.f.	1,250 s.f.	1,250 s.f.
NZO Proposed	*1,000 s.f.*	*1,250 s.f.*	*1,500 s.f.*	*1,750 s.f.*

The maximum detached livable floor area[1] per lot is proposed to be limited to 500 square feet. Consistent with the current Zoning Ordinance, the maximum size of a single accessory structure would still be limited to 1,250 square feet, and the minimum required covered parking must also be provided. As a means of addressing concerns about larger accessory buildings, a new provision is included that structures over 500 square feet or lots with more than two covered parking spaces would require design review approval.

These revisions to the proposed maximum total accessory building square footage on site were not reviewed by the Committee.

Questions for Commission

1. Does the Commission support the provision to allow garage and accessory building floor area to be combined?
2. Does the Commission support the proposed size limitations for accessory buildings and garages?

Frequency: Moderate Impact: Moderate

[Ref. SBMC §28.87.160, and to be included in NZO *Module 2*, 28.23.020.G & H.]

C. PARKING

Exhibit D provides many General Plan policies and implementation actions related to parking. Overall, the policies call for a more efficient use of existing on-street parking supply, seeking opportunities for shared parking among uses, concentrating development Downtown

[1] Livable floor area is defined in Chapter 28.55 of NZO as a subtype of floor area, and consists of finished and heated areas.

and along transit corridors, increasing facilities to encourage alternative modes of travel and reducing dependence on the automobile, providing more flexibility for constrained sites, and providing incentives for adaptive re-use of vacant commercial buildings.

1. Parking Requirements for Food Service Uses

The current parking ratio for commercial food service uses ranges from 1/100 sq. ft., 1/250 sq. ft., or 1 per 3 seats. Since 1980, parking for restaurants has been based on the higher of 1/250 or 1 per 3 seats. By providing the option, applicants tend to submit plans for approval showing the lower rate, which is typically 1/250. NZO proposes to remove the seat calculation, which will reduce uncertainty among applicants, staff and the public, and proposes to consolidate all food service uses into one parking rate to address some or all of the issues that are described in the NZO Joint Committee Staff Report (Exhibit A, pages 7-13).

There are two proposed options for addressing food service uses, each with its own benefits and potential concerns: 1/100 sq. ft. or 1/250 sq. ft. Staff requests that the Planning Commission discuss the issue, and determine its preferred option. Both options may be forwarded to the Ordinance Committee and Council with the NZO Joint Committee's and the Planning Commission's recommendations.

Policy Question

An overall policy discussion is necessary to determine the direction the NZO should take in addressing parking ratios for food service uses. The fundamental question is: **What should the parking ratio be for commercial food services?** The considerations are whether the parking rate for all commercial food service uses should be higher to more closely reflect the parking demand for restaurant uses, or should the ratio be lower to allow for more reuse opportunity for commercial buildings.

Discussion

The current ordinance has four different parking requirements for these food service uses, NZO proposes two parking requirements:

Table: Food Service Use Classifications in NZO		
Use Classification	**Existing Parking Standard**	**Proposed Parking Standard**
Bars/night clubs/lounges	1/250 sq. ft.	1/250 or 1/100
Food and beverage tasting	1/250 or 1 per 3 seats	1/250 or 1/100
Full service restaurant (seated, pay after eating)	1/250 or 1 per 3 seats	1/250 or 1/100
Convenience restaurant (fast food, no table service)	1/100	1/250 or 1/100
Food preparation (caterers, delis, etc.)	1/250 or 1/500	1/250 or 1/100
Food and Beverage Manufacturing - Limited/Small Scale (<5,000 s.f.)	1/500	1/500
Food and Beverage Manufacturing - General/Large Scale (>5,000 sq. ft.)	1/500	1/500

NZO is proposing a single parking rate for all commercial food service uses: either 1/100 or 1/250. Manufacturing food service uses will remain the same at 1/500. This would affect all commercial areas in the City except the Central Business District and shopping centers, where the parking requirement for food service uses and general commercial uses are already the same (1/500). However, it would not affect industrial or manufacturing uses, as the parking requirement for those uses is 1 space per 500 sq. ft., and additional parking would be required to convert those uses to food service uses.

Effects of Applying a Parking Ratio of 1/100

Fast food restaurants are currently required to provide parking at a ratio of 1/100, which is closer than 1/250 to the average parking demand for all types of restaurants, based on the Institute of Transportation Engineers (ITE). Since most commercial uses are required to provide parking at the 1/250 rate, a change of use from other commercial uses to food service uses would require additional parking spaces, and result in fewer parking impacts to neighboring businesses and residents than using a 1/250 parking ratio for food service uses.

Additionally, increasing the ratio to 1/100 would result in those 1/250 food service uses becoming nonconforming to the new parking requirement.

However, if existing site development precludes providing additional parking spaces on site, those existing commercial uses, with a 1/250 ratio, would likely not be converted to food service uses. The likely result of a 1/100 parking ratio would be that the tenant spaces that can be used as food service uses in the future would generally be those tenant spaces already being used for food service now.

Effects of Applying a Parking Ratio of 1/250

Applying the same 1/250 parking requirement for food service uses as other commercial uses would permit a fluid exchange of allowable land uses in existing buildings, and allow for adaptive reuse. Because the majority of existing commercial uses are already subject to a 1/250 parking ratio, there would be reduced uncertainty among applicants, staff and the public when a change of use from other commercial uses to food service uses is proposed. Additionally, the current parking requirement for several food service uses is already 1/250 and this option would not create any new nonconformities for those uses.

However, since parking demand is closer to 1/100 for restaurants, they will not meet parking demand if they provide parking at 1/250, which would increase the on-street parking burden. Furthermore, the parking requirement for existing fast food restaurants would be reduced from 1/100 to 1/250 which is a 60% reduction in required parking. Over time, this could lead to the expansion of existing fast food service uses without providing additional parking, or a reduction in the number of existing parking spaces provided for the fast food use, both of which would increase the on-street parking burden.

Examples that Illustrate the Policy Considerations

Example 1: Change of Use for New Coffee Shop

The new Handlebar coffee roaster and restaurant is proposed to be located in an existing mattress store on upper De la Vina Street. The existing building is 3,857 sq. ft. and has 15 parking spaces, which is conforming to the general commercial parking ratio of 1/250. If parking for all food services use is increased to a parking ratio of 1/100, then 38 parking spaces would be required for the change of use. As there is no room for an additional 23 parking spaces on site, a food service use would be prohibited in this location; thereby hindering transitions among commercial uses. However, prohibiting a food service use with a parking deficit of 23 parking spaces in this tenant space, and maintaining it as a retail/general commercial use, would reduce impacts to the on-street parking supply in the area.

If parking for all food service uses is 1/250, then no additional parking spaces would be required for the changes of use, and the food service use could occupy the space, thereby easing transitions among commercial uses, but the parking deficit of 23 spaces would increase impacts to the on-street parking supply in the area.

Example 2: Change of Parking Rate for Existing Fast Food Restaurant.

The existing Dunkin' Donuts on upper State Street is located in a 2,040 sq. ft. building. The current parking requirement is 20 spaces (1/100), and the site is developed with 32 spaces. If the parking ratio is reduced to 1/250, Dunkin' Donuts would only be required to have 8 parking spaces, and the reduction of required parking could lead to increased impacts to the on-street parking supply in the area. If

the parking ratio remains 1/100, Dunkin' Donuts would be required to maintain 20 spaces, and impacts to the on-street parking supply in the area would not change.

Issues Related to Food Service Parking

Relevant General Plan Policy/Implementation Action:

Economy and Fiscal Healthy Element Policy 15: Protect Industrial Zoned Areas. Preserve the industrial zones as a resource for the service trades, product development companies, and other industrial businesses not precluding priority housing in the C-M, Commercial Manufacturing Zone.

Staff is aware of concerns about the proliferation of food service uses in the Funk Zone and Manufacturing and Industrial zones in locations without adequate parking. NZO contains several provisions related to parking that protect industrial uses.

1. The parking ratio for industrial uses is 1/500. Currently, parking must be provided only for the *difference* between the old use and the new use on a change of use. NZO proposes that parking is required to be brought up to current code requirements to convert those uses to any other use that requires more parking, including food service uses.
2. Currently, tenant spaces that are occupied by different land uses (e.g., wine production and wine tasting), or common areas in multi-tenant buildings, will show parking at the lowest rate. NZO proposes that different land uses must be physically separated within the tenant space, or the tenant must park the entire space at the highest rate.

Staff Recommendation

NZO proposes to remove the option for a parking ratio of 1 space per 3 seats for restaurants. A new numerical standard must be implemented. Given the various benefits, concerns and General Plan policy direction, staff recommends that the Planning Commission select a consolidated parking ratio of either 1/100 or 1/250 for commercial food service uses.

Frequency: High Impact: High

[Ref. SBMC 28.90.100.J & K, NZO Table 28.26.040]

2. Parking Requirements for a Change of Use

Relevant General Plan Policies/Implementation Actions:

Economy and Fiscal Health Policy 12: Re-Use of Commercial Space. Provide incentives for adaptive re-use of vacant commercial buildings.

Currently, additional parking spaces must be provided only for the *increase* related to a change of use. As currently drafted, the NZO proposes that parking is required to be brought up to code to convert a use to any other use that requires more parking, and to allow uses with the same or fewer parking spaces to keep their existing nonconforming parking.

Industrial to Commercial

In order to preserve industrial uses, the Committee gave direction, and NZO now proposes, that in order to change from an *industrial* use (with a lower parking requirement) to a *commercial* use (with a higher parking requirement) all parking spaces must be provided, rather than just for the increase. This serves as a disincentive to converting industrial uses and provides for the increase in parking demand on a change of use.

Commercial to Commercial

The Committee gave direction that changes of use between any of the *commercial and semi-public* land use categories (See Table 28.26.040, pages 97-103 of NZO, Exhibit C) be allowed with only the incremental increase in parking provided to increase flexibility between uses in these categories. Most uses within those categories require parking at a 1/250 rate and would not be greatly affected. However, there are nine commercial and semi-public land uses with parking rates that have higher or unique rates and do not lend themselves to a consolidated rate (1/250) with the rest of the commercial uses:

1. Cinema/Theaters – 1/100
2. Commercial Entertainment and Recreation - Large Scale – per CUP
3. Hotels and Extended Stay Hotels – per room
4. Community Assembly (church, etc.) – 1/100
5. Emergency Shelter – 1 per 8 beds
6. Recreational Vehicle Park – Overnight – guest parking only
7. Recreational Vehicle Park – Permanent – per residential rate
8. Schools (private K-12) – per classroom
9. Skilled Nursing Facilities – 1 per 2 beds

Staff recognizes the Committee's desire for greater flexibility on changes of use within the commercial and semi-public land uses, and explored provisions to accommodate only the increase in parking. However, due to the infrequency and uniqueness of these nine uses, staff believes that in the event that any of these uses are proposed as a change of use, it would be appropriate for these uses to provide the full parking requirement.

However, if the outcome of the food service uses discussion above (Section II.C.1) results in a preferred parking ratio of 1/100, then food service uses would have a higher parking ratio than the rest of the consolidated commercial land uses (1/250), and staff would recommend that parking only be required for the increase on the nine above listed uses, plus all the food service uses, to allow more flexibility.

Change of Use to Residential

The Zoning Ordinance does not explicitly address the parking requirement when *new residential units* are added within existing buildings. The ordinance is clear when new buildings are constructed, parking for the new building must be provided, but the ordinance is less clear when there is a conversion within an existing building that results in a new unit. The question is: **Should *residential uses* be treated the same as nonresidential uses for "changes of use?"**

Examples

1. An existing lot with a 2,000 sq. ft. office building requires 8 parking spaces, but it only provides 4 parking spaces, therefore there is a "nonconforming credit" of 4 parking spaces.
   - If a new residence is constructed on the site, the project would be a mixed-use project, and 1 new parking space would be required to be added for the residential unit; **Total = 5 spaces.**
   - If a 1,000 sq. ft. portion of the existing office building was *converted* to one residential unit, and the remainder was left as office building, the parking requirement would be: 1 space for the unit plus 4 spaces for the office building; Total = 5. However, because the parking requirement for the proposed use (5 spaces) is less than the parking requirement for the existing use (8 spaces), no new parking spaces would be required; **Total = 4 spaces.**
2. The conversion of an existing building to residential units is more complex when the existing building is residential, because adding units is not considered a "change of use" but rather just an increase in density. For example, if an existing 2,000 sq. ft. single-unit residence with zero parking spaces (2 spaces required) were to be converted to four residential units (3 new units), the current Zoning Ordinance is not clear if the proposed project requires either: 4 parking spaces (one per unit), or 3 parking spaces (one per NEW unit), or 2 parking spaces (just the *difference* between the new units and the existing unit).

Staff Recommendation

Since required parking for residential uses is by *unit*, and not by *floor area*, the conversion between nonresidential uses and residential uses is not as straightforward as it is between solely nonresidential uses. Staff recommends that the ordinance include a provision that any new residential unit be required to provide conforming parking for that unit. Although this may make it more challenging to convert existing nonresidential uses to residential uses, staff believes that when new residential units are proposed, as a minimum standard, the required parking should be provided.

Questions to Commission

1. Is the approach for the change of use from industrial to commercial supported?
2. Is the approach for the change of use from commercial to commercial uses (the nine listed uses in this section) supported?

3. Is the approach for a change of use to residential supported?

Frequency: High Impact: High

[Ref: SBMC §28.90.001.N, NZO 28.26.020.B, 28.26.030.G]

3. NONCONFORMING PARKING – LIMIT ON ADDITIONS

The existing zoning ordinance allows land uses that are legal nonconforming to parking requirements to be maintained and altered, and allows additions to be constructed, so long as: 1) parking is provided for the increase on any addition or alteration, and 2) cumulative total additions do not exceed 50% of the floor area that existed on site as of July 15, 1980. NZO proposes to revise or eliminate the "50 Percent Rule" for nonconforming parking.

Policy Question

The fundamental policy question is this: **Should there be a limit on additions to existing development with nonconforming parking?**

Perceptions

There is a perception in the community that parking demand correlates directly to the size of a house, that parking requirements are the only tool limiting development, and that nonconforming buildings should eventually conform. In this section, we will pose several common perceptions about nonconforming parking and answer these concerns.

CONCERN #1: The bigger the house, or the more bedrooms it has, the more parking spaces it should have.

RESPONSE

- Because the City's parking requirement for a single-unit residence is two spaces regardless of size, an 800 square foot two-bedroom house has the same parking requirement as an 8,000 square foot 10-bedroom house, so the ordinance does not require more parking spaces for larger house than smaller houses, or houses with more bedrooms.
- According to the Institute of Transportation Engineers (ITE), average parking demand for a single-unit residence is two spaces, regardless of house size. The average parking demand takes into account that over the life of a house, occupancy will vary, for example: a couple, a family of 6, a single person, 4 roommates, etc. At any given time, this is the general pattern, leading to an average demand of two parking spaces, per unit, overall within the City.
- Neighborhoods that are currently impacted with street parking may be that way for a variety of reasons unrelated to house size, such as: garages not being used for parking, nonresidential parkers utilizing neighborhood street parking, higher than average household size (more than 2.45 occupants)), or households with higher than average number of vehicles (more than 2).

CONCERN #2: Without the "50 Percent Rule" there will be no limit on development.

RESPONSE

- The "50 Percent Rule" was not intended to limit the size of development, it was intended to be a trigger for providing conforming parking. There are several other ordinances that were specifically designed to regulate the size of development in the City: the Floor to Lot Area Ratio (FAR) ordinance limits the size of single-unit homes; the Average Unit Size Density (AUD) ordinance limits the size of units in multi-unit development; the City's Growth Management Plan (GMP) limits the size of new nonresidential additions per lot and Citywide.
- Santa Barbara is a developed, mature City and most existing apartment buildings and condominiums are "maxed out" in terms of lot coverage. Other zoning limitations such as open space, setbacks, and density already constrain development potential.

CONCERN #3: Nonconforming buildings should phase out over time and all development should eventually be conforming.

RESPONSE

- The City's nonconforming ordinance takes a liberal position on allowing the continuation of, and improvements to, existing nonconforming buildings. If a building is nonconforming to other zoning standards (such as setbacks, open yard, etc.) the current ordinance allows additions, alterations, even the complete demolition and reconstruction, as long as these changes do not increase the nonconformity. It is not the intent of the ordinance to require existing nonconforming buildings to be demolished in order to make way for new conforming buildings, but rather to allow conforming additions to nonconforming buildings that do not increase the nonconformity.

Options

Staff would like to present two options for addressing existing residential and nonresidential development with nonconforming parking:

1. Remove the limit on additions (i.e., Remove the "50 Percent Rule"); or
2. Continue to limit additions, but revise the ordinance to allow more flexibility.

For both options, the existing requirement to provide parking for the increase on any addition or alteration would remain, as would the requirement for nonresidential development to provide additional parking spaces for a change of use, and whenever a building is demolished and rebuilt with additions.

Discussion

The Committee was presented with options to retain the limit on additions to existing buildings with nonconforming parking (see NZO Joint Committee Staff Report,

Exhibit A, pages 13-14). The Committee did not have a consensus recommendation, but felt that some flexibility for additions should be explored.

Option 1: Remove the Limit on Additions. This option would remove the maximum limit on additions (i.e., remove the "50 Percent Rule") for existing development to bring parking up to code, and would therefore allow additions up to the maximum allowable consistent with the City's other zoning requirements. The Committee was not presented with this option.

The benefits of removing the limit on additions are:

- Allows single-unit residences to construct conforming additions of any size to their homes;
- On those homes where parking cannot be provided, and where additions would exceed 50%, encourages owners to keep their existing buildings, and add onto them, rather than demolishing them;
- Facilitates the construction of new buildings, including new residential units, since only the new construction would be required to meet current parking requirements;
- Eliminates the inequity of restricting small homes to smaller additions and allowing large homes to build larger additions;
- Would be similar to other development standards for other nonconformities, such as setbacks, where there is no maximum limit on conforming additions.
- Simplifies the parking ordinance so it is clear, concise, and easy to understand; and eliminates uncertainty among applicants, staff, and the public about when parking needs to be brought up to code.

The potential concerns to removing the limit on additions are:

- Staff believes that in the lower density Residential Single Unit Zones, there would not be a noticeable increase to parking demand on the street; however, there could be more parking demand on the street in more densely populated Residential Single Unit Zones, and these neighborhoods already have a higher demand for parking on the street.
- Eliminates a trigger for providing conforming parking. Parking would only be brought up to code upon demolition of the house (more than 50% demolished as proposed in NZO), and its replacement with an addition or different house (like-for-like demolition and replacement is not required to bring parking up to code).
- Some property owners may choose to construct additions in locations where conforming parking could have been placed instead, thereby eliminating the possibility of ever providing conforming parking.

Option 2: Continue to Limit Additions. This option would continue to allow a certain amount of additions before requiring that parking be brought up to code. If desired by the Planning Commission, multi-unit residential and nonresidential

limitations could be different than the single-unit residential limitations. There are several approaches to limiting additions for single-unit residences:

1. ***80% FAR.*** Would allow additions up to 80% of the maximum Floor to Lot Area Ratio (FAR) before parking is brought up to code. FARs measure and limit a structure's size based on lot size. Per the Zoning Ordinance, single-unit residences no larger than 80% of the maximum FAR may provide two uncovered parking spaces, instead of two covered parking spaces. Using the same limitation for residences with nonconforming parking will be consistent with already established zoning requirements and will not allow a house with nonconforming parking to be larger than one which is conforming.
2. ***1,800 sq. ft. plus limited additions.*** Would allow residences to be expanded up to 1,800 square feet without bringing parking up to code, with several sub-options to limit additions for houses already greater than 1,800 sq. ft. in size:
   a. *250 square foot addition.* Some Committee members thought 250 square feet was too small of an allowance.
   b. *500 square foot addition.* Effectively the size of a two-car garage, which could possibly be constructed on site in lieu of addition. However, site constraints may preclude a ground floor addition of a garage, but not floor area in the house (e.g., a second story)
   c. *Percentage.* Options vary, but staff does not recommend them because they are more difficult to calculate, and more confusing to applicants.
   d. *Site Constraints.* Additional language could be added allowing the Community Development Director to make a determination that the site is constrained in order to allow additions beyond the maximum.
3. ***5+ bedrooms.*** Would allow additions to other areas of the house, but would not allow 5 bedrooms or more in the house without providing conforming parking.

The <u>benefits</u> of continuing the limit on additions are:

- Allows a certain amount of additions before parking must be brought up to code;
- Retains a trigger for requiring conforming parking.
- Could help to reduce parking demand on the street, especially in the more densely populated neighborhoods, if an addition beyond the limit is proposed.

The <u>potential concerns</u> of continuing the limit on additions are:

- Many residences will be unable to provide conforming parking due to site constraints, and will not be able to construct allowable additions beyond the maximum limit. This can lead to the demolition of existing homes to make way for a new, larger house with conforming parking;
- Continued uncertainty among applicants, staff, and the public about when parking must be brought up to code;

- Any threshold limitation will not necessarily correlate to an increase in parking demand and will in effect be arbitrary (50 percent, 500 sq. ft., size of house, etc.);
- Depending on which option is selected, the new parking ordinance standards could be as (or more) confusing to understand and implement than the existing requirement, and there would be continued uncertainty among applicants, staff, and the public about when parking must be brought up to code.

Additional Question for Option 2. An additional question that must be answered is when to "start the clock." If the clock continues to start on July 15, 1980, then houses that have already added 50% pursuant to current regulations, and as a result are already greater than 1,800 square feet in size, would not be able to further expand without bringing parking up to code. If the clock started at the adoption date of NZO, then the houses that have already added 50% and are over 1,800 square feet would be allowed to add an additional amount of floor area (i.e., double-dip).

Staff Recommendations

Multi-Unit Residential and Nonresidential Development. Staff recommends removing the maximum limitation (i.e., "The 50 Percent Rule") for multi-unit and nonresidential development, because there are several other ordinances specifically designed to regulate the size of development in the City, and most existing apartment buildings and condominiums are "maxed out" in terms of lot coverage.

Single-Unit Residential. Staff does not have an overall recommendation of either Option 1 or Option 2 for single-unit residential development due to the scope of concerns. However, if the Planning Commission prefers Option 2, staff would recommend Sub-Option 1, limiting the addition to 80% of the FAR.

Question to Commission

Staff requests that the Planning Commission discuss the two options, and direct staff to pursue the preferred option. The preferred option may depend on the type of land use. For instance, the Planning Commission may prefer one option for single-unit residential development, and another for multi-unit residential and nonresidential development.

Frequency: Moderate Impact: High

[SBMC §28.90.001.B, NZO 28.26.020, Ch. 28.55 "Nonconforming"]

4. Eating and Drinking Establishments, Outdoor Seating

Relevant General Plan Policy/Implementation Action:

Circulation Element 5.5.4: Encourage plazas, courtyards, cafes, shops, and restaurants along walkways in commercial areas to encourage a mix of private business and public uses. Adequate width should remain for pedestrian travel.

As described in the NZO Joint Committee Staff Report, parking for outdoor dining is not currently addressed in the Zoning Ordinance. The policy applied since 1998 has been that if the number of seats outside of an eating and drinking establishment is less

than 50% of the number of seats inside, parking spaces do not have to be provided for those outdoor seats, because outdoor seats are not useable in all situations. Staff brought forward to the Committee a version of proposed provisions in NZO to codify a similar practice (based on square footage, not seats). Subsequent to Committee review, staff revised the provision to more closely match existing policy.

NZO now proposes to require parking for the outdoor seating area when it exceeds 50% of the indoor seating area, consistent with current policy. Since this has been the policy since 1998, there are many restaurants already developed with this arrangement. This approach continues to allow a limited amount of outdoor dining as an ancillary part of the business, while still requiring parking spaces if larger outdoor dining areas are proposed.

Frequency: Moderate Impact: Moderate

[Ref. NZO Table 28.26.040 "Outdoor Seating"]

5. Bicycle Parking

As discussed in the NZO Joint Committee Staff Report, NZO proposes long term and short term bicycle parking amounts, and would require conforming bicycle parking in specific situations. In a portion of the Central Business District, short term bicycle parking would not be required on private lots. NZO would also allow reductions to the required number of bicycle parking spaces through a Waiver by the Public Works Director. The Committee was supportive.

Frequency: Moderate Impact: Moderate

[Ref. NZO 28.26.050.B. & D., NZO 28.26.070]

6. Shopping Centers

NZO proposes new provisions for "shopping centers" by defining the term and allowing off-street parking spaces at a rate of one space per 250 square feet of floor area. The proposed definition of Shopping Center is:

> *An integrated group of commercial establishments that are planned and managed as a unit with a minimum of five attached businesses and shared onsite parking. Shopping Centers can include a variety of uses including, but not limited to: retail, eating and drinking establishments, small offices, and banks.*

This is discussed in the NZO Joint Committee Staff Report and was supported by the Committee.

Frequency: Low Impact: Low

[Ref. SBMC §28.90.100.C. & D., NZO Ch. 28.55 "Shopping Center", NZO 28.26.040.B.2]

7. Off-Site Parking for Residential Development

Relevant General Plan Policies/Implementation Actions:

Circulation Element Policy 7.6: Residential Off-site Parking. Amend the Zoning Ordinance to allow residential required parking off-site in commercial zones.

The Committee supports allowing off-site parking for residential development in commercial zones citing development flexibility as the basis for support.

Frequency: Low Impact: Moderate

[Ref. SBMC §28.90.001.R, NZO 28.26.060.A]

8. Accessible Parking Provided in Addition to Residential Parking

For new, residential or mixed-use development where one parking space per residence is required and signed, designated, accessible parking is also required, NZO proposes that the accessible parking be provided in addition to the one parking space per unit ratio to ensure that the minimum intended amount of parking is provided. The Committee supports the proposal.

Frequency: Moderate Impact: Moderate

[Ref. NZO 28.26.030.F]

9. Small Residential Unit Parking Reduction

NZO proposes that residential units of 600 square feet or less of livable floor area, excluding covered parking, and with no more than one bedroom, would be required to provide one uncovered parking space per unit, rather than the minimum of 1.25 to 2 spaces currently required, depending on development type. The Committee did not comment directly on this provision.

Frequency: Low Impact: Low

[Ref. SBMC §28.90.100.G, NZO 28.26.050.H.]

10. Tandem Parking

The Zoning Ordinance currently allows tandem parking for mixed-use developments when each set of tandem parking spaces is assigned to a single residential unit. NZO proposes to also allow this approach for *multi-unit residential* and *nonresidential uses* with some limitations. The Committee was supportive, and this implements Housing Element Policy 17, which encourages flexible parking standards for housing, and 1997 Circulation Element Policy 7.4 to optimize parking resources by incorporating innovative design standards.

Frequency: Low Impact: Low

[Ref. SBMC 28.90.045.D, NZO 28.26.090.E.]

11. Valet Parking

The same 1997 Circulation Element Policy 7.4 also cites valet parking as an innovative design standard to optimize parking resources. NZO includes provisions that allow valet parking on private property, but prohibits the use of any street or City-owned parking facilities for the pick-up and drop-off activities. Any variations from the requirements must first be approved pursuant to a waiver by the Public Works Director. Ordinance provisions to allow valet parking in the public right of way are being considered separately by the Public Works Department.

Frequency: Low Impact: Low

[Ref. NZO 28.26.090.F.]

12. Parking Requirements for Specific Zones

NZO proposes to eliminate special parking requirements in the following specific zones and incorporate the uses into the Table of Required Off-Street Parking Spaces:

- Restricted Commercial (C-P)
- Research and Development and Administrative Office (C-X)
- Senior Housing (S-H)
- Upper State Street Area Special District (S-D-2)
- Hazardous Waste Management Facility Overlay (HWMF)
- Park and Recreation (PR)

The Committee did not comment on this proposal.

Frequency: Low Impact: Low

[Ref. SBMC §28.90.100.K, NZO 28.26.040]

13. Central Business District – Elimination of Guest Parking

The Zoning Ordinance requires 1 guest parking space per four residential units in multi-residential developments with more than 6 units. Guest parking is not required for Average Unit-Size Density program development or mixed use developments in the Central Business District. Consistent with General Plan policy, NZO proposes that all residential developments in the CBD shall not be required to provide guest parking.

General Plan Direction:

Housing Element Implementation Action 17.1: Consider incremental change to the Zoning Ordinance parking requirements such as: ... Eliminating guest parking requirements for housing in the Downtown Commercial area"

The Committee did not comment on this proposal.

Frequency: Low Impact: Low

[Ref. NZO §28.26.050.B.1.b]

14. CARSHARING

Relevant General Plan Policies/Implementation Actions:

Circulation Element Policy 6.8: Car-Sharing. Work with public and private interests to establish various types of car-sharing.

Carsharing was advocated by members of the public at the Module 3 Joint Committee meeting. Carsharing is a model of car rental where people rent cars for short periods of time, often by the hour. The City currently allows *on-street* carsharing programs as outlined in Title 10: Transportation and Parking.

Based on research on other communities and staff's professional judgment, NZO proposes to allow a limited substitution of required parking with designated Carsharing vehicles on multi-unit residential, nonresidential and mixed-use developments as summarized here:

Development Type	Substitution Amount
Multi-Unit Residential and Mixed-Use	Up to 5%
Nonresidential Exclusively	Up to 25%

Similar to the provisions for bicycle parking and motorcycle parking substitutions described in the NZO Joint Committee Staff Report, the provision does not allow a "reduction" in the required amount of on-site parking but rather, allows use of the required parking spaces for a carsharing program. Carsharing provisions presented here were developed after the Committee meeting and have not been reviewed by the Committee.

Frequency: Low Impact: Low

[Ref. NZO 28.26.050.G, NZO Ch. 28.55 "Carsharing"]

15. ELECTRICAL VEHICLE SUPPLY EQUIPMENT (EVSE)

Staff has considered a public request made at the Committee meeting for electric vehicle supply equipment (EVSE) pre-wiring requirements as a component of NZO. Expanding infrastructure and providing incentives for use of lower emission vehicles is encouraged by Environmental Resources Element Policy R8.

Research confirmed that the California Green Standards Building Code (CalGreen), include pre-wiring requirements. For residential use, the provisions apply to new and existing buildings where the addition or alteration increases the building's conditioned (i.e. livable) area, volume, or size the requirements apply only to the specific area of the addition or alteration. For nonresidential development, the provisions apply to newly constructed buildings, building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of $200,000 or more.

Use	# of EVSE
Residential	
Single-Unit	Minimum: 1
Two-Unit	Minimum: 2 (one for each unit)
Multi-Unit - 17 or units	3% (minimum one)
Commercial	
0-9 spaces	0
10-25 spaces	1
26-50 spaces	2
51-75 spaces	4
76-100 spaces	5
101-150 spaces	7
151-200 spaces	10
201+ spaces	6%

The public requested a higher rate of EVSE pre-wiring in NZO. After considering the application of two differing rates of EVSE provisions between the Zoning Ordinance and Building Code, staff recommends for consistency that pre-wiring provisions remain as adopted by the City's Building Code and that changes to the CalGreen standards, such as increased rates of EVSE provisions, be pursued through the City's building code adopting ordinance.

The Committee has not had the opportunity to comment on EVSE pre-wiring requirements.

Frequency: Low Impact: Low

[Ref. None.]

D. OPEN YARD

1. OPEN YARD FOR MULTI-RESIDENTIAL DEVELOPMENT - AUD DEVELOPMENT INCENTIVES

Open Yard for Multi-Residential Development - AUD Development Incentives

The New Zoning Ordinance (NZO) proposes to update the multi-family open yard requirements, while keeping the existing Average Unit-size Density program (AUD) open yard development incentives intact.

Discussion

The current zoning ordinance multi-unit open yard requirements are overly complicated and difficult to use. The New Zoning Ordinance (NZO) proposes to consolidate and reformat all of the residential open yard requirements, as well as create new and revised setback and open yard encroachments, and make an ordinance that is clear, concise, understandable, and easy to use.

The proposed changes to open yard standards were reviewed and discussed by the Planning Commission and NZO Joint Committee during review of NZO Module 2 (Development Standards). Although the changes were generally well received, there was concern that they could have an effect on the open yard development incentives allowed by the Average Unit-size Density program (AUD), and would thus change the AUD experiment mid-stream.

In response to issues raised by the Planning Commission and the public during the NZO Module 2, staff proposes a revised version of the multi-unit open yard requirements. In the previous version, common open yard was not an option; private open yard was the only option. The revised open yard provisions (Exhibit H) allow the review authority to approve an Alternative Open Yard, which serves the same function as the existing common open yard. This would allow more flexibility in architectural design, and further minimize any change to AUD projects. Staff believes that although the process differs, the end result would be no changes to the AUD experiment. However, the incentives can be made identical to the existing AUD development incentives by eliminating the required findings by the review authority. See Exhibit I for examples of current AUD projects that demonstrate there will be no effect on the AUD open yard development incentives after adoption of NZO.

See Exhibit J for a comparison of the AUD development incentives before and after NZO. A summary comparison of the existing and proposed open yard and the existing and proposed AUD open yard development incentives is provided below.

Summary of Changes to Multi-Unit Open Yard and AUD Development Incentives

Current Open Yard Requirements	Current AUD Development Incentives	Proposed Open Yard Requirements (NZO)	Proposed AUD Development Incentives	Summary of Changes
Method A – Private Outdoor Living Space		**Open Yard**		
***Private Outdoor Living Space* – provided per unit, by number of bedrooms.**	Required	*Private Open Yard* – provided per unit, by number of bedrooms.	Required	***No Change***
***Open Space* – 10% of the net lot area; *excludes* setbacks; no minimum dimension.**	***Optional***	*Open Yard* – 15% of the net lot area; *includes* setbacks; 10'x10' minimum dimension.	***Optional***	***No Change***
***Common Open Area* – 15'x15' area, required for 4+ units.**	Required	*Common Open Area* - Not Required	***Required***	***No Change***
Method B – Common Outdoor Living Space		**Alternative Open Yard Design**		
***Common Outdoor Living Space* – 15% of the net lot area; includes setbacks; one area 20'x20'; no minimum dimensions on the remainder.**	May be located on grade or any floor of the building.	The review authority may approve a Common Open Yard composed of: 15% of the net lot area, one 20'x20' area, and the remainder 10' x10'.	May be located on grade or any floor of the building; no 10'x10'; review authority findings, depending on the outcome of the PC/CC discussion.	***No change, or Review Authority Findings Required, depending on the outcome of the PC/CC discussion***

Recommendation

Staff recommends that the Planning Commission review the proposal above, and use it as information for the ongoing discussions regarding the AUD experiment, which are occurring on a separate track than the NZO project. The Council and Planning Commission will hold a joint workshop on AUD on October 27, 2016. The direction given at that meeting regarding open yard will be incorporated into the Draft Zoning Ordinance scheduled for released in January 2017.

Frequency: High Impact: Low

[Ref. SBMC §28.15.060, SBMC §28.18.060, SBMC §28.21.081, and to be included in NZO *Module 2*, Ch. 28.23]

2. NONCONFORMING OPEN YARD

Another change to the new open yard ordinance, which was not previously reviewed by the Planning Commission, is a provision to allow the Community Development Director to both designate an area on a lot as the Nonconforming Open Yard, and to approve limited additions and alterations to sites that are nonconforming to the open yard requirements without the need for a zoning Modification. This new language codifies staff's current practice to allow minor additions that do not affect the open yard, but will also allow flexibility for any projects that may become nonconforming once the NZO is adopted. See Exhibit H.

Question to Commission

Does the Commission support the proposed nonconforming open yard provisions?

Frequency: Moderate Impact: Low

[No reference, to be included in *Module 2.*]

E. ADMINISTRATION

1. GENERAL

The Committee was supportive of this new Chapter.

Frequency: High Impact: Low

[NZO Ch. 28.54]

2. MINOR ZONING EXCEPTIONS FOR ERRORS IN ZONING INFORMATION REPORTS

The Minor Zoning Exceptions (MZE) process has been recently developed to address specific discrepancies and errors in previously issued Zoning Information Reports (ZIRs). Changes proposed by NZO would allow most MZE items by right. The few circumstances that would remain subject to MZE are:

- Conversion of an encroaching garage or carport to other parking if between 3-feet and 5-feet from the interior lot line
- Encroaching first story windows in the interior setbacks if between 3-feet and 5-feet from the interior lot line
- As built ground floor decks, 200 square feet, attached to a main building, at least 2-feet from the interior lot line
- Additions exceeding the Maximum Floor Area Ratio

The NZO Joint Committee Staff Report identified three options to address those circumstances with staff recommending Option 2:

Option 1: Use the NZO provisions and modification process for those few remaining circumstances; or

Option 2: Retain minor or "left-over" MZE items in the new NZO ZIR Chapter as exceptions; or

Option 3: Retain the entire MZE process as currently developed within NZO.

At the Module 3 Joint Committee meeting and in a follow up meeting with staff, representatives of the Santa Barbara Association of Realtors who were involved in the crafting of the MZE process expressed support for Option 2 and NZO provisions reflect that approach.

Frequency: Low Impact: Low

[Ref. SBMC §28.92.130, NZO 28.71.080]

F. RULES OF MEASUREMENT AND DEFINITIONS

1. RULES OF MEASUREMENT

With some minor corrections and clarifications, the Committee was supportive of this new Chapter.

Frequency: High Impact: Low

[NZO Ch. 28.03]

2. DEFINITIONS

The Committee expressed support for the Definitions Chapter including removal of development standards from within some definitions.

Frequency: High Impact: Low

[Ref. SBMC Ch. 28.04, NZO Ch. 28.75]

G. TEMPORARY USES

As discussed in the NZO Joint Committee Staff Report, NZO proposes a new chapter to provide procedures for the regulation of temporary uses. There are three different levels of permits for temporary uses (Zoning Clearance, Performance Standard Permit, and Conditional Use Permit) as well as identifying certain uses that are exempt from a permit. In general, the Committee was supportive of the new procedures and standards. Subsequent to the Module 3 Joint Committee meeting, staff made a few minor updates to the chapter.

Temporary Structures

Staff added additional standards for regulating the size, zone, duration, and required parking for temporary structures. This section also incorporates the existing standards for the commercial use of mobile homes.

Seasonal Sales

Staff updated seasonal sales to be allowed in all nonresidential zones, consistent with the other temporary uses.

Mobile Food Vendors

An earlier provision for displaced parking was accidentally left off the draft of the document reviewed by the Committee. Staff returned the language that would allow up

to three parking spaces, no more than 10%, of the total number of parking spaces on site to be displaced for up to four hours, during business hours.

Frequency: Moderate Impact: Low

[Ref. SBMC §28.97.290, §28.94.030, NZO 28.26.350, NZO Ch. 28.57]

H. SUSTAINABLE LIVING RESEARCH INITIATIVE (SLRI)

Representatives of the Sustainable Living Research Initiative (SLRI) requested that NZO include a program or performance-based approval that would allow for experimental residential development with relaxed zoning standards in order to meet sustainability goals. The SLRI program would include provisions to roll back the development to more closely align with base zoning standards if goals were not met. As discussed in the NZO Joint Committee Staff Report, staff explored the SLRI proposal, and while the goals are admirable, the challenges of time and expense involved with monitoring and processing give pause for support of this particular approach. The Committee agreed with the staff assessment and that the proposal was outside the scope of NZO. However, the Committee expressed strong support for the concepts and recommended that the advocates present the SLRI proposal to the City's Sustainability Committee for further exploration.

III. NEXT STEPS AND TIMELINE

The Planning Commission's direction will be incorporated into the draft NZO. The next step will be the preparation of a complete Draft Zoning Ordinance for release to the public in January 2017. Staff anticipates scheduling an open house and hearing during the day and also evening in support of public participation.

Upcoming schedule:

Release of Draft Zoning Ordinance	January 2017
Planning Commission Public Hearings (two meetings)	Feb./Mar. 2017
Release of Revised Draft Zoning Ordinance	April 2017
Ordinance Committee & City Council Adoption	May/June 2017

Staff encourages any public member that wishes to be noticed of future meetings associated with this effort to register on the NZO website: http://www.santabarbaraca.gov/services/planning/mpe/zoning/default.asp

Exhibits:

A. NZO Joint Committee Staff Report, Module 3, dated August 19, 2016 (with corrections)
B. NZO Joint Committee Staff Notes, August 29, 2016
C. Draft Module 3: Administration, Parking, and Temporary Uses, dated September 30?, 2016
D. General Plan Policies Related to Parking
E. Map – Proposed Central Business District Expansion, General

F. C-M Zone Land Uses in Proposed Central Business District Expansion (spreadsheet)
G. Map- Proposed Central Business District Expansion into C-M Zone, Options
H. Open Yard Proposed Ordinance – Draft NZO *Module 2*, Chapter 28.23
I. AUD Open Yard Examples (3885 State St., 510 N. Salsipuedes St, 1032 Santa Barbara St.)
J. AUD Development Incentives Comparison
K. Public Comments Received (after the NZO Joint Committee meeting of August 29, 2016)

City of Santa Barbara

Community Development Department

NZO Joint Committee Staff Report

DATE: August 19, 2016

TO: New Zoning Ordinance (NZO) Joint Committee

FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner
Marck Aguilar, Project Planner

SUBJECT: Draft Module #3: Administration, Parking and Temporary Uses

---

The purpose of the New Zoning Ordinance (NZO) Joint Committee and subsequent Community/Planning Commission review of the three modules is for education and to receive preliminary comments on choices being considered as the City updates its Zoning Ordinance. The comments received, and direction provided to staff, on the modules will be used to inform and prepare the Draft Zoning Ordinance for release in late 2016/early 2017.

Module 1: Use Regulations is comprised of three "use" components: 1) base zone purposes and use regulations; 2) development standards for specific uses; and 3) use classifications.

Module 2: Development Standards is comprised of three "development standard" components: 1) base zone development standards; 2) overlay zones; and 3) citywide development standards

Module 3: Administration, Parking, and Temporary Uses (Attachment 1) is comprised of administrative provisions including the procedures, criteria and required findings of staff and the discretionary review authorities, updates to definitions and a new section on rules of measurement. This module also includes a chapter addressing Parking Regulations that was originally programmed for inclusion in *Module 2: Development Standards*. Similar to the earlier modules, tables are used to present information simply and clearly and, although not yet developed, diagrams will be included for some items.

<u>What's Changing?</u>

Much of the existing Zoning Ordinance content remains the same but, has been reorganized extensively. With the NZO, the nature of proposed changes range to include the following:

EXHIBIT A

- No change to content; just wording, formatting or location within the Ordinance;
- Content change for ease of use, while maintaining the intent; and
- New or changed content affecting development and procedures.

In order to focus on changes affecting development regulations or procedures, the items in the first and second bullets are not discussed in this staff report. Some of the items in the third bullet are included for discussion, while others are listed in Attachment 2, because they are simply codifications of existing policies or administrative procedures, or are otherwise not controversial. Because of the extensive reformatting, editing, and location changes throughout the document, Module 3 does not lend itself to a readable "strikeout and underline" presentation. We recommend that the reader approach Module 3 comprehensively and in its entirety, and augmented with both the Draft *Module 1: Use Regulations* and Draft *Module 2: Development Standards.* References (e.g. "[Ref.]") to the existing Zoning Ordinance (Santa Barbara Municipal Code Title 28), and proposed NZO sections are provided in the staff report to aid the reader. Off-street parking and loading requirements were anticipated for inclusion with Module 2 (proposed Chapter 28.26) however, these development standards are addressed with Module 3.

On Monday, August 29, Martha Miller of Dyett & Bhatia will give an overview of the Draft Module 3 document that will be subsequently discussed at Community/Planning Commission Work session in October 2016.

DISCUSSION

I. Administration

A. General

Administrative changes proposed in NZO *generally* involve reformatting for consistency and reorganization of existing processes, while the processes themselves remain the same. One example is the new Chapter titled Common Procedures that presents in one location, the shared procedures applicable to applications rather than repeating them in each chapter. When specific application process steps differ or specific findings apply, those are retained within the applicable chapter.

B. Minor Zoning Exceptions for Errors in Zoning Information Reports

Zoning Information Reports (ZIRs) are required for every transfer of residential property within the City of Santa Barbara, with some exclusions. Since 2014, planning staff has worked closely with the Santa Barbara Association of Realtors (SBAOR) and Planning Commission to address issues that have arisen with the preparation of ZIRs. Minor Zoning Exceptions (MZEs) have very recently emerged (January 2016) as a process to address specific discrepancies and errors in previously issued ZIRs. The MZE process allows the Staff Hearing Officer (SHO) to take administrative action on

certain ZIR discrepancies without public notice or hearing, provided that certain findings are made. The SHO action on MZEs is appealable to the Community Development Director.

The existing Zoning Ordinance includes a subsection in SBMC Ch. 28.92, Variances, Modifications and Zone Changes, to address Minor Zoning Exceptions for Errors in Zoning Information Reports. NZO proposes reorganization with a new chapter titled Zoning Information Report and including the Minor Zoning Exceptions process (MZE) as a subsection.

With the changes proposed in NZO, most but not all, of the specific circumstances under which an MZE might be processed would no longer be applicable, as the improvements in question would be allowed by right. Attachment 3 compares the MZE with NZO provisions and notes the three instances where a Minor Zoning Exception would continue to be required in the future to resolve a zoning violation not previously noted or addressed due to a staff error or discrepancy in a prior ZIR.

Staff deliberated whether the MZE process is still necessary, since most provisions allowed by the MZE process would be incorporated into NZO. Ultimately, staff decided that, given the community's time and effort to develop the MZE process and that a few unique situations are not addressed by NZO, the remaining three instances where MZEs could be approved has been incorporated into the Zoning Information Reports chapter, without change to the procedure and findings. However, there are two other options to address this situation, and staff requests NZO Joint Committee input on the three options:

Option 1: Use NZO and Minor Modification

This option would eliminate the Minor Zoning Exception process MZEs from the Zoning Ordinance; and to require applicants to use the Minor Modification process to address the three instances not allowed by right in NZO.

- The three remaining situations addressed by the MZE process would not be covered by NZO, and would require a Minor Modification to permit these "left-over MZE items". However, the Modification process would be more expensive and take longer than the MZE process.

Option 2: Retain Minor "left-over" MZE items in the ZIR Chapter as Exceptions

- Incorporating a separate provision for the three instances where MZE differs from NZO is inconsistent with the mission of the NZO to craft an ordinance that is streamlined, clear, concise and easy to use.
- Retaining the three minor "left-over" MZE items in the ordinance would be consistent with the agreement made among staff, the community, SBOAR and decision-makers.

Option 3: Retain the MZE as-is within the NZO and also keep the NZO as crafted

- Retaining the minor "left-over" MZE items in the ordinance would be consistent with the agreement made among staff, the community, SBOAR and decision-makers.
- Incorporating a separate chapter for MZE is inconsistent with the mission of the NZO to craft an ordinance that is streamlined, clear, concise and easy to use. Additionally, the allowances for MZEs are very similar to the allowances for all structures in NZO, and having similar, but different ordinance sections can be confusing to staff, realtors, applicants and the public.

Representatives of SBAOR are aware of staff's consideration of the MZE relationship to NZO and a meeting to discuss options is being scheduled prior to Planning Commission review of Module 3. Staff recommends Option 2 as it would retain the MZE process for the few minor instances not provided for in the NZO Development Standards (Module 2).

Question to Committee: Does the Committee support Option 2?

[Ref. SBMC §28.92.130, NZO 28.71.080]

II. Rules of Measurement

Currently, rules of measurement are incorporated into definitions or various standards. NZO proposes to consolidate and update rules of measurement into a new Chapter, and to separate them from definitions and standards, where possible. Presently, this chapter only includes one diagram to clarify how Building Height is measured; however, additional diagrams will be added for some measuring methods and will be presented in the comprehensive Draft Zoning Ordinance. Two rules of measurement warranting discussion are:

- Building Height
- Fractions

Building Height

The current definition of Building height is as follows:

> *"The maximum vertical height of a building or structure at all points measured from the natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portion of the roof are included."*

This definition poses some difficulty for some development projects because finished grade could be the floor of a cellar that is completely below ground. For example, if a house with a 20 foot deep, multi-level cellar were proposed on a flat lot in a zone with a 30 foot height limit, the definition above would require that the roof of the building be a maximum of 10 feet above ground level. This is clearly not the intent of the building height limitation. NZO proposes to change the way building height is measured to eliminate this unintended consequence.

NZO proposes to separate definitions from rules of measurement, so NZO proposes a new definition of building height:

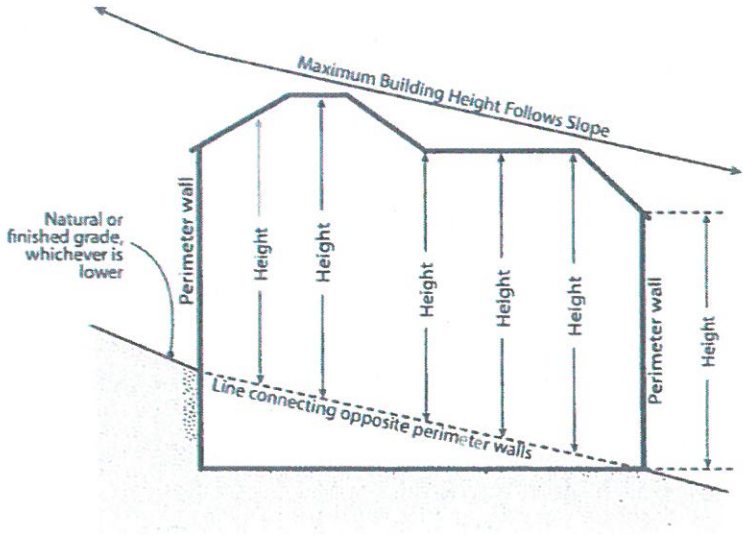
"The vertical distance from a point of the ground below a structure to a point directly above. See also Section TBC, Measure Height."

NZO proposes to change the way height is measured as follows:

"Height is the vertical distance measured from existing or finished grade, whichever is lower, to the top of the structure directly above. Special measurement provisions are also provided below.

Building height is measured from every point on top of the building roof or roof parapet to a line directly below that connects to opposite perimeter walls, or the perimeter support systems, at the lower of existing or finished grade.

Exception: One section of any floor that is partly below and partly above grade, per exterior elevation, not exceeding five feet in length, may be excluded from the height calculation to allow for an exterior door or light well."



General Rounding (Fractions). Currently, when calculating minimum parking requirements, fractions of one-half or greater are rounded up to the next whole number, and fractions of less than one-half are rounded down nearest whole number. For residential density calculations, except those required by State Bonus Density Law, fractions are always rounded down.

NZO proposes that all parking and density fractions be rounded *down* to the nearest whole number (except as allowed by State Bonus Density Law), and with respect to parking, this approach would be consistent with 2015 Housing Element Policy H.17.1:

Parking Requirements. Consider incremental changes to the Zoning Ordinance parking requirements such as:

- *Rounding down when calculating parking requirements*

While fractions are rounded down, if the result of rounding is less than one parking space, a minimum of one parking space shall be required for every new main building constructed.

III. Definitions

Changes include removal, addition and revision of existing definitions with the objective of eliminating outdated terms, incorporating needed terms and clarifying others based on staff experience. Additionally, language within definitions that served as a development standard, has been removed from the definition and incorporated into NZO Module 2: Development Standards. The following terms are noteworthy:

- Alteration or Remodel [Ref. SBMC 28.04.040]
- Coastal Zone specific section: No change from current definitions in the Coastal Overlay – S-D-3 Zone [Ref. SBMC Ch. 28.44]
- Park and Recreation Zone-specific section: No change from current P-R Zone definitions. [Ref. SBMC Ch. 28.37]
- Protection of Solar Access chapter related definitions [Ref. SBMC Ch. 28.11]
- Top of bank: Unchanged except, no longer specific to Mission Creek. [Ref. SBMC §28.87.250]
- Removal of the modifier term "family" and instead, usage of "unit" for example "single-unit residential zone." This is consistent with court rulings striking down definitions of "family" that are narrow or do not accommodate
- Other terms with sub-category definitions, for example: "Lot line," with "Lot line, front" and "Lot line, interior" or "Street" with "Street, Private" and "Street, Public."

[Ref. SBMC Ch. 28.04, NZO Ch. 28.55]

IV. Parking

Parking

NZO proposes a number of significant changes to the Parking Ordinance. This section of the staff report discusses the following topics:

A. Parking requirements for nonresidential development
B. Nonconforming parking
C. Eating and drinking establishment, outdoor seating
D. Bicycle parking
E. Shopping centers
F. Central Business District boundary
G. Other
- Off-site parking for residential development in commercial zones
- Accessible parking provided in addition to residential parking
- Small residential unit parking reduction
- Tandem parking
- Valet parking
- Parking requirements for specific zones
- Central Business District - Elimination of residential guest parking

A. Parking Requirements for Nonresidential Development

While the majority of nonresidential land uses in the existing Zoning Ordinance are required to provide parking at a rate of either 1 space per 250 square feet (such as retail/commercial/office) or 1 space per 500 square feet of floor area (industrial/manufacturing), there are a fair number of land uses that have a different parking rate. Examples include:

- Furniture stores at 1 space per 1,000 square feet;
- Sit-down restaurants at 1 space per 250 square feet or 1 space per 3 seats, whichever is greater;
- Fast food restaurants at 1 space per 100 square feet;
- Liquor stores at 1 space per 333.333 square feet;
- Automobile service stations at 1 space per 3 grease racks, etc.

NZO proposes to simplify the nonresidential parking requirements, so that a greater majority of nonresidential land uses are assessed at either 1 space per 250 square feet or 1 space per 500 square feet (see NZO Table 28.26.040). Because of circumstances related to specific uses, not all land uses could be put into one of these two categories. Exceptions include:

- Community Assembly and cinemas/theaters at 1 space per 100 square feet

- Uses with beds, such as hotels, emergency shelters, skilled nursing facilities
- Outdoor uses, such as nurseries, market gardens, outdoor sales and display, building materials and services, construction and materials yards
- Warehousing and self-storage, at 1 space per 2,000 square feet
- Specific uses that warrant a parking requirement be determined by the Public Works Director in consultation with the Community Development Director

This proposed change simplifies the calculation of required parking, making it easier for project applicants to calculate parking requirements, and promotes the adaptive re-use of buildings, in that more land use types could occupy existing buildings without increasing the parking supply upon change of use.

Staff is proposing a major change to the required parking ratios for food service uses (sit-down restaurants, fast food restaurants, cafes, ice cream parlors, bakeries, sandwich shops, etc.) to require the same amount of parking for all food service uses rather than distinguishing between fast-food (1 space per 100 square feet) or sit-down restaurants (1 space per 250 square feet), and eliminating parking based on number of seats (1 space per 3 seats). Staff requests input from the NZO Joint Committee on the appropriate parking ratio, after considering the following scenarios.

As mentioned above, sit-down restaurants, fast food restaurants and retail uses have different parking ratios. This difference causes administrative difficulty, uncertainty among applicants, and a resulting delay to projects because operational details must be submitted and analyzed. Staff and the applicant usually negotiate over various aspects, including floor plan configuration, in order to make a determination of the required number of parking spaces.

Scenario 1 – Is it a sit-down restaurant (1/250 sq. ft. or 1/3 seats) or a fast food restaurant (1/100 sq. ft.)?

The Zoning Ordinance defines a fast food restaurant as:

> "Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic or other disposable containers."

A donut shop, ice cream shop, McDonalds, a Subway-type sandwich shop, or a Starbucks-type café is clearly a fast food restaurant. Conversely, the Palace Café, Joe's Café and Paradise Café are clearly sit-down restaurants. However, it is not clear whether an establishment that serves food at tables (with wait staff) on paper plates, and that also sells baked goods and espresso drinks to go, is a sit-down or a fast food restaurant. In these situations, staff requires the submission of operational

details to make a determination, and the submission and analysis takes considerable staff time and results in delays for the applicant.

Scenario 2 – Is it retail food sales (1/250 sq. ft.) or a restaurant (1/250 sq. ft. or 1/3 seats)?

As mentioned in Example 1, a sandwich shop is normally considered a fast food restaurant, but a sandwich counter in a supermarket is not considered a fast food restaurant. It is considered an ancillary part of a retail food sales use, because it is a small part of the overall operation. However, when the sandwich counter is a much larger part of the market (40-50%), the determination becomes difficult. Is a delicatessen (a combination of food retail and sandwich shop) retail food sales or a restaurant? Is a butcher shop or a cheese shop that also makes sandwiches a retail food sales establishment or a restaurant? Even with operational details, it is difficult for staff to make this determination.

Scenario 3 – Is the number of seats shown in the sit-down restaurant plan plausible?

As mentioned above, the parking ratio for sit-down restaurants is either 1 space per 250 square feet or 1 space per 3 seats, whichever is greater. In nearly every case, 1 space per 3 seats is greater, if the number of seats is plausible. A very common scenario involves an applicant seeking to open a restaurant in a vacant retail space. In this example, the space is 1,000 square feet and has 4 parking spaces (conforming to the retail parking requirement of 1 space per 250 square feet). Due to constraints, there is no possibility of adding new parking spaces. The restaurant would be required to have no more than 12 seats (12 seats x 1 parking space/3 seats = 4 parking spaces). However, the floor plan is such that the kitchen area and restrooms only take up about 500 square feet, leaving 12 seats to occupy a 500 square foot area (the size of a large two-car garage). In most restaurant configurations many more than 12 seats are placed within a 500 square foot area. This results in staff and the applicant engaging in multiple discussions and lengthy negotiations to develop a floor plan that is plausible. Even so, it is very common for additional seats to be placed in the space after the business opens, resulting in the site being under-parked and potential related enforcement actions.

In the Central Business District, where the parking requirement for all land uses is the same (1 space per 500 square feet), these debates and negotiations are not necessary, because as long as no new floor area is proposed, the parking required for a retail shop, a sit-down restaurant or a fast food restaurant is the same; therefore, parking is not an impediment to changes of use.

Staff believes that most of the issues and uncertainties involved with food service land uses could be reduced or possibly eliminated if the parking ratio for all food service uses were the same, similar to the Central Business District. The types of businesses affected by this change would depend on which parking ratio is established. Staff

would like to present three options to the NZO Joint Committee to discuss: 1 space per 100 square feet; 1 space per 250 square feet; and 1 space per 150 or 200 square feet. In all three options, additions of floor area would require additional parking spaces, but some changes of use would not.

Option 1: Parking Ratio of 1 space per 100 square feet for Food Service Land Uses

In this option, all food service land uses would have a common parking ratio of 1 space per 100 square feet, which is the current parking ratio for fast food restaurants. Changes of use between food services uses would not require additional parking; therefore, this option would eliminate uncertainty among applicants, staff, and the public associated with Scenarios 1 and 3 above, but staff would still need to make a distinction between food service and retail, discussed in Scenario 2.

Benefits of Option 1:

1. Any existing tenant space currently being used for food service (or any other 1 space per 100 square feet parking ratio) could be used for any other type of food service, without requiring additional parking spaces.
2. Reduced uncertainty among applicants, staff and the public to accommodate food service to food service changes of use.
3. This option is much closer to the average parking demand for food service uses, so there would be less potential for increased parking demand in parking lots and on streets.

Consequences of Option 1:

1. Continued uncertainty among applicants, staff and the public for changes of use from retail to food service, as described in Scenario 2 above.
2. Because there are few sites with excess parking in the City, it would be very difficult to change a use from a non-food service land use to a food service land use, because much more parking would be required. For example, a 1,000 square foot retail space on a site with 4 parking spaces (conforming to the requirement of 1 space per 250 square feet) would need to provide 6 additional parking spaces to change to a food service use (1,000 square feet x 1 space per 100 square feet for food service = 10 parking spaces required). Thus, it would likely "lock in" existing food service locations.

   As proposed in the Nonconforming Parking Section of this staff report, below, NZO would make this even more difficult for retail or office spaces with nonconforming parking, because NZO proposes that when land uses on sites with nonconforming parking change to a use that requires more parking spaces, the parking be brought up to code rather than allowing the nonconforming "credit," to continue.

Option 2: Parking Ratio of 1 space per 250 square feet for Food Service Land Uses

As with Option 1, all food service land uses would have the same parking requirement. However, in Option 2, all food service land uses would also have same parking requirement as retail uses, office uses, and a multitude of general commercial-type land uses in the City. Changes of use between food service uses and retail or other general commercial uses would not require additional parking spaces; therefore, this option would eliminate the uncertainty among applicants, staff, and the public associated with all three scenarios described above (i.e. is it a sit-down restaurant or a fast food restaurant, etc.).

Benefits of Option 2:

1. All the same benefits as Option 1.
2. No uncertainty among applicants, staff, and the public for changes of use between food service uses and retail uses.
3. Does not "lock in" food service use locations as would occur with Option 1.

Consequences of Option 2:

1. The average parking demand for food service uses is much closer to 1 space per 100 square feet than 1 space per 250 square feet, so there could be an increased parking demand in parking lots and on the street.

Option 3: Parking Ratio of 1 space per 150 or 200 square feet for Food Service and most other General Commercial Land Uses

This option is similar to Option 2, in that all food service land uses, and all general commercial land uses, such as retail or office uses, would have the same parking ratio; therefore, changes of use between food service uses and retail or other general commercial uses would not require additional parking spaces. The difference between Option 2 and Option 3 is that instead of 1 space per 250 square feet, the ratio would be either 1 space per 150 square feet or 1 space per 200 square feet. This option would also eliminate the uncertainty among applicants, staff, and the public associated with all three scenarios above.

Benefits of Option 3:

1. All the same benefits of Option 2
2. The average parking demand for food service uses is closer to 1 space per 100 square feet than 1 space per 150 or 200 square feet, so there could be an increased parking demand in parking lots and on the street, although less than for Option 2; however, the increased parking requirement would only be applied to new floor area, so this option would have a limited effect on reducing parking demand

Consequences of Option 3:

1. All buildings that provided conforming parking at 1 space per 250 square feet would become nonconforming to the new parking requirement. This may not be a huge issue, because any proposed land use with the same parking requirement as an existing land use could occupy the building without adding more parking, but a goal of the NZO is not to create large numbers of nonconformities.

Correction: 10-6-2016

2. The average parking demand for food service uses is much closer to 1 space per 100 square feet than 1 space per ~~250~~ 150 or 200 square feet, so there could be an increased parking demand in parking lots and on the street.

3. The increased parking requirement would be applied to new floor area (such as new buildings or additions) and result in retail and office land uses providing more parking than needed, as average parking demand for retail uses is approximately 1 space per 250 square feet.

None of the options would address the recent trend to mix industrial uses with food service uses (e.g. beer brewing with tasting room; wine manufacturing with tasting room; coffee roasting with tasting room; wholesale bakery with retail sales, etc.). However, NZO proposes to codify an existing administrative practice to require such uses to be separated by physical barriers

Staff requests the NZO Joint Committee's input on the three options. Staff prefers Option 2, as it would go the furthest to simplify the nonresidential parking requirements, facilitate the re-use of existing buildings by reducing a barrier to change land uses in existing tenant spaces, and reduce uncertainty among applicants, staff, and the public. Staff does not believe that reducing the parking requirement for food service uses would lead to a significant influx of restaurants. Parking is not an impediment to changes of use in the Central Business District (CBD), where all land uses require 1 parking space per 500 square feet, and the CBD continues to provide a good mix of retail uses, office uses, general commercial uses and food service uses. Additionally, staff does not believe that reducing the parking requirement for food service uses would result in a significant increase in demand for parking caused by restaurants City-wide, because staff believes that the number of seats existing in restaurants is much greater than shown on plans; therefore the increased parking demand already exists. However, the change could have impacts to certain areas, such as the Milpas Street corridor.

Although Option 3 also reduces uncertainty among applicants, staff, and the public for the three scenarios described on pages 10-12, staff does not recommend it, because it would cause a large number of buildings that are currently conforming to the parking requirement to become nonconforming, and it may have other unintended consequences.

Option 1 would simplify the nonresidential parking requirement, facilitate more changes of use than the current parking requirements (by allowing food service uses to change to other food service uses without requiring additional parking spaces), and reduce some uncertainty among applicants, staff, and the public. Therefore, if the NZO Joint Committee does not recommend Option 2 (uniform 1 space per 250 square feet for most nonresidential land sues), Staff will move forward with Option 1 (1 space per 100 square feet for food service land uses).

[Ref. SBMC 28.90.100.J & K, SBMC 29.90.012.A, NZO Table 28.26.040]

B. Nonconforming Parking

As the City's parking requirements for residential and nonresidential uses have changed over the years, (mostly increasing the number of spaces required), a large number of sites have become nonconforming to current parking requirements. The current Zoning Ordinance addresses how to evaluate sites with nonconforming parking in the case of: 1) proposed additions to buildings on a site with nonconforming parking, and 2) a proposed change of use on a site with nonconforming parking. The first provision is proposed to be refined, and the second is proposed to be changed.

Additions to Buildings with Nonconforming Parking

The current requirement is that if additions are proposed to a building on a site with nonconforming parking, additional parking must be provided for the addition, and if the cumulative additions since July 15, 1980 exceed 50% of the floor area that existed prior to that date, the parking must be brought up to current code for the entire site. Staff believes that the objective of this requirement is to allow a limited amount of additions on a site before requiring the parking to be brought up to current requirements, which works well for nonresidential projects because parking is assessed on a square footage basis. Staff does not recommend changing the provision of the code as it applies to nonresidential development. However, the same approach doesn't work well with residential projects, because parking is assessed either per unit (single unit residential or duplex) or per bedroom (multi-unit residential), regardless of the size of the unit.

Example: Single Unit Residential

The parking requirement for a single unit residence (house) is two covered parking spaces, no matter the size of the house. Therefore, a 400 square foot house and a 4,000 square foot house have the same parking requirement, and a 51% addition to either house would trigger the requirement that parking be brought up to standards. It is not equitable or reasonable that a 4,000 square foot house could be increased in size by up to 2,000 square feet (resulting in a 6,000 square foot house) without bringing parking up to code, and a 400 square foot house could

only add up to 200 square feet (resulting in 600 square foot house) without bringing the parking up to code.

In order to provide more equity in this provision of the Zoning Ordinance, Staff proposes the following changes: Single Unit Residential can be expanded to result in a maximum of 1,800 square feet without bringing the site up to the current parking standards. The current provision would still apply to houses already over 1,800 square feet. The 1,800 square foot threshold was chosen based on the Maximum Net Floor Area (Floor to Lot Area Ratio) described in One-Family Residence Zones (SBMC §28.15.083)[1].

Example: Multi-Unit Residential

The current provision does not address larger additions to existing units within multi-family development. For example, a triplex consisting of a 500 square foot studio, a 700 square foot 1-bedroom, and a 900 square foot 2-bedroom unit exists on a lot with 3 parking spaces. The parking requirement for this triplex is 5 spaces (1.25 spaces for the studio + 1.5 spaces for the 1-bedroom unit + 2 spaces for the 2-bedroom unit = 4.75 spaces, which rounds up to 5 spaces. The floor area of the units is not used to calculate the required parking). The total floor area on site is 2,100 square feet; therefore, an addition of 1,050 square feet could be allowed without triggering the parking being brought up to code. If the 1,050 square foot addition was proposed to the 2-bedroom unit, it would result in a 1,950 square foot 2-bedroom unit without any additional parking being required.

In order to be more equitable, to effect a gradual increase in the number of parking spaces provided, and to be more consistent with the single unit residential approach, the NZO proposes the following changes: The current 50% rule would apply to *each unit* in a Two-Unit Residential development, a Multi-Unit Residential development, and residential units that are part of mixed-use developments; however, any unit can be expanded to result in a maximum of 970 square feet each without bringing the parking up to current parking standards for that unit. The 970 square foot threshold was chosen by staff as it relates to the Average Unit-Size Density (AUD) Program; 970 square feet is the maximum unit size that would allow up to 36 units per acre in the High Density tier.

<u>Change of Use to Buildings with Nonconforming Parking</u>

The current requirement is that if a change of use is proposed to a building on a site that is nonconforming to parking, and the new use requires more parking spaces, only

[1] For a small lot of less than 4,000 square feet, the maximum net floor area is 2,200 square feet and development is precluded if the net floor area on the lot will exceed 85% of the maximum net floor area. Multiplying the 85% limit with the 2,200 square feet limit results in 1,870 square feet.

the incremental increase in required parking spaces that results from the change of use must be provided. The change of use does not trigger a requirement that the site be brought up to current code requirement, as described in the following example.

Example 1: Industrial Building with Nonconforming Parking to Retail Building

A 2,500 square foot industrial building is on a lot with 2 parking spaces. The current parking requirement for industrial use is 1 space per 500 square feet; therefore, the current requirement is 5 parking spaces, and the site has a nonconforming, "credit," of 3 spaces. A change of use to retail is proposed. The current parking requirement for retail use is 1 space per 250 square feet; therefore the current parking requirement for the retail use would be 10 parking spaces. However, only 5 additional spaces (+ 2 existing spaces = a total of 7 spaces) would be required since the site was already nonconforming by 3 spaces (10 spaces currently required – 3 space credit – 2 spaces existing = 5 additional spaces need to be provided). The nonconformity of 3 spaces would remain.

If a change of use does not require more parking spaces, then the new use may occupy the building and not provide additional parking; however, if a change of use results in less parking required than the previous use, the reduction is absorbed, reducing the nonconformity, and the original use could not be re-established on the site without providing additional parking in the future. No changes are proposed to this provision.

Example 2: Retail Building with Nonconforming Parking to Industrial then back to Retail

A 2,500 square foot retail building is on a lot with 3 parking spaces, and is nonconforming by 7 spaces (10 spaces would be required). A change of use to industrial is proposed, and the new parking requirement is 5 spaces (1 space per 500 square feet). The industrial use could occupy the building and the lot would remain nonconforming to current parking requirements, but only by 2 spaces instead of 7.

Later, if a change of use is proposed back to retail, the parking requirement would again be 10 spaces, and 5 additional parking spaces would need to be provided in order to allow the change of use from industrial to retail (10 spaces required for retail – 3 existing spaces – 2 space credit = 5 spaces need to be provided).

For projects that involve changes of use that require more parking spaces, Staff proposes that the change of use only be allowed *if the parking is brought up to code*, rather than allowing a continuation of the nonconforming parking, and only requiring the additional incremental parking to be provided. In Example 1 above, the change of use from a 2,500 square foot industrial building on a site with two parking spaces (5 spaces required by current code, and a nonconforming credit of 3 spaces) to a 2,500

square foot retail building (10 spaces required by current code) would require the provision of eight additional parking spaces (10 required spaces - 2 existing space = 8 spaces need to be provided).

This is a major change to this provision of the current ordinance; however, with the overall simplification of parking requirements proposed in NZO (the vast majority of uses would be assessed at either 1 space per 250 square feet or 1 space per 500 square feet, and maybe one additional category, depending on the outcome of the food service discussion). It would actually affect far fewer land use types than it does currently, because very few land uses would have a different parking requirement (See Table 28.26.040 in NZO).

The main reason that Staff is recommending this change is to protect and maintain properties devoted to industrial/manufacturing use. Currently, because any nonconforming parking "credits" are carried forward with a proposed change of use from industrial/manufacturing to retail, office, restaurant, bar, wine-tasting, etc., it is easier to propose these types of conversions. If an applicant were required to bring a site completely up to current parking standards for such a change of use, it would be more challenging and as a result, Staff believes that more industrial/manufacturing uses would remain.

Depending on the outcome of the food service discussion (whether they be assessed at 1/100, 1/200, or 1/250 square feet), this proposed change could also affect a change of use between retail and food service. If the food service parking requirement ends up being the same as the retail parking requirement (for example, all retail and food service are parked at one space per 250 square feet), this proposed provision would not affect a change of use between retail and food service; however, if the food service parking requirement ends up being greater than the retail parking requirement (1/100 or 1/200), this provision would make it even more difficult to convert a retail space to a food service use than it is currently, because even more parking spaces would be required.

Demolition and Reconstruction of Nonconforming Buildings

The current Zoning Ordinance allows existing buildings nonconforming to setbacks, yards, building height, etc., to be demolished and rebuilt, either voluntarily or as a result of a natural disaster; however, it is not clear whether the nonconforming parking can be continued with such a demolition. NZO proposes to make clear that a building on a site that does not conform to current parking requirements may be demolished and rebuilt without providing any additional parking spaces.

C. Eating and Drinking Establishment, Outdoor Seating

Parking for outdoor dining is not currently addressed in the Zoning Ordinance. NZO proposes to codify a slightly modified version of a long-standing administrative policy. The current policy states that as long the number of seats outside of an eating and drinking establishment is less than 50% of the number of seats inside, parking spaces do not have to be provided for the outdoor seats. For example, if a restaurant has 100 seats inside the building, it could have up to 50 seats outside without triggering the requirement for additional parking spaces; however, if 60 seats were proposed outside, parking spaces would have to be provided for all 60 outdoor seats. The reason for the current policy is that outdoor seating is used less than indoor seating, due primarily to weather.

Because NZO proposes to change the parking ratio for sit-down restaurants from a per seat basis to a per square foot basis, NZO proposes that as long as the square footage of the outdoor seating area is less than 50% of the indoor seating area, parking spaces do not have to be provided for the outdoor seating area. If the outdoor seating area is greater than 50% of the indoor seating area, then parking shall be provided at half the rate of the indoor parking, except for outdoor seating in the public right-of-way. For example, if the food service parking requirement is 1 space per 250 square feet, as preferred by staff, if the outdoor seating area is greater than 50% of the indoor seating area, parking for the outdoor seating area would be assessed at a rate of 1 space per 500 square feet.

Currently, outdoor seating for restaurants in the Central Business District does not require parking, regardless of its relation to the amount of indoor seating, and no change is proposed to this requirement.

D. Bicycle Parking

The current Zoning Ordinance requires one bicycle parking space for each seven vehicle parking spaces required for commercial and industrial uses. NZO proposes to require long term and short term bicycle parking as specified in the Required Off-Street Parking Spaces Table 28.26.040. "Long term" bicycle parking is covered, secured, and intended for use by residents, employees or students for long time periods. "Short term" bicycle parking is uncovered, and intended for use by business patrons, visitors and guests for shorter time periods.

NZO proposes that sites that are nonconforming to the minimum number of long or short term bicycle parking spaces shall provide conforming bicycle parking for all new buildings constructed, reconstructed, or when any addition or alteration results in a requirement for additional automobile parking spaces. Additionally, because the current Zoning Ordinance only requires bicycle space when vehicle parking spaces are required, no new bicycle parking is required for a change of use (if it doesn't trigger additional automobile parking spaces) even though such a change of use would be a *

* Staff Note: 10-6-2016 The Zoning Ordinance is ambiguous as to when the bicycle parking requirement is triggered. Staff reviews every application for consistency with bicycle parking requirements and NZO would codify that practice.

most appropriate time to provide additional bicycle parking. To remedy this shortfall, NZO proposes to require short term bicycle parking for any project that includes a change of use, substantial exterior remodel, or alterations to the existing parking areas.

In the Central Business District, recognizing that most development is constructed lot line to lot line, short term bicycle parking is not proposed to be required on private lots for any uses on State Street and in the first block east or west of State Street.

NZO would allow reductions to the required number of bicycle parking spaces, in the form of a Waiver, if deemed appropriate by the Public Works Director, due to inadequate site space on existing development or other criteria, such as a land use with a lower demand for bicycle parking.

For nonresidential development, NZO proposes to allow the conversion of up to 2 existing or required new uncovered automobile parking spaces to bicycle parking. At least six bicycle parking spaces need to be provided for each converted automobile parking space, and a parking lot must have at least 7 automobile parking spaces in order to convert one automobile parking space to bicycle parking, and it must have at last 14 automobile parking spaces in order to convert 2 of them to bicycle parking. A similar provision is proposed for motorcycle parking, with a ratio of two motorcycle parking spaces provided for each automobile parking space converted.

[Ref. NZO 28.26.050.D. & E., NZO 28.26.070]

NZO also proposes a new requirement for long term bicycle parking for multi-unit residential development at a rate of one space per dwelling unit. This supports 2011 Circulation Element Policy C7.7 that reads,

> *"Require all multi-family and commercial projects to be designed to meet the needs of bicyclists (e.g., secure parking, storage, lockers, showers, etc.)"*

[Ref. SBMC 28.90.100.L, NZO Table: 28.26.040 Required Off-Street Parking Spaces]

E. Shopping Centers

NZO proposes to include a provision for "shopping center" by defining the term as five or more integrated, attached, commercial establishments managed as a unit and with shared on-site parking. Shopping centers would be allowed to provide required off-street parking spaces at a rate of one space per 250 square feet of floor area of all buildings occupied with a *commercial use*, even if a higher minimum parking requirement is indicated in the Table: Required Off-Street Parking Spaces for individual uses. This provision would not apply to the following uses: Hotels and

Extended Stay Hotels, Residential, Public and Semi-Public, Industrial, or Transportation, Communication and Utilities. This would codify an existing practice that has been used by staff for over a decade and implements, at a smaller scale, the same logic applied to a mix of uses within the CBD providing parking at the same ratio.

[Ref. SBMC §28.90.100.C. & D., NZO Ch. 28.55 "Shopping Center", NZO 28.26.040.B.2]

F. Central Business District Boundary

The Central Business District (CBD) is a defined area in the commercial downtown core delineated on a map in Chapter 28.90 of the Zoning Ordinance.

Major citywide amendments to the parking standards were made in 1980 with additional parking required for many uses. Recognizing the downtown core as a destination where employees and patrons often park once to visit multiple nearby businesses, properties in the C-2 General Commercial Zone (which comprises most of the CBD) were allowed to continue providing off-street parking at a uniform ratio of one space per 500 square feet of building floor area regardless of use, while the commercial parking rates of most other areas of the city were raised to one space per 250 square feet.

In 1992, City Council formally established "Zones of Benefit" within the CBD, which allowed further reduced parking based on proximity to public parking lots. Within a Zone of Benefit, the number of required parking spaces is reduced based on the property's percent of benefit depicted on the Zone of Benefit map. For example, if a property is located adjacent to a public parking lot, the site is within a 100% Zone of Benefit and no parking is required to be provided on site, since parking is considered to be provided by the adjacent public parking source. No changes to the Zones of Benefit maps are proposed.

Staff is proposing changes to the CBD boundary, as depicted in Attachment 5 and associated regulations based on the following General Plan direction:

Circulation Element Policy C.7: "Manage parking Downtown to reduce congestion, increase economic vitality, and preserve Santa Barbara's quality of life."

Circulation Element Implementation Action C7.2: "Update the boundary of the delineated area of the Central Business District to include more of the commercial area."

Housing Element Implementation Action 17.1: Consider incremental change to the Zoning Ordinance parking requirements such as: ... Eliminating guest parking requirements for housing in the Downtown Commercial area"

The CBD is currently bounded generally by Arrellaga Street, Garden Street, Highway 101, and De la Vina Street.

The proposed CBD boundary, as depicted in the attached map, reflects expansion to include additional commercially-zoned parcels located generally within two blocks of core downtown parking lots. The expanded area includes six partial blocks with C-2 zoning located between De la Vina and Bath and Sola and De la Guerra Streets, three blocks with C-M zoning located between Santa Barbara and Garden Street and Ortega and Gutierrez, two partial blocks with C-2 zoning located between Anacapa and Garden and Sola and Victoria, and four partial blocks with R-O between Santa Barbara and Garden and Sola and Carrillo.

This downtown area is walkable and well-served by transit and existing and planned bicycle facilities, reducing the overall baseline parking demand. Any residual demand for parking is expected to be met within two blocks walking distance with sufficient public parking supply available for the proposed CBD expansion. The current CBD boundary includes a 3 block area between Ortega and Carrillo and Santa Barbara and Garden located two blocks from downtown Parking Lots 8 and 9. The Zoning Ordinance also allows for off-site parking to be provided for office, commercial, and mixed-use developments within a walking distance of 500 feet (approximately one City block) by right and within a walking distance of 1,250 feet (approximately two and a half city blocks) with Transportation Manager approval, citywide.

For mixed-use projects in the CBD, the residential parking requirement is a minimum of one space per unit and no guest parking is required. A proposed amendment to the CBD regulations would also eliminate the requirement for residential guest parking for residential-only projects consistent with General Plan direction as described in earlier in this staff report.

Bicycle parking requirements are also proposed to change from one bicycle parking space per seven required automobile parking spaces to defined ratios per use citywide with new requirements for long-term and short-term bicycle parking that would increase bicycle parking in the CBD. In the CBD, the current standard results in one bicycle parking space per 3,500 square feet of building area, which is considered to be inadequate downtown. Because of the availability of public-supplied bicycle parking on and near State Street downtown and to encourage the siting of new buildings at the back of sidewalk in the State Street corridor, the proposed ordinance does not require short term bicycle parking on State Street and in first block east and west of State Street in the CBD.

G. Other Parking

Off-Site Parking for Residential Development in Commercial Zones. The current Zoning Ordinance allows off-street parking spaces to be located up to 500 feet *walking distance* from the associated office, commercial, industrial or mixed use development,

or up to 1,250 feet walking distance if approved by the Public Works Director. For mixed use developments, only the nonresidential portion of required parking may be provided off-site. NZO proposes language to also allow off-site parking for *residential uses in a mixed-use development*, within 500 feet walking distance from the use, or up to 1,250 feet walking distance if approved by the Public Works Director. This supports Possible Implementation Action to be Considered C7.6 of the 2011 Circulation Element that recommends action to,

> *"Amend the Zoning Ordinance to allow residential required parking off-site in commercial zones."*

Staff discussed the possibility of allowing off-site parking for purely residential projects, and some had concerns that the provision of off-site parking for residential uses would detract from the day-to-day experience of the residents; therefore, Staff requests NZO Joint Committee input on this topic.

Question to Committee: Shall NZO incorporate provisions to allow off-site parking for residential uses in a commercial zone, either in mixed-use developments or purely residential developments? If so, what percentage of required parking and what walking distances should be considered? Shall this apply to only multi-unit residential development or, single and duplex units as well?

[Ref. SBMC §28.90.001.R, NZO 28.26.060.A & B.]

Accessible Parking Provided in Addition to Residential Parking. Analysis of Average Unit-size Density (AUD) Incentive Program projects has identified an unintended consequence of only requiring one parking space per dwelling. For larger projects that also require signed, accessible parking spaces, unless a resident has a disabled parking placard, the result is less than a ratio of one parking space per unit. For example, a 20 unit AUD project requires 20 parking spaces. Regulations regarding accessible parking require that one of the parking spaces be signed and striped for accessible parking only. Unless one of the residents is able to use the accessible parking space, one occupant does not get a parking space on site.

NZO proposes to remedy this unintended consequence by requiring, for *new* residential development only, if one or fewer parking spaces are required per residential unit and if signed, accessible parking spaces are also required, then the accessible parking space(s) must be provided *in addition to the minimum number of parking spaces required per residential unit*. This has been added to ensure that at least one parking space per unit is provided if that was the intent of the applicable parking standard. For existing development, conversion of existing spaces to accessible parking spaces which results in fewer parking spaces on the lot than required will continue to be allowed.

Question to Committee: Staff requests Committee input on this proposed provision to ensure that there would be not less than one parking space per unit while accommodating accessible parking in *new* residential development only

[Ref. NZO 28.26.030.F]

Small Residential Unit Parking Reduction

The current parking requirement for a residential unit in a development constructed at base density (i.e., not using the AUD Incentive Program) is between 1.25 uncovered and 2 covered spaces, depending on the bedroom count and configuration of the unit. NZO proposes that residential units of 600 square feet or less of livable floor area, excluding covered parking, and with no more than one bedroom, would be required to provide at least one uncovered parking space per unit, rather than the 1.25-2 spaces currently required. This provision is proposed because the parking demand for a unit this small is 1 space, and it recognizes that a requirement for two covered parking spaces, totaling at least 400 square feet in area, may not be appropriate from either a land use efficiency perspective or scale of development for a small residence.

Currently, single-unit and two-unit developments require two parking spaces per unit, one of which must be covered, regardless of unit size. NZO proposes to allow uncovered parking for these small (less than 600 square feet of livable area) single-unit and two-unit residential development because uncovered parking would incentivize these smaller units, and they would likely qualify for the existing ordinance exception to provide covered parking allowed for houses that are less than 80% of the maximum Floor Area Ratio. Furthermore, given the small size of the residential unit, it is more likely that covered parking would be used for storage or other uses, and not for parking.

[Ref. SBMC Ch. 28.90, NZO 28.26.050.G.]

Tandem Parking. The Zoning Ordinance currently allows tandem parking for mixed-use developments if each set of tandem parking spaces is assigned to a single residential unit. NZO proposes to continue this, and also allow *multi-unit residential* and *nonresidential uses* to utilize tandem parking, with certain limitations. Included among the residential use limitations is that no more than two automobiles shall be placed one behind the other and tandem parking shall not be used for guest parking. Nonresidential uses that would be allowed to utilize tandem parking are limited to the following: Hospitals and Clinics, Medical and Dental Offices, and Hotels and Extended Stay Hotels, with the limitations that nonresidential use parking lots using tandem parking must contain a minimum of 20 parking spaces, and the tandem parking must be valet parked.

[Ref. SBMC 28.90.045.D, NZO 28.26.090.E.]

Valet Parking. Valet parking, whether occurring on- or off-street, is not currently regulated by the City and has caused some issues, especially with customer drop-off and pick-up on City streets. NZO includes provisions to allow valet parking on private property, but prohibits the use of any street or City-owned parking facilities for the pick-up and drop-off activities; requires that drop-off lanes and associated kiosks not adversely impact the on-site parking and internal circulation of the parking lot or encroach into fire lane access; requires that valet operations may not reduce or interfere with any parking spaces required for any other use; and requires that a parking attendant will be on duty at all times. No automobile queuing or parking is allowed in travel lanes at any time. Any variations from the requirements must first be approved pursuant to a waiver by the Public Works Director. Ordinance provisions to allow valet parking in the public right of way are being considered by the Public Works Department.

[Ref. NZO 28.26.090.F.]

Parking Requirements for Specific Zones. The current Zoning Ordinance includes special parking requirements for the following specific zones:

Restricted Commercial zone (C-P),

Research and Development and Administrative Office zone (C-X),

Senior Housing zone (S-H),

Upper State Street Area Special District zone (S-D-2),

Hazardous Waste Management Facility Overlay zone (HWMF), and the

Park and Recreation zone (PR).

NZO proposes to eliminate these special parking requirements, and incorporates the uses into the required parking table. For instance, parking for the C-X Zone will be required at the Research and Development land use ratio of 1 space per 500 square feet. The proposed changes are summarized in Attachment 4 Parking Requirements for Specific Zones, as are proposed changes to the Warehouse and Mini-Warehouse land uses.

Central Business District – Elimination of Residential Guest Parking

Currently, the Zoning Ordinance requires the provision of 1 guest parking space per four residential units in developments with more than 6 units. However, guest parking spaces are not required for Average Unit Density program development, and mixed-use developments in the Central Business District. NZO proposes that residential-only developments in the CBD shall not be required to provide guest parking, consistent with Housing Element Policy H17.1 that reads in part,

H.17.1 Parking Requirements, Consider incremental changes to the Zoning Ordinance parking requirements such as:

- *Eliminating guest parking requirements for housing in the Downtown commercial area…*

[Ref. NZO §28.26.050.B.1.b]

V. Temporary Uses

The current Zoning Ordinance provides some limited guidance for temporary uses. Seasonal holiday sales (e.g., Christmas trees or Halloween pumpkins) are permitted in the existing C-P (Restricted Commercial), C-2 (Commercial), C-M (Commercial Manufacturing), M-1 (Light Manufacturing) and P-D (Planned Development) zones subject to prior approval and certain restrictions. Temporary uses that are of a more significant, community-wide nature (e.g. farmer's market) are currently addressed through a Conditional Use Permit. Staff have observed an increased frequency of temporary events, typically affiliated with food and drink establishments; NZO proposes to present a clearer path for review and approval of temporary uses and structures.

The proposed Temporary Uses Chapter includes a "Purpose" recognizing that certain temporary uses benefit the community and should be allowed, provided that short-term negative effects are minimized. Also new, would be four distinct processes to address temporary uses and structures:

1. Exempt. This category includes garage sales, non-profit fund raising and events already exempt or subject to other City Temporary Use Permits (e.g., Parks and Recreation Department Permit, Parade permit, etc.) A Zoning Clearance is not required for Exempt events.

2. Zoning Clearance. With some limitations, temporary structures, seasonal sales in certain zones (same as current), certain special events and sales, and single mobile food vendors on a lot would be subject to this level of review. A recent example of a temporary structure that would be reviewed at this level is the mobile, temporary Tesla showroom that was erected for 30-days near the corner of Chapala and Carrillo Streets. Depending on the use or structure, zoning clearance may be in the form of a standard plan check, zoning affidavit, letter of acknowledgement or other record.

3. Performance Standard Permit (PSP). Temporary uses that do not meet the standards for exemption or a Zoning Clearance may be considered for approval through a PSP. Examples include events that are more frequent, involve larger operations or lengthier hours, such as events with multiple mobile food vendors. This

process would involve review by the Staff Hearing Officer, consistency with findings and, potentially, conditions of approval.

4. Conditional Use Permit (CUP). Temporary uses or structures that would affect a broader area other than the nearby neighbors, would occur more than 12 times in one year, or would occur over multiple years would be subject to the CUP requirements (see NZO Ch. 28.57).

Mobile food vending (on private property) allowances were initially being developed in a standalone chapter; however, those provisions are deemed more suitable for inclusion within the broader Temporary Uses Chapter proposed. Revisions to the City's existing regulations of mobile food vending on the street are underway in a separate work program lead by the City Attorney's Office.

Staff views the proposed NZO categorization of temporary uses and structures as a step toward clearer understanding by the public and staff, as well as an improved means of evaluating proposals, so that they are consistent with community expectations.

[Ref. SBMC §28.97.290, §28.94.030, NZO 28.26.350, NZO Ch. 28.57]

VI. Open Yard

In NZO Module 2 (Development Standards), staff presented several iterations of changes to the Open Yard requirements. The first iteration included common open yard area based on the number of units, to be more equitable with the private outdoor living space option. Members of the NZO Joint Committee expressed concern that the proposed regulations would make it more difficult to provide multi-family housing, primarily because of the proposed increase in common outdoor living space.

In response, in the next iteration, staff suggested a major change, such that open yard would no longer be regulated based on zone, but rather on the unit type (single-unit or two-unit residential, and multi-unit or mixed-use residential). In that iteration, changes to the single-unit and two-unit residential open yard requirements were not significant. The major change was to the multi-unit residential open yard requirements. Members of the Planning Commission expressed concern that the any proposed change would interfere with the Average Unit-size Density Incentive Program (AUD) experiment, in that it would change rules mid-stream, so the results of projects using the existing open yard rules and those using the proposed rules could not be easily compared.

In response to the Planning Commission's expressed concerns, staff amended the NZO Open Yard provisions, so that very few differences remain between the proposed open yard regulations and the existing regulations. Staff believes that the proposed method of calculating open yard is much easier to understand and calculate, while

retaining the underlying goal of providing adequate open yard, and most of the provisions of the existing open yard regulations. The changes to the proposed open yard regulations are summarized in the tables below.

Summary of Changes to the Multi-Unit Residential Open Yard Requirements

Current Zoning Ord.	Proposed by NZO	Comment
1. Method A – "Private Outdoor Living Space Method"	1. Open Yard	
a. **Private Outdoor Living Space** – provided per unit, by number of bedrooms.	a. **Private Open Yard** – provided per unit, by number of bedrooms.	No Change
b. **Open Space** – 10% of the net lot area; *excludes* setbacks; no minimum dimension.	b. **Open Yard** – 15% of the net lot area; *includes* setbacks; 10'x10' minimum dimension.	This change results in a modest overall reduction in open space, but an increase in useable open space, because of the 10'x10'minimum dimension.
c. **Common Open Area** – 15'x15' area, required for 4+ units.	c. **Common Open Area** - Not Required	This is a relaxation of the existing regulations. The 10' x 10' area of subsection "b" above provides for at least one larger area.
2. Method B – "Common Outdoor Living Space Method"	2. Alternative Open Yard design allowed	
a. **Common Outdoor Living Space** - 15% of the net lot area; includes setbacks; one area 20'x20'; no minimum dimensions on the remainder.	In lieu of the private open yards, the appropriate Design Review board may approve a **Common Open Yard** if equivalent open yard areas are provided.	This is the functional equivalent of the existing Common Outdoor Living Space requirement. The main difference is that this option is not available by right; it must be approved by a Design Review Board, and the approval must be based on a finding that the common area provided is equivalent to the required private open yards.

How would these changes affect Average Unit-Size Density (AUD) projects?

Staff believes that the open yard incentives for AUD projects in commercial zones are functionally equivalent to the current outdoor living space incentives, as described in the two tables below (AUD projects in non-commercial zones do not have any open yard incentives).

The **AUD Open Yard Development Incentives** provided for in the CURRENT and PROPOSED ordinance are shown in underline **bold** font in the table below.

AUD in Commercial Zones *	CURRENT
A. Private Outdoor Living Space Method	• Private Outdoor Living Space required for each unit • **10% of the lot area as Open Space (optional)** • 15' x15' Common Open Area required for 4+ units
B. Common Outdoor Living Space Method	• 15% of the lot area (including the 20'x20' area) as common outdoor living space **allowed on grade or any floor of building**

AUD in Commercial Zones *	PROPOSED
Open Yard Area	• Private Open Yard required for each unit • **15% of the lot area as Open Space (optional)** • **15' x 15' Common Open Area - not required** • Alternative Designs may be approved by the Design Review Boards to provide 15% of the lot area as Common Open Yard, with a minimum 20'x20' area, **allowed on grade or any floor of building, and without the minimum 10'x10' dimensions for the remainder.**

**Projects developed with market rate condominium units on lots designated Medium-High Density Residential and subject to the S-D-2 overlay zone shall observe the Outdoor Living Space requirements required by the applicable base zone.*

Staff recommends that the NZO Joint Committee find the proposed regulations substantially similar to the existing regulations, and move forward with the new rules. However, if the NZO Joint Committee believes that the open yard requirements for the AUD program should not be changed at all, then staff recommends that the existing open yard regulations be copied into the AUD Ordinance, so the proposed rules would apply to all non-AUD multi-unit development (and to future multi-family development after the conclusion of the AUD experiment), but the existing rules would continue to apply to AUD projects. An alternative would be to allow AUD projects to choose between the proposed rules and the existing rules.

Questions to Committee:

1. Shall the proposed Open Yard changes, which may differ from the existing AUD regulations, be moved forward for further consideration by the Planning Commission?

Or if not,

2. Shall the NZO retain the existing Open Yard requirements for AUD projects and employ the proposed Open Yard for non-AUD projects?

[Ref. SBMC §28.15.060, SBMC §28.18.060, SBMC §28.21.081, and NZO *Module 2*, Ch. 28.23]

VII. Sustainable Living Research Initiative (SLRI)

Staff met with representatives of the Sustainable Living Research Initiative (SLRI) several times to discuss existing City policies and to clarify the group's request for a Zoning Ordinance Amendment. The basic request is for a program or performance-based approval that would allow for an experimental residential development with relaxed zoning standards in order to meet sustainability goals, with a roll-back provision if the development did not meet the goals. The proposal includes tracking the experimental development to determine whether it was successful, i.e., that the relaxed zoning standards achieved the sustainability goals.

It appears that a new type of Zoning Modification and/or a Performance Standard Permit (PSP) would be appropriate paths for a SLRI request, since it involves relaxed zoning standards (e.g., reduced setbacks, parking requirements) and a mechanism to track and report success against agreed-upon sustainability objectives. However, defining the scope and applicability of such requests would be difficult, and the roll-back provision presents challenges of its own.

In order to determine what types of projects would qualify for the Modification or PSP, the SLRI group envisions a set of criteria for sustainability that projects would be measured against. Examples of such criteria could include: x% less water usage than a comparable project, y% less energy use, or z% less runoff than allowed by the City's Storm Water Management Program (SWMP). The SLRI group envisions a City-sponsored committee made up of members of staff, the development community, and representatives of UCSB that would vet projects against the sustainability criteria to determine whether the project could be supported and recommended for approval of the Zoning Modification or PSP.

In order for the roll-back provision to be effective, there are a number of difficult and potentially expensive items that would have to be addressed:

1) Two plans would need to be developed and approved at the outset: one for the experimental development, and one that complies with all current Building Codes and Zoning standards if the experiment is not successful;

2) Clear criteria for project review and approval would need to be developed, as well as benchmarks for determining success. The SLRI group envisions that the City-sponsored committee would analyze the projects against the established criteria, but creating the benchmarks will be difficult, as evidenced by the discussions attempting to define the success of the AUD program;

3) Funding would need to be held in reserve (such as a bond) to effectuate the roll-back if the experiment is not successful. Another roll-back issues is how to address changes to various codes and expiration dates over time, if a roll-back is necessary. For example, if the experimental project is deemed unsuccessful seven years after it's built, and the decision is made to roll-back to the project that complies with the codes, does the design review approval remain valid? Can it be roll-back under the old building code (it usually changes every three years)? How would a change to the Zoning Ordinance affect the roll-back plan?; and

4) A court-enforceable agreement between the applicant and the City would need to be developed to specify that if the experiment is not successful the applicant agrees to implement the roll-back plan and, if the applicant does not agree to do so, the City would use the money held in reserve to implement the roll-back plan.

Staff believes that the goals of the SLRI are laudable and can envision a program that could meet the SLRI goals; however, due to the inherent time and expense involved with processing and monitoring a project under such a program, Staff anticipates that the number of proposed experimental projects would be very low. The amount of effort required to create and implement such a program would be very high; therefore, the overall value of the program would be low. Because it is anticipated to be an infrequently employed program, Staff does not recommend inclusion of the SLRI program in the New Zoning Ordinance project. If the NZO Joint Committee is interested in pursuing such a program, Staff recommends that it be handled as a separate work effort.

SLRI representatives have provided additional information that is included among the Public Comments received for Committee review prior to report preparation (Attachment 6).

VIII. Timeline / Next Steps

Joint Committee direction will be addressed in revisions to draft Module #3 prepared for the Planning Commission review.

Upcoming schedule:

Planning Commission Module 3 Review & Public Workshop	October 2016
Draft Zoning Ordinance Release	Late 2016/Early 2017

The website developed for this effort and can be found at www.SantaBarbaraCA.gov/NZO. The website includes information on upcoming meetings, reference materials associated with standards being reviewed, and an area to provide public comment. For a more complete list of Module #3 topics, see Section A.1, 2, 3 and 7 of the document titled "Zoning Standards to be Considered in the NZO Work Effort" and also see Tasks 5 and 6 of the document titled "Scope of Work." Both documents (and more) can be found on the Reference Documents page at the NZO website.

Staff encourages any public member that wishes to be noticed of future meetings associated with this effort to register on the NZO website.

Attachments:

1. Draft Module 3: Administration, Parking, and Temporary Uses, dated August 16, 2016
2. New or Changed Content Affecting Development and Procedures, Highlights
3. Comparison of Minor Zoning Exceptions (MZE) and New Zoning Ordinance (NZO)
4. Parking Requirements for Specific Zones
5. Map: Proposed Central Business District Expansion
6. Public Comments Received

JOINT COMMITTEE MEETING
Staff Notes

Monday, August 29, 2016 **9:00 A.M.**

COMMITTEE MEMBERS:

HARWOOD "BENDY" WHITE, COUNCILMEMBER, *Chair*
JOHN CAMPANELLA, PLANNING COMMISSIONER
MICHAEL JORDAN, PLANNING COMMISSIONER
SHEILA LODGE, PLANNING COMMISSIONER
CATHY MURILLO, MAYOR PRO TEMPORE
JUNE PUJO, PLANNING COMMISSIONER, *Alternate*

STAFF:

DANNY KATO, SENIOR PLANNER
MARCK AGUILAR, PROJECT PLANNER
BRENDA BELTZ, ASSOCIATE PLANNER
SCOTT VINCENT, ASSISTANT CITY ATTORNEY
JULIE RODRIGUEZ, PLANNING COMMISSION SECRETARY

ATTENDANCE:

Members Present:	Council Member Bendy White, Planning Commissioner John Campanella, Planning Commissioner Sheila Lodge, Planning Commission June Pujo, *Alternate* and Council Member Cathy Murillo
Members Absent:	Planning Commissioner Michael Jordan
Staff Present:	Marck Aguilar, Danny Kato, Brenda Beltz, Julie Rodriguez, and Scott Vincent. Also present were, Dan Gullett, Supervising Transportation Planner, Rob Dayton, Principal Transportation Planner, and Renee Brooke, City Planner.
Consultant:	Martha Miller

STAFF OVERVIEW:

Staff explained that the purpose of the meeting was for staff and the new consultant to continue to gather input from the committee members regarding their comments to Module 3: Administration, Parking, and Temporary Uses.

EXHIBIT B

PUBLIC COMMENT:

None.

MODULE THREE DISCUSSION ITEMS:

FIRST PUBLIC COMMENT:

Joe Rution, Allied Neighborhood Association:

- Stated that the original intent of the NZO process was housekeeping but the scope sweep does not allow enough individual attention to substantive changes. Public input is diluted. He suggested that policy matters and substantive changes get the attention they deserve.

Krista Pleiser, Santa Barbara Association of Realtors:

- Supports Staff recommendation "Option 2" to retain Minor Zoning Exceptions (MZE) as exceptions in the Zoning Inspection Report (ZIR) Chapter.

Trish Allen, Suzanne Elledge Planning and Permitting Services, Inc.:

- Submitted a letter with suggestions. Her written comments focus on the parking ordinance and whether it is going far enough.
- She appreciates the module process in splitting up the ordinance into separate modules. Staff is going in the right direction.
- Perhaps we can go a little bit further with changing uses. If the property is nonconforming and there is a change of use, it is difficult for that change of use to be parked with the current requirement. Supports Option 2: Parking ratio of 1 space per 250 square feet for Food Service land uses.

The Committee and Staff discussed and affirmed the scope of the NZO process and the flow of the process at it moves to the Planning Commission and Ordinance Committee. The Joint Committee requested that staff highlight proposed NZO policy changes in the Planning Commission staff report and identify what has been addressed from the original NZO project scope. Pujo noted that the NZO effort has stayed close to the original scope and asked if the structure of the hearing process could allow additional flexibility for focused discussion. Mr. Kato responded that the Joint Committee technical meetings with the public serve as the forum for focused discussion.

1. **ADMINISTRATION**

QUESTIONS:

- Which of the following three options does the Committee prefer?

  Option 1: Use NZO and Minor Modification

  Option 2: Retain Minor "left-over" MZE items in ZIR Chapter as Exceptions

  Option 3: Retain MZE as-is within NZO, also keep NZO as drafted.

MOTION Murillo/Pujo
Support staff recommendation of Option 2. Retain Minor "left-over" MZE items in ZIR Chapter as Exceptions.

Ayes 5 Noes 0

2. RULES OF MEASUREMENT

COMMITTEE'S COMMENTS:

Commissioner Pujo:

- Commented on Page 5 of the Staff Report and suggested that the discrepancy between existing grade and natural grade be clarified.
- Also on Page 5 of the Staff Report, suggested that in the second paragraph that reads, "Building height is measured from every point…" that the word 'exterior' be added before "opposite perimeter walls".
- Struggling with the roof parapet. There are times when they work well with roofs. She is not sure if the top of a roof parapet in the height should be excluded.

Commissioner Lodge:

- Does not want to exclude roof parapets in the building height.

Commissioner Campanella:

- Questioned whether fractions are also applied to inclusionary housing. Staff will follow up with a response.

Commissioner White:

- Wants to keep it the way it is and not exclude parapets.

3. DEFINITIONS

COMMITTEE'S COMMENTS:

Commissioner Lodge:

- Suggested that the term "community apartment" be reviewed for circular reference to civil code.

Commissioner Campanella:

- Asked for clarification of the term 'blockface'. Staff exemplified the definition on a flipchart diagram. Consider removal if not applicable elsewhere in the ordinance.

Commissioner Pujo:

- Supported removal of development standards out of the definitions.

Commissioner White:

- Commissioner White concurred with Pujo.

Committee Chair White acknowledged a letter received from Art Ludwig that provided definitions to help the committee.

Committee Chair White called for a recess at 10:05 a.m. and reconvened the meeting at 10:18 a.m. Introductions were made of all present.

SECOND PUBLIC COMMENT: Committee Chair White acknowledged two letters received by the Community Environmental Council and Detty Peikert.

Ben Werner, Sustainable Living Resources Initiative (SLRI):

- Stated that the SLRI provides flexibility and accountability. He finds that it is hard for the Planning Commission to approve a project when there is no accounting for impacts to the community. Recommends formation of a sustainable living research committee.

Art Ludwig:

- Submitted a handout and thanked the committee for its work.
- He is trying to build two tiny sustainable adobe units and wants to see permitting obstacles removed.
- He encouraged all to: 1) support staff to include all sustainable tools that can be managed; 2) support staff to follow on work product for any key tools that do not make it into the current NZO revision; and 3) include a mechanism that can account for actual quantitative project impacts.

Chiji Ochiagha, SLRI:

- Encouraged everyone to support adoption of the SLRI Ordinance. Supports higher housing density and reduced parking requirements.

Joe Andrulaitis, Andrulaitis Nixon Architects: Asked that parking restrictions in the funk zone be reconsidered and that nonconforming parking credits be kept. It is a shame to tear down old buildings to put parking onsite.

- Include entire funk zone in the Central Business District (CDB). Look at ways to utilize under parked beach areas at the beach for the funk zone.

Faye Cox:

- Supports SLRI
- Spoke to the housing crisis we have in not being able to employers to attract employees.
- Advocated for car sharing exploration and consideration.

Ellen Bildsten, Bildsten Architecture:

- Spoke in support of the SLRI Ordinance.
- Works often with Average Unit Size Density (AUD) projects and observes that the innovative parking approach makes higher residential unit densities possible.
- Also, concurred with car sharing exploration. Suggests AUD projects include one space for car sharing.

Cameron Gray, Community Environmental Council:

- Submitted a letter.
- Would like to see new requirements in the parking ordinance that require electric charging stations and pre-wiring stubouts installed as part of development and a progressive vision for providing electric vehicle charging for our community.
- Offered support for SLRI Ordinance as a great pathway for innovation.

Phillip Tankosh, Zannon Foundation:

- Spoke in support of the SLIR Ordinance.

Jarrett Gorin, Vanguard Planning, Inc.:

- Concurred with Mr. Andrulaitis comments on Funk Zone.
- Supports Option 2 in the Staff Report: Parking Ratio of 1 space per 250 square feet for Food Service Land Uses. It is a good balance for non-residential parking.
- Requested abolishing the "50% rule" for residential, but keeping for non-residential. It makes sense in commercial projects, but on residential projects, parking demand is not related to the size of the unit. The 50% requirement does not work for small houses.

Eve Sanford, Santa Barbara Bicycle Coalition:

- Thanked staff for updating bicycle parking requirements with recent adoption of the Bicycle Master Plan.
- Looks forward to seeing more people shifting to riding bicycles.
- Looks forward to working with staff on definitions of long term and short term bicycle parking, including proximity to units and size of the development, and bicycle commuter details.

Naomi Greene, East side resident:

- Concerned with impacts that AUD projects will have on parking.
- The East side neighborhood is already very congested.
- Bike lanes are great, but there are many people who do not ride or cannot ride and do not want to drive.
- Suggested looking into shuttle busses or shared taxies on the East side.
- Also suggested looking into parking lots
- Look into alternative and sustainable solutions that do not require using a car.

With no one else wishing to speak, public comment was closed at 10:51 a.m.

4. PARKING

FOOD SERVICE USES

QUESTION:

Which of the following three options does the Committee prefer?

Option 1: Use current fast food parking requirements (1/100) for all food service uses.

Option 2: Use retail parking requirements (1/250) for all food service uses.

Option 3: Use one parking ratio (1/150 or 1/200) for all food service and most other general commercial and uses.

COMMENTS:

Council Member White:

- Asked Rob Dayton if the restaurants in the city run in the ITE parking range. Rob Dayton stated that one parking space per 100 square feet would be the demand or one parking space for three seats. People tend to opt for parking based on seating and staff typically finds that there are more seats than

originally proposed. As a result, new restaurants tend to be under parked on that basis, combined with existing non-conforming parking credit.

- Stated that he has seen combination of the modification request coupled with a parking demand study as a tool for development, and used fairly frequently. Mr. Kato was asked if he envisions this pair of tools as a way to park a project to which he responded affirmatively.

Council Member Murillo:

- Industrial businesses on the East side are getting squeezed out because people want to do other things, such as a winery or beer venue. Our building industry finds that the yards with building materials are displaced with materials now having to come from Oxnard, CA. She would like to protect and keep industrial business here in Santa Barbara.
- Referenced page 16 in the Staff Report and the food service parking requirement possibilities. She has heard that while retail is not declining, people are shopping more online and wondered about our vision for Downtown, especially with the lively Funk Zone environment. The food service function and retail function on State Street are an urban planning discussion that is needed. Do we want to easily change retail into food service? Mr. Kato responded that under Option 2 (1/250), retail and food service would be treated the same.

  Mr. Dayton offered the example of the successful Average Unit Density (AUD) program and asked the committee give consideration to what land uses are to be encouraged for that will dictate the parking needs.

Commissioner Pujo:

- Asked for clarification of the reduction of parking requirements outside the Central Business District. Mr. Kato responded with staff's intent.
- Asked for clarification on the 1 space per 250 square feet and 1 space per 500 square feet. Mr. Kato explained that the ratios are based on interior floor area.
- Supports Option 2. Agrees with the simplicity and the effect it will have in reuse of buildings.

Council Member White:

- Commented on how service stations are adding convenience stores and eliminating grease racks. Asked how service stations are parked now and whether we park them using the pump sites. He Mr. Kato stated no we do not. We allow 1 space for 250 square foot area of internal floor area and that covers the convenience store.
- Likes the idea of preserving the warehousing by not letting the credits work and keeping flexibility in place.

Commissioner Campanella:

- Agrees with Council Member White. He supports Option 2 and taking away the credits for non-conforming.

Commissioner Lodge:

- Supports Option 2. We need to look separately at Funk Zone parking. City Planner Renee Brooke noted that the Funk Zone is in the Coastal Zone. Any changes in the Coastal Zone require an additional layer of approvals.

MOTION Murillo/Lodge
Support Option 2: Use retail parking requirements (1/250) for all food service uses.

Ayes 5 Noes 0

NONCONFORMING PARKING and the FIFTY PERCENT (50%) RULE

Mr. Kato explained the "50% rule" that was raised during the discussion. Regardless of size, single-unit houses require two parking spaces , although not all single-unit houses have them. If a proposal involves additional square footage for a single-unit residence beyond a cumulative 50% of floor area that existed on July 15, 1980 and the parking does not meet the current requirement, then the proposal must include bringing the parking up to code, which means two covered parking spaces total. With the Floor Area Ration (FAR), there are some allowances.

Commissioner Pujo:

- Asked if 1800 square feet was the maximum FAR used on any size lot. Mr. Kato said no and explained how the Floor Area Ratio (FAR) works and how it relates to this particular revision.
- Asked what the parcel size was considered in regard to the 1800 square feet threshold. Mr. Kato provided an explanation on how 1800 was reached.

Council Member Murillo:

- Asked for clarification on the 1800 square feet found in the staff report and the maximum 970 square feet that any unit can be expanded. Mr. Kato explained that 1800 square feet is for a single residential family home. The 970 square feet applies to duplexes and any multi-unit development.

Commissioner Campanella:

- Commented on the number of projects that are non-conforming or illegal and non-conforming, where some units are retained and others are being torn down and redeveloped. As part of the redevelopment, they still must park one unit, even if they get modifications. Mr. Kato concurred.

COMMENTS:

Commissioner Campanella:

- Leave the 50% rule as it is. If something is non-conforming, then you want to offer encouragement for updating it and making it economically feasible.
- Suggested adding a few illustrations.

Commissioner Pujo:

- Agrees with adding up to the 1800 square feet for small houses, without adding additional parking. It encourages upgrading of the smaller houses and avoids tear-downs.
- Does not think that adding 250 square feet as a set number for every property over that. That will not work well with a lot of properties because it is a small addition. For that part, she agrees with Commissioner Campanella on keeping the 50% for larger lots.

Commissioner Lodge:

- Agrees that the 250 square feet is too small, and 50% is too much. She suggests 30%.

Council Member White:

- Going up to 1800 square feet makes sense. 50% is a bit much. Can support Commissioner Lodge's idea of 30%.

- Supports the approach of two-unit and multi-unit residential development.

Council Member Murillo:
- Agrees that if people have a larger lot, they should add parking.
- Recommends providing illustrations of the standards in support of discussion.

Staff will consider this direction and bring forward to the Planning Commission a revised approach.

BICYCLE PARKING

COMMENTS:

Commissioner Campanella:
- Asked how staff arrived at the demand rates. Dan Gullett, Supervising Transportation Planner, responded that it was reviewed as part of the Bicycle Master Plan.

Commissioner Pujo:
- Inquired about motorcycle parking.
- A missing piece is sub-compact cars that do not require a 10-foot x 20-foot space.

MOTION Campanella/Murrillo
Approve Staff Recommendation

Ayes 5 Noes 0

CENTRAL BUSINESS DISTRICT BOUNDARY

OTHER PARKING

COMMENTS:

Council Member Murillo:
- Asked if this would create gentrification in removing much of the older businesses and bring in new restaurants. Mr. Dayton, explained that this would only allow to keep the parking as it is and allow for multiple uses within those areas.
- The Commercial-Manufacturing (C-M) Zone is not abundant.
- Would like to suggest a parking improvement district in the Funk Zone, as well as on Milpas Street.

Council Member White:
- Would like to have a closer look at land uses in the C-M Zone area where the CBD is proposed to expand.

Commissioner Pujo:
- Agrees with Council Member White on the additional focus needed and with Council Member Murillo on what's going on in that area.

MOTION Murillo/Lodge
Support staff's recommendation at this time for the proposed CBD boundaries with the exception of the C-M Zone. Staff to bring additional analysis of the CBD expansion into the C-M area for Planning Commission discussion.

Ayes 5 Noes 0

OTHER PARKING

OFFSITE PARKING FOR RESIDENTIAL DEVELOPMENT IN COMMERCIAL ZONES

Question #1: Does the Committee support allowing offsite parking for residential uses in mixed-use development?

Question #2: Does the Committee support allowing offsite parking for solely residential uses in commercial zones?

COMMENTS:

Commissioner Lodge:
- Questioned where we would find such parking when we are already built out.

Council Member Murillo:
- Would like to maintain as much flexibility as possible on parking.

Commissioner Campanella:
- Agrees with maintaining flexibility.
- An owner may not have to give up as much space for parking.
- It could reduce construction cost.
- It could help with size, bulk and scale. Instead of a four-story development, the design could be a three-story development with adjacent parking.

Council Member White:
- Supports maximum flexibility.
- Recalled a De la Guerra Street project that had subterranean parking. There are opportunities for someone to develop subterranean parking and sell space for use.

MOTION Campanella/Pujo
Agree with both Questions #1 and #2.

Ayes 5 Noes 0

ACCESSIBLE PARKING

Question: Does the Committee support requiring accessible parking in addition to a minimum of one parking space per unit in new residential development?

No formal motion was taken, but the Committee unanimously agreed to support requiring accessible parking in addition to a minimum of one parking space per unit in new residential development.

5. TEMPORARY USES

COMMENTS:

Council Member Murillo:

- Stated that for some small business vendors, such as a local taco truck, 90 days per year or four hours per day would not work for them. They come in when businesses are closed, park on private property, and pay the property owners a fee to park on their property. Mr. Aguilar said that for vendors that wanted to exceed the four hours a day, or days per year, a performance standard permit would be the mechanism to consider the proposal.
- Inquired why six hours would not be the standard. Mr. Aguilar responded that initially it was three hours and that after receiving input from the mobile vendor community, maximum time on site was raised to four hours.

Commissioner Pujo:

- Inquired on how much time and cost a small business vendor is expending to obtain a performance standard permit.
- Within a 10' setback or on right-of-way, there are some places that work for vendors that are not being addressed at all. Inquired on the rational for the 10' setback.

Council Member White:

- This is a reasonable step in the right direction and a good measured step.

Council Member Murillo asked Chair White if a member of the public could comment on temporary parking uses, specifically food truck regulations.

Planning Commission Secretary Julie Rodriguez provided Spanish translation for Susana Nava, Grandma's Tamales, who commented on the challenges and hardships she encountered with meeting compliance of current zoning and right of way regulations.

MOTION Lodge/Pujo
Support Staff's recommendations.

Ayes 4 Noes 1 (Murillo)

6. OPEN YARD

COMMENTS:

Council Member White:

- Prefers to wait until Planning Commission has reviewed this item.

Commissioner Campanella:

- Suggested that perhaps this topic could be covered as a part of future AUD discussions.

Council Member Murillo:

- Would like to give the applicant flexibility and choice.

Commissioner Lodge:

- Does not agree with open space on rooftops.
- There is no space for any landscaping. There is no place that a real tree can be planted.

MOTION Murillo/Pujo
Move discussion to the Planning Commission with allowing the applicant flexibility.

Ayes 2 Noes 3 (Campanella, Lodge White)

The motion failed.

7. SUBSTAINABLE LIVING RESEARCH INSTITUTE (SLRI)

Danny Kato recapped meetings held with the Sustainable Living Research Institute and provided examples of how the proposed SLRI Ordinance might work, noting that there would be economic challenges to the success of the approach. The SLRI was not included in the original NZO scope of work and would warrant its own work program.

COMMENTS:

Commissioner Pujo:
- Appreciated that staff looked closely at SLRI and considered it.
- The funding is not insurmountable and is not a new idea.
- It is outside the scope of the NZO, but recognizes that there is community interest.
- Suggested that at the minimum, a work program on how this could be done and what it would take short term be prepared.

Council Member Murillo:
- Stated that Seattle has done this, so there is a model that can be looked at.
- Two Council Members can introduce this to City Council. She would be willing to take this to Council, but Planning staff would need to work on it. Mr. Kato said that it would be a matter of Planning's workload.

Commissioner Campanella
- We are faced with the issue of sustainability
- Asked how the development would be measured, what would be the baseline?
- Suggested looking at applying it to a piece of property and monitoring it.

CONSENSUS: Committee agrees that SLRI is not in the scope of the NZO.
Ayes 5 Noes 0

Mr. Kato said that while the SLRI is not in the scope of the NZO, Council Members could decide to bring forward for discussion at City Council.

Ben Werner, Sustainable Living Research Institute, addressed the Committee requesting that a committee be formed that could develop language for Ordinance adoption. Chair White suggested that the request be taken to the Sustainability Committee.

The next step will be taking Module 3 to the Planning Commission in October.

Committee Chair White adjourned the meeting at 1:21 p.m.

City of Santa Barbara

New Zoning Ordinance Module 3: Administration, Parking, and Temporary Uses

October 3, 2016

Draft for Planning Commission Review

EXHIBIT C

Table of Contents

Introduction **1**

Administrative Procedures **5**

Chapter 28.54 Planning Authorities 5
28.54.010 Purpose 5
28.54.020 City Council 5
28.54.030 Planning Commission 6
28.54.040 Staff Hearing Officer 6
28.54.050 Community Development Director 7
Chapter 28.55 Common Procedures 9
28.55.010 Purpose 9
28.55.020 Application Forms and Fees 9
28.55.030 Pre-Application Review 9
28.55.040 Review of Applications 11
28.55.050 Environmental Review 12
28.55.060 Public Notice 12
28.55.070 Conduct of Public Hearings 13
28.55.080 Action and Decision 14
28.55.090 Scope of Approvals 14
28.55.100 Effective Dates 15
28.55.110 Expiration and Extension 15
28.55.120 Changes to Approved Plans 17
28.55.130 Revocation of Permits and Approvals 18
28.55.140 Appeals 18
Chapter 28.56 Coastal Permits 21
28.56.010 Purpose 21
28.56.020 Applicability 21
28.56.030 Appealable Determination 21

28.56.040 Coastal Development Permit 22
28.56.050 Emergency Permits 24
Chapter 28.57 Conditional Use Permits 28
28.57.010 Purpose 28
28.57.020 Applicability 28
28.57.030 Review Authority 28
28.57.040 Application Requirements 28
28.57.050 Public Notice and Hearing 28
28.57.060 Required Findings 28
28.57.070 Conditions of Approval 29
Chapter 28.58 Design Review 30
Chapter 28.59 Development Agreements 31
28.59.010 Purpose 31
28.59.020 Applicability 31
28.59.030 Review Authority 31
28.59.040 Application Requirements 31
28.59.050 Contents of Development Agreements 31
28.59.060 Public Notice 32
28.59.070 Planning Commission Action 32
28.59.080 City Council Action 33
28.59.090 Required Findings 33
28.59.100 Recordation of Development Agreement 33
28.59.110 Annual Review 33
28.59.120 Amendment or Cancellation 34
28.59.130 Effect of Approved Agreement 35
28.59.140 Enforcement 35
Chapter 28.60 Development Plan 36
28.60.010 Purpose 36
28.60.020 Applicability 36
28.60.030 Review Authority 36
28.60.040 Application 37

28.60.050 Public Notice and Hearing 37
28.60.060 Required Findings 37
28.60.070 Conditions of Approval 37
28.60.080 Expiration, Extensions, and Changes to Approved Plans 38
Chapter 28.61 Enforcement and Penalty 39
28.61.010 Purpose 39
28.61.020 Duties 39
28.61.030 Enforcement 39
28.61.040 Penalty 40
Chapter 28.62 General Plan and Zoning Amendments 41
28.62.010 Purpose 41
28.62.020 Applicability 41
28.62.030 Initiation 41
28.62.040 Application Requirements 41
28.62.050 Maximum Number of General Plan Amendments 41
28.62.060 Public Notice 42
28.62.070 Planning Commission Action 42
28.62.080 City Council Action 42
28.62.090 General Plan Consistency Required for Zoning Amendments 42
28.62.100 Post Approval Procedures 43
Chapter 28.63 Local Coastal Program Amendments 44
28.63.010 Purpose and Applicability 44
28.63.020 Initiation of Amendments 44
28.63.030 Review and Processing 44
28.63.040 California Coastal Commission Certification 44
Chapter 28.64 Modifications 45
28.64.010 Purpose 45
28.64.020 Applicability 45
28.64.030 Review Authority 45
28.64.040 Application Requirements 45
28.64.050 Public Notice and Hearing 46

28.64.060 Required Findings 46
28.64.070 Conditions of Approval 47
Chapter 28.65 Performance Standard Permit 49
28.65.010 Purpose 49
28.65.020 Applicability 49
28.65.030 Review Authority 49
28.65.040 Application Requirements 49
28.65.050 Public Notice and Hearing 49
28.65.060 Required Findings 49
28.65.070 Conditions of Approval 50
Chapter 28.66 Precise Plans 51
28.66.010 Purpose 51
28.66.020 Applicability 51
28.66.030 Review Authority 51
28.66.040 Application Requirements 51
28.66.050 Public Notice and Hearing 51
28.66.060 Required Findings 52
28.66.070 Conditions of Approval 52
Chapter 28.67 Recorded Agreements 54
28.67.010 Purpose 54
28.67.020 Applicability 54
28.67.030 Review Authority 54
28.67.040 Application Requirements 55
28.67.050 Runs with Real Property 55
28.67.060 Effective Date, Amendments, and Penalties 55
28.67.070 Recordation 56
28.67.080 Procedure for Release of Recorded Agreement 56
Chapter 28.68 Specific Plans 57
28.68.010 Purpose 57
28.68.020 Procedures 57
28.68.030 Issuance of Building Permits 57

Chapter 28.69 Variances 58
28.69.010 Purpose 58
28.69.020 Applicability 58
28.69.030 Review Authority 58
28.69.040 Application Requirements 58
28.69.050 Public Notice and Hearing 58
28.69.060 Required Findings 59
28.69.070 Conditions of Approval 59
Chapter 28.70 Zoning Clearance 60
28.70.010 Purpose 60
28.70.020 Applicability 60
28.70.030 Review and Decision 60
Chapter 28.71 Zoning Information Report 62
28.71.010 Purpose 62
28.71.020 Applicability 62
28.71.030 Zoning Information Report Required 62
28.71.040 Contents of Zoning Information Report 63
28.71.050 Violation of Law Not Permitted 63
28.71.060 Expiration of Report 64
28.71.070 Effect of Noncompliance 64
28.71.080 Minor Zoning Exceptions for Errors in Zoning Information Reports 64
Chapter 28.72 Zoning Upon Annexation 66
28.72.010 Purpose 66
28.72.020 Applicability 66
28.72.030 Procedure 66
28.72.040 Effective Date of Zoning and Time Limit 66

Rules of Measurement 67

Chapter 28.03 Rules of Measurement 67
28.03.010 Purpose 67
28.03.020 General Provisions 67

28.03.030 Determining Average Slope 67
28.03.040 Determining Lot Coverage 67
28.03.050 Determining a Watercourse 68
28.03.060 Fractions 68
28.03.070 Measuring Distances 68
28.03.080 Measuring Floor Area 69
28.03.090 Measuring Front Yards 70
28.03.100 Measuring Height 70
28.03.110 Measuring Lot Width and Depth 71
28.03.120 Measuring Setbacks 71
28.03.130 Measuring Street Frontage 71

Definitions 73

Chapter 28.75 Definitions 73

Parking Regulations 93

Chapter 28.26 Parking Regulations 93
28.26.010 Purpose 93
28.26.020 Applicability 93
28.26.030 General Provisions 95
28.26.040 Required Automobile and Bicycle Parking Spaces 97
28.26.050 Parking Exceptions and Reductions 106
28.26.060 Location of Required Parking 109
28.26.070 Bicycle Parking 110
28.26.080 Parking Area Landscape and Fence Standards 111
28.26.090 Parking Area Design and Development Standards 112

Temporary Uses 116

28.26.350 Temporary Uses 116

Introduction

This module proposes a revised set of definitions, rules of measurement, and administrative provisions for the administration of Santa Barbara's New Zoning Ordinance (NZO), based on an analysis of existing provisions, the Issues and Options paper, General Plan, and comments from City staff, Planning Commission, NZO Joint Committee, and stakeholders. It also includes draft regulations for parking and loading and temporary uses.

The purpose of the administrative provisions is to convey who is responsible for making decisions on zoning applications and what criteria will be used to approve permits, and to explain the process for securing approvals.

The administrative provisions are organized so that the relevant responsibilities of those involved in review and decision-making are presented in the first chapter, followed by a chapter that sets forth procedures that are common to different types of approval. Procedures for specific approval processes then are listed in the following chapters. These include, but are not limited to, chapters for Zoning Information Reports; Zoning Clearance; Performance Standard Permits; Conditional Use Permits; Variances; Coastal Development Permits; Modifications, amendments to the General Plan and zoning map and text and amendments to the Local Coastal Program; and enforcement.

The proposed chapters incorporate many provisions included in Santa Barbara's existing ordinance, but simplify the regulations by consolidating a number of the administrative provisions in a new and separate chapter that establishes procedures common to all or most approvals. Technical edits also are made to reflect "best practices."

Following are highlights of specific proposals and changes from existing regulations.

Planning Authorities

This chapter lays out the basic roles and functions of the bodies that make up the planning authorities and who have a role in implementing the ordinance, including the City Council, Planning Commission, Staff Hearing Officer, and Community Development Director (the "Director"). The chapter incorporates existing provisions regarding authority and duties of the existing title and changes the existing lists of powers and duties as needed to reflect the range of responsibilities that each of the authorities have under the updated ordinance.

Common Procedures

The purpose of this chapter is to establish uniform procedures that are common to the application and processing of a variety of different permits, including zoning clearance, use permits and variances. Because this chapter will likely be the administrative chapter that users most frequently consult, it appears immediately following the chapter on Planning Authorities.

Coastal Permits

This chapter describes the processes and requirements for appealable, non-appealable, and emergency Coastal Development Permits issued by the Staff Hearing Officer and Planning Commission, as described in Chapter 28.44 of the existing Zoning Ordinance.

Conditional Use Permits

This chapter includes the process and standards applicable to the applications for Conditional Use Permits. To help streamline the ordinance, the proposed chapter includes cross-references to common procedures, instead of reiterating requirements and procedures applicable to several types of actions.

Design Review

This chapter refers to the applicable sections of Title 22 for design review.

Development Agreements

This chapter establishes procedures to enable the City to implement Government Code Sections 65864-65869.5 authorizing government entities to enter into legally binding agreements with private parties.

Development Plan

This chapter includes the process applicable to applications for Development Plans required pursuant to the City's Nonresidential Growth Management Program, consistent with the provisions located in Chapter 28.85 of the current ordinance. To help streamline the ordinance, the proposed chapter includes cross-references to common procedures, instead of reiterating requirements and procedures applicable to several types of actions.

Enforcement and Penalty

This chapter specifies provisions governing enforcement of the zoning ordinance. It includes the provisions of Chapter 28.98 of the current ordinance and refers to Chapter 1.25 of the Santa Barbara Municipal Code.

General Plan, Zoning, and Local Coastal Program Amendments

These chapters include provisions for zoning map, zoning text, and general plan amendments and amendments to the Local Coastal Program that incorporate the State Government Code's specific procedures governing these legislative decisions.

Modifications

This chapter proposes provisions that are intended to provide an alternate means of granting relief from the Ordinance's requirements. The proposed provisions also establish procedures

to make it easier to ensure compliance with State and Federal law, including the Americans with Disabilities Act, the Federal Fair Housing Act, which requires that the Ordinance provide a process for approving reasonable accommodations of certain protected groups and uses. The proposed provisions establish a process for modifications to parking, setback, lot area, floor area, street frontage, open yard, fences, screens, walls, and hedges, and solar access regulations.

Performance Standard Permit

This chapter includes the process and standards applicable to the applications for Performance Standard Permits. To help streamline the ordinance, the proposed chapter includes cross-references to common procedures, instead of reiterating requirements and procedures applicable to several types of actions.

Precise Plans

This chapter establishes a process for consideration and review of Precise Plans which are required as part of an application for a classification as certain overlay zones.

Recorded Agreements

This chapter establishes procedures for the creation of Recorded Agreements to assure compliance with any development standard, performance standard, condition of approval, or any other requirement of law.

Specific Plans

This chapter establishes a procedure for the preparation, adoption, and administration of Specific Plans consistent with the Government Code.

Variances

This chapter includes the specific provisions applicable to variances that are in Chapter 28.92 of the current code. The proposed provisions retain the specific findings applicable to variances in the current code and replace some of the existing procedural provisions with cross-references to common procedures. Economic hardship is not a grounds for granting a variance. Also, use variances are prohibited.

Zoning Clearance

This chapter establishes procedures for ensuring that all permits or licenses issued by the City conform to the provisions of the zoning ordinance, as required by Section 28.87.230, Zoning Plan Check – Fee, of the current code. This ministerial process is distinguished from design review, use permit, and variance procedures, which are discretionary. The zoning clearance process would require Staff review of applications for business licenses, building permits, and

other entitlements to ensure that the proposed use or structure is permitted by right or conforms to the requirements and conditions of any discretionary approval granted under the Ordinance.

Zoning Information Report

This chapter contains information related to the requirements for a Zoning Information Report (ZIR) for purchasers of residential property, including the required contents of the ZIR, as well as exemptions and other regulations provided in Chapter 28.87.220 of the existing Zoning Ordinance. Items from the Zoning Information Report Process Improvement efforts are also incorporated.

Zoning Upon Annexation

This chapter describes the process and criteria applicable to the applications for zoning and annexation of adjoining unincorporated territory.

Rules of Measurement

This section proposes specific rules governing standards of measurement. The rules of measurement explain how to perform calculations and measurements that are required to implement zoning regulations. Included are rules of measurement for fractions, distances, height, lot width and depth, lot coverage, slope, floor area, lot frontage, and setbacks. In Santa Barbara's existing ordinance, rules of measurement, are distributed throughout the ordinance. As a result, determining how a measurement is made is often difficult. The goal of the proposed revisions is to create a streamlined, user-friendly set of rules of measurement used in the Zoning Ordinance to improve the functionality of the ordinance. Graphics will be incorporated into the Public Review Draft NZO to provide illustrative examples and clearly demonstrate these provisions.

Definitions

Clearly defined terms are instrumental in consistent application of zoning ordinance standards. This section includes a set of definitions to be included in the updated ordinance. The chapter would begin with a list of all terms and definitions included in the chapter. Existing definitions are updated with more user-friendly terminology that do not include specific standards and are consistent with other applicable regulations.

Temporary Uses

Draft regulations for temporary uses are included near the end of this Module 3. The temporary use regulations consolidate and augment existing provisions applicable to temporary uses and establish when various levels of permit are required. This chapter includes standards for Mobile Food Vendors.

Administrative Procedures

Chapter 28.55 Planning Authorities

28.55.010 Purpose

The purpose of this Chapter is to identify the bodies, officials, and administrators with designated responsibilities under various chapters of this Title. Subsequent chapters of Division IV provide detailed information on procedures, applications, permits and approvals, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall apply the provisions of this Title as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

28.55.020 City Council

The City Council is established and organized pursuant to Article V of the City Charter. The powers and duties of the City Council under this Title include, but are not limited to the following:

A. Initiate and act on amendments to the text and maps of the General Plan, Local Coastal Program, and Zoning Ordinance pursuant to the provisions of Chapter TBD, General Plan and Zoning Amendments, and Chapter TBD, Local Coastal Program Amendments.

B. Act on Specific Plans and amendments to Specific Plans pursuant to Chapter TBD, Specific Plans.

C. Initiate and consent to Annexations.

D. Act on Development Agreements pursuant to Chapter TBD, Development Agreements.

E. Act on proposals to revoke permits pursuant to Section TBD, Revocation of Permits.

F. Act on variance requests from Street Widening Setback Lines pursuant to Chapter TBD, Variances for Street Widening Setback Lines.

G. Act on appeals from decisions of the Planning Commission, Architectural Board of Review, Historic Landmarks Commission, and Single Family Design Board pursuant to Section TBD, Appeals.

H. Act on requests to designate a nonresidential construction project as a Community Benefit Project pursuant to the provisions of Chapter TBD, Nonresidential Growth Management Program.

28.55.030 Planning Commission

The Planning Commission is established and organized pursuant to Section 806 of Article VIII of the City Charter and the requirements of the Government Code. The powers and duties of the Planning Commission under this Title include, but are not limited to the following:

A. All actions provided by this Title to be performed by the Planning Commission in connection with applications for, or revisions to, the following: Coastal Development Permits, as assigned; Conditional Use Permits; Development Plans, as assigned; Modifications, as assigned; Variances; Condominium and Hotel Conversion Permits; Mobile Home Park Conversions; applications in the PR Zone, as assigned; Precise Plans; and Planned Residence Developments.

B. Initiate and make recommendations to the City Council for amendments to the text and maps of the General Plan, Local Coastal Program, and Zoning Ordinance pursuant to Chapter TBD, General Plan and Zoning Amendments, and Chapter TBD, Local Coastal Program Amendments.

C. Initiate and make recommendations to the City Council on proposed, or amendments to, Specific Plans pursuant to Chapter TBD, Specific Plans.

D. Make recommendations to City Council on proposed, or amendments to Development Agreements pursuant to Chapter TBD, Development Agreements.

E. Initiate and make recommendations to the City Council on Annexations.

F. Act on proposals to revoke permits pursuant to Section TBD, Revocation of Permits.

G. Review Community Benefit Projects or Community Benefit Housing Projects exceeding the maximum building height pursuant to Section TBD, Community Benefit Project or Community Benefit Housing Project.

H. Suspend any decision of the Staff Hearing Officer and hold a public hearing before the Planning Commission to review the Staff Hearing Officer decision pursuant to Section TBD, Planning Commission Suspensions.

I. Act on appeals from decisions of the Community Development Director and Staff Hearing Officer pursuant to Section TBD, Appeals.

J. Such other functions as may be delegated to it by the City Council.

28.55.040 Staff Hearing Officer

The Staff Hearing Officer is a City staff member appointed by the Community Development Director with the following powers and duties. However, if a project includes any application that requires review by the Planning Commission, the project shall be reviewed by the Planning Commission.

A. All actions provided by this Title to be performed by the Staff Hearing Officer in connection with applications for, or revisions to, the following: Modifications, as assigned; Performance Standard Permits; Storefront Collective Dispensary Permits; Development Plans, as assigned; and Coastal Development Permits, as assigned.

B. Act on time extensions of approved permits pursuant to Section TBD, Expiration and Extension.

C. Act on proposals to revoke permits pursuant to Section TBD, Revocation of Permits.

D. Act on proposals for Minor Zoning Exceptions pursuant to Chapter TBD, Zoning Information Reports.

E. Such other functions as may be delegated by the Director.

28.55.050 Community Development Director

The following powers and duties of the Community Development Director (the "Director") under this Title include, but are not limited to the following.

A. Maintain and administer this Title.

B. Request interpretations of the Zoning Ordinance from the City Attorney and disseminate to members of the public and to other City Departments.

C. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. As determined by the City Attorney, these rules and procedures shall be approved by a resolution of the City Council following review and recommendation of the Planning Commission.

D. Issue administrative regulations for the submission and review of applications subject to the requirements of this Title and Government Code Section 65950.

E. Review permit applications for conformance with this Title, and issue a Zoning Clearance when the proposed use, activity or building conforms to all applicable development and use standards.

F. Review applications for discretionary permits and approvals under this Title for conformance with the California Environmental Quality Act and the City's environmental review requirements, and all other applicable submission requirements and time limits.

G. Prepare Zoning Information Reports pursuant to Chapter TBD, Zoning Information Report.

H. Determine level of coastal review pursuant to Chapter TBD, Coastal (CZ) Overlay Zone, and document Coastal Exclusions and Coastal Exemptions, as appropriate.

I. Consider and determine the location of "Top of Bank" pursuant to Section TBD, Development Along Creeks.

J. Process and make recommendations to the City Council, Planning Commission, Design Review boards, and Staff Hearing Officer, as appropriate, on all applications,

amendments, appeals and other matters upon which they have the authority and the duty to act under this Title.

K. Act on applications for time extensions of approved permits pursuant to Section TBD, Expiration and Extension.

L. Initiate revocation procedures on violations of permit terms and conditions pursuant to Section TBD, Revocation of Permits and Approvals.

M. Make Substantial Conformance Determinations pursuant to Section TBD, Changes to Approved Plans.

N. Delegate administrative functions as deemed appropriate, to members of the Planning Division.

O. Appoint a Staff Hearing Officer pursuant to Section TBD, Staff Hearing Officer.

P. Other duties and powers as may be assigned by the City Council or established by legislation.

Chapter 28.56 Common Procedures

28.56.010 Purpose

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Title, unless superseded by specific requirement of this Title or State law.

28.56.020 Application Forms and Fees

A. **Who May Apply.** The owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the Community Development Director, of the right to use and possess the property as applied for, shall accompany the application.

B. **Application Forms and Materials.**

1. ***Application Forms.*** The Community Development Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Title.

2. ***Supporting Materials.*** The Community Development Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples, reports and other items necessary to describe existing conditions and the proposed project, and to determine the level of environmental review pursuant to the California Environmental Quality Act.

3. ***Availability of Materials.*** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. **Application Fees.** No application shall be accepted as complete and processed without payment of the applicable fee established by resolution of the City Council.

28.56.030 Pre-Application Review

Pre-application review is intended to provide preliminary information on relevant policies, regulations, and procedures, and to identify significant issues relevant to a proposed project.

A. **Applicability.**

1. ***Mandatory Pre-Application Review.*** Pre-application review is required for the following projects:

a. Annexations.

b. Tentative maps and vesting tentative maps where the Planning Commission is the designated Advisory Agency.

c. Conversions of more than one dwelling units to condominiums, hotels, or similar uses.

d. Nonresidential construction projects requiring a Development Plan Approval by the Planning Commission.

e. Transfers of existing development rights.

f. Projects proposed in accordance with the Average Unit-Size Density Incentive Program, pursuant to Section TBD, Planning Commission Review of Rental Housing Projects.

2. ***Optional Pre-Application Review.*** Pre-application review is optional for all other projects.

B. **Review Procedure.** The Pre-Application Review Team shall review the project and associated materials and advise the applicants of relevant policies, regulations and procedures, identify significant issues relevant to a proposed project, and document any conclusions and recommendations in a letter to the applicant. Applicants and their representatives shall be entitled to meet with the Pre-Application Review Team in order to discuss the recommendations and any identified issues. The Pre-Application Review Team is authorized to prepare and effect rules and procedure as necessary or convenient to carry on the Team's business.

C. **Pre-Application Review Team Members.** The following City officials, or their designee, shall be members of the Pre-Application Review Team:

1. Chief Building Official;
2. Water Resources Manager;
3. City Engineer;
4. City Planner;
5. Transportation Engineer;
6. Fire Chief; and
7. Any other City official or their designee, when deemed appropriate by other Team members.

D. **Recommendations are Advisory.** Neither the pre-application review nor the provision of information and pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

E. **Expiration.** Comments and recommendations from any pre-application review are valid for a period of 12 months after the date of the Pre-Application Review Team

letter provided applicable rules and regulations do not change. If a project is substantially revised, or if applicable policies, regulations, or procedures change that could affect the recommendations or conclusions of the pre-application review, the Team may require a subsequent pre-application review prior to formal application submittal. If, however, there are no substantial changes to either the project or any relevant policies, regulations, and procedures, the Team may allow the submittal of an application for a development project up to a maximum of 24 months after the date of the Pre-Application Review Team letter.

28.56.040 Review of Applications

A. **Review Process.** The Community Development Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee. The Director and applicant may mutually agree in writing to extend this time period for a period of not more than 90 days.

B. **Concurrent Processing.** If an application requires more than one discretionary approval under this Title, all applications shall be submitted, heard and acted upon concurrently by the highest applicable review authority.

C. **Incomplete Application.** If an application is incomplete, the Community Development Director shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.

1. ***Zoning Ordinance Violations.*** An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.

2. ***Appeal of Determination.*** Determinations of incompleteness are subject to the provisions of Section TBD, Appeals, except there shall be a final written determination on the appeal not later than 60 days after receipt of the appeal.

3. ***Submittal of Additional Information.*** The applicant shall provide the additional information within the time limit specified by the Community Development Director, which must be no less than 30 days. The Community Development Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Title.

4. ***Expiration of Application.*** If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

D. **Complete Application.** When an application is determined to be complete, the Community Development Director shall make a record of that date. The Director may require submittal of additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

1. If an application is exempt from CEQA but requires a public hearing, the Community Development Director shall schedule it and notify the applicant of the date and time.
2. If an application is subject to CEQA, the public hearing shall be scheduled after environmental review is conducted.

28.56.050 Environmental Review

All projects must be reviewed for compliance with or exemption from the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines), and the City's adopted CEQA Guidelines. If Title 14 of the California Code is amended, such amendments will govern City procedures.

28.56.060 Public Notice

Unless otherwise specified, whenever the provisions of this Title require public notice, the City shall provide notice in compliance with State law and the following.

A. **Mailed Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Community Development Director, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:

1. The applicant and the owner of the subject property;
2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available records of the County Assessor; and
3. Any person or group who has filed a written request for notice regarding the specific application.
4. ***Alternative Method for Large Mailings.*** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Community Development Director or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing.

B. **Newspaper Notice.** At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Community Development Director or the City Clerk for hearings before the City Council, shall publish a notice in at least one newspaper of general circulation in the City.

C. **Additional Noticing Methods.** The City may also require public notice in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site.

D. **Contents of Notice.** The required Mailed Notice and Newspaper Notice shall include the following information:

1. ***Process Information.***

   a. The date, time, and place of the hearing and the name of the review authority, or the date of action when no public hearing is required; and

   b. A brief description of the City's general procedure concerning the submission of public comments and conduct of hearings and decisions (e.g., the public's right to appear and be heard).

2. ***Project Information.***

   a. The name of the applicant and owner of the subject property;

   b. The City's file number(s) assigned to the application;

   c. A general explanation of the matter to be considered;

   d. A general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and

   e. A statement, if applicable, that the project is located within the City's Coastal Zone, the date of filing of the application, and whether the project is appealable to the Coastal Commission under Public Resources Code 30603(a).

E. **Failure to Receive Notification.** The validity of the proceedings shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive a mailed notice or receive notice by any additional noticing methods.

28.56.070 Conduct of Public Hearings

Whenever the provisions of this Title require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.

B. **Scheduling.** Hearings before the City Council shall be scheduled by the City Clerk. All other hearings shall be scheduled by the Community Development Director.

C. **Staff Presentation.** The Director may prepare a presentation and staff report regarding the proposed project.

D. **Applicant Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.

E. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization.

F. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

G. **Continuance of Public Hearing.** The Review Authority conducting the public hearing may, by motion, continue the public hearing to a fixed date, time and place without additional notice; or the body conducting the public hearing may continue the item to an undetermined date and provide notice of the continued hearing in the same manner and within the same time limits as required for the original hearing.

H. **Additional Information.** The Review Authority conducting the hearing may require additional information and/or cause such investigations to be made as it deems necessary and in the public interest in any matter to be heard by it.

I. **Decision.** The public hearing must be closed before a vote is taken.

28.56.080 Action and Decision

When making a decision to approve, approve with conditions, revise, revoke or deny any discretionary permit or approval under this Title, the review authority shall issue a resolution of decision and make findings of fact as required by this Title.

A. **Record of Decision.** After the review authority takes any action to approve, modify, or deny any discretionary application provided for under this Title, a Record shall be issued. The Record may take the form of a resolution, letter, notice, memo or similar document, and shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Community Development Director or the City Clerk shall retain the original Record and mail a copy of the Record to the applicant

1. ***Notice of Final Action, Coastal Development Permits.*** Within five working days of a final City decision on an application for a coastal development permit, the Community Development Department shall provide notice of the action in writing by first class mail to the Coastal Commission and to any persons who specifically requested such notice and provided a self-addressed, stamped envelope. Such notice shall include conditions of approval, written findings and the procedures for appeal of the City decision to the Coastal Commission.

B. **Findings.** Findings, when required by State law or this Title, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the record of decision.

28.56.090 Scope of Approvals

A. **Multiple Approvals.** If there are multiple conflicting approvals granted under this Title for the same site or location, only one shall be exercised.

B. **Conditions of Approval.** Any permit or approval provided for in this Title shall be subject to the conditions of approval imposed by the Review Authority. The site plan, floor plans, building elevations and any additional information or representations indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval.

C. **Actions Subject to Enforcement.** If the construction of a building or structure, or the use established, is contrary to either the conditions of approval or approved project description and plans, so as to either violate any provision of this Title, or require additional permits or approvals, then the permit or approval shall be suspended and subject to possible revocation pursuant to Chapter TBD Enforcement and Penalty.

D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit or approval are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the approval holder, the property owner or successor property owners to comply with such conditions.

28.56.100 Effective Dates

A final decision on an application for any discretionary permit or approval subject to appeal shall become effective after the expiration of any applicable appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the permit or approval becomes effective.

28.56.110 Expiration and Extension

Discretionary approvals granted under this Title shall automatically expire and become null and void, if the approval is not exercised or extended and the approved use, structure, and/or site development is not continued as provided below.

A. **Time Period to Exercise a Permit or Approval.** A permit or approval granted under this Title shall be exercised within its initial approval period unless a time extension is granted pursuant to Subsection C, Extensions, or as provided below.

1. ***Initial Approval Period.***

   a. *Development Plans.* Four years of its effective date.

   b. *Other Permits or Approvals.* Three years of its effective date unless a different time is specified in the record of decision.

2. ***Multiple Land Use Approvals.*** If a project requires multiple discretionary permits or approvals pursuant to Titles 22, 27, or 28 of the Santa Barbara Municipal Code, the expiration date shall be measured from date of the final action of the City on the longest discretionary permit or approval related to the application, unless otherwise specified by State or federal law, with the following exceptions:

a. Design review approval shall be measured from the date of the Project Design Approval;

b. Design review approval shall not operate to extend any other discretionary permit or approval; and

c. The recordation of a Parcel Map or Final Map does not extend any other discretionary permit or approval or design review approval.

Approval periods run concurrently with, not consecutively to, each discretionary approval term.

3. ***Exclusions of Time.***

a. *Moratorium or Litigation.* The periods of time specified in this Section shall not include any period of time during which either a development moratorium imposed by the City after the project received project design approval, is or was in effect; or a lawsuit involving the project design approval or the land use approvals for the project is or was pending in a court of competent jurisdiction. For this exclusion to operate, the moratorium must apply to an element of the project that received the permit or approval. The maximum length of any exclusion of time under this subsection shall be five years. For the purposes of this Subsection, a development moratorium shall include:

i. A water or sewer moratorium,

ii. A water and sewer moratorium, and

iii. A building or grading permit moratorium.

b. *Tentative Maps.* If the project requires the approval of a tentative subdivision pursuant to Title 27 of the Santa Barbara Municipal Code, the periods of time specified in this Section shall not include a period of time during which a lawsuit involving the approval of the tentative map is or was pending in a court of competent jurisdiction for which a stay was approved by the Reviewing Authority that approved the tentative subdivision map.

4. ***Approvals Contingent Upon Action of Other Governmental Bodies.*** When a discretionary approval by the City made pursuant to this Title is contingent upon an action by another governmental body, including but not limited to, the approval of an annexation by the Local Agency Formation Commission or any action by the California Coastal Commission, the timeline for all discretionary approvals related to the project shall not commence until all such outside agency contingencies are satisfied.

a. The suspension of project timelines allowed in this subsection shall not exceed three years from the date of the final City action on the discretionary approval that is contingent upon the action of another governmental body.

b. This suspension shall not run consecutively to a moratorium or litigation exclusion unless the moratorium or litigation legally prevented the applicant from processing the application before the other governmental body.

B. **Actions Exercising a Permit or Approval.** A permit or approval is exercised when a valid City building permit has been issued for work related to the approval, construction work has begun and been carried on diligently without substantial suspension or abandonment of work; If an approval does not require a permit for construction or alteration, the approval shall be considered exercised when operations of the use authorized by the approval have commenced.

C. **Extensions.** The Community Development Director may approve up to two one-year extensions of any permit or approval granted under this Title, except for Development Plans, which may receive only one one-year extension, upon receipt of a written application with the required fee prior to the date of expiration of the approval. Under no circumstances shall the time for exercise of the permit or approval of development be more than five years after the effective date of the approval, unless otherwise allowed by State Law or if approvals are contingent upon other governmental bodies, per section TBD.

1. ***Required Findings.*** Extensions of time may be granted by the Community Development Director upon finding that the applicant demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record, and that the project continues to be consistent with this Title, the certified Local Coastal Program, the Coastal Act, or applicable City ordinances, resolutions and other laws.

D. **Continuation of Use, Structure, and/or Site Development.** A use, structure, and/or site development authorized by the approval are considered continued unless the structure or site development are demolished pursuant to Section TBD, Demolition, or the uses authorized by the approval are discontinued pursuant to Section TBD, Discontinuation of Use.

28.56.120 Changes to Approved Plans

No change to any structure, site development, or use for which a permit or approval has been issued or granted under this Title is permitted unless the permit or approval is revised as provided for in this Title.

A. **Substantial Conformance.** The Community Development Director may approve minor changes to approved projects that are found to be in substantial conformance with the original project description, findings and conditions; provided that, the minor changes would not increase the intensity of any aspect of the project that could have a potentially detrimental effect. Substantial Conformance Determinations shall be documented by the Director with a Record of Decision and the Director may request input from applicable City Departments and the original Review Authority for help in

determining whether the request is consistent with the original approval pursuant to administrative procedures adopted by a resolution of the City Council.

B. **Amendments.** A request for a change to a condition of approval; or a change in an approved structure, site development, or use that would affect the original project description, findings, or a condition of approval beyond what the Director finds to be in Substantial Conformance; shall require approval by the original Review Authority and shall be processed in the same manner as the original approval.

28.56.130 Revocation of Permits and Approvals

Any permit or approval granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit or approval are violated or if any applicable law or ordinance is violated.

A. **Initiation of Proceeding.** Revocation proceedings may be initiated by the Community Development Director.

B. **Public Notice, Hearings, and Action.** A decision to revoke or revise a permit or approval shall be made following a duly noticed public hearing, using the same noticing requirements and review authority that were applicable to the original permit or approval application.

C. **Required Findings.** The review authority may revoke or revise a permit or approval if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;
2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or approval application or substantially changed in character in a manner that violates the terms of their permit or approval;
3. There is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of this Title, or any applicable law or regulation; or
4. The use to which the permit or approval applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

28.56.140 Appeals

A. **Applicability.**

1. ***Appeals of Community Development Director Decisions.***

a. Any Application Completeness Determination made by the Community Development Director may be appealed to the appropriate decision making body for the permit or approval requested.

b. Any other decision of the Community Development Director, that is subject to appeal under the terms of this Title, may be appealed to the Planning Commission.

2. ***Appeals of Staff Hearing Officer Decisions.*** Decisions of the Staff Hearing Officer may be appealed to the Planning Commission or the Community Development Director in accordance with this Section.

   a. *Appeals of Staff Hearing Officer Decisions on Minor Zoning Exceptions.* Appeals of the Staff Hearing Officer regarding Minor Zoning Exceptions shall be heard by the Community Development Director, and the decision of the Community Development Director shall be final, without any right of further appeal.

   b. *Appeals of all Other Staff Hearing Officer Decisions.* Appeals of all other Staff Hearing Officer decisions shall be heard by the Planning Commission.

   c. *Planning Commission Suspensions.* The Chairperson, Vice Chairperson or other designated member of the Planning Commission may suspend any decision of the Staff Hearing Officer within the 10-day appeal period. The suspension shall be processed in the same manner as an appeal by any other person. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.

3. ***Appeals of Planning Commission and Design Review Decisions.*** Decisions of the Planning Commission and Design Review may be appealed to the City Council in accordance with Chapter 1.30 and Title 22 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.

4. ***Coastal Development Permits.*** Actions on some Coastal Development Permits may also be appealed to the California Coastal Commission pursuant to Subsection C, Appeals to the Coastal Commission, below.

B. **Appeal Process.**

1. ***Rights of Appeal.*** Appeals may be filed by any person aggrieved by a decision that is subject to appeal under the provisions of this Title.

2. ***Time Limits.*** Unless otherwise specified in State or federal law, all appeals shall be filed in writing within ten calendar days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.

3. ***Procedures.***

a. *Proceedings Stayed by Appeal.* The timely filing of an appeal stays all proceedings in the matter appealed including, the issuance of demolition permits and City building permits, with the following exception:

i. Appeals of Planning Commission Decisions. Where a project is subject to both Planning Commission and Project Design approval and the Planning Commission's decision on the project is appealed to the City Council, the Director may, at the request of the applicant, allow the project to continue through the Design Review process and receive Project Design Approval so that the City Council may consider the appeal of the Planning Commission decision and the appeal of the design review board decision simultaneously.

b. *Filing of Appeals.* A written appeal must be filed to the appropriate location no later than 4:30 p.m. on the appeal due date. The appeal must be accompanied by payment of the required fee established by City Council resolution and must state specifically how the decision is not in accord with the provisions of this Title or how there was an error or abuse of discretion.

c. *Public Notice.* Notice of the appeal hearing must be provided in the same manner required for the action that was the subject of the appeal.

d. *Action.* The Appeal Body shall conduct a public hearing, if a public hearing was required for the action that was the subject of the appeal, after which it may affirm, reverse, or modify the previous decision.

C. **Appeal to the Coastal Commission.** A final action taken by the City on a Coastal Development Permit application for appealable development may be appealed to the Coastal Commission pursuant to Public Resources Code Section 30603 and Title 14 Sections 13110 through 13120 of the California Code of Regulations.

1. ***Exhaustion of City Appeals Required.*** Except in circumstances identified in Title 14 Section 13573 of the California Code of Regulations, an applicant or other aggrieved person may appeal a City decision on a Coastal Development Permit application to the Coastal Commission only after exhausting all local appeals to the Planning Commission and Council in compliance with this Section.

Chapter 28.57 Coastal Permits

28.57.010 Purpose

This Chapter establishes a process for consideration and review of Coastal Development Permits and Emergency Permits, which is intended to implement the California Coastal Act of 1976 (Division 20 of the Public Resources Code), as amended, in accordance with the City's Local Coastal Program.

28.57.020 Applicability

A. **Coastal Development Permit.** Approval of a Coastal Development Permit is required for development in the Coastal (CZ) Overlay Zone unless specifically excluded or exempted pursuant to Section TBD, Exclusions and Exemptions.

B. **Emergency Permit.** In cases of an emergency, as the term emergency is defined in Section 13009 of Title 14 of the California Administrative Code, the Community Development Director may issue an Emergency Permit in accordance with the procedures specified in Section 28.56.050.

28.57.030 Appealable Determination

A. **Initial Determination.** At the time a Coastal Development Permit application is submitted, the Community Development Director shall determine which of the following types of development is proposed and shall inform the applicant of the notice and hearing requirements for that particular development.

1. Within an area where the Coastal Commission exercises original permit jurisdiction;
2. Categorically excluded or otherwise exempt from this provisions of this Chapter;
3. Appealable to the Coastal Commission; or
4. Non-appealable to the Coastal Commission.

B. **Appealable Development Designation.** Pursuant to Public Resources Code Section 30603(a), Appealable Development consists of the following types of development.

1. Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
2. Developments that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
3. Developments located in a sensitive coastal resource area.

4. Any development which constitutes a major public works project or a major energy facility.

The Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara, has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any appealable area, the matter should be referred to the City of Santa Barbara and/or the Executive Director of the California Coastal Commission for clarification and information. The Post-LCP Certification Permit and Appeal Jurisdiction Map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

C. **Challenge of Determination.**

1. If the determination of the Community Development Director is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination as to the appropriate designation, the City shall notify the Coastal Commission by telephone of the dispute/question and shall request an opinion from the Executive Director of the Coastal Commission.

2. The Executive Director shall transmit the determination as to whether the development is categorically excluded, non-appealable, or appealable.

3. Where there is a dispute between the Executive Director's determination and the City's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation.

28.57.040 Coastal Development Permit

A. **Review Authority.** The following bodies shall approve, conditionally approve, revise or deny applications for Coastal Development Permits based on consideration of the requirements of this Chapter.

1. ***Staff Hearing Officer.***

a. *Secondary Dwelling Units.* The Staff Hearing Officer shall review applications for Coastal Development Permits for Secondary Dwelling Units.

b. *Single Family Residential Development.* The Staff Hearing Officer shall review applications for Coastal Development Permits for single family residential development, provided the development:

i. is located 50 feet or further from the edge of any coastal bluff or the inland extent of any beach;

ii. is located landward of the seacliff retreat line as defined in the City of Santa Barbara Coastal Plan; and

iii. does not require a discretionary action by the Planning Commission under another provision of this Title.

c. *Non-Appealable Development.* The Staff Hearing Officer shall review applications for Coastal Development Permits for non-appealable development when the proposed development does not require another discretionary action by the Planning Commission under another provision of this Title.

2. ***Planning Commission.*** The Planning Commission shall review applications for Coastal Development Permits for all projects that do not meet one or more of the criteria listed in Paragraph 1 for a decision by the Staff Hearing Officer.

B. **Application Requirements**

1. ***Timing.*** The application for the Coastal Development Permit shall be filed with the Community Development Director prior to or concurrent with other necessary City permits or approvals for the subject development.

2. ***Requirements.*** Application requirements are as established in Chapter TBD, Common Procedures, as supplemented by the provisions in this Chapter.

C. **Public Hearing.** At least one public hearing shall be held on each application requiring a Coastal Development Permit except as provided below. The public hearing shall be held concurrently with any other required public hearing or hearings before the review authority for any other applications regarding the proposed development.

1. ***Exception-Secondary Dwelling Units.*** When a proposed development only involves the addition of a secondary dwelling unit to an existing single family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2.

a. *Timing of Decision.* The Staff Hearing Officer shall not issue a decision on the application until at least 10 calendar days after notice having been given pursuant to Section TBD, Public Notice.

b. *Comments.* The Staff Hearing Officer may receive written comments regarding the application and consider such written comments during the review of the application, but the Staff Hearing Officer shall not conduct a public hearing on the application.

c. *Final Action.* The decision of the Staff Hearing Officer concerning an application for a Coastal Development Permits pursuant to this subsection shall constitute the final action of the City.

d. *Appeals.* Approvals of the Staff Hearing Officer for appealable development may be appealed to the Coastal Commission in accordance with Section TBD, Appeals.

e. *Other Provisions.* Review of a Coastal Development Permit application for a secondary dwelling unit as an addition to an existing single family

residence shall comply with all other procedures and development standards of this Title.

D. **Public Notice.** Public notice shall be given as specified in Chapter TBD, Common Procedures. In addition to the recipients listed in Section TBD, Mailed Notice, notice by First Class mail delivery shall be provided to:

1. Occupants on or within 100 feet of the affected parcel;
2. All persons who have requested to be on the mailing list for decisions by the City within the Coastal Zone; and
3. The Coastal Commission.

E. **Findings.** In order to approve a Coastal Development Permit, the following findings shall be made:

1. The project is consistent with the policies of the City's certified Local Coastal Program; and
2. The project, if located within the appeal jurisdiction, is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

F. **Failure to Act Notice.**

1. ***Notification by Applicant:*** If the City has failed to act on an application within the time limits set forth in Article 5 ("Approval of Development Permits") of Title 7, Division I, Chapter 4.5 of the Government Code, commencing with 65950, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950 et seq. shall notify, in writing, the City and the Coastal Commission of the claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
2. ***Notification by City.*** Upon determination that the time limits established pursuant to Government Code Section 65950 et seq. have expired, the Community Development Department shall, within five working days of such determination, notify those persons entitled to receive notice that it has taken final action by operation of law pursuant to Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the City's notice in the office of the Coastal Commission.

28.57.050 Emergency Permits

The Community Development Director may issue an Emergency Permit without compliance with the procedures for the issuance of a Coastal Development Permit in cases of an emergency, as the term emergency is defined in Section 13009 of Title 14 of the California Administrative Code.

A. **Applicability.** The procedures of this Subsection apply where persons or public agencies seek a permit for emergency work pursuant to Section 30624 of the California Public Resources Code.

B. **Application.** Applications for permits for emergency work shall be made to the Community Development Director by letter or facsimile during business hours if time allows, or by telephone or in person if time does not allow. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective, or preventive work required to deal with the emergency;
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action;
6. The identity of other public agencies alerted to the emergency;
7. Access routes to the emergency; and
8. Any other information deemed necessary by the Community Development Director.

C. **Verification of Emergency.** The Community Development Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

D. **Coordination and Public Notice.** Prior to issuance of an Emergency Permit, when feasible, the Community Development Director shall notify, and coordinate with, the South Central Coast District Office of the California Coastal Commission as to the nature of the emergency and the scope of the work to be performed. This notification shall be in person or by telephone. The Community Development Director shall provide public notice of the proposed emergency action required by Section 13329.3 of Title 14 of the California Administrative Code, with the extent and type of notice determined on the basis of the nature of the emergency itself.

E. **Issuance.** The Community Development Director may grant a permit for emergency work upon reasonable terms and conditions, including an expiration date and the requirement for a regular permit application later, if the Community Development Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits, and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
2. Public comment on the proposed emergency action has been reviewed if time allows;

3. The work proposed would be consistent with the requirements of the City's Local Coastal Program and the California Coastal Act of 1976;

4. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency. This finding shall be made with the maximum information and analysis possible given the expedited review demanded by the emergency situation; and

5. The Community Development Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) since a Coastal Development Permit application for this type of work must be reviewed by the California Coastal Commission pursuant to the provisions of Public Resources Code Sections 30519(b) and 30600(d).

F. **Format of Permit.** The Emergency Permit shall be a written document that includes the following information:

1. The date of issuance;

2. An expiration date;

3. The scope of work to be performed;

4. Terms and conditions of the permit. The Emergency Permit may contain conditions for removal of existing development or structures if they are not authorized in a Coastal Development Permit, or the Emergency Permit may require that a subsequent Coastal Development Permit must be obtained to authorize the removal of such existing unpermitted development or structures;

5. A provision stating that within 90 days of issuance of the Emergency Permit, a Coastal Development Permit application shall be submitted and properly filed consistent with the requirements of this Chapter seeking authorization to retain structures erected pursuant to the Emergency Permit, to remove such structures, or some other alternative;

6. A provision stating that any development or structures constructed pursuant to an Emergency Permit shall be considered temporary until authorized by a subsequent Coastal Development Permit and that issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent development or structures; and

7. A provision that states that the development authorized in the Emergency Permit must be removed unless a complete application for a Coastal Development Permit is filed within 90 days of approval of the Emergency Permit. If all or any portion of the application for the Coastal Development Permit seeking authorization for permanent retention of the development authorized pursuant to the Emergency Permit is denied, the portion of the development that is denied must be removed.

G. **Notice to the Planning Commission.**

1. The Community Development Director shall report in writing to the Planning Commission at each meeting of the Commission the Emergency Permits applied for or issued since the last report. The report shall contain a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time the application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. Copies of this report shall also be sent to the South Central Coast District Office of the California Coastal Commission.

2. All Emergency Permits issued after completion of the agenda for the Planning Commission meeting shall be briefly described by the Community Development Director at the meeting and the written report required by Paragraph 1 above shall be distributed prior to the next meeting of the Planning Commission.

3. The report of the Community Development Director shall be informational only. The decision to issue an Emergency Permit is solely at the discretion of the Community Development Director.

Chapter 28.58 Conditional Use Permits

28.58.010 Purpose

This Chapter established a process for consideration and review of uses that are generally consistent with the purposes of the zone district in which they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties, and meaningful minimum standards can only be established in relation to the particular features of each individual development.

28.58.020 Applicability

Approval of a Conditional Use Permit is required for uses or developments specifically identified in any section of this Title that refers to a requirement for a Conditional Use Permit.

28.58.030 Review Authority

The Planning Commission shall approve, conditionally approve, revise or deny applications for Conditional Use Permits based on consideration of the requirements of this Chapter.

28.58.040 Application Requirements

Applications for Conditional Use Permits shall be filed with the Community Development Director in accordance with the provisions set forth in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Conditional Use Permit shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings, below.

28.58.050 Public Notice and Hearing

All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter TBD, Common Procedures.

28.58.060 Required Findings

The Planning Commission must make all of the following findings in order to approve or conditionally approve a Conditional Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

A. The proposed use is allowed with a Conditional Use Permit within the applicable zone district and complies with all specific requirements for the Conditional Use Permit, as well as all other applicable provisions of this Title and all other titles of the Municipal Code;

B. The proposed use is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan;

C. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements;

D. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided;

E. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time; and

F. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping, open space and other features is compatible with the character of the area.

28.58.070 Conditions of Approval

In approving a Conditional Use Permit, the Planning Commission may impose reasonable conditions or restrictions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;

B. Achieve the general purposes of this Title or the specific purpose of the zone district in which the project is located;

C. Achieve the findings for a Conditional Use Permit listed in Section TBD, Required Findings, above; or

D. Mitigate impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The Planning Commission may require reasonable guarantees and evidence that the applicant is complying or will comply with the conditions of approval.

Chapter 28.59 Design Review

Design review is as required by Chapter 22.22, Historic Structures, Chapter 22.68, Architectural Board of Review, Chapter 22.69, Single Family Design Review Board, and Chapter 22.70, Sign Regulations, of Santa Barbara Municipal Code.

Chapter 28.60 Development Agreements

28.60.010 Purpose

This chapter establishes a process for consideration and review of Development Agreements consistent with Section 65864 et seq., of the Government Code. Development Agreements are legally binding agreements that grant assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

28.60.020 Applicability

A. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this Chapter, the statutes shall control.

B. A Development Agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.

28.60.030 Review Authority

A. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for review by the Planning Commission and recommendation to the City Council.

B. The Planning Commission shall review the Development Agreement and provide recommendation to the City Council.

C. The City Council shall have the exclusive authority to approve a Development Agreement.

28.60.040 Application Requirements

Applications for Development Agreements shall be filed with the Community Development Department in accordance with the provisions set forth in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings, below.

28.60.050 Contents of Development Agreements

A. **Required Contents.** A Development Agreement shall specify its duration; the permitted uses of the subject property; the general location and density or intensity of

uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability.

B. **Additional Contents.** Development Agreements may also include the following:

1. ***Improvements and Fees.*** A Development Agreement may include requirements for construction and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.

2. ***Conditions.*** A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

3. ***Phasing.*** A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.

4. ***Financing.*** If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.

5. ***Indemnity.*** A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

6. ***Performance Obligation Fees.*** A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.

7. ***Other Items.*** Other components and provisions as negotiated by City.

28.60.060 Public Notice

A proposed Development Agreement shall be executed by the Applicant before it is placed before the Planning Commission and the City Council for consideration at a public hearing. Public notice of hearings by the Planning Commission and City Council for a Development Agreement shall be given as specified in Chapter TBD, Common Procedures. Notice of the hearing shall also be mailed or delivered at least 10 days before the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

28.60.070 Planning Commission Action

A. **Hearing.** The Planning Commission shall conduct a public hearing for the purpose of making recommendations to the City Council in conformance with the provisions of Chapter TBD, Common Procedures.

B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development Agreement. The Community Development Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

C. **Denial.** If the Planning Commission has recommended against the Development Agreement, the City Council is not required to take any further action unless an appeal is filed in accordance with Section TBD, Appeals.

28.60.080 City Council Action

A. **Hearing.** After receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Chapter TBD, Common Procedures.

B. **Decision.** After the conclusion of the hearing, the City Council shall approve, modify, or disapprove the Development Agreement. Approval of a Development Agreement shall be by ordinance. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred back to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing. Failure of the Planning Commission to provide a report to the City Council within 45 days after the referral, shall be deemed a recommendation for approval.

28.60.090 Required Findings

The City Council shall find that the project is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan in order to approve or conditionally approve a Development Agreement.

28.60.100 Recordation of Development Agreement

Within 10 days of City Council approval of the Development Agreement, the Director shall execute the Development Agreement on behalf of the City, and the City Clerk shall record the Development Agreement with the County Recorder.

28.60.110 Annual Review

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year at which time the Director shall review each approved Development Agreement.

A. **Finding of Compliance.** If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, the Director shall issue a finding of compliance, which shall be in recordable form and may be recorded with the County Recorder after conclusion of the review.

B. **Finding of Noncompliance.** If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which applicant has failed to comply, and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or modification pursuant to this Chapter.

C. **Appeal of Determination.** Within seven days after issuance of a finding of compliance or a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

28.60.120 Amendment or Cancellation

A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the Development Agreement to the City Council for termination or modification. The City Council shall conduct a public hearing. After the public hearing, the City Council may terminate the Development Agreement modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

B. **Mutual Agreement**. Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and Director.

C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.

D. **Rights of the Parties After Cancellation or Termination**. In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall terminated. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

28.60.130 Effect of Approved Agreement

A. **Existing Rules and Regulations**. Unless otherwise specified in the Development Agreement, the City's rules, regulations and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations and official policies in force on the effective date of the Development Agreement.

B. **Future Rules and Regulations**. A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies.

C. **State and Federal Rules and Regulations**. In the event that state or federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or preclude compliance with one or more provisions of the Development Agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

28.60.140 Enforcement

The procedures for enforcement, amendment, modification, cancellation or termination of a Development Agreement specified in this section and in Government Code Section 65865.4 or any successor statute, are nonexclusive. A Development Agreement may be enforced, amended, modified, cancelled or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

Chapter 28.61 Development Plan

28.61.010 Purpose

This Chapter establishes a process for consideration and review of Development Plans required pursuant to Chapter TBD, Nonresidential Growth Management Program.

28.61.020 Applicability

Approval of a Development Plan is required for uses or developments specifically identified in any section of this Title that refers to a requirement for a Development Plan.

28.61.030 Review Authority

The following bodies shall approve, conditionally approve, or deny applications for Development Plans based on consideration of the requirements of this Chapter.

A. **Planning Commission Approval.** The following projects shall require approval of a Development Plan from the Planning Commission:

1. Any project which requires Development Plan approval which also requires discretionary action from the Planning Commission.
2. Any nonresidential construction project (including a public utility facility) that involves the construction, addition, or conversion of more than 3,000 square feet of new nonresidential floor area.
3. Any Transfer of Existing Development Rights that involves the construction, addition, or conversion of more than 1,000 square feet of nonresidential floor area (as an aggregate total of all development categories) on the receiving site.
4. Any project which requires Development Plan approval which also requires the preparation of an Environmental Impact Report.

B. **Staff Hearing Officer Approval.** Any nonresidential construction project that involves the construction, addition, or conversion of more than 1,000 but not more than 3,000 square feet of new nonresidential floor area (excluding Transfers of Existing Development Rights), and which also requires discretionary action from the Staff Hearing Officer, shall require approval of a Development Plan from the Staff Hearing Officer.

C. **Design Review Approval.** Any nonresidential construction project that involves the construction, addition, or conversion of more than 1,000 but not more than 3,000 square feet of new nonresidential floor area, and does not require discretionary action by the Planning Commission or Staff Hearing Officer shall require approval of the design of a Development Plan from the Architectural Board of Review, or from the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark, historic, or special design district, or if the structure is a designated City Landmark.

28.61.040 Application

Applications for Development Plans shall be filed with the Community Development Director in accordance with the provisions set forth in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Development Plan shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings, below.

28.61.050 Public Notice and Hearing

All applications for Development Plans shall require public notice and hearing pursuant to Chapter TBD, Common Procedures.

28.61.060 Required Findings

The review authority must make all of the following findings in order to approve or conditionally approve a Development Plan application. The inability to make one or more of the findings is grounds for denial of the application.

A. The proposed development complies with all applicable provisions of this Title;

B. The proposed development is consistent with the principles of sound community planning;

C. The proposed development will not have a significant adverse impact upon the community's aesthetics or character in that the size, bulk or scale of the development will be compatible with the neighborhood based on the Project Compatibility Analysis criteria found in Sections 22.22.145 or 22.68.045 the Santa Barbara Municipal Code; and

D. The proposed development is consistent with the policies of the City of Santa Barbara Traffic Management Strategy (as approved by City Resolution No. 13010 dated as of March 12, 2013) as expressed in the allocation allowances specified in Section TBD, Traffic Management Strategy.

28.61.070 Conditions of Approval

In approving a Development Plan, the review authority may impose reasonable conditions or restrictions deemed necessary to:

A. Achieve the general purposes of this Title or the specific purpose of the zoning district in which the project is located;

B. Achieve the findings for a Development Plan listed in Section TBD, Required Findings, above; or

C. Mitigate impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The review authority may require reasonable guarantees and evidence that the applicant is complying or will comply with the conditions of approval. Violation of any such condition shall be grounds for suspension or revocation of any building or grading permit or certificate of occupancy issued with respect to the Development Plan.

28.61.080 Expiration, Extensions, and Changes to Approved Plans

Development Plans are effective, and may only be extended or revised as provided in Chapter TBD, Common Procedures, except as provided below.

A. **Beginning Date – Development Plans Already Approved.** The adoption of this ordinance shall not alter the date of approval of a Development Plan approved prior to the adoption of this ordinance.

B. **Specific Plan Development Plan Approvals.** For the purposes of calculating the expiration date of a Specific Plan project, Development Plan approved in accordance with Santa Barbara Municipal Code Chapter 29.30, Development Plan approvals shall be deemed to expire eight years after the date of the final City action approving the project Development Plan and shall include any related project approvals or modifications granted by the City in connection therewith.

Chapter 28.62 Enforcement and Penalty

28.62.010 Purpose

This Chapter establishes the responsibilities of various departments, officials and public employees of the City to enforce the requirements of this Title and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Title.

28.62.020 Duties

All departments, officials, and public employees of the City who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title, and shall issue no permit or license, except licenses issued for revenue purposes only, for uses, buildings or purposes in conflict with the provisions of this Title, and any such permit or license issued in conflict with the provisions of this Title shall be null and void.

A. **Community Development Director.**

1. It shall be the duty of the Community Development Director, with respect to new construction, additions, alterations, changes of use, or moving of existing buildings, to enforce this Title by withholding, suspending, or revoking permits, approvals, Final Inspections, or Certificates of Occupancy where plan checks or field inspections reveal that completion of the project will result in a violation of this Title.

2. A Certificate of Occupancy or Final Inspection on any City building permit shall not be approved until all work required by the building permit and all other conditions imposed by any officer, board, commission or other authority have been completed or satisfactorily met by bonding or other appropriate method.

3. With respect to existing construction, and all other sources of violations, it shall be the duty of the Community Development Director to enforce this Title.

B. **City Attorney**. The provisions of this Title shall be interpreted by the City Attorney.

28.62.030 Enforcement

A. Any building or structure erected or maintained or any use of property contrary to the provisions of this Title shall be, and the same is hereby declared to be, unlawful and a public nuisance and the City Attorney shall have the authority to commence actions and proceedings for the abatement, removal and enjoinment thereof in the manner provided by law and by Santa Barbara Municipal Code Chapter 1.25, Administrative Code Enforcement Procedures; and shall have the authority to take such other steps and shall apply to any court as may have jurisdiction to grant such reliefs as will abate or remove such building, structure or use and restrain and enjoin any person, firm or

corporations from erecting or maintaining such building or structure or using any property contrary to the provisions of this Title.

B. This Title may also be enforced by injunction issued out of the Superior Court upon the suit of the City or the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way affect the penal provisions hereof.

28.62.040 Penalty

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Title shall be deemed guilty of a misdemeanor but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Chapter 1.28, Penalty, of the Santa Barbara Municipal Code. Each day that violation of this Title continues shall be considered a separate offense.

Chapter 28.63 General Plan and Zoning Amendments

28.63.010 Purpose

The purpose of this Chapter is to:

A. Establish procedures for making changes to the General Plan to address changes in applicable law and problems and opportunities that were unanticipated at the time of General Plan adoption or the last amendment.

B. Establish procedures for making changes to the text of this Title or to the Zoning Map whenever the public necessity, convenience, general welfare, or good zoning practice justify such amendment, consistent with the General Plan.

28.63.020 Applicability

The procedures in this Chapter shall apply to:

A. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions, and

B. All proposals to change the text of this Title or to revise a zoning district classification or zoning district boundary line shown on the Zoning Map.

28.63.030 Initiation

An application for an amendment to the General Plan, Zoning Ordinance, or Zoning Map may be made by the either the Planning Commission or City Council upon its own motion, or the Planning Commission upon the verified application of any property owner or authorized agent and following a public hearing.

28.63.040 Application Requirements

Applications for a General Plan or Zoning Amendment shall be filed with the Community Development Director in accordance with the provisions set forth in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a General Plan or Zoning Amendment shall include such additional information and supporting data as considered necessary to process the application.

A. **Rezoning.** At the time of any zoning or rezoning, the new zone boundary shall follow existing lot lines as shown on the County of Santa Barbara Assessor Parcel Maps, unless otherwise recommended by the Planning Commission.

28.63.050 Maximum Number of General Plan Amendments

Except as otherwise provided by applicable law, no mandatory element of the General Plan can be amended more frequently than four times during any calendar year. Subject to that

limitation, an amendment may be made at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.

28.63.060 Public Notice

Public notice of hearings by the Planning Commission and the City Council for a General Plan or Zoning Amendment shall be given as specified in Chapter TBD, Common Procedures. Notice of the hearing shall also be mailed or delivered at least 10 days before the hearing to any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

28.63.070 Planning Commission Action

A. **Hearing.** The Planning Commission shall conduct a public hearing for the purpose of making recommendations to the City Council in conformance with the provisions of Chapter TBD, Common Procedures.

B. **Recommendation to Council**. Following the public hearing, the Planning Commission shall make a written recommendation on the proposed amendment. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Planning Commission. The Community Development Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council.

C. **Denial**. If the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an appeal is filed in accordance with Section TBD, Appeals.

28.63.080 City Council Action

A. **Hearing.** After receiving the report from the Planning Commission, the City Council shall hold a public hearing in conformance with the provisions of Chapter TBD, Common Procedures.

B. **Decision.** After the conclusion of the hearing, the City Council may approve, revise or deny the proposed amendment. If the Council proposes any substantial revisions not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred back to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing. Failure of the Planning Commission to provide a report to the City Council within 45 days after the referral, shall be deemed a recommendation for approval.

28.63.090 General Plan Consistency Required for Zoning Amendments

The Planning Commission shall not recommend and the City Council shall not approve a Zoning Amendment unless the proposed amendment is found to be consistent with the General Plan.

28.63.100 Post Approval Procedures

Following the Council action, the City Clerk shall make the documents amending the General Plan or Zoning Ordinance, including the maps and text, available for public inspection.

A. Upon the effective date of amendment, boundaries of all areas to be zoned or rezoned, whether by application or initiated by the City, including zoning in areas to be annexed to the City shall be described and documented in one or more of the following ways:

   1. Metes and bounds (bearings and distances in feet) covering all courses and distances around the boundaries of each area to be zoned or rezoned; or

   2. Where the proposed boundary lines are coincident with existing parcel lines, the legal description of the property to be zoned or rezoned may be done by referencing the current assessor's block and parcel numbers; or

   3. Combination of the above as determined by the Community Development Director; or

   4. When the preferred methods indicated above are determined to be impractical by the Community Development Director, a map which is drawn to scale may be used.

B. The description of subject boundary shall also include, but not be limited to, references to contiguous lines of public alleys, public streets, highways, freeways, and railroad property existing at the time of said zoning or rezoning, as determined by the Director.

Chapter 28.64 Local Coastal Program Amendments

28.64.010 Purpose and Applicability

The purpose of this Chapter is to establish procedures, consistent with the Coastal Act, for amending the City's certified Local Coastal Program, including changes in the land use and/or zoning designation on properties where such change is warranted by consideration of location, surrounding development and timing of development; text or policy amendments to the City's Local Coastal Plan as the City may deem necessary or desirable; and amendments to any ordinances or other implementation measures carrying out the provisions of the City's Local Coastal Plan.

28.64.020 Initiation of Amendments

An application for an amendment to the Local Coastal Program may be made by either the Planning Commission or City Council upon its own motion, or the Planning Commission upon the verified application of any property owner or authorized agent and following a public hearing.

28.64.030 Review and Processing

Amendments to the certified Local Coastal Program shall be reviewed and processed as pursuant to Chapter TBD, General Plan and Zoning Amendments.

28.64.040 California Coastal Commission Certification

An amendment to Local Coastal Program shall not take effect until it has been certified by the Coastal Commission pursuant to Chapter 6, Article 2 or the California Coastal Act.

A. Approval by the City Council of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission by the City Council in accordance with Sections 30512, 30513, and 30514 of the Coastal Act.

B. Denial of an amendment request by the City Council shall be final and there is no appeal to the Coastal Commission. However, any person proposing a public works projects or a major energy facility development for which an amendment request was denied by the City Council may file with the Coastal Commission a request for an amendment pursuant to Public Resources Code Section 30515.

Chapter 28.65 Modifications

28.65.010 Purpose

The purpose of this Chapter is to establish a means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Title and it is not possible or practical to approve a Variance. Furthermore, it is the policy of the City to comply with the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through relief from the application of the City's zoning regulations.

28.65.020 Applicability

Modifications may be granted to any of the following standards:

A. Parking.

B. Setbacks, Lot Area, Floor Area, Street Frontage, Open Yard, Front Yard, Accessory Buildings, Required Distances, and Nonresidential Lot Coverage.

C. Fences and Hedges.

D. Solar Access.

E. Maximum Floor Area (Floor to Lot Area Ratio).

F. Standards necessary for the Accommodation of Disabilities.

28.65.030 Review Authority

The following bodies shall approve, conditionally approve, or deny applications for modifications based on consideration of the requirements of this Chapter.

A. **Planning Commission.** The Planning Commission shall have review authority for all modifications when other discretionary applications require Planning Commission approval, and for modifications to Maximum Floor Area.

B. **Staff Hearing Officer.** The Staff Hearing Officer shall have review authority for all other modifications.

28.65.040 Application Requirements

An application for a modification shall be filed with the Community Development Director in accordance with Section TBD, Application Forms and Fees. The application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification are satisfied. The applicant shall also submit plans delineating the requested modification.

28.65.050 Public Notice and Hearing

All applications for Modifications shall require public notice and hearing pursuant to Chapter TBD, Common Procedures.

28.65.060 Required Findings

A. **Parking Modifications for Projects Heard by the Staff Hearing Officer.** A modification for reduced parking may only be approved if the Staff Hearing Officer finds that:

1. Reduced parking will meet anticipated parking demand generated by the project site; or
2. A physical hardship exists that would otherwise prevent reasonable use of the property for an existing single-unit residence, including but not limited to extreme slope or narrow lot width; or
3. Conformance with parking regulations is anticipated to result in a significant or less than significant impact to a designated historic resource.

B. **Parking Modifications for Projects Heard by the Planning Commission.** A modification for reduced parking may only be approved if the Planning Commission finds that:

1. All of the same findings as Staff Hearing Officer above, for any project requiring Planning Commission approval; or
2. Other criteria consistent with the purposes of the parking regulations and based on unusual or unique circumstances of a particular case, as deemed appropriate by the Planning Commission.

C. **Maximum Floor Area (Floor to Lot Area Ratio).** A modification to the maximum floor area in RS Zones to allow a development that would otherwise be precluded by operation of Subsection 28.04.030.A, Floor Area, Precluded Development-RS Zones, may only be approved if the Planning Commission makes all of the following findings:

1. Not less than five members of the Single Family Design Board or six members of the Historic Landmarks Commission (on projects referred to the Commission pursuant to Section 22.69.030) have voted in support of the modification following a concept review of the project;
2. The subject lot has a physical condition (such as the location, surroundings, topography, or the size of the lot relative to other lots in the neighborhood) that does not generally exist on other lots in the neighborhood; and
3. The physical condition of the lot allows the project to be compatible with existing development within the neighborhood that complies with the net floor area standard.

D. **Accommodation of Disabilities**. A modification of any zoning regulation where the modification is necessary to allow improvements to an existing building in order to

provide reasonable accommodations to individuals with disabilities may only be approved where the review authority makes all of the following findings:

1. The project does not include new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require a modification;
2. That the housing or other property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;
3. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;
4. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
5. That denial of the requested modification would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

E. **All Other Modifications.** A decision to grant a modification for any other standard as provided for in this Chapter shall be based on the following findings:

1. The modification is consistent with the general purposes of this Title or the specific purposes of the zoning district in which the project is located; and
2. The modification is necessary to accomplish any one of the following:
   a. Secure an appropriate improvement on a lot; or
   b. Prevent unreasonable hardship due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance; or
   c. Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site; or
   d. Construct a housing development containing affordable dwelling units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures.

28.65.070 Conditions of Approval

A. In approving a Modification, the review authority may impose any conditions deemed necessary to:

1. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;
2. Achieve the findings for the modification granted; or

3. Mitigate impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

B. Modifications approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

Chapter 28.66 Performance Standard Permit

28.66.010 Purpose

This Chapter establishes a process for individual consideration and review of uses that are generally consistent with the purposes of the zoning district in which they are proposed, but which have unique features that make it impractical to establish their suitability in a given location prior to their proposal.

28.66.020 Applicability

Approval of a Performance Standard Permit is required for uses or developments specifically identified in any section of this Title that refers to a requirement for a Performance Standard Permit.

28.66.030 Review Authority

The Staff Hearing Officer shall approve, conditionally approve, revise or deny applications for Performance Standard Permits based on consideration of the requirements of this Chapter.

28.66.040 Application Requirements

Applications for Performance Standard Permits shall be filed with the Community Development Director in accordance with the provisions set forth in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Performance Standard Permit shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings, below.

28.66.050 Public Notice and Hearing

All applications for Performance Standard Permits shall require public notice and hearing before the Staff Hearing Officer pursuant to Chapter TBD, Common Procedures.

28.66.060 Required Findings

The Staff Hearing Officer must make all of the following findings in order to approve or conditionally approve a Performance Standard Permit application. The inability to make one or more of the findings is grounds for denial of an application.

A. The proposed use is allowed with a Performance Standard Permit within the applicable zone district and complies with all specific requirements and findings for the Performance Standard Permit, as well as other applicable provisions of this Title and all other titles of the Municipal Code; and

B. The site is physically suitable for the type, density, and intensity of use being proposed, including access and utilities.

28.66.070 Conditions of Approval

In approving a Performance Standard Permit, the Staff Hearing Officer may impose reasonable conditions or restrictions deemed necessary to:

A. Achieve the general purposes of this Title or the specific purpose of the zoning district in which the project is located;

B. Achieve the findings for a Performance Standard Permit listed in Section TBD, Required Findings, above; or

C. Mitigate impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The Staff Hearing Officer may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 28.67 Precise Plans

28.67.010 Purpose

This Chapter establishes a process for consideration and review of Precise Plans.

28.67.020 Applicability

A Precise Plan is required as part of an application for a classification as an Auto, Commercial, and Services (AC) Overlay Zone, Planned Unit Development (PUD) Overlay Zone, Research and Development (RD) Overlay Zone, or Resort Hotel (RH) Overlay Zone, or for development greater than 10,000 square feet in the Commercial Restricted (C-R) Zone.

The Precise Plan shall be processed concurrently with the application for the amendment to the Zoning Map to apply a classification as an overlay zone.

28.67.030 Review Authority

A. **Precise Plans in Conjunction with Overlay Zone Classification.** The City Council shall approve, conditionally approve, revise or deny applications for Precise Plans associated with an application to apply a classification as an overlay zone.

B. **Precise Plan Amendments and Precise Plans in Established Overlay Zones.** The Planning Commission shall approve, conditionally approve, revise or deny applications for amendments or revisions to Precise Plans and new Precise Plans within established Overlay Zones based on consideration of the requirements of this Chapter.

C. **Precise Plans in Conjunction with Larger Buildings and Structures in the C-R Zone.** The Planning Commission shall approve, conditionally approve, revise or deny applications for, or amendments or revisions to, Precise Plans based on consideration of the requirements of this Chapter.

28.67.040 Application Requirements

Applications for Precise Plans shall be filed with the Community Development Director in accordance with the provisions set forth in Section TBD, Application Forms and Fees. In addition to any other application requirements, the application for a Precise Plan shall include data or other evidence in support of the applicable findings required by Section TBD, Required Findings, below.

28.67.050 Public Notice and Hearing

All applications for Precise Plans shall require public notice and hearing before the Planning Commission pursuant to Chapter TBD, Common Procedures.

28.67.060 Required Findings

The Planning Commission must make all of the following findings in order to approve or conditionally approve a Precise Plan application. The inability to make one or more of the findings is grounds for denial of an application.

A. The proposed use and development complies with all specific requirements of the overlay zone in which the project is located, as well as all other applicable provisions of this Title and all other titles of the Municipal Code;

B. The proposed use and development is deemed essential or desirable to the public convenience or welfare and is consistent with the General Plan and any applicable specific plan;

C. The proposed use and development will not be adverse to the public health, safety, or general welfare of the community, nor materially detrimental to surrounding properties or improvements;

D. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant adverse impact on surrounding properties is minimized;

E. The design and operation of the project and its components, including hours or manner of operation, outdoor lighting and noise generating equipment, will not be a nuisance to the use of property in the area, particularly residential use;

F. Adequate access and off-street parking including parking for guests is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time; and

G. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping, open space and other features is compatible with the character of the area.

28.67.070 Conditions of Approval

In approving a Precise Plan, the Planning Commission may impose reasonable conditions or restrictions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;

B. Achieve the general purposes of this Title or the specific purpose of the overlay zone in which the project is located;

C. Achieve the findings for a Precise Plan listed in Section TBD, Required Findings, above; or

D. Mitigate impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The Planning Commission may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 28.68 Recorded Agreements

28.68.010 Purpose

This Chapter establishes procedures for the creation of Recorded Agreements to assure compliance with any development standard, performance standard, condition of approval, or any other requirement of law.

28.68.020 Applicability

A Recorded Agreement may be required by the Community Development Director on any application for a permit or approval, or may be requested by any person having a legal or equitable interest in real property, whenever there is a special situation which requires a written agreement between one or more landowners and the City.

28.68.030 Review Authority

The Director, in consultation with the City Attorney, shall determine if a Recorded Agreement is necessary in order to establish limitations associated with a code requirement, development standard, performance standard, or to guarantee access to, or use of, a structure, site development, or use. Examples include but are not limited to the following, or any combination thereof:

A. **Parking.** A recorded agreement may be requested to guarantee access to any required parking facility, loading area, driveway, or vehicle maneuvering area that overlaps multiple property lines or is provided offsite, or to establish limitations associated with valet parking, tandem parking, or shared parking arrangements such as multiple uses with different times of occupancy.

B. **Access.** A recorded agreement may be requested as a condition for approving permits when necessary to establish ingress or egress, emergency access, or light and air access.

C. **Landscaping and Open Space.** A recorded agreement may be requested to establish limitations or guarantee access to any required landscaping or open space.

D. **Garbage and Refuse.** A recorded agreement may be requested to guarantee access to any garbage and refuse area that overlaps multiple property lines or is provided offsite, or to establish any limitations for any garbage or refuse collection or disposal area.

E. **Floor Plan Configurations.** A recorded agreement may be requested to establish limitations or to allow for additional residential amenities than are otherwise allowed by this Title for residential units, guestrooms, or other similar allowed uses. The recorded agreement shall provide for the immediate removal of the additional residential amenity if there is a change in circumstances including any code violations, change in density, or change in residential occupancy.

F. **Operational Limitations.** A recorded agreement may be requested to establish limitations associated with a performance standard such as required equipment necessary for the reduction of noise, odors, or similar.

G. **Lot Tie Agreement.** A "Lot Tie Agreement" may be requested in order to hold more than one contiguous parcel under common ownership as a single building site for the purposes of complying with development standards or building code requirements. The intent of allowing a "Lot Tie Agreement", rather than a Merger of Parcels pursuant to Chapter 27.30, is to allow flexibility for minor improvements to existing nonconforming development. A Lot Tie Agreement shall not be utilized for major improvements to existing structures, such as additions to, or new or reconstructed buildings or structures.

28.68.040 Application Requirements

An agreement, in a form satisfactory to the City Attorney, shall be executed by representatives of the City, and each owner of the lot on which the agreement is necessary to establish the development limitations, access, or use. The agreement may be in the form of an easement, covenant running with the land, or other satisfactory agreement. At minimum, the agreement shall include the following information: a legal description of the real property; exhibits showing the property subject to the agreement; the existing and proposed uses on the lot or lots; a description of the specific standard or requirement subject to the agreement for those uses under the code; a description of any relevant nonconformities; a description of how the standards or requirements are satisfied by the agreement; and a description of the consequences of a violation.

28.68.050 Runs with Real Property

A Recorded Agreement executed pursuant to this Chapter shall be enforceable by the successors in interest to the real property benefited by the Agreement, the City and any person authorized to enforce it by the City.

28.68.060 Effective Date, Amendments, and Penalties

A. The Recorded Agreement shall be effective when recorded.

B. The agreement shall not be amended, modified or rescinded without the prior written consent of the City. An agreement authorized by this Chapter may not be terminated except as authorized by Section TBD, Procedure for Release of Recorded Agreement.

C. If at any time the terms and conditions of the agreement are not maintained, the certificate of occupancy shall automatically be suspended, and the building or use served by the agreement shall not thereafter be occupied or used, until either the terms and conditions are reestablished, or the agreement is terminated pursuant to Section TBD, Procedure for Release of Recorded Agreement.

28.68.070 Recordation

The Agreement shall be recorded in the official records of the County of Santa Barbara. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent afforded by the recording laws of this state. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property.

28.68.080 Procedure for Release of Recorded Agreement

Any owner of property which is burdened or benefited by the agreement may file an application for the release of the agreement. The application shall be filed with the Community Development Director on forms approved by the Director, shall contain the information required by the Director, and be accompanied by all applicable processing fees. The Community Development Director shall review said application and shall upon a determination that the restriction of the property is no longer necessary to achieve the land use goals of the City, shall record a release of the agreement.

Chapter 28.69 Specific Plans

28.69.010 Purpose

The purpose of this Chapter is to establish a procedure for the preparation, adoption, and administration of Specific Plans.

28.69.020 Procedures

The procedure for the preparation, adoption and administration of Specific Plans shall be as provided by Articles 8, 9, and 10 of Chapter 3 of Division 1 of Title 7 of the California Government Code (commencing with Section 65450 et seq.), as most recently amended, except that a Specific Plan may only be approved or amended in the same manner that the General Plan may be approved or amended pursuant to Chapter TBD, General Plan Map and Zoning Amendments, and Section 1507 of the City Charter.

28.69.030 Issuance of Building Permits

A permit or approval provided for in this Title shall not be issued or granted for any structure, alteration or use that is inconsistent with an adopted Specific Plan unless an exception is granted by the Community Development Director upon finding that the project allowed by the permit or approval would not impair the City's ability to complete or implement the Specific Plan.

Chapter 28.70 Variances

28.70.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where it will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

28.70.020 Applicability

When practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this Title occur by reason of a strict interpretation of any of the provisions of this Title, either the Planning Commission or City Council may upon its own motion, or the Planning Commission upon the verified application of any property owner or authorized agent may, in specific cases, initiate proceedings for the granting of a Variance from the provisions of this Title under such conditions as may be deemed necessary to assure that the spirit and purposes of this Title will be observed, public safety and welfare secured, and substantial justice done.

A. All acts of the Planning Commission and City Council under the provisions of this Chapter shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this Title shall apply in special cases, as provided in this Chapter, and shall not be construed as amendments to the provisions of this Title or map.

B. Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

28.70.030 Review Authority

The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this Chapter.

28.70.040 Application Requirements

Applications for a Variance shall be filed with the Community Development Director on the prescribed application forms in accordance with the procedures in Chapter TBD, Common Procedures. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section TBD, Required Findings.

28.70.050 Public Notice and Hearing

An application for a Variance shall require public notice and hearing before the Planning Commission pursuant to Chapter TBD, Common Procedures.

28.70.060 Required Findings

The Planning Commission must make all of the following findings in order to approve or conditionally approve a Variance application. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination. Individual economic circumstances are not a proper consideration for the granting of a Variance.

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

B. That the granting of such Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in such zone or vicinity in which the property is located;

C. That such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;

D. The granting of the Variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest; and

E. The granting of the Variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans, and of the General Plan and Local Coastal Program.

28.70.070 Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section TBD, Required Findings, above and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 28.71 Zoning Clearance

28.71.010 Purpose

This Chapter establishes procedures for conducting a Zoning Clearance to verify that each new or altered structure site development, or use complies with all of the applicable requirements of this Title.

28.71.020 Applicability

A Zoning Clearance is required for all buildings or structures erected, constructed, altered, repaired or moved; the use of vacant land; or any new use or change in use, that are allowed as a matter of right, or that require any permit or approval provided for in this Title.

28.71.030 Review and Decision

Before the City may issue any permit or approval, the Community Development Director shall review the application to determine whether the structures, site development, or use complies with all provisions of this Title and substantially conforms to any discretionary approvals, and that all conditions of such permits and approvals have been satisfied.

A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in accordance with the provisions set forth in Section TBD, Application Forms and Fees. The Director may request that the Zoning Clearance application be accompanied by a written narrative, plans or other related materials necessary to show that the proposed structure, site development, or use of the site complies with all provisions of this Title and the requirements and conditions of any applicable discretionary approval.

B. **Determination**. If the Director determines that the proposed structure, site development or use Title conforms to all the applicable development and use standards of this Title, the Director shall issue a Zoning Clearance in the form of a physical stamp on submitted plans, an electronic signature or approval, a written memo or other approved method. Attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans and building elevations and sections may be required, as a record of the proposal's conformity with the applicable regulations of this Title.

C. **Exceptions.** A Zoning Clearance shall not be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any building or zoning regulations.

D. **Violation of Law Not Permitted.** A Zoning Clearance issued pursuant to this Chapter shall not constitute authorization to violate any provision of this Title or law, regardless of whether the Zoning Clearance purports to authorize such violation or not. A Zoning Clearance presuming to give authority to violate or cancel the provisions of this Title shall not be valid. The issuance of a Zoning Clearance based on construction documents and other data shall not prevent the Director from requiring the correction

of errors in the construction documents and other data. The Director is also authorized to prevent occupancy or use of a structure where in violation of this Title.

Chapter 28.72 Zoning Information Report

28.72.010 Purpose

The purpose of this Chapter is to require a Zoning Information Report for purchasers of residential property, setting forth matters of City record pertaining to the authorized use, occupancy, zoning and the results of a physical inspection of the property. The primary purpose of the Report is to provide information to the potential buyer of residential property concerning the zoning and permitted use of the property.

28.72.020 Applicability

The provisions of this Chapter shall apply to the transfer of title of any residential property except for the following sales:

A. The first sale of each separate residential building located in a subdivision where the final subdivision or parcel map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale.

B. The sale of any residential property on which a new home is under construction pursuant to a valid building permit.

C. The sale of any residential property where the final building permit inspection on a new home was issued within three months of the date on which the owner entered into the agreement for the sale of a home to the buyer.

D. The sale of a condominium unit.

28.72.030 Zoning Information Report Required

It shall be unlawful for any owner to consummate the transfer of title of residential property without providing the transferee with a Zoning Information Report.

A. **Application.** No later than five days after entering into an "agreement of sale" of any residential property, the owner or owner's authorized representative shall make application to the City for a Zoning Information Report on a form provided, and pay a fee as established by resolution of the City Council.

B. **Copy to Buyer.** The owner or owner's authorized representative shall provide a copy of the Zoning Information Report to the buyer or buyer's authorized representative no later than three days prior to consummation of the transfer of title. The buyer or buyer's authorized representative may waive in writing the requirement for delivery three days prior to consummation of the transfer of title, however, the Report shall be provided to the buyer or buyer's authorized representative prior to the consummation of the transfer of title.

C. **Proof of Receipt.** Proof of receipt of a copy of the Zoning Information Report shall be obtained by the owner or owner's authorized representative prior to consummation

of the transfer of title. Said proof shall consist of a statement signed by the buyer or buyer's authorized representative stating that the Report has been received, the date of the Report and the date it was received. The original of the signed proof of receipt shall submitted to the Community Development Director no later than the consummation of the transfer of title.

28.72.040 Contents of Zoning Information Report

The Community Development Director shall review the applicable City records and provide the applicant the following information on the Zoning Information Report:

A. Street address and parcel number of the property.

B. The zone classification and permitted uses as set forth in the Zoning Ordinance.

C. Occupancy and use permitted as indicated and established by records.

D. Variance, performance standards permits, conditional use permits, modifications and other administrative acts of record.

E. Any special restrictions in use or development which are recorded in City records and may apply to the property.

F. Any known nonconformities or violations of any ordinances or law.

G. The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46, Building Sewer Inspections, of the Santa Barbara Municipal Code.

H. A statement of whether the real property has had a Building Sewer Lateral Report prepared for the real property pursuant to the requirements of Chapter 14.46, Building Sewer Inspections, of the Santa Barbara Municipal Code, within the five-year period prior to the preparation of the Zoning Information Report and, if so, that a copy of the Building Sewer Lateral Report is available from the City for the buyer's inspection.

I. An advisory statement prepared by the Public Works Director which advises a purchaser of residential real property regarding the potential problems and concerns caused by an inadequate, failing, or poorly-maintained Building Sewer Lateral and advisers a purchaser to obtain a recently-prepared Building Sewer Lateral Inspection Report.

28.72.050 Violation of Law Not Permitted

Any Zoning Information Report issued pursuant to this Chapter shall not constitute authorization to violate any ordinance or law, regardless of whether the Report purports to authorize such violation or not.

28.72.060 Expiration of Report

Each Zoning Information Report shall be valid for a period of 12 months after date of issue or until a transfer of title occurs, whichever is sooner.

28.72.070 Effect of Noncompliance

The failure to comply with the provisions of this Chapter shall not invalidate the transfer or conveyance of real property to a bona fide purchaser or encumbrancer for value.

28.72.080 Minor Zoning Exceptions for Errors in Zoning Information Reports

If a discrepancy or error in a Zoning Information Report involves one or more of the zoning violations specified in Subsection A, the property owner may request a Minor Zoning Exception to obtain relief from the zoning standard up to the maximum amount of relief specified for the particular zoning standard, subject to the findings specified in Subsection C. The actions of the Staff Hearing Officer pursuant to this Section TBD are not subject to the provisions of Chapter TBD, Modifications.

A. **Applicability.** In addition to the alterations, additions, and other development permitted pursuant to Chapter TBD, Nonconforming, Structures, Site Development and Uses, if a discrepancy or error in a Zoning Information Report involves one of the unpermitted improvements listed below, the property owner may request a Minor Zoning Exception:

1. ***Development Less than Five Feet to an Interior Property Line.***

   a. *Conversion of Covered Parking to Another Use.* The conversion of a garage or carport that encroaches into an interior setback to a use other than covered parking (such as storage, workshop, bedroom, or similar) may be granted a Minor Zoning Exception, provided that the number and configuration of parking space(s) required at the time of the conversion is provided on site.

   b. *First Story Windows.* If a building encroaches into an interior or rear setback, the addition of new windows to, or the enlargement or relocation of existing windows on, the first story of the encroaching wall may be granted a Minor Zoning Exception.

2. ***Decks.*** Decks with a total area of not more than 200 square feet, attached to a main building, not extending above the finished floor level of the ground floor, and no closer than two feet to an interior lot line may be granted a Minor Zoning Exception.

3. ***Additions Exceeding the Maximum FAR.*** Additions of floor area to a residence that exceeded the maximum allowed Floor to Lot Area Ratio (FAR) in effect at the time the errant Report was prepared may be granted a Minor Zoning Exception, if the additional floor area is contained within the volume of the legally permitted building (i.e., a loft, cellar, etc.).

B. **Procedures**

1. ***Application Requirements.*** An application for a Minor Zoning Exception shall be filed with the Community Development Director in accordance with Section TBD, Application Forms and Fees. The application shall include substantial evidence indicating the time period of the existence of the proposed development.

2. ***Review Authority.*** The Staff Hearing Officer shall approve, conditionally approve, revise or deny applications for Minor Zoning Exceptions based on consideration of the requirements of this Chapter.

3. ***Record of Decision.*** The Staff Hearing Officer shall issue a written record of decision on the Minor Zoning Exception request in accordance with Chapter TBD, Common Procedures. The decision of the Staff Hearing Officer is final and effective when the decision is made, subject to appeal to the Community Development Director.

C. **Required Findings.** In order to grant a Minor Zoning Exception, the Staff Hearing Officer must make all of the following findings:

1. A material discrepancy or error has occurred in the preparation of a Zoning Information Report regarding the subject property, and the discrepancy or error directly involves the zoning standard from which relief is sought;

2. Substantial evidence has been provided that indicates the improvement for which relief is sought existed in its current form on the site prior to January 1, 1980, or, in the case of accessory structures, August 1, 1975;

3. The Minor Zoning Exception does not involve the permanent removal of a significant component or a character defining element from a historic resource, potential historic resource, or an un-surveyed building located in a Demolition Review Study Area which is more than 50 years old; and

4. The improvement is located in general compliance with the Single Family Design Board's Good Neighbor Guidelines.

D. **Conditions of Approval.** In granting a Minor Zoning Exception, the Staff Hearing Officer may impose reasonable conditions or restrictions deemed necessary to:

1. Achieve the general purposes of this Title or the specific purpose of the zoning district in which the project is located;

2. Minimize potential adverse impacts on neighboring properties that relate to the requested Minor Zoning Exception and are proportionate to the potential impacts on neighboring properties; or

3. Mitigate any impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

The Staff Hearing Officer may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

Chapter 28.73 Zoning Upon Annexation

28.73.010 Purpose

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

28.73.020 Applicability

Unincorporated territory adjoining the City may be pre-zoned for the purpose of determining the zoning that will apply to such property upon annexation.

28.73.030 Procedure

Zoning of property to be annexed shall be either:

A. Established through initiation and processing according to the procedures established under Chapter TBD, Amendments to Zoning Map and Text; or

B. RS-1A pursuant to Santa Barbara Municipal Code Section 28.10.010.12.

28.73.040 Effective Date of Zoning and Time Limit

The zoning of the property to be annexed shall become effective at the time that annexation to the City becomes effective pursuant to Government Code Section 56000 et. seq. If the subject area has not been annexed to the City within five years of the date of City Council approval, the zoning approval is subject to reconsideration by the Planning Commission and the Council.

Rules of Measurement

Chapter 28.03 Rules of Measurement

28.03.010 Purpose

The purpose of this Chapter is to explain how various measurements referred to in this Title are to be calculated.

28.03.020 General Provisions

For all calculations, the applicant is responsible for supplying drawings illustrating the measurements that apply to a project. These drawings must be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Community Development Director.

28.03.030 Determining Average Slope

The average slope is calculated using the following formula: S = 100(I)(L)/A, where:

A. S = Average slope (in percent)

B. I = Contour interval (in feet)

C. L = Total length of all contour lines on the parcel (in feet), excluding the length of contours in drainage channels and in natural water courses below the 25year flood level

D. A = Area of subject area for which the slope is to be determined (in square feet)

28.03.040 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all main and accessory structures, including garages, carports, covered patios, and roofed porches, is summed in order to calculate lot coverage. The following structures are excluded from the calculation:

A. Unenclosed and unroofed decks less than 36 inches in height, uncovered patios, porches, landings, and balconies;

B. Eaves and roof overhangs projecting up to three feet from a wall;

C. Trellises;

D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

E. Non-liveable, residential, accessory structures that do not require a building permit for construction or installation.

28.03.050 Determining a Watercourse

A watercourse includes all land within the top of either bank of any watercourse within the City of Santa Barbara.

28.03.060 Fractions

Whenever this Title requires consideration of the following: 1) required number of parking spaces or 2) maximum number of dwelling units, expressed in numerical quantities, all calculations shall use fractions no smaller than hundredths, and the end result of a calculation contains a fraction of a whole number, the results shall be rounded as follows:

A. **General Rounding.** Fractions are to be rounded down to the nearest whole number, except as otherwise provided.

B. **Exception for State Affordable Housing Density Bonus.** For projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and Chapter TBD, Density Bonus and Development Incentives, any fractional number of units shall be rounded up to the next whole number.

C. **Exception for Inclusionary Housing.** In determining the number of Inclusionary Units required by Chapter TBD, City of Santa Barbara Inclusionary Housing Ordinance, any fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

28.03.070 Measuring Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** When measuring a required distance involving a structure, the measurements are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as vehicle backup distance, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

28.03.080 Measuring Floor Area

The net floor area of a building is the sum, in square feet, of the horizontal areas of all floors of a building or other enclosed structure, or portions thereof, measured from either the interior perimeter of the exterior walls, or below the roofline, or the centerline of interior walls.

A. **Included in Floor Area**

1. ***Enclosed Buildings.*** Net floor area includes all space within a building that is below the roof and within the interior perimeter of the exterior walls of any main or accessory building.

2. ***Interior Spaces.*** Net floor area of interior spaces, such as rooms or separate tenant spaces, includes all space within the centerlines of demising walls separating such spaces or portions thereof.

3. ***Stairways, Stairwells, and Elevator Shafts.*** In the case of a multistory building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent.

4. ***Unenclosed Buildings.*** The net floor area of a building with no walls, or partial walls, such as a carport, includes all space below the roof line.

B. **Excluded from Floor Area.** The following areas are excluded from floor area:

1. Vent shafts, courts, or areas with a ceiling height of less than five feet above finished floor.

2. Attics, crawlspaces, or similar inaccessible areas, where entry is made only for service of utilities, not used for storage or any other use whatsoever.

3. Unenclosed, roofed areas such as patio covers, porches, trellises, gazebos, shade structures, or other similar unenclosed structures not used for the shelter, housing, or enclosure of persons, animals, or property.

4. Enclosed spaces in nonresidential buildings that contain building "infrastructure" (e.g., mechanical equipment enclosures, trash and recycling enclosures, air conditioners, forced air units, electric vaults, water heaters and softeners, cellular telephone equipment, and other similar uses) shall not count toward the calculation of floor area if such areas are designed in the minimum size necessary to screen or enclose such equipment, and the space cannot be converted to storage or another non-infrastructure use.

5. Non-liveable, residential, accessory structures that do not require a building permit for construction or installation.

6. Temporary structures permitted with a Temporary Use Permit.

28.03.090 Measuring Front Yards

Front yards shall be measured by extending perpendicular lines from each point of the front lot line to the nearest wall of the first main building on the lot. Where there is no wall of a main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the front lot line from the corner of the front elevation of the main building to the nearest lot line. The front elevation of a building is any elevation that faces a street. If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the front lot line.

28.03.100 Measuring Height

Height is the vertical distance measured from existing or finished grade, whichever is lower, to the top of the structure directly above. Special measurement provisions are also provided below.

A. **Measuring Building Height.** Building height is measured from every point on top of the building roof or roof parapet to a warped plane directly below connecting all points where existing or finished grade, whichever is lower, touches the exterior building walls or foundation system.

   1. ***Exception:*** One or more sections of any floor that is partly below and partly above grade, per exterior elevation, not exceeding a cumulative total of 12 feet in length or width per elevation, may be excluded from the height calculation to allow for an exterior door, stairwell landing, or light well.

B. **Measuring the Height of Fences and Hedges.** The height of a fence or hedge is measured in a vertical line from the lowest point of contact with the ground directly adjacent to either side of the fence or hedge to the highest point of the fence or hedge along said vertical line.

   1. ***Multiple Fences and Hedges.*** All fences and hedges located within five feet of each other, including fences and hedges on adjoining lots, and subject to the same height limitation shall be considered a single fence or hedge. Height shall be measured from the lowest point of contact with the ground of fence or hedge to the highest point of any other fence or hedge located within five feet and subject to the same height limitation.

C. **Measuring Prescribed Landscaping Height.** The prescribed heights of landscaping are the heights to be attained within five years after planting.

D. **Measuring the Height of Decks and Patios.** Deck and patio height is determined by measuring from the ground below to the top of the surface of the deck or patio directly above. Guardrails, the minimum height required by the Building Code, are exempt from the height measurement.

E. **Determining the Number of Stories in a Building.** In determining the number of stories in a building, the following rules apply:

1. The number of stories in a building shall be construed to be the maximum number of stories through which any one of an unlimited number of possible vertical lines can pass, without passing through a wall.
2. An interior balcony or mezzanine is counted as a story if its floor area exceeds one-third of the total area of the nearest full floor directly below it.
3. Any floor which is partly below and partly above grade, such as a basement, cellar, or understory, shall be counted as a story if the vertical distance from finished grade to ceiling is more than four feet on any one side.

28.03.110 Measuring Lot Width and Depth

A. **Lot Width.** Lot width is the horizontal distance between the interior lot lines, measured at right angles to the lot depth line at a point midway between the front lot line and the lot line opposite the front lot line.

B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the most distant point on any other lot line.

28.03.120 Measuring Setbacks

Setbacks are measured as the distance between any lot line or street and a line parallel to the lot line or street, the depth of such area being the distance required by this Title.

28.03.130 Measuring Street Frontage

Street frontage is measured along the front lot line.

This page intentionally left blank.

Definitions

Chapter 28.75 Definitions

Abutting. Having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.

Adjoining. *See Abutting.*

Accessory Building. *See Building, Accessory.*

Accessory Structure. *See Structure, Accessory.*

Accessory Use. *See Use, Accessory.*

Addition. New construction that results in an increase in the net floor area of a building or structure.

Adjacent. *See Abutting.*

Agent. Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities who represent or act for or on behalf of an applicant.

Agreement of Sale. Any agreement or written instrument which provides that title to any property shall thereafter be transferred for consideration from one owner to another owner.

Alley. A public or private way that is primarily used for vehicular access to the back or side of properties. Alleys typically do not meet standard requirements for City streets, which include curbs, gutters, sidewalks, or similar improvements. Typically, alleys are separated from adjacent parcels by a lot line. An alley may have an official name and may be shown on the official street map of the City of Santa Barbara.

Alteration or Remodel. Except with regard to a historic resource where "alteration" is defined in Chapter 22.22, Historic Structures, of the Santa Barbara Municipal Code, an alteration includes both interior and exterior changes and rearrangement of the physical parts of a building, structure or site development that does not result in an increase of floor area. Also called a remodel.

Antenna. *[placeholder]*

Applicant. The person, partnership, corporation or state or local government agency applying for a permit.

Arbor. An open structure typically constructed of latticework or metal that often provides partial shade or support for climbing plants, sometimes referred to as a trellis or pergola. An arbor is not considered an accessory building.

Association, Homeowner's. The organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a project.

Awning. An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Balcony. An unenclosed, unroofed cantilevered platform that projects from the wall of a building, is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than two sides. If any portion of a balcony is supported from the ground below with walls, posts, columns, or the floor below, it is considered a deck.

Base District. *See Zoning District*

Bay Window. A protruding window projection, cantilevered from the wall of a building, accessible from the building's interior and completely enclosed.

Basement. Any floor of a building that is partially below and partially above grade. See also Section TBD, Determining the Number of Stories in a Building.

Bedroom. Any liveable room in a dwelling other than a bathroom, a kitchen or a living room (except in studios, where a living room is considered a liveable room). A loft or other intermediate floor open to the floor below within a residential unit with five feet or more in height from the finished floor to the finished ceiling that exceeds dimensions of seven feet by 10 feet is considered a bedroom.

Bicycle Parking, Long Term. Long-term bicycle parking is intended for use by residents, employees or students over several hours or overnight. Long-term bicycle parking should be provided either with bicycle racks within covered and secured areas with controlled access, or with secure, covered enclosures for individual bicycles, such as bicycle lockers. Long-term bicycle parking better protects bicycles from vandalism and theft attempts.

Bicycle Parking, Short-term. Short-term bicycle parking is intended for use by business patrons, visitors, and guests for a few minutes up to a couple of hours. Short-term bicycle parking should be conveniently located, highly visible, easily accessed, and may be covered or uncovered.

Block. Property bounded on all sides by streets.

Blockface. All properties between two intersections that front upon or abuts a street.

Building. Any enclosed or unenclosed structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, or property of any kind.

Building, Accessory. A subordinate building, or portion of the main building, the use of which is incidental to that of the main building on the same lot. Building, or portions of buildings, used for covered parking are accessory buildings.

Building, Main. A building in which the principal use of the lot is conducted.

Building Code. Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore including, but not limited to, the California Building Code, other state-adopted uniform codes and the Minimum Building Security Standards Ordinance.

Building Face. *See Façade.*

Building Footprint. *See Footprint.*

Building Frontage. *See Front Elevation.*

Building Height. *See Height.*

Building Site. A lot or lots occupied or to be occupied, by main buildings and accessory buildings together with such parking and open spaces as are required by the terms of this Title.

Canopy. A roofed shelter, usually composed of fabric, projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. A building, or portion of a building, accessible to vehicles, with a solid weatherproof roof that is permanently open on at least two sides, used as parking or storage of one or more motor vehicles. See also, TBD, Covered Parking.

Carsharing Organization. Organization that administers a carsharing service.

Carsharing Program. A caresharing service operated by a carsharing organization.

Carsharing Service. A membership based short-term car rental service available to all qualified drivers who choose to become members where members are offered access to a dispersed network of shared vehicles 24 hours a day, seven days a week at unattended self service locations.

Carshare Vehicle. Vehicle that is owned, maintained, and administered by a carsharing organization and made available to members of a carsharing service 24 hours a day, seven days a week at unattended self service locations.

City. City of Santa Barbara.

City Council. The City Council of the City of Santa Barbara.

Cellar. *See Basement.*

Change in Use. A change from one Use Classification to another, as described in this Title. A change from one Residential Housing Type to another Residential Housing Type is not considered a Change in Use.

Coastal Zone Related Definitions. The following terms are related to the rules and regulations applicable within the Coastal Zone.

Access.

Lateral. An area of land providing public access along the water's edge.

Vertical. An area of land providing a connection between the first public road or use area nearest the sea and the publicly-owned tidelands or established lateral access way.

Aggrieved Person. Any person who, in person or through a representative, appeared at a public hearing of the City in connection with the decision or action appealed, or who, by other appropriate means prior to the hearing, informed the City of the nature of his concerns or who for good cause was unable to do either.

Coastal Commission. California Coastal Commission.

Coastal Development Permit. A permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600 of the California Public Resources Code and issued by the City in accordance with this Title.

Coastal-Dependent Development or Use. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal-Related Development or Use. Any development or use which is dependent on a coastal-dependent development or use.

Coastal Zone. That land and water area of the City of Santa Barbara extending seaward to the State's outer limit of jurisdiction and extending inland to the boundary shown on the official Zoning Maps for the CZ Coastal Overlay Zone, as amended from time to time and adopted by the Coastal Commission.

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section

66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Energy Facility. Any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

Environmentally Sensitive Area. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Fill. Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Land Use Plan. Maps and a text which indicate the kinds, location and intensity of land uses allowed in the Coastal Zone and includes resources protection and development policies related to those uses.

Local Coastal Program. The City's land use plan, zoning ordinances, zoning maps and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

Major Public Works Project or Major Energy Facility. "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase every year following the baseline of one hundred thousand dollars set in 1983 in accordance with the Engineering News Record Construction Cost Index, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Major public works also means publicly-financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

Natural Disaster. Any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.

Other Permits and Approvals. Permits and approvals, other than a coastal development permit, required to be issued by the approving authority before a development may proceed.

Public Works Project. Any of the following development shall constitute a public works project:

- All production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- All publicly-financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.
- All community college facilities.

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Visitor-Serving Development or Use. Stores, shops, businesses, temporary lodging and recreational facilities (both public and private) which provide accommodations, food and services for the traveling public, including, but not limited to, hotels, motels, campgrounds, parks, nature preserves, restaurants, specialty shops, art galleries and commercial recreational development such as shopping, eating and amusement areas.

Wetland. Lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

Working Day. Any day on which all City offices are open for business.

Commercial. Managed on a business basis for profit derived from the promise or delivery of compensation, money, rent, or other bargained-for consideration in exchange for goods; services; rights or interests in property; or any other valuable consideration.

Common Area. The entire common interest development except the separate interests therein.

Community Apartment. As defined in Section 4105 of the Civil Code.

Community Development Director. Community Development Director of the City of Santa Barbara or designee.

Community Development Department. The Community Development Department of the City of Santa Barbara.

Compaction. The act of increasing the density of a fill by mechanical means.

Compatible. That building and/or use which is harmonious with and will not adversely affect surrounding buildings and/or uses as determined by the Community Development Director.

Condominium. As defined in Sections 783 and 1350 of the Civil Code.

Condominium, Community Apartment. The development of land and attached structures as a condominium or community apartment project, regardless of the present or prior use of such land and structures, and regardless of whether substantial improvements have been made to such structures.

Condominium or Community Apartment Project. A plan by a developer to sell residential condominium or community apartment units in a building through conversion to condominium or community apartment status.

Condominium Unit. The elements of a condominium which are not owned in common with the owners of other condominiums in the project.

Construction. Erection, enlargement, alteration, conversion, demolition, or movement of any building, structure, or land.

Continuation. The state of continuing in the same condition, capacity, or place without change, expansion, or interruption.

Corral. Enclosure designed for the care and keeping of livestock.

County. The County of Santa Barbara.

Court. An area open to the sky that is enclosed on at least three sides by walls, sometimes referred to as a courtyard.

Deck. An outdoor platform, greater than 10 inches above grade, wholly or partially supported from the ground below, which may be surrounded by a railing, balustrade, or parapet. A deck can be freestanding or attached to a building.

Deck, Roof. A deck constructed above any top plate of a structure that is designed to function as useable outdoor area. A roof deck is not a balcony.

Demolition. Removal or destruction. See Chapter TBD, Demolition.

District. *See Zoning District.*

Driveway. An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

Dwelling Unit. *See Residential Unit.*

Earth Material. Any rock, natural soil or fill or any combination thereof.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest that one party has in the land of another.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Electric Vehicle Charging Station. Any electric vehicle charging station, electric recharging point, charging point, or electric vehicle supply equipment station (EVSE) that is designed and built in compliance with Article 625 of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plugin electric vehicle.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Enclosed. A building or portion of a building surrounded by walls and a roof. A building that is substantially enclosed may also be considered enclosed for the purpose of this Title.

Erect. To alter, convert, move, build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The mechanical removal of earth material.

Façade. The general outer surface of the structure or walls of a building.

Family. *See Household.*

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fence. An upright structure serving as a barrier, or boundary or that visually divides or conceals a parcel, usually made of masonry, plaster, posts, boards, wire, rails, or other building material. May also be referred to as Wall or Screen.

Fill. A deposit of earth material placed by artificial means.

First Floor. *See First Story.*

First Story. The first story of a building that is closest to finished grade. Also known as the First Floor. The story above is the Second Floor or Second Story.

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated. See also Section TBD Measuring Floor Area and TBD, Determining Floor Area.

> ***Livable Floor Area.*** The total enclosed and usable space available within the perimeter walls on all floors of a building, including interior corridors, stairs, elevators, passageways, and finished basements, cellars, and attics. Unfinished and unheated areas including but not limited to: basements, cellars, attics, porches, breezeways, garages, sheds and workshops are excluded from livable floor area determinations. Basement, cellars, or attic areas are considered finished if all of the walls, ceilings, and floors are finished. Walls and ceilings shall be deemed finished only if they are covered with plaster, wallboard, or similar material; floors shall be deemed finished only if they are covered with carpeting, tile, linoleum, or similar material.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Section TBD, Determining Lot Coverage.

Front Elevation. Any building elevation that faces a street.

Garage. An enclosed building or portion of a building accessible to vehicles, used as parking or storage of one or more motor vehicles. See also TBD Covered Parking.

Gazebo. A freestanding platform, open-sided, roofed, and usually raised.

General Plan. The comprehensive General Plan of the City of Santa Barbara together with all Specific Plans adopted by the City Council.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade, Existing. The topographic elevations representing the surface of the ground five years prior to the application date for grading, filling, or other site alterations for the project. Existing grade may also be referred to as natural grade.

Grade, Finished. The topographic elevations representing the ground surface upon project completion. Finished grade may also be referred to as proposed grade.

Grading. Any excavating or filling or combination thereof.

Habitable Space. *See Floor Area, Livable Floor Area.*

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous Waste. A waste, or combination of wastes, which because of the quantity, concentration or physical and chemical characteristics may either a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes those materials described in Title 22, Division 4.5, Chapter 11, California Code of Regulations.

Hazardous Waste Management Plan. A plan prepared, adopted and amended from time to time, pursuant to Section 25135 of the California Health and Safety Code by Santa Barbara County to direct the management of hazardous wastes within the boundaries of the County. It is also known as the Hazardous Waste Element of the Santa Barbara County Comprehensive Plan.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. A row of shrubs, bushes, or any other kind of plant material that forms a boundary or substantially continuous visual barrier. May also be referred to as Screen.

Height. The vertical distance from a point of the ground below a structure to a point directly above. See also Section TBD, Measuring Height.

Household. One or more persons living together in a single residential unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments and utilities.

Incompatible Use. Uses determined to be incompatible or detrimental to surrounding uses by the Community Development Director

Intensity of Use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include but are not limited to requirements for water, sewer, gas, electricity, access, recreation, or other public services; number of automobile trips generated by a use; on- and off-site parking demand; number of residents and/or employees on a site; hours of operation; the amount of noise, light glare, smoke, odors, or hazardous materials generated; or the number of persons attracted to the site.

Intersection, Street. The area common to two or more intersecting streets.

Kitchen. Any room or portion of a room used or intended or designed to be used for cooking and/or preparation of food.

Landing. An unenclosed, unroofed platform, attached to a building, and serving as a required means of egress to the first floor of a building.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of Santa Barbara, and that is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way.

Lot, Corner. A lot situated at the intersection of two or more streets.

Lot, Flag. A lot that has access to a street by means of a narrow strip of land.

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Area. The area of a lot measured horizontally between bounding lot lines.

Lot Area, Net. The area of a lot measured horizontally between bounding lot lines subtracting the existing or proposed horizontal area within public streets and alleys on the lot.

Lot Coverage. The portion of a lot that is covered by structures. See also Section TBD, Determining Lot Coverage.

Lot Depth. The average distance from the front lot line to the most distance point on any other lot line. See also Section TBD, Measuring Lot Width and Depth.

Lot Frontage. *See Street Frontage.*

Lot Line. The boundary between a lot and other property or the public street.

Lot Line, Front. The line or lines dividing a lot from a street. The line or lines that divide a lot from an alley or a driveway shall not be considered front lot lines. On lots that abut multiple streets, all lines that divide the lot from a street shall be considered front lot lines.

Lot Line, Interior. Any lot lines other than front lot lines.

Mezzanine. An intermediate floor within a building interior that is no greater than one third of the total floor area of the floor below. See also Story and TBD Determining the Number of Stories in a Building.

Microcell. TBD

Mixed Use Development. A development that contains both nonresidential and residential uses on the same lot, whether or not they are located within the same structure.

Mixed Use Building. A building that contains both nonresidential and residential uses.

Mobilehome Park Space. That portion of a mobilehome park set aside and designated for the occupancy of a mobilehome, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Nonconforming. Any lawfully established use, structure, parking, or site development that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all of the standards and requirements of this Title shall be considered nonconforming.

Nonconforming Density. A lawfully established development on a lot with more residential units and/or number of bedrooms than are allowed by the current ordinance. Lots that are zoned to allow residential uses, but are nonconforming to density, are not a nonconforming use. A residential unit in a zone that does not allow residential uses is a nonconforming use.

Nonconforming Lot. A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

Non-Transient Tenant. A person who has resided in a residential hotel for a period of more than 30 days as of the time a development application is submitted for that residential hotel.

On-Site. Located on the lot that is the subject of discussion.

Owner. Any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

Parcel. A general term including all plots of land shown with separate identification on the latest equalized county assessment roll. Parcels may or may not be separate lots, depending upon whether or not such parcels are created as required by the Subdivision Ordinance.

Parking, Covered. An accessory building, accessible to vehicles, such as a garage or carport.

Park and Recreation Related Definitions. The following terms are related to Chapter TBD, Park and Recreation Zone.

> ***Active Recreation.*** Activities such as organized sports and drop-in sports, usually team oriented, which utilize equipment and are played on a field or court. Active Recreation includes, but is not limited to, soccer, football, swimming, baseball, softball, basketball, tennis, ultimate frisbee, volleyball and wheelchair football.
>
> ***Ball Fields and Courts.***

Informal. Informal Ball Fields are usually open grass areas with no field or court delineation, or only bases, players' benches and backstop. Fields are not scheduled for league or tournament play. No dugouts, bleachers or lighting are provided. May include basketball courts with pavement striping, but without lighting.

Formal. Formal Ball Fields are often lighted and may include dressed infield area, baselines, pitcher's mound for baseball, large backstops, dugouts, players' benches and bleachers. Soccer fields are delineated, include players' benches and goals and may include lighting. Formal indoor courts for volleyball, basketball and other organized sports are also included. Formal ball fields may also include related food concessions.

Community Garden. A Community Garden is a piece of urban land that is made available to residents of the community who may not have private yard area that is adequate to plant and maintain a private garden. This land is made available for the purpose of planting small personal gardens and usually consists of several small plots that are assigned to individuals or groups of people and which may be subject to an annual rental fee.

Concession. A Concession is a rental or lease of land or space in a building by the City to an operator of the following types of retail outlets: snack bar, restaurant, push cart and miscellaneous sundries and equipment rental that relate to the uses of the facility where the concession is located.

Community Meeting Rooms.

Small Community Meeting Room. A Small Community Meeting Room accommodates up to 75 people. Small Community Meeting Rooms may include food preparation areas and are used for meetings, seminars and small parties.

Large Community Meeting Room. A Large Community Meeting Room accommodates small or large groups of people. Large Community Meeting Rooms usually include food preparation facilities and may be used for large parties, banquets, dances and lectures.

Lighting.

General Lighting. General Lighting is used for security, safety or decorative purposes.

Ball Field Lighting. Ball Field Lighting is used to illuminate formal ball fields and courts in order to allow evening use of such facilities.

Minor Buildings. Buildings that are not used for recreation programming or meetings. Minor buildings include restrooms, storage buildings, equipment sheds and caretakers' residences.

Outdoor Game Area. A delineated area designed specifically, and meeting established criteria, for a game. Outdoor Game Areas include, but are not limited to, volleyball, lawn bowling, horseshoe pitching, tether ball, hopscotch and handball.

Passive Recreation. Activities that are engaged in by individuals or small groups, usually not dependent on a delineated area designed for specific activities. Passive Recreation includes, but is not limited to, hiking, bicycling, jogging, frisbee catch, bird watching, walking, picnicking and horseback riding.

Picnic Area.

Individual Picnic Area. Picnic tables generally set a minimum of ten feet apart and intended for use by small groups requiring the use of only one picnic table.

Small Group Picnic Area. A Small Group Picnic Area consists of picnic tables intentionally arranged to accommodate use by a group of up to thirty people. Small Group Picnic Areas often include a single barbecue sized to accommodate a group meal.

Large Group Picnic Area. A Large Group Picnic Area consists of picnic tables intentionally arranged to accommodate use by more than thirty people, which may be subject to reservation. Large Group Picnic Areas often include one or more barbecues and food preparation tables sized to accommodate a group meal.

Playground. An area that includes, but is not limited to, swings, slides, climbing structures, sand play, spring riders and other play structures.

Trail. A passageway for hikers, equestrians and/or bicyclists. Uses of individual trails shall be determined by the Parks and Recreation Director.

Parkway. An area between the curb and sidewalk in a fully improved right-of-way, typically landscaped.

Patio. A hardscaped (e.g., concrete, tile, brick, stone, wood, etc.) area, constructed no more than 10 inches above grade, which may or may not be attached to a building and intended for indoor-outdoor living and recreation. A patio may be surrounded by walls or roofed, but not both.

Permit. Any Zoning Clearance, Conditional Use Permit, Performance Standard Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted Use. Any use or structure that is allowed in a zoning district without a requirement for approval of a Conditional Use Permit, Performance Standard Permit, or Temporary Use Permit, but subject to any restrictions applicable to that zoning district.

Person. Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state or local government, special district, or an agency thereof.

Persons with Disabilities. Persons who have a medical, physical, or mental condition, disorder or disability as defined in Government Code Section 12926 or the Americans With Disabilities Act, that limits one or more major life activities.

Planning Commission. The Planning Commission of the City of Santa Barbara.

Porch. A roofed, raised platform, sometimes partly enclosed with low walls that extends along an outside wall of a building. A porch is usually at the primary entrance to a dwelling. A porch may also be referred to as a veranda.

Pre-existing. In existence prior to the effective date of this Title.

Project. Any proposal for a new or changed use, or for new construction, demolition, alteration, or additions to any structure, that is subject to the provisions of this Title. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Public Resources Code. The Public Resources Code of the State of California.

Public Works Director. The Public Works Director of the City of Santa Barbara, or designee.

Qualified Applicant. The property owner, the owner's agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

Quasi-Public Facility. A facility that is open to the public and has a public purpose but is not owned or operated by a governmental entity

Repair and Maintenance. The replacement of existing materials with similar materials in a similar manner. Repair and maintenance does not include additions, alterations, or demolition to any building or structure; changes in site development; a substitution of or a change of nonconforming use, or an increase in area occupied by a nonconforming use.

Residential Property. Any real property, zoned, designed or permitted to be used for any residential purpose, situated in the City, including any buildings or structures located on said improved real property.

Residential Unit. Any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one household. Section TBD, Residential Unit.

Review Authority. Body responsible for making decisions on zoning and related permits and approvals.

Right-of-Way. A strip of land acquired by reservation, easement, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a street, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Screen. *See Hedge.*

Second Floor. The floor above the first floor.

Second Story. The story above the first story.

Setback, Front. An area between the street and a line parallel to the front lot line bounded by the interior lot lines of the lot that are roughly perpendicular to the front lot line., See also Section TBD, Measuring Distances, and Section TBD, Measuring Setbacks, and Section TBD Encroachments into Setbacks and Open Yards.

Setback, Interior. An area between an interior lot line and a line parallel to the interior lot line bounded by the two lot lines adjacent to the interior lot line from which the setback is measured. See also Section TBD, Measuring Distances, and Section TBD, Measuring Setbacks, and Section TBD Encroachments into Setbacks and Open Yards.

Shopping Center. An integrated group of commercial establishments that are planned and managed as a unit with a minimum of five attached businesses and shared onsite parking. Shopping Centers can include a variety of uses including, but not limited to: retail, eating and drinking establishments, small offices, and banks.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

Solar Access Related Definitions. The following terms are related to Section TBD, Additional Height Limits for Protection and Enhancement of Solar Access.

> ***Base Elevation.*** The elevation of the highest point of contact of a structure with existing grade. For the purposes of this determination, all fences, covered and uncovered walkways, driveways, patio covers and other similar elements shall be considered separate structures.

Northerly Lot Line. Any lot line, of which there may be more than one per lot, that forms a generally north facing boundary of a lot and has a bearing greater than or equal to forty degrees from either true north or true south. For curved lot lines, the bearing of the lot line at any point shall be the bearing of the tangent to the curve at that point.

Plan View. A plot plan of the parcel which shows the horizontal dimensions of a parcel and each structure on the parcel.

Shadow Plan. A plot plan which shows the extent of shading caused by a proposed structure.

Solar Access. The ability of a location to receive direct sunlight.

State. The State of California.

Stock Cooperative. As defined in Section 11003.2 of the Business and Professions Code.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, except that the topmost story shall be that portion of a building included between the surface of the topmost floor and the surface of the roof above. See also Section TBD, Determining the Number of Stories in a Building.

Studio. A residential unit consisting of one combined living and sleeping room. The unit may have a separate kitchen and bathroom in addition to the main room. A studio may have a loft, but the loft may not be a bedroom, as defined in this Title.

Street. A public or private way constructed for the primary purpose of vehicular travel. An alley or a driveway is not a street. The term "street" describes the entire legal right-of-way or easement (public or private), including, but not limited to, the traffic lanes, bike lanes, curbs, gutters, sidewalk whether paved or unpaved, parkways, and any other grounds found within the legal street right-of-way. The name given to the right-of-way (avenue, court, road, etc.) is not determinative of whether the right-of-way is a street.

Street, Private. A street that is privately owned. Private streets do not appear on the official dedicated street map of the City of Santa Barbara. Private streets generally provide access to multiple lots or units and are usually named, unlike driveways. Private streets may be constructed to public street standards. Private streets are generally differentiated from driveways by larger widths, longer lengths, and may include public or private utilities. A private street may also be referred to as private road, lane, or drive.

Street, Public. Any street shown on the official dedicated street map of the City of Santa Barbara, as such map may be amended from time to time.

Street Frontage. The length of the front lot line along an adjacent street.

Structural Alterations. Any physical change to the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists, including the creation, or enlargement, of doors or windows and changes to a roofline or roof shape.

Structure. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

> ***Structure, Accessory.*** A subordinate structure, used only as incidental to the main structure on the same lot, including covered parking.

Time Share Terms.

> ***Timeshare Project.*** A purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.
>
> ***Timeshare Estate.*** A right of occupancy in a timeshare project which is coupled with an estate in the real property.
>
> ***Timeshare Use.*** A license or contractual or membership right of use in a timeshare project which is not coupled with an estate in the real property.

Top of Bank. The line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, "top of bank" shall mean the intersection of a plane beginning at the toe of the bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 1.5 (horizontal) : 1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

Toe of Bank. The line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the bed of the watercourse.

Trellis. A structure or frame supporting open latticework, at least 50 percent open to the sky with uniformly distributed openings. A trellis is sometimes referred to as a pergola or arbor. A trellis is not an accessory building.

Uncovered Parking. Parking spaces that are fully or partially open to the sky.

Unenclosed. An area that is either 1) unroofed or 2) substantially open on at least two sides.

Upper Floor. Any floor above the first floor.

Upper Story. Any story above the first story.

Use. The purpose for which land, buildings, structures, or site development is designed, arranged, or intended; or for which it is, or may be, occupied or maintained.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use. See also TBD Accessory Uses.

Principal or Primary Use. A primary, principal or dominant use established, or proposed to be established, on a lot.

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camptrailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vehicle, Commercial. Any truck, bus, truck-tractor, cargo trailer, or other motorized or towed vehicle which has a rated capacity of more than 15 passengers, a rated capacity of more than one ton by the manufacturer, or which exceeds a length of 20 feet or a height of 10 feet.

Vertical. Perpendicular to the plane of the horizon.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

Visible. Capable of being seen (whether or not legible) by a person of average height and visual acuity walking or driving on a street.

Wall.

Wall, Building. Any vertical exterior surface of a building or any part thereof, including windows and doors.

Wall, Freestanding. *See Fence.*

Watercourse. Any stream, creek, arroyo, gulch, wash and the beds thereof, whether dry or containing water. It shall also mean a natural swale or depression which contains and conveys surface water during or after rain storms. See also Section TBD, Determining a Watercourse.

Yard. A required open space, on a lot or parcel of land, open, unenclosed and unobstructed from the ground upward, except as otherwise provided in this Title.

Yard, Front. An area extending across the full width of the lot between the front lot line and the nearest wall of the closest main building on the lot. See also Section TBD, Measuring Front Yards

Yard, Primary Front.

- On a lot with one front yard, the front yard is the primary front yard.
- On lots with multiple front yards, the primary front yard is designated by the property owner and approved by the Community Development Director or the Director's designee as the primary front yard.

Yard, Remaining Front. The area of the front yard not including the required front setback.

Yard, Secondary Front. Any front yard on a lot with multiple front yards that is not designated as the primary front yard.

Yard, Open. A required yard, intended to provide minimum open areas within residential development.

Zoning District. A specifically delineated area of district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings. See Section TBD, Districts Established.

Parking Regulations

Chapter 28.26 Parking Regulations

28.26.010 Purpose

The purposes of these parking regulations are to:

A. Provide for parking facilities and site design that allow for choice in transportation modes;

B. Provide sufficient off-street automobile and bicycle parking spaces to accommodate the majority of users of a site over time;

C. Provide standards for safe and well-designed parking, loading and vehicle circulation areas, promote attractive pedestrian routes, and provide minimum landscaping requirements to screen, shade, and beautify parking and circulation areas;

D. Promote community character, protect historic resources, and limit the environmental and urban design impacts that can result from off-street parking and circulation;

E. Create buffers between parking facilities and surrounding sensitive land uses;

F. Allow for reductions of the number of required spaces where warranted; and

G. Allow for flexibility in parking design where warranted.

28.26.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, additions to, or change in any use of a building, structure, or site development, as provided in this Section.

A. **New Buildings and Land Uses.** Off-street automobile and bicycle parking in conformity with this Chapter shall be provided at the time any building or structure is erected, or any new land use or any new residential unit is established.

B. **Existing Buildings and Land Uses.**

1. ***Additions and Alterations.*** Additional automobile and bicycle off-street parking spaces shall be provided pursuant to this Chapter for any addition of new floor area or other alteration to an existing use that results in an increase to the minimum number of required parking spaces for any existing building, structure, or land use.

2. ***Change of Use.***

a. *Change to Use with Higher Parking Requirement.* When an existing land use is changed to a land use in another Use Classification with a higher parking requirement pursuant to Section 28.26.050, Required Automobile and Bicycle Parking Spaces, off-street automobile and bicycle

parking in conformity with this Chapter shall be provided for the entire building or site subject to the change of use except as provided below.

i. Commercial and Public and Semi-Public Uses. When an existing Commercial or Public and Semi-Public land use is changed to another Commercial or Public and Semi-Public land use, additional automobile parking spaces shall be provided for the increase in the required number of off-street automobile parking spaces and not for the entire building or site. Bicycle parking in conformity with this Chapter shall be provided for the entire building or site subject to the change of use

b. *Change to Use with Same or Lower Parking Requirement.* When an existing land use is changed to a land use in another Use Classification with the same or a lower parking requirement pursuant to Section 28.26.050, Required Automobile and Bicycle Parking Spaces, existing automobile parking shall be maintained; however, conforming short term bicycle parking is required on any change of use pursuant to 28.26.020.B.2.b. If the number of existing automobile or bicycle parking spaces is greater than the requirements the new use, the number of spaces in excess of the required number of spaces may be removed.

3. ***Nonconforming Parking.***

a. *Nonconforming Automobile Parking.*

i. Additions to Existing Buildings. (See Staff Report)

ii. Demolition and Replacement of Existing Buildings. Existing buildings and structures on lots that are nonconforming to the minimum number of automobile parking spaces may be demolished and rebuilt without conforming to the minimum number of automobile parking spaces, provided that all of the following conditions are met:

(1) The use of the new or reconstructed building is the same Use Classification as the existing building;

(2) All conditions specified in Section 28.25.090(B), Replacement of Demolished Nonconforming Buildings, are met;

(3) Any new, altered, or reconstructed parking and landscaping conforms to all standards in Section TBD, Parking Area Design and Development Standards, and Section TBD Landscaping and Buffering; and

(4) Conforming bicycle parking is provided.

b. *Nonconforming Bicycle Parking.* Sites that are nonconforming to the minimum number of bicycle parking spaces required by this Chapter shall provide conforming long term and short term bicycle parking for all

new buildings constructed, reconstructed, or when any addition or alteration results in a requirement for additional automobile parking spaces. Bicycle parking shall also be required on any project that includes a change of use, substantial exterior remodel, or alteration to the existing parking areas, but may be provided in a short term configuration.

c. *Nonconforming Parking Lot Landscaping.* Sites that are nonconforming to the parking lot landscaping required by this Chapter, shall provide conforming landscaping for any new, altered, or reconstructed parking areas for the area that is altered.

28.26.030 General Provisions

A. **Permit Required.** A permit is required to establish any new driveway, parking, or vehicle maneuvering area and for any change to an existing driveway, parking, or vehicle maneuvering area.

1. ***Conversion or Demolition of Parking.*** Any permit to allow the conversion or demolition of any required off-street parking space shall not be approved unless replacement parking is included under the same permit.

B. **New and Existing Parking Areas.** All new or altered driveways, parking, or vehicle maneuvering areas shall be designed and developed consistent with the standards of this Chapter. All paved areas and structures accessible to vehicles shall be reviewed as potential parking areas. No vehicle shall be stored or parked on a lot in a manner inconsistent with the requirements of this Chapter.

C. **Minimum Size of Nonconforming Two Car Garage or Carport.** If an existing garage or carport legally constructed with a Building Permit is less than 16 feet wide, it is considered physically unsuitable for two cars and shall be considered a single car garage or carport.

D. **Timing of Construction.** Parking facilities required by this Chapter shall be constructed or installed prior to passing final inspection or the issuance of a Certificate of Occupancy for the uses that they serve.

E. **Parking and Loading to be Maintained.** Required parking and loading spaces shall be maintained in amount, design, and location, unless equivalent substitute facilities are approved and provided.

F. **Availability.** Parking required by this Chapter must be available for its intended purpose during business hours for all nonresidential uses and at all times for residential uses, and shall remain accessible and available to all occupants and patrons of uses and structures. In no event shall parking facilities that are required for a structure or use be considered as providing any of the required space for any other structure or use.

G. **Accessible Parking.** Each lot where parking is provided for the public as clients, guests, or employees shall include parking accessible to handicapped or disabled persons, in compliance with the Building Code.

1. ***New Residential Units.*** If one or fewer automobile parking spaces are required per residential unit for any new development, and if signed, accessible parking spaces are required by the Building Code, then the signed, accessible parking spaces must be provided in addition to the minimum number of parking spaces required per residential unit by this Chapter.

2. ***Existing Buildings.*** On lots with existing nonresidential, mixed-use, or multi-unit residential development, the conversion of existing automobile parking spaces to accessible parking spaces or access aisles for an accessible parking space, in the minimum size required by the Building Code, is allowed, even if the conversion results in fewer parking spaces on the lot than required, provided the conversion is not done in conjunction with a change of use, addition, or other alteration that requires additional automobile parking spaces.

H. **Assigned Parking.** Lots developed with multiple uses and a shared parking area shall not assign parking spaces to individual tenant spaces or uses, with the following exceptions: required residential parking spaces in any mixed-use development shall be assigned to residential occupants; and designated offsite parking spaces, approved pursuant to Section TBD, Off-Site Parking, shall be assigned.

I. **Recorded Agreement.** A Recorded Agreement, pursuant to TBD, Recorded Agreements, shall be required by the Community Development Director whenever there is a special circumstance which requires a written agreement between one or more landowners and the City is required to guarantee access to, or use of, any parking facility, loading area, driveway, or maneuvering area. Examples include, but are not limited to, offsite parking and maneuvering areas, or parking and maneuvering areas that overlap multiple property lines.

J. **Commercial Vehicles.** Off-street parking of commercial vehicles on any lot developed with solely residential uses is limited to the time necessary to transact business or provide a service at a residence.

K. **Inoperable and Unregistered Vehicles.** All vehicles incapable of movement under their own power or vehicles not currently registered for use on the street shall be stored in an entirely enclosed space. This provision does not apply to Automobile and Vehicle Repair, Major, Salvage and Wrecking, and Towing and Impound establishments.

L. **Covered Parking.** Covered parking shall be provided as follows. Covered parking shall also comply with the limitations in Section TBD, Accessory Buildings and Structures.

1. ***Single-Unit Residential.*** All required spaces must be covered.

   a. *Exception.* On lots less than 15,000 square feet, or on lots developed with designated historic resources, uncovered parking may be substituted for covered parking as follows, provided that the uncovered parking complies with Section TBD, Location of Required Parking, and permeable pavers are used on any new paved areas, as feasible.

i. One Covered and One Uncovered Space. Any lot developed with less than 85 percent of the maximum net floor area for the lot, pursuant to Section TBD Maximum Net Floor Area, may provide one covered space and one uncovered space.

ii. Two Uncovered Spaces. Any lot developed with less than 80 percent of the maximum net floor area for the lot, pursuant to Section TBD Maximum Net Floor Area, may provide two uncovered spaces, subject to approval by the appropriate Design Review Body, provided a minimum 200 cubic feet of enclosed exterior storage space is provided on site.

2. ***Two-Unit Residential, Condominium, Community Apartment, or Stock Cooperative.*** A minimum of one covered space shall be allocated to each unit.

3. ***All Other Uses.*** For all other uses, automobile parking spaces may be provided as either covered or uncovered. However, required automobile parking spaces for any nonresidential use shall not be allowed in individual garages or carports, unless the location and design are approved by the Public Works Director.

M. **Guest Parking.** Guest automobile parking is required for all multiunit residential development and for residential units in mixed-use development, other than residential development located in the Central Business District, as follows:

1. ***1-5 Units:*** None required.

2. ***6-7 Units:*** One parking space.

3. ***8 or More Units:*** One space per four units.

N. **Maintenance.** Parking lots, including all landscaped areas, parking spaces, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

28.26.040 Required Automobile and Bicycle Parking Spaces

A. **Required Off-Street Parking Spaces.** Each lot shall provide the minimum number of off-street automobile and bicycle parking spaces stated in Table TBD, Required Off-Street Parking Spaces, except as provided below.

1. ***Minimum Number of Spaces.*** Fractions shall be rounded pursuant to Section TBD, Fractions. If the result of rounding is less than one parking space, a minimum of one parking space shall be required for every new main building constructed.

2. ***Exceptions and Reductions.*** The required number of spaces may be reduced if an exception applies or a reduction is approved pursuant to Section TBD, Parking Exceptions and Reductions.

3. ***Central Business District.*** Lots within the Central Business District shown on Figure TBD, Central Business District, are subject to the parking requirements of Section TBD, Central Business District Parking.

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
Residential Uses		
Single-Unit Residential	2; see §TBD, Covered Parking and §TBD, Parking Exceptions and Reductions	None
Two-Unit Residential	4; see §TBD, Covered Parking and §TBD, Parking Exceptions and Reductions	None
Multi-Unit Residential	Studio: 1.25 per unit One-bedroom: 1.5 per unit Two or more bedrooms: 2 per unit see §TBD, Parking Exceptions and Reductions and §TBD, Guest Parking	1 space per unit (100%/0%)
Accessory Dwelling Unit	1; see §TBD, Accessory Dwelling Unit	None
Additional Dwelling Unit	Consistent with Single-Unit Residential	None
Affordable Housing	see §TBD, Affordable and Senior Housing	1 per unit (100%/0%)
Caretaker Unit	1; see §TBD, Caretakers Unit	None
Community Care Facility	1 per 2 bedrooms	1 per 15 bedrooms; minimum 2 spaces (50%/50%)
Family Day Care Home	None beyond what is required for the Residential Housing Type	Consistent with Residential Housing Type
Garden Apartment	Consistent with Multi-Unit Residential	1 per unit (100%/0%)
Group Residential	See §TBD, Standards for Specific Uses and Activities	1 per bedroom (100%/0%)
Home Occupation	None beyond what is required for the Residential Units	None beyond what is required for the Residential Units
Hospice	1 per 2 bedrooms	1 per 15 bedrooms; minimum 2 spaces (50%/50%)
Residential Care Facility for the Elderly	1 per 2 bedrooms	1 per 15 bedrooms; minimum 2 spaces (50%/50%)
Mobilehome	Consistent with Residential Housing Type	Consistent with Residential Housing Type
Mobilehome Park	Consistent with Multi-Unit Residential	1 space per unit (100%/0%)

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
Secondary Dwelling Unit	1; see §TBD, Secondary Dwelling Unit	None
Senior Housing – Non-restricted	See §TBD, Affordable and Senior Housing	None
Senior Housing – Low Income	See §TBD, Affordable and Senior Housing	None
Supportive Housing	None beyond what is required for the Residential Unit	None beyond what is required for the Residential Unit
Transitional Housing	None beyond what is required for the Residential Unit	None beyond what is required for the Residential Unit
Public and Semi-Public Uses		
Cemetery	None beyond what is required for any Community Assembly or Office, if applicable	1 per 1,750 square feet (0%/100%)
Colleges and Trade Schools	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Community Assembly	1 per 100 square feet of net floor area Outdoor areas: as determined by the Public Works Director in consultation with Community Development Director	1 per 1,000 square feet (0%/100%)
Community Garden	None	None
Cultural Institution	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Day Care Centers	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Emergency Shelter	1 per 8 beds, or as determined by the Public Works Director in consultation with Community Development Director	1 per 4 beds (100%/0%)
Hospital and Clinic - Hospital	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Hospital and Clinic - Clinic	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Hospital and Clinic - Birth Center	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Instructional Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Park and Recreation Facilities	As determined by the Public Works Director in consultation with Community Development Director	As determined by the Public Works Director

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
Public Facilities	As determined by the Public Works Director in consultation with Community Development Director	As determined by the Public Works Director
Recreational Vehicle Park - Overnight	Guest Parking only: 1 per 4 recreational vehicle spaces	None
Recreational Vehicle Park - Permanent	Consistent with Multi-Unit Residential	None
Schools	High School: 5 per classroom Elementary and Junior High School: 2 per classroom	5 per classroom (50%/50%)
Skilled Nursing Facilities	1 per 2 beds	1 per 15 beds (25%/75%)
Social Service Facilities	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Commercial Uses		
Adult Entertainment Facilities	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Agriculture	Outdoor Uses: none Indoor Uses: 1 per 250 square feet of net floor area	None
Animal Care, Sales and Services - Animal Daycare	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Animal Care, Sales and Services - Kennels	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Animal Care, Sales and Services - Veterinary Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (100%/0%)
Artist's Studio	1 per 250 square feet of net floor area	1 per 1,750 square feet (0%/100%)
ATM	1 per 250 square feet of net floor area	1 per 1,750 square feet (0%/100%)
Automobile Rentals	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Automobile/Vehicle Sales and Leasing	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Automobile/Vehicle Service and Repair, Minor	1 per 250 square feet, including vehicle repair bay area.	1 per 1,750 square feet (25%/75%)
Automobile/Vehicle Fuel Station	1 per 250 square feet of net floor area, including vehicle repair bays. Minimum 2 spaces.	1 per 1,750 square feet (25%/75%)

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
	• No additional spaces are needed for an automatic (drive-through) car wash. Other types of car washes require parking as specified in this table.	
Automobile/Vehicle Washing	1 space per 250 net square feet, excluding the car wash bays. Minimum 2 spaces for automatic car washes and 5 spaces for full-service car washes.	1 per 1,750 square feet (25%/75%)
Banks and Financial Institutions	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Business Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Cinema/Theaters	1 per 100 square feet of net floor area	1 per 1,000 square feet (0%/100%)
Commercial Entertainment and Recreation - Large Scale	As determined by the Public Works Director in consultation with Community Development Director	As determined by the Public Works Director
Commercial Entertainment and Recreation - Small Scale	1 per 250 square feet of net floor area, plus 2 spaces per any outdoor sport court, plus 1 per 250 square feet of the surface area of any outdoor swimming pool	1 per 1,750 square feet (25%/75%)
Drive-Through Facility	None beyond what is required for the primary Use Classification	None beyond what is required for the primary Use Classification
Eating and Drinking Establishments - Bars/Night Clubs/Lounges	1 per 100/250 square feet of net floor area; See Staff Report	1 per 500 square feet (25%/75%)
Eating and Drinking Establishments - Food and Beverage Tasting	1 per 100/250 square feet of net floor area; See Staff Report	1 per 500 square feet (25%/75%)
Eating and Drinking Establishments - Full Service	1 per 100/250 square feet of net floor area; See Staff Report	1 per 500 square feet (25%/75%)
Eating and Drinking Establishments - Convenience	1 per 100/250 square feet of net floor area; See Staff Report	1 per 500 square feet (25%/75%)
Food Preparation	1 per 100/250 square feet of net floor area; See Staff Report	1 per 500 square feet (25%/75%)
Funeral Parlors and Interment Services	Consistent with Community Assembly or Office, per this table, as applicable	1 per 3,500 square feet (25%/75%)

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
Hotels and Extended Stay Hotels	See §TBD, Standards for Specific Uses and Activities	1 per 20 rooms, minimum 2 spaces (50%/50%)
Live-Work Unit	1 for the residential unit, plus 1 per 500 square feet nonresidential floor area	1 per 3,500 square feet of nonresidential floor area (50%/50%)
Maintenance and Repair Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Market Garden	1 per 250 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet (0%/100%)
Medical Cannabis Dispensary	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Mobile Food Vendor	None	None
Nurseries and Garden Centers	1 per 250 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet (75%/25%)
Offices - Business and Professional	1 per 250 square feet of net floor area	1 per 1,750 square feet (75%/25%)
Offices - Medical and Dental	1 per 250 square feet of net floor area	1 per 1,750 square feet (75%/25%)
Outdoor Sales and Display	None, if Outdoor Sales and Display is an Accessory Use; otherwise, 1 per 500 square feet of area devoted to onsite outdoor sales and display	1 per 3,500 square feet (50%/50%)
Outdoor Seating	1 per 100/250 square feet of outdoor seating area where the outdoor seating area is 50% or more of the indoor seating area. Where the outdoor seating area is less than 50% of the indoor seating area, no additional parking is required. See Staff Report	1 per 1,500 square feet (25%/75%)
Parking, Public or Private	None	None
Personal Services	1 per 250 square feet of net floor area	1 per 1,750 square feet (50%/50%)
Retail Sales - Building Materials and Services	1 per 250 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet (75%/25%)
Retail Sales - Food and Beverage Sales	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
Retail Sales - General Retail	1 per 250 square feet of net floor area	1 per 1,750 square feet (25%/75%)
Retail Sales - Neighborhood Market	None	None
Industrial Uses		
Automobile and Vehicle Repair, Major	1 per 500 square feet, including the vehicle repair bay area.	1 per 1,750 square feet (75%/25%)
Commercial Vehicle and Equipment Sales and Rental	1 per 500 square feet; plus, Fueling and Washing per this table, if applicable	1 per 3,500 square feet (75%/25%)
Construction and Material Yards	1 per 500 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	1 per 1,750 square feet of General Retail (75%/25%)
Custom Manufacturing	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Food and Beverage Manufacturing - Limited/Small Scale	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Food and Beverage Manufacturing - General/Large Scale	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Hazardous Waste Management Facility	As determined by the Public Works Director in consultation with Community Development Director	1 per 3,500 square feet (100%/0%)
Household Hazardous Waste Collection Facility	1 per 500 square feet	As determined by the Public Works Director
Industry, General	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Industry, Limited	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Recycling Collection Facility	1 per 500 square feet of net floor area;	1 per 3,500 square feet (100%/0%)
Research and Development	1 per 500 square feet of net floor area;	1 per 3,500 square feet (75%/25%)
Salvage and Wrecking	1 per 500 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is greater; minimum 2 spaces shall be provided per site.	None
Towing and Impound	1 per 500 net square feet of floor area or 1 per 2,000 square feet of lot area, whichever is	None

TABLE 28.26.040: REQUIRED OFF-STREET PARKING SPACES		
Use Classification or Development Type	*Required Automobile Parking Spaces*	*Required Bicycle Parking Spaces (long term/short term).*
	greater; minimum 2 spaces shall be provided per site.	
Warehousing and Storage - Indoor	1 per 2,000 square feet of net floor area, plus 1 per 250 square feet for any office space;	1 per 1,750 square feet of office space (75%/25%)
Warehousing and Storage - Outdoor	1 per 2,000 square feet of lot area, minimum 2 spaces shall be provided per site	None
Warehousing and Storage - Personal	1 per 2,000 square feet of net floor area, plus 1 per 250 square feet for any office space; minimum 3 spaces	1 per 1,750 square feet of office space (25%/75%)
Wholesaling and Distribution	1 per 500 square feet, see of net floor area;	1 per 3,500 square feet (75%/25%)
Transportation, Communication, and Utilities Uses		
Freight/Truck Terminals and Warehouses	1 per 500 square feet of net floor area	1 per 3,500 square feet (75%/25%)
Light Fleet-Based Services	1 per 500 square feet of net floor area	1 per 3,500 square feet (75%/25%)
Telecommunication Facilities	Unstaffed facility: 0 Staffed facility: As determined by the Public Works Director in consultation with Community Development Director	None
Transportation Passenger Terminals	As determined by the Public Works Director in consultation with Community Development Director	As determined by the Public Works Director
Public Works and Utilities	As determined by the Public Works Director in consultation with Community Development Director	As determined by the Public Works Director

B. **Standards for Specific Uses and Activities.** The number of required parking spaces for the following specific uses and activities shall be calculated as follows:

1. ***Multiple Uses.*** For uses other than shopping centers and accessory uses, if more than one use is proposed on a lot, the number of required parking spaces shall be equal to the sum of the parking requirement calculated separately for each use as described below.

   a. *Separation.* Multiple uses with different parking requirements, but located in the same building, must be physically separated with a fixed barrier, of a sufficient height and material to adequately separate uses, or the parking requirement shall be calculated at the highest rate for all uses.

b. *Common Areas.* Common areas, such as hallways or shared bathrooms, for multiple uses shall be calculated using the highest parking rate for all proposed uses.

2. ***Shopping Centers.*** Shopping centers may provide required off-street parking spaces at a rate of one space per 250 square feet of net floor area of all buildings occupied with a commercial use, even if a higher minimum parking requirement is indicated in Table TBD, Required Off-Street Parking Spaces for individual uses. This provision does not apply to the following uses: Hotels and Extended Stay Hotels, Residential, Public and Semi-Public, Industrial, or Transportation, Communication and Utilities.

3. ***Accessory Uses.*** If the floor area of any accessory use does not exceed the maximum size, as described in Section TBD, Accessory Uses, additional parking spaces shall not be required for any accessory use, even if a higher minimum parking requirement is indicated in Table TBD, Required Off-Street Parking Spaces. However, no manufacturing, warehouse, or storage use that is incidental, or accessory to a primary use shall be parked at a lower rate than that required for the primary use.

4. ***Outdoor Uses.*** The area of any outdoor use that requires parking spaces per Table TBD shall be identified on an approved plan and shall be demarcated on the site with a fixed barrier which may include, but is not limited to, bollards, railings, posts, walls, fences, patios, planters, or any similar visual or physical border.

5. ***Vehicles as Inventory.*** Any use that retains an inventory of vehicles for sale, repair, or rental shall provide adequate storage space for those vehicles, and shall not utilize the parking spaces required by Table TBD, Required Off-Street Parking Spaces for vehicle storage or vehicle inventory.

6. ***Group Residential, Hotels and Extended Stay Hotels.*** Required Parking for Group Residential Hotels, Extended Stay Hotels, is as follows:

   a. Rooms with kitchen facilities provided in the unit shall provide either one parking space per bedroom, or per the parking requirements for the Residential Housing Type in Table TBD, whichever is greater. A "bedroom" for the purposes of this section shall mean any individual sleeping room, or any suite of rooms in which the individual rooms cannot be rented separately.

   b. If individual beds are provided for rent, rather than rooms (e.g., youth hostel or dormitory), then the parking requirement is one space per two beds. A "bed" for the purposes of this section shall mean 70 square feet in any sleeping room

   c. Auxiliary uses, including restaurants, spas, fitness centers, retail or similar uses, which are only open to hotel occupants and their guests, shall require no additional off-street parking spaces;

d. Auxiliary uses, including restaurants, spas, fitness centers, retail or similar uses, which are open to members of the public other than hotel occupants and their guests, shall require additional off-street parking spaces pursuant to Table TBD. However, no conference centers in a hotel shall require additional parking spaces.

7. **Vehicle Repair Bays.** Vehicle repair bays for any use shall not be counted as parking spaces.

8. ***Warehousing and Storage.*** Warehousing and storage uses that meet the following standards may use the parking ratio for Warehousing and Storage uses in Table TBD. Other warehousing and storage uses shall use the required parking ratio for the most similar industrial or commercial use.

   a. Warehousing and Storage is an allowed use in the Zone.

   b. With the exception of Personal Warehousing and Storage, a minimum of 2,000 net square feet of contiguous, undivided warehouse or storage area is provided.

9. ***Uses Not Specified.*** If parking requirements for a use are not specified in Table TBD, off-street parking spaces shall be required in an amount adequate to meet the purpose of this Chapter, as determined by the Community Development Director.

10. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with this Chapter, the Public Works Director may require submittal of a parking demand study.

28.26.050 Parking Exceptions and Reductions

A. **Affordable and Senior Housing.** Unless further reduced by any applicable State law, development in which 100 percent of the units are developed as rental units affordable to very low or low income households, or Senior Housing, may reduce the number of parking spaces to one uncovered parking space per unit, and units restricted to Low Income Senior Housing may reduce the number of parking spaces to one parking space for every two units, provided the following conditions are met:

1. ***Storage Space.*** Each unit shall have a minimum of 200 cubic feet of enclosed, weatherproofed, and lockable private storage space for the sole use of the unit tenant. Such space shall be accessible from the exterior of the unit it serves and shall have a minimum dimension of three feet.

2. ***Recorded Covenant.*** A covenant is recorded in the County Land Records against the title stating the following. The City shall be a party to the covenant.

   a. All of the dwelling units on the Real Property shall be rented to very low or low income households or seniors; the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual, and

affordability shall continue for a minimum 90 years from the initial occupancy of the dwelling unit.

b. The development has received a reduction in the amount of parking required because it is a 100 percent affordable or senior project. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental or senior housing, either (i) the structure(s) shall be redesigned and possibly reconstructed and the number of dwelling units shall be reduced so that the maximum number of dwelling units on the Real Property does not exceed the number of dwelling units that would be allowed if there is compliance with the City's parking requirements then in effect, or (ii) the owner shall provide the number of spaces required by the Zoning Ordinance for the new use.

B. **Central Business District (CBD).**

1. ***Automobile Parking.*** The number of off-street parking spaces required within the Central Business District (CBD) delineated in Figure TBD, Central Business District and Parking Zones of Benefit, shall be as follows.

a. *Non-Residential Parking.* One space per 500 square feet of net floor area.

i. Zone of Benefit Reduction. The number of required parking spaces shall be reduced by the applicable Zone of Benefit Reduction percentage.

b. *Residential Only Parking.* Residential only developments shall provide parking in accordance with Section TBD, Required Parking Spaces, and guest parking is not required.

c. *Mixed-Use Developments.* The residential parking requirement for mixed-use developments in the CBD is one uncovered parking space per dwelling unit, and guest parking is not required.

2. ***Bicycle Parking***. Short term bicycle parking is not required for any uses on State Street and in first block east or west of State Street within the Central Business District.

C. **Mixed-Use Development.** Where residential uses occupy less than 50 percent of the total net floor area of a mixed-use building, the number of required residential parking spaces shall be one space per unit unless fewer allowed by Table TBD. Guest parking is required.

D. **Reduction for Bicycle Parking.** In an existing parking lot, uncovered automobile parking spaces required for any nonresidential development may be substituted with bicycle parking, pursuant to the following:

1. One of every seven required automobile parking spaces, up to a maximum of two spaces, may be substituted with bicycle parking.

2. Six bicycle parking spaces shall be provided for each substituted automobile parking space.
3. Adequate maneuvering aisle shall be provided;
4. Bicycle parking spaces provided shall be consistent with the City Access and Parking Design Guidelines;
5. The bicycle parking spaces shall be located as near as practical to the primary entrance of the main building or buildings; and
6. The reduction is not done in conjunction with a change of use, addition, or other alteration that requires additional automobile parking spaces.

E. **Reduction for Motorcycle Parking.** In an existing parking lot, uncovered automobile parking spaces required for any nonresidential development may be substituted with motorcycle parking, pursuant to the following:

1. One of every 20 required automobile parking spaces up to a maximum of five spaces, may be substituted with motorcycle parking;
2. Two motorcycle parking spaces shall be provided for each substituted automobile parking space;
3. Adequate maneuvering aisle shall be provided;
4. Motorcycle parking spaces provided shall be consistent with the City Access and Parking Design Guidelines;
5. The motorcycle parking spaces shall be located as near as practical to the primary entrance of the main building or buildings; and
6. The reduction is not done in combination with a change of use, addition, or other alteration that triggers the requirement for additional parking spaces.

F. **Reduction for Parking Area Improvements.** The Community Development Director may approve a reduction of up to two required parking spaces for multiunit residential, nonresidential, or mixed-use development, in order to:

1. Provide appropriately screened and located trash and recycling areas,
2. Make an improvement to the existing circulation, safety or other required parking lot design and development standards, or
3. To provide parking lot landscaping in conformance with this Chapter.

This reduction is allowed only if the Community Development Director finds that no alternative methods for achieving the same result can be made without a reduction in parking spaces, and the reduction is not done in conjunction with a change of use, addition, or other alteration that requires additional parking spaces.

G. **Reduction for Carsharing Program.** Required automobile parking spaces may be substituted with designated Carshare Vehicle parking spaces on multi-unit residential, nonresidential and mixed-use development, pursuant to the following:

1. Up to a maximum of five percent of the required automobile parking spaces required for any multi-unit residential or mixed-use development, may be designated as Carshare Vehicle parking spaces. Up to a maximum of 25 percent of required parking spaces may be designated as Carshare Vehicle parking spaces on a site developed with exclusively nonresidential uses.

2. Carshare Vehicles shall be maintained for active use by Careshare Service and not for other purposes. No sales, servicing, storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles unless otherwise permitted by the use regulations in the zoning district.

3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.

4. All owners of a lot, including any applicable Homeowner's Associations, shall be required to grant permission for the operation or parking of a Carshare Vehicle on their property.

5. A permit is required to establish Carsharing Service on any lot.

H. **Small Residential Unit Reduction.** Required off-street parking for any residential unit with 600 square feet or less of liveable floor area, excluding covered parking, and no more than one bedroom, is one uncovered parking space per unit.

I. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Modification, pursuant to Chapter TBD, Modifications.

28.26.060 Location of Required Parking

A. **On-Site Parking Required.** Required parking shall be located on the same lot as the dwelling unit served except as allowed below.

1. ***Allowance for Off-Site Parking.*** Required parking for nonresidential uses and for residential uses located in nonresidential zones may be located in an offsite facility, subject to approval by the Community Development Director, provided the following conditions are met:

   a. *Location.* Any offsite parking facility must be located within 500 feet, along a designated pedestrian route, of the principal entrance containing the use for which the parking is required. The Public Works Director may approve a distance of up to 1,250 feet for nonresidential uses only.

   b. *Assigned.* Offsite parking areas shall be assigned to the site with parking directional signs, both onsite and offsite.

   c. *Recorded Agreement.* A Recorded Agreement is required pursuant to section TBD, Recorded Agreements.

B. **Front Setback.** Required parking shall not be located within any front setback.

1. ***Additional Setback for Back-Out Parking.*** Parking that backs out to the street shall be setback a minimum of 20 feet from the front property line.

C. **Front Yard.** Uncovered parking in the front yard is prohibited on any single-unit or two-unit residential development unless it is screened from public view. Parking is considered "screened" when it is not visible looking perpendicular from any street. Such screening shall be approved by the appropriate Design Review Body.

D. **Interior Setback.** Required parking shall not be located within any interior setback, with the following exceptions:

1. ***Single-Unit Residential.*** Where allowed pursuant to Section TBD, Covered Parking, uncovered parking may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area shall be provided for the length of the paved parking area and driveway.

2. ***Multi-Unit Residential.*** Uncovered parking may be allowed in an interior setback provided a landscape buffer not less than three feet in width is provided per section TBD, Parking Area Landscape and Fence Standards in residential zones or lots adjacent to residential zones.

3. ***Nonresidential and Mixed-Use.*** Uncovered parking may be allowed in an interior setback provided the required landscape buffer is provided per section TBD, Parking Area Landscape and Fence Standards.

E. **Automobile Overhang.** The automobile overhang is considered part of the parking space and shall not encroach into any sidewalk, roadway, setback, adjoining property lines, or reduce the clear area of walkways or access aisles.

28.26.070 Bicycle Parking

Bicycle parking shall be provided in accordance with the Building Code except where greater requirements are identified below.

A. **Bicycle Parking Spaces Required.** Each land use shall be provided at least the number of long term and short term bicycle parking spaces stated in Table TBD, Required Off-Street Parking and Bicycle Parking Spaces, unless a reduction is approved pursuant to Section TBD, Bicycle Parking Reductions. Long term bicycle parking is covered and secured, and intended for use by residents, employees or students for long time periods. Short term bicycle parking is conveniently located and intended for use by business patrons, visitors, and guests for a shorter time.

B. **Bicycle Parking Facility Design.** All bicycle parking facilities shall be designed and constructed consistent with the City Standards for Parking Design, as determined by the Public Works Director.

C. **Bicycle Parking Reductions.** The number, percentages, or other standards for required long term and short term bicycle parking spaces may be reduced or waived if the Public Works Director finds that:

1. Adequate site space is not available on an existing development to provide bicycle parking; or
2. Reduced bicycle parking is justified by reasonably anticipated demand; or
3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the Public Works Director.

28.26.080 Parking Area Landscape and Fence Standards

A. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the standards of this Subsection for any multiunit residential, nonresidential or mixed-use development.

1. ***Licensed Architect Required.*** Landscape and irrigation plans shall be prepared by an architect or landscape architect registered in the State of California, unless waived by the Review Authority.
2. ***Perimeter Planter.*** Perimeter planting is required where a parking area is adjacent to a property line.
   a. *Front Lot Lines.* A landscaped buffer in compliance with one of the following methods shall be provided along all front property lines for the length of the parking area.
      i. A landscaped buffer with a minimum inside width of five feet and a fence or hedge 42 inches in height, or
      ii. A landscaped buffer with a minimum inside width of eight feet.
   b. *Interior Lot Lines.* A landscaped buffer with a minimum inside width of five feet shall be provided along all interior property lines for the length of the parking area.
3. ***Driveway Planter.*** Driveways adjacent to onsite buildings must be separated from building walls by a planting area with a minimum inside width of three feet.
4. ***Island Planter.*** A landscaped island, at least four feet in all interior dimensions, and containing at least one tree, shall be provided at each end of each interior row of parking stalls and between every eight consecutive parking stalls.
5. ***Trees.***
   a. *Number Required.* One for each five parking spaces.
   b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area, in a planter at least four feet in all interior dimensions.
   c. *Size.* Two-thirds of the trees shall be a minimum 15gallon size, the rest of the trees shall be a minimum five-gallon size.
6. ***Protection and Maintenance of Vegetation.***

a. *Clearance from Automobiles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from automobile damage by providing a minimum two-foot clearance of low-growing plants where automobile overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.

b. *Planter Protection.* Required landscape areas shall be protected from vehicles by a physical barrier. The physical barrier shall be designed to allow stormwater runoff to pass through, unless an alternate stormwater runoff plan is approved. The planter shall also include an outlet structure (e.g. weir or atrium grate) for excess storm water to flow out of the planter and into the storm drain system.

c. *Irrigation Plan Required.* A sprinkler system or drip irrigation system designed to provide complete coverage of all planted areas is required.

d. *Maintenance.* All vegetation shown on an approved parking area landscape plan shall be maintained and shall not be altered or removed except as allowed pursuant to Chapters 22.11, Maintenance of Approved Landscape Plans, and 15.24, Preservation of Trees, of the Santa Barbara Municipal Code.

B. **Fences and Hedges.** A decorative fence or hedge shall be provided where parking areas or driveways abut property used or zoned for residential purposes.

1. The fence or hedge shall be six feet high except within the visibility triangle described in Section TBD, Visibility at Driveways and Intersections, where the maximum height is 42 inches.

2. A five-foot-wide planting area shall be provided along the interior side of the fence or hedge.

C. **Retaining Walls.** Retaining walls shall be set back a minimum of three feet from parking areas and driveways. Footing design shall allow for planting in the space between the parking area and retaining wall.

D. **Visibility.** Notwithstanding other provisions of this Section, fences, hedges, and landscaping must comply with Section TBD, Visibility at Driveways and Intersections.

E. **Alternative Landscape Designs.** Where an applicant can demonstrate to the satisfaction of the applicable Design Review body that variations in the requirements of this Section are warranted in order to provide relief for existing site constraints, or to achieve a superior aesthetic or environmental design, an alternative landscape design may be approved. However, no perimeter planter on any interior lot line in a residential zone or adjacent to a residential zone shall be reduced to less than three feet.

28.26.090 Parking Area Design and Development Standards

All parking areas shall be designed and developed consistent with the City Standard for Parking Design and the following standards as determined by the Public Works Director.

A. **Circulation and Safety.**

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering, circulating within and leaving a parking facility.
2. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.
3. Backing out onto a public street or sidewalk from a parking space shall be permitted only for Single-Unit and Two-Unit Residential, and where not more than four spaces are provided.
4. All turnaround movements shall be accomplished in one maneuver. One maneuver is considered to be one back up and one forward movement.
5. All parking spaces shall be clearly marked with paint or other similar distinguishable material, except spaces established in a garage or carport having not more than three spaces, or for Single-Unit Residential.

B. **Pedestrian Access.** Safe, accessible, direct and convenient off-street pedestrian circulation consistent with the City Access and Parking Design Guidelines shall be provided for all developments other than single-unit residential.

C. **Driveways.** Driveway access to the required off-street parking area shall be consistent with the City Access and Parking Design Guidelines and the California Fire Code as amended and adopted by ordinance of this City.

1. Driveways, fire lanes, or other required vehicular maneuvering areas in any parking lot shall not be used for parking of vehicles or other storage that prohibits access.
2. Circular driveways, multiple driveways, or motor courts in any setback are prohibited, unless determined necessary for safety or necessary to serve permitted parking spaces.
3. All driveways and turnarounds shall serve approved parking or loading areas only, and shall not exceed the minimum dimensions necessary for vehicular maneuvering. If a driveway or driveway approach is no longer necessary to serve an approved parking or loading area, all paving shall be removed, and the curb, gutter, and sidewalk shall be replaced to meet City Construction Standard Details.

D. **Loading.** In order to avoid undue interference with the public use of streets and alleys, off-street loading and unloading areas shall be provided for any use that employs valet parking and any other use where loading interferes with short-term or visitor parking, as determined by the Public Works Director.

E. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement required by this Chapter in accordance with the following.

1. ***Residential Uses.***

a. *Multi-Unit and Mixed-Use Development.* Tandem parking for multiunit residential, or for residential uses in a mixed-use development, shall meet the following:

i. No more than two automobiles shall be placed one behind the other;

ii. Both automobile spaces parked in tandem shall be assigned to the same residential unit;

iii. Automobile movements necessary to move cars parked in a tandem arrangement shall not take place on any street or alley;

iv. Tandem parking shall not be used to meet the guest parking requirement; and

v. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement, pursuant to TBD, Recorded Agreements.

b. *Other Residential Uses.* For all other residential uses, tandem parking shall only be approved for existing development if the Public Works Director finds that the tandem parking is needed for flexibility on a constrained lot, and where tandem parking does not create a safety hazard or traffic impacts. If approved, no more than two automobile spaces shall be placed one behind the other, and both automobile spaces parked in tandem shall be assigned to the same residential unit. Tandem parking shall not be used to provide for the conversion of garage or carport spaces.

2. ***Nonresidential Uses.*** Tandem parking for nonresidential uses may be approved by the Public Works Director to satisfy the off-street parking required by this Chapter in accordance with the following:

a. *Allowed Uses.* Limited to Hospitals and Clinics, Medical and Dental Offices, and Hotels and Extended Stay Hotels.

b. *Minimum Number of Spaces.* Parking lots used for tandem parking shall contain a minimum of 20 parking spaces;

c. *Design and Operation.* Shall be designed and operated in compliance with all standards in Subsection TBD, Valet Parking; and

d. *Recorded Agreement Required.* A recorded agreement shall be executed establishing the valet parking will be maintained and reserved for the uses served for as long as such uses are in operation.

F. **Valet Parking.** Valet parking shall comply with all of the following:

1. Sites utilizing valet parking shall not use any street, alley, or City-owned parking facilities for automobile storage, pickup, drop-off, or interfere with any right-of-way without approval of the Public Works Director;
2. Vehicle movements in a tandem arrangement shall not take place on any street or alley;
3. The valet drop-off lanes, and any associated kiosks or other similar items, shall be located to allow for the safe and efficient function of the valet operation, in that it will neither adversely impact the parking and internal circulation of the parking lot, nor encroach into any required fire lane access area;
4. Valet parking shall not interfere with, reduce, remove, or utilize any parking spaces required for any other use; and
5. Sites utilizing valet parking shall ensure a parking attendant will be on duty at all times that the facility is in use, and sufficient staff and facilities to ensure that automobiles are moved for parking promptly. No automobile queuing or parking is allowed in travel lanes at any time. If the site is unable to meet the valet parking demand and queuing or double-parking occurs, the operation shall be temporarily closed, until the demand can be properly handled, and shall display a sign with the word "FULL" that is clearly visible to approaching traffic.

G. **Materials.** All required off-street automobile parking areas and driveways shall be fully hard surfaced with asphaltic concrete of minimum thickness of two inches, with four inches compacted base, or other techniques or materials providing equivalent service. Gravel, dirt, and other similar loose materials are prohibited in the driveway within 100 feet of any right-of-way.

H. **Waiver.** Any variation from the requirements of this Section must be approved pursuant to a waiver by the Public Works Director.

Temporary Uses

28.26.350 Temporary Uses

A. **Purpose.** The City recognizes that certain temporary uses can be a benefit to the community and should be allowed; provided that short-term negative effects, such as noise, lighting, parking, and traffic, are minimized. This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

B. **Limitations.** Any use allowances described in this Section do not override any use limitations placed on a lot pursuant to existing discretionary approvals. Temporary uses shall comply with all other applicable provisions of the Santa Barbara Municipal Code, including, but not limited to, the Sign Ordinance, the Outdoor Lighting Ordinance, applicable Building and Fire Codes, and any applicable design review of buildings or structures.

C. **Determination of Approval Required.** The Community Development Director shall determine if a particular use, structure, or event represents a variation from the normal operations of a legally recognized use on a lot and shall be subject to the requirements of this Section.

D. **Exempt Temporary Uses.** The following temporary uses are exempt from a permit or other approval under this Chapter.

1. ***Temporary Events Subject to Other City Temporary Use Permits.*** Temporary uses that are permitted by other City Departments, such as a Parks and Recreation Permit, Parade Permit, or Circus and Carnival Permit, or similar permit or approvals, are exempt from a permit or approval under this Section.

2. ***Garage Sales.*** Residential garage or estate sales of personal property conducted by, or on behalf of, a resident of the premises may be conducted consistent with the following standards.

   a. *Number of Events.* A maximum of four times per 12-month period, per lot.

   b. *Duration.* A maximum of three consecutive days per event.

3. ***Non-Profit Fund Raising.*** Fund raising sales by a nonprofit organization may be conducted consistent with the following standards.

   a. *Location.* Located in a nonresidential zone on a lot developed with nonresidential uses.

   b. *Number of Events.* A maximum of four times per 12-month period, per site.

   c. *Duration.* A maximum of three consecutive days per event.

   d. *Parking.* Parking spaces or loading areas required for other uses shall not be displaced.

e. *Obstructions.* The fund raising sale shall not obstruct the right-of-way, sight distances, building or site ingress or egress, or otherwise create hazards for vehicle or pedestrian traffic.

4. ***Construction Building or Office.*** A recreational vehicle or mobilehome may be used as a construction building or office at the site of a construction project for the duration of such project.

E. **Temporary Uses Requiring a Zoning Clearance.** The following types of temporary uses may be conducted with a Zoning Clearance pursuant to Chapter TBD, Zoning Clearance. A Zoning Clearance is required for each separate temporary use occurrence and expires at the conclusion of the individual use, activity, or event. Temporary uses in the Coastal (CZ) Overlay Zone shall also require either a Coastal Exemption or Coastal Development Permit pursuant to Chapter TBD, Coastal (CZ) Overlay Zone.

1. ***Temporary Structures.*** Temporary buildings, lighting, or other structures consistent with the following standards:

a. *Use Limitation.* Limited to nonresidential uses.

b. *Location.* Located in a nonresidential zone.

c. *Duration.* A maximum of 12 consecutive months per site.

d. *Size.* Limited to a cumulative maximum building floor area of 1,500 net square feet per site.

e. *Parking.* Parking shall be provided pursuant to Chapter 28.26, Parking Regulations. Parking spaces or loading areas required for other uses shall not be displaced.

f. *Development Standards.* Temporary structures must comply with all applicable development standards of the Santa Barbara Municipal Code, including, but not limited to, minimum setbacks, maximum height, design review, and performance standards.

g. *Site Condition.* Temporary structures shall be removed within seven days following the conclusion of the Zoning Clearance approval, and the appearance of the site shall be returned to its original state.

2. ***Commercial Use of Recreational Vehicles, Mobilehomes, and Modular Units.*** Use of recreational vehicles, mobilehomes, or modular units consistent with the following standards.

a. *Vehicle Sales Office.* A recreational vehicle or mobilehome used as a sales office for:

i. A new or used recreational vehicle or mobilehome sales business located on the same lot or parcel of land where the business is located and new or used recreational vehicles or mobilehomes, other than that used for a sales office, are normally kept for display to the public.

ii. A new or used auto sales business conducted on the same lot or parcel of land outside a City-designated landmark district.

b. *Park Office.* A modular unit or mobilehome in a residential zone used for temporary office purposes in connection with the use of real property as a dedicated public park provided that the owner of the property or the operator of the park has received the required City approvals to construct a permanent park office building and all of the following conditions exist:

i. All required building permits are obtained.

ii. Each modular unit or mobilehome is located outside the construction zone.

iii. No required parking spaces are eliminated by the placement of the modular units or mobilehome.

iv. No retail sales are made from the modular units or mobilehome.

c. *Sales and Leasing Office.* A mobilehome or modular unit may be used as an office for the initial sale, rental or leasing of lots and dwellings in a project located on the same lot or parcel of land where the units are located provided all of the following conditions exist:

i. All required building permits are obtained.

ii. All necessary street improvements and off-street parking spaces are provided to the satisfaction of the Public Works Director and Community Development Director.

iii. No required parking spaces are eliminated by the placement of the modular units.

iv. The sales office is closed after a period of two years, unless the time period is extended by the Community Development Director.

d. *Business Operations.* One or more modular units may be used during the term of a construction project by employees of an existing business which has been displaced due to the project, provided all of the following conditions exist:

i. All required building permits are obtained.

ii. Each modular unit is located outside the construction zone.

iii. No required parking spaces are eliminated by the placement of the modular units.

iv. No retail sales are made from the modular units.

e. *Fire Protection Purposes.* A modular unit or mobilehome in a residential zone may be used for interim fire protection purposes in connection

with the use of City Fire Station No. 7 (Sheffield/Stanwood Station) provided that the modular unit or mobilehome is located outside any City-designated high fire hazard area and any City-designated landmark district.

3. ***Seasonal Sales.*** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items consistent with the following standards:

   a. *Location.* Located in a nonresidential zone on a lot developed with nonresidential uses.

   b. *Duration.* A maximum of six weeks per holiday.

   c. *Number of Events.* A maximum of six times per 12-month period, per site.

   d. *Parking.* Parking spaces or loading areas required for other uses on the lot shall not be displaced.

   e. *Site Condition.* All items for sale, as well as signs and temporary structures, shall be removed within seven days following the respective holiday, and the appearance of the site shall be returned to its original state.

4. ***Special Events and Sales.*** Other short term special events, outdoor sales, and displays consistent with the following standards:

   a. *Use Limitation.* Limited to nonresidential uses associated with an existing use on the same site.

   b. *Location.* Located in a nonresidential zone.

   c. *Number of Events.* A maximum of six times per 12-month period, per site.

   d. *Duration.* A maximum of three consecutive days per event.

   e. *Time Limit.* Hours of operation occur between 8:00 a.m. and 9:00 p.m.

   f. *Surfacing.* If outdoors, located on a paved or concrete area on the same site as the structure(s) containing the use with which the event is associated.

   g. *Parking.* Parking spaces or loading areas required for other uses shall not be displaced, except as provided below.

   h. *Spaces not Being Used.* Required parking spaces for existing nonresidential uses may be displaced if the existing nonresidential use is not open during the event.

   i. *Offsite Parking.* Equivalent replacement parking spaces are provided offsite in an existing paved, permitted parking lot approved by Transportation Manager.

j. *Obstructions.* The event shall not obstruct the right-of-way, sight distances, building or site ingress or egress, or otherwise create hazards for vehicle or pedestrian traffic.

k. *Accessibility/Americans with Disabilities Act.* The event must comply with all applicable accessibility requirements and the Americans with Disabilities Act.

l. *Site Condition.* The appearance of the site shall be returned to its original state, including the removal of all signs and temporary structures, within seven days following the event.

5. ***Mobile Food Vendors.*** Mobile Food Vendors on private property located and operated in compliance with the following standards.

a. *Location.* Mobile Food Vendors may only operate in nonresidential zones, on lots developed with nonresidential uses.

b. *Number.* Maximum one truck per day per parking lot.

c. *Duration.* Maximum four hours per day per parking lot. No lot may have a mobile food vendor onsite for more than 90 days total in any 12-month period.

d. *Distance.* No mobile food vendor on private property shall operate closer than a 500-foot radius from another mobile food vendor operating on private property.

e. *Setback.* Mobile food vehicles shall maintain a minimum 10-foot front setback from any right-of-way, for site visibility.

f. *Required Parking.* No parking spaces are required for a Mobile Food Vendor that meets all of the standards under this section.

g. *Displaced Parking.* Mobile Food Vendors may displace up to three required nonresidential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing nonresidential use may be displaced if the existing nonresidential use is not open during the event.

h. *Location.* Mobile food vehicles used by vendors shall not be permitted as a permanent or proprietary location on any property within the City. Vehicles shall not be left unattended at any time, or be left onsite when inactive or stored overnight.

i. *Obstructions.* Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.

j. *Allowed Products.* Operations are limited to the sales of food and beverages for immediate consumption.

k. *Allowed Vehicles.* Operations shall only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a push cart, standalone trailer, or kiosk are not allowed under this Title.

l. *Nuisance.* Mobile Food Vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

F. **Temporary Uses Requiring a Performance Standard Permit.** Temporary uses that do not meet certain standards to be considered exempt or allowed pursuant to Zoning Clearance may be permitted with a Performance Standard Permit pursuant to Chapter TBD, Performance Standard Permit, as follows.

1. ***Additional Allowances.*** The Staff Hearing Officer may allow additional allowances for the following standards.

a. *Use Limitation.*

b. *Location.*

c. *Size.*

d. *Number of Events.* Up to 12 times per 12-month period, per site. A Performance Standard Permit approval may authorize multiple occurrences of a temporary use provided all occurrences are conducted within a 12-month period. Conditional Use Permit approval is required for temporary uses that occur over multiple years.

e. *Duration.* Up to 11 consecutive days per event. Up to 24 consecutive months for a temporary structure.

f. *Time Limit.*

g. *Surfacing.*

h. *Parking Displacement.* A parking analysis may be used to establish the number of parking spaces required for all uses for the duration of the event.

i. *Obstructions.*

j. *Mobile Food Vendors.*

2. ***Required Findings.*** The Staff Hearing Officer may approve or conditionally approve an application for a Performance Standard Permit only upon making

of the following findings in addition to any other findings required pursuant to this Title:

a. The proposed use will not unreasonably affect adjacent properties, their owners or occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

b. The proposed use will not unreasonably interfere with pedestrian, bicycle or vehicular traffic or circulation in the area surrounding the proposed use, and will create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

3. ***Conditions of Approval.*** The Staff Hearing Officer may impose reasonable conditions deemed necessary to ensure compliance with the findings listed in Section TBD, Required Findings, above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting, noise and odors; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service and returning the site to its original condition. The Staff Hearing Officer may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

G. **Temporary Uses Requiring a Conditional Use Permit.**

1. A Conditional Use Permit is required for any temporary use that would affect persons or property owners other than those entitled to notice.

2. A Conditional Use Permit is required for any temporary use that will occur on the same site more than 12 times per year or that will occur over multiple years.

H. **Interim Governmental Displacement Use.** Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action may be allowed through Conditional Use Permit approval pursuant to Chapter TBD, Conditional Use Permits. Interim uses and any authorization granted by the Conditional Use Permit shall be limited in duration as specified by the Planning Commission.

City of Santa Barbara

New Zoning Ordinance (NZO) Module 3: Administration, Parking, and Temporary Uses

Relevant General Plan Policies

Land Use Element Policies

LG4. Principles for Development. Establish the following Principles for Development to focus growth, encourage a mix of land uses, strengthen mobility options and promote healthy active living.

- Mix of Land Uses. Encourage a mix of land uses, particularly in the Downtown to maintain its strength as a viable commercial center, to include retail, office, restaurant, residential, institutional, financial and cultural arts, encourage easy access to basic needs such as groceries, drug stores, community services, recreation, and public space.
- Mobility and Active Living. Link mixed-use development with main transit lines; promote active living by encouraging compact, vibrant, walkable places; encourage the use of bicycles; and reduce the need for residential parking.

LG8. Manufacturing Uses. Preserve and encourage the long-term integrity of light manufacturing uses.

Possible Implementation Actions to be Considered:

- LG8.1 Narrow Commercial Uses. Narrow the range of permitted commercial uses to ancillary types in the M-1 zone for protection of industrial/manufacturing and related land uses.
- LG8.2 Limit Residential. Better define residential uses in the C-M Zone to both encourage priority housing and to protect existing manufacturing and industrial uses.

2011 Circulation Element Policies

C6.8 Circulation Element Policy 6.8: Car-Sharing. Work with public and private interests to establish various types of car-sharing.

C7. Parking Management. Manage parking Downtown to reduce congestion, increase economic vitality, and preserve Santa Barbara's quality of life.

Possible Implementation Actions to be Considered:

C7.1 Appropriate Parking. Establish requirements for on and off-street parking in the Central Business District (CBD) appropriate to the parking users as follow:

a. Maximize availability of customer parking in the CBD;

b. Limit/discourage employee use of public parking in the CBD, and maximize employee commuting options to the CBD;

c. Manage and price public parking in the CBD so as not to put businesses in the CBD at a competitive disadvantage with other south coast shopping options; and

d. Change residential parking requirements and permitting programs in the CBD to maintain and/or increase the availability of on- and off-street customer parking.

C7.2 Downtown Parking Requirements. Update the boundary of the delineated area of the Central Business District to include more of the commercial area.

EXHIBIT D

C7.5 Residential Parking Requirements. Allow residential land development projects to "unbundle" parking (i.e., selling or renting residential units separate from parking stalls) within the commercial and high density residential land use designations to address affordability and development size, bulk, and scale.

C7.6 Residential Off-site Parking. Amend the Zoning Ordinance to allow residential required parking off-site in commercial zones.

C7.7 Bicycle Parking and Other Needs. Require all multi-family and commercial projects to be designed to meet the needs of bicyclists (e.g., secure parking, storage, lockers, showers, etc.)

1997 Circulation Element Policies

Economic Vitality 1.1
The City shall establish, maintain, and expand a mobility system that supports the economic vitality of local businesses.

1.1.1 Optimize access and parking for customers in business areas by implementing policies of the Circulation Element aimed at reducing dependence upon the automobile, and improving and increasing pedestrian, bicycle use, and transit use.

Equality of Convenience and Choice 2.1
Work to achieve equality of convenience and choice among all modes of transportation.

2.1.5 Manage the supply of parking on a City-wide basis and suggest methods to better utilize existing parking or to provide additional parking.

2.1.9 Explore ways to continue the concentration of development Downtown and along transit corridors to facilitate the use of transit and alternative modes of transportation.

Bikeway System 4.2
The City shall work to expand, enhance, and maintain the system of bikeways to serve current community needs and to develop increased ridership for bicycle transportation and recreation.

4.2.6 Increase attractive, convenient, and secure bike parking and storage facilities on public property and encourage the provision of the same on private property

Parking Supply 7.2
The City shall improve ways to utilize existing parking and create new parking opportunities through partnerships and cooperation.

7.2.7 Develop methods to optimize the use of on street parking. These methods may include the following:

- the reduction of red painted curbs and other street parking prohibitions where safe and feasible,
- considering using on-street parking, where available, to satisfy private parking demands,
- allowing design flexibility and building siting that enhances the use of alternative means of travel, and
- increasing the availability and use of alternative means of travel to reduce the demand for parking spaces.

7.2.8 Encourage uses with different peak parking hours to share facilities and, therefore, reduce the total number of required parking spaces.

Parking Requirements and Standards 7.4

The City shall update its Parking Requirements and Design Standards to optimize its parking resources and to encourage increased use of alternative transportation.

7.4.1 Incorporate innovative design standards, such as tandem parking, stacked parking, and valet parking.

7.4.2 Consider allowing on-site parking requirements to be reduced if amenities are provided that support the use of alternative transportation.

7.4.3 Survey land uses, public parking supplies, and available alternative modes of transportation prior to considering changes in parking requirements.

7.4.4 Consider amending the parking standards of the Santa Barbara Municipal Code to allow reduced parking standards for uses such as delivery services, courier services, and phone and mail order services that help reduce automobile trips.

Downtown Parking and Economic Viability 8.1

The City shall continue to manage the Downtown public parking supply to support the economic vitality of the Downtown business district while sustaining or enhancing its historical and livable qualities.

8.1.1 Operate and manage the Downtown public parking program in partnership with the Downtown community to reduce the need for employee parking and to increase available parking for customers and clients.

8.1.3 Consider reducing or eliminating the parking requirements for small businesses and small additions (as defined in the Santa Barbara Municipal Code), when adequate alternatives are operational.

Downtown Housing 8.5

The City shall promote/facilitate the development of housing to decrease the need for parking through an increased walking/biking population that lives, works, and shops in the Downtown.

8.5.2 Allow residential parking in public parking lots for mixed use development after ensuring that there is adequate capacity to serve existing uses.

Compact Development 13.2

Without increasing the City wide development potential as provided for in the existing Zoning Ordinance and General Plan, the City shall allow more compact, pedestrian oriented development along major transit corridors

13.2.2 Consider amending the Zoning Ordinance to:

- allow increased residential densities and more compact, pedestrian oriented, non-residential development along streets identified as major transit corridors, and
- reduce parking requirements for properties near major transit corridors if it can be demonstrated that a negative impact will not occur. In conjunction with this reduction, the City shall evaluate and aggressively monitor the results to ensure continued use of alternative means of travel and to justify reduced parking demands.

Incentives for Mixed Use 13.3

Provide incentives for mixed use development.

13.3.2 Continue to identify and pursue new strategies to encourage the development of mixed use projects.

Neighborhood Serving Uses 13.5

Determine the need for residential neighborhood services and commercial uses that support the City's mobility goals. Provide opportunities to address those needs, while preserving and protecting the neighborhood character.

13.5.1 Allow small scale neighborhood serving commercial uses in residential areas if supported by affected property owners. Ensure that the character of the surrounding neighborhood is protected.

13.5.2 Consider amending the Zoning Ordinance to:

- reduce or eliminate automobile parking requirements for small scale neighborhood serving commercial uses,
- encourage the establishment of new social/neighborhood centers, and
- grandfather existing non-conforming uses.

Housing Element Policies

H17. Flexible Standards. Implement changes to development standards to be more flexible for rental, employer sponsored workforce housing, affordable housing projects, and limited equity co-operatives, where appropriate.

Possible Implementation Actions to be Considered:

H17.1 Parking Requirements. Consider incremental changes to the Zoning Ordinance parking requirements such as:

- Reducing parking requirements for projects that develop under the Average Unit-Size Density Incentive Program to 1 space minimum per unit.
- Allowing tandem parking
- Providing more flexibility for constrained sites (e.g., allowing for more than one maneuver, use of car stacking devices or other space saving measures)
- Eliminating guest parking requirements for housing in the Downtown commercial area
- Rounding down when calculating parking requirements

- H17.2 Zoning Standards. Consider amending the Zoning Ordinance to change how, where and the extent of outdoor living space, yard and setback requirements for housing in commercial zones.

Economy and Fiscal Health Element Policies

EF9. Infrastructure Improvements. Identify, evaluate and prioritize capital improvements that would assist in business retention or expansion, such as increased public transit, a rail/transit transfer center, city-wide wi-fi, sidewalk improvements, or consolidated customer parking facilities.

EF12. Re-Use of Commercial Space. Provide incentives for adaptive re-use of vacant commercial buildings.

EF15. Protect Industrial Zoned Areas. Preserve the industrial zones as a resource for the service trades, product development companies, and other industrial businesses not precluding priority housing in the C-M, Commercial Manufacturing Zone.

Historic Resources Element

HR2. **Historic Structures**. Protect historic structures through building height limits, reduced densities and other development standards in Downtown.

Possible Implementation Actions to be Considered:

HR2.3 Adaptive Reuse. Encourage the adaptation of the structure for uses other than the original intended use when the original use of a historic structure is no longer viable,

Environmental Resources Element

ER8. **Low-Emission Vehicles and Equipment.** Expand infrastructure and establish incentives for use of lower emission vehicles and equipment (e.g., parking priority, electric vehicle plug-ins). Support the amendment of speed limit restrictions to permit the wider use of electric vehicles.

Possible Implementation Actions to be Considered:

ER8.1 Electric Vehicles. Monitor electric car development, including the projected availability of new vehicles and the types of charging stations that will serve those vehicles. Require the installation of the most commonly used types of electric charging stations in all major new non-residential development and remodels as appropriate, based on increases in the electric vehicle fleet and the availability of suitable charging technology. Provide expedited permitting for installation of electric vehicle charging infrastructure in residential, commercial, and industrial development. Consider changing the Building Code to require pre-wiring for electric vehicle charging infrastructure in new and substantial remodels of residential units.

Map: Central Business District – Proposed Expansion

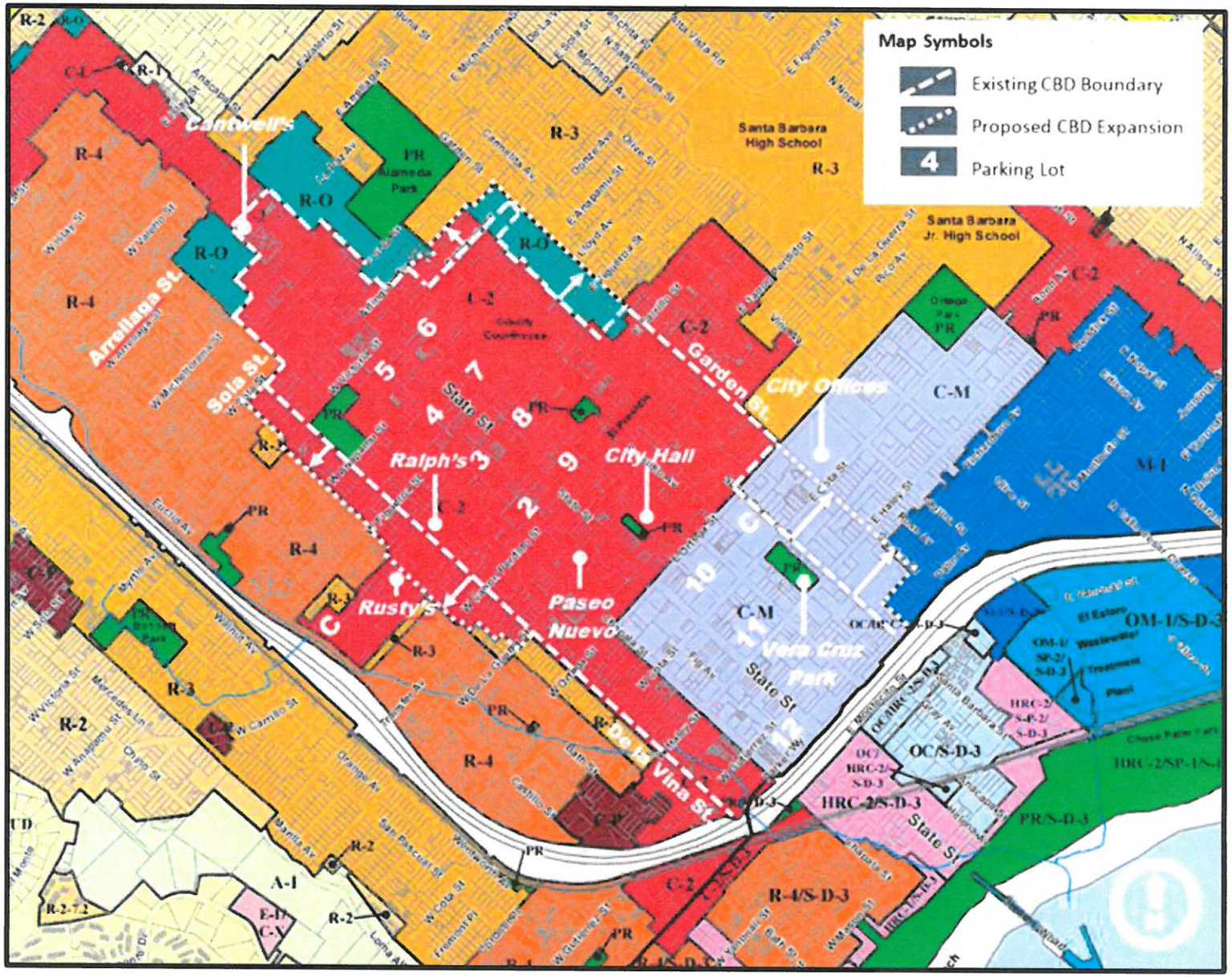


EXHIBIT E

Land Use Survey: Ortega, Garden,Gutierrez, Santa Barbara Street Boundaries (September 2016)

Note: Industrial land uses are shaded.

APN	Situs1	land use Sept 2016	Comments 2016	Area SqFt	Area SqFt
031-272-006	425 GARDEN ST	C- Retail	Kirby Morgan Dive Systems	16,573	
031-272-009	217 E GUTIERREZ ST	C- Retail	Smart & Final, Office Max, Print Center	163,651	
031-332-001	202 E GUTIERREZ ST	I - Religious Institutions	Lewis Chapel	6,217	
031-332-002	204 E GUTIERREZ ST	M - Manufacturing and Wholesale Trade	Bob's Canvas, SB Polyfoam	6,217	6,217
031-333-021	202 PALM AVE	M - Warehousing and Storage	Storage	8,452	8,452
031-152-031	231 E COTA ST	I - Community Gathering	Alamo Club	12,596	
031-152-033	220 E ORTEGA ST	I - Other Institutional	Survey Office, Art Warehouse	27,513	
031-272-010	233 E GUTIERREZ ST	C - Service Commercial	Debbie's Delights (Bakery-Wholesale)	4,901	4,901
031-510-CA1		MU - Common Area	Common Area for Shelton Project	13,000	
031-560-CA1		MU - Common Area	Common Area for Apartments, City Water Resources Offices,Mental Health Facilities	39,460	
031-152-001	634 SANTA BARBARA ST	C - Retail - Consumer Goods & Services	Sol Wave Water	5,131	
031-152-002	210 E ORTEGA ST	C - Retail - Consumer Goods & Services	Dalgene's Interior	8,965	
031-152-006	E COTA ST	V - Vacant (non Open-Space) or Vacant Building	Vacant Roadway	5,909	
031-152-009	221 E COTA ST	R - Single Family Residence		6,828	
031-152-010	217 E COTA ST	R - Multi-Family Residence		6,229	
031-152-011	211 E COTA ST	R - Multi-Family Residence		5,782	
031-152-012	209 E COTA ST	R - Multi-Family Residence	Not single family but multi	5,640	
031-152-013	602 SANTA BARBARA ST	R - Multi-Family Residence	Multi - 2 units	4,587	
031-152-014	604 SANTA BARBARA ST	C - Retail - Consumer Goods & Services	Recipes Organic - Cinnamon Rolls	4,265	
031-152-015	606 SANTA BARBARA ST	M - Manufacturing and Wholesale Trade	Starbuck Minikin - Cabinets	8,853	8,853
031-152-016	608 SANTA BARBARA ST	MU - Commercial with Residential		11,223	
031-152-020	632 SANTA BARBARA ST	C - Full Service Restaurant	Jill's Place	3,670	
031-152-026	614 SANTA BARBARA ST	C - Office	Office building	10,592	

EXHIBIT F

031-152-027	624 SANTA BARBARA ST	MU - Retail and Storage	Stock Building Supply and SB Towing (~16,000 sf)	23,409	16,000
031-202-004	236 E COTA ST	I - Religious Institutions (Churches, etc.)	Church of God in Christ	3,444	
031-202-008	519 GARDEN ST	MU - Residential with Other (non Commercial)	1 unit and storage (~6,000 sf)	11,262	6,000
031-202-009	513 GARDEN ST	MU - Residential and Commercial	9 residential units and commercial - newly built	14,530	
031-202-010	235 E HALEY ST	M - Warehousing and Storage	Parking and storage	6,316	6,316
031-202-011	227 E HALEY ST	R - Multi-Family Residence	Haley Cottage	6,328	
031-202-012	225 E HALEY ST	I - Religious Institutions (Churches, etc.)	Work being done	6,085	
031-202-013	221 E HALEY ST	R - Multi-Family Residence	La Rosa	10,894	
031-202-014	219 E HALEY ST	MU - Residential with Other (non Commercial)	Multi-family and Storage (~9,000 sf)	25,249	9,000
031-202-015	211 E HALEY ST	M - Warehousing and Storage	Love's Towing	16,361	16,361
031-202-016	201 E HALEY ST	V - Vacant (non Open-Space) or Vacant Building	One boat on property	26,551	
031-202-024	202 E COTA ST	C - Commercial Various	Cosmo Prof, Design Studio, Arcadia Studios, Jensen Audio	67,854	
031-202-025	523 GARDEN ST	C - Car Service & Repair	CalCoast (window tinting)	9,767	
031-272-001	202 E HALEY ST	M - Warehousing and Storage	The Tent Merchant (Event Rentals)	12,210	12,210
031-272-002	210 E HALEY ST	M - Warehousing and Storage		8,028	8,028
031-272-005	234 E HALEY ST	MU - Residential and Commercial	SFR and Johnny's Pest Control	5,042	
				639,581	102,338
				100%	16%

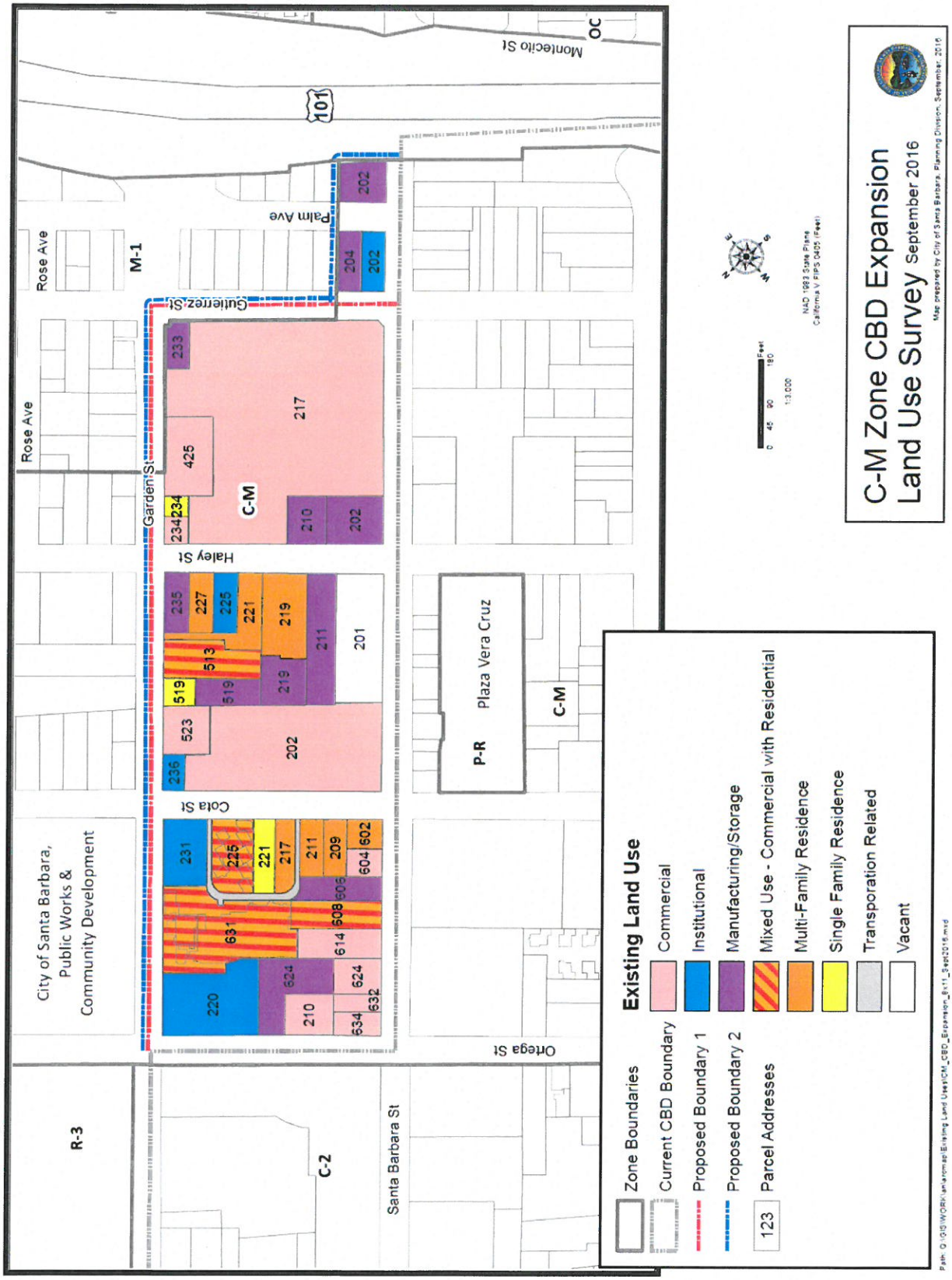

C-M Zone CBD Expansion
Land Use Survey September 2016
Map prepared by City of Santa Barbara, Planning Division, September, 2016
NAD 1983 State Plane California V FIPS 0405 (Feet)
1:3,000
Feet
0 45 90 180
Existing Land Use
Commercial
Institutional
Manufacturing/Storage
Mixed Use - Commercial with Residential
Multi-Family Residence
Single Family Residence
Transporation Related
Vacant
Zone Boundaries
Current CBD Boundary
Proposed Boundary 1
Proposed Boundary 2
Parcel Addresses
123
City of Santa Barbara, Public Works & Community Development
Plaza Vera Cruz
P-R
C-M
M-1
R-3
C-2
Rose Ave
Garden St
Gutierrez St
Palm Ave
Haley St
Cota St
Ortega St
Santa Barbara St
Montecito St
101
OC

EXHIBIT G

NZO Chapter 28.23 Open Yards - Proposed (Module 2: Development Standards)

A. **Purpose.** The provisions of this Section are intended to provide standards for minimum open areas within residential development. Required open yard areas are intended to promote desirable living conditions, a sense of openness on residential development, and to provide minimum useful space for outdoor enjoyment.

B. **Applicability.** Open yards as described in this Section shall be required in all zones for all residential uses; unless otherwise provided in Chapter TBD, Standards for Specific Uses and Activities.

C. **Minimum Area and Dimensions.** The minimum area and dimensions of required open yards shall be provided as follows:

1. ***Lots Developed with Single-Unit and Two-Unit Residential:***

   a. *Minimum Area:* 1,250 square feet on lots 4,000 square feet or greater; 800 square feet on lots less than 4,000 square feet.

   b. *Minimum Dimensions:* 20 feet long and 20 feet wide.

2. ***Lots Developed with Multi-Unit Residential or Mixed Use:***

   a. *Minimum Area:* 15 percent of the net lot area;

   b. *Minimum Dimensions:* 10 feet long and 10 feet wide.

   c. *Private Open Yard.* In addition to open yard meeting the minimum area and minimum dimension requirements in subparagraphs a. and b. above, Private Open Yard, is required for each residential unit. Private Open Yards located on grade, or on decks no more than 36 in height above grade, may overlap with other required open yard areas.

      i. Private Open Yard Located on the First Story:

         (1) *Minimum Area:*

            (a) Studio unit: 100 square feet

            (b) 1 Bedroom unit: 120 square feet

            (c) 2 Bedroom unit: 140 square feet

            (d) 3 or more Bedroom unit: 160 square feet

         (2) *Minimum Dimensions:* 10 feet long and 10 feet wide

      ii. Private Open Yard Located on a Second or Higher Story:

         (1) *Minimum Area:*

            (a) Studio unit: 60 square feet

            (b) 1 Bedroom unit: 72 square feet

            (c) 2 Bedroom unit: 84 square feet

            (d) 3 or more Bedroom unit: 96 square feet

         (2) *Minimum Dimensions:* Six feet long and six feet wide.

Exhibit H

D. **Standards.** The following standards shall apply to all required open yard areas:

1. ***Open.*** Required open yard areas shall be open, unenclosed, and unobstructed by structures from the ground upward, except as provided in Section TBD, Encroachments into Setbacks and Open Yards. Required open yard shall not be located under enclosed floor area.

2. ***Availability.*** All open yard areas, except Private Open Yards required by 28.04.010.C.2.c above, shall be made available to all residents on site as either communal areas, or as, private areas. Each residential unit shall have access to at least one open yard area that meets the minimum dimension requirement. Open yard divided into private areas, shall be contiguous to and accessible from the residential unit for which it serves.

3. ***Protection From Vehicles.*** Required open yards shall be protected from vehicles by a physical barrier.

4. ***Additional Standards for Private Open Yards.*** The following additional standards shall apply to all Private Open Yard areas:

   a. *Availability.* Private Open Yards shall be designed to ensure adequate privacy and usability and must be contiguous to and accessible from the unit served.

   b. *Required Fence, Screen, Wall, or Hedge.* Private Open Yard areas located in either the front yard or adjacent to another Private Open Yard area shall be surrounded by a solid fence, screen, wall or hedge with a minimum height of five feet and a maximum height of six feet. This requirement may be reduced or waived as determined by the appropriate design review board.

E. **Location.** Required open yard areas shall comply with all of the following location requirements:

1. ***Allowed Areas.*** Required open yard areas may include interior setbacks and any combination of landscaped areas, natural areas, flat areas, hillsides, paved or other hardscape areas, in-ground swimming pools and spas, and planters and decks that meet the standards of this Section.

2. ***On Grade.*** Required open yard areas must be located on the ground or decks no more than 36 inches in height above grade.

3. ***Multiple Areas.*** Required open yards shall be located in one or multiple areas that meet minimum dimension requirements.

4. ***Front Yards.*** Required open yard area may be located within front yards, except as follows.

   a. *Primary Front Setback* All required open yard areas shall be located outside the primary front setback and outside the first 10 feet of any secondary front setback measured from the front lot line.

   b. *Lots Developed with Single-Unit and Two-Unit Residential.* Lots developed with Single-Unit and Two-Unit Residential must locate at least one open yard area that meets the required minimum dimensions outside the front yard.

5. ***Additional Location Requirements for Private Open Yards.*** The following additional location requirements shall apply to all Private Open Yard areas:

   a. *Multiple Stories.* Dwelling units that occupy more than one story may provide required Private Open Yard on any story.

   b. *Balconies, Patios or Decks.* Private Open Yard areas may be located on a balcony, patio, or deck of any height.

   c. *Planters.* Private Open Yard areas may include planter areas no more than 50 square feet.

   d. *Front Yards.* Private Open Yards located on the first story shall be a minimum of 10 feet from any front lot line, and the total area of all Private Open Yards provided in front yards may not exceed 50 percent of the total front yard area, exclusive of driveways, turnarounds, or parking areas.

   e. *Creeks.* Private Open Yards Areas may not be located within any watercourse, , or within any required watercourse development limitation area.

6. ***Prohibited Locations.*** Required open yard areas shall not include any of the following:

   a. *Vehicle Areas.* Areas designated for use by motor vehicles such as driveways, turnarounds, or parking areas; as well as required parking lot landscaping and screening pursuant to Section TBD, Parking Area Design and Development Standards.

   b. *Access and Egress Areas.* Areas designed to provide access and/or egress and remain open and passable such as front porches, landings, stairs, and ramps, required access/egress path on a multi-unit or mixed use development.

   c. *Non-Residential Areas.* Areas used or designed for use by any non-residential purpose.

F. **Alternative Open Yard.** Approval may be granted by the Review Authority to replace or reduce the Private Open Yard(s) with a common area, provided that all standards except those for Private Open Yards are met, and there is at least one area with a minimum dimension of 20' long and 20' wide, located on grade or on decks of any height, or on any floor of the building, that is accessible to all units for use as a common open yard area.

   Findings. Approval may only be granted if the Review Authority finds that:

   A. The waiver is necessary to provide flexibility in architectural style or site organization, such as the preservation of natural features, enhanced circulation, shared amenities, or the protection/creation of scenic views; and

   B. Approval of the alternative design will meet the purpose of the required open yard, as described in this Section.

28.04.020 Nonconforming Open Yard

A. **Review Authority.** Approval may be granted by the Community Development Director for any new buildings or structures, or any additions and alterations to existing or reconstructed buildings or structures, on a site that is nonconforming to any required open yard area, pursuant to Section TBD, Open Yards, provided that the project meets the Criteria and Limitations, below.

B. **Criteria.**

1. There is no increase in the number of residential units on the lot; and
2. There is no increase to the number of bedrooms for any residential unit, if the additional bedrooms will result in an increase to the open yard required on site, unless the additional area is provided; and
3. There is no reduction of the Designated Nonconforming Open Yard, as described below; and
4. All other development standards are met.

C. **Designated Nonconforming Open Yard.** On all lots with nonconforming open yard, the Community Development Director shall designate the Nonconforming Open Yard on an approved plan, using the following procedure:

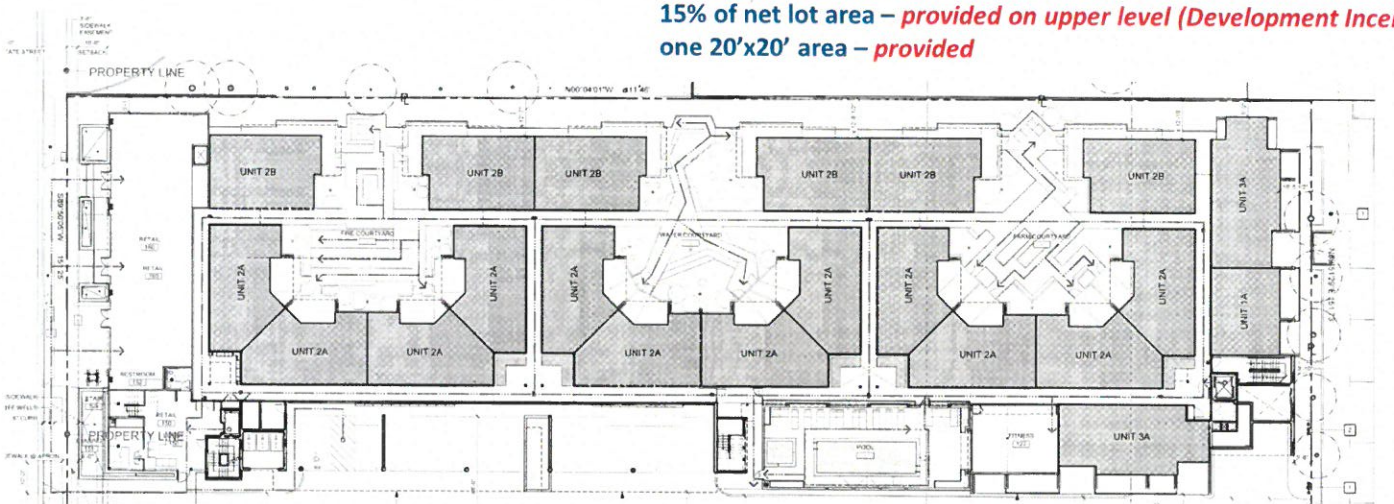
1. The largest, most usable area, or areas, that most closely meet the Minimum Dimensions, Location, and Standards required pursuant to Section TBD, Open Yards shall be used until the Minimum Area has been reached, if possible. If there are multiple areas that meet these requirements, the Director shall determine which areas shall be included, based on the purpose of the Open Yard, as described in this Section.
2. The Nonconforming Open Yard shall not include the following:
   a. The primary front setback;
   b. The first 10' of the secondary front setback measured from the front lot line; or
   c. On lots developed with Single-Unit or Two-Unit Residential, areas less than 10' long by 10' wide.

D. **Limitations.** Approval shall not be granted by the Director for any of the following types of development:

1. If the Designated Nonconforming Open Yard is less than 50 percent of the Minimum Area required pursuant to Section TBD, Open Yards; or
2. Any reduction of required Private Open Yards.

AUD Open Yard (3885 State St)

EXISTING. This AUD project meets the current Method "B" Common Outdoor Living Space.
15% of net lot area – *provided on upper level (Development Incentive)*
one 20'x20' area – *provided*



AREA (NET)	72,179 s.f.	72,179 s.f.
COMMON OUTDOOR LIVING SPACE METHOD		
COURTYARDS		7,002 s.f.
POOL AREA		1,877 s.f.
ROOF DECK		736 s.f.
COMMON SPACE	9,349 s.f. (15% MIN.)	9,615 s.f. 15.6%

4

PROPOSED. Under NZO, this AUD project has (optional) design review approval of an "alternative design" and has identical development incentives.
15% of net lot area – *provided on upper level (Development Incentive)*
one 20'x20' area – *provided*

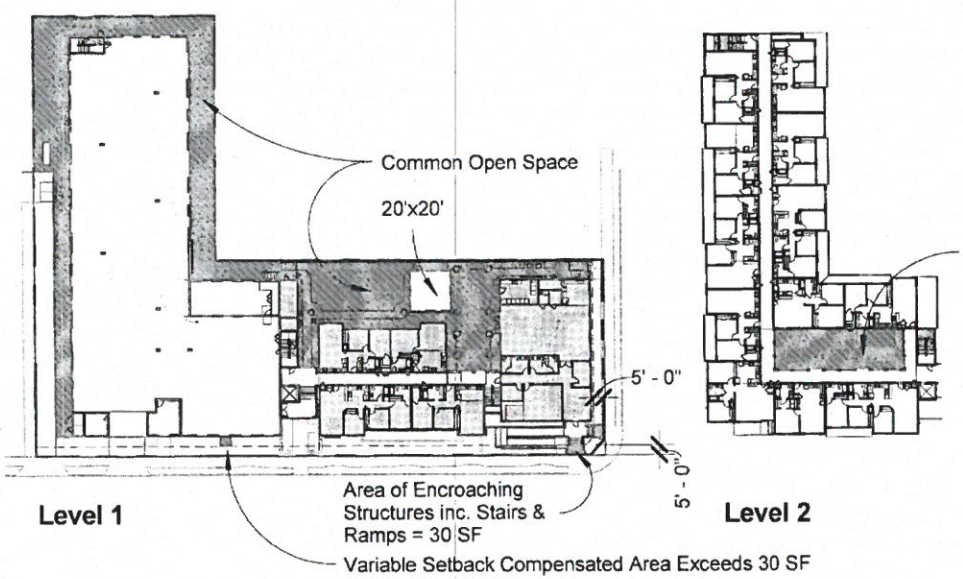
Result: No change to AUD project with NZO

Exhibit I

AUD Open Yard (510 N Salsipuedes)

EXISTING. This AUD project meets the current Method "B" Common Outdoor Living Space.
15% of net lot area – *provided on upper level (Development Incentive)*
one 20'x20' area – *provided*

Common Open Space



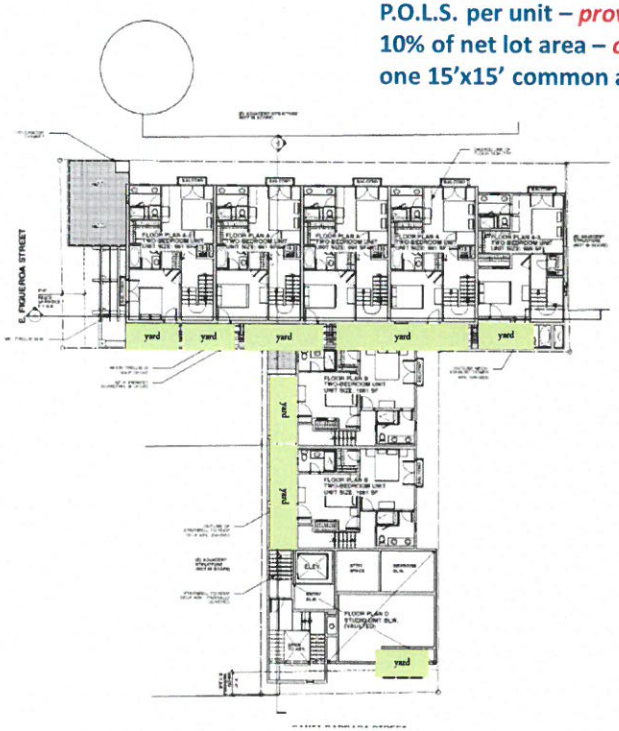
Common Open Space		
Level	Area	% Lot
Level 1 14.9	10186 SF	25%
Level 2	2777 SF	7%
	12962 SF	

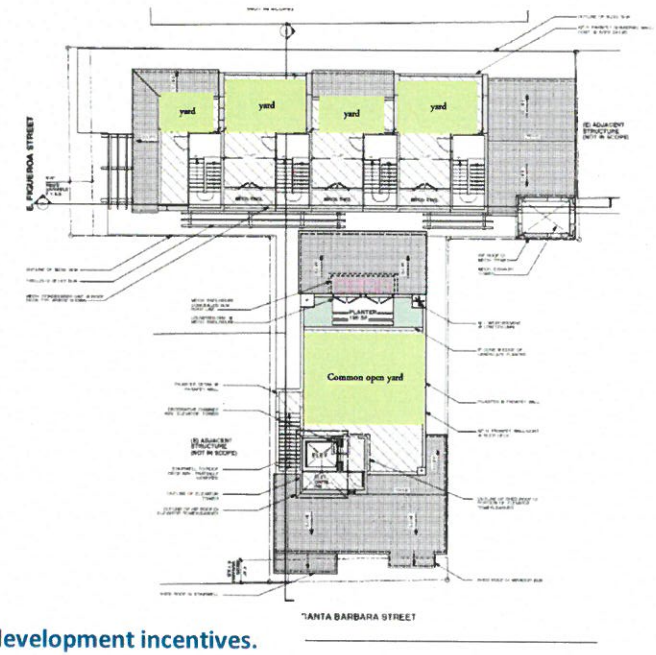
PROPOSED. Under NZO, this AUD project has (optional) design review approval of an "alternative design" and has identical development incentives.
15% of net lot area – *provided on upper level (Development Incentive)*
one 20'x20' area – *provided*

Result: No change to AUD project with NZO

AUD Open Yard (1032 Santa Barbara St)

EXISTING. This AUD project meets the current Method "A" Private Outdoor Living Space.
P.O.L.S. per unit – *provided*
10% of net lot area – *optional (Development Incentive)*
one 15'x15' common area – *provided*





PROPOSED. Under NZO, this AUD project has identical development incentives.
private open yard per unit – *provided*
15% of net lot area – *optional (Development Incentive)*
one 15'x15' common area *required*

Result: No change to AUD project with NZO

Comparison of AUD Development Incentives

Before and After NZO

AUD Development Incentive	NZO – Description of Change
• ***Building Height*** **– may be built up to 4 stories, instead of 3; max 45' in height.**	• *Building Height* – story limitation removed citywide.
• ***R-3 and R-4 Zones Setbacks*** **– removed the 15' three-story setback.**	• *R-3 and R-4 Zones Setbacks* – removed the 15' three-story setback from RM-H zone.
• ***Distance Between Buildings*** **– 10' minimum.**	• *Distance Between Buildings* – distance between buildings removed citywide.
• ***Parking*** **– one automobile and one bicycle space per unit.**	• *Parking – no change to AUD*; but bicycle parking required on all multi-units.
• ***Open Yard*** **–** **1) projects electing to use *Private Outdoor Living Space* may choose to, but are not required to, provide 10% of the lot as additional open space;** **2) projects electing to use *Common Outdoor Living Space* may provide the Common Open Yard on grade or on any floor of the building.**	• *Open Yard – no change to AUD* 1) projects electing to use *Private Open Yard* may choose to, but are not required to, provide 15% of the lot as additional open space; 2) projects electing to use *Common Open Yard* may provide the Common Open Yard on grade or on any floor of the building.

Exhibit J

Aguilar, Marck

From: MAguilar@SantaBarbaraCA.gov
Sent: Thursday, September 29, 2016 4:39 PM
To: Aguilar, Marck
Subject: New Zoning Ordinance (NZO) Website Feedback

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Carolle Van Sande

Email Address: : carolle@bristolsb.com

Comments: : I am concerned about what appears to be additional restrictions being proposed for the C-O zone, soon to be renamed O-M. Currently the C-O ordinance allows "business and occupations substantially similar" to medical and dental. The NZO will eliminate "similar" uses as professional office would be not allowed. This is an unnecessary hardship to place on property owners. There is no logical reason for this restriction. The medical industry is changing and has been changing dramatically with Obama Care. Ask any Dr. It is more and more difficult for individual practitioners to survive, and to restrict a property owner so that they can lease only to a medical or dental business will increase vacancy, reduce tax income etc etc. Please do revise that section of the NZO to include "business and professional substantially similar" as currently allowed. For example, under the proposed NZO an office for AARP, or the Alzheimer's Association or for Senior Care Services would not be allowed in a O-M zone. Clearly that would be a compatible use in a medical complex and welcome. I hope to hear a reply. Regards Carolle Van Sande carolle@bristolsb.com [redacted]

This is an automated email sent from the City of Santa Barbara **New Zoning Ordinance (NZO) Website Feedback** web form. If you feel have received this email in error, please contact the City Webmaster, **Webmaster@SantaBarbaraCA.gov**.

: NULL

EXHIBIT K

Aguilar, Marck

From: MAguilar@SantaBarbaraCA.gov
Sent: Tuesday, October 04, 2016 10:10 AM
To: Aguilar, Marck
Subject: New Zoning Ordinance (NZO) Website Feedback

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Jim Turner

Email Address: : jturner@radiusgroup.com

Comments: : I am a commercial real estate broker with Radius Group here in town. Over the last several years we have witnessed a decrease in the demand for medical office space. I feel it is a reflection of the medical industry's difficulty in doctors being able to operate a successful practice. Insurance companies are decreases their reimbursements to the doctors. With that said, I feel we have more than enough properties zoned for medical uses, that is currently warranted in our local market. Allowing landlords the ability to lease to non-medical uses, assuming the use is compatible, would increase their chances to secure additional tenants for their property. I would hope that the City of Santa Barbara would understand this transformation in our marketplace and adjust the zoning uses to reflect this change in our market.

This is an automated email sent from the City of Santa Barbara **New Zoning Ordinance (NZO) Website Feedback** web form. If you feel have received this email in error, please contact the City Webmaster, **Webmaster@SantaBarbaraCA.gov**.

: NULL